

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 372

House of Representatives, March 10, 1919.

Reported by Mr. Washburn from Committee on Agriculture
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Mathews of Oakfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT for Better Protection Against Adulterated, Mis-
branded or Inferior Commercial Fertilizers.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section six of chapter thirty-six of the revised
2 statutes is hereby repealed and the following enacted in
3 place thereof:

'Sect. 6. MARKING OF PACKAGES OF COMMERCIAL FERTILIZER. Every lot or package of commercial fertilizer, which is manufactured, sold, distributed,
3 cial fertilizer, which is manufactured, sold, distributed,
4 transported, offered or exposed for sale, distribution or
5 transportation in the state by any person shall have af-
6 fixed in a conspicuous place on the outside thereof a plain-

7 ly printed statement clearly and truly giving the number
8 of net pounds in the package; the name brand or trade-
9 mark under which the fertilizer is sold; the name and
10 principal address of the manufacturer or importer and a
11 chemical analysis stating the minimum percentage of nitro-
12 gen, available as plant food, present as nitrates, ammonium
13 salts or organic nitrogen, of potash, soluble in water, of
14 phosphoric acid in available form, soluble and reverted,
15 and of total phosphoric acid, the constituents to be deter-
16 mined by the methods adopted by the association of offi-
17 cial agricultural chemists. If the fertilizer is sold in bulk
18 or put up in containers furnished by the purchaser, the
19 seller shall, upon request of the purchaser, furnish the
20 latter with a copy of the statements named in this section.'

Sect. 2. Section twelve of said chapter thirty-six of the
2 revised statutes is hereby amended by adding a third clause
3 to the third paragraph thereof, namely, the paragraph
4 which defines certain adulterations of commercial fertilizers
5 as follows:

'Third. If it is found to contain any pulverized leather,
2 hair, ground hoofs, horns, wool waste, peat, garbage tank-
3 age, cyanide, or any nitrogenous ingredients derived
4 from any inert material whatsoever, unless the same has
5 been so treated as to be available as plant food as deter-
6 mined by the methods adopted by the association of offi-
7 cial agricultural chemists, without an explicit printed state-
8 ment of the fact, conspicuously affixed to the package of

9 such fertilizer and accompanying and going with every
10 lot or package of the same, in which fertilizer the above
11 named materials aid in making up the required or guaran-
12 teed analysis,' so that said section as amended shall read
13 as follows:

'Sect. 12. WHEN GOODS SHALL BE DEEMED TO
2 BE ADULTERATED. 1911, c. 119, sec. 11. For the pur-
3 pose of this chapter an article shall be deemed to be adul-
4 terated:

In case of AGRICULTURAL SEED:

First. If its purity fall below its accompanying guaranty.

Second. If it contains the seed of any poisonous plant.

In the case of COMMERCIAL FEEDING STUFF:

First. If its weight, composition, quality, strength or
2 purity do not conform in each particular to the claims made
3 upon the affixed guaranty.

Second. If it be colored, coated, or stained in a manner
2 whereby damage or inferiority is concealed.

Third. If it contains any poisonous or deleterious ingre-
2 dients which may render such article injurious to the health
3 of live stock or poultry.

Fourth. If any milling or manufactured offals or any
2 foreign substance whatever have been added to any whole
3 or ground grain or other commercial feeding stuff, unless
4 the true composition, mixture or adulteration is plainly
5 marked or indicated upon the container thereof.

In the case of COMMERCIAL FERTILIZER:

First. If its weight, composition, quality, strength or
2 purity do not conform in each particular to the claims made
3 upon the affixed guaranty.

Second. If it contains any material deleterious to grow-
2 ing plants.

Third. If it is found to contain any pulverized leather,
2 hair, ground hoofs, horns, wool waste, peat, garbage tank-
3 age, cyanamide, or any nitrogenous ingredients derived
4 from any inert material whatsoever, unless the same has
5 been so treated as to be available as plant food as deter-
6 mined by the methods adopted by the association of offi-
7 cial agricultural chemists, without an explicit printed state-
8 ment of the fact, conspicuously affixed to the package of
9 such fertilizer and accompanying and going with every
10 lot or package of the same, in which fertilizer the above
11 named materials aid in making up the required or guaran-
12 teed analysis.

In the case of a DRUG: 1913, c. 140, sec. 1.

First. If, when a drug is sold under or by a name recog-
2 nized in the United States pharmacopœia or national formu-
3 lary, it differs from the standard of strength, quality, or pur-
4 ity, as laid down in the United States pharmacopœie, or na-
5 tional formulary official at the time of investigation, or
6 as fixed by the commissioner of agriculture: provided, that
7 no drug defined in the United States pharmacopœia, the
8 national formulary or by said commissioner shall be deemed
9 to be adulterated under this provision if the standard of

10 strength, quality, or purity be plainly stated, so as to be
 11 understood by the non-professional person, upon the bot-
 12 tle, box or other container thereof, although the standard
 13 may differ from that laid down in the United States phar-
 14 macopoeia, national formulary, or that fixed by said com-
 15 missioner.

Second. If its strength or purity differs from the pro-
 2 fessed standard or quality under which it is sold.

In the case of CONFECTIONERY :

If it contains terra alba, barytes, talc, chrome yellow, or
 2 other mineral substances, or poisonous color or flavor, or
 3 other ingredients deleterious or detrimental to health, or
 4 any vinous, malt, or spirituous liquor or compound, or nar-
 5 cotic drug.

In case of FOOD :

First. If any substance has been mixed and packed with
 2 it so as to reduce or lower or injuriously affect its quality
 3 or strength.

Second. If any substance has been substituted wholly or
 2 in part for the article.

Third. If any valuable constituents of the article have
 2 been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or
 2 stained in a manner whereby damage or inferiority is con-
 3 cealed.

Fifth. If it contain any poisonous or other added deleteri-

2 ous ingredient which may render such article injurious to
3 health.

Sixth. If it consists in whole or in part of filthy, decom-
2 posed or putrid animal or vegetable substance, or any
3 portion of any animal unfit for food, whether manufac-
4 tured or not, or if it is the product of a diseased animal, or
5 one that has died otherwise than by slaughter.

Seventh. If in the manufacture, sale, distribution, trans-
2 portation, or in the offering or exposing for sale, distribu-
3 tion or transportation, it is not at all times securely pro-
4 tected from filth, flies, dust or other contamination, or other
5 unclean, unhealthful or unsanitary conditions.

Eighth. If it does not conform to the standards of
2 strength, quality, and purity, now or hereafter to be estab-
3 lished by statute or fixed by the commissioner of agricul-
4 ture; provided, that a food shall not be deemed to be adul-
5 terated under this provision if the standard of strength,
6 quality or purity be plainly stated, so as to be understood
7 by the non-professional person upon the container thereof,
8 although the standard may differ from that established by
9 statute or fixed by said commissioner.

Ninth. If its strength or quality or purity fall below the
2 professed standard or quality under which it is sold.

In the case of FUNGICIDE OR INSECTICIDE:

In the case of PARIS GREEN:

First. If it does not contain at least fifty per centum of
2 arsenious oxide. (As ²O³.)

Second. If it contains arsenic in water-soluble forms
2 equivalent to more than three and one-half per centum of
3 arsenious oxide. ($\text{As } ^2\text{O}^3$.)

Third. If any substance has been mixed and packed with
2 it so as to reduce or lower or injuriously affect its quality
3 or strength.

In the case of LEAD ARSENATE:

First. If it contains more than fifty per centum of water.

Second. If it contains total arsenic equivalent to less than
2 twelve and one-half per centum of arsenic oxide. ($\text{As } ^2\text{O}^3$.)

Third. If it contains arsenic in water-soluble forms equiv-
2 alent to more than seventy-five one-hundredths per centum
3 of arsenic oxide. ($\text{As } ^2\text{O}^3$.)

Fourth. If any substances have been mixed and packed
2 with it so as to reduce, lower, or injuriously affect its qual-
3 ity or strength; provided, however, that extra water may
4 be added to lead arsenate if the resulting mixture is la-
5 beled lead arsenate and water, the percentage of extra water
6 being plainly and correctly stated on the label.

In the case of FUNGICIDE OR INSECTICIDE OTHER
2 THAN PARIS GREEN AND LEAD ARSENATE:

First. If its strength or purity fall below the professed
2 standard or quality under which it is sold.

Second. If any substance has been substituted wholly or
2 in part for the article.

Third. If any valuable constituent of the article has been
2 wholly or in part abstracted.

Fourth. If it is intended for use on vegetation and shall
2 contain any substance or substances injurious to such vege-
3 tation.