

CHAPTER 46.

H. F. 4.

AN ACT to repeal sections 1, 2, 3, 4, 5, 8, 10 and 15 of chapter 52 of the acts of the Twenty-first General Assembly, and to repeal section 6 of chapter 52 of the acts of the Twenty-first General Assembly as amended by Senate file No. 51 of the Twenty-fifth General Assembly, and approved February 12, 1894, and to enact substitutes therefor; to prohibit the manufacture, sale, keeping for sale and fraudulent use of substances designed as imitation butter and cheese, and to regulate the manufacture, sale and keeping for sale of any substances designed to be used as a substitute for butter and cheese.

Be it enacted by the General Assembly of the State of Iowa:

Sections of ch.
52, 21 G. A., as
amended by
25 G. A.,
repealed.

SECTION 1. That sections 1, 2, 3, 4, 5, 8, 10 and 15 of chapter 52 of the acts of the Twenty-First General Assembly, and section 6 of chapter 52 of the acts of the Twenty-First General Assembly as amended by Senate File No. 51 of the Twenty-Fifth General Assembly, and approved February 12, 1894, are hereby repealed and the following enacted in lieu thereof.

What consti-
tutes "imita-
tion butter."

SEC. 2. That for the purpose of this act every article, substitute or compound, other than that produced from pure milk or cream from the same, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk or cream from the same, is hereby declared to be imitation butter; and that for the purpose of this act every article, substance or compound other than that produced from pure milk or cream from the same made in the semblance of cheese and designed to be used as a substitute for cheese made from pure milk or cream from the same, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

What consti-
tutes "imita-
tion cheese."
Coloring mat-
ter does not
render product
of milk or
cream "imita-
tion."

Substitutes not
to be colored to
resemble
butter.

SEC. 3. No person shall coat, powder or color with annatto or any coloring matter whatever, any substance designed as a substitute for butter or cheese, whereby such substitute or product so colored or compounded shall be made to resemble butter or cheese, the product of the dairy.

Illegal combi-
nation of oil
and coloring
matter de-
scribed.

No person shall combine any animal fat or vegetable oil or other substance with butter or cheese, or combine therewith or with animal fat or vegetable oil or combination of the two or with either one or with any substance or substances, any annatto or compound of the same or any other substance or substances whatever, for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow, so that such substitute shall resemble yellow, or any shade of genuine yellow butter or cheese, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed. *Provided*, nothing in this act shall be construed to prohibit the use of salt, rennet and harmless coloring matter for coloring the products of pure milk or cream from the same.

Coloring mat-
ter in combi-
nation with
milk now
forbidden.

No person shall by himself, his agents or employes, produce or manufacture any substance in imitation or semblance of natural butter or cheese, nor sell, nor keep for sale, nor offer for sale, any imitation butter or cheese made or manufactured, compounded or produced in violation of this section, whether such imitation butter or cheese shall be made or produced in this state or elsewhere.

This section shall not be construed to prohibit the manufacture and sale, under the regulation, hereinafter provided, of substances designed to be used as a substitute for butter or cheese and not manufactured or colored as herein prohibited.

SEC. 4. Every person who lawfully manufactures any substance designed to be used as a substitute for butter or cheese shall mark by branding, stamping or stenciling upon the top and side of each tub, firkin, box, or other package in which such article shall be kept and in which it shall be removed from the place where it is produced, in a clean and durable manner in the English language the words, "substitute for butter," or "substitute for cheese," as the case may be, in printed letters, in plain Roman type, each of which shall not be less than one inch in length by one-half inch in width.

SEC. 5. No person by himself or another shall ship, consign, or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter or cheese, and no carrier shall knowingly receive the same for the purpose of forwarding or transporting unless it shall be manufactured and marked as provided in the preceding sections of this act, and it be consigned by the carrier and receipted for by its true name; *provided*, that this act shall not apply to any goods in transit between foreign states across the state of Iowa.

SEC. 6. No person shall have in his possession or under his control, any substance designed to be used as a substitute for butter and cheese unless the tub, firkin, box, or other package containing the same be clearly and durably marked as provided by section 4 of this act; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family.

Every person having in possession or control of any substance designed to be used as a substitute for butter or cheese which is not marked as required by the provisions of this act, shall be presumed to have known during the time of such possession or control the true character and name, as fixed by this act, of such product.

SEC. 7. No person by himself or another shall sell or offer for sale any substance designed to be used as a substitute for butter or cheese under the name of or under the pretense that the same is butter or cheese; and no person by himself or another shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall

Imitation of butter or cheese, sale or manufacture, forbidden.

Manufacture or sale of substitutes not forbidden.

Substitutes to be branded or marked.

Marking for butter.
Marking for cheese.

Size of letters.

Shipping of substitute forbidden except as marked.

Not applicable to goods in transit.

Must not have in possession substitutes unless branded.

Not applicable for personal use.

Knowledge of person possessing substitute presumed.

Conditions under which sale of substitutes may be made.

Statement printed in English.	inform the purchaser distinctly at the time of the sale that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser at the time of the sale a statement clearly printed in the English language, which shall refer to the article sold, and which shall contain in prominent and plain Roman type a statement that the substance so sold is a substitute for butter or cheese, as the case may be, and such statement shall also give the name and place of business of the maker.
Must contain name of maker.	
Keepers of boarding houses using substitutes must keep a card posted.	<p>SEC. 8. No keeper or proprietor of any bakery, hotel, boardinghouse, restaurant, saloon, lunch counter or place of public entertainment, or any person having charge thereof or employed thereat, or any person furnishing board for others than members of his own family, or for any employes where such board is furnished for a compensation, or as a part of the compensation of any such employe shall keep, use or serve therein either as a food for his guests, boarders, patrons, customers or employes, or for cooking purposes, any imitation butter or cheese as defined in section 2 of this act, and in using or serving any substance designed as a substitute for butter or cheese as herein defined, he or they shall display and keep posted a card opposite each table in a conspicuous place where the same may be easily seen and read in the dining room, eating room, lunch room, restaurant, bakery, hotel, boardinghouse, saloon or place of public entertainment, and placed where such substance designed as a substitute is sold, used or disposed of, which card shall be white and in size not less than ten by fourteen inches; upon which shall be printed in plain black, Roman letters not less in size than one inch in length and one-half inch in width, the words "substitute for butter used here," or "substitute for cheese used here," as the case may be, and said cards shall not contain any other words than the ones above prescribed. Any person or persons violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, nor over one hundred dollars, or by imprisonment in the county jail for not over thirty days.</p>
Size, color and style of card posted.	
Wording on card.	
Penalty for violation.	
Fine and imprisonment.	
Penalty for violation. First offense.	<p>SEC. 9. Whoever shall violate any of the provisions of sections 3, 4, 5, 6 or 7, of this act shall, for the first offense, be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment not exceeding thirty days; and for each subsequent offense, by a fine of not less than two hundred and fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both fine and imprisonment in the discretion of the court.</p>
Subsequent offenses.	
Possession of imitations evidence of intent to use.	<p>SEC. 10. Whoever shall have possession or control of any imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a</p>

public offense within the meaning of chapter 50, of title 25 of the Code; *provided*, that it shall be the duty of the officer who serves a search warrant issued for imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, to deliver to the State Dairy Commissioner, or to any person by such Commissioner, authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken, the remainder of each article seized as aforesaid. If any sample be found to be imitation butter, or imitation cheese, or substance designed to be used as a substitute for butter or cheese, it shall be returned to and retained by the magistrate, as and for the purpose contemplated by section 4648 of the Code, but if any sample be found not to be imitation butter or imitation cheese, or a substance designed to be used as a substitute for butter or cheese, it shall be returned forthwith to the person from whom it was taken.

Search warrant.

Seizure for the purpose of analysis.

Disposal of sample seized.

Approved April 24th, 1894.

CHAPTER 47.

AN ACT to regulate the testing of milk.

H. F. 227.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Any person by himself or his agents, servants or employes, or any corporation, its agents, servants or employes who shall operate a creamery, cheese factory or condensed milk factory in this state, and who shall use a chemical milk test for the purpose of determining the quantity of butter fat in milk purchased or received from the patrons of such creamery, cheese factory or condensed milk factory, is hereby required to use reliable and accurate tests, and no such tests shall be considered reliable and accurate unless the same shall be clear oil and free from any foreign substance, and produce such measurements of butter fat as would result from the use of a standard Babcock milk tester. And every such person or corporation so engaged, and who shall use a chemical milk test as aforesaid is hereby required to procure from the state dairy commissioner's office one standard tube or bottle for testing milk, which shall be certified and marked as provided in section 2 hereof, and which said test tube or bottle, so certified and marked as aforesaid, shall be kept for the inspection of such patrons and for the purpose, of verifying the tests so used by such person or corporation.

Where chemical milk test is used it must be accurate and reliable.

Standard tube or bottle required.

Certified.

And in any cause of action in any court, arising between such person, corporation or factory and a patron thereof, the burden of proving such milk test to be reliable shall be upon such person, corporation or factory, and he shall show or establish that the test by him made, and the results there-

Proof in cause of action.