

## CHAPTER 166.

## PURE FOOD.

S. P. 8.

**AN ACT** to prevent the adulteration, misbranding and imitation of foods, to change the name of the office of "state dairy commissioner" to that of "state food and dairy commissioner", and to define his duties; and repealing sections four thousand nine hundred eighty-two (4982), four thousand nine hundred and eighty-four (4984), four thousand nine hundred and eighty-seven (4987), four thousand nine hundred and ninety-three (4993), four thousand nine hundred and ninety-four (4994), four thousand nine hundred and ninety-five (4995), four thousand nine hundred and ninety-six (4996), four thousand nine hundred and ninety-seven (4997), four thousand nine hundred and ninety-eight (4998) of the code, and sections four thousand nine hundred and eighty-four "a" (4984-a) and four thousand nine hundred and eighty-four "b" (4984-b), as they appear in the supplement to the code; and amending section four thousand nine hundred and eighty-six (4986) of the code, and making an appropriation for the purpose of carrying out the provisions of this act.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. State food and dairy commissioner.** The state dairy commissioner shall, by this act, become the state food and dairy commissioner, and shall, on and after taking effect of this act, have all the powers, compensations and allowances, and shall be charged with all the duties now imposed by law upon the state dairy commissioner.

**SEC. 2. Duties—seal—assistants—compensation and expenses.** In addition to his powers and duties as provided in section 1 hereof, the commissioner shall be charged with the duty of carrying into effect the provisions of this act and shall have an official seal. He may, with the approval of the executive council, appoint such assistants as he may deem necessary, who may exercise the powers now provided by law in the case of milk inspectors, together with those conferred by this act. They shall be paid not to exceed five dollars a day when on duty, besides their actual and necessary traveling expenses when traveling under orders. Their accounts shall be itemized and sworn to, and, when approved by the commissioner and the executive council, shall be paid by warrant of the auditor upon the treasurer out of the sum hereinafter appropriated for carrying out the provisions of this act. The commissioner shall receive five hundred dollars annually in addition to the salary now received by the state dairy commissioner.

**SEC. 3. Chemist.** The commissioner shall, with the approval of the executive council, appoint a chemist, who shall be the official chemist under this act, who shall devote his whole time to the duties of such office. He shall receive a salary of two thousand dollars per year, to be paid in the same manner as the salaries of other state officers. He shall make all the examinations necessary in enforcing the provisions of this act, and shall be furnished necessary laboratory, apparatus, supplies and chemicals, to be paid for in the same manner as the accounts of assistants.

**SEC. 4. Rules and regulations.** The commissioner shall, with the approval of the executive council, make all necessary rules and regulations for carrying out the provisions of this act, under which the commissioner shall procure from time to time or whenever he has occasion to believe any of its provisions are being violated, or cause to be procured, for examination chemically, microscopically or otherwise, samples of food shipped into this state or offered for sale in this state. The chemist making the examination shall certify the results of his work to the commissioner.

**SEC. 5. County attorney—duties.** If it shall appear from any such examination that any of the provisions of this act have been violated, the commissioner shall at once certify the facts to the proper county attorney, with a copy of the results of the analysis, duly authenticated by the analyst under oath. It shall be the duty of every county attorney to whom the

commissioner or his assistants shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided. An attorney may be appointed by the governor when he deems advisable to prosecute such cases, but in no case except where the county attorney has first refused to act.

**SEC. 6. Manufacture and sale of adulterated foods prohibited.** No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall manufacture or introduce into the state, or solicit or take orders for delivery, or sell, exchange, deliver or have in his possession with the intent to sell, exchange or expose or offer for sale or exchange, any article of food which is adulterated or misbranded, within the meaning of this act. Provided, that none of the penalties set forth in this act shall be imposed upon any common carrier for introducing into the state, or having in its possession, any adulterated or misbranded articles of food, where the same were received by said carrier for transportation in the ordinary course of its business and without actual knowledge of the adulteration or misbranding thereof. Provided, that any manufacturer, wholesaler or jobber may keep goods specifically set apart in his stock for sale in other states, which might otherwise be in violation of the provisions of this act.

**SEC. 7. Terms defined.** The word "commissioner", whenever used in this act, shall be taken to mean the state food and dairy commissioner herein provided for. The word "food", as herein used, shall include all articles used for food, drink, confectionery or condiment, by man or domestic animals, whether simple, mixed or compound. The term "misbranded" as herein used, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular, and to any food or product which is falsely branded as to the state or country in which it is manufactured or produced, or shall bear any false statement regarding the net weight or quantity contained in the package.

**SEC. 8. Adulteration defined.** For the purpose of this act, an article of food shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be an imitation of, or offered for sale, under the specific name of another article.

Fifth. If it be mixed, colored, powdered or stained, in a manner whereby damage or inferiority is concealed.

Sixth. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to health, or if it contains saccharine or formaldehyde.

Seventh. If it be labeled or branded so as to deceive, or mislead the purchaser, or purport to be a foreign product when not so.

Eighth. If it consist of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated in the following cases:

1. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names and not included in definition fourth of this section; provided, that candies and chocolates shall be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health; provided, that in case of baking powders, each can or package shall be plainly labeled so as to show the name of each and every ingredient contained therein.

2. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends, provided that the same shall be labeled, branded or tagged, so as to show the exact character and constituents thereof; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome ingredient to disclose their trade formulas, except in so far as the revisions of this act may require to secure freedom from adulteration or imitation.

SEC. 9. **Labels.** Labels required by this act shall be distinctly printed in the English language in legible type no smaller than brevier heavy gothic caps, and shall be placed upon the outside of each package and contain the name and address of the manufacturer, packer or dealer, and the words, "This (followed by the name of the article of food) is composed of the following ingredients and none other," and immediately after said words shall be printed upon said label, in the style and manner herein specified, the true and correct name of each and all of the ingredients contained in or constituting a component part of such mixture, compound, combination, imitation or blend, and if artificially colored or preserved, the name of each and every such added substance shall be plainly stated on the label. There shall be such a contrast between the color of the label and the color of the ink used in printing the label as heretofore provided, that the label shall be easily and plainly legible.

SEC. 10. **Samples.** Any person who manufactures or exposes for sale, or delivers to a purchaser any article of food, shall furnish, within business hours, and upon payment or tender of the selling price, a sample of such food to any person duly authorized by the commissioner to receive the same, and who shall apply to such vender, or person delivering to a purchaser, such article of food for such sample for such use in sufficient quantity for the analysis of any such article or articles in his possession. In the presence of such person and an agent of the commissioner, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed with the seal of the commissioner. One part shall be left with the dealer, one delivered to the commissioner, and one deposited with the county attorney for the county in which the sample is taken. The having in possession by any person who manufactures or exposes for sale, any adulterated or misbranded food, within the meaning of this act, shall be prima facie evidence of having in possession with intent to sell in violation of its provisions.

SEC. 11. **Penalty.** Any person, firm, corporation, or agent thereof, who refuses to comply, on demand, with any of the requirements of this act, or who shall violate any of its provisions, or who shall obstruct or hinder the commissioner, or any of his assistants, in the discharge of any duty imposed by this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars.

SEC. 12. **Bulletins.** The commissioner shall, from time to time, with the approval of the executive council, issue a printed bulletin, showing the results of inspections, analyses, and prosecutions undertaken under this act,

together with such general information as may be deemed suitable. Such bulletins shall be printed in such numbers as may be directed by the executive council, and shall be issued to the newspapers of the state and to all interested persons.

**SEC. 13. Appropriation.** For the purpose of enabling the commissioner to enforce the provisions of this act, for the compensation and expenses of assistants and experts, for necessary traveling and miscellaneous expenses, and for all other expenses herein provided, the sum of ten thousand dollars (\$10,000) annually, or so much thereof as may be necessary, is hereby appropriated from the treasury not otherwise appropriated.

**SEC. 14. What exempt.** All goods purchased or received by either wholesale or retail dealers of this state prior to July first, nineteen hundred and six (1906), shall be exempt from the provisions of this act to July first, nineteen hundred and seven (1907).

**SEC. 15. Notice—how served on defendant corporation.** Upon the prosecution of a corporation for violations of the provisions of this act, or of section four thousand nine hundred and eighty-nine (4989) of the code, and information filed before a justice of the peace having jurisdiction, the said justice of the peace shall forthwith issue notice to the corporation which shall substantially notify the defendant of the charges contained in the information and that it must forthwith appear and answer the same, which notice may be served by any peace officer in any county of the state on any officer or agent of the defendant corporation by reading the same to him and leaving with him a copy thereof; said notice shall be returned to the justice of the peace without delay with proper return of its service, and from and after two days from the time of making such service the defendant corporation shall be considered to be in court, and all further proceedings shall be the same as against an individual defendant.

**SEC. 16. Amendatory.** Section four thousand nine hundred and eighty-six (4986) of the code is hereby amended by striking out in the second line thereof the words and characters "food, drink or", and in the third line thereof the words and characters "food, drink or", and by striking out all after the word "same" in the fourteenth line of said section, and by changing the semicolon after the word "same" to a period.

**SEC. 17. Repealed.** Sections four thousand nine hundred and eighty-two (4982), four thousand nine hundred and eighty-four (4984), four thousand nine hundred and eighty-seven (4987), four thousand nine hundred and ninety-three (4993), four thousand nine hundred and ninety-four (4994), four thousand nine hundred and ninety-five (4995), four thousand nine hundred and ninety-six (4996), four thousand nine hundred and ninety-seven (4997) and four thousand nine hundred and ninety-eight (4998) of the code, and sections four thousand nine hundred and eighty-four "a" (4984-a), and four thousand nine hundred and eighty-four "b" (4984-b), as they appear in the supplement to the code, are hereby repealed.

Approved February 26, A. D. 1906.

## CHAPTER 167.

### SALE OR PURCHASE OF ADULTERATED MILK OR CREAM.

S. F. 166.

AN ACT to amend sections forty-nine hundred and eighty-nine (4989) and forty nine hundred and ninety (4990) of the code, relating to the sale of adulterated milk and cream.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Impure milk or cream converted into human food.** Section forty-nine hundred and eighty-nine (4989) of the code is amended by inserting after the word "parturition", in the eighth line thereof, the