such statement upon reasonable demand, the fact of such refusal shall be prima facie evidence that such property was not sold or bought in a legitimate manner, but was bought in violation hereof.

SEC. 5. **Existing statutes not affected.** Nothing herein shall be so construed as to change, modify or repeal present and existing laws relating to the subject matter hereof.

SEC. 6. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 5, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 6, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 176.

PURE DRUGS.

S. F. 31.

AN ACT to prevent the adulteration, misbranding and imitation of drugs; and repealing sections four thousand nine hundred and eighty-three (4983), four thousand nine hundred and eighty-five (4985), four thousand nine hundred and eighty-six (4986) and four thousand nine hundred and eighty-eight (4988) of the code, and vesting the execution and enforcement of this act in the pharmacy commissioners.

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

SECTION 1. **Manufacture or sale of adulterated drugs prohibited.** No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall manufacture or introduce into the state or solicit orders for delivery, or sell, exchange, deliver, or have in his possession with the intent to sell, exchange or expose, or offer for sale or exchange, any drug which is adulterated or misbranded within the meaning of this act. Provided, that none of the penalties set forth in this act shall be imposed upon any common carrier for introducing into the state, or having in its possession, any adulterated or misbranded drugs, where the same were received by said carrier for transportation in the ordinary course of its business and without actual knowledge of the adulteration or misbranding thereof.

SEC. 2. **Drug defined.** The term "drug", as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals, or for the destruction of parasites.

SEC. 3. **Adulteration defined.** For the purposes of this act, a drug shall be deemed to be adulterated:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: Provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle,

box or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

SEC. 4. **Misbranded defined.** The term "misbranded," as herein used, shall apply to all drugs the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular and to any drug which is falsely branded as to state, country or territory in which it is manufactured or produced. For the purposes of this act, a drug shall also be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if the package shall fail to bear a statement on the label showing the name and the exact quantity or proportion of any alcohol, morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein. The statement herein required shall be plainly printed upon the outside wrapper and also upon a label affixed to the package in type "eight point caps;" provided, that in case the size of the package will not permit the use of eight point caps, the size of the type may be reduced proportionately. There shall be such a contrast between the color of the label and the color of the ink used in printing the label heretofore required, that the printing thereon shall be easily and plainly legible.

SEC. 5. **Drugs or preparations containing wood or denatured alcohol—sale prohibited.** No person, firm or corporation shall sell, offer, or expose for sale, or have in his possession, any preparation or product intended for use of man or domestic animals, either for internal or external use, or for cosmetic purposes, or for inhalation, or for perfumes, which contains methyl (wood) alcohol, crude or refined, or denatured alcohol.

SEC. 6. **Bulletins.** The pharmacy commissioners shall, from time to time, with the approval of the executive council, issue a printed bulletin, showing the results of inspections, analyses and prosecutions undertaken under this act, together with such general information as may be deemed suitable. Such bulletins shall be printed in such numbers as may be directed by the executive council, and shall be issued to the newspapers of this state and to all interested persons.

SEC. 7. **Enforcement.** It is hereby made the duty of the pharmacy commissioners to enforce the provisions of this act.

SEC. 8. **Penalty.** Any person, firm or corporation, or agent thereof, who refuses to comply, on demand, with any of the requirements of this act, or who shall violate any of its provisions, or who shall obstruct or hinder the said pharmacy commissioners, in the discharge of any duty imposed by this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars.

SEC. 9. **What exempt—prima facie evidence.** All goods purchased or received by either wholesale or retail dealers of this state prior to July first, nineteen hundred and seven (1907) shall be exempt from the provisions of this act to April first, nineteen hundred and nine (1909). The having in possession by any person who manufactures or exposes for sale, any adulterated or misbranded drug, within the meaning of this act, shall be prima facie evidence of having in possession with intent to sell in violation of its provisions:

Provided, that any manufacturer, wholesaler or jobber may keep goods specifically set apart in his stock for sale in other states, which might otherwise be in violation of the provisions of this act.

SEC. 10. **Repealed.** Sections four thousand nine hundred and eighty-three (4983), four thousand nine hundred and eighty-five (4985), four thousand nine hundred and eighty-six (4986) and four thousand nine hundred and eighty-eight (4988) of the code are hereby repealed.

Approved April 6, A. D. 1907.

CHAPTER 177.

PURE FOOD.

S. F. 71.

AN ACT to amend the law as it appears in sections seven (7) and eight (8) of chapter one hundred and sixty-six (166) of the acts of the Thirty-first General Assembly, relating to the definition of the term "misbranded" and the method of labeling.

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

SECTION 1. **Misbranded defined.** That the law as it appears in chapter one hundred and sixty-six (166) laws of the Thirty-first General Assembly is hereby amended by striking out all of section seven (7) after the period in the fifth line thereof, and by inserting in lieu thereof the following words and characters:

"The term 'Misbranded' as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory, or country in which it is manufactured or produced, or which bears any statement of the weight or measure unless the same be a correct statement of the net weight or measure of the contents."

SEC. 2. **Method of labeling.** That section eight (8) of chapter one hundred and sixty-six (166) laws of the Thirty-first General Assembly is hereby amended by striking out the word "constituents" from the thirty-eighth line thereof, and by inserting in lieu thereof the words "the name and quantity or proportion of each constituent."

Approved February 12, A. D. 1907.

CHAPTER 178.

PURE FOOD.

S. F. 318.

AN ACT to amend chapter one hundred and sixty-six (166), laws of the Thirty-first General Assembly, relating to the definition of adulterated foods, and fixing standards for certain food products.

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

SECTION 1. **Repealed.** Chapter one hundred and sixty-six (166), laws of the Thirty-first General Assembly, is hereby amended by striking out all of section nine (9) and inserting in lieu thereof the following: