

INSPECTION OF FOODS

H. F. 261

AN ACT to amend, revise, and codify chapters four (4), nine (9), ten (10), eleven (11), and fourteen (14) of title seven (7), and sections nine hundred (900) to nine hundred two (902), inclusive, nine hundred four (904) to nine hundred six (906), inclusive, nine hundred eight (908) to nine hundred thirteen (913), inclusive, fourteen hundred forty-four (1444), fourteen hundred forty-six (1446) to fourteen hundred fifty-one (1451), inclusive, fourteen hundred fifty-three (1453) to fourteen hundred sixty-eight (1468), inclusive, fourteen hundred seventy (1470), fourteen hundred seventy-one (1471), fourteen hundred seventy-three (1473) to fourteen hundred seventy-seven (1477), inclusive, fourteen hundred seventy-nine (1479), fourteen hundred eighty (1480), fifteen hundred thirty-three (1533) to fifteen hundred thirty-five (1535), inclusive, fifteen hundred sixty-eight (1568) to fifteen hundred seventy-one (1571), inclusive, fifteen hundred seventy-three (1573) to fifteen hundred eighty-five (1585), inclusive, fifteen hundred eighty-seven (1587) to fifteen hundred ninety-one (1591), inclusive, fifteen hundred ninety-three (1593) to sixteen hundred six (1606), inclusive, of the compiled code of Iowa; chapters seven (7) and twelve (12) of title seven (7) of the compiled code and of the supplement to said code; and chapter twenty-four (24) of title five (5), fourteen hundred forty-five (1445), fourteen hundred forty-five-a one (1445-a1) to fourteen hundred forty-five-a three (1445-a3), inclusive, fourteen hundred seventy-eight (1478), fifteen hundred thirty-two-a one (1532-a1) to fifteen hundred thirty-two-a fourteen (1532-a14), inclusive, fifteen hundred thirty-two-a sixteen (1532-a16), fifteen hundred seventy-two (1572), and fifteen hundred eighty-six (1586) of the supplement to the compiled code of Iowa, relating to regulation and inspection of foods and other articles.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters four (4), nine (9), ten (10), eleven (11), and fourteen (14) of title seven (7) and sections nine hundred (900) to nine hundred two (902), inclusive, nine hundred four (904) to nine hundred six (906), inclusive, nine hundred eight (908) to nine hundred thirteen (913), inclusive, fourteen hundred forty-four (1444), fourteen hundred forty-six (1446) to fourteen hundred fifty-one (1451), inclusive, fourteen hundred fifty-three (1453) to fourteen hundred sixty-eight (1468), inclusive, fourteen hundred seventy (1470), fourteen hundred seventy-one (1471), fourteen hundred seventy-three (1473) to fourteen hundred seventy-seven (1477), inclusive, fourteen hundred seventy-nine (1479), fourteen hundred eighty (1480), fifteen hundred thirty-three (1533) to fifteen hundred thirty-five (1535), inclusive, fifteen hundred sixty-eight (1568) to fifteen hundred seventy-one (1571), inclusive, fifteen hundred seventy-three (1573) to fifteen hundred eighty-five (1585), inclusive, fifteen hundred eighty-seven (1587) to fifteen hundred ninety-one (1591), inclusive, fifteen hundred ninety-three (1593) to sixteen hundred six (1606), inclusive, of the compiled Code of Iowa; chapters seven (7) and twelve (12) of title seven (7) of the compiled Code and of the supplement to said Code; and chapter twenty-four (24) of title five (5), fourteen hundred forty-five (1445), fourteen hundred forty-five-a one (1445-a1) to fourteen hundred forty-five-a three (1445-a3), inclusive, fourteen hundred seventy-eight (1478), fifteen hundred thirty-two-a one (1532-a1) to fifteen hundred thirty-two-a fourteen (1532-a14), inclusive, fifteen hundred thirty-two-a sixteen (1532-a16), fifteen hundred seventy-two (1572), and fifteen hundred eighty-six (1586) of the supplement to the compiled Code of Iowa, are amended, revised, and codified to read as follows:

TITLE —

REGULATION AND INSPECTION OF FOODS, DRUGS, AND OTHER

ARTICLES

CHAPTER 1

GENERAL PROVISIONS

Section 1. Definitions and rules of construction. For the purpose of this title:

1. "Article" shall include food, commercial food, agricultural seed, commercial fertilizer, drug, insecticide, fungicide, paint, linseed oil, turpentine, and illuminating oil, in the sense in which they are defined in the various provisions of this title.

2. "Department" shall mean the department of agriculture and wherever said department is required or authorized to do an act, it shall be construed as authorizing performance by a regular assistant or a duly authorized agent of said department.

3. "Secretary" shall mean the secretary of agriculture.

4. "Package" or "container", unless otherwise defined, shall include wrapper, box, carton, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, tank, tank car, and other receptacles of a like nature; and wherever the expression "offered or exposed for sale or sold in package or wrapped form" is used it shall mean the offering or exposing for sale, or selling of an article which is contained in a package or container as herein defined.

5. "Person" shall include a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in said capacity shall also be liable for violations of this title.

6. "Rules" shall include regulations and orders by the department of agriculture.

7. "United States Pharmacopoeia" or "National Formulary" shall mean the latest revision of said publications official at the time of any transaction which may be in question.

Sec. 2. Duties of department of agriculture. The department of agriculture shall:

1. Execute and enforce the provisions of this title, except chapters nine (9) and ten (10) of House File No. 281-A, special session of the Fortieth General Assembly, which shall be executed and enforced by the Pharmacy Examiners.

2. Make and publish all necessary rules, not inconsistent with law, for enforcing the provisions of this title.

3. Provide such educational measures and exhibits, and conduct such educational campaigns as are deemed advisable in fostering and promoting the production and sale of the articles dealt with in this title in accordance with the regulations herein prescribed.

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under this title. These bulletins shall be printed in such numbers as may be approved by the state printing board and shall be distributed to the newspapers of the state and to all interested persons.

INSPECTION -- SAMPLES

Sec. 3. Procuring samples. The department shall, for the purpose of examination or analysis, procure from time to time, or whenever said department has occasion to believe any of the provisions of this title are being violated, samples of the articles dealt with in this title which have been shipped into this state, offered or exposed for sale, or sold in the state.

Sec. 4. Access to factories and buildings. The department shall have full access to all places, factories, buildings, stands, or premises, and to all wagons, auto trucks, vehicles, or cars used in the preparation, production, distribution, transportation, offering or exposing for sale, or sale of any article dealt with in this title.

Sec. 5. Dealer to furnish samples. Upon request and tender of the selling price by the department any person who prepares, manufactures, offers or exposes for sale, or delivers to a purchaser any article dealt with in this title shall furnish, within business hours, a sample of the same, sufficient in quantity for a proper analysis or examination as shall be provided by the rules of the department.

Sec. 6. Taking of samples without consent of owner. The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of this title, in order to secure a sample for analysis or examination, and said sample and damage to container shall be paid for at the current market price out of the contingent fund of the department.

Sec. 7. Preservation of sample. After the sample is taken it shall be carefully sealed with the seal of the department and labeled with the name or brand of the article, the name of the party from whose stock it was taken, and the date and place of taking such sample. Upon request a duplicate sample, sealed and labeled in the same manner, shall be delivered to the person from whose stock the sample was taken. The label and duplicate shall be signed by the person taking the same. The method of taking samples of particular articles may be prescribed by the rules of the department.

Sec. 8. Witnesses - subpoenas - examination. In the enforcement of the provisions of this title the department shall have power to issue subpoenas for witnesses, enforce their attendance, and examine them under oath. Such witnesses shall be allowed the same fees as witnesses in justice of the peace courts. Said fees shall be paid out of the contingent fund of the department.

LABELING -- ADULTERATIONS

Sec. 9. Labeling. All articles in package or wrapped form which are required by this title to be labeled, unless otherwise provided, shall be conspicuously marked in the English language in legible letters of not less than eight-point heavy gothic caps on the principal label with the following items:

1. The true name, brand, or trademark of the article.
2. The quantity of the contents in terms of weight, measure, or numerical count. Under this requirement reasonable variations shall be permitted, and small packages shall be excepted in accordance with the rules of the department.

3. The name and place of business of the manufacturer, packer, importer, dispenser, distributor, or dealer.

The above items shall be printed in such a way that there shall be a distinct contrast between the color of the letters and the background upon which printed.

Sec. 10. Small packages excepted. In case the size of the package or container will not permit the use of the type specified in the preceding section, the same may be reduced in size proportionately in accordance with the rules of the department.

Sec. 11. Labeling of mixtures, compounds, and imitations. In addition to the requirements of the second preceding section, unless otherwise provided, articles which are mixtures, compounds, combinations, blends, or imitations shall be marked as such and immediately followed, without any intervening matter and in the same size and style of type, by the names of all the ingredients contained therein, beginning with the one present in the largest proportion.

Sec. 12. Trade formulas excepted. Nothing in the preceding section shall be construed as requiring the printing of a patented or proprietary trade formula on a label.

Sec. 13. False labels - defacement of labels. No person shall use any label required by this title which bears any representations of any kind which are deceptive as to the true character of the article or the place of its production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by this title.

Sec. 14. Dealing in mislabeled articles. No person shall knowingly introduce into this state, solicit orders for, deliver, transport, or have in his possession with intent to sell, any article which is labeled in any other manner than that prescribed by this title for the label of said article when offered or exposed for sale, or sold in package or wrapped form in this state.

Sec. 15. Manufacture or sale of adulterated articles. No person shall knowingly manufacture, introduce into the state, solicit orders for, sell, deliver, transport, have in his possession with the intent to sell, or offer or expose for sale any article which is adulterated according to the provisions of this title.

Sec. 16. Possession - prima facie evidence. Any person having in his possession or under his control any article which is adulterated or which is improperly labeled according to the provisions of this title shall be presumed to know its true character and name, and such possession shall be prima facie evidence of having the same in possession with intent to violate the provisions of this title.

LICENSES

Sec. 17. Licenses. The following regulations shall apply to all licenses issued or authorized under this title:

1. Applications. Applications for licenses shall be made upon blanks furnished by the department and shall conform to the prescribed rules of the department.

2. Refusal and revocation. For good and sufficient grounds the department may refuse to grant a license to any applicant; and it may revoke a license

for a violation of any provision of this title, or for the refusal or failure of any licensee to obey the lawful directions of the department.

3. Expiration. Unless otherwise provided all licenses shall expire one (1) year from the date of issue.

Sec. 18. Injunction against persons not licensed. Any person engaging in any business for which a license is required by this title, without obtaining such license, may be restrained by injunction, and shall pay all costs made necessary by such procedure.

OFFENSES -- PENALTIES

Sec. 19. Penalty. Unless otherwise provided, any person violating any provision of this title, or any rule made by the department and promulgated under the authority of said department shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail not to exceed thirty (30) days.

Sec. 23. Information may charge more than one offense. In any criminal proceeding brought for violation of this title an information or indictment may charge as many offenses as it appears have been committed, and the defendant may be convicted of any or all of said offenses.

Sec. 24. Common carrier excepted. None of the penalties provided in this title shall be imposed upon any common carrier for introducing into the state, or having in its possession, any article which is adulterated or improperly labeled according to the provisions of this title when the same was received by said carrier for transportation in the ordinary course of its business and without actual knowledge of its true character.

ENFORCEMENT

Sec. 25. Report of violations to county attorney. When it shall appear that any of the provisions of this title have been violated, the department shall at once certify the facts to the proper county attorney, with a copy of the results of any analysis, examination, or inspection said department may have made, duly authenticated by the proper person under oath, and with any additional evidence which may be in possession of said department.

Sec. 26. Duty of county attorney. The county attorney may at once institute the proper proceedings for the enforcement of the penalties provided in this title for such violations.

Sec. 27. Refusal of county attorney. If the county attorney refuses to act, the governor may, in his discretion, appoint an attorney to represent the state.

Sec. 27-al. Institution of proceedings by department. In any case when it appears that any of the provisions of this title have been violated, the inspector having the investigation in charge shall, when instructed by the department, file an information against the suspected party.

MISCELLANEOUS

Sec. 28. Goods for sale in other states. Any person may keep articles specifically set apart in his stock for sale in other states which do not com-

ply with the provisions of this title as to standards, purity, or labeling.

Sec. 29. Reports by dealers. Every person who deals in or manufactures any of the articles dealt with in this title shall make upon blanks furnished by the department such reports and furnish such statistics as may be required by said department and certify to the correctness of the same.

Sec. 30. Contracts invalid. No action shall be maintained in any of the courts of the state upon any contract or sale made in violation of or with the intent to violate any provision of this title by one who was knowingly a party thereto.

Sec. 31. Fees paid into state treasury. All fees collected under the provisions of this title shall be paid into the state treasury.

CHAPTER 2

ADULTERATION OF FOODS

Sec. 32. Definitions and standards. For the purpose of this chapter the following definitions and standards of food are established:

1. Butter. Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass with or without the addition of salt, or harmless coloring matter, and containing at least eighty per cent (80%), by weight, of milk-fat.

2. Imitation butter. Imitation butter is any product containing any fat other than that derived from milk or cream as provided in paragraph one (1) above, and made in the appearance of butter or designed to be used for any of the purposes for which butter is used.

3. Renovated butter. Renovated butter is butter produced by taking original packing stock butter, or other butter, or both, and melting the same so that the milk-fat can be extracted, then by mixing the said milk-fat with skimmed milk, milk, cream, or some milk product, and rechurning or reworking the said mixture; or butter made by any method which produces a product commonly known as boiled, processed or renovated butter.

4. Cheese - whole milk or cream. Whole milk or cream cheese is the sound, ripened product made from milk or cream by coagulating the casein with rennet or lactic acid, with or without the addition of ripening ferments, seasonings, or color, and containing at least thirty per cent (30%) of milk-fat.

5. Imitation cheese. Imitation cheese is a product containing any substance other than that produced from milk or cream, as provided in paragraph four (4) above, and made in the appearance of or designed to be used for any of the purposes for which cheese produced from milk or cream is used.

6. Skimmed milk cheese. Skimmed milk cheese is a product made from skimmed milk by one of the processes by which whole milk or cream cheese is made, and containing less than thirty per cent (30%) of milk-fat.

7. Cream. Cream is the fresh portion of milk containing at least sixteen per cent (16%) of milk-fat, which rises to the surface of milk on standing or is separated from it by centrifugal force.

8. Flavoring extract. A flavoring extract is a solution in ethyl alcohol or other suitable medium of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, with or without its coloring matter, and conforms in name to the plant used in its preparation.

9. Almond extract. Almond extract is the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and contains not less than one per cent (1%) by volume of oil of bitter almonds.

10. Anise extract. Anise extract is the flavoring extract prepared from oil of anise, and contains not less than three per cent (3%) by volume of oil of anise.

11. Cassia extract. Cassia extract is the flavoring extract prepared from oil of cassia, and contains not less than two per cent (2%) by volume of oil of cassia.

12. Celery seed extract. Celery seed extract is the flavoring extract prepared from celery seed or the oil of celery seed, or both, and contains not less than three-tenths per cent ($3/10\%$) by volume of oil of celery seed.

13. Cinnamon extract. Cinnamon extract is the flavoring extract prepared from oil of cinnamon, and contains not less than two per cent (2%) by volume of oil of cinnamon.

14. Clove extract. Clove extract is the flavoring extract prepared from oil of cloves, and contains not less than two per cent (2%) by volume of oil of cloves.

15. Ginger extract. Ginger extract is the flavoring extract prepared from ginger, and contains in each one hundred (100) cubic centimeters the alcohol-soluble matters from not less than twenty (20) grams of ginger.

16. Lemon extract. Lemon extract is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five per cent (5%) by volume of oil of lemon.

17. Terpeneless extract of lemon. Terpeneless extract of lemon is the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or other suitable medium, or by dissolving terpeneless oil of lemon in such medium, and contains not less than two-tenths per cent ($2/10\%$) by weight of citral derived from oil of lemon.

18. Nutmeg extract. Nutmeg extract is the flavoring extract prepared from oil of nutmeg, and contains not less than two per cent (2%) by volume of oil of nutmeg.

19. Orange extract. Orange extract is the flavoring extract prepared from oil of orange, or from orange peel, or both, and contains not less than five per cent (5%) by volume of oil of orange.

20. Terpeneless extract of orange. Terpeneless extract of orange is the flavoring extract prepared by shaking oil of orange with dilute alcohol, or other suitable medium, or by dissolving terpeneless oil of orange in such medium, and corresponds in flavoring strength to orange extract.

21. Peppermint extract. Peppermint extract is the flavoring extract prepared from oil of peppermint, or from peppermint, or both, and contains not less than three per cent (3%) by volume of oil of peppermint.

22. Rose extract. Rose extract is the flavoring extract prepared from attar of roses, with or without red rose petals, and contains not less than four-tenths per cent ($4/10\%$) by volume of attar of roses.

23. Savory extract. Savory extract is the flavoring extract prepared from oil of savory, or from savory, or both, and contains not less than thirty-five hundredths per cent ($35/100\%$) by volume of oil of savory.

24. Spearmint extract. Spearmint extract is the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and contains not less than three per cent (3%) by volume of oil of spearmint.

25. Star anise extract. Star anise extract is the flavoring extract prepared from oil of star anise, and contains not less than three per cent (3%) by volume of oil of star anise.

26. Sweet basil extract. Sweet basil extract is the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and contains not less than one-tenth per cent ($1/10\%$) by volume of oil of sweet basil.

27. Sweet marjoram extract. Sweet marjoram extract is the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and contains not less than one per cent (1%) by volume of oil of marjoram.

28. Thyme extract. Thyme extract is the flavoring extract prepared from oil of thyme, or from thyme, or both, and contains not less than two-tenths per cent ($2/10\%$) by volume of oil of thyme.

29. Tonka extract. Tonka extract is the flavoring extract prepared from tonka bean, with or without sugar or glycerin, and contains not less than one-tenth per cent ($1/10\%$) by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof.

30. Vanilla extract. Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of the vanilla bean, and contains not less than thirty per cent (30%) by volume of absolute ethyl alcohol, or other suitable medium.

31. Wintergreen extract. Wintergreen extract is the flavoring extract prepared from oil of wintergreen, and contains not less than three per cent (3%) by volume of oil of wintergreen.

32. Food. Food shall include any article used by man or domestic animals for food, drink, confectionery, or condiment, or which enters into the composition of the same, whether simple, blended, mixed, or compound. The term "blended" shall be construed to mean a mixture of like substances.

33. Ice cream. Ice cream is the frozen product made from pure sweet cream and sugar, with or without flavoring, or with the addition of not to exceed one per cent (1%) by weight of a harmless thickener, and containing not less than twelve per cent (12%) by weight of milk-fat, with an acidity not to exceed three-tenths ($3/10$) of one per cent (1%).

34. Fruit ice cream. Fruit ice cream is a similar product, consisting of the same ingredients with the addition of sound, clean, mature fruits, and containing not less than ten per cent (10%) by weight of milk-fat.

35. Nut ice cream. Nut ice cream is a frozen product, consisting of the same ingredients as ice cream with the addition of sound, nonrancid nuts, and containing not less than ten per cent (10%) by weight of milk-fat.

36. Milk. Milk is the fresh lacteal secretion obtained by the complete milking of one (1) or more cows, which contains at least three per cent (3%) of milk-fat and eleven and one-half per cent ($11\ 1/2\%$) of milk solids.

37. Skimmed milk. Skimmed milk is milk from which the cream has been removed or which is poor in fat, containing less than three per cent (3%) of milk-fat or less than eleven and one-half per cent ($11\ 1/2\%$) of milk solids.

38. Oysters. Oysters shall not contain ice, nor more than sixteen and two-thirds per cent ($16\ 2/3\%$) by weight of free liquid.

39. Vinegar. Vinegar is the product made by the alcoholic and subsequent fermentation of fruits, grain, vegetables, sugar, or syrups without the addition of any other substance and containing an acidity of not less than four per cent (4%) by weight of absolute acetic acid. The product may be distilled, but when not distilled it shall not carry in solution any other substance except the extractive matter derived from the substances from which it was made.

40. Cider or apple vinegar. Cider or apple vinegar is a similar product made by the same process solely from the juice of apples. Such vinegar which during the course of manufacture has developed in excess of four per cent (4%) acetic acid may be reduced to said strength.

41. Corn sugar vinegar. Corn sugar vinegar is a similar product made by the same process solely from solutions of starch sugar.

42. Malt vinegar. Malt vinegar is a similar product made by the same process solely from barley malt or cereals whose starch has been converted by malt.

43. Sugar vinegar. Sugar vinegar is a similar product made by the same process solely from sucrose.

Sec. 33. Additional standards. The department may establish and publish standards for foods when such standards are not fixed by law, but the same shall conform with those proclaimed by the secretary of agriculture of the United States.

Sec. 34. Food adulterations. For the purposes of this chapter any food shall be deemed to be adulterated.

1. If any substance has been mixed or packed with it so as to reduce or injuriously affect its quality.
2. If any substance has been substituted to any extent.
3. If any valuable constituent has been removed to any extent.
4. If it has been mixed, colored, powdered, coated, or stained whereby damage or inferiority is concealed.
5. If it contains saccharine, formaldehyde, or boron compound, or any poisonous or other ingredient injurious to health.
6. If it consists to any extent of a diseased, filthy, or decomposed animal or vegetable substance, whether manufactured or otherwise.
7. If it consists to any extent of an animal that has died otherwise than by slaughter.
8. If it is the product of or obtained from a diseased or infected animal.
9. If it has been damaged by freezing.
10. If it does not conform to the standards established by law or by the department.

Sec. 35. Adulterations of certain dairy products. In addition to the adulterations enumerated in the preceding section, milk, cream, or skimmed milk shall be deemed to be adulterated:

1. If it contains visible dirt or is kept or placed at any time in an unclean container.
2. If obtained from a cow within fifteen (15) days before or five (5) days after calving.
3. If obtained from a cow stabled in an unhealthful place, or fed upon any substance in a state of putrefaction or of unhealthful nature.

Sec. 35-a1. Adulteration of dairy products with fats and oils. No milk, cream, skimmed milk, buttermilk, condensed or evaporated milk, powdered or de-siccated milk, condensed skimmed milk, ice cream, or any fluid derivatives of any of them shall be made from or have added thereto any fat or oil other than milk fat, and no product so made or prepared shall be sold, offered or exposed for sale, or possessed with the intent to sell, under any trade name or other designation of any kind.

Sec. 36. Coloring imitation butter or cheese. No imitation butter or imitation cheese shall be colored with any substance and no such imitation product shall be made by mixing animal fats, vegetable oils, or other substances for the purpose or with the effect of imparting to the mixture the color of yellow butter or cheese.

Sec. 37. Coloring vinegar. Vinegar shall not be colored with coloring matter and distilled vinegar shall not have a brown color in imitation of cider vinegar.

Sec. 38. Adulteration of candies. In addition to the adulterations enumerated in section thirty-four (34), candy shall be deemed to be adulterated if it contains terra alba, barytes, talc, paraffin, chrome yellow, or other mineral substances.

Sec. 39. Sale of food by false name. No person shall offer or expose for

sale, sell, or deliver any article of food which is defined in this chapter under any other name than the one herein specified or offer or expose for sale, sell, or deliver any article of food which is not defined in this chapter under any other name than its true name, trade name, or trademark name.

CHAPTER 3

LABELING FOODS

Sec. 40. Label requirements. All food, as defined in the preceding chapter, offered or exposed for sale, or sold in package or wrapped form, shall be labeled on the package or container as prescribed in sections nine (9) to twelve (12), inclusive, unless otherwise provided in this chapter.

Sec. 41. Labeling certain dairy products and imitations. The products enumerated below shall be labeled on the side or top of the container or package in which placed, kept, offered or exposed for sale, or sold as prescribed in sections nine (9) to twelve (12), inclusive, except that the label shall be printed in letters not less than three-quarters ($3/4$) inch in height and one-half ($1/2$) inch in width and subject to the following regulations:

1. Skimmed milk. Skimmed milk shall be labeled with the words "Skimmed Milk"; but if in bottles it shall be deemed properly marked if the required words are printed on the cap of each bottle in letters not smaller than twelve-point gothic caps.

2. Renovated butter. Renovated butter shall be labeled with the words "Renovated Butter", and if offered or exposed for sale or sold in prints or rolls the wrapper of each and the container as required above shall be so labeled. If such butter is offered or exposed for sale uncovered and not in a container or package, a placard containing the required label shall be attached to the mass so as to be easily seen by the purchaser.

3. Imitation butter. Imitation butter shall be labeled "Oleomargarine".

4. Skimmed milk cheese. Skimmed milk cheese shall be labeled with the words "Skimmed Milk Cheese" on the cheese and on the package.

5. Imitation cheese. Imitation cheese shall be labeled with the words "Imitation Cheese" on the cheese and on the package.

Sec. 42. Notice of sale of imitation products. Every person owning or in charge of any place where food or drink is sold who uses or serves therein imitation butter or cheese, as in this title defined, shall display at all times opposite each table or place of service a placard for each such imitation, with the words "Imitationserved here", without other matter, printed in black roman letters not less than three (3) inches in height and two (2) inches in width, on a white card twelve (12) by twenty-two (22) inches in dimensions. The blank after the word "imitation" in the above form shall be filled with the name of the product imitated.

Sec. 43. Labeling baking powder and vinegar. Baking powder and distilled vinegar shall show on the label the name of each ingredient from which made. Distilled vinegar shall be marked as such; and cider vinegar which, having been in excess of the standard of acidity, has been reduced to the standard, shall have that fact indicated on the label.

CHAPTER 4

PRODUCTION AND SALE OF DAIRY PRODUCTS

Sec. 44. Milk license required. Every person engaging in the sale of milk

or cream at retail, in any city or town, shall obtain a milk dealer's license from the department.

Sec. 45. Exemptions. The preceding section shall not apply:

1. To persons who supply milk or cream to establishments engaged in the manufacture of dairy products.
2. To persons who do not sell milk or cream from a store or vehicle.

Sec. 46. License fee - expiration of license. The fee for said license shall be one dollar (\$1.00) for each place and for each vehicle from which sales are made. The license shall expire on July fourth after the date of issue and shall not be transferable.

Sec. 47. Requirements of licenses - contents of license. Such license shall be issued only to the person owning or leasing the vehicle or place from which sales are to be made; and each license shall contain the name, residence, and place of business of the licensee.

Sec. 48. Requirements as to milk wagons. The name of the dairy or the name of the person to whom such license is issued shall appear on both sides of each vehicle from which sales are made, in letters not less than two inches in height and there shall be such contrast between the color of the letters and the background as shall render the letters plainly legible.

Sec. 49. Skimmed milk and buttermilk to be pasteurized. Every owner, manager, or operator of a creamery shall before delivering to any person any skimmed milk or buttermilk cause the cream or milk from which the same is derived to be pasteurized according to the rules and regulations of the department.

Sec. 49-a1. No wholesaler or retailer of milk or cream, except the producer, shall offer or expose for sale any milk or cream unless the same is produced from cows known to be free from tuberculosis, as evidenced by a certificate issued within one year by a licensed veterinarian, or unless the same shall have been pasteurized according to the established regulations of the department of agriculture.

Sec. 50. Sanitary regulations for milk dealers. Every person who deals in or manufactures dairy products or imitations thereof shall maintain his premises, utensils, wagons, and equipment in a clean and hygienic condition.

Sec. 51. Testing milk or cream - milk tester's license required. Every person testing cream or milk to determine the per cent of milk-fat as a basis for fixing the purchase price shall secure a milk tester's license from the department and shall make tests only by such process as has been approved by said department.

Sec. 52. Examination of applicant. Each applicant for such a license shall be required to submit to examination and by actual demonstration show that he is competent to test cream and milk according to an approved process.

Sec. 53. Supplying standard measures for testing. The department shall furnish each licensee one (1) standard test bottle and one (1) standard pipette

adapted to the use of the testing machine approved for the licensee. Said bottle and pipette shall be certified to by the department as standard and shall bear the official stamp of the department. Any person not a licensee may secure test bottles and pipettes from the department at the legal price.

Sec. 54. Fees. The fee for each license shall be two dollars and fifty cents (\$2.50), and standard test bottles and pipettes shall be furnished at actual cost.

Sec. 55. Use of bottles and pipettes - inspection by vendor. The standard bottle and pipette received from the department shall be used by the licensee in verifying test tubes and pipettes used by him in making tests; and the same shall be subject to inspection by the owner or vendor of the cream or milk which is the subject of the test.

Sec. 56. Appointment of substitute tester. With the approval of the department any licensee may for valid reasons appoint a person to act for him, not to exceed a period of fourteen (14) days.

Sec. 57. False tests - evidence. No person shall falsely manipulate or misread the Babcock test or any other milk or cream testing apparatus. The writing of a check or payment of money for cream or milk at any given test shall constitute prima facie evidence that such test was made.

Sec. 58. Each test by unlicensed person a separate offense. The testing of each lot of milk or cream by an unlicensed person shall constitute a separate offense.

Sec. 59. Burden of proof in actions for purchase price. In an action by the vendor for the purchase price of cream or milk, sold on test to be made by the vendee, the burden of establishing the proper use of an approved test shall be upon the vendee.

Sec. 60. State trademark for butter. The state trademark for butter manufactured in this state shall consist of the words "Iowa Butter" printed with an outline map of Iowa. Above said map shall be printed the words "First Quality, License No." and below, the words "State Butter Control". Said map and printed matter shall be circumscribed by a double circle, the outer circle being printed with a heavier line than the inner circle.

Sec. 61. Supervision of use of trademark. The use of said trademark shall be under the supervision of an executive committee consisting of the president of the Iowa state dairy association, the president of the Iowa state butter-makers' association, the dean of the division of agriculture of the Iowa state college of agriculture and mechanic arts, the professor of dairying of the same institution, and the secretary of agriculture.

Sec. 62. Rules for use of trademark - labels and stamps. The executive committee shall make such rules concerning the manufacture, distribution, and use of said trademark as may be deemed necessary. Labels, stamps, and other devices for imprinting the trademark shall be supplied by the department at cost.

Sec. 63. Distribution of rules - compliance. The rules adopted for use of said trademark shall be published through bulletins issued by the department, and no person shall use said trademark before complying therewith.

Sec. 64. Copyright of trademark. The executive committee shall procure a

copyright of said trademark, and may modify the statutory specifications of the the same in order to comply with the copyright laws. Expenses for procuring such copyright shall be paid out of the contingent fund of the department.

Sec. 65. Sale of imitation butter. Imitation butter shall be sold only under the name of oleomargarine, and no person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any such butter, the word "butter", "creamery", or "dairy", or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter.

Sec. 66. Definition of container. The term "container" used in the following sections of this chapter shall mean cans, bottles, casks, kegs, barrels, and other receptacles of like nature.

Sec. 67. Milk bottles to be marked. Bottles or jars used for the sale of milk shall have clearly blown or permanently marked in the side of the bottle, the capacity of the bottle, and on the bottom of the bottle the name, initials, or trademark of the manufacturer. The designing number shall be furnished by the department on request.

Sec. 68. Adoption of brand or mark. With the approval of the department any person who deals in or transports milk, cream, skimmed milk, buttermilk, or ice cream may adopt a distinctive mark or brand to be placed upon any container owned or used by him, and the same may be registered with the department.

Sec. 69. Retention of marked container. No person shall, without the consent of the owner, retain for a longer period than three (3) days a container bearing a registered mark, and any person receiving such a container shall immediately return it to the owner by a common carrier. A receipt from a common carrier shall be prima facie evidence that such container was returned.

Sec. 70. Return of milk and cream bottles. Milk and cream bottles bearing registered marks shall be returned by delivering them to the owner or his agent in person or by leaving them where they may be picked up by the owner.

Sec. 71. Stray containers. When any person comes into possession of a container bearing a registered mark which belongs to another whose name and address he does not know, he shall immediately notify the department in writing, giving the size, shape, and mark of the container. Upon receipt of shipping directions from the department he shall at once forward the container by a common carrier, collect, to the address furnished him. Milk or cream bottles need not be returned when the cost of return is greater than the market value of the bottles.

Sec. 72. Use of registered mark. No person shall for any purpose use any registered mark or any container bearing such mark, or remove or alter any such mark placed upon a container without the consent of the owner.

CHAPTER 5

PRODUCTION AND SALE OF EGGS

Sec. 73. License required. Every person engaged in the business of buying selling, or dealing in eggs shall obtain a license from the department for each establishment at which said business is conducted.

Sec. 74. Retailers exempted. Retailers who buy direct from dealers licensed

under this chapter and who do not sell in lots greater than one (1) case shall not be required to procure a license.

Sec. 75. Fee - expiration of license. The license fee shall be one dollar (\$1.00) per annum and each license shall expire on March first after the date of issue.

Sec. 76. Sale of eggs unfit for human food. No person shall sell, offer or expose for sale, or have in his possession any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food.

Sec. 77. Eggs unfit for human food. For the purpose of this chapter, an egg shall be deemed unfit for human food:

1. If it is addled or moldy, containing black rot, white rot, or a blood ring.
2. If it has an adherent yolk, or a bloody or green white.
3. If it has been incubated beyond the blood ring stage.
4. If it consists to any extent of a filthy or decomposed substance.

Sec. 78. Equipment required of egg dealers. Every person engaged in the business of buying eggs intended for human food for resale shall maintain an adequate place for the proper candling and handling of the same.

Sec. 79. Candling defined. The term "candling" as used in this chapter shall mean the careful examination, in partially dark room or place, of the whole egg by means of a strong light, and the apparatus and method employed shall be approved by the department.

Sec. 80. Candling required. Every person buying eggs from the producer for resale shall candle all eggs offered to him and shall refuse to buy eggs unfit for human food as herein defined. Such candling shall be done in the presence of the producer if he so requests.

Sec. 81. Candling records. Each licensee shall keep such candling records as may be required by the department, which records shall be open at all reasonable times for examination by said department.

Sec. 82. Candling certificate. There shall be placed on the top layer of every case of candled eggs a certificate showing the date of candling, the name, initials, or number of the person doing the candling, the name of this state, and the license number of the person for whom the eggs were candled, which certificate shall be printed on sheets not smaller than two and three-eighths ($2 \frac{3}{8}$) by four and one-fourth ($4 \frac{1}{4}$) inches.

Sec. 83. Rules for recandling. The department shall determine the conditions under which eggs once candled shall be recandled in order to prevent the sale of eggs unfit for human food; and said department shall establish the necessary rules for carrying this section into effect.

Sec. 84. Deduction to be determined by candling. No person shall in buying or selling eggs take or give a greater or less deduction for eggs candled out as unfit for food than the actual loss which has been determined by the careful candling of the same.

CHAPTER 6

COMMERCIAL FEEDS

Sec. 85. Definitions and rules of construction. For the purpose of this chapter:

1. "Commercial feed" shall mean "food" as defined in the chapter relative to the adulteration of foods, except that it shall only include food in concentrated form, and mineral mixtures, intended for feeding to domestic animals, and it shall not include hay, straw, whole seeds, unmixed meals made from entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, or broom corn; nor shall it include wheat flour or other flours fit for human consumption.

2. "Stock tonic" shall mean a class of commercial feed such as medicated stock or poultry foods, including such preparations as are composed wholly of drugs -- except liquids -- which contain any substance claimed to possess medicinal, condimental, or nutritive properties.

Sec. 86. Labeling. All commercial feed offered or exposed for sale or sold in package or wrapped form shall be labeled on each package or container as provided in section forty (40) of this title and section one hundred seventeen (117) of House File No. 261-A, special session, Fortieth General Assembly depending upon whether the preparation is a food or drug as defined in this title, and in addition thereto shall have printed on the label in the manner prescribed in said sections the chemical analysis of the contents, stating the percentages of crude protein, crude fat, nitrogen free extract, and crude fiber, allowing one per cent (1%) of nitrogen to equal six and twenty-five one-hundredths per cent (6.25%) of protein, and in case of feeding molasses the percent of total sugars--all constituents to be determined by the latest methods adopted by the association of official agricultural chemists of the United States.

Sec. 87. Stock Tonic -- Labeling. In the case of stock tonic, in addition to the requirements of the preceding section, the label shall state the English name of each drug and the total percentage of all drugs and the actual percentage of salt, charcoal, sulphur and the actual percentage and name of any other ingredient contained in such stock tonic.

Sec. 88. Written labels permitted. Labels on packages or containers of commercial feeds may be written instead of being printed; but when written, the writing must be plain and legible.

Sec. 89. Dealers to furnish samples -- affidavit. Before any commercial feed is offered or exposed for sale, or sold, the person who desires to offer or expose it for sale, or sell it, shall pay the department a registration fee of fifty cents (50c) accompanied by an affidavit containing the items required by this chapter to be printed on the label of such feed. Upon request a sealed glass jar or bottle containing not less than one pound of said feed, shall accompany the registration fee and affidavit.

Sec. 90. Inspection fee. Before any person shall solicit orders for, deliver, offer or expose for sale, or sell any commercial feed, he shall, except as otherwise provided in the following section, pay to the department an inspection fee of ten cents (10¢) per ton for each ton of said feed sold or offered or exposed for sale.

Sec. 90-a. Inspection fee for stock tonic. Before any person shall solicit orders for, deliver, offer or expose for sale, or sell any stock tonic,

he shall, in lieu of the inspection fee provided in the preceding section, pay to the department, on or before the fifteenth (15th) day of July each year, a general inspection fee of six dollars (\$6.00) per annum for each product manufactured. Inspections shall be made as provided in chapter one (1) hereof.

Sec. 91. Feeds not subject to inspection fee. Unadulterated wheat, rye, and buckwheat bran; wheat, rye, and buckwheat middlings; or wheat, rye, and buckwheat shorts manufactured in this state shall not be subject to any inspection fee required by this chapter.

Sec. 92. Retailers exempted. Payment of any inspection fee provided in this chapter by the manufacturer or importer of any commercial feed or stock tonic shall exempt all other persons from such payment upon said products.

Sec. 93. Method of paying inspection fee. The inspection fee provided in section ninety (90) shall be paid by attaching a tag to each lot shipped in bulk and to each package or container of commercial feed. Tags for such use shall be procured from the department, which shall issue them in denominations suitable for all quantities.

Sec. 94. Delivery of tags in case of large sales. Any person who sells at one time one (1) ton or more of commercial feed shall be held to have complied with the inspection fee requirement of this chapter if he delivers to the purchaser the tags required, even though they may not be attached to the various packages or containers.

Sec. 95. Ground feeds not to contain poisonous substances. No person shall sell in ground form wheat or rye screenings containing cockle or other poisonous or deleterious substances.

Sec. 97. Counterfeiting inspection fee tags - penalty. Any person who shall counterfeit or use a counterfeit of any of the inspection fee tags prescribed by this chapter shall be guilty of a misdemeanor and punished as provided in chapter one (1) of this title.

Sec. 98. Analysis of feeds for personal use -- fee. Any person purchasing any commercial feed in this state for his own use may submit fair samples of said feed to the department, accompanied by an analysis fee of one dollar (\$1.00) for each sample, and a proper analysis of the same shall be made and furnished.

CHAPTER 7

AGRICULTURAL SEEDS

Sec. 99. Definitions and rules of construction. For the purpose of this chapter:

1. "Agricultural seed" shall mean the seeds of Canada or Kentucky bluegrass, brome grass, fescues, millet, tall meadow oatgrass, orchard grass, redtop, Italian, perennial, or western rye grass, Kaffir corn, sorghum or cane, Sudan grass, timothy, alfalfa, alsike, crimson, mammoth or sapling, red, sweet, or white clover, Canada field peas, cowpeas, soy beans, vetches, and other grasses and forage plants, buckwheat, flax, rape, barley, field corn, oats, rye, wheat, and other cereals.

2. "Weed seed" shall mean the seeds of noxious weeds listed herein, and all seeds not listed above as agricultural seed.

3. "Noxious weeds" shall mean common wild mustard or charlock, Indian mustard, perennial sow thistle, sour, curled, or smooth dock, wild oats, corn cockle, sheep or horse sorrel, and such other plants as may be declared to be noxious weeds as provided in the next succeeding section.

4. "Purity" of agricultural seed shall mean freedom from inert matter, and from other agricultural or weed seed distinguishable by their appearance.

Sec. 100. Additional noxious weeds - hearing - determination. Whenever it shall appear to the department that any plant, other than those specifically enumerated in the last preceding section, has become, or threatens to become, a menace to the agricultural industry of this state, the secretary of agriculture shall call a committee of three experts in plant life, one of whom shall be the botanist of the state college of agriculture and mechanic arts. If the said committee shall find that such plant has become, or threatens to become a menace to the agricultural industry it shall so report to the department, which shall then declare the same to be a noxious weed. Notice of such declaration shall be given by posting same at the courthouse in each county of the state and the provisions of this chapter shall apply to such plant from and after thirty (30) days from the posting of said notice.

Sec. 101. Labeling agricultural seed. All agricultural seed offered or exposed for sale, or sold in package or wrapped form for seeding purposes shall be labeled on the package or container as provided in sections nine (9) and ten (10), and in addition thereto shall have printed on the label prescribed in said sections:

1. Variety of seed.

1-a. The approximate percentage by weight of the purity of the seed.

2. The approximate total percentage by weight of weed seed.

3. The name of each kind of seed or bulbet of noxious weeds which is present.

4. The approximate percentage of germination of such agricultural seed, together with the month and year said weed was tested, and year grown and, if corn, the county and state where grown and if clover of any variety or alfalfa the state or country where grown.

Sec. 102. Labeling of certain mixed seed. Mixtures of alsike and timothy, alsike and white clover, redtop and timothy, alsike and red clover, offered or exposed for sale or sold as mixtures in package or wrapped form for seeding purposes and in lots of ten (10) pounds or more shall be labeled on the package or container as to the quantity, percentage of weed seed present, and name of vendor, in the manner prescribed for pure agricultural seed and in addition the label shall contain the following specific items:

1. The statement that such seed is a mixture.

2. The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five per cent (5%) by weight of the total mixture.

3. The name of each kind of seed or bulbet of noxious weeds which is present singly or collectively in excess of one (1) seed or bulbet in each fifteen (15) grams (approximately three-fifths ounce) of such mixture.

4. The approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five per cent (5%) by weight, together with the month and year said seed was tested and year grown.

Sec. 103. Labeling other mixtures of seed. Special mixtures of agricultural seed except as provided in the preceding section, offered or exposed for sale, or sold in package or wrapped form for seeding purposes and in quantities of eight (8) ounces or more shall be labeled on the package or con-

tainer as prescribed in the preceding section, except that the percentage of germination need not be stated, but the label shall contain a statement showing the approximate percentage by weight of inert matter.

Sec. 104. Written labels. The label on a package or container of agricultural seed may be written instead of being printed, but when written, the writing must be plain and legible.

Sec. 105. Sales from bulk. In case agricultural seed or mixtures of the same are offered or exposed for sale in bulk, or sold from bulk, there shall be conspicuously displayed in connection therewith a placard containing the items required on the label of such seed when offered or exposed for sale, or sold in package or wrapped form, or in lieu of this requirement the vendor may furnish the vendee with a printed or written statement containing the said items.

Sec. 106. Presumption of freedom from weed seed. In every sale of agricultural seed or mixture of the same it shall be presumed that the said seed is free from weed seed unless the label on the package or container specifies the presence of such weed seed or the purchaser is informed of the presence of the same in the manner provided in the preceding section.

Sec. 107. Analyses of seed for personal use - fee. Any person purchasing any agricultural seed in this state for his own use may submit fair samples of said seed to the department, accompanied by an analysis fee of fifty cents (50c) for each sample and a proper analysis of the same shall be made and furnished.

Sec. 108. Exemptions. Agricultural seed or mixtures of same shall be exempt from the provisions of this title:

1. When possessed, exposed or offered for sale, or sold for food purposes only.
2. When sold or in store for the purpose of recleaning.
3. When sold by one (1) farmer to another and delivered upon the vendor's premises, but if such seed is advertised for sale or is delivered through a common carrier, then the seed shall be subject to all the requirements of this title, but this exemption shall in no event be construed as permitting the sale of agricultural seed containing the seeds or bulblets of Canada thistle, quack grass, buckhorn, wild carrot, horse nettle or dodder (clover, alfalfa, or field) in violation of the next succeeding section.

Sec. 109. Certain sales prohibited. No person shall sell, offer or expose for sale, or distribute, for seeding purposes, any agricultural seed if the seeds or bulblets of Canada thistle, quack grass, buckhorn, wild carrot, horse nettle or dodder (clover, alfalfa, or field) are present, singly or collectively, as follows:

1. In excess of one (1) seed or bulblet in each five (5) grams of timothy, reedtop, tall meadow oatgrass, orchard grass, crested dogstail, Canada or Kentucky bluegrass, fescues, broom grass, Italian, perennial or western rye grass, crimson, mammoth or sprig, red, white, alsike, or sweet clover, alfalfa, or any other grass or clover not otherwise classified.
2. One (1) in twenty-five (25) grams of millet, rape, flax, or other agricultural seed not specified in subsections one (1) or three (3) of this section.
3. One (1) in one hundred (100) grams of wheat, oats, rye, barley, buckwheat, vetches, or other agricultural seed as large or larger than wheat.

CHAPTER 8

COMMERCIAL FERTILIZERS

Sec. 110. License required - fee. Every person dealing in commercial fertilizers shall obtain a license from the department. The fee for said license shall be twenty dollars (\$20.00) for each brand of fertilizer offered or exposed for sale, or sold, and such license shall expire on May first after the date of issue.

Sec. 111. Retailers exempted. Payment of said license fee by the manufacturer or importer shall exempt all other person from such requirement.

Sec. 112. Affidavit of items on label. Before any commercial fertilizer is offered or exposed for sale, or sold, the person who desires to offer or expose it for sale, or sell it, shall file with the department a certificate containing the items required to be printed on the label by the following section, accompanied by an affidavit that said items are true and correct.

Sec. 113. Labeling. Any commercial fertilizer, the price of which exceeds three dollars (\$3.00) per ton, offered or exposed for sale, or sold in package or wrapped form shall be labeled on the package or container as provided in sections nine (9) to twelve (12), inclusive, and in addition thereto shall have printed on the label in the manner prescribed in said sections the chemical analysis, showing the minimum percentages of nitrogen in available form, of potassium soluble in water, of phosphorus in available form, soluble or re-verted, and of insoluble phosphorus.

Sec. 114. Bulk sales. In case of sales of commercial fertilizer from bulk or in bulk a certificate printed in the same manner as the label required by the preceding section may be delivered to the purchaser in fulfillment of the requirements of said section.

CHAPTER 11

INSECTICIDES AND FUNGICIDES

Sec. 130. Definitions and rules of construction. For the purpose of this chapter:

1. "Insecticide" shall include paris green, lead arsenate, and any other substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insect which may infest vegetation, man, animals, households, or other environment.

2. "Paris green" shall include the product sold in commerce as paris green and chemically known as aceto-arsenite of copper.

3. "Lead arsenate" shall include the product sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one (1) or more hydrogen atoms by lead.

4. "Fungicide" shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi which may infest vegetation or be present in any environment.

Sec. 131. Labeling. All insecticides and fungicides offered or exposed for sale, or sold in package or wrapped form shall be labeled on each package or container as provided in sections nine (9) to eleven (11), inclusive.

Sec. 132. Special requirements as to labeling. In addition to the re-

requirement of the preceding section, the following regulations shall also govern in labeling insecticides and fungicides:

1. When composed of any poison enumerated in section one hundred twenty-a twenty-four (120-a24) of House File No. 261-A, special session, Fortieth General Assembly, the word "poison" and its antidote shall appear on the label in a conspicuous manner.

2. When composed of arsenic in combination or elemental form, the total amount of arsenic present and the amount of arsenic in water-soluble form - both expressed in per cent of metallic arsenic - shall also be stated on the label in the same manner prescribed for other items.

3. When composed partially or completely of an inert substance which does not effectively prevent, destroy, repel, or mitigate insects or fungi, the names and percentage amounts of each inert ingredient and the fact that they are inert, or the names and percentage amounts of each ingredient of the insecticide or fungicide having insecticidal or fungicidal properties without mention of the inert ingredients, except to state the total percentage of inert ingredients present, shall also appear upon the label in the same manner prescribed for other items.

4. Spray solution known as a lime and sulphur liquid shall also have stated on the label the strength of the solution and its gravity test, showing a guaranteed strength of lime and sulphur combined in solution as sulphates and sulphides, and the label shall contain a direction as to the proportions of water to be used to produce a mixture containing a four per cent (4%) solution by weight of lime and sulphur combined as sulphates and sulphides. The printing of said label shall be in black-faced type, in letters not less than one-half (1/2) inch in height.

Sec. 133. Adulteration. In addition to the adulterations specified in paragraphs one (1) to three (3), inclusive, of section thirty-four (34) the following products shall be deemed to be adulterated:

1. In the case of paris green

(a) If it does not contain at least fifty per cent (50%) of arsenious oxide.

(b) If it contains arsenic in water-soluble forms equivalent to more than three and one-half percent (3 1/2%) of arsenious oxide.

2. In the case of lead arsenate

(a) If it contains more than fifty per cent (50%) of water.

(b) If it contains total arsenic equivalent to less than twelve and one-half per cent (12 1/2%) of arsenic oxide (As_2O_5).

(c) If it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths (.75) of one per cent (1%) arsenic oxide (As_2O_5).

3. In the case of an insecticide or fungicide other than paris green and lead arsenate.

(a) If its strength or purity falls below the professed standard or quality under which it is sold.

(b) If it is intended for use on vegetation and contains any substance which, although preventing, destroying, repelling, or mitigating insects or fungi, shall be injurious to such vegetation when used as recommended by the manufacturer.

Sec. 134. Standard for lime and sulphur liquid. Spray solution known as a lime and sulphur liquid shall be not less than seventy per cent (70%) by weight of sulphur.

CHAPTER 12

PAINTS AND OILS

Sec. 135. Definitions and standards. For the purposes of this chapter:

Raw linseed oil. "Raw linseed oil" shall be obtained wholly from the seeds of the flax plant (*linum usitatissimum*) and shall comply with all the requirements of the United States Pharmacopoeia.

Boiled linseed oil. "Boiled linseed oil" or "boiled oil" shall be prepared by heating pure raw linseed oil to a temperature of at least one hundred seven degrees (107°) centigrade, and if desired incorporating not to exceed three per cent (3%) by weight of dryer, and it shall fulfill the following requirements:

1. Its specific gravity at 20/20 degrees centigrade must be not less than nine hundred thirty-five thousandths (0.935) and not greater than nine hundred forty-five thousandths (0.945).
2. Its saponification number must not be less than one hundred eighty-six (186).
3. Its iodine absorption number must not be less than one hundred sixty (160).
4. Its acid value must not exceed ten (10).
5. The volatile matter expelled at one hundred degrees (100°) centigrade must not exceed one-half ($1/2$) of one per cent (1%).
6. No mineral oil shall be present, and the amount of unsaponifiable matter as determined by standard methods, must not exceed two per cent (2%).
7. The film left after flowing the oil over glass and allowing it to drain in a vertical position, must dry free from tackiness in not to exceed twenty (20) hours, at a temperature of about twenty degrees (20°) centigrade.

Oil of turpentine. "Oil of turpentine", "spirits of turpentine", "turpentine", or "turps" shall consist wholly of the volatile portion obtained by distillation of the oleoresinous exudation from various species of coniferous trees and shall fulfill the following requirements:

1. Its specific gravity at 20/20 degrees centigrade must be not less than eight hundred sixty thousandths (0.860) and not greater than eight hundred seventy-five thousandths (0.875).
2. Its index of refraction at twenty degrees (20°) centigrade must not be less than one and four hundred sixty-eight thousandths (1.468) and not greater than one and four thousand seven hundred twenty-five ten thousandths (1.4725).
3. Its iodine absorption number must not be less than three hundred forty (340).
4. The undissolved (unpolymerized) residue on treatment of ten (10) cubic centimeters with forty (40) cubic centimeters of a sulphuric acid containing twenty per cent (20%) of the fuming acid must not exceed ten per cent (10%) by volume of the sample.
5. The initial boiling point must not be lower than one hundred fifty degrees (150°) centigrade under ordinary atmospheric pressure, and ninety-five per cent (95%) by volume must distill below one hundred sixty-six degrees (166°) centigrade.
6. The residue left after evaporation over a steam bath must not exceed two per cent (2%).
7. Mineral oil must not be present.

Paint. "Paint" shall include white lead in oil or any compound intended for the same use, paste or semi-paste, and liquid or mixed paint ready for use, or any compound intended for the same purpose.

Sec. 136. Labeling paints. All paint offered or exposed for sale or sold in package or wrapped form shall be labeled on each package or container as provided in sections nine (9) to twelve (12) inclusive, except that in listing the ingredients and the percentage of each in the total contents of any paint, all substances other than coloring matter may be treated as one hundred per cent (100%) in which case the description or trade name of such coloring matter, with its chemical analysis, shall appear on the label in the same manner as provided in said sections.

Sec. 137. Labeling oils. All linseed oil or oil of turpentine offered or exposed for sale or sold in package or wrapped form shall be labeled on each package or container as provided in section nine (9), except that the label shall be printed with ordinary bold-faced type in capital letters not less than five-line pica in size.

Sec. 138. Labeling substitutes for oils. Any compound or mixture consisting of linseed oil (raw or boiled) and any other product, or any compound or mixture consisting of oil of turpentine and any other product, or any product which is intended to be used as a substitute for linseed oil (raw or boiled) or for oil of turpentine, which is offered or exposed for sale or sold in package or wrapped form shall be labeled on each package or container as provided in sections nine (9) to twelve (12), inclusive, except that the label shall be printed with ordinary bold-faced type in capital letters not less than five-line pica in size and the words "substitute for linseed oil" or "substitute for oil of turpentine", as the case may be, shall also appear upon the label in the same manner prescribed for other items. Every storage receptacle containing any such product shall be labeled in the manner herein prescribed for the labeling of the package or container in which such product is offered or exposed for sale, or sold.

CHAPTER 13

PETROLEUM PRODUCTS

Sec. 139. Definitions. For the purpose of this chapter:

1. "Container" shall include can, cask, barrel, tank, vessel, and other receptacles of like nature.

2. "Illuminating oil" shall mean any product of petroleum which is used or intended to be used for illuminating purposes.

Sec. 140. Labeling gasoline, benzine, and naphtha. Gasoline, benzine, or naphtha, offered or exposed for sale, or sold in containers within this state, shall be conspicuously marked in the English language with figures showing the Baume gravity test at a temperature of sixty degrees (60°) Fahrenheit. If such products are sold from a tank wagon, the person selling or delivering the same shall indicate on each sale ticket said gravity test.

Sec. 141. Inspection of gasoline, benzine, and naphtha. The department shall, upon complaint, and may at other times when deemed advisable, cause to be inspected any gasoline, benzine, or naphtha for the purpose of determining whether the same ^{is} up to the specifications adopted by the United States Department of Interior.

Sec. 142. Gasoline containers. No person shall keep, sell, or deliver in this state any gasoline except in a container painted bright red and plainly marked "Gasoline" in the manner prescribed by the department.

Sec. 143. Storage tanks for manufacturing purposes exempted. The require-

ments of the preceding section shall not apply to storage tanks having a capacity of not less than ten (10) gallons from which gasoline is used for manufacturing or mechanical purposes.

Sec. 144. Unlawful use of gasoline containers for kerosene. No person shall keep, sell, or deliver any kerosene in a container painted or marked as prescribed in the second preceding section.

Sec. 145. Inspection of illuminating oil. No person shall offer or expose for sale, or sell, any illuminating oil unless the same shall have been inspected and branded as provided in this chapter.

Sec. 146. Method of making inspection. All inspections of illuminating oils shall be made in accordance with the rules of the department of agriculture and said department shall prescribe the instruments and apparatus to be used, and the same shall have inscribed thereon the words "Department of Agriculture".

Sec. 147. Branding - certificate of inspection. After each inspection of an illuminating oil the container shall be branded by the inspector with the result of the inspection and the person for whom it was made shall be given a certificate of inspection. The form of brands and certificates of inspection shall be prescribed by the rules of the department.

Sec. 148. Brand on empty containers to be destroyed. No person, except as otherwise provided by the rules of the department, shall buy, use, sell, offer or expose for sale, or otherwise dispose of any empty container upon which there is a state oil inspection brand unless the same shall have been completely destroyed.

Sec. 149. Adulteration of illuminating oil. An illuminating oil shall be deemed to be adulterated if mixed with any substance in such a manner as to render it dangerous or impair its efficiency for use for illumination purposes.

Sec. 150. General standard for illuminating oil. No person shall use, offer or expose for sale, or sell any illuminating oil, except as provided in the two (2) following sections, which shall emit a combustible vapor at a temperature of less than one hundred degrees (100°) Fahrenheit, when tested by the flash test as prescribed by the rules of the department.

Sec. 151. Exceptions. The preceding section shall not apply to illuminating oil when used or sold for use under the following conditions:

1. When said oil is stored in closed reservoirs outside the building which is lighted by gas generated from the same.
2. When said oil is burned in a lamp or apparatus approved by the department for the lighter products of petroleum.
3. When said oil is burned in street lamps.

Sec. 152. Standard for use on trains and boats. No person shall use, burn, or carry for use on any railway passenger car, baggage, mail, or express car, street railway car, boat, or other means of public conveyance, any illuminating oil or other fluid composed to any extent of petroleum or its products which will ignite and burn at a temperature below three hundred one degrees (301°) Fahrenheit, when tested by the igniting and burning test as prescribed by the rules of the department.

Sec. 153. Approval of lamps for lighter petroleum products. The department

shall examine the particular design, mechanism, and workmanship of any lamp or apparatus for burning the lighter products of petroleum for illuminating purposes, which may be presented to it for approval, and after testing the same, if it finds such lamp or apparatus to be safe, it shall enter the findings in the records of said department. No person shall sell or use any such lamp or apparatus unless the same has been approved as provided in this section.

Sec. 154. Cancellation of approvals. If the department ascertains that any lamp or apparatus which it has approved as safe, because of change of design, the use of unsuitable material, poor workmanship in construction, or for any other cause, is unsafe as then manufactured, and dangerous to public safety, it shall cancel its approval of such lamp or apparatus; and no person shall sell or use the same in burning the lighter products of petroleum for illuminating purposes.

Sec. 155. Notification of inspectors. The department shall notify by registered letter each of its inspectors of any approval or disapproval of any lamp or apparatus.

Sec. 156. Notification of uninspected oils. Every person who receives illuminating oils for use or sale which have not been inspected as provided in this chapter shall, within five (5) days after the receipt thereof, notify the department or one (1) of its inspectors that the same is in his possession.

Sec. 157. Dealer to report receipts of illuminating oils. Every person receiving any illuminating oil, subject to inspection under this chapter, shall file with the department before the tenth day of each month a duly verified certificate in the form prescribed by said department showing every receipt of illuminating oil during the preceding month. Said report shall contain the following items:

1. The number of tanks or barrels received.
2. The tank number, if in tanks, of each product inspected by the state.
3. The amount of fees paid for such inspection.
4. The person to whom the fees were paid.

Sec. 158. Inspection fee. A charge of seven cents (7c) per barrel shall be collected from the person for whom any illuminating oil is inspected, fifty-five (55) gallons for this purpose constituting a barrel, and said charge shall be a lien upon the oil inspected and be collected by the inspector making the same. All fees collected under this chapter shall be turned over to the department.

Sec. 159. Reduction of inspection fee. On the first day of July of each year the department shall ascertain the total receipts and expenses for the inspection of illuminating oil during the preceding year and if the receipts exceed the total expenses of inspection by the sum of four thousand dollars (\$4,000.00), it shall reduce the inspection fee for the ensuing year to such sum per barrel as will approximately yield revenue equal to the expenses during the preceding year, plus the sum of four thousand dollars (\$4,000.00).

Sec. 160. Increase of inspection fee. If in any year such reduced inspection fee proves insufficient to meet the total expenses for the inspection of petroleum products for said year, the department shall increase said inspection fee in an amount sufficient to pay the entire expenses of such inspection, but not to exceed the sum of seven cents (7c) per barrel.

Sec. 161. Rebates on sales outside the state. The department shall adopt

rules for granting rebates upon oils sold outside the state, but no refund of charges paid for inspection shall be made except upon a duly verified certificate of the owner that the goods for which the refund is asked have been disposed of outside of the state.

Sec. 162. Determination of rebate. The amount of such rebate per barrel allowed during any fiscal year, shall be determined by the department during the month of July of each year and shall equal approximately the net proceeds per barrel from the inspection service of the state during the preceding fiscal year.

Sec. 163. Record of inspections. The department shall keep an accurate record of all illuminating oils inspected and branded, the number of gallons, the number and kind of containers, the date and number of gallons approved, the number rejected, the name of the person for whom inspection was made, the amount of money received therefor, and the necessary traveling expenses incurred, and the expense incurred in prosecutions, which record shall be open at all reasonable times to public inspection.

Sec. 167. False branding - punishment. Any person who shall knowingly alter or deface a state inspection brand upon any container of illuminating oil, before the same is emptied, or who shall falsely brand any container of illuminating oil in imitation of a state inspection brand, shall be guilty of forgery and punished accordingly.

Sec. 168. False branding and misconduct by inspectors. Any inspector who shall be guilty of any of the following acts shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) and shall be liable in a civil action for all damages resulting from said acts:

1. Falsely branding any container of illuminating oil.
2. Practicing any fraud or deceit in the discharge of his duties.
3. Official misconduct or culpable negligence to the injury of

another.

4. Dealing in or having pecuniary interest, directly or indirectly, in the sale of any illuminating oils.

Sec. 169. Civil liability. Any person violating any of the provisions of this chapter shall be liable in a civil action for all damages resulting from such violation.

CHAPTER 13-A

MATRESSES AND COMFORTS

Sec. 169-a1. Definitions. For the purpose of this chapter:

1. A mattress shall include what is commonly known as a bed mattress, and also any other article for use as a bed pad, consisting of an outer covering of cloth, ticking, or other fabric, and stuffed or filled with hair, wool, moss, cotton, excelsior, or any other material.

2. A comfort shall include what is commonly known as a bed comfort, and also any other article for use as a bed cover, consisting of an outer covering of cloth, or any other fabric, with wool, cotton, or other material between.

Sec. 169-a2. Materials used in mattresses. No person shall knowingly manufacture, introduce into the state, solicit orders for, sell, deliver, trans-

port, have in possession with the intent to sell, or offer or expose for sale any mattress or comfort which is made from any infectious, insanitary, or unhealthful material, or any material which has been previously used, except sterilized feathers.

Sec. 169-a3. Labeling mattresses. Every mattress and comfort offered or exposed for sale shall have attached upon the outside thereof, a cloth, or cloth-lined, label not less than two by three inches in size, upon which shall be legibly written or printed, in the English language, in letters not less than one-eighth of an inch in height, a description of the materials used in the filling, with the name and address of the maker of such mattress or comfort. The sewing of one edge of said label securely to said article shall be sufficient.

Sec. 169-a4. Form of label. The label provided in the preceding section shall be in substantially the following form, but may contain thereon additional statements or information:

"OFFICIAL STATEMENT

Manufactured of New Material.

(Here describe kind and character of filling.)

This article is made in compliance with chapter ____ of title ____ of the Code of Iowa.

(Here state manufacturer's name and address.)

hsvu

Factory Number

Sec. 169-a5. Registration of manufacturers. Every manufacturer of mattresses or comforts shall register with the department of agriculture and be assigned by it a factory number, which shall show on each label as required by the preceding section.

Sec. 169-a6. Factory inspection - fees. Each factory in the state, where mattresses or comforts are made, shall be inspected at least once each year, for which inspection a fee of ten dollars (\$10.00) shall be paid to the state by the owner of the factory inspected, but no owner shall be required to pay fees in excess of twenty dollars (\$20.00) for any one calendar year.

Sec. 169-a7. Prima facie evidence. The finding of any infectious, insanitary, unhealthful, or second-hand material in that part of any factory devoted to the manufacture of mattresses or comforts, shall be prima facie evidence that such material has been and is being used in violation of this chapter.

Sec. 169-a8. Exceptions - remade mattresses. This chapter shall not apply to any mattress or comfort made by any person for his individual or family use, nor to the remaking of any mattress or comfort not thereafter to be sold or offered for sale.

A remade mattress or comfort shall have attached thereto a label of the kind hereinbefore provided, except that such label shall bear the words "Remade from Used Material" in lieu of the words "Manufactured of New Material".

CHAPTER 14

STANDARD WEIGHTS AND MEASURES

Sec. 170. Standard established. The weights and measures which have been presented by the department to the federal bureau of standards and approved.

standardized, and certified by said bureau in accordance with the laws of the congress of the United States shall be the standard weights and measures throughout the state.

Sec. 171. Length and surface measure. The unit or standard measure of length and surface from which all other measures of extension shall be derived and ascertained, whether they be lineal, superficial, or solid, shall be the standard yard secured in accordance with the provisions of the preceding section. It shall be divided into three (3) equal parts called feet, and each foot into twelve (12) equal parts called inches, and for the measure of cloth and other commodities commonly sold by the yard it may be divided into halves, quarters, eights, and sixteenths. The rod, pole, or perch shall contain five and one-half ($5 \frac{1}{2}$) such yards, and the mile, one thousand seven hundred sixty (1,760) such yards.

Sec. 172. Land measure. The acre for land measure shall be measured horizontally and contain ten (10) square chains and be equivalent in area to a rectangle sixteen (16) rods in length and ten (10) rods in breadth, six hundred and forty (640) such acres being contained in a square mile. The chain for measuring land shall be twenty-two (22) yards long, and be divided into one hundred (100) equal parts, called links.

Sec. 173. Weight. The units or standards of weight from which all other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights secured in accordance with the provisions of section one hundred seventy (170). The avoirdupois pound, which bears to the troy pound the ratio of seven thousand (7,000) to five thousand seven hundred sixty (5,760), shall be divided into sixteen (16) equal parts called ounces; the hundredweight shall consist of one hundred (100) avoirdupois pounds, and twenty hundredweight shall constitute a ton. The troy ounce shall be equal to the twelfth part of of a troy pound.

Sec. 174. Liquids. The unit or standard measure of capacity for liquids from which all other measures of liquids shall be derived and ascertained shall be the standard gallon secured in accordance with the provisions of section one hundred seventy (170). The gallon shall be divided by continual division by the number two (2) so as to make half-gallons, quarts, pints, half-pints, and gills. The barrel shall consist of thirty-one and one-half ($31 \frac{1}{2}$) gallons, and two (2) barrels shall constitute a hoghead.

Sec. 175. Dry measure. The unit or standard measure of capacity for substances not liquids from which all other measures of such substances shall be derived and ascertained shall be the standard half-bushel secured in accordance with the provisions of section one hundred seventy (170). The peck, half-peck, quarter-peck, quart, pint, and half-pint measures for measuring commodities which are not liquids, shall be derived from the half-bushel by successively dividing the cubic inch capacity of that measure by two (2).

Sec. 176. Bottomless measure. Bottomless dry measure shall not be used unless they conform in shape to the United States standard dry measures.

Sec. 177. Sales of dry commodities to be by weight. All dry commodities unless brought or sold in package or wrapped form shall be bought or sold only by the standard weight or measure herein established, or by numerical count, unless the parties otherwise agree in writing, except as provided in the four (4) following sections.

Sec. 178. Drugs and section comb honey exempted. The requirements of the

preceding section shall not apply to drugs or section comb honey.

Sec. 179. Bushel measured by avoirdupois weight. When any of the commodities enumerated in this section shall be sold by the bushel or fractional part thereof, except when sold as provided in the two (2) following sections, the measure shall be determined by avoirdupois weight and shall be computed as follows:

| Commodities | Pounds |
|---|--------|
| Apples | 48 |
| Apples, dried | 24 |
| Alfalfa seed | 60 |
| Barley | 48 |
| Beans, green, unshelled | 56 |
| Beans, dried | 60 |
| Beans, lima | 56 |
| Beets | 56 |
| Blue grass seed | 14 |
| Bran | 20 |
| Bromus inermis | 14 |
| Broom corn seed | 50 |
| Buckwheat | 48 |
| Carrots | 50 |
| Castor beans, shelled | 50 |
| Charcoal | 20 |
| Cherries | 40 |
| Clover seed | 60 |
| Coal | 80 |
| Coke | 40 |
| Corn on the cob (field) | 70 |
| Corn in the ear, unhusked (field) | 75 |
| Corn, shelled (field) | 56 |
| Corn meal | 48 |
| Cucumbers | 48 |
| Emmer | 40 |
| Flaxseed | 56 |
| Grapes, with stems | 40 |
| Hempseed | 44 |
| Hickory nuts, hulled | 50 |
| Hungarian grass seed | 50 |
| Kaffir corn | 56 |
| Lime | 80 |
| Millet seed | 50 |
| Oats | 32 |
| Onions | 52 |
| Onion top sets | 28 |
| Onion bottom sets | 32 |
| Orchard grass seed | 14 |
| Osage orange seed | 32 |
| Paranips | 45 |
| Peaches | 48 |
| Peaches, dried | 33 |
| Peanuts | 22 |
| Pears | 45 |
| Peas, green, unshelled | 50 |
| Peas, dried | 60 |
| Plums | 48 |

| | |
|--|-----|
| Popcorn, on the cob | 70 |
| Popcorn, shelled | 56 |
| Potatoes | 60 |
| Quinces | 48 |
| Rape seed | 50 |
| Redtop seed | 14 |
| Rutabagas | 60 |
| Rye | 56 |
| Salt | 80 |
| Sand | 130 |
| Shorts | 20 |
| Sorghum saccharatum seed | 50 |
| Spelt | 40 |
| Sweet corn | 50 |
| Sweet potatoes | 50 |
| Timothy seed | 45 |
| Tomatoes | 50 |
| Turnips | 55 |
| Walnuts, hulled | 50 |
| Wheat | 60 |
| All root crops not specified above | 50 |

Sec. 180. Sale of certain fruits and vegetables by dry measure. Blackberries, blueberries, cranberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries, also onion sets in quantities of one (1) peck or less, may be sold by the quart, pint, or half-pint, dry measure.

Sec. 181. Sale of fruits and vegetables in climax baskets. Grapes, other fruits, and vegetables may be sold in climax baskets; but when said commodities are sold in such manner and the containers are labeled with the net weight of the contents in accordance with the provisions of section nine (9), all the provisions of the chapter relative to labeling foods shall be deemed to have been complied with.

Sec. 182. Berry boxes and climax baskets. Berry boxes sold, used, or offered or exposed for sale shall have an interior capacity of one (1) quart, pint, or half pint dry measure. Climax baskets sold, used, or offered or exposed for sale shall be of the standard size fixed below:

1. Two-quart basket; length of bottom piece, nine and one-half (9 1/2) inches; width of bottom piece, three and one-half (3 1/2) inches; thickness of bottom piece, three-eighths (3/8) of an inch; height of basket, three and seven-eighths (3 7/8) inches, outside measurement; top of basket, length eleven (11) inches, and width five (5) inches, outside measurement; basket to have a cover five (5) by eleven (11) inches, when a cover is used.

2. Four-quart basket; length of bottom piece, twelve (12) inches; width of bottom piece, four and one-half (4 1/2) inches; thickness of bottom piece, three-eighths (3/8) of an inch; height of basket, four and eleven-sixteenths (4 11/16) inches, outside measurement; top of basket, length fourteen (14) inches, width six and one-fourth (6 1/4) inches, outside measurement; basket to have cover six and one-fourth (6 1/4) inches by fourteen (14) inches, when cover is used.

3. Twelve-quart basket; length of bottom piece, sixteen (16) inches; width of bottom piece, six and one-half (6 1/2) inches; thickness of bottom piece, seven-sixteenths (7/16) of an inch, outside measurement; top of basket, length nineteen (19) inches, height of basket, seven and one-sixteenth (7 1/16) inches, width nine (9) inches, outside measurement; basket to have cover nine

(9) inches by nineteen (19) inches, when cover is used.

Sec. 183. Hop boxes. The standard box used in packing hops shall be thirty-six (36) inches long, eighteen (18) inches wide, and twenty-three and one-fourth (23 1/4) inches deep, inside measurement.

Sec. 184. Milk bottles. The standard bottle used for the sale of milk and cream shall be of a capacity of one-half (1/2) gallon, three (3) pints, one (1) quart, one (1) pint, one-half (1/2) pint, one (1) gill, filled full to the bottom of the lip.

Sec. 185. Flour. A barrel of flour shall consist of one hundred ninety-six (196) pounds avoirdupois, and one-fourth (1/4) barrel consisting of forty-nine (49) pounds shall be a sack of flour.

No barrel or sack of flour shall be sold which contains less than the amount herein specified.

Sec. 186. Mason work or stone. The perch of mason work or stone shall consist of twenty-five (25) feet, cubic measure.

Sec. 187. Sales to be by standard weight or measure. All commodities bought or sold only by weight or measure shall be bought or sold by the standards established by this chapter, unless the vendor and vendee otherwise agree. Sales by weight shall be by avoirdupois weight unless troy weight is agreed upon by the vendor and vendee.

CHAPTER 15

SALES OF CERTAIN COMMODITIES FROM BULK

Sec. 188. Sales of coal, charcoal, and coke. No person shall sell, offer or expose for sale any coal, charcoal, or coke in any other manner than by weight, or represent any of said commodities as being the product of any county, state, or territory, except that in which mined or produced, or represent that said commodities contain more British thermal units than are present therein.

Sec. 189. Delivery tickets required. No person shall deliver any of said commodities without each such delivery being accompanied by duplicate delivery tickets, on each of which shall be written in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivering vehicle, and the net amount in weight of the commodity, with the names of the purchaser and the dealer from whom purchased.

Sec. 190. Disposition of delivery tickets. One (1) of said duplicate tickets shall be delivered to the vendee and the other one (1) shall be returned to the vendor. Upon demand of the department the person in charge of the load shall surrender one (1) of said duplicate tickets to the person making such demand. If said ticket is retained an official weight slip shall be delivered by said department to the vendee or his agent.

Sec. 191. Sales without delivery. When the vendee carries away the commodity purchased, a delivery ticket, showing the actual number of pounds received by him, shall be issued to him by the vendor.

Sec. 192. Sales of hay or straw by bale. No person shall sell, offer or expose for sale any bales of hay or straw without first attaching thereto

a plain and conspicuous statement of the minimum net weight contained in such bales; but nothing in this section shall be construed to require a statement of weight on each bale where hay or straw is sold by the ton and a ticket showing the gross, tare, and net weight accompanies the delivery.

Sec. 193. Inspection of loaded vehicles. The department may stop any wagon, auto, truck, or other vehicle loaded with any commodity being bought, offered or exposed for sale, or sold, and compel the person having charge of the same to bring the load to a scale designated by said department and weighed for the purpose of determining the true net weight of the commodity.

CHAPTER 16

STATE AND CITY SEALERS

Sec. 194. State sealer. The department shall designate one (1) of its assistants to act as state sealer of weights and measures. All weights and measures sealed by him shall be impressed with the word "Iowa".

Sec. 195. Preservation of standards. The department shall maintain the state standards in good order, shall take all necessary precautions for their safekeeping, and shall submit them once in ten (10) years to the national bureau of standards for certification.

Sec. 196. Testing weights and measures. Upon written request of any citizen, firm, or corporation, city, town, or county, or educational institution of the state made to the department, a test or calibration of any weights, measures, weighing or measuring devices, and instruments or apparatus to be used as standards shall be made.

Sec. 197. Sealing milk bottles not required. The state sealer shall not be required to seal bottles for milk or cream, but they shall be inspected from time to time in order to ascertain whether they are standard.

Sec. 198. Sealer for cities and towns. A sealer of weights and measures may be appointed in any city or town by the council, who shall hold his office during its pleasure, and may obtain from the department such standard weights and measures as the council may deem necessary.

Sec. 199. Duties of city sealer. Each sealer in cities and towns shall take charge of and provide for the safekeeping of the city or town standards, and see that the weights, measures, and all apparatus used for determining the quantity of commodities used throughout the town or city, agree with the standards in his possession.

Sec. 200. Expenses. All expenses directly incurred in furnishing the several cities and town with standards, or in comparing those that may be in their possession, shall be borne by said cities and towns.

CHAPTER 17

PUBLIC SCALES AND OIL METERS

Sec. 201. Definitions. For the purpose of this chapter:

1. "Public scale" shall mean any scale or weighing device for the use of which a charge is made or compensation is derived.

2. "Gasoline pump" shall mean any pump, meter, or similar measuring device used for measuring gasoline.

Sec. 202. License required. Every person who shall use or display for use any public scale or gasoline pump shall secure a license for said scale or pump from the department.

Sec. 203. Fee- expiration of license. The license fee shall be three dollars (\$3.00) per annum and each license for a public scale shall expire on December thirtieth and for a gasoline pump on June thirtieth of each year.

Sec. 204. Form of license. The license shall be in the form of a metal plate bearing the words "Licensed by the State of Iowa, No." Each plate shall be numbered consecutively and bear the year for which the license is granted.

Sec. 205. License to be displayed - removal - penalty. The license plate shall be displayed prominently on the front of the scale or pump, and the defacing or wrongful removal of such plate shall be punished as provided in chapter one (1) of this title. Absence of license plate shall be prima facie evidence that the weighing or measuring device is being operated contrary to law.

Sec. 206. Oath of weighmasters. All persons keeping public scales, before entering upon their duties as weighmasters, shall be sworn before some person having authority to administer oaths, to keep their scales correctly balanced, to make true weights, and to render a correct account to the person having weighing done.

Sec. 207. Weighmasters to keep registers. Weighmasters are required to make true weights and keep a correct register of all weighing done by them, giving the amount of each weight, date thereof, and the name of the person or persons for whom done, and give, upon demand, to any person having weighing done, a certificate showing the weight, date, and for whom weighed.

Sec. 208. Penalty. Any weighmaster violating any of the provisions of the two (2) preceding sections, shall be guilty of a misdemeanor, and punished as provided in chapter one (1) of this title, and be liable to the person injured for all damages sustained.

CHAPTER 18

INSPECTION OF WEIGHTS AND MEASURES

Sec. 209. Duty to inspect. The department shall make an inspection of all weights and measures wherever the same are kept for use in connection with the sale of any commodity sold by weight or measurement, or where the price to be paid for producing any commodity is based upon the weight or measurement thereof; and when complaint is made to the department that any false or incorrect weights or measures are being made under said conditions, said department shall have the same inspected.

Sec. 210. Inspection fees. An inspection fee shall be charged the person owning or operating the scale so inspected in accordance with the following schedule: Scales with a five hundred (500) pounds' capacity up to and including four thousand (4,000) pounds' capacity, one dollar (\$1.00) each; scales over

four thousand (4,000) pounds' capacity up to and including twenty-one thousand (21,000) pounds' capacity, three dollars (\$3.00) each; scales over twenty-one thousand (21,000) pounds' capacity not including railroad track scales, five dollars (\$5.00) each; railroad track scales, ten dollars (\$10.00) each; all hopper or automatic scales, two dollars (\$2.00).

Sec. 211. Payment by party complaining. When such inspection shall be made upon the complaint of any person other than the owner of the scale, and upon examination the scale is found by the department to be accurate for weighing, the inspection fee for such inspection shall be paid by the person making complaint.

Sec. 212. Limitation on number of inspections. No person shall be required to pay more than two (2) inspection fees for any one (1) scale in any one (1) year unless additional inspections are made at the request of the owner of said scale.

Sec. 213. Confiscation and condemnation of scales. The department may seize without warrant and confiscate any incorrect scales, weights or measures, or any weighing apparatus or part thereof which do not conform to the state standards or upon which the license fee has not been paid. If any weighing or measuring apparatus or part thereof be found out of order the same may be tagged by the department "Condemned until repaired", which, tag shall not be altered or removed until said apparatus is properly repaired.

Sec. 214. Possession of false weights or measures. If any person engaged in the purchase or sale of any commodity by weight or measurement, or in the employment of labor where the price thereof is to be determined by weight or measurement of the articles upon which such labor is bestowed, has in his possession any inaccurate scales, weights or measures, or other apparatus for determining the quantity of any commodity, which do not conform to the standard weights and measures, he shall be punished as provided in chapter one (1) of this title.

Sec. 215. Transaction by false weights and measures. Any person shall be deemed to have violated the provisions of this chapter and shall be punished as provided in chapter one (1) of this title:

1. If such person sell, trade, deliver, charge for or claim to have delivered to a purchaser an amount of any commodity which is less in weight or measure than that which is asked for, agreed upon, claimed to have been delivered, or noted on the delivery ticket.

2. If such person make settlement for or enter credit, based upon any false weight or measurement, for any commodity purchased.

3. If such person makes settlement for or enter credit, based upon any false weight or measurement, for any labor where the price of producing or mining is determined by weight or measure.

4. If such person record a false weight or measurement upon the weight ticket or book.

Sec. 216. Reasonable variations - small packages. In enforcing the provisions of the preceding section reasonable variations shall be permitted and exemptions as to small packages shall be established by rules of the department.

Sec. 217. Power of cities and towns limited. Commodities weighed upon

any scale bearing the inspection card, issued by the department, shall not be required to be reweighed by any ordinance of any city or town or city under special charter or under the commission form of government, nor shall their sale, at the weights so ascertained, and because thereof, be, by such ordinance, prohibited or restricted.

Approved April 26, 1924.

CHAPTER 166

DRUGS, POISONS AND NARCOTICS

H. F. 261-A

AN ACT to amend, revise, and codify sections fourteen hundred twenty-four (1424), fourteen hundred twenty-seven (1427) to fourteen hundred twenty-nine (1429), inclusive, eighty-eight hundred fifty-two (8852), eighty-eight hundred sixty-four (8864), eighty-eight hundred sixty-five (8865), and chapter fifteen (15) of title six (6) of the compiled code of Iowa; and sections fourteen hundred thirty (1430), fourteen hundred thirty-a one (1430-al), fourteen hundred thirty-one (1431), fourteen hundred thirty-two (1432), and chapter fourteen-a (14-a) of title six (6) of the supplement to the compiled code of Iowa, relating to drugs, poisons, narcotics, and abortifacients.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fourteen hundred twenty-four (1424), fourteen hundred twenty-seven (1427) to fourteen hundred twenty-nine (1429) inclusive, eighty-eight hundred fifty-two (8852), eighty-eight hundred sixty-four (8864) eighty-eight hundred sixty-five (8865), and chapter fifteen (15) of title six (6) of the compiled Code of Iowa; and sections fourteen hundred thirty (1430), fourteen hundred thirty a one (1430-al), fourteen hundred thirty-one (1431), fourteen hundred thirty-two (1432), and chapter fourteen-a (14-a) of title six (6) of the supplement to the compiled Code of Iowa, are amended, revised, and codified to read as follows:

CHAPTER 9

ADULTERATION AND LABELING OF DRUGS

Section 115. Drug defined. For the purposes of this chapter "drug" shall include all substances and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary and any substances or mixture of substances intended to be used for the cure, mitigation, or prevention of diseases of either man or animal.

Sec. 116. Adulteration defined. For the purposes of this chapter a drug shall be deemed to be adulterated:

1. If it is sold by a name recognized in the United States Pharmacopoeia or National Formulary and it differs from the standard of strength, quality, or purity as determined by the test laid down therein.

2. If its strength, quality, or purity falls below the standard under which sold.

Sec. 117. Labeling of drugs. Every drug offered or exposed for sale, or sold in package or wrapped form, shall be labeled on the package or container as prescribed in sections nine (9) and ten (10) of House File 261, special session, Fortieth General Assembly, except that the quantity of the contents