

3 against all persons, whether said property is in the possession of said
4 corporation or otherwise.

Approved April 10, A. D. 1919.

CHAPTER 206.

DAIRY AND FOOD COMMISSIONER, ETC., AND IMITATION DAIRY PRODUCTS.

S. F. 178.

AN ACT to amend the law as it appears in section two thousand five hundred fifteen (2515) of the supplemental supplement to the code, 1915, and relating to the appointment of a dairy and food commissioner, a deputy dairy and food commissioner, a state dairy inspector, assistants, a chemist, and a bacteriologist and assistant chemist, define the power and duties of such officers; and to amend the law as it appears in section two thousand five hundred fifteen-g (2515-g) of the supplement to the code, 1913, relating to penalties for violating the dairy laws enforced by the dairy and food commissioner; and to amend section two thousand five hundred twenty-two (2522) of the supplement to the code, 1913, relating to making reports by manufacturers of certain dairy products; and to amend chapter thirteen (13) of title XII of the code by adding thereto a section relating to the registration and use of marks or brands on containers used for handling skimmed-milk, butter-milk, milk, cream and ice cream, also a section relating to the use of the words "butter", "creamery" and "dairy" on substitutes for butter and advertising material pertaining thereto; and to repeal the law as it appears in sections two thousand five hundred fifteen-b (2515-b) and two thousand five hundred fifteen-c (2515-c) of the supplement to the code, 1913, and section two thousand five hundred fifteen-d (2515-d) supplement to the code, 1913, as amended by chapter three hundred seventy-seven (377), section one (1), acts of the thirty-seventh general assembly, and to enact substitutes therefor relating to the sale of imitation evaporated milk, imitation ice cream, skimmed milk, milk, cream and other dairy products.

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

SECTION 1. Dairy and food commissioner — officers — assistants — appointment — salaries, etc. That the law as it appears in section twenty-five hundred fifteen (2515) supplemental supplement to the code, 1915, be and the same is hereby amended by striking out of line eleven thereof the words "of each even-numbered year" and inserting in lieu thereof the words "nineteen hundred twenty"; by striking out of line fourteen thereof the words "hold his office for two" and inserting in lieu thereof the words "who shall hold his office for a term of four"; by inserting after the word "shall" in line forty-three thereof the following; "devote all their time to their duties and shall"; by striking out of line fifty-one thereof the word "shall" and inserting in lieu thereof the word "may"; by striking out of lines fifty-five and fifty-six thereof after the comma (,) where it appears following the word "year" in line fifty-five the words "to be paid in the same manner as the salaries of other state officers. He" and inserting in lieu thereof the following; "and a bacteriologist and assistant chemist at a salary to be hereafter fixed by the general assembly. The state chemist and the bacteriologist and assistant chemist"; and by inserting after the period (.) where it appears following the word "assistants" in line sixty-one thereof the following;

20 "The commissioner, the deputy commissioner, the state dairy inspec-
 21 tor, the assistants, the chemist and the bacteriologist and assistant
 22 chemist shall be paid in the same manner as the salaries of other state
 23 officers".

**SEC. 2. Repeal and substitute — adulteration or misbranding
 — "milk" and "cream" defined — cheese — imitation products, etc.**

1 That the law as it appears in section two thousand five hundred fifteen-
 2 b (2515-b), two thousand five hundred fifteen-c (2515-c) and two
 3 thousand five hundred fifteen-d (2515-d), supplement to the code, 1913,
 4 as amended by chapter 377, acts of the thirty-seventh general assem-
 5 bly, be and the same are hereby repealed and the following enacted in
 6 lieu thereof:

7 No person shall sell, exchange or expose for sale or exchange or
 8 deliver or bring to another for domestic or potable use or to be con-
 9 verted into any product of human food, any adulterated, or misbranded
 10 milk, cream or skimmed milk, and no person shall purchase any such
 11 substance to be converted into any human food product or manufac-
 12 ture the same into food product, nor shall any persons offer or expose
 13 for sale or have in his possession with intent to sell or sell any skimmed
 14 milk unless each receptacle and carrying can containing the same shall
 15 be kept plainly marked on the side thereof with the words "Skimmed
 16 Milk" in the English language in plain letters not less than one inch
 17 in height, provided that skimmed milk sold in bottles shall be deemed
 18 to be properly marked if the cap shall be plainly printed with the
 19 words "Skimmed Milk" in letters not smaller than twelve point Gothic
 20 caps.

21 For the purpose of this act, milk is the fresh, clean, lacteal secretion
 22 obtained by the complete milking of one or more healthy cows, prop-
 23 erly fed and kept. For the purpose of this act, cream is the portion
 24 of milk, rich in milk fat, which rises to the surface of milk on standing,
 25 or is separated from it by centrifugal force, is fresh and clean. For
 26 the purpose of this act, skimmed milk is the portion of milk, poor in
 27 fat, from which the cream has been removed. The term "skimmed
 28 milk" shall also include the fresh, clean, lacteal secretion of one or
 29 more healthy cows and containing less than three per cent (3%) of
 30 milk fat or less than eleven and one-half per cent (11½%) of milk
 31 solids.

32 For the purpose of this act, milk, cream and skimmed milk shall be
 33 deemed to be adulterated:

34 In case of milk, cream and skimmed milk:

35 First. If water or any other substance has been added.

36 Second. If it contains any visible dirt or be contained in any con-
 37 tainer which is not clean.

38 Third. If it be obtained from any animal having disease, sickness,
 39 ulcer, abscess or running sore or which has been obtained from a cow
 40 within fifteen days before or five days after calving.

41 Fourth. If it be obtained from a cow stabled in an unhealthful
 42 place or fed upon any substance in a state of putrification or of an
 43 unhealthful nature.

44 In case of milk:

45 If it contains less than three per cent (3%) of milk-fat or less than
 46 eleven and one-half per cent (*11¼%) of milk solids.

*Should read: "(11¼%)".

47 In case of cream :

48 If it contains less than sixteen per cent (16%) of milk-fat.

49 For the purpose of this act, milk, cream and skimmed milk shall be
50 deemed to be misbranded.

51 If it be labeled or branded so as to deceive or mislead the purchaser
52 or if the package bears any statement, design or device which is false
53 or misleading in any particular.

54 For the purpose of this act, cheese is the sound, ripened product made
55 from milk or cream by coagulating the casein with rennet or lactic
56 acid with or without the addition of ripening ferments, seasonings and
57 color, and contains not less than thirty per cent (30%) of milk-fat. For
58 the purpose of this act, skimmed milk cheese is the sound and ripened
59 product made from skimmed milk as defined in this chapter, by coagu-
60 lating the casein thereof with rennet or lactic acid, with or without
61 the addition of ripening ferments, seasoning, and color and containing
62 less than thirty per cent (30%) of milk fat. No person shall offer or
63 expose for sale any skimmed milk cheese without the same being
64 plainly and durably branded or marked on the side or top of both cheese
65 and package in the English language with the words "Skimmed Milk
66 Cheese" in letters to be not less than one inch in height and one-half
67 inch in width.

68 Every article, substitute or compound, save that produced from
69 pure milk of cows and containing no added substance, made in the sem-
70 blance of or designed to be used for or in the place of evaporated milk,
71 is hereby declared "Imitation Evaporated Milk" and every article, sub-
72 stitute or compound, containing any fat other than the milk-fat of milk
73 cows, made in the semblance of or designed to be used for or in the
74 place of cream, is hereby declared "Imitation Ice Cream". No person,
75 firm or corporation shall manufacture, have in his possession, offer to
76 sell, or sell, solicit or take orders for delivery or ship any such imitation
77 evaporated milk or imitation ice cream, except in the manner and sub-
78 ject to the regulations provided in this section.

79 Imitation evaporated milk and imitation ice cream may be manufac-
80 tured, kept in possession, offered for sale, or sold, if each can, tub, box,
81 or other package in which same is kept, offered for sale or shipped
82 shall have plainly branded on the side or top thereof in the English
83 language in a durable manner, the words "Imitation Evaporated
84 Milk" or "Imitation Ice Cream" as the case may be. The letters of the
85 words to be not less than one inch in height and one-half inch in width.
86 Provided, however, that on packages containing less than twenty
87 ounces net of imitation evaporated milk the words "Imitation Evap-
88 orated Milk" may appear plainly printed on the principal label of the
89 package in type not less than one-fourth inch in height and one-
90 eighth inch in width. Imitation evaporated milk and imitation ice
91 cream may be kept, used or served only in case the proprietor or
92 person in charge of the place in which such imitation evaporated
93 milk or imitation ice cream is used, or served, shall display and keep
94 constantly posted and card opposite each table, counter, or other
95 places where the guests or others are served with the same, which
96 card shall be white, at least ten by fourteen inches in size and the
97 words "Imitation Evaporated Milk Used Here" or "Imitation Ice
98 Cream Used Here", as the case may be, printed in black Roman letters
99 not less than three inches in height and two inches in width and

100 no other words or figures shall be printed thereon. Provided, how-
 101 ever, that this provision shall not apply to a private residence of a
 102 person serving his family or guests. Nothing in this or the preceding
 103 section shall be construed to require the labeling of nut ice cream
 104 or ice cream flavored with chocolate or cocoa, "imitation ice cream".

1 **SEC. 3. Violation—penalties.** That the law as it appears in section
 2 two thousand five hundred fifteen-g (2515-g), supplement to the code,
 3 1913, be and the same is hereby amended by striking out of line three
 4 thereof the words "twenty-five" and inserting in lieu thereof the word
 5 "ten" and by striking out of line four thereof the word "less" and
 6 inserting in lieu thereof the word "more."

1 **SEC. 4. Milk dealers, manufacturers, etc.—sanitation—reports—vio-**
 2 **lations—penalty.** That the law as it appears in section two thousand
 3 five hundred twenty-two (2522), supplement to the code, 1913, be and
 4 the same is hereby amended by inserting after the word "creamery"
 5 where it appears in line four thereof the words "Milk-plant, cream-
 6 station or ice cream."

1 **SEC. 5. Mark or brand—registration—protection of rightful owner.**
 2 That chapter thirteen (13) of title XII of the code be and the same
 3 is hereby amended by adding thereto the following:

4 Any person, firm or corporation who buys, sells or transports
 5 skimmed-milk, butter-milk, milk, cream or ice cream, may adopt a
 6 distinctive mark or brand to be placed on any container of such dairy
 7 products, owned by it, and may register such mark or brand with the
 8 state dairy and food commissioner, and when approved by the com-
 9 missioner, such mark or brand shall be used only by the registrant
 10 thereof. The mark or brand may consist of the owner's name and
 11 address or suitable abbreviations therefor or both.

12 It shall be unlawful for any person, firm or corporation to use any
 13 mark or brand which has been so registered by and approved for the
 14 use of any other person, firm or corporation.

15 It shall be unlawful for any person, firm or corporation, other than
 16 the rightful owner thereof, to use any container, marked or branded
 17 as in this section provided, for any other purpose or for the transpor-
 18 tation or handling of any other commodity than skimmed-milk,
 19 butter-milk, milk, cream or ice cream.

20 It shall be unlawful for any person, firm or corporation, other than
 21 the rightful owner thereof to deface, remove or injure any mark or
 22 brand, provided in this section, placed on any container.

23 It shall be unlawful for any person, firm or corporation to use any
 24 container marked or branded, as in this section provided, without the
 25 consent of the owner thereof.

26 It shall be unlawful for any person, firm or corporation to have in
 27 its possession for a longer time than three days any container marked
 28 or branded as in this section provided, without the consent of the
 29 owner thereof and any person, firm or corporation having in its pos-
 30 session any container not its own property, or sent it by the owner
 31 thereof for use, shall immediately return such container or containers,
 32 other than milk and cream bottles, to the owner by a common carrier,
 33 and a receipt from a common carrier shall be prima facie evidence
 34 that such container was returned. Milk and cream bottles, marked or
 35 branded as in this section provided, shall be returned by delivering
 them to the owner thereof or his agent or servant in person, or by

36 leaving them where such owner, his agent or servant may pick them
 37 up at the time he delivers milk. Provided, that where the person, firm
 38 or corporation finds in its possession a container not its own property
 39 nor sent it by the owner thereof for use and not knowing the name
 40 and address of the rightful owner shall immediately notify the state
 41 dairy and food commissioner in writing that such container is in its
 42 possession, describing to him the size and shape of container and the
 43 mark thereon. Upon receipt of shipping instructions from the state
 44 dairy and food commissioner he shall immediately forward same by
 45 a common carrier collect to the name and address furnished him by
 46 the state dairy and food commissioner. Nothing in this section shall
 47 require the return of any milk or cream bottle when the cost of return-
 48 ing such bottle is greater than the market value of the bottle.

49 The state dairy and food commissioner shall adopt and issue rules
 50 and regulations for carrying out the provisions of this section. The
 51 term container used in this section shall include cans, bottles, casks,
 52 kegs, barrels, packages, and other receptacles of like nature.

1 **SEC. 6. Substitute for butter, etc.—requirements.** That chapter
 2 thirteen (13) of title XII, of the code be and the same is hereby
 3 amended by adding thereto the following:

4 No person, firm or corporation shall use in any way, in connection or
 5 association with the sale or exposure for sale or advertisement of any
 6 substance designed to be used as a substitute for butter, the word
 7 "butter", "creamery", or "dairy", except as required by section
 8 twenty-five hundred seventeen (2517) of the code, or the name or rep-
 9 resentation of any breed of dairy cattle, or any combination of such
 10 word or words and representation, or any other words or symbols or
 11 combination thereof commonly used in the sale of butter.

1 **SEC. 7. Violation of act—misdemeanor—penalty.** That any person,
 2 firm or corporation violating any provision of this act shall be guilty
 3 of a misdemeanor, and upon conviction therefor shall be punished by
 4 a fine of not less than ten nor more than one hundred dollars or by
 5 imprisonment for not more than thirty days in the county jail.

1 **SEC. 8. Commissioner and assistants—vacancy in office not contem-**
 2 **plated by act.** Nothing contained in this act shall in any manner
 3 operate to cause a vacancy or remove from office the dairy and food
 4 commissioner or his assistants or employes of the dairy and food
 5 department who may be serving when this act becomes effective.

1 **SEC. 9. Provisions of sections 2 and 6—when effective.** The pro-
 2 visions of section two of this act in so far as they relate to imitation
 3 evaporated milk shall take effect October 1st, 1919.

4 The provision of section 6 of this act shall take effect August 1st,
 5 1919.

1 **SEC. 10. Publication clause.** This act being deemed of immediate
 2 importance, shall be in force and effect from and after its publication
 3 in the Des Moines Register and the Des Moines Capital, newspapers
 4 published at Des Moines, Iowa.

Approved April 11, A. D. 1919.

I hereby certify that the foregoing act was published in Des Moines Capital April 15,
 1919 and in the Des Moines Register April 16, 1919.

W. S. ALLEN, *Secretary of State.*