

Limit of cost increased for lands added to.
Vol. 30, p. 43.
Ante, p. 826.

approved June 4, 1897 (Thirtieth Statutes, page 43), is hereby amended to read as follows: "The limit of cost of all lands to be embraced within the boundaries of the Shiloh National Military Park, Pittsburg Landing, Tennessee, is hereby increased from \$50,000 to \$57,100, and that an appropriation in the sum of \$7,100 is hereby authorized to be made for the acquisition of two small additional parcels of land within the boundaries of said park."

Approved, March 4, 1927.

Mar. 4, 1927.
[S. 2320.]
[Public, No. 783.]

CHAP. 489.—An Act To safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce.

Federal Caustic Poison Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Federal Caustic Poison Act.

Definitions.

DEFINITIONS

Meaning of "dangerous caustic or corrosive substance."

Hydrochloric acid, etc.

Sulphuric acid, etc.

Nitric acid, etc.

Carbolic acid, etc.

Oxalic acid, etc.

Oxalic acid salts.

Acetic acid, etc.

Hypochlorous acid, etc.

Preparations excluded.

Potassium hydroxide, etc.

Sodium hydroxide, etc.

Silver nitrate, etc.

Ammonia water, etc.

SEC. 2. As used in this Act, unless the context otherwise requires—

(a) The term "dangerous caustic or corrosive substance" means:

(1) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of 10 per centum or more;

(2) Sulphuric acid and any preparation containing free or chemically unneutralized sulphuric acid (H₂SO₄) in a concentration of 10 per centum or more;

(3) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO₃) in a concentration of 5 per centum or more;

(4) Carbolic acid (C₆H₅OH), otherwise known as phenol, and any preparation containing carbolic acid in a concentration of 5 per centum or more;

(5) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid (H₂C₂O₄) in a concentration of 10 per centum or more;

(6) Any salt of oxalic acid and any preparation containing any such salt in a concentration of 10 per centum or more;

(7) Acetic acid or any preparation containing free or chemically unneutralized acetic acid (HC₂H₃O₂) in a concentration of 20 per centum or more;

(8) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield 10 per centum or more by weight of available chlorine, excluding calx chlorinata, bleaching powder, and chloride of lime;

(9) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and Vienna paste, in a concentration of 10 per centum or more;

(10) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of 10 per centum or more;

(11) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate (AgNO₃) in a concentration of 5 per centum or more; and

(12) Ammonia water and any preparation containing free or chemically uncombined ammonia (NH₃), including ammonium hydroxide and "hartshorn," in a concentration of 5 per centum or more.

(b) The term "misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous caustic or corrosive substance not bearing a conspicuous, easily legible label or sticker, containing—

"Misbranded parcel, package, or container," not having specified label, etc.

- (1) The common name of the substance;
- (2) The name and place of business of the manufacturer, packer, seller, or distributor;

Common name.
Name of manufacturer, etc.

(3) The word "poison," running parallel with the main body of reading matter on the label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than twenty-four point size unless there is on the label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker; and

The word "poison" on the label, of required size type, etc.

(4) Directions for treatment in case of accidental personal injury by any dangerous caustic or corrosive substance, except that such directions need not appear on labels or stickers, on parcels, packages or containers at the time of shipment or of delivery for shipment by manufacturers and wholesalers for other than household use.

Direction for treatment in case of accidental personal injury by use.

(c) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

Meaning of "interstate or foreign commerce."

(d) This Act is not to be construed as modifying or limiting in any way the right of any person to manufacture, pack, ship, sell, barter, and distribute dangerous caustic or corrosive substances in parcels, packages, or containers, labeled as required by this Act.

Right to manufacture, sell, etc., substances properly labeled, not affected.

PROHIBITION AGAINST MISBRANDED SHIPMENTS

SEC. 3. No person shall ship or deliver for shipment in interstate or foreign commerce or receive from shipment in such commerce any dangerous caustic or corrosive substance for sale or exchange, or sell or offer for sale any such substance in any Territory or possession or in the District of Columbia, in a misbranded parcel, package, or container suitable for household use; except that the preceding provisions of this section shall not apply—

Shipping misbranded substances forbidden.

(a) To any regularly established common carrier shipping or delivering for shipment, or receiving from shipment, any such substance in the ordinary course of its business as a common carrier; nor

Exceptions.
By common carriers.

(b) To any person in respect of any such substance shipped or delivered for shipment, or received from shipment, for export to any foreign country, in a parcel, package, or container branded in accordance with the specifications of a foreign purchaser and in accordance with the laws of the foreign country.

For foreign shipments.

(c) To any dealer when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the article is not misbranded within the meaning of this Act. This guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

With guaranty from wholesale, etc., of article not misbranded.

Such regulations as the Secretary of the Treasury may prescribe

Condemnation proceedings.

LIBEL FOR CONDEMNATION PROCEEDINGS

Jurisdiction of district courts.

SEC. 4. (a) Any dangerous caustic or corrosive substance in a misbranded parcel, package, or container suitable for household use shall be liable to be proceeded against in the district court of the United States for any judicial district in which the substance is found and to be seized for confiscation by a process of libel for condemnation, if such substance is being—

Confiscation of misbranded substances.

Shipped in commerce.
Held for sale after shipment.
Held for sale.

(1) Shipped in interstate or foreign commerce, or
(2) Held for sale or exchange after having been so shipped, or
(3) Held for sale or exchange in any Territory or possession or in the District of Columbia.

Disposal by court.

(b) If such substance is condemned as misbranded by the court it shall be disposed of in the discretion of the court—

By destruction.

(1) By destruction.

By sale.

(2) By sale. The proceeds of the sale, less legal costs and charges, shall be paid into the Treasury as miscellaneous receipts. Such substance shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of such jurisdiction, and the court may require the purchaser at any such sale to label such substance in compliance with law before the delivery thereof.

Restrictions.

Delivery to owner on execution of bond not to sell, etc.

(3) By delivery to the owner thereof upon the payment of legal costs and charges and execution and delivery of a good and sufficient bond to the effect that such substance will not be sold or otherwise disposed of in any jurisdiction contrary to the provisions of this Act or the laws of such jurisdiction.

Procedure as in admiralty.

(c) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20. In case of a jury trial the verdict of the jury shall have the same effect as a finding of the court upon the facts. All such proceedings shall be at the suit and in the name of the United States.

Imports excluded.

EXCLUSION OF MISBRANDED IMPORTS

Notification to Secretary of the Treasury of misbranded shipments.

SEC. 5. (a) Whenever in the case of any dangerous caustic or corrosive substance being offered for importation the Secretary of Agriculture has reason to believe that such substance is being shipped in interstate or foreign commerce in violation of section 3, he shall give due notice and opportunity for hearing thereon to the owner or consignee and certify such fact to the Secretary of the Treasury, who shall thereupon (1) refuse admission and delivery to the consignee of such substance, or (2) deliver such substance to the consignee pending examination, hearing, and decision in the matter, on the execution of a penal bond to the amount of the full invoice value of such substance, together with the duty thereon, if any, and to the effect that on refusal to return such substance for any cause to the Secretary of the Treasury when demanded, for the purpose of excluding it from the country or for any other purpose, the consignee shall forfeit the full amount of the bond.

Action of Secretary pending examination.

Notification to owner if unlawfully shipped.

(b) If, after proceeding in accordance with subdivision (a), the Secretary of Agriculture is satisfied that such substance being offered for importation was shipped in interstate or foreign commerce in violation of any provision of this Act, he shall certify the fact to the Secretary of the Treasury, who shall thereupon notify the owner or consignee and cause the sale or other disposition of such substance refused admission and delivery or entered under bond, unless it is exported by the owner or consignee or labeled by him so as to conform to the law within three months from the date of such notice, under such regulations as the Secretary of the Treasury may prescribe.

Sale, etc.

All charges for storage, cartage, or labor on any such substance refused admission or delivery or entered upon bond shall be paid by the owner or consignee. In default of such payment such charges shall constitute a lien against any future importations made by such owner or consignee.

Payment of charges.

REMOVAL OF LABELS

SEC. 6. No person shall alter, mutilate, destroy, obliterate, or remove any label or sticker required by this Act to be placed on any dangerous caustic or corrosive substance, if such substance is being—

Altering, removal, etc., of labels on substances prohibited.

- (a) Shipped in interstate or foreign commerce; or
- (b) Held for sale or exchange after having been so shipped; or
- (c) Held for sale or exchange in any Territory or possession or by the District of Columbia.

PENALTIES

SEC. 7. Any person violating any provision of section 3 or 6 shall upon conviction thereof be punished by a fine of not more than \$200 or imprisonment for not more than ninety days, or by both.

Penalty for violations.

INSTITUTION OF LIBEL FOR CONDEMNATION AND CRIMINAL PROCEEDINGS

SEC. 8. It shall be the duty of each United States district attorney to whom the Secretary of Agriculture shall report any violation of section 3 or 6 of this Act or to whom any health, medical, or drug officer or agent of any State, Territory, or possession, or of the District of Columbia presents satisfactory evidence of any such violation, to cause libel for condemnation and criminal proceedings under sections 4 and 7 to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the condemnation and penalties provided in such sections.

District attorneys to institute proceedings on report of violations.

ENFORCEMENT OF ACT

SEC. 9. (a) Except as otherwise specifically provided in this Act, the Secretary of Agriculture shall enforce its provisions.

Enforcement by Secretary of Agriculture.

(b) For enforcing the provisions of sections 4, 5, and 7, the Secretary of Agriculture may cause investigations, inspections, analyses, and tests to be made and samples to be collected, of any dangerous caustic or corrosive substance. The Department of Agriculture shall pay to the person entitled, upon his request, the reasonable market value of any such sample taken. If it appears from the inspection, analysis, or test of any dangerous caustic or corrosive substance that such substance is in a misbranded package, parcel, or container suitable for household use, the Secretary of Agriculture shall cause notice thereof to be given to any person who may be liable for any violation of section 3 or 6 in respect of such substance. Any person so notified shall be given an opportunity to be heard under regulations prescribed by the Secretary of Agriculture. If it appears that such person has violated the provisions of section 3 or 6 the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the inspection, analysis, or test duly authenticated under oath by the person making such inspection, analysis, or test.

Investigations, analyses, etc., to be made.

Notice if substance in misbranded container suitable for household use.

Hearing.

Certification of violation to district attorney.

(c) For the enforcement of his functions under this Act the Secretary of Agriculture is authorized—

Enforcement by Secretary of Agriculture.

(1) To prescribe and promulgate such regulations as may be necessary.

Prescribe regulations.

Cooperate with departments, etc.

(2) To cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia, or with any department, agency, or political subdivision thereof, or with any person.

Appoint employees, etc.

(3) Subject to the civil service laws to appoint and, in accordance with the Classification Act of 1923, to fix the salaries of such officers and employees as may be required for the execution of the functions of the Secretary of Agriculture under this Act and as may be provided for by the Congress from time to time.

Office expenses.

(4) To make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be required for the execution of the functions vested in the Secretary of Agriculture by this Act and as may be provided for by the Congress from time to time.

Publish court judgment.

(5) To give notice, by publication in such manner as the Secretary of Agriculture may by regulation prescribe, of the judgment of the court in any case under the provisions of this Act.

SEPARABILITY CLAUSE

Invalidity of any provision not to affect remainder of Act.

SEC. 10. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

TIME OF TAKING EFFECT

Effective immediately. Penalties not enforced for six months.

SEC. 11. This Act shall take effect upon its passage; but no penalty or condemnation shall be enforced for any violation of the Act occurring within six months after its passage.

APPLICATION TO EXISTING LAW

Act an addition to and not substitution for designated Acts.

SEC. 12. The provisions of this Act shall be held to be in addition to and not in substitution for the provisions of the following Acts:

Pure food law. Vol. 34, p. 768.

(a) The Food and Drugs Act, approved June 30, 1906, as amended.

Insecticide Act. Vol. 33, p. 331.

(b) The Insecticide Act of 1910, as amended.

Pharmacy Act, D. C. Vol. 34, p. 175.

(c) The Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended.

Approved, March 4, 1927.

March 4, 1927.
[S. 5625.]

[Public, No. 784.]

CHAP. 490.—An Act To provide for continued hospitalization at Saranac Lake, New York, of certain beneficiaries of the Veterans' Bureau.

Saranac Lake, N. Y. Contracts authorized for continued hospitalization of Veterans' Bureau beneficiaries at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the United States Veterans' Bureau is authorized and directed to enter into such contracts as may be necessary to provide for the continuance (during such periods as they may be entitled to medical, surgical, and hospital services under the World War Veterans' Act, 1924, as amended) of such services in other than governmental institutions at Saranac Lake, New York, for those beneficiaries of the Veterans' Bureau who now receive such services there.

Approved, March 4, 1927.