

CHAPTER 384.

PARK COMMISSIONERS AND BOARD OF PUBLIC WORKS.

S. F. 182.

AN ACT to repeal the second paragraph of section eight hundred fifty-c (850-c), supplement to the code, 1913, being the paragraph of said section embraced within parenthesis and being the enactment made by chapter eighty-nine (89) of the acts of the 34th general assembly relating to a tax levy for park improvement purposes, and to enact a substitute therefor.

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

1 SECTION 1. Tax for grading, beautifying, etc., parks. That the
 2 law as it appears in the second paragraph of section eight hundred
 3 fifty-c (850-c) of the supplement to the code, 1913, being the para-
 4 graph of said section embraced within parenthesis and being the
 5 enactment made by chapter 89 of the acts of the 34th general as-
 6 sembly be repealed and that the following be enacted in lieu there-
 7 of:
 8 "In all cities including cities acting under special charters where
 9 said board shall have, prior to January first, nineteen hundred four-
 10 teen, made purchase of property for park purposes by means of the
 11 additional tax of one mill authorized by the provisions of chapter
 12 fifty-seven of the acts of the thirty-third general assembly and chap-
 13 ter forty-four of the acts of the thirty-fourth general assembly, the
 14 said board is authorized in its discretion to certify to the county
 15 auditor for the years nineteen hundred eighteen, nineteen hundred
 16 nineteen, nineteen hundred twenty, nineteen hundred twenty-one, and
 17 nineteen hundred twenty-two and cause to be collected an additional
 18 tax of one mill each year to be used for the sole and only purpose
 19 of grading, beautifying and otherwise improving any lands acquired
 20 for park purposes by means of the tax so authorized or for acquir-
 21 ing and improving any driveway or boulevard connecting one park
 22 with another.

Approved April 25, A. D. 1917.

CHAPTER 385.

INSECTICIDES OR FUNGICIDES.

S. F. 373.

AN ACT to prevent the manufacture and sale of adulterated or misbranded insecticides, and fungicides, within the state.

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

1 SECTION 1. Insecticides—adulteration, etc.—penalty. That it
 2 shall be unlawful for any person to manufacture within the state
 3 any insecticide or fungicide which is adulterated or misbranded

4 within the meaning of this act; and any person who shall violate any
 5 of the provisions of this section shall be guilty of a misdemeanor, and
 6 for each offense shall, upon conviction thereof, be fined not to exceed
 7 two hundred dollars, and for each subsequent offense and conviction
 8 thereof shall be fined not to exceed three hundred dollars.

1 **SEC. 2. Importation—penalty.** That the introduction into this
 2 state from any other state or territory or from any foreign country,
 3 of any insecticide, or fungicide which is adulterated or misbranded
 4 within the meaning of this act is hereby prohibited; and any person
 5 having so received shall deliver, in original unbroken packages, for
 6 pay or otherwise, or offer to deliver to any other person, any such
 7 article so adulterated or misbranded within the meaning of this act,
 8 or any person who shall sell or offer for sale in this state any such
 9 adulterated or misbranded insecticide, or fungicide, shall be guilty
 10 of a misdemeanor and for such offense be fined not exceeding two
 11 hundred dollars for the first offense, and upon conviction for each sub-
 12 sequent offense not exceeding three hundred dollars, or be imprisoned
 13 not exceeding one year, or both, in the discretion of the court:
 14 Provided, that no article shall be deemed misbranded or adulterated
 15 within the provisions of this act when intended for sale in another
 16 state or for export to any foreign country and prepared or packed
 17 according to specifications or directions of the foreign purchaser;
 18 but if said article shall be in fact sold or offered for sale for use in
 19 this state, then this proviso shall not exempt said article from the
 20 operation of any of the other provisions of this act.

1 **SEC. 3. Rules and regulations.** That the state dairy and food
 2 commissioner shall make rules and regulations for carrying out the
 3 provisions of this act, including the collection and examination of
 4 specimens of insecticides and fungicides manufactured or offered for
 5 sale in this state.

1 **SEC. 4. Examinations—duty of dairy and food commissioner.**
 2 That the examination of specimens of insecticides and fungicides
 3 shall be made in a laboratory of the state dairy and food commis-
 4 sioner for the purpose of determining from such examination whether
 5 such articles are adulterated or misbranded within the meaning of
 6 this act; and if it shall appear from any such examination that any
 7 of such specimens are adulterated or misbranded within the mean-
 8 ing of this act; the state dairy and food commissioner may cause
 9 notice thereof to be given to the party from whom such sample was
 10 obtained. Any party so notified shall be given an opportunity to be
 11 heard, under such rules and regulations as may be prescribed as
 12 aforesaid, and if it appears that any of the provisions of this act have
 13 been violated by such party, then the state dairy and food commis-
 14 sioner shall at once certify the facts to the county attorney, with a
 15 copy of the findings of the analyst or officer making such exami-
 nation, under the oath of such officer.

1 **SEC. 5. Duty of county attorney.** That it shall be the duty of
 2 each county attorney to whom the state dairy and food commissioner
 3 shall report any violations of this act, to cause appropriate proceed-
 4 ings to be commenced and prosecuted to the district court of the state,

5 without delay, for the enforcement of the penalties as in such case
6 herein provided.

1 SEC. 6. Terms defined. The term "insecticide" as used in this
2 act shall include Paris green, lead arsenate and any other substance
3 or mixture of substances intended to be used for preventing, destroy-
4 ing, repelling, or mitigating any and all insects which may infest
5 vegetation, man or other animals or households, or be present in any
6 environment whatsoever. The term "Paris green" as used in this
7 act shall include the product sold in commerce as Paris green and
8 chemically known as aceto-arsenite of copper. The term "lead ar-
9 senate" as used in this act shall include the product or products sold
10 in commerce as lead arsenate and consisting chemically of products
11 derived from arsenic acid (H_3AsO_4) by replacing one or more hydro-
12 gen atoms by lead. That the term "fungicide" as used in this act shall
13 include any substance or mixture of substances intended to be used
14 for preventing, destroying, repelling, or mitigating any and all
15 fungi that may infest vegetation or be present in any environment
16 whatsoever.

1 SEC. 7. Adulteration defined. That for the purpose of this act
2 an article shall be deemed to be adulterated—

3 In the case of Paris green: First if it does not contain at least fifty
4 per centum of arsenious oxide; second, if it contains arsenic in
5 water-soluble forms equivalent to more than three and one-half per
6 centum of arsenious oxide; third, if any substance has been mixed
7 and packed with it so as to reduce or lower or injuriously affect its
8 quality or strength.

9 In the case of lead arsenate: First, if it contains more than fifty
10 per centum of water; second, if it contains total arsenic equivalent
11 to less than twelve and one-half per centum of arsenic oxide (As_2O_3);
12 third, if it contains arsenic in water-soluble forms equivalent to more
13 than seventy-five one hundredths of one per centum arsenic oxide
14 (As_2O_3); fourth, if any substance has been mixed and packed with
15 it so as to reduce, or lower, or injuriously affect its quality or strength.

16 In the case of insecticides or fungicides, other than Paris green
17 and lead arsenate: First, if its strength or purity falls below the
18 professed standard or quality under which it is sold; second, if
19 any substance has been substituted wholly or in part for the article;
20 third, if any valuable constituent of the article has been wholly or
21 in part abstracted; fourth, if it is intended for use on vegetation
22 and shall contain any substance or substances which, although pre-
23 venting, destroying, repelling, mitigating insects or fungi, shall be
24 injurious to such vegetation when used as recommended by the
25 manufacturer.

1 SEC. 8. "Misbranded" defined. That the term "misbranded" as
2 used herein shall apply to all insecticides or fungicides or articles
3 which enter into the composition of insecticides or fungicides. For
4 the purpose of this act an article shall be deemed to be misbranded:

5 First: If the package or label shall bear any statement, design or
6 device regarding such article, or the ingredients, or substances con-
7 tained therein which shall be false or misleading in any particular.

8 Second: If sold, offered or exposed for sale in package form and
9 the quantity of the contents be not plainly and correctly marked on

10 the outside of the package in terms of weight, measure or numerical
11 count; provided, however, that reasonable variations shall be per-
12 mitted and tolerances shall be established by rules and regulations
13 made by the state dairy and food commissioner.

14 Third: If it be an imitation or offered for sale under the name of
15 another article.

16 Fourth: If it be labeled or branded so as to deceive or mislead
17 the purchaser, or if the contents of the package as originally put up
18 shall have been removed in whole or in part and other contents shall
19 have been placed in such package,

20 In the case of insecticides, other than Paris green, and lead arsenate,
21 and fungicides:

22 First: If it contains arsenic in any of its combinations or in the
23 elemental form and the total amount of arsenic present, expressed as
24 per centum of metallic arsenic, is not stated on the label.

25 Second: If it contains arsenic in any of its combinations or in the
26 elemental form and the amount of arsenic in water-soluble form,
27 expressed as per centum of metallic arsenic, is not stated on the label.

28 Third: If it consists partially or completely of an inert substance
29 or substances which do not effectively prevent, destroy, repel,
30 or mitigate insects or fungi and does not have the names and per-
31 centage amounts of each and every one of such inert ingredients and
32 the fact that they are inert plainly and correctly stated on the label:
33 Provided, however, that in lieu of naming and stating the percentage
34 amounts of each and every one of such ingredients the producer may
35 at his discretion state plainly on the label the correct names and
36 percentage amounts of each and every ingredient of the insecticide or
37 fungicide having insecticidal or fungicidal properties, and make no
38 mention of the inert ingredients, except in so far as to state the total
39 percentage of inert ingredients present.

1 SEC. 9. Exemption from prosecution. That no dealer shall be
2 prosecuted under the provisions of this act when he can establish a
3 guaranty signed by the wholesaler, jobber, manufacturer, or other
4 party from whom he purchased such article, to the effect that the
5 same is not adulterated or misbranded in the original unbroken
6 package in which said article was received by said dealer within the
7 meaning of this act, designating it. Said guaranty to afford pro-
8 tection, shall contain the name and address of the party or parties
9 making the sale of such article to such dealers and in such case said
10 party or parties shall be amenable to the prosecutions, fines and other
11 penalties as provided for in this act, if the dealer shall continue to
12 sell after notice by the state dairy and food commissioner that such
13 article is adulterated or misbranded within the meaning of this act.

1 SEC. 10. Labeling—requirements. All spray solution known as
2 a lime and sulphur liquid shall be conspicuously labeled as to the
3 strength of the solution, showing a guaranteed strength of lime and
4 sulphur combined in solution as sulphates and sulphides, of which
5 solution not less than seventy per cent, 70 per cent, by weight shall
6 be sulphur, and such label or labels shall also contain a direction as
7 to the proportions of water to be used in any mixture containing a
8 four per cent, 4 per cent, solution by weight of lime and sulphur com-
9 bined as sulphates and sulphides, of which solution not less than
10 seventy per cent, 70 per cent, by weight shall be sulphur.

11 Every package of such compound or solution sold, offered or ex-
 12 posed for sale shall be plainly labeled with black faced type, in letters
 13 of not less than one-half of an inch in height stating the contents of
 14 the compound or solution and the gravity test thereof.

1 SEC. 11. Seizure and confiscation. That any insecticides or
 2 fungicide that is adulterated or misbranded within the meaning of
 3 this act shall be liable to be proceeded against in any district court
 4 of the state within the district wherein the same is found and seized
 5 for confiscation by a process of libel for condemnation.

6 And if such article is condemned as being adulterated or mis-
 7 branded, within the meaning of this act, the same shall be disposed
 8 of by destruction or sale as the said court may direct, and the pro-
 9 ceeds thereof, if sold, less the legal costs, and charges, shall be paid
 10 into the treasury of the state, but such goods shall not be sold in any
 11 jurisdiction contrary to the provisions of this act or the laws of that
 12 jurisdiction: Provided, however, that upon the payment of the costs
 13 of such libel proceedings and the execution and delivery of a good and
 14 sufficient bond to the effect that such articles shall not be sold or
 15 otherwise disposed of contrary to the provisions of this act or the
 16 laws of the state, the court may by order direct that such articles be
 17 delivered to the owner thereof.

1 SEC. 12. Construction of act. When construing and enforcing
 2 the provisions of this act, the act, omission, or failure of any officer,
 3 agent, or any other person acting for or employed by any corporation,
 4 company, society or association, within the scope of his employment
 5 or office, shall in every case be also deemed to be the act, omission,
 6 or failure of such corporation, company, society or association as well
 7 as that of the other person.

Approved April 25, A. D. 1917.

CHAPTER 386.

SCHOOL FUNDS.

H. F. 565.

AN ACT to amend the law as it appears in sections twenty-seven hundred thirty-three
 1a (2733-1a) supplemental supplement to the code, 1915, twenty-seven hundred forty-
 nine (2749) of the code, twenty-seven hundred sixty-seven (2767) of the code, twenty-
 seven hundred sixty-eight (2768) supplement to the code, 1913, twenty-seven hundred
 sixty-nine (2769) supplement to the code, 1913, twenty-seven hundred seventy-four
 (2774) of the code, twenty-seven hundred eighty-three (2783) supplement to the code,
 1913, twenty-eight hundred three (2803) of the code, twenty-eight hundred six (2806)
 supplement to the code, 1913, and twenty-eight hundred twenty-five (2825) of the
 code, relating to school funds.

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

SECTION 1. Attendance at schools outside home district—
 1 tuition. That the law as it appears in section twenty-seven hundred
 2 thirty-three-1a (2733-1a), supplemental supplement to the code, 1915,