

order shall be entered of record in the office of the clerk of the court of the county where said action is pending, and shall have the effect of a final judgment of dismissal.

Approved March 9, 1903.

ADULTERATION OF FOOD.

CHAPTER 6.

[S. B. No. 26—Lewis.]

PURE FOOD LAW.

AN ACT to Prevent the Adulteration, Misbranding and Selling of Adulterated and Unwholesome Foods and Beverages, Prescribing a Penalty for the Violation, Providing for the Inspection and Analysis of Foods, Charging the North Dakota Government Agricultural Experiment Station with the Duty Thereof, Charging the State's Attorney with the Enforcement Hereof, and Making an Appropriation Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ADULTERATING AND MISBRANDING FOODS AND BEVERAGES.] It shall be unlawful for any person, his servant or agent, or while acting as the servant or agent of any other person or corporation, to manufacture for sale or offer for sale any article of food or beverage which is unwholesome or adulterated within the meaning of this act.

§ 2. WHAT CONSTITUTES ADULTERATION.] Any article of food or beverage shall be considered as unwholesome or adulterated within the meaning of this act:

First. If it contains any form of aniline dye or other coal tar dye.

Second. If it contains formaldehyde, benzoic acid, sulphites, sulphurous acid or salicylic acid.

Third. If any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength, so that such article of food or beverage when offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article, so that the product, when sold, shall deceive or tend to deceive the purchaser.

Fifth. If any necessary or valuable constituent of the article has been in whole or in part abstracted.

Sixth. If it be an imitation of or offered for sale under the specific name of another article.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser.

Eighth. If it consists wholly or in part of a diseased, decomposed, filthy, or putrid animal or vegetable substance.

Provided, that an article of food or beverage shall not be deemed adulterated in the following cases:

1. If it be a compound or mixture of recognized food products and not included in definition sixth of this section.

2. In the case of candies and chocolates if they contain no terra alba, barytes, talc, chrome yellow or other mineral substances, or aniline dyes or other poisonous colors or flavors detrimental to health.

3. If in the case of baking powders or any mixture or compound intended for use as a baking powder they have affixed to each and every box, can or package containing such powder or like mixture or compound, a light colored label upon the outside and on the face of which there is distinctly printed with black ink and in clear, legible type, the name and address of the manufacturers, the true and correct analysis; and in a form to be prescribed by the North Dakota government agricultural experiment station, of each and all the constituents or ingredients contained in or contributing a part of such baking powders, or mixture or compound intended for use as a baking powder.

§ 3. PENALTY FOR SO DOING.] Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall for each offense be punished by a fine of not less than twenty-five dollars, or more than one hundred dollars, and all necessary costs, including the expense of analyzing such adulterated articles when said person has been found guilty under this act.

§ 4. DUTY OF STATE'S ATTORNEY.] It shall be the duty of the state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the North Dakota government agricultural experiment station, as provided for in sections 7 and 8 of this act.

§ 5. THE NORTH DAKOTA EXPERIMENT STATION TO INSPECT AND ANALYZE FOODS AND BEVERAGES.] The North Dakota government agricultural experiment station shall make analysis of food products and beverages on sale in North Dakota, suspected of being adulterated, at such times and places and to such extent as it may determine, and may appoint such agent, or agents, as it may deem necessary, and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act, and agent or agents and sheriffs shall have free access, at [all] reasonable hours, for the purpose of examining into any place wherein it is suspected any article of food or beverage adulterated with any deleterious or foreign ingredient or ingredients exist, and such agent, agents or sheriffs upon tendering the market price of said article may take from any person, firm or corporation samples of any articles suspected of being adulterated as aforesaid, and the said station may

adopt or fix standards of purity, quality of strength when such standards are not specified or fixed by statute.

§ 6. CITIZEN MAY SEND SAMPLE OF FOOD OR BEVERAGE FOR ANALYSIS.] Any citizen of the state may, by prepaying the transportation charges, send any article of manufactured food or food product, or beverage, in the original package to said station to be analyzed. And such article, if not before analyzed, shall be analyzed and included in the next report of the station as provided for in section 9 or this act.

§ 7. FACTS, HOW TRANSMITTED.] Whenever said station shall find by its analysis that adulterated food products have been on sale in this state, it shall forthwith transmit the facts so found to the state's attorney of the county in which said adulterated food product was found.

§ 8. CERTIFICATES AS EVIDENCE.] Every certificate duly signed and acknowledged by the chemist of the North Dakota government agricultural experiment station at Fargo, relating to the analysis of any food, food products or beverages, shall be presumptive evidence of the facts therein stated.

§ 9. STATION TO MAKE REPORT.] The said station shall make an annual report to the governor upon adulterated food products, and said report may be included in the report which the said station is already authorized by law to make to the governor, and in June and December of each year the said station shall furnish to the auditor of each county in the state a certified list of all adulterated foods, food products and beverages as found by such analysis, showing the name and brand of the article, the manufacturer and the name of the injurious adulterant. The county auditor of each county shall cause the said list to be printed in the official papers of such county. Said publication shall be made in July and January of each year, and shall continue for two successive issues, to be paid for by such county at the rate allowed by law for publishing the proceedings of the board of county commissioners.

§ 10. DUTY OF SHERIFF ON PRESENTATION OF COMPLAINT OF VIOLATION OF THIS ACT. COMPENSATION.] It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provision of this act, to at once proceed to obtain by purchase a sample of the adulterated food, food product or beverage complained of, and forward the same to the said station for analysis, marking the package or wrapper containing the same, for identification, with the name of the person from whom procured, the date on which the same was procured and the substance therein contained. For his services hereunder the said sheriff shall be allowed the same fees for travel as are now allowed by law to sheriffs on service of criminal process, together with such compensation as may be by the county commissioners of his county deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount

expended shall be audited and allowed by the said commissioners and paid by his said county as other bills of said sheriff.

§ 11. APPROPRIATION.] To carry out the provisions of this act, out of any money in the state treasury, not otherwise appropriated, the sum of fifteen hundred dollars is hereby annually appropriated to the said North Dakota government agricultural experiment station, which sum shall be paid in equal quarterly installments to the treasurer of the board of trustees of such station, upon the order of the state auditor, who is hereby directed to draw his order for the same.

§ 12. NO ACTION IN COURT.] No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

§ 13. REPEAL.] All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 2, 1903.

AGRICULTURAL FAIRS.

CHAPTER 7.

[S. B. No. 147—Lewis.]

AGRICULTURAL FAIR CORPORATIONS.

AN ACT Relating to Agricultural Fair Corporations.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. POWERS.] Agricultural fair corporations are authorized and empowered to make any and all regulations, rules and provisions, not inconsistent with law, which shall in their judgment be necessary or proper for the government, management and control of the premises used by them for the holding of fairs, and all expositions to be held thereon, and all such needful rules and regulations concerning the government and deportment of the public thereon, which may be requisite or proper; provided, this act does not repeal article 2, of chapter 4, of the political code, revised codes of 1899.

§ 2. BOARD OF DIRECTORS.] The board of directors shall consist of not less than three, nor more than fifteen persons. The by-laws may provide that one or more persons, not stockholders, may be elected directors.

§ 3. LIABILITY OF STOCKHOLDERS.] The liability of stockholders shall not be other or greater than that provided in section 2902 of the civil code, as contained in the revised laws of 1899.

§ 4. EMERGENCY.] Whereas, the organization of agricultural