

CHAPTER 127

STANDARDS FOR LARD AND RENDERED PORK FAT

H. F. 123

AN ACT to amend section three thousand fifty-eight (3058), Chapter one hundred forty-eight (148), Code, 1939, relating to the definition and standards for lard and rendered pork fat.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three thousand fifty-eight (3058), Chapter one
2 hundred forty-eight (148), Code, 1939, is hereby amended by adding
3 immediately after paragraph 43 the following paragraphs:

4 LARD. Lard is the fat rendered from fresh, clean, sound, fatty
5 tissues from hogs in good health at the time of slaughter, with or with-
6 out lard stearin or a hardened lard. The tissues do not include bones,
7 detached skin, head fat, ears, tails, organs, windpipes, large blood
8 vessels, scrap fat, skimmings, settlings, pressings and the like and
9 are reasonably free from muscle tissue and blood.

10 RENDERED PORK FAT. Rendered pork fat is the fat other than
11 lard, rendered from clean, sound carcasses, parts of carcasses, or
12 edible organs from hogs in good health at the time of slaughter, except
13 that stomachs, tails, bones from the head and bones from cured or
14 cooked pork are not included. The tissues rendered are usually fresh,
15 but may be cured, cooked, or otherwise prepared and may contain some
16 meat food products. Rendered pork fat may be hardened by the use of
17 lard stearin and/or hardened lard and/or rendered pork fat stearin
18 and/or hardened rendered pork fat.

Approved April 10, 1941.

CHAPTER 128

DAIRY INDUSTRY ACT

H. F. 243

AN ACT relating to the dairy industry, and to conserve and promote the prosperity and welfare of the Iowa Dairy Industry and of the State of Iowa by promoting the increased use and consumption of dairy products, whether processed or unprocessed, by providing for a research, educational, publicity, advertising and sales promotion campaign; to levy and impose an excise tax on butter fat produced in this state during the period from June 1 to June 15, inclusive, of each year and to provide for the collection thereof by the producer or dealer, for the purpose of creating a fund with which to conduct such research, educational, advertising publicity, and sales promotion campaign; to create the Iowa Dairy Industry Commission, and to vest the administration of this act in such commission; to provide for the particular duties and authority of said commission hereunder; and to provide penalties for violation of this act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. As used in this Act:
2 (a) The term "commission" shall mean the Iowa Dairy Industry
3 Commission;

4 (b) The term "person" shall mean individuals, corporations,
5 partnerships, trusts, associations, cooperatives, and any and all other
6 business units.

7 (c) The term "producer" shall mean and include every person who
8 produces milk or cream from cows or goats and thereafter sells the
9 same as milk, cream, or other dairy products.

10 (d) The term "dealer" shall mean and include any person who
11 buys, sells, manufactures, processes or ships dairy products, or who
12 acts as sales or purchasing agent, broker or factor of dairy products.

1 SECTION 2. There is hereby created an "Iowa Dairy Industry Com-
2 mission" to be thus known and designated.

3 This commission shall be composed of the Secretary of Agriculture of
4 Iowa, the head of the Dairy Husbandry Department of Iowa State
5 College, the head of the Dairy Industry Department of Iowa State
6 College, and in addition thereto nine (9) members appointed by the
7 Executive Committee of the Iowa State Dairy Association as im-
8 mediately hereinafter provided.

9 The Board of Directors of the Iowa State Dairy Association shall
10 nominate for the office of Commissioners two (2) persons from each
11 congressional district within the State of Iowa as constituted as of
12 January 1, 1941, both of whom shall be actual milk or cream producers
13 and from this list as nominated and certified to the Executive Com-
14 mittee of the Iowa State Dairy Association, the said Executive Com-
15 mittee shall appoint one (1) of said nominees from each of said
16 districts. Said appointive commissioners shall serve until the expira-
17 tion of this Act as fixed herein. Any vacancy occurring shall be filled
18 by the said Executive Committee from nominations made by the Board
19 of Directors of the Iowa State Dairy Association in the manner here-
20 tofore provided. The appointive members of the Commission shall
21 receive the sum of Five Dollars (\$5.00) per day for each day spent
22 in actual attendance on meetings of the Commission not exceeding One
23 Hundred Dollars (\$100.00) per annum, together with subsistence
24 expenses not exceeding Four Dollars (\$4.00) per diem, and mileage
25 at the rate of three and one-half cents (3½¢) per mile.

1 SECTION 3. The powers and duties of the Commission shall include
2 the following:

3 (1) To elect a chairman, a treasurer, and from time to time such
4 other officers as it may deem advisable, and from time to time to adopt,
5 rescind, modify and amend all proper and necessary rules, regulations
6 and orders for the exercise of its power and the performance of its
7 duties, which such rules, regulations and orders shall have the force
8 and effect of law when not inconsistent with existing laws;

9 (2) To administer and enforce this Act, and do and perform all acts
10 and exercise all powers reasonably necessary to effectuate the purpose
11 of this Act;

12 (3) To employ at its pleasure and discharge at its pleasure such
13 attorneys, advertising counsel, advertising agencies, clerks, and em-
14 ployees as it deems necessary, and to prescribe their duties and powers
15 and fix their compensation;

16 (4) To establish offices and incur any and all expense, and to
17 enter into any and all contracts and agreements for the proper admin-
18 istration and enforcement of this Act;

19 (5) To report alleged violations of this Act to the Attorney General
20 of the State of Iowa;

21 (6) To conduct scientific research for the purpose of developing
22 and discovering the health, food, therapeutic, dietetic, and industrial
23 uses for products of milk or its derivatives;

24 (7) To make in the name of the Commission such advertising
25 contracts and other agreements as it deems necessary to promote the
26 sale and consumption of dairy products on either a state or national
27 basis;

28 (8) To keep accurate books, records, and accounts of all its deal-
29 ings, which books, records, and accounts shall be open to inspection and
30 audit by the Board of Directors of the Iowa State Dairy Association or
31 its representatives.

1 SECTION 4. The Commission shall plan and conduct a campaign for
2 commodity advertising, publicity and sales promotion, research and
3 educational campaigns to increase the consumption of dairy products,
4 and may contract for any advertising, publicity and sales promotion,
5 research and educational service. To accomplish such purpose the Com-
6 mission shall have power and it shall be the duty of the Commission
7 to disseminate information as follows:

8 (a) Relating to dairy products and the importance thereof in pre-
9 serving the public health, the economy thereof in the diet of the people,
10 and the importance thereof in the nutrition of children;

11 (b) Relating to the manner, method and means used and employed
12 in the production, processing and marketing of dairy products in order
13 to comply with the laws of the state and nation regulating and safe-
14 guarding such production and marketing to insure a pure and whole-
15 some product;

16 (c) Relating to the method of the producer and dealer in producing
17 and handling dairy products in order to meet the standards imposed
18 by the state and the Federal Government to insure a pure and nutritious
19 product;

20 (d) Relating to the harmful effect on the public health that would
21 result from a breakdown of the dairy industry;

22 (e) Relating to the reasons why producers should receive a reason-
23 able return on their labor and investment;

24 (f) Relating to the problem of furnishing the consumer at all
25 times with an abundant supply of high quality dairy products at
26 reasonable prices;

27 (g) Relating to the factors of instability peculiar to the dairy in-
28 dustry, such as unbalanced production, influence of consumer purchas-
29 ing power, and price relative to the cost of other items of food in the
30 normal diet of people, to the end that an intelligent and increasing
31 consumer demand may be stimulated;

32 (h) Relating to the possibilities of increasing consumption of dairy
33 products;

34 (i) Relating to such other, further and additional information as
35 shall tend to promote increased consumption of dairy products, and

36 as may foster a better understanding and more efficient cooperation
37 between producers, and consuming public.

1 SECTION 5. (a) There is hereby levied and imposed an excise tax
2 of one cent (1¢) per pound or fraction thereof upon all butter fat
3 produced in the State of Iowa during the period beginning June 1st
4 and terminating June 15th inclusive, 1941, and annually thereafter
5 during the same period; provided, however, that the provisions of
6 this section shall not apply to butter fat in milk and cream produced
7 outside the State of Iowa, or to butter fat in milk and cream consumed
8 upon the farm where produced. For the purposes of computing the
9 tax in markets where butter fat tests are not available, or the
10 butter fat content not definitely known, the amount of butter fat in
11 milk and cream shall be computed on the basis of four percent (4%) in
12 the case of milk, and thirty-two percent (32%) in the case of cream.

13 (b) All taxes levied and imposed under this act shall be deducted
14 from the price charged by the producer and shall be collected by the
15 first dealer; provided however, that:

16 (1) Where the producer produces milk or cream from cows or
17 goats and thereafter sells the same as milk, cream, or other dairy
18 products, directly to the consumer the taxes aforesaid shall be held by
19 such producer.

20 (2) Where the producer sells milk, cream or other dairy products
21 to any dealer outside the state of Iowa the taxes aforesaid shall be due
22 and payable by such producer before the shipment is made, except that
23 the commission may make such agreements with extra state dealers
24 for the keeping of records and the collection of the taxes aforesaid as
25 are necessary to secure the payment of the said taxes within the time
26 fixed by this Act.

27 All money collected or held as provided in this Section shall be de-
28 posited with the Treasurer of the commission on or before the 15th day
29 of July for the use by the commission for the purpose of this Act.

30 The said Treasurer shall give a bond in such sum as shall be required
31 by the Commission, but not less than twenty thousand dollars (\$20,-
32 000.00).

1 SECTION 6. Every producer shipping milk, cream, and/or other
2 dairy products to any dealer outside of Iowa who is not by agreement
3 with the Commission collecting the tax imposed by this act, and every
4 first dealer within the State of Iowa and every producer distributing
5 milk, cream, or other dairy products directly to the consumer, shall
6 keep a complete and accurate record of all butter fat taxed by this
7 Act in milk or cream produced, bottled, processed, or distributed by
8 him during the period of June 1 to June 15, inclusive, of each year.
9 Such records shall be in such form and contain such information as the
10 commission shall by rule or regulation prescribe and shall be preserved
11 by the person charged with their making for a period of two (2) years
12 and shall be offered or submitted for inspection at any time upon
13 written or oral request by the Commission or its duly authorized agent
14 or employee.

1 SECTION 7. Every person charged by this Act or by agreement
2 with the Commission with the keeping of records provided for in this

3 Act shall at such times as the Commission may by rule or regulation
4 require, file with the Commission a return on forms to be prescribed
5 and furnished by the Commission, stating the quantity of dairy pro-
6 ducts produced, bottled, processed, or distributed, and butter fat
7 content of all milk or cream produced by, delivered to or purchased
8 by such person from the various producers of dairy products or their
9 agents in the state of Iowa during the period of time prescribed in
10 above subsection (a) Section 5. Such return shall contain such other
11 information as the Commission may require, and shall be made in
12 triplicate, one (1) copy of which shall be for the files of the person
13 making the return, and one (1) copy available at the office of such
14 person, for the use of his patrons, and the original filed with the
15 Commission.

1 SECTION 8. The State of Iowa shall not be liable for the acts of
2 said Commission or its contracts. All persons dealing with the Com-
3 mission shall be limited to the funds collected under the provisions
4 of this Act, and no member of the Commission or any employee or
5 agent thereof shall be liable on the contracts of the Commission. All
6 salaries, expenses, costs, obligations, and liabilities incurred by said
7 Commission shall be payable only from funds collected under the
8 provisions of this Act.

1 SEC. 9. The Commission shall have the power to cause its authorized
2 agents to enter upon the premises of any person charged by this Act
3 or by agreement with the Commission with the collection of the excise
4 tax imposed by this Act, and to cause to be examined by any such
5 agent any books, records, documents or other instruments bearing upon
6 the amount of such tax collected or to be collected by such person;
7 provided that the Commission has reasonable ground to believe that
8 all the tax herein levied has not been collected, or if it has been collected
9 that it has not been fully accounted for as herein provided.

1 SECTION 10. The Commission shall on or before the first day of
2 March of each year make a full and complete report of its doings for
3 the previous calendar year, to the Board of Directors of the Iowa State
4 Dairy Association, which report shall show the amount of money re-
5 ceived and the expenditures thereof, and shall be printed in the annual
6 Agricultural Year Book issued by the Secretary of Agriculture of the
7 State of Iowa.

1 SECTION 11. Any person who shall violate or aid in the violation
2 of any of the provisions of this Act upon conviction thereof shall be
3 deemed guilty of a misdemeanor and upon conviction thereof, shall be
4 punished by a fine not to exceed one hundred (100) dollars, or by
5 imprisonment in the county jail not to exceed thirty (30) days. All
6 prosecutions for alleged violations of the provisions of this Act shall
7 be by the County Attorney of the county in which such alleged violation
8 occurred and shall be instituted and conducted under the direction and
9 authority of the Attorney General of the State of Iowa.

1 SECTION 12. This Act shall be liberally construed. If any section,
2 sentence, clause or part of this Act is for any reason held to be un-
3 constitutional or invalid, such decision shall not affect the remaining
4 portions of this Act.

1 SECTION 13. The provisions of this Act shall be in force and effect
2 only from the effective date of this Act to the 31st day of May, 1943,
3 inclusive.

1 SECTION 14. This Act being deemed of immediate importance shall
2 take effect from and after its passage and publication in the Dumont
3 Journal, a newspaper published in Dumont, Iowa, and in the Inde-
4 pendent Republican, a newspaper published in Waverly, Iowa.

Approved March 10, 1941.

I hereby certify that the foregoing act was published in the Dumont Journal, Dumont, Iowa, March 19, 1941, and the Independent Republican, Waverly, Iowa, March 19, 1941.
EARL G. MILLER, *Secretary of State.*

CHAPTER 129

DAIRY PRODUCTS

H. F. 46

AN ACT to amend section three thousand seventy-six and one-tenth (3076.1), Code, 1939, relating to pasteurization of dairy products.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three thousand seventy-six and one-tenth
2 (3076.1), Code, 1939, is hereby amended by striking the period at the
3 end of said section and inserting in lieu thereof a comma and adding
4 the following: "or by any other method which has been demonstrated
5 to be of equal efficiency and is approved by the secretary of agricul-
6 ture and state department of health."

Approved February 24, 1941.

CHAPTER 130

AGRICULTURAL SEEDS

H. F. 295

AN ACT to repeal chapter one hundred fifty-three (153), Code, 1939, and to enact a substitute therefor relating to agricultural seeds and the distribution thereof and providing for penalties and methods of enforcement.

Be It Enacted by the General Assembly of the State of Iowa:

Chapter one hundred fifty-three (153), Code, 1939, is hereby repealed and the following enacted in lieu thereof:

1 SECTION 1. For the purpose of this chapter:

2 1. The term "person" includes an individual, a partnership, corpor-
3 ation, company, society or association.

4 2. The term "agricultural seeds" shall mean the seeds of Canada or
5 Kentucky bluegrass, brome grass, fescues, millet, tall meadow oat
6 grass, orchard grass, redtop, Italian, perennial or western rye grass,
7 slender, western or crested wheat grass, reed canary grass, Kaffir corn,