

COMMERCIAL FEEDING STUFFS

CHAPTER 141

(H. B. No. 335—Burns, by Request)

REGISTRATION AND LABELING OF CONCENTRATED COMMERCIAL FEEDING STUFFS

An Act to Prevent Fraud and Deception in the Manufacture and Sale of Concentrated Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Chapter 37 of the Session Laws of 1921, Sections 1 to 13, Inclusive, and All Other Acts or Parts of Acts Inconsistent Herewith.

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

§ 1. STATEMENT OF CONCENTRATED FEEDING STUFF TO BE FILED WITH STATE FOOD COMMISSIONER AND CHEMIST.] That before any concentrated commercial feeding stuff is sold, offered or exposed for sale in North Dakota, the manufacturer, importer, dealer, agent, or person who causes it to be sold or offered for sale, by sample or otherwise, within this state, shall file with the State Food Commissioner and Chemist of the State of North Dakota, a statement that such manufacturer, importer, dealer, agent, or person desires to offer for sale such concentrated commercial feeding stuff, in this state, and also a certificate, the execution of which shall be sworn to before a notary public, or other proper official, for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, the name, brand, or trade mark under which the concentrated commercial feeding stuffs will be sold, the ingredients from which the concentrated commercial feeding stuffs are compounded, and the minimum percentage of crude fat and crude protein, allowing one per cent of nitrogen to equal 6.25 per cent of protein, and the maximum percentage of crude fiber determined according to the Official and Tentative Methods of Analysis of the Association of Official and Agricultural Chemists, which the manufacturer or person offering the concentrated commercial feeding stuff for sale guarantees it to contain.

§ 2. STATEMENT TO BE AFFIXED TO PACKAGES AND SAMPLES.] Any person, company, corporation or agent who shall sell, offer or expose for sale or distribution in this state, any concentrated commercial feeding stuffs shall affix, or cause to be affixed to every package or sample of such concentrated commercial feeding stuffs, in a conspicuous place on the outside thereof, a tag or label which shall be accepted as a guarantee of the manufacturer, importer, dealer or agent and which shall have plainly printed thereon in the English language, the number of net pounds of concentrated commercial feeding stuffs in the package, the name, brand or trade

mark under which the concentrated commercial feeding stuffs are sold, the name of the manufacturer, the location of the principal office of the manufacturer, and the guaranteed analysis, stating minimum percentage of crude fat and crude protein, and the maximum percentage of crude fiber, determined as provided in the provisions of this act, and the ingredients from which the concentrated commercial feeding stuff is compounded. For each one hundred pounds, or fraction thereof, the person, company, corporation or agent shall also affix the tag or label purchased from the State Food Commissioner and Chemist of the State of North Dakota, showing that the concentrated commercial feeding stuff has been registered as required by the provisions of this act, and that the inspection tag has been paid. When the concentrated commercial feeding stuff is sold in bulk, a tag as hereinbefore described, shall be delivered to the consumer with each one hundred pounds or fraction thereof, provided, that the State Food Commissioner and Chemist's tags and labels shall be issued to cover twenty-five, fifty and one hundred pounds, provided, further, that the State Food Commissioner and Chemist is authorized to issue tags or labels of other denominations.

§ 3. REGISTRATION BY STATE FOOD COMMISSIONER AND CHEMIST AND TAGS AND LABELS TO BE SUPPLIED. FEES.] The State Food Commissioner and Chemist shall register the facts set forth in the certificate required by Section 1 of this act in a permanent record, and shall furnish tags or labels showing the registration of such certificate to manufacturers or agents desiring to sell the concentrated commercial feeding stuff so registered at such times and in such numbers as the manufacturers or agents may desire; provided, that the State Food Commissioner and Chemist shall not be required to sell tags or labels in less amount than to the value of five dollars (\$5.00) or multiple of five dollars, for any one concentrated commercial feeding stuff; provided, further, that the State Food Commissioner and Chemist shall not be required to register any certificates unless accompanied by an order and fees for tags or labels to the value of five dollars (\$5.00) or some multiple of five dollars; provided, further, that such tags or labels shall be printed in such form as the State Food Commissioner and Chemist may prescribe; provided, however, that each package or container of a concentrated commercial feeding stuff offered for sale in the State of North Dakota, containing one or more of the materials of low feeding value enumerated in Section 6 of this act, in which the maximum crude fiber content of such concentrated commercial feeding stuff is twelve and one-half per cent or more, or the minimum crude protein of such concentrated commercial feeding stuff is nine per cent or less, shall have attached to it a yellow tag or label, identical with the official tag as prescribed by the State Food Commissioner and Chemist, except in color, and that there shall be printed

on this tag, in red ink, the per cent present of each material enumerated in Section 6, or the names and total per cent of all such materials or the names and maximum per cent thereof. Provided, further, that such tags or labels shall be good until used.

§ 4. SWORN STATEMENT TO BE FILED ANNUALLY.] On or before January 31st of each year, each and every manufacturer, importer, dealer, agent or person who causes any concentrated commercial feeding stuff to be sold or offered or exposed for sale in the state of North Dakota, shall file with the State Food Commissioner and Chemist of the state of North Dakota, a sworn statement, giving the number of net pounds of each brand of concentrated commercial feeding stuff that such manufacturer, importer, dealer, agent, persons, or person has sold or caused to be offered for sale in the state, for the previous year, ending with December 21st; provided, that when the manufacturer, jobber, or importer of any concentrated commercial feeding stuff shall have filed the statement aforesaid, any persons or person acting as agents for such manufacturer, importer or jobber, shall not be required to file such statement.

§ 5. FEES, DISPOSITION OF, EXPENSES, HOW PAID.] For the expenses incurred in registering, inspecting and analyzing concentrated commercial feeding stuffs, the State Food Commissioner and Chemist shall receive for tags or labels furnished, to cover one hundred pounds, one dollar for each one hundred tags or labels; to cover fifty pounds, sixty cents for each one hundred tags or labels; to cover twenty-five pounds, forty cents for each one hundred tags or labels; provided, that if the State Food Commissioner and Chemist should at his discretion, issue tags or labels to cover more than one hundred pounds or less than twenty-five pounds, as provided in the provisions of this act, he shall receive for all tags or labels in excess of one hundred pounds a proportional rate on the basis of a one hundred pound tag, and for all tags or labels issued in denominations of less than twenty-five pounds, he shall receive not less than thirty cents for each one hundred tags or labels. All fees received by the State Food Commissioner and Chemist as provided for in this act shall be properly recorded by him and forwarded monthly to the Treasurer of the State of North Dakota. The State Treasurer shall upon receipt thereof enter such funds and carry them in a special revolving fund to be designated the "State Regulatory Fund." All salaries and items of expense of whatever nature incurred in the enforcement of this act shall be paid out of said State Regulatory Fund. Vouchers for all expenses, pay rolls, and other items of expense of whatever nature incurred in the enforcement of this act shall be approved by the State Food Commissioner

and Chemist and be forwarded monthly to the State Board of Administration for audit and approval and when so audited and approved shall be certified to the State Auditor who shall draw warrants upon the State Treasurer for all pay rolls, expenses and bills so audited and approved. The State Treasurer shall thereupon pay such expenses and accounts out of the State Regulatory Fund.

§ 6. ADULTERATIONS OF COMMERCIAL FEEDING STUFFS.] No person, company, corporation, or agent shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuffs which is adulterated with any foreign mineral matter or damaged feeding materials which have been reduced in feeding value to an extent as to be rendered unwholesome, or any foreign substance of low feeding value, such as mill, elevator, boat or other sweepings or dust; buckwheat hulls; cottonseed hulls; peanut hulls; peanut shells; rice hulls; oat hulls; corn cobs ground; cocoa shells; clipped oat by-products; ground or unground hulls; chaff; dust or other inferior cleanings derived from the preparation, cleaning or milling of any seed or grain when separated from the standard product, humus, peat, sphagnum moss, ivory nut turnings, ground corn stalks, flax plant by-products; sorghum pulp; ground or shredded straw, or hay (excepting alfalfa meal or similar leguminous meals), sawdust, tree bark, cellulose or dirt, coffee hulls or chaff or any other materials of equally low feeding value, without plainly stating on the tags or labels hereinbefore described, the components of such mixture, using the names by which each ingredient is commonly known. Provided, that if any concentrated commercial feeding stuff is adulterated with humus, peat or sphagnum moss, the maximum percentage of such humus, peat or sphagnum moss present in the concentrated commercial feeding stuff must also be stated upon the tag or label.

Provided, further, that no concentrated commercial feeding stuff shall be adulterated with any substance injurious to the health of domestic animals.

§ 7. POWERS GRANTED STATE FOOD COMMISSIONER AND CHEMIST.] The State Food Commissioner and Chemist or any person deputized by him is hereby empowered to procure from any lot, parcel or package of any concentrated commercial feeding stuff offered for sale or found in the state of North Dakota; and upon tender and full payment of the selling price of said sample take therefrom a quantity of commercial feeding stuff of not less than two pounds; provided that such samples shall be obtained during

reasonable business hours, or in the presence of the owner of the concentrated commercial feeding stuff or in the presence of some person claiming to represent the owner.

§ 8. STANDARDS AND DEFINITIONS AUTHORIZED TO BE PROMULGATED.] The State Food Commissioner and Chemist is hereby empowered to promulgate standards and definitions for concentrated commercial feeding stuff, and to subscribe and enforce such rules and regulations, relating to concentrated commercial feeding stuff as he may deem necessary to carry into effect the full intent and meaning of this act, and to refuse the registration of any concentrated commercial feeding stuff under a name which would be misleading as to the materials of which it is made or when the percentage of crude fiber is above or the percentage of crude fat or crude protein below the standards adopted by the State Food Commissioner and Chemist for concentrated commercial feeding stuffs. The State Food commissioner and Chemist is further empowered to refuse to issue tags or labels to any manufacturer, importer, dealer, agent or person who shall sell or offer or expose for sale any concentrated commercial feeding stuff in the State of North Dakota and who refuses to submit a sworn statement as required by the provisions of this act.

§ 9. FACTS, HOW TRANSMITTED.] Whenever said State Food Commissioner and Chemist shall find by analyses or otherwise that adulterated, misbranded, insufficiently labeled or an unlicensed product is being sold in violation of this act, he shall forthwith transmit the facts so found to the State's Attorney of the county in which the product was found and it shall be the duty of said State's Attorney to institute appropriate proceedings in the proper court of jurisdiction.

§ 10. ARTICLES INCLUDED WITHIN TERMS.] The term "concentrated commercial feeding stuffs," as used in this act, shall include linseed meals, cocoanut meals, gluten feeds, gluten meals, germ feeds, corn feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, dried distiller's grains, dried beet refuse, hominy feeds, ceraline feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, and other mill by-products not excluded in this section, ground beef or fish scraps, dried blood, blood meals, bone meals, tankage, meat meals, slaughter house waste products, mixed feeds, clover meals, alfalfa meals and feeds, pea vine meal, cottonseed meal, sunflower oil cake, velvet bean meal, or any other leguminous meal, mixed feeds and mixed meals made from seeds or grains and all materials of similar nature used for food for domestic animals, condimental feeds, poultry feeds, stock feeds, patented proprietary or trade and market

stock and poultry feeds, and all feeds containing mineral ingredients generally regarded as dietary factors essential for the normal nutrition or growth of animals and which are sold or represented for the purpose of supplying those minerals as correctives to rations in which these same mineral factors may be deficient; but it shall not include straws, hay, whole seeds, mixed meals, made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn, nor wheat flours or other cereal flours, nor preparations which are sold or represented for the cure, mitigation or prevention of a definitely described disease.

§ 11. VIOLATIONS A MISDEMEANOR.] Any person, company, corporation, or agent that shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuff which has not been registered with the State Food Commissioner and Chemist as required by the provisions of this act, or which does not have affixed to it a tag or label required by the provisions of this act, or which is found by an analysis made by or under the direction of the State Food Commissioner and Chemist to contain a smaller percentage of crude fat or crude protein than the maximum guarantee, or a greater percentage of crude fiber than the maximum guarantee, or which shall be labeled with a false or inaccurate guarantee, or who shall alter the tags or labels of the State Food Commissioner and Chemist, or who shall use the name and title of the State Food Commissioner and Chemist, or who shall use the tags and labels of the State Food Commissioner and Chemist a second time, or who shall refuse or fail to make the sworn statement required under the provisions of this act, or who shall prevent or strive to prevent the State Food Commissioner and Chemist, or any person or persons deputized by him, from inspecting and obtaining samples of concentrated commercial feeding stuffs, as provided for in this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in the sum of fifty dollars for the first offense, and in the sum of one hundred dollars for each subsequent offense. In all litigation arising from the purchase or sale of any concentrated commercial feeding stuff in which the composition of the same may be involved, a certified copy of the official analysis by the State Food Commissioner and Chemist shall be accepted as prima facie evidence of the composition of such concentrated commercial feeding stuff, provided that nothing in this act shall be construed to restrict or prohibit the sale of concentrated commercial feeding stuff in bulk to each other by importers, manufacturers, or manipulators who mix concentrated commercial feeding stuff for sale, or as preventing the free unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, or to prevent the State Food Commissioner and Chemist or any person or persons deputized by the State Food Commissioner and Chemist or the North

Dakota Agricultural Experiment Station or any person or persons in the employ of the North Dakota Agricultural Experiment Station, making experiments with concentrated commercial feeding stuffs for the advancement of the science of agriculture.

§ 12. Chapter 37 of the Session Laws of 1921, Sections 1 to 13 inclusive, Sections 2911 to 2921, inclusive, of the Compiled Laws of North Dakota 1913, are hereby repealed and all other acts and parts of acts inconsistent herewith are hereby repealed.

§ 13. This act shall take effect and be in force from and after its passage and approval.

Approved March 5, 1927.

FEMALES

CHAPTER 142 (S. B. No. 253—Whitman)

HOURS OF LABOR OF FEMALES

An Act to Amend and Re-enact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

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

§ 1. That Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows:

§ 10246a1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telephone or telegraph establishment or office, or in any express or transportation company, in the state of North Dakota more than eight and one-half (8 1-2) hours in any one day, or more than six (6) days or more than forty-eight (48) hours in any one week; provided, however, that this Act shall not apply to females working in rural telephone exchanges or in villages or towns of less than five hundred (500) population, nor to cases of employees in small telephone exchanges, and in telegraph offices where the Workmen's Compensation Bureau after a hearing has determined that the condition of work is so light that it does not justify the application of this Act. In such cases the Workmen's Compensation Bureau shall make reasonable rules and regulations under which females may be employed in such small exchanges. Provided,