

who has been, or shall hereafter be a member of such fire department relief association at least ten years prior to such retirement, and who complies with such additional conditions as to age, service and membership as may be prescribed by the by-laws of such association, provided that any fireman who has actually served in such fire department for the number of years required for retirement and who has paid or who may hereafter pay into the firemen's relief and pension fund assessments with interest equal to the amounts assessed against members in the association during the said time shall be allowed membership in the said fund and shall receive upon retirement the same pension paid to other firemen. It being the intention to prevent discrimination by the by-laws of any firemen's relief association which will prevent firemen who have actually worked as such during the number of years required by the by-laws from being discriminated against or barred in participation from membership in the association or from the benefits from the relief fund. This provision shall be retroactive. Such pension shall be uniform in amount, but all may be decreased or increased, within the amount above specified, whenever the amount of funds on hand renders such action advisable. No such pension shall be paid to any person while he remains a member of said fire department, and no person receiving such pension shall be entitled to other relief from such association.

Approved March 13, 1935.

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## FOODS

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### CHAPTER 139

H. B. No. 168—(Schauss and Keidel)

#### USE OF BUTTER SUBSTITUTES ON POPCORN.

An Act to require the apprising of the use of butter substitutes on popcorn sold or offered for sale and providing penalties for violation.

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

§ 1. Any person, firm or corporation selling or offering for sale popcorn upon which any oil or fat other than butter has been used shall post up conspicuously on the popcorn machine and in the room in which such popcorn is being sold or offered for sale a sign which may be easily seen by the purchasers and in letters not smaller than one-half inch high and one-half inch wide, giving the name of the oil or fat "used on said popcorn."

§ 2. Any person, firm or corporation violating the provisions

of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

Approved March 5, 1935.

CHAPTER 140

H. B. No. 167—(Fedje)

CONTENTS FLOUR LABELS.

An Act amending and re-enacting Section 3 of Chapter 111 of the 1933 Session Laws known as the "Flour Label Act."

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

§ 1. AMENDMENT.] That Section 3 of Chapter 111 of the 1933 Session Laws be amended and re-enacted to read as follows:

§ 3. LABEL.—CONTENTS. Each and every package, container or barrel of flour manufactured or distributed in whole or in part from wheat, which is sold, offered or exposed for sale or delivery in this state, shall bear on the outside thereof, in a conspicuous place, a legibly and plainly written or printed label or statement giving the approximate or average percentage of each kind of wheat used in the manufacture of said flour, the state or states in which the wheat or wheats were produced and the percentage of protein in the flour, in a form subject to the approval of the State Food Commissioner and Chemist and substantially as follows, to-wit:

Approximate or average percentage of all wheats used in this flour:

Name of State where produced	% Hard Spring Wheat	% Durum Wheat	% Hard Winter Wheat	% Soft Winter Wheat	% Other Variety Wheat
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Protein, contains not less than.....%

Approved March 5, 1935.

CHAPTER 141

S. B. No. 76—(Jones)

PROHIBITING IMPORTATION AND SALE INFECTED FRUIT.

An Act to prevent the importation and sale of infected fruit; providing for the seizure of infected fruit and defining penalties.

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

§ 1. It shall be unlawful for any person to import into this

state, sell or offer for sale or have in one's possession for sale or barter any fruit which has been infected or infested with peach blight, peach mildew, peach-twig borer, San Jose scale or other scale insects, apple scab, codling moth larva or larvae, and the fact that such fruit bears the mark of any of the above named pests shall be deemed conclusive evidence that such fruit is infected or infested within the meaning of this act.

§ 2. The State Food Commissioner and Chemist and Agents are hereby authorized and empowered to seize and destroy such infected or infested fruit whenever they shall find the same has been imported, sold, shipped or offered for sale or is being held in any warehouse, store, sales room or other place for the purpose of being sold, bartered, shipped or exposed for sale or barter.

§ 3. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor.

Approved February 20, 1935.

## CHAPTER 142

H. B. No. 131—(Frosaker)

### DEFINING IMITATION ICE CREAM.

An Act to amend and re-enact Section 1, Chapter 159, Session Laws for 1931, as amended and re-enacted by Chapter 130, Session Laws for the year 1933, defining imitation ice cream, providing penalty for violation thereof and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1, Chapter 159, Session Laws for the year 1931, as amended and re-enacted by Chapter 130 of the Session Laws of North Dakota for the year 1933, be amended and re-enacted to read as follows:

§ 1. DEFINING IMITATION ICE CREAM.] Imitation ice cream is any frozen substance, mixture or compound regardless of the name under which it is sold or offered for sale, which is made in imitation or semblance of ice cream or is prepared or frozen as ice cream is customarily prepared or frozen and which is not ice cream, milk sherbet or ice in accordance with the definitions in force under the North Dakota Food and Drugs Act or contains less than twelve per centum (12%) of milk fat or weighs less than four and one-half pounds ( $4\frac{1}{2}$ ) avoirdupois per gallon.

§ 2. PENALTY FOR VIOLATION.] The penalty as provided for under Section Six, of Chapter 159, of the Session Laws for the year 1931, in the original act, shall in all ways apply to this act.

§ 3. EMERGENCY CLAUSE.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 21, 1935.