

CONCENTRATED COMMERCIAL FEEDING STUFF

CHAPTER 37.

(S. B. No. 12—Rusch.)

CONCENTRATED COMMERCIAL FEEDING STUFF.

AN ACT to Amend and Re-enact the Concentrated Feeding Stuff Law of North Dakota the same being Article 43, Sections 2911-2921 of the Political Code of the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] That Article 43 being Sections 2911-2921 of the Compiled Laws of North Dakota for the year 1913 are hereby amended and re-enacted so as to read as follows:

FEEDING STUFFS, HOW LABELED.] Every lot or parcel of any "Concentrated Commercial Feeding Stuff" as defined in Section 3, used for feeding farm live stock, sold, offered or exposed for sale in the state, shall have affixed in a conspicuous place on the outside thereof, a legible and plainly written statement, clearly and truly certifying the number of net pounds contained therein; the name, brand or trademark under which the article is sold, the name and address of the manufacturers or importers, and a statement of the ingredients from which the commercial feedings stuffs are compounded, using their common names, giving the relative proportion of the several ingredients or foods which enter into the compound and a statement of the minimum percentage it contains of crude protein, allowing one percent of nitrogen to equal (N. x 6.25) six and one-fourth percent of crude fat, and the maximum percentage of crude fibre, said constituents to be determined by the methods of the association of official agricultural chemists of the United States as adopted at that time. This information and analysis to be set forth in a form and manner to be approved by the Director of Regulatory.

§ 2. FEEDING STUFFS EXEMPTED.] The term "Concentrated Commercial Feeding Stuffs" as here used shall not include hays, straw, whole seeds, nor the unmixed meals made directly from the seed of wheat, rye, speltz, barley, oats, Indian corn, buckwheat, or broom corn; and neither shall it include wheat, rye, buckwheat, brans or middlings not mixed with other substances, but sold separately as distinct articles of commerce, nor pure grains ground together.

§ 3. FEEDING STUFFS TO BE LABELED.] The term "Concentrated Commercial Feeding Stuff," as here used, shall include linseed meals, cotton seed meals, cotton seed feeds, molasses feeds, milk and buttermilk feeds, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, dried distiller's grains, malt sprouts, hominy feeds. Cerelin feeds, rice meals, dried beef refuse, oat feeds, corn and oat feeds, alfalfa meal, corn bran, ground beef or fish scraps, meat and bone meal, clover meal, condimental foods, poultry foods, stock foods, patented, proprietary or trademarked stock and poultry foods, (whether to be used as foods or medicines), mixed foods, other than those composed solely of bran and middlings mixed together, or pure grains ground together, and all other materials of similar nature not included in Section 2.

§ 4. SHALL FILE WITH DIRECTOR OF REGULATORY DIVISION NORTH DAKOTA AGRICULTURAL COLLEGE.] Each and every manufacturer, importer, agent or seller of any "Concentrated Commercial Feeding Stuff" shall, during the month of December, file with the Director of the Regulatory Division of the North Dakota Agricultural College, a certified copy of the statement named in Section 1 of this act, and, upon request, shall furnish a sealed glass jar or bottle containing a representative sample of at least one pint of the feeding stuff to be sold or offered for sale in this state.

§ 5. FINES AND FAILURE TO COMPLY WITH THE LAW.] Each and every manufacturer, importer, agent, or person, selling, offering or exposing for sale in this state any "Concentrated Commercial Feeding Stuff," as defined in Section 3 of this act, without the statement required by Section 1 of this Act, and stating that said feeding stuff contains substantially a larger percentage of either of the constituents mentioned in Section 1, than is contained therein, or in relation to which the provisions of all the foregoing sections have not been fully complied with, shall be fined not exceeding one hundred dollars for the first offense, and not exceeding two hundred dollars for each subsequent offense.

§ 6. LICENSES FOR FEEDING STUFFS.] Every manufacturer, importer, agent or seller of any "Concentrated Commercial Feeding Stuff," shall pay annually, during the month of December, to the office of the Director of Regulatory Division, Agricultural College, North Dakota, a license fee of fifteen dollars for each and every brand sold or offered for sale in North Dakota. Whenever the manufacturer, importer or agent or seller of "Concentrated Commercial Feeding Stuffs" desires at any time to sell such material and has not paid the license fee therefor in the preceding month of December, as required by this section, he shall pay the license fee prescribed herein before making the sale.

Each manufacturer, importer or person who has complied with the provisions of this article shall be entitled to receive a certificate from the Director of the Regulatory Division, North Dakota Agricultural College, setting forth said facts. Whenever a manufacturer, importer, or

shipper of "Concentrated Commercial Feeding Stuffs" shall have filed the statement required by Section 1 of this article, and paid the license fee as prescribed in this section, no other agent, or seller, manufacturer, importer or shipper shall be required to file such statement or pay such fee for the same brands.

§ 7. FINES FOR ADULTERATING FEEDS.] Any person who shall adulterate any kind of meal or ground grain with milling or manufacturing offals, or any other substance whatever unless the ingredients and true composition thereof is plainly marked or indicated upon the package containing the same, or in which it is offered for sale; or any person who knowingly sells or offers for sale any meal or ground grain which has been so adulterated, unless the ingredients and the true composition is plainly marked or indicated upon the package containing the same, in which it is offered for sale, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 8. DIRECTOR OF REGULATORY DIVISION TO ENFORCE LAW.] The Director of the Regulatory Division, North Dakota Agricultural College, Fargo, is hereby authorized to have collected a sample, not exceeding two pounds in weight, for analysis, from any lot, parcel or package of any concentrated commercial feeding stuffs as defined by Section three (3) of this act, or any kind of material which is used in the feeding of domestic animals, and which may be in the possession of any manufacturer, importer, agent or dealer, and whenever requested said sample shall be taken in the presence of said party or parties in interest, or their representative, and taken from a number of parcels, or packages, which shall not be less than five per centum of the whole lot inspected, and shall be thoroughly mixed, divided into two samples, placed in glass vessels, carefully sealed, and a label placed on each stating the name or brand of the feeding stuff or material sampled, the name of the party from whose stock the sample was taken, and the time and place of taking the same, and said label shall be signed by the collector or his deputy, and by the party or parties in interest or their representative present at the taking and sealing of said samples, one of said samples shall be retained by the collector or his deputy, and the other by the party whose stock is sampled. The said Director of Regulatory shall cause at least one sample of each brand of feeding stuff collected as herein provided to be analyzed annually. Said analysis shall include determination of crude fat, crude fibre, crude protein, and such other determinations as may at any time be deemed advisable. Said Director of Regulatory shall cause the analysis so made to be published in his annual report to the governor, also said analysis may be published in bulletins, together with such other additional information in relation to the character, composition and use thereof, as may seem to be of importance, and issue the same annually, or more frequently, if deemed advisable.

For the purpose of enforcement of this act the Director of Regulatory, his deputy or his agents, shall have full and free access to all places

of business, mills, buildings, carriages, cars, vessels and packages of whatsoever kind used in the manufacture, importation or sale of any "Concentrated Commercial Feeding Stuffs," and shall also have power and authority to open any packages containing or supposed to contain any "Concentrated Commercial Feeding Stuff," and take therefrom samples for analysis.

§ 9. WHAT CONSTITUTES VIOLATION OF THE LAW.] 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.

§ 10. DUTY OF DIRECTOR OF REGULATORY DIVISION.] The Director of Regulatory Division or his agent or deputy is charged with the enforcement of the provisions of this act, and for this purpose, may employ agents, chemists and experts, and whenever he shall know or have reason to believe that any penalty has been incurred by any person for the violation of any of the provisions of this act, or that any sum has been forfeited by reason of any such violation he or his agent shall report the said violation with a statement of the facts to the attorney general or to the state's attorney for the district wherein the offense is committed, who shall begin proceedings according to the state law.

§ 11. IMPORTER DEFINED.] The term importer, for all purposes of this act is intended to apply to such person or persons as shall bring into, or offer for sale within this state "Concentrated Commercial Feeding Stuffs" manufactured without this state; provided, that nothing in this act shall be construed as prohibiting persons engaged within the State of North Dakota in the business of manufacturing flours, from selling at the place where made, their own manufacture of bran and middlings, without complying with the provisions of Section 1 of this act; provided there be not admixed with the said bran or middlings, any other foreign ingredient or adulterants.

§ 12. STATE TREASURER'S DUTIES.] It shall be the duty of the state treasurer to receive all inspection funds and fees, from the Director of the Regulatory Division and to furnish receipt therefor.

§ 13. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 15, 1921.