

Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 13, 1911.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 113.

### STATE DAIRY AND FOOD COMMISSIONER AND ASSISTANTS; SALE OF MILK AND CREAM.

H. F. 129.

AN ACT to amend chapter thirteen (13) title twelve (12) of the supplement to the code, 1907, to repeal sections twenty-five hundred fifteen (2515), forty-nine hundred eighty-nine (4989), forty-nine hundred ninety (4990), forty-nine hundred ninety-nine-a-seventeen (4999-a17) and fifty hundred seventy-seven-a-1 (5077-a1) of the supplement to the code, 1907, and sections twenty-five hundred twenty-five (2525) and twenty-five hundred twenty-eight (2528) of the code, and enact substitutes therefor, and providing for the appointment of dairy commissioner, deputy commissioner, and state dairy inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

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

**SECTION 1. Repeal.** That sections twenty-five hundred and fifteen (2515), supplement to the code, twenty-five hundred and twenty-five (2525) of the code, twenty-five hundred and twenty-eight (2528) of the code, four thousand nine hundred and eighty-nine (4989), supplement to the code, 1907, four thousand nine hundred and ninety (4990), supplement to the code, 1907, four thousand nine hundred and ninety-nine-a-17 (4999-a-17), supplement to the code, 1907, and five thousand seventy-seven-a-1 (5077-a1), supplement to the code, 1907, are hereby repealed and the following enacted in lieu thereof, provided, however, this bill shall not operate to remove from office the dairy commissioner or his assistants who may be serving when this bill becomes a law.

**SEC. 2. Appointment, bond, powers and duties of commissioner—deputy—inspector—assistants—state chemist—salaries—expenses—report.** On or before the first day of April of each even numbered year, the governor shall appoint a dairy and food commissioner, who shall have practical knowledge of, and experience in the manufacture of dairy products, and hold his office for two years from the first day of May following his appointment, and until his successor is appointed and qualified, subject to removal by the governor for inefficiency, neglect or violation of duty. He shall give bond in the sum of ten thousand dollars conditioned for the faithful performance of his duties, with sureties to be approved by and filed with the secretary of state. He shall keep on hand a supply of standard test tubes or bottles and milk measures or pipettes adapted for use by each milk testing machine. He shall furnish to any firm or corporation desiring the same one such tube or bottle, and such milk measure or pipette for each factory, of the kind adapted for the machine operated therein, upon request therefor, certifying it to be reliable, accurate and standard, placing thereon the words "D. C." as a permanent mark; the tubes or bottles and pipettes to be furnished at the actual cost thereof. He shall have and keep an office in the capitol, and preserve therein all correspondence,

documents, records, and all property of the state pertaining thereto, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food and dairy products. The commissioner shall be allowed necessary postage, stationery, and office supplies, and shall receive an annual salary of twenty-seven hundred dollars and necessary expenses, which shall not exceed four thousand five hundred dollars per year including expenses, such expenses to be itemized, verified by him, and when examined and approved by the executive council, to be paid by warrant of the state auditor drawn upon the state treasurer. The commissioner may appoint a deputy commissioner at a salary of \$1,800 per year, a state dairy inspector at a salary of \$1,600 per year. He may also appoint, with the approval of the Iowa state college of agriculture and mechanic arts, the director of the Iowa experiment station and the professor of dairying, two assistants at a salary of sixteen hundred dollars per year, and two assistants at a salary of fourteen hundred dollars per year, who shall perform such duties as may be assigned to them by the commissioner. Such deputy, dairy inspector and assistants shall be allowed in addition to their salaries, actual and necessary traveling expenses, when in the performance of their official duties, said expenses to be itemized, verified under oath, and when audited and approved by the executive council to be paid upon warrant of the state auditor upon the state treasurer provided that such expenditure shall not exceed the appropriation made for this purpose. The commissioner shall with the approval of the executive council appoint a state chemist, who shall be an expert analytical, food and pharmaceutical chemist, who shall be the official chemist of the dairy and food department. He shall devote his whole time to the duties of such office. He shall receive a salary of twenty-four hundred dollars per year, to be paid in the same manner as the salaries of other state officers. He shall make all the examinations necessary in enforcing the provisions of the various laws enforced by the dairy and food department, shall be allowed actual and necessary traveling expenses, and shall be furnished necessary laboratory, apparatus supplies and chemicals, to be paid for in the same manner as the accounts of assistants. The commissioner shall during his term of office hold no other official position or any professorship in any state educational institution, and on or before the first day of November he shall make annual report to the governor, which shall contain a detailed account of all of his doings as commissioner and the receipts and disbursements of his office since the preceding report, with such facts and statistics in regard to the production, manufacture and sale of dairy products, with such suggestions as he may regard of public importance in connection therewith. In the conduct of his office, he shall have power to issue subpoenas for witnesses, enforce their attendance and examine them under oath by him to be administered, such witnesses to be allowed fees as in justice courts, to be paid by the commissioner as part of the expenses of his office and do such other acts and things as are necessary and proper in the enforcement of the provisions of this chapter.

**SEC. 3. Milk license—fee.** No person, firm or corporation shall sell milk or cream in, or to be used in, any municipal corporation except for the purpose of supplying the same to an establishment for the purpose of manufacture, without being licensed by the state dairy and food commissioner, and the fee for such license shall be \$1 for each place or vehicle from which sale is made. Every such license shall expire July 4th next after its issue; shall be given only to a person owning or leasing the vehicle or place from which sales are to be made, and shall not be transferrable. No license shall be issued for less than one dollar. Each license shall be numbered and shall contain the name, residence and place of business of the licensee and the number of vehicles and places to be used. The name of the dairy or the name of the person, firm or

corporation to whom the license is issued shall appear on both sides of each vehicle, in letters not less than two inches in height and there shall be such contrast between the color of the letters and the background as shall render the letters plainly legible. Every sale from a vehicle not so inscribed shall be deemed a violation of this act. But nothing herein shall be construed as requiring persons to procure such license unless such person shall sell milk or cream from a store or vehicle. The commissioner may withhold a license from any applicant therefor whom he may deem unworthy and he may revoke any license issued by him to any person who has violated the terms thereof, or who has failed to comply with any requirements of this chapter, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offense punishable under this chapter shall be sufficient grounds for such revocation.

**SEC. 4. Sale of impure or skimmed milk—skimmed milk cheese—how labeled.** If any person shall sell, exchange, or expose for sale or exchange or deliver or bring to another, for domestic or potable use, or to be converted into any product of human food, any unclean, impure, unhealthy, adulterated, unwholesome or skimmed milk, or milk from which has been held back what is commonly known as strippings, or milk taken from an animal having disease, sickness, ulcers, abscess or running sore, or which has been taken from the animal within fifteen days before or five days after parturition; or if any person shall purchase, to be converted into any product of human food, any unclean, unhealthful, adulterated or unwholesome milk or cream, or shall manufacture any such milk or cream into any product of human food, or if any person having cows for the purpose of producing milk or cream for sale, shall stable them in any unhealthy place or in crowded manner, or shall knowingly feed them food which produces impure, unwholesome milk, or shall feed them distilled glucose or brewery waste in any state of fermentation, or upon any substance in a state of putrefaction or rottenness or of an unhealthy nature, or shall sell or offer for sale cream which has been taken from milk the sale of which is prohibited or who shall sell or offer for sale as cream, an article, which shall contain less than the amount of butter fat as prescribed in this chapter; or if any person shall sell or offer for sale any cheese manufactured from skimmed milk, or from milk that is partially skimmed, without the same being plainly branded, stamped or marked on the side or top of both cheese and package, in a durable manner, in the English language, the words "skimmed milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width, he shall be fined as provided in section nine hereof, and be liable for double damages to the person or persons upon whom such frauds shall be committed.

**SEC. 5. Skimmed milk—how labeled.** No person shall offer or expose for sale or sell any skimmed milk or partially skimmed milk unless each receptacle and carrying can containing the same shall be kept plainly marked on the same with the words "skimmed milk" in the English language in letters not less than one inch in height.

**SEC. 6. What deemed adulterated, impure or skimmed milk—terms "milk" and "cream" defined.** For the purpose of this chapter, the addition of water or any other substance or thing to cream or whole milk or skimmed milk or partially skimmed milk is hereby declared an adulteration, and milk which is obtained from animals fed upon waste as defined in this chapter, or upon any substance of an unhealthy nature, is hereby declared to be impure and unwholesome, and milk which is proved by any reliable method of test or analysis to contain less than twelve per cent of milk solids to the one hundred pounds of milk, or less than three pounds of milk fat to one hundred pounds of milk,

shall be regarded as skimmed or partially skimmed milk. Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows properly fed and kept excluding that obtained within fifteen days before, and five days after calving and contains no less than twelve per cent of milk solids and not less than three per cent of milk fat. Cream is the portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by a centrifugal force, is fresh and clean, and contains not less than sixteen per cent of milk fat.

**SEC. 7. Manipulation or misreading of milk or cream tests.** It shall be unlawful for any person, firm or corporation by himself, or as the officer, servant, agent or employe of any person, firm or corporation to falsely manipulate or underread or over-read the Babcock test or any other contrivance used for the purpose of determining the amount of milk fat in milk or cream, or to make any false determination of any test or contrivance used for the purpose of determining the amount of milk fat in any dairy products. For the purpose of this act the writing of a check or payment of money for cream or milk at any given test shall constitute prima facie evidence that such test was made.

**SEC. 8. Operator of milk tester to secure license—fee.** No person shall operate a milk or cream testing apparatus duly approved by the state dairy and food commissioner, to determine the percentage of milk fat in milk or cream for the purpose of purchasing the same either for himself or another without first securing a license from the dairy and food commissioner of this state, or from his duly appointed agent or representative, authorizing such person to so operate such tester. Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant before being issued such license may be required to pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same. Such license shall be valid until May 31st next after its issue and a fee of two and one-half dollars shall be paid by the licensee to the state dairy and food commissioner before such license shall be issued; licenses issued to operators of the Babcock or other approved test under this act shall take effect and be in force from and after May 31st, 1911. The dairy and food commissioner shall have authority to revoke any license issued under this act. The testing of each lot of milk or cream by any such unlicensed person shall constitute a separate offense, provided that any licensed person may for valid reasons appoint a substitute for a period not to exceed six days, subject to the approval of the dairy and food commissioner. The fees collected under the provisions of this act shall be paid into the state treasury by the dairy and food commissioner.

**SEC. 9. Penalty.** Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than twenty-five nor more than one hundred dollars or by imprisonment for not less than thirty days in the county jail.

**SEC. 10. State dairy and food commissioner—powers and duties.** The state food and dairy commissioner shall, by this act, become the state dairy and food commissioner, and wherever the title food and dairy commissioner appears in the statutes of the state of Iowa, it shall be construed to mean state dairy and food commissioner. He shall on and after taking effect of this act have all the powers and allowances and shall be charged with all the duties now imposed by law upon the state food and dairy commissioner.

**SEC. 11. Acts in conflict repealed.** All acts and parts of acts in conflict herewith are hereby repealed.

**SEC. 12. In effect.** This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 114.

### MANUFACTURE AND SALE OF HOG CHOLERA SERUM.

H. F. 372.

AN ACT to amend section one (1) of chapter one hundred fifty-one (151) of the acts of the thirty-third general assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000) for the maintenance of the laboratory for the manufacture of such serum.

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

**SECTION 1. Serum, how sold.** That the law as it appears in section one of chapter one hundred fifty-one of the acts of the thirty-third general assembly be, and the same is hereby amended as follows: By striking out all the words following the word "at" in the ninth line of said section down to the comma in the tenth line of said section, and inserting in lieu thereof the words, "twenty cents per fluid ounce".

**SEC. 2. Appropriation.** There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this chapter.

Approved April 13, A. D. 1911.

## CHAPTER 115.

### COMMISSION OF ANIMAL HEALTH.

H. F. 329.

AN ACT to abolish the state board of veterinary medical examiners, to transfer the powers and duties of said board to the state veterinary surgeon, and to establish a commission of animal health. [Additional to chapter fourteen-A (14-A) of title twelve (XII) of the supplement to the code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.]

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

**SECTION 1. State board of veterinary medical examiners abolished—powers and duties transferred.** That the board known as the state board of veterinary medical examiners is hereby abolished, and all of the powers and duties thereof are hereby transferred to and enjoined upon the state veterinary surgeon, except as hereinafter provided. All of the books, documents, records, stationery and office equipment now in possession of the board or of any officer or employe thereof shall, upon the taking effect of this act, be turned over to the state veterinary surgeon.