

not exceeding the sum of \$25, or by imprisonment in the county jail not to exceed the term of fifteen days or by both such fine and imprisonment.

Approved, March 19, 1895.

DAIRY PRODUCTS.

CHAPTER 49.

[H. B. No. 122.]

DAIRY PRODUCTS.

AN ACT Entitled an "Act to Protect Dairy Interests of the State of North Dakota and to Prevent Fraud in Dairy Products and to Regulate the Traffic in Adulterated Butter and Cheese."

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

§ 1. MISDEMEANOR, FINE AND IMPRISONMENT.] Any person who shall knowingly sell or offer for sale or procure the sale of, or make or manufacture any article or substance in semblance of butter, not the legitimate product of the dairy, made exclusively of milk or cream, but into the composition of which the oil or fat of animals, or melted butter, or any oil thereof, enters as a substitute for cream, in tubs, firkins, or other original packages, not distinctly, legibly and durably branded, stamped or marked in a conspicuous place with the word "oleomargarine" or "butterine" or "patent butter" as the case may be, in letters not less than one-fourth of an inch in width and one-half of an inch in length, or in retail packages not plainly and conspicuously labeled with said words "oleomargarine," or "butterine," or "patent butter," as the case may be, shall be guilty of a misdemeanor, and punished by a fine not less than twenty-five dollars, nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment, in the discretion of the court.

§ 2. IMITATION BUTTER.] Any person or firm who shall sell or offer for sale, or make or manufacture imitation butter, or butter made of part cream and part caseine or other ingredients under what is known as "Quinness patent" or process, or any other similar process, whereby the caseine of milk and other ingredients are made to imitate and resemble genuine butter made from cream, shall stamp each package of the same on the top and side with lamp black and oil the words "patent butter" in letters at least one-fourth of an inch wide and one-half of an inch long.

Whoever violates the provisions of this section is guilty of a misdemeanor, and shall [be] punished for each offense by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

§ 3. CHARACTER OF PRODUCT MUST BE DESIGNATED.] Any person or firm who shall sell or offer for sale or make or manufacture out of any oleaginous substance or substances or any compound of the same, or any other compound other than that produced from unadulterated milk, any article designed to take the place of cheese or any imitation of cheese, produced from pure milk, or any article termed "filled cheese," shall stamp each package of the same on the top and side with lampblack and oil the words, "filled cheese," or words that shall designate the exact character and quality of the product, in letters at least one-fourth of an inch wide and one-half of an inch long. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

§ 4. PATENT BUTTER AND CHEESE.] Whoever sells or offers for sale any imitation or patent butter or cheese, as described in the foregoing sections of this act, shall give to each purchaser of said goods a printed card stating correctly the different ingredients contained in the said compound. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than twenty-five dollars nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or such fine and imprisonment in the discretion of the court.

§ 5. POSSESSION PRIMA FACIE EVIDENCE OF GUILT.] The having in possession by any person or firm of any article or substance prohibited by this act shall be considered *prima facie* evidence that the same is kept by such person or firm in violation of the provisions of this act, and the State Dairy Commissioners shall be authorized to seize upon and take possession of any such article or substance, and upon the order of any court which has jurisdiction under this act, he shall sell the same for any purpose other than to be used for food; the proceeds derived from fines and the sale of imitation butter shall be paid one-half to the informer and one-half into the State treasury, to be placed to the credit of State Dairy Commissioner's fund.

§ 6. SPECIMENS ANALYZED.] Samples or specimens of any articles in imitation butter suspected of being of a spurious character, shall be analyzed or otherwise satisfactorily tested as to compounds by the chemist of the Agricultural College at Fargo, free of expense, and a certificate of the analysis, sworn to by the

analyzer, shall be admissible as evidence in all prosecutions under this act.

§ 7. PACKED, BRANDED AND STAMPED.] The sale or offer for sale of the substance mentioned in the foregoing section in packages not branded, stamped, marked or labeled as therein required, shall be *prima facie* evidence of knowledge of the character of such substance on the part of the person so selling or offering for sale, and his employer.

§ 8. PURPOSE OF ACT DEFINED.] For the purpose of this act the term "butter and cheese" shall be understood to mean the products usually known by those names, and which is manufactured exclusively from milk or cream or both.

§ 9. STENCIL OR SUITABLE DEVICE.] Every cheese factory, creamery, or combined cheese factory and creamery, engaged in the manufacturing of butter and cheese, shall procure a stencil or brand bearing a suitable device and words which shall clearly designate the quality of the product manufactured, and the number and location of the factory, and may contain a special or private brand or name of said factory, every brand shall be used upon the outside of the cheese and also upon the package containing the same, but in the case of butter on the package only, and shall report annually to the State Commissioner of Agriculture and Labor, who by virtue of his office is ex-officio State Dairy Commissioner, the name, location and number of each factory using the said brand, and the name or names of the persons at each manufactory authorized to use the same, together with a copy of each stencil or brand, and State Dairy Commissioner shall keep a book in which shall be registered the same. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars or more than fifty dollars, for each and every offense.

§ 10. ACT CONSTRUED.] Nothing in this act shall be so construed as to prohibit the shipment of butter and cheese without unloading through the State of North Dakota.

§ 11. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 12. EMERGENCY.] *Whereas*, An emergency exists in that it is necessary to sell butter and cheese before the first day of July, therefore this act shall take effect and be in force on its passage and approval.

Approved, March 16, 1895.