

45 4. To cooperate with the United States Department of Agriculture
46 in seed law enforcement.

1 SECTION 12. Upon the recommendation of the state secretary of
2 agriculture or his duly authorized agents, the court of competent juris-
3 diction in the area in which the seed is located shall cause the seizure
4 and subsequent denaturing, processsing, or destruction to prevent the
5 use for sowing purposes of any lot of agricultural seed found to be
6 prohibited from sale as set forth in Section 8 subsection 1 paragraphs
7 d and e, and subsection 2; provided, that in no instance shall the de-
8 naturing, processing, or destruction be ordered without first having
9 given the claimant of said seed an opportunity to apply to said court for
10 the release of said seed.

1 SECTION 13. Every violation of the provisions of this act shall be
2 deemed a misdemeanor, punishable by a fine of not more than two
3 hundred fifty dollars (\$250.00). The department of agriculture through
4 its duly authorized agent or agents, may institute proceedings in a
5 court of competent jurisdiction to enforce the provisions of this act.

1 SECTION 14. It shall be the duty of the secretary of agriculture and
2 his agents, to enforce this act (.....GA, Chapter.....)*
3 and of the county attorneys, and of the attorney general of the state
4 to cooperate with him in the enforcement of this act.

1 SECTION 15. If any provision of this act shall be declared invalid,
2 such invalidity shall not affect the validity of any portion of this act
3 which can be given effect without such invalid part.

Approved April 30, 1941.

CHAPTER 131

THE IOWA FERTILIZER LAW OF 1941

S. F. 414

AN ACT to repeal chapter one hundred fifty-four (154), Code, 1939, and to enact a substitute therefor relating to the regulation of the registration, sale, inspection, sampling and analysis of commercial fertilizers, superphosphates and fertilizer materials in the State of Iowa.

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

Chapter one hundred fifty-four (154), Code of Iowa, 1939, is hereby repealed and the following enacted in lieu thereof:

1 SECTION 1. This act shall be known and may be cited by the short
2 title of the "Iowa Fertilizer Law of 1941."

1 SEC. 2. This act shall be administered by the Secretary of Agricul-
2 ture of the State of Iowa, hereinafter referred to as the "Secretary".

1 SEC. 3. As used in this chapter:

2 The term "manufacturer" means a person engaged in the business of
3 preparing, mixing or manufacturing commercial fertilizer or fertilizer
4 material.

*Note: In accordance with the enrolled bill. The reference is to 49th G. A., Chap-
ter 130.

5 The term "manufacture" means preparation, mixing, or manu-
6 facturing.

7 The term "commercial fertilizer" means any substance, including
8 any combination or mixture of substances, designed and fit for use in
9 inducing increased crop yields or plant growth when applied to the
10 soil, except unmanipulated animal and vegetable manures, liming
11 materials and gypsum.

12 The term "fertilizer material" means any substance which is or may
13 be used with another substance in the compounding of mixed fertilizers,
14 or for direct application to the soil, principally as a source of plant
15 food, except untreated animal and vegetable manure, liming materials
16 and gypsum.

17 The term "filler" means any foreign inert substance, of no agricul-
18 tural value, added to superphosphate or to any other single fertilizer
19 material, or added in the manufacture of any mixed fertilizer, to bring
20 the weight thereof to the limit necessary to cause the particular lot to
21 meet the guaranteed analysis filed with the Secretary.

22 The term "brand" means the name, number, trademark or other
23 designation under which commercial fertilizer or fertilizer material
24 is offered for sale, sold or distributed in the State of Iowa, and the
25 fertilizer itself offered for sale, sold or distributed under such name,
26 number, trademark or other designation.

27 The terms "grade" or "guaranteed analysis" mean the minimum
28 guaranteed percentages, stated in whole numbers only, of nitrogen
29 (N), phosphoric acid (P_2O_5) in available form (comprising the water
30 and citrate soluble), and available potash (K_2O).

1 SEC. 4. It shall be unlawful for any person, acting for himself, or
2 as agent, to sell or offer for sale within the State any commercial
3 fertilizer or fertilizer material that has not been registered as required
4 by this section.

5 Any person who may desire to sell or offer for sale, either by him-
6 self or through another person, commercial fertilizer or fertilizer
7 material in this State shall first file with the Secretary, on registration
8 forms supplied by him, a signed statement, giving the name and address
9 of the applicant, the name of his brand or trade mark, and shall furnish
10 the following information and guarantee for each package, bag, or
11 bulk material to be sold within the State of Iowa:

12 (a) Weight of each package in pounds;

13 (b) Brand name or trade mark;

14 (c) Guaranteed analysis showing the plant foods in the following
15 order and giving:

16 Nitrogen, per cent;

17 Available phosphoric acid, per cent;

18 Available potash, per cent;

19 (d) Name and address of the person guaranteeing the registration.

20 In the case of bone, tankage, natural mineral phosphates or other
21 unacidulated phosphatic fertilizer materials in which the phosphoric
22 acid is not shown by laboratory methods to be available but may
23 eventually become available in the soil, the phosphoric acid may be
24 guaranteed as total phosphoric acid. If the term "available phosphoric
25 acid" be used in the statement of analysis, it shall mean the sum of

26 the water soluble and citrate soluble phosphoric acid, except that when
27 applied to basic slag or calcined phosphates the term "available" shall
28 mean that part of the phosphoric acid found available by the Wagner
29 citric acid method as adopted by the Association of Official Agricultural
30 Chemists. In no case shall both the total phosphoric acid and
31 available phosphoric acid be used in the same statement of analysis;
32 except in the case of unacidulated mineral phosphates, when both the
33 available and total phosphoric acid shall be guaranteed.

34 The person offering for sale or selling any mixed fertilizer or
35 fertilizer material which is branded or trademarked shall not be re-
36 quired to register the same if it has already been registered under this
37 act by the person entitled to do so and such registration is then out-
38 standing.

39 For the privilege of registration, the person applying therefor shall
40 pay to the Secretary in advance of registration twenty-five dollars
41 (\$25.00) for said brand or trademark used to designate his fertilizers.

42 Said registration shall expire on July first following its issuance
43 except that registrations made during May and June 1941 shall not
44 expire until July 1, 1942, Said registration or a renewal thereof may
45 be renewed for the period of one (1) year by payment of a renewal
46 fee of one (\$1.00) dollar.

47 The Secretary shall issue at least once a year in his printed annual
48 report a classified list of all registrations outstanding and in force,
49 showing the name and address of the registrant, whether operating
50 as an individual, partnership, association or corporation, name of
51 material manufactured or dealt in, character of business, and date of
52 issue and term of the registration.

1 SEC. 5. Each person who sells commercial fertilizer or fertilizer
2 material in the State of Iowa shall mark upon each container or
3 associate with each shipment or some document relative thereto the
4 information required by paragraph (b) of section four (4). The
5 information may either be branded or printed directly on the bag or
6 other shipping container, or may be printed on a tag, label or certifi-
7 cate which shall be affixed to the shipping container or otherwise
8 associated with the shipment, as provided in this section.

9 If shipped in bags, barrels or other containers commonly used, the
10 data required by paragraph (b) of section four (4) shall be printed
11 (1) either directly on the package, or (2) on tags to be affixed to the
12 package by the manufacturer.

13 If shipped in bulk by rail, the data shall be printed on a suitable
14 label which shall be fastened on the inside wall of the car near the
15 door.

16 If shipped in bulk by truck, wagon, or other vehicle, the information
17 required by this section shall be attached to the copy of the invoice
18 delivered to the purchaser or other receiver.

1 SEC. 6. Each and every manufacturer, importer, jobber, firm,
2 association, corporation or person registered, selling, offering or ex-
3 posing for sale, or distributing any commercial fertilizer or fertilizer
4 material shall on or before July first and January first of each year
5 make a statement under oath, in due form, which shall be filed with
6 the Department of Agriculture, and which shall set forth the number

7 of net tons of such fertilizer or fertilizer material which they have
8 distributed in this State during the preceeding six (6) months, and
9 upon such statement shall pay to the Department of Agriculture the
10 sum of ten cents (10¢) per ton of two thousand (2,000) pounds. Pay-
11 ment of said license fee by the manufacturer or importer shall exempt
12 all other persons from such requirement. The Secretary of Agricul-
13 ture, or his duly authorized agent, is hereby granted permission to
14 verify such statement from applicant's records.

1 SEC. 7. It shall be the duty of the Secretary, personally or by agents
2 duly authorized in writing, to make such inspection of commercial
3 fertilizer or fertilizer material in the State of Iowa, to have such
4 samples taken, and to have such chemical analysis made as in his
5 judgment may be necessary to ascertain whether or not persons offer-
6 ing, selling or distributing commercial fertilizer or fertilizer material
7 are complying with the provisions of this act.

1 SEC. 8. All samples shall be taken from original unbroken bags
2 or packages, the contents of which have not been damaged by exposure,
3 water, or otherwise.

1 SEC. 9. The official methods of sampling and analysis prescribed
2 by the Association of Official Agricultural Chemists shall be followed
3 in making the chemical analysis provided for in this section, and the
4 Secretary shall from time to time publish as a part of his regulations
5 under this act any changes that may hereafter be made in such official
6 methods, and thereafter such methods shall be followed in connection
7 with the administration of this act in lieu of those previously in force.
8 The findings of the State Chemist or his deputy, as shown by the
9 sworn statement of the results of analysis of official samples of any
10 brand of commercial fertilizer or fertilizer material, shall constitute
11 prima facie evidence of their correctness in the courts of this State
12 as to the particular lots sampled and analyzed.

1 SEC. 10. It shall be unlawful for any person to manufacture, offer
2 for sale or sell in this State any commercial fertilizer containing any
3 substance used as a filler that is injurious to crop growth or deleterious
4 to the soil, or to use in such commercial fertilizer or fertilizer material
5 as a filler any substance that contains inert plant-food material for
6 the purpose or with the effect of deceiving or defrauding the purchaser.

1 SEC. 11. It shall be unlawful for any person to make any false and
2 misleading representation in regard to any commercial fertilizer or
3 fertilizer material shipped, sold or offered for sale by him in this State,
4 or to use any misleading or deceptive trade-mark or brand name in
5 connection therewith. The Secretary is hereby authorized to refuse
6 registration for any commercial fertilizer or fertilizer material with
7 respect to which this section is violated.

1 SEC. 12. Nothing in this act shall abridge the right of a consumer
2 of commercial fertilizer to buy bulk materials from any manufacturer
3 or dealer for his own use, provided the registration fee and tonnage
4 tax have been paid thereon if subject thereto, and that the provisions
5 of this act otherwise in respect to such materials have been complied
6 with.

1 SEC. 13. For the enforcement of this act the Secretary is authorized
 2 to prepare and issue such regulations not inconsistent with this act as
 3 may be necessary, and to cooperate with any department or agency
 4 of the government of the State of Iowa as he may elect in their enforce-
 5 ment.

1 SEC. 14. Unless otherwise provided, any person violating any pro-
 2 vision of this title, or any rule made by the department and pro-
 3 mulgated under the authority of said department, shall be punished
 4 by a fine of not less than ten dollars (\$10.00) nor more than one
 5 hundred dollars (\$100.00) or by imprisonment in the county jail not
 6 to exceed thirty (30) days.

1 SEC. 15. All fees collected under the provisions of this title shall be
 2 paid into the state treasury.

1 SEC. 16. If any clause, sentence, paragraph or part of this act shall
 2 for any reason be judged invalid by any court of competent jurisdiction,
 3 such judgment shall not affect, impair or invalidate the remainder
 4 thereof but shall be confined in its operation to the clause, sentence,
 5 paragraph or part thereof directly involved in the controversy in which
 6 such judgment shall have been rendered.

1 SEC. 17. All acts and parts of acts conflicting with this act are
 2 hereby repealed.

1 SEC. 18. This act shall take effect from and after the May first
 2 following its passage and publication.

1 SEC. 19. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its passage and publication in the
 3 Muscatine Journal, a newspaper published at Muscatine, Iowa, and
 4 the West Liberty Index, a newspaper published at West Liberty, Iowa.

Approved April 16, 1941.

I hereby certify that the foregoing act was published in the Muscatine Journal,
 Muscatine, Iowa, April 19, 1941, and the West Liberty Index, West Liberty, Iowa, April
 24, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 132

NARCOTIC DRUGS

S. F. 292

AN ACT to amend chapter one hundred fifty-five and one tenth (155.1), Code, 1939,
 relating to narcotic drugs; providing for certain exemptions from the provisions of
 said chapter; providing for confiscation and forfeiture of vehicles unlawfully used
 in the narcotic trade; providing for issuance of order forms; and relating to
 penalties for violation of the provisions of said chapter.

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

1 SECTION 1. Chapter one hundred fifty-five and one tenth (155.1),
 2 Code, 1939, is hereby amended by adding thereto a new section which
 3 shall read as follows: