

February 14, 1967

Passed on File

*On Calendar 2-15*  
*Agriculture 4-25 Part 5-9*

Passed Senate, Date 4-20-67

Passed House, Date 5-23-67

Vote: Ayes 52 Nays 2

Vote: Ayes 105 Nays 2

Approved June 8, 1967

Senate File 225

By COMMITTEE ON AGRICULTURE

## A BILL FOR

An Act relating to establishing a power of condemnation by the Secretary of Agriculture of articles found to be adulterated or improperly labeled.

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

1 Section 1. Chapter one hundred eighty nine (189), Code  
2 1966, is hereby amended by adding thereto the following new  
3 section under the title "LABELING-ADULTERATIONS":

4 "Unless a procedure or method of seizure and confiscation  
5 or condemnation is otherwise provided, the secretary is  
6 hereby authorized to prohibit the entrance into channels of  
7 commerce or possession of any article found to be adulterated  
8 or improperly labeled according to the provisions of this  
9 title or rules and regulations established hereunder. Any  
10 articles found in channels of commerce or in possession by  
11 an inspector which are not in compliance with the adultera-  
12 tion or labeling provisions of this title shall be subject  
13 to immediate seizure and confiscation by the department.  
14 Seized and confiscated articles shall be condemned unless  
15 of such character the articles can be made to conform with  
16 the provisions of this title by methods approved by the sec-  
17 retary. Condemned articles shall be effectively destroyed  
18 for the purpose for which they were intended by the owner of  
19 the article, or the owner's agent, under the supervision of  
20 an inspector in such manner as the secretary may prescribe."

- 1 Amend Senate File 225 as follows:
- 2 Amend section one (1) by inserting the word "that"
- 3 after the word "character" on line fifteen (15).

Filed - *Adopted 2-28*  
February 15, 1967

By NEU

- 1 Amend Senate File 225 as follows:
- 2 Amend section 1, line 14, by striking
- 3 the word "confiscated" and inserting
- 4 in lieu thereof the word "confiscated".

Filed and adopted  
February 28, 1967

By HEABERLIN

- 1 Amend Senate File 225 as follows:
- 2 1. By adding the following new section thereto:
- 3 "Sec. 2. Chapter one hundred eighty-nine (189),
- 4 Code 1966, is amended by adding the following new
- 5 section thereto:
- 6 'A party whose article, item, commodity or product
- 7 is wrongfully condemned or seized shall be entitled
- 8 to maintain a cause of action against the state of
- 9 Iowa, for the damage proximately caused by the wrong-
- 10 ful condemnation or seizure. Such cause of action
- 11 shall be a claim as defined by section twenty-five A
- 12 point one, subsection five (25A.1(5)) and subject
- 13 to the provisions of chapter twenty five A (25A) of
- 14 the Code.'

Filed - *Adopted 4-20*  
March 3, 1967

By HEABERLIN

- 1 Amend Senate File 225 as follows:
- 2 1. By adding the following as a new section to
- 3 chapter one hundred eighty-nine (189), Code 1966:
- 4 "Sec. 2. A party whose article, item, commodity
- 5 or product is wrongfully condemned or seized shall
- 6 be entitled to maintain a cause of action against
- 7 the state of Iowa, for the damage proximately
- 8 caused by the wrongful condemnation or seizure.
- 9 Such cause of action shall be a claim as defined
- 10 by section twenty five A point one subsection five
- 11 (25A.1(5)) and subject to the provisions of chapter
- 12 twenty five A (25A) of the Code."

Filed - *Withdrawn 3-9*  
March 2, 1967

By HEABERLIN

- 1 Amend Senate File 224 by striking all of line two (2)
- 2 of Section six (6) and by inserting in lieu thereof the word,
- 3 "is".

Filed - *Adopted 4-5*  
March 29, 1967

By GAUDINEER

1 Amend Senate File 225 as follows:  
2 1. Amend the title by striking from line two (2)  
3 the words "Secretary of Agriculture" and inserting in lieu  
4 thereof the words "secretary of agriculture".

Filed - *Adopted 4-20*  
April 3, 1967

By MAIN

1 Senate File 225, section one (1), is hereby amended as  
2 follows:  
3 1. By striking from line thirteen (13) the words "and  
4 confiscation".  
5 2. By striking from line fourteen (14) the words "and  
6 confiscated".

Filed - *Adopted 4-20*  
April 18, 1967

By MILLS.

1 Amend the Heaberlin amendment to Senate File 225, filed  
2 March 3, 1967, by striking lines 11 through 14, inclusive,  
3 and inserting in lieu thereof the following: "shall be a  
4 claim as defined in chapter twenty-five A (25A) of the Code  
5 and shall be subject to the provisions of said chapter,  
6 notwithstanding the provisions of section twenty-five A  
7 point fourteen (25A.14) of the Code."

Filed and adopted  
April 20, 1967

By STANLEY and GAUDINEER