

PURE FOODS, DRUGS AND LIQUORS

CHAPTER 188.

[S. B. No. 67—Kennedy]

SANITATION OF FOOD PRODUCING ESTABLISHMENTS.

AN ACT Providing for the Sanitation of Bakeries, Canneries, Packing Houses, Slaughter Houses, Dairies, Creameries, Cheese Factories, Confectioneries, Restaurants, Hotels, Groceries, Meat Markets, and All Other Food Producing Establishments, Manufacturies or Other Places Where Food is Prepared, Manufactured, Packed, Stored, Sold or Distributed, and Vehicles in Which Food Is Placed for Transportation; Regulating the Health of Operatives, Employes, Clerks, Drivers and All Other Persons Working on the Premises Who Handle the Material From Which Food Is Prepared or the Finished Product; Defining Food; Regulating the Wholesomeness of Food Manufactured, Prepared, Packed, Stored, Sold, Distributed or Transported, and Defining the Duties of the Food Commissioner of the North Dakota Government Agricultural Experiment Station, and Providing Penalties for the Violation Thereof.

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

§ 1. TO WHAT PLACES ACT APPLIES.] Every building, room, basement or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughter house, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employes, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced; and for the purpose of this act the term "food", as used herein, shall include all articles used for food, drink, confectionery or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

§ 2. CONTENTS OF PLACES, AND UTENSILS USED MUST BE PROTECTED.] The floors, sidewalls, ceilings, furniture, receptacles, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of food products, shall at no time be kept in an unclean, unhealthy and unsanitary condition, and for the purpose of this act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufac-

ture, preparation, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt and, as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt and the waste products subject to decomposition and fermentation, incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets and other receptacles, chutes, platforms, racks, tables, shelves and all knives, saws, cleavers and other utensils and machinery used in moving, handling, cutting, chopping, mixing, canning and all other processes are not thoroughly cleaned daily, and if the clothing of operatives, employes, clerks or other persons therein employed is unclean.

§ 3. FURTHER SANITARY REQUIREMENTS.] The sidewalls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen shall be well plastered, wainscoted or ceiled with metal or lumber and shall be oil painted or kept well lime washed, and all interior wood work in every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be kept well oiled or painted with oil paints, and be kept washed clean with soap and water; and every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable non-absorbent material which can be flushed and washed clean with water.

§ 4. FLY SCREENS REQUIRED.] The doors, windows and other openings of every food producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than fourteen mesh wire gauze.

§ 5. TOILET ROOMS PROVIDED.] Every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other non-absorbent material and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes, or on outside of the building in which they are situated. Lavatories and wash rooms shall be adjacent to toilet rooms, and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employes, clerks and all other persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water.

§ 6. CUSPIDORS FURNISHED.] Cuspidors for the use of operatives, employes, clerks or other persons, shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution, and five ounces of such a solution shall be left in each cuspidor while it is in use. No operative, employe or other person shall expectorate on the floor or sidewalls of any building, room, basement or cellar where the production, manufacture, packing, storing, preparation or sale of any food is conducted.

§ 7. NOT USED FOR SLEEPING PURPOSES.] No person or persons shall be allowed to live or sleep in any room of the bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared, served or sold.

§ 8. DISEASES ENUMERATED.] No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, or consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, (epidemic), epidemic dysentery, measles, mumps, German measles (Rothein), whooping cough, chicken pox or any other infectious or contagious disease.

§ 9. INSPECTOR MAY ABATE VIOLATIONS.] The chief inspector or deputy inspector or any agent of the food commissioner, of the experiment station at Fargo, shall have full power at all reasonable times to enter and inspect every building, room, basement or cellar occupied or used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employe, clerk, driver or other person is found to be violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employes and operatives and the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination or inspection shall furnish evidence of said violation to the attorney general and district attorney, who shall prosecute all persons violating any of the provisions of this act, or shall report such conditions and violations to the food commissioner, who shall issue an order to the person or persons in authority at the aforesaid establishment to abate the condition or violation or make such improvements as may be necessary to abate them, within the period of five days or such reasonable time as may be required in which to abate them. Such order shall be in writing,

and the person receiving the order shall have the power of appeal from the order and instructions, and may within five days from the issuance of the order appear in person or by attorney before the food commissioner of the experiment station at Fargo to give reason why such order or instruction should not be obeyed.

§ 10. PENALTY.] Any person who violates any of the provisions of this act or who refuses to comply with any lawful orders or requirements of the food commissioner, duly made in writing, as provided in section nine of this act, shall be guilty of a misdemeanor, and on conviction shall be punished for the first offense by a fine of not less than ten dollars nor more than fifty dollars; for the second offense by a fine of not less than fifty dollars nor more than one hundred dollars and for the third and subsequent offense by a fine of two hundred dollars, and imprisonment in the county jail for not less than thirty nor more than ninety days, and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the food commissioner of the experiment station at Fargo, shall constitute a distinct and separate offense.

Approved March 15, 1909.

CHAPTER 189.

[S. B. No. 107—Kennedy]

PURE LIQUOR LAW.

AN ACT to Provide for Better Enforcement of the Laws Against the Manufacture and Sale of Intoxicating Liquors, Providing for Inspection, Testing and Analysis of Said Beverages, Prescribing a Penalty for the Violation Thereof, and Charging the North Dakota Government Agricultural Experiment Station With the Enforcement Thereof.

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

§ 1. EXPERIMENT STATION TO ENFORCE LAW.] The North Dakota government agricultural experiment station at Fargo is hereby charged with the enforcement of the provisions of this act, and is hereby authorized to inspect and collect samples of the various beverages included under the provisions of this act and on sale in North Dakota or being shipped into the state at such times and places and to such extent as it may determine; and said station may appoint for the enforcement of the terms of this act such agent or agents as it may seem necessary, and such agent or agents as are duly authorized for this purpose shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages, cars, vessels and containers used in the sale or transportation of the beverages named herein or products sold in imitation thereof. They shall have power and authority to open any

package, container, or vessel containing such article which may be manufactured, shipped, sold or exposed for sale, in violation of this act. They may inspect the contents therein and may take samples therefrom for analysis. They shall have authority to prevent the sale or manufacture of products not complying with the provisions of this act. All clerks, bookkeepers, express agents, railroad officials, employees or common carriers shall render to them every assistance in their power when so requested in tracing, finding or discovering the presence of any prohibited article named in this act.

§ 2. [WHAT IS INCLUDED.] For the purposes of this act there shall be included all fermented and spiritous liquors, malt liquors, wines, ciders and all so-called fruit "ades," imitation ciders and beverages under whatever name or description to be manufactured, sold or offered for sale and to be used as a beverage or a substitute for intoxicating liquors, also all bitters, tonics or other alcoholic preparations, where a license for the sale of the same is required under the rulings of the internal revenue department of the United States.

§ 3. BEVERAGES DEFINED.] For the purposes of this act the following definitions shall be deemed as correctly defining the products named:

1. Whiskey is the product derived by distillation from the properly prepared and fermented mash of malted sound cereals, or sound cereals the starch of which has been hydrolized by malt and which distillate has been stored in wood under normal conditions for not less than four years, and it shall be labeled true to name.

2. Rum is the spirits made by the proper distillation from the clean, sound juice of the sugar-cane, the clean, sound massecuite made therefrom, clean, sound molasses massecuite, or any sound, clean, intermediate product, save sugar, properly fermented and which has been stored for not less than four years in wood under normal conditions for aging.

3. Brandy is the properly distilled spirit made from wine and stored in wood for not less than four years and kept under normal conditions during the process of aging.

4. Malt liquor or malt is a beverage made by the alcoholic fermentation of an infusion in potable water of barley, malt and hops, with or without unmalted grains, decorticated and degerminated grains.

5. Beer is a malt liquor produced by bottom fermentation and lager beer is beer stored in casks for a period of at least three months.

6. Malt beer is beer made of an infusion, in potable water of barley malt and hops.

7. Ale is a malt liquor produced by top fermentation.

8. Porter and stout are varieties of malt liquors made in part from highly roasted malt.

9. Wine is the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, and the usual cellar treatment, fortified or unfortified when properly labeled to show its true character.

10. Cider is the product made by the normal alcoholic fermentation of apple juice and the usual cellar treatment without fortification.

11. The terms "compound whiskey," "rum," or "brandy" shall apply to the products composed of, or prepared from, neutral spirits and whiskey, with or without color and flavor.

12. The terms "imitation whiskey," "brandy" or "rum" shall apply to that product prepared from neutral spirits, with or without color and flavor.

13. Artificial "ades" and beverages shall include all the so-called "soft" drinks, when made from sound and harmless ingredients intended to be put upon the market or sold as a beverage either in keg, bottle or other containers.

§ 4. HOW LABELED.] There shall be shown on the face or main label, to be attached to each container, a statement showing the amount by measure, the alcoholic strength and the true name and address of the manufacturers.

§ 5. VIOLATIONS IN LABELING.] It shall be unlawful to sell, offer for sale, to manufacture, or to ship into the state any so-called compound, or imitation whiskey, brandy, rum, wine, or other imitation spirituous liquor, and any party violating this provision of the act shall, on conviction, be fined not less than two hundred and fifty dollars nor more than one thousand dollars for each offense, or confined for not less than six months nor more than one year in jail, or both, at the discretion of the court, and all such illegal products shall be seized and destroyed by order of the court.

§ 6. PENALTY FOR VIOLATION.] Any person selling or offering for sale or having in his possession for sale or having stored for sale or distribution within the state any spirituous liquor or other beverage, as herein defined, without having first secured a license for the sale of the particular product mentioned, shall constitute a misdemeanor, and on conviction the person shall be fined not less than one thousand dollars, or not less than six months in jail, or both, at the discretion of the court.

§ 7. LICENSE REQUIRED.] Before any fermented, spirituous or malt liquors, wines, ciders, fruit-ades, imitation ciders, pops and beverages, as described in section three, to be used as beverage or medicine, is offered or exposed for sale in this state, the manufacturer, importer, or person causing the same to be sold, offered or exposed for sale, shall file with the North Dakota government agricultural experiment station at Fargo, during the month of December of each year, a certified copy setting forth the name of each and every brand, the class of the beverage bearing a distinctive name, brand or trademark, which manufacturer, importer or person has to

sell, offer or expose for sale in this state during the calendar year next succeeding said application, and shall deposit with said station a pint sample of said product labeled in the manner prescribed by this act. The fees for each beverage and brand shall be as follows :

For one brand each of whiskey, rum or brandy.....	\$150.00
For each additional brand	75.00
For each brand of malt liquor	10.00
For each brand or class of wine	25.00
For each brand or class of cider	10.00
For each brand or class of artificial ades and other beverages	50.00
For each brand or class of pops.....	10.00

Providing, always, that the placing of any new brand on the market at any time during the calendar year shall be preceded by the filing of such statement and the depositing of such brands with the said station before the issuance of a license. Each manufacturer, importer, jobber or person who has complied with the provisions of this act and has paid the fees, as prescribed relative to the filing of the aforesaid certified statement and the depositing of a sample, in accordance with the provisions of this act, shall be entitled to receive a certificate from the director of said station setting forth said facts. The said director shall pay all moneys received for fees, as provided for in this act, to the treasurer of the North Dakota government agricultural experiment station, which treasurer, when said money is appropriated by the board of trustees of said station, shall pay all money or so much as may be necessary, to meet the expenses of enforcing this act. Said board of trustees shall report in full the expenditures incurred for salaries, laboratory expenses, chemical apparatus and supplies, traveling expenses, office help, attorney fees and printing. Whenever a manufacturer, importer, or jobber shall have filed a statement, as required by the provisions of this act, and paid the license fee as prescribed in this section, no other agent, seller or manufacturer, importer or jobber, shall be required to file such statement or pay such fee for the same brands.

§ 8. STANDARDS ADOPTED.] In all the foregoing definitions the standards of purity, as adopted jointly by the association of state and national food and dairy departments and the association of official agricultural chemists, and at the time in force shall be the official standards.

§ 9. FACTS, HOW TRANSMITTED.] Whenever said station shall find by its analysis that adulterated, misbranded, insufficiently labeled, compound, or imitation spirituous liquors or beverages have been on sale in this state, it shall forthwith transmit the facts so found to the attorney general and to the state's attorney of the county in which the product was found.

§ 10. 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 analy-

sis of any spirituous or malt liquors or beverage, shall be presumptive evidence of the facts therein stated.

§ 11. DUTY OF STATE'S ATTORNEY.] It shall be the duty of the attorney general and 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 nine and ten of this act.

§ 12. WHAT CONSTITUTES VIOLATION.] The doing of anything prohibited by this act shall be evidence of the violation of the provisions of this act relating to the things so prohibited, and the omission to do anything directed to be done shall be evidence of a violation of the provisions of this act relative to the things so directed to be done, and any person who shall sell any unbroken package of spirituous liquors or beverages or any part thereof which has not been labeled as herein provided, shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, together with the costs of the suit in an action caused to be brought by the director of the North Dakota government agricultural experiment station, or his agent, in the name of the people of the state of North Dakota.

§ 13. STATION TO MAKE ANNUAL REPORT.] The said station shall make an annual report to the governor upon the work done under this act and said report may be included in the report which said station is already authorized by law to make to the governor. Said station is further authorized to publish and distribute bulletins giving the results of such analyses and investigations as have been made under authority of this act, and the said station shall in these bulletins give the names and addresses of the manufacturers or jobbers, the name of the retailer, when known, or the consignee, and the facts as brought out by the analyses or by other investigations.

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

§ 15. REPEAL.] All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Approved March 15, 1909.