

# A BILL

FOR AN ACT REGULATING THE SALE OF LIVE STOCK REMEDIES AND STOCK FOODS; DEFINING THE SAME; PROVIDING FOR THE LABELING, REGISTRATION AND INSPECTION OF THE SAME; PROVIDING FOR AFFIXING OF LABELS AND A MEANS OF IDENTIFICATION OF REGISTRATION LICENSE AND INSPECTION; PROVIDING FOR AN INSPECTION FEE AND ITS COLLECTION; PROHIBITING THE SALE OF FRAUDULENT, INJURIOUS, DELETERIOUS AND ADULTERATED REMEDIES AND STOCK FOODS; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT AND REPEALING LAWS IN CONFLICT THEREWITH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The term live stock remedy as used in this act shall include all remedies composed exclusively of drugs having a specific action on the animal, and shall exclude all condimental feeds, medicated stock foods, stock food tonics, or any preparation containing food stuff or cereal or other fillers of any kind whatsoever.

Sec. 2. The term "condimental stock food" as used in this act shall include all medicated stock foods, stock food tonics, and all preparations composed of a diluent as hereinafter defined, and any drug, condiment or any substance, claimed to possess medicinal or condimental properties, or both, but shall not include live stock remedies as defined herein.

Sec. 3. For the purpose of this act, the term diluent shall include mill feeds of all kinds, linseed meal, elevator dust, earth, sand, common salt, and all substances of like nature.

Sec. 4. Every barrel, bag, pail, parcel or package of live stock remedy, as defined herein, and of condimental stock food defined herein, shall have affixed thereto in a conspicuous place on the outside thereof, distinctly printed in the English language in legible type, not smaller than eight point heavy Gothic caps, or plainly written, a statement certifying:

5 First: The net weight or, if liquid, the measure of the contents.

6 Second: The name, brand, or trademark under which the article is sold.

7 Third: The name and address of the manufacturer, importer, dealer or agent.

8 Fourth: The name and per cent of any poisonous ingredient present.

9 Fifth: The name and percentage of each diluent must be stated without any intervening  
10 matters.

11 Sixth: The registered number assigned to the particular kind or brand of such remedy or  
12 condimental stock food.

Sec. 5. It shall be unlawful for any live stock remedy and condimental stock foods to be  
2 labeled or branded so as to deceive or mislead the purchaser in any way, and the contents of  
3 any such package shall not be substituted in whole or in part for any other contents and any  
4 statement, design or device upon the label or package or in any literature accompanying the  
5 package regarding the substances contained therein shall be true and correct, and in any claim  
6 for such remedy shall not be false or misleading in any particular.

Sec. 6. Before any manufacturer, importer, dealer or agent shall solicit orders for, deliver,  
2 sell, offer or expose for sale in this state, any of the live stock remedies as defined herein or  
3 any condimental stock food as defined herein he shall file for registration with the state dairy  
4 and food commissioner, a statement that he desires to offer such live stock remedy or condi-  
5 mental stock food for sale in this state, also certificate verified before a notary public or other  
6 proper official, stating:

7 First: The name and address of the manufacturer or person placing such live stock remedy  
8 or condimental stock food on the market.

9 Second: The name, brand or trademark under which the remedy or condimental stock food  
10 is to be sold.

11 Third: The minimum net contents of the package, lot or parcel of such live stock remedy  
12 or condimental stock food.

13 Fourth: The English name of each ingredient used in the manufacture of the remedy or  
14 condimental stock food registered.

15 Said certificate shall become a part of the private records of the department and not subject  
16 to exposure to the public, and the said matters contained in said certificate shall not be used by  
17 any person deriving his knowledge of the same through the department, and should any mem-  
18 ber of the department divulge or expose in whole or in part any formula or ingredient thus  
19 registered except those ingredients required to be published on the label, he shall be guilty  
20 of a felony and upon conviction shall be imprisoned for not less than one year and not more  
21 than five years, or fined in a sum of not less than one hundred (\$100) dollars, nor more  
22 than five hundred (\$500) dollars; provided, however, that this limitation shall not apply to  
23 any official testifying in any prosecutions arising under this act or other proceeding or public  
24 hearing.

25 Every manufacturer or importer of any live stock remedy as defined herein, or condimental  
26 stock food as defined herein, shall pay to the state dairy and food commissioner an annual  
27 inspection fee of one hundred (\$100) dollars, and if he shall manufacture more than one such  
28 live stock remedy or condimental stock food, he shall pay in addition thereto an inspection fee

29 of ten (\$10) dollars per annum for each additional kind or brand of remedy or condimental  
30 stock food manufactured, imported or sold within the state of Iowa. All fees received by the  
31 state dairy and food commissioner under provisions of this act shall be turned into the state  
32 treasury. The payment of the inspection fees as herein provided by any manufacturer or  
33 importer of any such live stock remedy or condimental stock food, or of any brand thereof,  
34 shall exempt any other person or agent of any such manufacturer or importer or dealer in  
35 any such licensed live stock remedies or condimental stock foods or kinds or brands of same  
36 from the payment of any further or additional inspection fee.

37 To protect the legitimate manufacturer and the purchasing public against fraud, misbrand-  
38 ing and injurious, deleterious or adulterated remedies or condimental stock food every such  
39 manufacturer or importer shall upon the payment of said inspection fee for every such kind or  
40 brand of stock remedy or condimental stock food furnish a sample package thereof not to  
41 exceed in amount one pound by weight, or if liquid one pint by measure, and the said sample  
42 and the certificate which accompanies it shall be registered by suitable number, distinguish-  
43 ing it as a stock remedy or condimental stock food, and such number assigned to such remedy  
44 or condimental stock food may be used by such manufacturer or importer so long as the in-  
45 spection fee as provided herein shall be paid annually, and the state dairy and food commis-  
46 sioner shall not assign the same number to more than one manufacturer or importer on more  
47 than one kind or brand of such stock remedy, or condimental stock food.

48 Any such manufacturer or importer having furnished such certificate and sample of any  
49 such kind or brand of stock remedy or condimental stock food may at any time without pay-  
50 ment of additional fee, amend his certificate as to the ingredients contained in his remedy or  
51 condimental stock food, which shall thereafter be marked under the same number under which  
52 the former sample and certificate was furnished.

53 It shall be the duty of the state dairy and food commissioner or his assistant to inspect the  
54 factory of each manufacturer registering any stock remedy or condimental stock food under  
55 this law and operating within the state, and he shall have the authority to examine all records  
56 tending to disclose the ingredients used and to examine all ingredients so used in the manufac-  
57 ture of such remedy or condimental stock food.

58 The state dairy and food commissioner or his assistants shall also have the right to inves-  
59 tigate and inspect any portion of any stock remedy or condimental stock food wherever the  
60 same may be found within the state, and may make an examination and analysis of the same.

Sec. 7. To every such manufacturer or importer or to the person registering any such  
2 stock remedy or condimental stock food the state dairy and food commissioner shall issue a  
3 license for each kind or brand of such stock remedy or condimental stock food so registered,  
4 which license shall contain the name, distinguishing brand or trademark and the number as-

5 signed thereto upon registration, and may adopt such rules and regulations with respect to the  
6 registration and granting of such license as may be necessary to carry out the purpose of  
7 this law, and he may refuse to register any such remedy or condimental stock food the sale of  
8 which would tend to perpetrate a fraud upon the purchaser.

Sec. 8. No manufacturer, importer, agent or person shall sell, offer or expose for sale or  
2 solicit orders for any live stock remedy or condimental stock food in this state unless the  
3 same shall be labeled with a registered number as provided herein, and no such remedy or  
4 condimental stock food sold under any such registered number or license shall be different in  
5 its composition and ingredients from the sample furnished to the state dairy and food com-  
6 missioner to which the registered number is assigned, and no such remedy or condimental  
7 stock food shall be injurious or deleterious or contain any adulterated drug or substance.

Sec. 9. If it appears that any of the provisions of this act have been violated, the said dairy  
2 and food commissioner shall certify the facts to the proper county attorney and furnish that  
3 official with a copy of the results of the analysis or other examination of such live stock remedy  
4 or condimental stock food duly certified by the analyst or other official making examination.  
5 When prosecutions arise under the provisions of this act, certificates of the analyst or other  
6 official making the examination or analysis, when duly sworn to by such official shall be prima  
7 facie evidence of the fact or facts therein certified.

Sec. 10. The absence of a registration number on any package of live stock remedy or con-  
2 dimental stock food as defined herein shall be prima facie evidence that such inspection fee as  
3 required in this act is unpaid and the manufacturer, importer, dealer or agent offering or ex-  
4 posing such live stock remedy for sale, or soliciting orders therefor, shall be deemed guilty of  
5 violating the provisions of this act.

Sec. 11. Whoever shall counterfeit or use a counterfeit of any registered number or of  
2 statements prescribed by this act, or who shall interfere with or attempt to interfere with any  
3 inspector in the discharge of his duty, or who shall violate any of the provisions of this act,  
4 shall be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10) nor more  
5 than one hundred dollars (\$100) upon conviction thereof.

The inspection fee required herein may also be collected in a civil action brought in the  
7 name of the state in any court of competent jurisdiction against any delinquent manufac-  
8 turer, importer, agent or dealer for any annual inspection fee due from and after the taking  
9 effect of this act.

Sec. 12. All acts and parts of acts in so far as they are in conflict herewith are hereby re-  
2 pealed.