

dollars or more than five hundred dollars, or by both such fine and imprisonment. Any editor of a newspaper, managing officer of any printing establishment, radio station, novelty concern, poster or billboard advertising company printing or furnishing such political advertisement without disclosing the information herein provided for shall also be liable to the penalties prescribed herein.

§ 3. INVALID SECTIONS.] If any section or sections of this Act shall be declared unconstitutional or invalid this shall not invalidate any other sections of this Act.

Approved March 16, 1945.

FOODS, DRUGS, OILS, AND COMPOUNDS

CHAPTER 177

H. B. No. 92

Introduced by Representatives Dalzell, Hofstrand, Haugland
and Schnell

FLOUR AND BREAD STANDARDS

An Act To require the enrichment of flour and bread to meet certain standards of vitamin and mineral content; and to fix penalties for violation of this Act.

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

§ 1. When used in this Act, unless the context otherwise requires: (a) "Flour" includes and shall be limited to the foods commonly known in the milling and baking industries as (1) white flour, also known as wheat flour or plain flour; (2) bromated flour; (3) self-rising flour, also known as self-rising white flour or self-rising wheat flour, and (4) phosphated flour, also known as phosphated white flour or phosphated wheat flour, but excludes whole wheat flour and also excludes special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours.

(b) "White bread" means any bread made with flour (as defined in (a)) whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread.

(c) "Rolls" includes plain white rolls and buns of the semi-

bread dough type namely: soft rolls, such as hamburger rolls, hot dog rolls, Parker House rolls, and hard rolls, such as Vienna rolls, Kaiser rolls, but shall not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns and butterfly rolls.

(d) "Commissioner" means the State Food Commissioner and Chemist of the State of North Dakota.

(e) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread or rolls.

§ 2. It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale, for human consumption in this State, flour (as defined in Section 1) unless the following vitamins and minerals are contained in each pound of such flour: not less than 2.0 mg. and not more than 2.5 mg. of thiamine; not less than 1.2 mg. and not more than 1.5 mg. of riboflavin; not less than 16.0 mg. and not more than 20.0 mg. of niacin or niacin-amide; not less than 13.0 mg. and not more than 16.5 mg. of iron (Fe); except in the case of self-rising flour which in addition to the above ingredients shall contain not less than 500 mg. and not more than 1500 mg. of calcium (Ca); provided, however, that the terms of this section shall not apply to flour sold to distributors, bakers or other processors, if the purchaser furnishes to the seller a certificate in such form as the Commissioner shall by regulation prescribe, certifying that such flour, will be (1) resold to a distributor, baker or other processor, or (2) used in the manufacture, mixing or compounding of flour, white bread or rolls enriched to meet the requirements of this Act, or (3) used in the manufacture of products other than flour, white bread or rolls. It shall be unlawful for any such purchaser so furnishing any such certificate to use or resell the flour so purchased in any manner other than as prescribed in this section.

§ 3. It shall be unlawful for any person to manufacture, bake, sell, or offer for sale, for human consumption in this State, any white bread or rolls (as defined in Section 1) unless the following vitamins and minerals are contained in each pound of such bread or rolls; not less than 1.1 mg. and not more than 1.8 mg. of thiamine; not less than 0.7 mg. and not more than 1.6 mg. of riboflavin; not less than 10.0 mg. and not more than 15.0 mg. of niacin; not less than 8.0 mg. and not more than 12.5 mg. of iron (Fe).

§ 4. (a) The Commissioner is hereby charged with the duty of enforcing the provisions of this Act and he is hereby authorized and directed to make, amend or rescind rules, regulations and orders for the efficient enforcement of this Act.

(b) Whenever the vitamin and mineral requirements set forth in Sections 2 and 3 of this Act are no longer in conformity with the

legally established standards governing the interstate shipments of enriched flour and enriched white bread or enriched rolls, the Commissioner, in order to maintain uniformity between intrastate and interstate vitamin and mineral requirements for the foods within the provisions of this Act, is authorized and directed to modify or revise such requirements to conform with amended standards governing interstate shipments.

(c) In the event of findings by the Commissioner that there is an existing or imminent shortage of any ingredient required by Sections 2 or 3 of this Act, and that because of such shortage the sale and distribution of flour or white bread or rolls may be impeded by the enforcement of this Act, the Commissioner shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredient from flour or white bread or rolls; and if he finds it necessary or appropriate, excepting such foods from labeling requirements until the further order of the Commissioner. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate federal agency or officer. In the absence of any such order of the----- appropriate federal agency or factual information supplied by it, the Commissioner on his own motion may, and upon receiving the sworn statements of ten (10) or more persons subject to this Act that they believe such a shortage exists or is imminent shall, within twenty (20) days thereafter hold a public hearing with respect thereto at which any interested person may present evidence; and shall make findings based upon the evidence presented. The Commissioner shall publish notice of any such hearing at least ten (10) days prior thereto. Whenever the Commissioner has reason to believe that such shortage no longer exists, he shall hold a public hearing, after at least ten (10) days notice shall have been given, at which any interested person may present evidence, and he shall make findings based upon the evidence so presented. If his findings be that such shortage no longer exists, he shall issue an order to become effective not less than thirty (30) days after publication thereof, revoking such previous order; provided, however, that undisposed floor stocks of flour on hand at the effective date, of such revocation order, or flour manufactured prior to such effective date, for sale in this state may thereafter be lawfully sold or disposed of.

(d) All orders, rules and regulations adopted by the Commissioner pursuant to this Act shall be published in the manner hereinafter prescribed, and, within the limits specified by this Act, shall become effective upon such date as the Commissioner shall fix.

(e) Whenever under this Act publication of any notice, order, rule or regulation is required, such publication shall be made at least ----- (twice) in at least one daily newspaper of general circulation printed and published in this State.

(f) For the purpose of this Act, the Commissioner, or such

officers or employees under his supervision as he may designate, is authorized to take samples for analysis and to conduct examinations and investigations, and to enter, at reasonable times, any factory, mill, bakery, warehouse, shop or establishment where flour, white bread or rolls are manufactured, processed, packed, sold or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour, white bread or rolls therein, and all pertinent equipment, materials, containers and labeling.

§ 5. Any person who violates any of the provisions of this Act or the orders, rules or regulations promulgated by the Commissioner under authority thereof, shall upon conviction thereof be subjected to fine for each and every offense, in a sum not exceeding \$100.00 or to imprisonment, not to exceed 30 days.

§ 6. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved March 2, 1945.

CHAPTER 178

S. B. No. 57

Introduced by Senators Stucke, Drew and Foss

ISONIPECAINE

An Act Defining Isonipecaine and making it Subject to Chapter 19-03 of the North Dakota Revised Code of 1943; and Declaring an Emergency.

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

§ 1. DEFINITION.] "Isonipecaine" means the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name identified.

§ 2. Isonipecaine is subject to all of the rules and regulations contained in Chapter 19-03 of the North Dakota Revised Code of 1943.

§ 3. EMERGENCY.] 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 March 2, 1945.

CHAPTER 179

H. B. No. 138

Introduced by Committee on Appropriations

LICENSE REQUIRED TO SELL ANTI-FREEZE

An Act To amend and re-enact Section 19-1604 and repealing Section 19-1609 of the North Dakota Revised Code of 1943 relating to Anti-Freeze.

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

§ 1. AMENDMENT.] That Section 19-1604 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

19-1604. LICENSE REQUIRED.] Before any anti-freeze can be sold, exposed for sale, or held with intent to sell, within the state, it must be licensed by the State Laboratories Department. Upon application of the manufacturer or distributor and the payment of the fee prescribed in this section, the state laboratories department shall license any anti-freeze not in violation of the provisions of Sections 19-1602 and 19-1603. Such license shall be good for one year unless sooner cancelled or a change is made in the name, brand, or trademark under which such anti-freeze is sold. If the product does not meet all requirements of law, a license for it shall be refused and its sale shall be unlawful. Application for a license and payment of the license fee shall be made annually during the month of December of every year or prior to placing such anti-freeze on the market, and said license shall expire December thirty-first of the year next following its issuance. The license fee shall be twenty dollars for each brand of anti-freeze sold and such fee shall be deposited with the state treasurer to the credit of the general fund.

§ 2. Any and all moneys now in the state treasury to the credit of the anti-freeze fund shall be transferred to the General Fund after all bills charged to such fund prior to July 1, 1945 are paid.

§ 3. REPEAL.] That Section 19-1609 of the North Dakota Revised Code of 1943 relating to appropriation of Revenue, be and the same is hereby repealed.

Approved February 27, 1945.

CHAPTER 180

S. B. No. 58

Introduced by Senators Stucke, Drew and Foss

NARCOTIC DRUGS DEFINED

An Act To Amend and Re-enact Subsections 13, 16 and 17 of Section 19-0301 of the North Dakota Revised Code of 1943; and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Subsection 13 of Section 19-0301 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

19-0301 (13). "Narcotic drugs" means coca leaves, opium, isonipecaine, cannabis, and every other substance neither chemically nor physically distinguishable from them;

§ 2. AMENDMENT.] That Subsection 16 of Section 19-0301 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

19-0301 (16). "Dispense" includes distribute, leave with, give away, dispose of, or deliver;

§ 3. AMENDMENT.] That Subsection 17 of Section 19-0301 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

19-0301 (17). "Registry number" means the number assigned to each person registered under the Federal Narcotic Laws;

§ 4. EMERGENCY.] 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 28, 1945.

CHAPTER 181

H. B. No. 64

Introduced by Representatives Dalzell, Hoffstrand,
Haugland and Schnell

REGULATING SALE OF LIVE STOCK MEDICINES

An Act Amending and re-enacting Section 19-1403 of the North Dakota Revised Code of 1943 relating to the regulating of the sale of livestock medicines.

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

§ 1. AMENDMENT.] That Section 19-1403 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

§ 19-1403. REGULATIONS FOR SALE.] No person shall sell, offer, or expose for sale, have in his possession with intent to sell, any livestock medicine:

1. Which is sold under a name, brand, trademark, or labeling which is misleading, deceptive, or false, or which is dangerous to animals under the conditions of use prescribed in the labeling or advertising thereof;
2. Which purports to cure infectious abortion, hog cholera, fowl cholera, tuberculosis, foot and mouth disease, roup, white diarrhea, or any other disease of domestic animals for which no genuine cure is known;
3. Which has not been registered by the State Laboratories Department for sale in this state. The certificate of registration shall include a disclosure of the name and quantity or proportion of each active ingredient, and the names of the inert ingredients or fillers;
4. Which does not have printed or written upon the label of each package sold at retail, in type not less than one-fourth the size of the largest type on the package;
 - a. The common name in English of all active ingredients in the order of their predominance in the product;
 - b. The total quantity or proportion of active ingredients, and the total quantity or proportion of inert ingredients, provided, however, if such statement of ingredients alone be insufficient to prevent fraud or deception or to convey to the purchaser the true nature of the product, the percentage of each ingredient shall in addition be required. In the case of certain products (such as coated medicinal tablets) it may be impractical to state the quantity or proportion of inert ingredients and exemptions shall be established by regulations issued by the Food Commissioner and Chemist;
 - c. A statement of the actual percentage or relative amounts of

each of the following substances if present: All mineral (inorganic) acids; caustic alkalies; the elements copper, mercury, arsenic, antimony, fluorine, or compounds thereof; tobacco, opium, belladonna, nux vomica, pilocarpus, santonica, areca nut, chenopodium, digitalis, strophanthus, calabar bean, aconite, veratrum, croton oil, ergot, cotton root bark, cantharides, carbon disulphide, carbon tetrachloride, tetrachlorethylene, or derivatives thereof;

d. The net contents, by weight, measure, or numerical count of such package;

e. The name and principal address of the manufacturer or person responsible for placing such livestock medicine on the market; and

f. Complete and explicit directions for use of such medicine;

5. When the contents of the package as originally put up have been removed in whole or in part, and other contents shall have been placed in such package.

Approved February 13, 1945.

CHAPTER 182

H. B. No. 59

Introduced by Representatives Dalzell, Hofstrand,
Haugland and Schmill

REGULATION OF COMMERCIAL FEEDING STUFFS

An Act To prevent Fraud and Deception in the Manufacture and Sale of Concentrated Commercial Feeding Stuffs, and Providing for the Registration and Labelling Thereof; and Repealing all of Chapter 19-13 of the North Dakota Revised Code of 1943; and Declaring an Emergency.

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

§ 1. DEFINITIONS.] The term "commercial feeding stuffs" shall be held to include all feeding stuffs used for feeding livestock and poultry, except the following:

- (a) Whole seeds or grains.
- (b) The unmixed meals made directly from and consisting of the entire grains of corn, wheat, rye, barley, oats, buckwheat and broom corn.
- (c) Whole hays, straws, ensilage and corn stover, when unmixed with other materials.

§ 2. STANDARDS.] The standards for commercial feeding

stuffs shall be the latest revision of the definitions of feeding stuffs adopted by the Association of American Feed Control officials.

§ 3. LABELLING.] Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this state shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

- (a) The net weight of the contents of the package, lot or parcel;
- (b) The name, brand or trade mark;
- (c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;
- (d) The minimum per centum of crude protein;
- (e) The minimum per centum of crude fat;
- (f) The maximum per centum of crude fiber;
- (g) The specific name of each ingredient used in its manufacture.
- (h) In the case of mineral feeds and commercial feeds containing more than a total of five per cent (5%) of one or more mineral ingredients or other materials used as mineral supplements, the minimum per centum of phosphorus (P) calcium (Ca) and iodine (I) and the maximum per centum of salt (NaCl); provided that if no nutritive properties other than those of a mineral nature be claimed for a mineral feed product, the per centums of crude protein, crude fat, and crude fiber may be omitted.
- (i) In the case of vitamin supplements or carriers, the potency in terms of vitamin units per unit weight.

The methods of analysis shall be those in force at the time by the Association of Official Agricultural Chemists.

§ 4. FILING STATEMENTS AND SAMPLES.] Before any manufacturer, importer, dealer, agent or person shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs, he shall file with the State Laboratories Department of the State of North Dakota, a certified copy of the statements specified in Section three (3) for each brand of commercial feeding stuffs; said certified copy shall be accompanied, when the State Food Commissioner and Chemist shall so request, by a sealed package containing at least one pound of the commercial feeding stuffs offered for registration.

§ 5. SEMI-ANNUAL REPORT BY LICENSEES.] All corporations, firms, or persons engaged in the manufacture of commercial feeds sold in this state shall on or before the fifteenth (15th) day of January and the fifteenth (15th) day of July of each year, make statement

under oath, in due form of law, which shall be filed with the State Laboratories Department, and which shall set forth the number of net tons of such commercial feeds sold or distributed in this state during the six (6) preceding calendar months; and upon such a statement shall make payment to the State Laboratories Department the sum of twenty (20) cents per net ton of two thousand (2000) pounds. Each statement of tonnage sold shall have included with such statement a permit granting to the State Food Commissioner and Chemist or his agent permission to verify such statement of tonnage from the records of the party submitting the tonnage report. All fees received by the State Laboratories Department, 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 Laboratories Department is hereby empowered to give credit and if necessary make refund of money for tax tags held at the time this law becomes effective by those engaged in the manufacture of commercial feeds sold in the state.

§ 6. INSPECTION AND ANALYSIS.] The State Food Commissioner and Chemist or any person deputized by him is hereby empowered to procure from 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.

§ 7. RULES AND REGULATIONS.] The State Food Commissioner and Chemist is hereby empowered to promulgate standards and definitions for concentrated commercial feeds, and to subscribe and enforce such rules and regulations as he may deem necessary to carry into effect the full intent and meaning of this act and to refuse registration of any concentrated feeding stuffs under a name which would be misleading as to the materials of which it is made.

§ 8. VIOLATIONS.] Whenever the Food Commissioner and Chemist shall find by analysis or otherwise that an adulterated, misbranded, insufficiently labelled or unlicensed product is being sold in violation of this act, he shall forthwith transmit the facts so found to the State's attorney to institute appropriate proceedings in the proper court of jurisdiction.

§ 9. PENALTIES.] Any person, company, corporation or agent who shall offer for sale, sell or expose for sale any package or sample or quantity of any concentrated commercial feeding stuffs which has not been registered with the State Laboratories Department, as required by the provisions of this act, or which does not have affixed to it a tag or label required by this act, or which is found by 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 minimum guarantee, or a greater percentage of crude fiber than the maximum guarantee, or which shall be labelled with false or inaccurate guarantee; or who shall refuse or fail to make the sworn statements required under the provisions of this act; or who shall prevent or strive to prevent the State Food Commissioner and Chemist or persons deputized by him from inspecting and obtaining samples of concentrated 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 signed by the State Food Commissioner and Chemist may be accepted as prima facie evidence of the composition of such concentrated commercial feeding stuff.

§ 10. REPEAL.] The Chapter 19-13 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 11. EMERGENCY.] 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 15, 1945.

GAME, FISH, AND PREDATORS

CHAPTER 183

H. B. No. 40

Introduced by Representatives Olaf Ostgulen, F. J. Graham, A. W. Benno, Mal Gainor, Bernt Anderson, Frank Lindberg, K. A. Fitch, Mr. M. B. Hogoboom, Cornelius Bymers, C. H. Hofstrand

BOUNTY, WOLF, COYOTE, BOBCAT AND FOX

An Act For an Act to Amend and Re-enact Section 20-1301 of the North Dakota Revised Code of 1943, Relating to Wolf, Coyote, Bobcat and Fox Bounty and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 20-1301 of the North Da-