

ating any grain elevator or engaged in the business of buying, selling, handling, consigning, or transporting grain, to enter into any agreement, contract, or combination with any other grain dealer, or grain dealers, partnership, company, corporation, or association of grain dealers, whether within or without the state, engaged in like business, for the fixing of prices to be paid for grain by different dealers or buyers; or to divide between said dealers the aggregate or net proceeds of the earnings of such dealers and buyers, or any portion thereof; or to form, enter into, maintain, or contribute money or anything of value to any trust, pool, combination, or association of persons of whatsoever character or name, which has for any of its objects the prevention of full and free competition among buyers, sellers, or dealers in grain; or to do or permit to be done by his or their authority any act or thing whereby the free action of competition in the buying or selling of grain is restrained or prevented.

SEC. 2. Liability for damages. That in case any person, company, partnership, corporation or association, trust, pool or combination of whatsoever name shall do, cause to be done, or permit to be done, any act, matter or thing in this act prohibited or declared to be unlawful, such person, partnership, company, association, corporation, trust, pool or combination shall be liable to the person, partnership, company, association or corporation injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable attorney's fee to be fixed by the court in every case of recovery and to be taxed as part of the costs in the case, and the property of any person who may be a member of any such trust, pool, combination, corporation or association, violating the provisions of this act, shall be liable for the full amount of such judgment.

SEC. 3. Penalty—duty of grand jury. That any person, partnership, company, association or corporation subject to the provisions of this act, or any person, trust, combination, pool or association, or any director, officer, lessee, receiver, trustee, employe, clerk, agent or any person acting for or employed by them or either of them, who shall violate any of the provisions of section 1 of this act, or who shall aid and abet in such violation, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined any sum not less than five hundred dollars, (\$500) and not exceeding two thousand dollars, (\$2000) or imprisoned in the county jail for a period not exceeding six months, or both, at the discretion of the court. It shall be the duty of the grand jury to enquire into and ascertain if there exists any pool, trust, combination or violation of any provision in this act, in their respective counties.

Approved March 20, A. D. 1907.

CHAPTER 189.

AGRICULTURAL SEEDS AND CONCENTRATED COMMERCIAL FEEDING-STUFFS.

S. F. 18.

AN ACT to prevent fraud in the sale of agricultural seeds, concentrated commercial feeding-stuffs and the materials from which they are manufactured, and to regulate the sale thereof, defining concentrated commercial feeding-stuffs and what shall constitute purity in various kinds of seeds; prohibiting the adulteration and providing for the correct weighing and marking of agricultural seeds and concentrated commercial feeding-stuffs; and providing for the collection of samples, analyses of the same, and fixing penalties for its violation; and vesting the execution and enforcement of this act in the state food and dairy commissioner, and making an appropriation therefor. [Additional to chapter thirteen (13) of title twenty-four (XXIV) of the code, relating to cheating by false pretenses, gross frauds and conspiracy.]

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

SECTION 1. Statements required. Every lot in bulk, barrel, bag, pail, par-

cel or package of concentrated commercial feeding-stuffs as defined in section three (3) of this act; and every parcel, package or lot of agricultural seeds as defined in section nine (9) of this act, and containing one pound or more, offered or exposed for sale in the state of Iowa for use within this state, 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:

1. In case of concentrated commercial feeding-stuffs:

First. The number of net pounds of feeding-stuffs in the package.

Second. The name, brand or trade-mark under which the article is sold.

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

Fourth. The place of manufacture.

Fifth. Except in the case of condimental stock food; patented, proprietary or trade-marked stock and poultry foods, claimed to possess medicinal or nutritive properties, or both, the chemical analysis of the feeding-stuffs, stating the percentages of crude protein, crude fat, and crude fiber, allowing one per cent of nitrogen to equal six and twenty-five one hundredths per cent of protein, all three constituents to be determined by the latest methods adopted by the Association of Official Agricultural Chemists of the United States.

2. In the case of agricultural seeds:

First. Name of the seed.

Second. Full name and address of the seedsman, importer, dealer or agent.

Third. A statement of the purity of the seed contained, specifying the kind and percentage of the impurities as defined in sections eleven (11) and twelve (12) hereof, provided that said seeds are below the standards fixed in this act.

Fourth. Locality where said seed was grown, when known.

SEC. 2. Additional statement or label. Every barrel, bag, pail, parcel or package of concentrated commercial feeding-stuffs as defined in section three (3) of this act, and every feed intended for domestic animals that is compounded from two or more substances, in addition to the requirements of section one (1), shall have affixed thereto, in a conspicuous place on the outside thereof, a statement in the manner and form prescribed in section one (1), giving the true and correct names of all the ingredients of which it is composed. Except condimental stock food; patented, proprietary or trade-marked stock or poultry foods, claimed to possess medicinal or nutritive properties, or both; and these shall be labeled or branded so as not to deceive or mislead the purchaser in any way, and the contents of any such package shall not be substituted in whole or in part for any other contents. Any statement, design or device upon the label or package regarding the substances contained therein, shall be true and correct, and any claim made for the feeding, condimental, tonic or medicinal value, shall not be false or misleading in any particular. The name and percentage of any deleterious or poisonous ingredient or ingredients, shall be plainly stated upon the outside of the package or container. The name and percentage of the diluent or dilutents, or bases, shall be plainly stated on the outside of the package or container.

SEC. 3. Concentrated commercial feeding-stuffs defined. The term concentrated commercial feeding-stuffs, as used in this act, shall include alfalfa meals and feeds; dried beet refuse; ground beef or fish scraps; bean meals; dried blood; brewers' grains, both wet and dry; cerealine feeds; coconut meals; corn feeds; corn and oat feeds; corn, oat and barley feeds; compounds under the name of corn and cob meals; corn bran; clover meal; cottonseed meal and feeds; germ feeds; distillers' grains; gluten meals; gluten

feeds; hominy feeds; linseed meals; malt refuse; malt sprouts; meat meals; meat and bone meals; mixed feeds of all kinds; oil meals of all kinds; oat feeds; oat bran; oat flour; oat middlings; oat shorts; pea meals poultry foods; rice bran; rice meal; rice polish; rye bran; rye middlings; rye shorts; starch feeds and starch factory by-products; tankage and packing house by-products; wheat bran; wheat middlings; wheat shorts; and low grade wheat flour; and all materials of similar nature used for domestic animals; also condimental stock foods; patented proprietary or trade-marked stock or poultry feeds claimed to possess medicinal or nutritive properties or both; and all other materials intended for feeding to domestic animals. But it shall not include; hay; straw; whole seeds; unmixed meals made from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, and broom corn; nor wheat flours nor other flours fit for human consumption.

SEC. 4. Certified copy of statement and samples furnished food and dairy commissioner. Before any concentrated commercial feeding-stuffs, as defined in section three (3) of this act, is offered or exposed for sale, the importer, manufacturer, person or party who causes it to be sold or offered for sale within the state of Iowa, for use within this state, for each and every feeding-stuff bearing a distinguishing name or trade-mark, shall file with the state food and dairy commissioner a certified copy of the statement named in section one (1) of this act, and shall also deposit with the said state food and dairy commissioner a sealed glass jar or bottle containing not less than one pound of the feeding-stuff to be sold or offered for sale, accompanied by an affidavit that it is a fair average sample thereof and corresponds within reasonable limits to the feeding-stuff which it represents.

SEC. 5. Inspection fee—license fee—tax tags. Before any manufacturer, importer, dealer or agent shall offer or expose for sale in this state any of the concentrated commercial feeding-stuffs defined in section three (3) of this act, he shall pay to the state food and dairy commissioner an inspection fee of ten cents per ton for each ton of such concentrated commercial feeding-stuffs sold or offered for sale in the state of Iowa for use within this state; except that every manufacturer, importer, dealer or agent for any condimental, patented, proprietary or trade-marked stock or poultry foods, or both, shall pay to the state food and dairy commissioner, on or before the fifteenth day of July of each year, a license fee of one hundred (\$100.00) dollars, in lieu of such inspection fee. Whenever the manufacturer or importer of such foods shall have paid the fee herein required, no other person or agent of such manufacturr or importer shall be required to pay such license fee; and shall affix to each lot shipped in bulk, and to each bag, barrel or package of such concentrated commercial feeding-stuffs, a tag, to be furnished by the said state food and dairy commissioner, stating that all charges specified in this section have been paid; provided, that the inspection fee herein required shall not apply to unadulterated wheat, rye and buckwheat bran, nor wheat, rye and buckwheat middlings, nor to wheat, rye and buckwheat shorts manufactured in this state. The said state food and dairy commissioner is hereby empowered to prescribe the form of such tag and adopt such regulations as may be necessary for the enforcement of this act. Tags for use upon concentrated commercial feeding-stuffs shall be issued in denominations suitable for use with twenty-five, fifty and one hundred pounds net, except as hereinafter provided; provided, that any dealer who sells at one time to any other person one ton or more of concentrated commercial feeding-stuffs, shall be held to have complied with the provisions of this section if he delivers to the purchaser the tax tags herein required, even though they may not be attached to the various packages.

SEC. 6. Samples—analysis. The state food and dairy commissioner shall cause to be made analyses of all concentrated commercial feeding-stuffs and

agricultural seeds sold or offered for sale in this state. Said state food and dairy commissioner is hereby authorized, in person or by deputy, to take for analysis a sample from any lot or package of concentrated commercial feeding-stuffs in this state, not exceeding two pounds in weight; and in case of agricultural seeds, a sample not exceeding four ounces in weight; but said sample shall be drawn or taken in the presence of the party or parties in interest, or their representative, and shall be taken from a parcel, lot or number of parcels which shall not be less than five per cent of the whole lot inspected, and shall be thoroughly mixed and divided into two samples and placed in glass or metal vessels carefully sealed and a label placed on each, stating the name or brand of the feeding-stuff, agricultural seeds or material sampled, the name of the party from whose stock the sample is drawn, and the date and place of taking such sample, and said label shall be signed by the said state food and dairy commissioner, or his authorized agent; or said sample may be taken in the presence of two disinterested witnesses. One of said duplicate samples shall be left on the premises of the party whose stock was sampled and the other retained by the state food and dairy commissioner for analysis and comparison with the certified statements required by sections one (1) and four (4) of this act. The result of the analysis of the sample, together with additional information, shall be published from time to time in bulletins issued by the state food and dairy commissioner upon approval of the executive council.

SEC. 7. Analysis made on request of purchaser—fee. Any person purchasing any concentrated commercial feeding-stuffs or agricultural seeds in this state for his own use may submit fair samples of said feeding-stuffs or seeds to the state food and dairy commissioner, who, upon receipt of an analysis fee of fifty cents for each sample of agricultural seeds and one dollar for each sample of concentrated commercial feeding-stuff, shall cause an analysis of the same to be made.

SEC. 8. Wheat or rye screenings. No person shall sell in ground form wheat or rye screenings containing cockle or other poisonous or deleterious substances.

SEC. 9. Agricultural seeds defined. The term agricultural seeds, as used in this act, shall include the seeds of the red clover, white clover, alsike clover, alfalfa, Kentucky blue grass, timothy, brome grass, orchard grass, red top, meadow fescue, oat grass, rye grass, and other grasses and forage plants, flax, rape and cereals.

SEC. 10. Agricultural seeds to be free from impure seeds. No person shall sell, offer or expose for sale or distribution in this state for the purpose of seeding, any of the agricultural seeds as defined in section nine (9) of this act, unless the said seeds are free from the seeds of the following weeds: wild mustard or charlock (*Brassica sinapistrum*), quack grass (*Agropyron repens*), Canada thistle (*Cnicus arvensis*), wild oats (*Avena fatua*), clover and alfalfa dodder (*Cuscuta epithymum*), field dodder (*Cuscuta arvensis*), and corn cockle (*Lychnis githago*).

SEC. 11. Impurities in agricultural seeds. The seeds of the following weeds shall be considered as impurities in the agricultural seeds, as defined in section nine (9) of this act, sold, offered or exposed for sale within the state for the purpose of seeding: white cockle (*Lychnis vespertina*), nightflowering catchfly (*Silene noctiflora*), curled dock (*Rumex crispus*), smooth dock (*Rumex altissimus*), sheep sorrel (*Rumex acetosella*), yellow trefoil (*Medicago lupulina*), burr clover (*Medicago denticulata*), sweet clover (*Melilotus alba* and *officinalis*), black mustard (*Brassica nigra*), plantain, buckhorn (*Plantago lanceolata*), bracted plantain (*Plantago aristata*), bindweed (*Convolvulus sepium*), smooth crab grass (*Panicum glabrum*), common chickweed (*Stellaria media*). When such impurities or any

of them are present in quantity exceeding a total of two per cent of the weight of said agricultural seeds, the approximate percentage of each shall be plainly indicated in statement specified in section one (1) of this act.

Sec. 12. Other impurities. Sand, dirt, chaff and foreign substances and seeds other than those specified in sections thirteen (13) and fourteen (14), or broken seed and seed not capable of germinating, shall be considered impurities when present in agricultural seeds sold, offered or exposed for sale in this state for the purpose of seeding, and when such impurities, or any of them, are present in quantity exceeding the standards of purity and viability authorized in section sixteen (16) of this act, the name and approximate percentage of each shall be plainly indicated in the statement specified in section one (1) of this act.

Sec. 13. Mixed or adulterated seeds. For the purposes of this act seeds shall be deemed to be mixed or adulterated:

First. When orchard grass (*Dactylis glomerata*) seed contains ten per cent or more by weight of meadow fescue (*Festuca elatior pratensis*) seed, or Italian rye grass (*Lolium italicum*) seed, or English rye grass (*Lolium perenne*) seed.

Second. When blue grass or Kentucky blue grass (*Poa pratensis*) seed contains five per cent or more by weight of Canadian blue grass (*Poa compressa*) seed, red top chaff, red top (*Agrostis alba*) seed, or any other seed or foreign substance.

Third. When red clover (*Trifolium pratense*), mammoth red clover (*Trifolium pratense* var), or alfalfa (*Medicago sativa*), contains five per cent or more by weight of yellow trefoil (*Medicago lupulina*), or sweet clover (*Melilotus alba* and *M. officinalis*) seed or burr clover (*Medicago denticulata*) seed.

Fourth. When rape (*Brassica rapa*) contains five per cent or more of common mustard (*Brassica Sinapistrum*) or black mustard (*B. nigra*).

Sec. 14. Misbranded seed. For the purpose of this act, seed shall be deemed to be misbranded:

First. When meadow fescue (*Festuca elatior pratensis*), English rye grass (*Lolium perenne*) or Italian rye grass (*Lolium italicum*) is labeled or sold under the name of orchard grass (*Dactylis glomerata*) seed.

Second. When Canadian blue grass (*Poa compressa*) seed, red top (*Agrostis alba*) seed, or any other seed not blue grass seed, is sold under the name of Kentucky blue grass or blue grass (*Poa pratensis*) seed.

Third. When yellow trefoil (*Medicago lupulina*), burr clover (*Medicago denticulata*), or sweet clover (*Melilotus alba*) is sold under the name of clover, June clover, red clover (*Trifolium pratense*), medium red clover, small red clover, mammoth red clover, sappling clover, peavine clover (*T. pratense* var) or alfalfa (*Medicago sativa*) seed.

Fourth. When the seeds are not true to the name under which they are sold.

Sec. 15. Exemptions. The provisions concerning agricultural seeds contained in this act shall not apply to:

First. Any person or persons growing or selling seeds for food purposes only, or having such seeds in possession for sale for such purposes.

Second. Any person selling seeds direct to merchants, to be cleaned or graded before being offered for sale for the purpose of seeding. This shall not, however, exempt the seller from the restrictions of section ten (10) of this act.

Third. Seed that is held in storage for the purpose of being recleaned, and which has not been offered, exposed or held in possession of or for sale for the purpose of seeding.

Fourth. Seed marked "not absolutely clean," and held or sold for export outside the state only.

Fifth. The sale of seed that is grown, sold and delivered by any farmer on his own premises for seeding by the purchaser himself, unless the purchaser of said seeds obtains from the seller at the time of the sale thereof a certificate that the said seed is supplied to the purchaser subject to the provisions of this act.

Sixth. Mixtures of seeds for lawn or pasture purposes. This shall not, however, exempt the seller of such mixtures of seeds from the restrictions of sections ten (10) and eleven (11) of this act.

Sec. 16. **Standards of purity.** The following standards of purity (meaning freedom from weed seeds or other seeds) and viability are hereby fixed:

STANDARD OF PURITY AND VIABILITY OF AGRICULTURAL SEEDS.

Name of seed.	Per cent of purity.	Per cent of germinable seeds.
Alfalfa (<i>medicago sativa</i>).....	96	80
Barley	98	90
Blue grass, Canadian (<i>poa compressa</i>).....	90	45
Blue grass, Kentucky (<i>poa pratensis</i>).....	80	45
Brome, awnless (<i>bromus inermis</i>).....	90	75
Clover, alsike (<i>trifolium hybridum</i>).....	90	75
Buckwheat	96	90
Clover, crimson (<i>trifolium incarnatum</i>).....	98	85
Clover, red (<i>trifolium pratense</i>).....	92	80
Clover, white (<i>trifolium repens</i>).....	90	75
Corn, field (<i>zea mays</i>).....	99	94
Corn, sweet	99	75
Fescue, meadow (<i>fescuta pratensis</i>).....	95	85
Flax (<i>linum usitatissimum</i>).....	96	89
Millet, common (<i>setaria italica</i>).....	90	85
Millet, hog (<i>panicum milliaceum</i>).....	90	85
Millet, pearl (<i>penisetum typhoideum</i>).....	99	65
Oats (<i>avena sativa</i>).....	98	90
Oat grass, tall (<i>arrhena therum avenaceum</i>).....	72	70
Orchard grass (<i>dactylis glomerata</i>).....	70	70
Rape (<i>brassica rapa</i>).....	99	90
Redtop (<i>agrostis alba</i>).....	90	70
Rye (<i>secala cereale</i>).....	98	90
Rye grass, perennial (<i>lolium perenne</i>).....	96	90
Rye grass, Italian (<i>lolium italicum</i>).....	95	80
Sorghum (<i>andropogon sorghum</i>).....	96	80
Sorghum, for fodder.....	90	60
Timothy (<i>phleum pratense</i>).....	96	85
Wheat (<i>triticum</i>)	98	90

SEC. 17. **Enforcement.** It is hereby made the duty of the state food and dairy commissioner to enforce the provisions of this act. The inspectors, assistants and chemists appointed by the state food and dairy commissioner shall perform the same duties and have the same authority under this act as are prescribed by chapter one hundred and sixty-six (166), laws of the Thirty-first General Assembly, and the said state food and dairy commissioner may appoint, with the approval of the executive council, such analysts and chemists as may be necessary to carry out the provisions of this act.

SEC. 18. **Penalty.** Whoever sells, offers or exposes for sale any of the seeds specified in sections thirteen (13) and fourteen (14) of this act which are mixed, adulterated or misbranded, or any agricultural seeds which do not comply with sections ten (10) eleven (11) and twelve (12) of this act, or who shall counterfeit or use a counterfeit of any of the tags prescribed by this act; or who shall prevent or attempt to prevent any inspector in the

discharge of his duty from collecting samples; or who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than one hundred dollars and costs of prosecution. Provided, that no one shall be convicted for violation of the provisions of section ten (10) of this act if he is able to show that the weed seeds named in section ten (10), are present in quantities not more than one in ten thousand, and that due diligence has been used to find and remove said seeds.

SEC. 19. **Appropriation—fees paid into state treasury.** There is hereby appropriated, for the purpose of enforcing the provisions of this act, a sum not exceeding three thousand (\$3000) dollars annually. Such expense shall be paid by warrant of the state auditor upon bills filed by the state food and dairy commissioner with the executive council and approved by them. All fees collected under the provisions of this act shall be paid into the state treasury.

Approved April 6, A. D. 1907.

CHAPTER 190.

LABELS ON BALLS OF BINDER TWINE.

S. F. 230.

AN ACT to require a stamp or label on every ball of binder twine sold, exposed or offered for sale within this state and providing a penalty for the violation thereof. [Additional to chapter thirteen (13) of title twenty-four (XXIV) of the code, relating to cheating by false pretenses, gross frauds and conspiracy.]

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

SECTION 1. **Label required.** No binder twine shall be sold, exposed or offered for sale within this state, except the same bears upon each ball a stamp or label truly stating the name of the manufacturer or importer and the number of feet to the pound in such ball: Provided that a deficiency not exceeding five per cent in length stated on the stamp or label shall not be a violation hereof.

SEC. 2. **Penalty.** Any person, firm or corporation who violates the provisions of section one hereof shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100).

SEC. 3. **What exempt—burden of proof.** All binder twine purchased or received by wholesale or retail dealers of this state prior to September first, nineteen hundred and seven (1907), shall be exempt from the provisions of this act until November first nineteen hundred and eight; but the burden of proof that such twine was so purchased or received shall rest on said dealers.

Approved April 4, A. D. 1907.

CHAPTER 191.

NUMBER OF GUARDS IN THE STATE PENITENTIARIES.

S. F. 330.

AN ACT to amend section five thousand six hundred sixty-three (5663) of the code as it appears in the section of said number in the supplement to the code, relative to the number of guards in the state penitentiaries.

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

SECTION 1. **Guards—minimum number.** That section five thousand six hundred sixty-three (5663) of the code as it appears in the section of said number