

# A BILL

FOR AN ACT REGULATING THE SALE OF CONCENTRATED COMMERCIAL FEEDING STUFFS, DEFINING SAME, PROVIDING FOR THEIR LABELING, INSPECTION AND FIXING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT THEREWITH.

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

Section 1. The term "commercial feeding stuffs" shall be held to include all feeding stuffs used for feeding live stock and poultry, except whole seeds or grains; the unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kafir and milo; whole hays, straws, cotton seed hulls and corn stover when unmixed with other materials. Together with all other materials containing 60 per cent or more of water.

Sec. 2. Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this state shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(a) The net weight of the contents of the package, lot or parcel;

(b) The name, brand or trade mark;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;

(d) The minimum per centum of crude protein;

(e) The minimum per centum of crude fat;

(f) The maximum per centum of crude fiber;

(g) The specific name of each ingredient used in its manufacture.

The crude protein, crude fat and crude fiber shall be determined by the methods in force at the time by the association of official agricultural chemists of the United States.

Sec. 3. Before any manufacturer, importer, jobber, firm, association, corporation or person shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs, he or they shall file with the state dairy and food commissioner a certified copy of the statement specified in section 2, with the exception of sub-division (a), for each brand of commercial feeding stuffs; said certified copy to be accompanied, when the state dairy and food commissioner shall so request, by a sealed package containing at least one pound of the commer-

7 cial feeding stuffs to be sold, offered or exposed for sale or distributed in this state, and the  
8 company or person furnishing said sample shall thereupon make affidavit that the said sample  
9 is representative of the commercial feeding stuffs offered for registration.

Sec. 4. Whenever any commercial feeding stuffs as defined in section 1, is offered or ex-  
2 posed for sale in bulk or otherwise stored, the manufacturer, importer, jobber, firm, associa-  
3 tion, corporation or person keeping the same for sale shall keep on hand cards upon which  
4 shall be printed the statement required by the provisions of section 2, and when such feeding  
5 stuffs is sold at retail in bulk or in packages belonging to the purchaser, the manufacturer,  
6 importer, jobber, firm, association, corporation or person shall furnish the purchaser, upon  
7 request, with a card or cards upon which appears the statement required by the provisions of  
8 section 2.

Sec. 5. The state dairy and food commissioner shall have power to refuse to register any  
2 commercial feeding stuffs under a name, brand or trade mark which would be misleading or  
3 deceptive, or which would tend to mislead or deceive as to the materials of which it is com-  
4 posed, or when the specific name of each and all ingredients used in its manufacture  
5 are not stated. He shall also have the power to refuse to register more than one com-  
6 mercial feeding stuffs under the same name or brand when offered by the same manu-  
7 facturer, importer, jobber, firm, association, corporation or person. Should any com-  
8 mercial feeding stuffs be registered in this state, and it is afterward discovered that such  
9 registration is in violation of any of the provisions of this act, the state dairy and food com-  
10 missioner shall have the power to cancel such registration. The state dairy and food com-  
11 missioner shall have the power to refuse to allow any manufacturer, importer, jobber, firm,  
12 association, corporation or person to lower the guaranteed analysis or change the ingredients  
13 of any brand of his or their commercial feeding stuffs during the term for which registered,  
14 unless satisfactory reasons are presented for making such change or changes.

Sec. 6. Whenever a manufacturer, importer, jobber, firm, association, corporation or per-  
2 son manufacturing or selling a brand of commercial feeding stuffs shall have filed the state-  
3 ment required by section 3, of this act, no other agent, importer, jobber, firm, association, cor-  
4 poration or person shall be required to file such statement upon such brand.

Sec. 7. The state dairy and food commissioner is authorized in person or by deputy to have  
2 free access to all places of business, mills, buildings, carriages, cars, vessels and parcels of  
3 whatsoever kind used in the manufacture, transportation, importation, sale or storage of any  
4 commercial feeding stuffs, and shall have the power and authority to open any parcel contain-  
5 ing or supposed to contain any commercial feeding stuffs, and upon tender and full payment  
6 of the selling price of said sample, to take therefrom in the manner prescribed in section 8,  
7 samples for analysis, and said dairy and food commissioner shall annually cause to be ana-

8 lyzed at least one sample so taken of every commercial feeding stuffs that is found sold, offer-  
9 ed or exposed for sale or distributed in this state.

Sec. 8. A representative sample of each brand of commercial feeding stuffs found sold,  
2 offered or exposed for sale shall be taken by the said dairy and food commissioner or his  
3 duly authorized representative in the presence of at least one witness. No action shall be  
4 maintained for a violation of the provisions of this act, based upon an analysis of a sample  
5 from not less than five separate original packages, unless there be less than five separate ori-  
6 ginal packages in the lot, in which case portions for the official sample shall be taken from  
7 each original package; if the commercial feeding stuffs is in bulk, portions shall be taken  
8 from not less than five different places in the lot; provided that this does not exclude sampling  
9 in bulk when not exposed sufficiently to take portions from five different places, in which  
10 case portions are to be taken from as many places as practicable. If the sample thus secured  
11 is larger than is required, it shall be mixed and quartered until a sample of suitable size re-  
12 mains. Said sample shall be divided into two parts, and shall be placed in packages and  
13 sealed in the presence of said witness, one of said packages so sealed shall be tendered, and  
14 if accepted, delivered to the person apparently in charge of such feeding stuffs; the other  
15 package the said dairy and food commissioner shall analyze or cause to be analyzed, and the  
16 result of such analysis, together with such additional information as the said dairy and food  
17 commissioner may deem advisable, shall be promptly transmitted to the manufacturer or per-  
18 son responsible for the placing of the commodity on the market, and shall be published in  
19 reports or bulletins from time to time. If the manufacturer or person responsible for the  
20 placing of any commodity so sampled upon the market be unable to secure the sample deliv-  
21 ered to the person apparently in charge of the feeding stuffs sampled, he shall upon request  
22 to the state dairy and food commissioner be furnished with a portion of the official sample  
23 referred to in this section. The methods of analysis shall be those in force at the time by  
24 the association of official agricultural chemists of the United States.

Sec. 9. If it appears that any of the provisions of this act has been violated, the state dairy  
2 and food commissioner shall certify the facts to the proper prosecuting attorney and furnish  
3 that officer with a copy of the result of the analysis or other examination of such feeding stuffs  
4 duly authenticated by the analyst or other officer making the determination, under the  
5 oath of such officer; provided that if it shall appear from any such examination that  
6 any of the provisions of this act have been violated the state dairy and food commis-  
7 sioner shall cause notice to be given to the manufacturer or dealer from whom said sample was  
8 taken; any party so notified shall be given an opportunity to be heard in his defence under  
9 such rules and regulations as may be prescribed by the state dairy and food commissioner  
10 before the facts shall be certified to the proper prosecuting attorney. In all prosecutions

11 arising under the provisions of this act, certificates of the analyst or other officer making the  
12 examination or analysis, when duly sworn to be such officer, shall be prima facie evidence of  
13 the fact or facts therein certified.

Sec. 10. Any manufacturer, importer, jobber, firm, association, corporation or persons who  
2 shall sell, offer or expose for sale, or distribute in this state, any commercial feeding stuffs  
3 without having attached thereto or furnished therewith such labels or tags as required by the  
4 provisions of this act, or who shall impede, obstruct, hinder or otherwise prevent or attempt  
5 to prevent said state dairy and food commissioner or his authorized agent in the performance  
6 of his duty in connection with the provisions of this act, or who shall sell, offer or expose  
7 for sale or distribute in this state any commercial feeding stuffs as defined in section 1, with-  
8 out complying with the requirements of the provisions of this act, or who shall sell, offer or  
9 expose for sale or distribute in this state any commercial feeding stuffs as defined in section  
10 1, without complying with the requirements of the provisions of this act, or who shall sell,  
11 offer or expose for sale or distribute in this state any commercial feeding stuffs which con-  
12 tains a smaller per centum of crude protein or crude fat or a larger per centum of crude fiber  
13 than is certified to be contained therein, or who shall fail to properly state the specific name of  
14 each and every ingredient used in its manufacture shall be deemed guilty of a violation of  
15 the provisions of this act and upon conviction thereof shall be fined not more than one hun-  
16 dred dollars (\$100.00) for the first violation and not less than one hundred dollars \$100.00)  
17 for each subsequent violation. Any manufacturer, importer, jobber, firm, association, corpora-  
18 tion or person who shall mix or adulterate any feeding stuffs with any substance or substances  
19 injurious to the health of live stock or poultry shall be deemed guilty of a violation of the  
20 provisions of this act, and in addition to the penalty provided in this section, the lot of feed-  
21 ing stuffs shall be subject to seizure, condemnation and sale as the court may direct; the pro-  
22 ceeds from such sale to be covered into the state treasury. The court may in its discretion  
23 release the feeding stuffs so seized when the requirements of the provisions of this act have been  
24 complied with, and upon payment of all costs and expenses incurred by the state in any pro-  
24 ceeding connected with such seizure.

Sec. 11. The state dairy and food commissioner is hereby empowered to enforce the provi-  
2 sions of this act and to prescribe and enforce such rules and regulations relating to the sale  
3 of commercial feeding stuffs as he may deem necessary to carry into effect the full extent  
4 and meaning of this act.

Sec. 12. All laws or parts of laws in conflict with the provisions of this act are hereby re-  
2 pealed.