

CHAPTER 183

IOWA SOYBEAN ASSOCIATION

S. F. 478

AN ACT to provide for an additional agricultural producer association and including such association in the agriculture marketing board.

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

Title nine (IX), Code 1962, is hereby amended by adding thereto the following new chapter consisting of sections one (1) and two (2) of this Act.

1 SECTION 1. The corporation known as the Iowa soybean associa-
2 tion incorporated under the laws of this state shall be entitled to the
3 benefits of this chapter by filing each year with the department of
4 agriculture verified proofs of its organization, names of its officers,
5 and five hundred persons who are bona fide members thereof together
6 with such other information as the department may require.

1 SEC. 2. The Iowa soybean association shall:

2 1. Aid in the promotion of the soybean industry of Iowa through
3 education, research, marketing, transportation study, and public re-
4 lations programs, and to foster research designed to develop new,
5 additional and improved uses for soybean products and determine bet-
6 ter methods of converting them to various industrial and human uses.

7 2. Make an annual report of the proceedings to the secretary of
8 agriculture.

1 SEC. 3. Section one hundred fifty-nine point twenty-five (159.25),
2 Code 1962, is amended by inserting after the word "association" in
3 line fifteen (15) the words ", Iowa soybean association".

4 Further amend said section by inserting in line thirty-two (32)
5 after the word "association" the words ", Iowa soybean association".

6 However, in the year 1965 three names shall be submitted by the
7 Iowa soybean association for a member to be appointed to the agri-
8 culture marketing board for a term of three years ending July 1, 1968.

Approved July 1, 1965.

CHAPTER 184

BRANDING LIVESTOCK

H. F. 59

AN ACT relating to marking and branding livestock.

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

Chapter one hundred eighty-seven (187), Code 1962, is hereby re-
pealed and the following enacted in lieu thereof:

1 SECTION 1. When used in this Act:

2 1. "Secretary" means the secretary of agriculture.

3 2. "Person" means an individual, firm, association, partnership, or

4 corporation; the singular shall also mean the plural where applicable.

5 3. "Brand" means an identification mark that is burned into the
6 hide of a live animal by a hot iron or another method approved by the
7 secretary.

1 SEC. 2. Any person having cattle, sheep, horses, mules, or asses
2 shall have the right to adopt a brand for the use of which he shall have
3 the exclusive right in this state, after recording such brand as pro-
4 vided in sections four (4) and six (6) or nine (9) of this Act.

1 SEC. 3. No evidence of ownership by brand shall be permitted in
2 any court in this state unless the brand shall be recorded as provided
3 in sections four (4) and six (6) or nine (9) of this Act.

1 SEC. 4. Any person desiring to adopt a brand shall forward to the
2 secretary proper brand application forms of such desired brand, to-
3 gether with a recording fee of fifteen (15) dollars. Upon receipt of
4 such application and fee, the secretary shall file the same and unless
5 such brand is of record as that of some other person or conflicts with
6 or closely resembles the brand of another person, the secretary shall
7 record the same. If the secretary determines that such brand is of
8 record or conflicts with or closely resembles the brand of another
9 person he shall not record it but shall return such facsimile and fee to
10 the forwarding person. The power of examination, approval, accept-
11 ance, or rejection shall be vested in the secretary. It shall be the duty
12 of the secretary to file all brands offered for record pending the exami-
13 nation provided for in this section. The secretary shall make such
14 examination as promptly as possible. If the brand is accepted, the
15 ownership thereof shall vest in the person recording it from the date
16 of filing.

1 SEC. 5. The recording provided for in sections four (4) and six
2 (6) or nine (9) of this Act shall secure the brand to the person and
3 shall be considered personal property of said owner.

1 SEC. 6. As soon as the brand is recorded by the secretary, he shall
2 furnish the owner thereof with two (2) certified copies of the record
3 of such brand. Additional certified copies may be obtained by the pay-
4 ment of five (5) dollars for each copy. Upon receipt by the owner of
5 the certified copies of the record of such brand from the secretary, the
6 owner shall within ten (10) days file one (1) of the certified copies in
7 the office of the county recorder of the county where the owner's prin-
8 cipal place of business is located and one (1) copy in each county
9 where such branded animals are to be kept.

1 SEC. 7. It shall be unlawful to use any brand for branding any
2 horses, cattle, sheep, mules, or asses unless the brand has been re-
3 corded as provided by this Act. Anyone convicted of violating this
4 section shall be fined a sum not to exceed one hundred (100) dollars
5 or imprisoned in the county jail not to exceed thirty (30) days.

1 SEC. 8. Any brand recorded as provided in section four (4) of this
2 Act shall be the property of the person causing such record to be made
3 and shall be subject to sale, assignment, transfer, devise, and descent
4 as personal property. Instruments of writing, evidencing the sale,
5 assignment, or transfer of such brand shall be recorded by the secre-

6 tary and the fee for recording such sale, assignment, or transfer shall
7 be five (5) dollars.

1 SEC. 9. As soon as instruments of writing evidencing the sale, as-
2 signment, or transfer of a brand have been recorded by the secretary,
3 he shall furnish such new owner certified copies of such sale, assign-
4 ment, or transfer. Upon receipt of the certified copies from the sec-
5 retary, such person shall within ten (10) days file one (1) of such
6 certified copies in the office of the county recorder of the county or
7 counties where the certified copy or copies of the prior record of such
8 brand was filed under section six (6) or this section of this Act, one
9 (1) certified copy in the office of the county recorder of the county in
10 which such new owner's principal place of business is located, and one
11 (1) copy in each county where such branded animals are to be kept.

1 SEC. 10. In all suits at law or equity or in any criminal proceed-
2 ings in which the title to animals is an issue, the certified copies re-
3 corded as provided for in sections six (6) or nine (9) shall be prima-
4 facie evidence of the ownership of such animal by the person in whose
5 name the brand is recorded.

1 SEC. 11. It shall be the duty of the secretary from time to time to
2 cause to be published in book form a list of all brands on record at the
3 time of such publication. Such lists may be supplemented from time
4 to time. The publication shall contain a facsimile of all brands re-
5 corded and the owner's name and post-office address. The records shall
6 be arranged in convenient form for reference. It shall be the duty of
7 the secretary to send one (1) copy of the brand book and supplements
8 to the county recorder of each county. Such books and supplements
9 shall be without cost to the county and shall be kept as a matter of
10 public record. The books and supplements may be sold to the general
11 public at the cost of printing and mailing each book.

1 SEC. 12. All fees and money, collected under the provisions of sec-
2 tions four (4), six (6), eight (8), and thirteen (13) of this Act by
3 the secretary shall be placed in the general fund.

1 SEC. 13. Each owner of a brand of record beginning on January
2 1, 1970 shall pay to the secretary a fee of five (5) dollars and a fee of
3 five (5) dollars on January 1 of each fifth (5th) year thereafter. The
4 secretary shall give a receipt for all such payments made and if any
5 owner of a brand of record shall fail, refuse, or neglect to pay such
6 fee by July 1 of each year in which it is due, such brand shall become
7 forfeited and no longer carried in the record. Any such forfeited
8 brand shall not be issued to any other person within a period of less
9 than ten (10) years following date of forfeiture.

1 SEC. 14. Any person who shall brand, attempt to brand, or cause
2 to be branded the animals of another, or who shall efface, deface, or
3 obliterate or attempt to efface, deface, or obliterate any brand upon
4 any animal or animals of another, or who shall brand, attempt to
5 brand, or cause to be branded the recorded brand of another on any
6 animal shall be imprisoned in the penitentiary not to exceed two (2)
7 years or fined not to exceed one thousand (1,000) dollars, or both.

1 SEC. 15. Any person having duly recorded a brand or mark used
 2 on live animals in the office of any county recorder of any county in
 3 Iowa before the effective date of this Act shall be presumed to be the
 4 owner of such brand or mark and shall be protected in the use of such
 5 brand or mark for a period of ninety (90) days from the effective date
 6 of this Act. In the event any two (2) or more persons present for
 7 recording the same or similar brand, the one (1)* whose brand was
 8 recorded first (1st) with any county recorder shall be the one (1)*
 9 entitled to record, use, and own such brand pursuant to this Act. If
 10 such presumed owner fails to file application, facsimile, and recording
 11 fee as provided for in section four (4) of this Act within the ninety
 12 (90) day period, title to such brand or mark which may have been
 13 acquired by such recording shall terminate as of midnight of the last
 14 day of the ninety (90) day period. If such presumed owner files an
 15 application, facsimile, and recording fee as provided for in section
 16 four (4) of this Act it shall be the duty of the secretary to give pri-
 17 ority to examination of such application.

1 SEC. 16. The secretary may appoint a state branding committee to
 2 help initiate this program.

Approved May 10, 1965.

*According to enrolled Act.

CHAPTER 185

LABELING FOOD

S. F. 520

AN ACT relating to the labeling of foods and food products.

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

1 SECTION 1. Section one hundred eighty-nine point eleven (189.11),
 2 Code 1962, is hereby amended by inserting in line twelve (12) after
 3 the word "chapter" the words "or of chapter one hundred ninety (190)
 4 of the Code".

1 SEC. 2. Section one hundred ninety point one (190.1), Code 1962,
 2 is hereby amended by striking lines eighty-four (84) and eighty-five
 3 (85) of paragraph *a* of subsection thirty-five (35) of such section.

Approved May 19, 1965.