

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE  
STATE OF MAINE

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## CHAPTER 41.

## Protection Against Adulterated or Misbranded Goods. Packing of Food.

## Packing of Apples. Beverages.

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## Adulterated or Misbranded Goods.

**Sec. 1. Sale of certain adulterated articles prohibited.** R. S. c. 36, § 1. No person shall manufacture, sell, distribute, transport, offer, or expose for sale, distribution, or transportation, any article of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide, or insecticide which is adulterated or misbranded within the meaning of this chapter.

116 Me. 33.

**Sec. 2. Definitions.** R. S. c. 36, § 2. The term "agricultural seed" as used in this chapter shall be held to include the seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, brome grass, buckwheat, alsike clover, crimson clover, red clover, medium clover, white clover, field corn, Kaffir corn, meadow fescue flax, Hungarian, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy, and wheat.

The term "commercial feeding stuff" as used herein shall be held to include all articles of food used for feeding live stock, and poultry, except hays and straws, the whole seeds, and the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, flaxseed, and broom corn.

The term "commercial fertilizer" as used herein shall be held to include all materials used for fertilizing purposes, the price of which exceeds ten dollars a ton.

The term "drug" as used herein shall be held to include all medicines and preparations recognized in the United States pharmacopœia or national formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of man or other animals.

The term "food" as used herein shall be held to include all articles, whether simple, mixed or compound, used for food, drink, confectionery, or condiment by man or animals.

The term "fungicide" as used herein shall be held to include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation, or be present in any environment whatsoever.

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The term "insecticide" as used herein shall include paris green, lead arsenate, and any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insect which may infest vegetation, man, animals, or houses, or be present in any environment whatsoever.

123 Me. 439.

**Sec. 3. Marking of packages of seed.** R. S. c. 36, § 3. 1919, c. 237, § 1. Every lot or package of agricultural seed which is sold, distributed, transported, offered or exposed for sale, distribution, or transportation for seed, in the state by any dealer in seed shall have affixed in a conspicuous place on the outside thereof, a plainly written or printed statement clearly and truly giving the name thereof and its minimum percentage of purity and freedom from foreign matter, together with the name and approximate amount of each kind of noxious weed seed contained therein, and also a guarantee of the germinating power of the seed and the date of the test for germination.

**Sec. 4. Certified seed, defined.** 1923, c. 62, § 1. 1925, c. 21, § 1. The term certified seed as used in this chapter shall be deemed to mean potatoes or such vegetable seeds as shall have been grown and prepared for sale in accordance with regulations laid down by the commissioner of agriculture and for which a certificate or tag has been issued as provided in section seven. Authority to make all reasonable rules and regulations hereunder is hereby given the commissioner of agriculture.

**Sec. 5. Application for certification; agreement regarding payment of fee for inspection.** 1923, c. 62, § 2. 1925, c. 21, § 2. Any grower of potatoes or vegetable seeds may make application to the commissioner of agriculture for inspection and certification of his crop growing or to be grown in this state, giving description of his land and such information as the said commissioner may require. He shall also enter into an agreement to pay such fee into the treasury of state for said inspection and certification as the said commissioner shall deem necessary to cover the cost of inspection and certification. Thereupon his crops shall be listed for inspection and inspected and certified by the said commissioner or his agents under such rules and regulations as the said commissioner may provide. Authority to make all reasonable rules and regulations hereunder is hereby given the commissioner of agriculture.

**Sec. 6. Fee for inspection and certification, how determined.** 1923, c. 62, § 3. In determining the amount of the fee to be paid by the growers of potatoes or other vegetable seeds for inspection and certification under this chapter, the commissioner of agriculture may establish an entry charge not to exceed fifty cents on each acre of potatoes or other vegetable for which such inspection and certification is requested, but in the case of potatoes which shall be found to be unfit for certification, the amount of such entry fee shall not exceed the actual cost of labor performed by the said commissioner or his agents upon such potatoes, nor shall the charge for labor so performed upon such potatoes as shall be found unfit for certification exceed the above named amount of fifty cents per acre, and in the case of potatoes which shall be accepted and certified the said commissioner shall establish a fee for field inspection not to exceed two dollars and fifty cents per acre inclusive of entry charge and also a supplementary charge of five cents for each barrel of potatoes which shall be finally accepted, certified, and sold as certified seed as defined in this chapter.

**Sec. 7. Commissioner of agriculture to issue certificate; contents of certificate; counterfeit and false tags prohibited; penalty.** 1923, c. 62, §§ 4, 5. 1927, c. 12, §§ 1, 2. The commissioner of agriculture may issue a certificate or tag which shall be attached to each container or package in which certified

seed shall be offered or exposed for sale. Such tag or certificate shall indicate the name of the grower, the shipping station or depot, the name of the inspector making the final inspection, the variety of the seed, and shall bear the imprint of the seal of the state. Any tag, having the words "inspected," or "certified seed" thereon, attached to the container or package in which certified seed shall be offered or exposed for sale, shall be so attached thereto that the whole of said certificate or tag shall be in full view. Any person who shall knowingly or wilfully misuse any such tag or certificate or who shall attach to any package or container of seed which has not been duly inspected and certified, any such tag or certificate which shall have printed thereon the words "certified seed" or which by reason of color, size, shape, or otherwise may convey the impression that such seed has been certified by the said commissioner or his agents, shall be punished by a fine of fifty dollars for each offense and shall be thenceforth denied the privileges of sections four to eight inclusive.

**Sec. 8. Privileges denied to those in arrears.** 1923, c. 62, § 6. 1925, c. 21, § 3. No person who is in arrears as to payment for past services of the department of agriculture under the preceding four sections shall be entitled to further services until payment of all such arrears shall have been made.

**Sec. 9. Marking of packages of commercial feeding stuff.** R. S. c. 36, § 4. Every lot or package of commercial feeding stuff, which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution, or transportation in the state by any person, shall have affixed, in a conspicuous place on the outside thereof, a plainly printed statement, clearly and truly giving the number of net pounds in the package; the name, brand, or trade-mark under which the article is sold; the name and principal address of the manufacturer or shipper; a chemical analysis stating the maximum percentage of crude fiber, the minimum percentage of crude fat, and the minimum percentage of crude protein (allowing one per cent of nitrogen to equal six and one-fourth per cent of protein) which it contains, all three constituents to be determined by the methods adopted by the association of official agricultural chemists; if the feeding stuff is a compound feed, the name of each ingredient contained therein; and if artificially colored, the name of the material used for that purpose. If the feeding stuff is sold in bulk or put up in packages belonging to the purchaser, the seller shall upon the request of the purchaser furnish him with a copy of the statements named in this section.

**Sec. 10. Sale and manufacture of commercial feeding stuff, regulated; registration fee.** R. S. c. 36, § 5. Any person who shall manufacture, sell, distribute, transport, offer or expose for sale, distribution, or transportation, in the state, any commercial feeding stuff shall before so doing file with the commissioner of agriculture for each and every commercial feeding stuff bearing a distinguishing name or trade-mark, a certified copy of the statements required by section nine. Said certified copy shall be accompanied when said commissioner shall so request, with a sealed package containing not less than one pound of the commercial feeding stuff. The person who shall file said certificate shall pay annually to the commissioner of agriculture a registration fee of ten dollars, this fee to be assessed on any brand offered for sale, distribution, or transportation in the state; provided, however, that a brand of commercial feeding stuff may be reregistered for the following year without the payment of the fee upon the establishment by the person who paid said fee that the total sales within the state during the year for which said fee was paid did not exceed fifty tons. Whenever any person shall have filed such certificate and paid such registration fee, no other person shall be required to file such statement or pay such fee.

Sec. 11. Marking of pressed hay; person receiving hay not marked may defend action for price. R. S. c. 38, § 15. All hay pressed and put up in bales, except hay pressed by farmers and retailed from their own barns, shall have the first letter of the christian name and the whole of the surname of the person putting up the same, written, printed, or stamped on bands or boards made fast thereto, with the name of the state and the place where such person lives. Whoever offers for sale or shipment any pressed hay not marked as aforesaid, except hay pressed by farmers and retailed from their own barns, forfeits one dollar for each bale so offered, to be recovered by complaint. No person who has received hay not marked as provided in this section shall defend any action for the price thereof upon that ground, unless he shall prove that, before the delivery of said hay to him, he requested the person from whom he bought the same to comply with the provisions of this section.

Sec. 12. Marking of packages of commercial fertilizer. R. S. c. 36, § 6. 1919, c. 126, § 1. Every lot or package of commercial fertilizer, which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution, or transportation in the state by any person shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly giving the number of net pounds in the package; the name, brand, or trade-mark under which the fertilizer is sold; the name and principal address of the manufacturer or importer and a chemical analysis stating the minimum percentage of nitrogen, available as plant food, present as nitrates, ammonium salts, or organic nitrogen, of potash soluble in water, of phosphoric acid in available form, soluble and reverted, and of total phosphoric acid, the constituents to be determined by the methods adopted by the association of official agricultural chemists. If the fertilizer is sold in bulk or put up in containers furnished by the purchaser, the seller shall, upon request of the purchaser, furnish the latter with a copy of the statements named in this section.

116 Me. 33.

Sec. 13. Lime, marl or wood-ashes classed as a commercial fertilizer; statement of percentages; fee for certificate. R. S. c. 36, § 7. Lime, marl, or wood-ashes intended for fertilizing purposes, and without regard to the price at which it is sold or offered for sale, shall be classed as a commercial fertilizer within the meaning of this chapter. All the requirements and penalties relative to commercial fertilizers named in this chapter shall apply to any and every lot of lime, marl, or wood-ashes intended for fertilizing purposes. In addition to the requirements of section twelve the label and certificates shall truly state the minimum and maximum percentage of total lime (calcium oxide), the minimum and maximum percentage of total magnesia (magnesium oxide), the minimum and maximum percentage of lime combined as carbonate (calcium carbonate), and magnesium combined as carbonate (magnesium carbonate), and minimum percentage of lime sulphur (calcium sulphate), in gypsum or land plaster. The person filing the certificate shall annually pay to the commissioner of agriculture a registration fee of ten dollars for each brand of lime intended for fertilizing purposes.

Sec. 14. Sale and manufacture of commercial fertilizer, regulated; registration fee. R. S. c. 36, § 8. Any person who shall manufacture, sell, distribute, transport, offer or expose for sale, distribution, or transportation in the state any commercial fertilizer shall before so doing file with the commissioner of agriculture for each and every fertilizer bearing a distinguishing name or trade-mark, a certified copy of the statements named in section twelve. Said

certified copy shall be accompanied when said commissioner shall so request with a sealed package containing not less than two pounds of the commercial fertilizer. The person who shall file said certificate shall pay annually to the commissioner of agriculture a registration fee as follows: Ten dollars each for the nitrogen and the phosphoric acid and five dollars for the potash contained or said to be contained in the fertilizer, this fee to be assessed on any brand offered for sale, distribution or transportation in the state. Whenever any person shall have filed said certificate and paid said registration fee, no other person shall be required to file such statement or pay such fee.

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**Sec. 15. Marking of packages of fungicide.** R. S. c. 36, § 9. Every lot or package of a fungicide or an insecticide which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution, or transportation in the state by any person, shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the number of net pounds in the package, the name or trade-mark under which the article is sold, the name and address of the manufacturer or shipper, and a chemical analysis stating the minimum percentage of total arsenic and the maximum percentage of water-soluble arsenic which it contains, the constituents to be determined by the methods adopted by the association of official agricultural chemists.

**Sec. 16. Manufacture and sale of fungicides, etc., regulated; registration fee.** R. S. c. 36, § 10. Any person who shall manufacture, sell, distribute, transport, offer or expose for sale, distribution, or transportation in the state any fungicide or insecticide shall before so doing file with the commissioner of agriculture for each and every fungicide or insecticide bearing a distinguishing name or trade-mark, a certified copy of the statements made in accordance with the preceding section. Said certified copy shall be accompanied when said commissioner of agriculture shall so request with a sealed package containing not less than one pound of the fungicide or insecticide. The person filing such certificate shall pay annually to the commissioner of agriculture a registration fee of ten dollars, this fee to be assessed on any brand offered for sale, distribution, or transportation in the state, except that said fee shall not be assessed for the registration of a fungicide or insecticide consisting of organic matter and not containing any added inorganic matter or mineral chemical, provided that a complete chemical analysis of said fungicide or insecticide is given in, and as part of, the certificate required under this section. Whenever any person shall have filed said certificate and paid said registration fee, no other person shall be required to file such statement or pay such fee.

**Sec. 17. Registration may be refused when name or trade-mark is misleading.** R. S. c. 36, § 11. The commissioner of agriculture may refuse to register any commercial feeding stuff or commercial fertilizer, bearing a name, brand, or trade-mark which is misleading or deceptive or which would tend to mislead or deceive as to materials of which it is composed, and in the case of commercial feeding stuff when the specific names of each and all of the ingredients used in its manufacture are not stated. He may also cancel the registration of any feeding stuff, commercial fertilizer, fungicide, or insecticide that he deems to be manufactured, sold, distributed, transported, offered or exposed for sale, distribution, or transportation in violation of any of the provisions of this chapter. The registration of each brand of commercial feeding stuff, commercial fertilizer, fungicide, or insecticide shall terminate on the thirty-first day of December of each year.

**Sec. 18.** When goods deemed adulterated. R. S. c. 36, § 12. 1919, c. 126, § 2; c. 237, § 2. 1921, c. 113. For the purpose of this chapter an article shall be deemed to be adulterated:

**In case of agricultural seed:**

First. If its purity falls below its accompanying guaranty.

Second. If it contains the seed of any poisonous plant, or any kind or amount of weed seed other than the kinds or amounts represented in the statement required by section three of this chapter.

Third. If it, upon test of germination made within six months of the date of test in statement under the provisions of section three herein above, does not show the same germinating power given in said statement prescribed by the provisions of said section three. Provided, that said seed has been constantly kept under conditions not injurious to its germinating qualities, and that a margin of tolerance of five per cent shall be allowed. Provided, also, that in the event of violation of this chapter in relation to seeds, the commissioner of agriculture shall proceed according to the provisions of sections sixty-six and sixty-seven.

**In case of commercial feeding stuff:** First. If its weight, composition, quality, strength, or purity do not conform in each particular to the claims made upon the affixed guaranty.

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

Third. If it contains any poisonous or deleterious ingredients which may render such article injurious to the health of live stock or poultry.

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

**In case of commercial fertilizer:** First. If its weight, composition, quality, strength, or purity do not conform in each particular to the claims made upon the affixed guaranty.

Second. If it contains any material deleterious to growing plants.

Third. If it is found to contain any pulverized leather, hair, ground hoofs, horns, wool waste, peat, garbage tankage, cyanamid, or any nitrogenous ingredients derived from any inert material whatsoever, unless the same has been so treated as to be available as plant food as determined by the methods adopted by the association of official agricultural chemists, without an explicit printed statement of the fact, conspicuously affixed to the package of such fertilizer and accompanying and going with every lot or package of the same, in which fertilizer the above named materials aid in making up the required or guaranteed analysis.

**In case of a drug:** First. If, when a drug is sold under or by a name recognized in the United States pharmacopoeia or national formulary, it differs from the standard of strength, quality, or purity, as laid down in the United States pharmacopoeia, or national formulary official at the time of investigation, or as fixed by the commissioner of agriculture: provided, that no drug defined in the United States pharmacopoeia, the national formulary, or by said commissioner shall be deemed to be adulterated under the provision if the standard of strength, quality, or purity be plainly stated, so as to be understood by the non-professional person, upon the bottle, box, or other container thereof, although the standard may differ from that laid down in the United States pharmacopoeia, national formulary, or that fixed by said commissioner.



Second. If its strength or purity differs from the professed standard or quality under which it is sold.

In case of **confectionery**: If it contains terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound, or narcotic drug.

In case of **food**: First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

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

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

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any poisonous or other added deleterious ingredient which may render such article injurious to health.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Seventh. If in the manufacture, sale, distribution, transportation, or in the offering or exposing for sale, distribution, or transportation, it is not at all times securely protected from filth, flies, dust, or other contamination, or other unclean, unhealthful, or unsanitary conditions.

Eighth. If it does not conform to the standards of strength, quality, and purity, now or hereafter to be established by statute or fixed by the commissioner of agriculture: Provided, that no food except clams, oysters, and scallops shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated, so as to be understood by the non-professional person, upon the container thereof, although the standard may differ from that established by statute or fixed by said commissioner.

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

In case of **fungicide or insecticide**; and in case of **paris green**:

First. If it does not contain at least fifty per cent of arsenious oxide ( $\text{As}_2\text{O}_3$ ).

Second. If it contains arsenic in water-soluble forms equivalent to more than three and one-half per cent of arsenious oxide ( $\text{As}_2\text{O}_3$ ).

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

In case of **lead arsenate**:

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

Second. If it contains total arsenic equivalent to less than twelve and one-half per cent of arsenic oxide ( $\text{As}_2\text{O}_5$ ).

Third. If it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per cent of arsenic oxide. ( $\text{As}_2\text{O}_5$ ).

Fourth. If any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: provided, however, that extra water may be added to lead arsenate if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of **fungicide or insecticide other than paris green and lead arsenate**:

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

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

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

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

116 Me. 33; 117 Me. 288; 121 Me. 365; 122 Me. 248; 124 Me. 142, 269.

**Sec. 19. Term "misbranded" defined.** R. S. c. 36, § 13. The term "misbranded" as used herein, shall apply to all articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide, and insecticide, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, or which is falsely branded in any particular.

For the purpose of this chapter an article shall also be deemed to be misbranded:

In case of agricultural seed:

If any lot or package fail to bear all the statements required by section three.

In case of commercial feeding stuff:

First. If any package fails to bear all of the statements required by section nine.

Second. If the printed statements required by section nine to be affixed to the package differ from the statements required by section ten.

Third. If any brand is manufactured, transported, distributed, sold, offered or exposed for sale, distribution, or transportation upon which the registration fee required by section ten has not been paid.

In case of commercial fertilizer:

First. If any package fail to bear all the statements required by section twelve.

Second. If the printed statements required by section twelve to be affixed to the package differ from the statement required by section fourteen.

Third. If any brand is manufactured, transported, distributed, sold, offered or exposed for sale, distribution, or transportation upon which the registration fee required by section fourteen has not been paid.

In case of a drug:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or except in the case of a physician's prescription compounded by a physician or a registered pharmacist, if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or any preparation of any such substances contained therein.

In case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of each and any added coloring matter, preservative, chemical, or drug contained therein.

Third. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: provided, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only, and whose presence is declared upon the label; provided further, that nothing in this chapter shall be construed as requiring or compelling proprietors or manufacturers of proprietary goods which contain no unwholesome added ingredient to disclose their trade formulas except in so far as the provisions of this chapter may require to secure freedom from adulteration or misbranding.

In case of fungicide and insecticide:

First. If any lot or package fail to bear all the statements required by section fifteen.

Second. If the printed statements required by section fifteen to be affixed to the lot or package differ from the statements required by section sixteen.

Third. If any brand is manufactured, transported, distributed, sold, or offered or exposed for sale, distribution, or transportation upon which the registration fee required by section sixteen has not been paid.

Fourth. If it be an imitation of or offered for sale under the name of another article.

Fifth. If it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such packages.

Sixth. If it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the percentage amount of such inert ingredient plainly and correctly stated on the label.

116 Me. 33.

**Sec. 20. Misbranding of food in package form.** R. S. c. 36, § 14. For the purpose of this chapter an article of food in package form if sold at a greater price than five cents, shall also be deemed to be misbranded if the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; provided, however, that reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with section sixty-five.

**Sec. 21. Sale of adulterated or misbranded vinegar prohibited.** 1923, c. 172, § 1. No person shall, within this state, manufacture, sell, distribute, transport, offer or expose for sale, distribution or transportation, any product known as vinegar which is adulterated or misbranded within the meaning of this chapter.

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**Sec. 22. Definitions of vinegars.** 1923, c. 172, § 2. The terms "cider vinegar," "apple vinegar" shall be construed to mean the product made exclusively from the expressed juice of clean whole apples, by alcoholic and subsequent acetous fermentations, the acidity, solids, and ash of which have been derived exclusively from the apples from which it was fermented.

The term "sugar vinegar" shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of solutions of sugar, syrup, molasses, or refiner's syrup.

The term "malt vinegar" shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of an infusion of barley malt.

The terms "wine vinegar" and "grape vinegar" shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes.

The term "glucose vinegar" shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of solutions of corn sugar or glucose.

The terms "spirit vinegar," "distilled vinegar," "grain vinegar" shall be construed to mean the product made by the acetous fermentations of dilute distilled alcohol.

**Sec. 23. Adulterations of vinegars defined.** 1923, c. 172, § 3. For the purpose of this chapter vinegar shall be deemed to be adulterated:

First: If it contains any drugs, acids, coloring matter, or ingredients not derived exclusively from the substances from which they were respectively made.

Second: If it contains less than four grams of acetic acid in one hundred cubic centimeters of the vinegar at seventy degrees Fahrenheit.

Third: If manufactured by the destructive distillation of wood, known as pyroligneous acid, or acetic acid derived from other sources than fruit, grain, vegetables, sugar or syrup.

Fourth: If it is found to contain any preparation of lead, copper, sulphur dioxide, sulphuric acid, other mineral acids or any substitute for vinegar produced other than by alcoholic and subsequent acetous fermentation or other ingredients injurious to health.

**Sec. 24. Misbranding of vinegars defined.** 1923, c. 172, § 4. For the purposes of this chapter vinegar shall be deemed to be misbranded:

First: If packages containing vinegar made from wine or fruits which have been reduced with water are not plainly marked or branded "Reduced to Four Per Cent Acid Strength" or "Reduced to Forty Grains," indicating the acidity to which it has been so reduced.

Second: If a product made from dried apples, or from apple skins, apple cores and chops by the process of grinding and soaking with subsequent alcoholic and acetous fermentations of the solution thus obtained is not plainly marked to show the material from which it is produced.

Third: If the package containing said vinegar or its label is not plainly branded with the name of the manufacturer or distributor and his place of business.

Fourth: If every container or receptacle which contains any vinegar other than pure cider or apple vinegar, except delivered to the purchaser in the unbroken package, does not bear plain or conspicuous marks or brands, showing the kind of vinegar so delivered and the substance or substances from which it was made.

Fifth: If mixtures of two or more of the vinegars, above defined, are not plainly and conspicuously branded with the word "compound" together with the proportions of the vinegars so mixed.

**Sec. 25. Provisions of §§ 21-25 not applicable to common carriers, unless knowingly violated.** 1923, c. 172, § 6. The provisions of sections twenty-one to twenty-five, both inclusive, shall not apply to railroad companies, steamboat companies, express companies, or other common carriers of property coming under the jurisdiction of the interstate commerce commission or the public utilities commission of the state of Maine unless they knowingly violate such provisions.

**Sec. 26. "Storage" and "processed eggs" defined; use of word "fresh" prohibited in connection with such eggs.** 1927, c. 93, §§ 1, 3. The term "storage eggs" as used in this chapter shall be held to mean any shell eggs that for a period of thirty days or over, have been held in storage at a temperature of forty-five degrees Fahrenheit, or less.

The term "processed eggs" shall be held to mean any shell eggs which in a way other than storage, have been so treated as to keep them from natural deterioration. No person, firm, or corporation, selling or exposing for sale any shell eggs which have been in storage or in any way processed, shall use the word "fresh" in any combination of words to describe the character or value of such eggs.

**Sec. 27. Receptacles of storage or processed eggs to be so marked; purchaser of such eggs to be informed.** 1927, c. 93, § 2. Any person, firm, or corporation who exposes or offers for sale, either in any public place or elsewhere, any shell eggs which have been in storage or which in any way have been processed, shall conspicuously display upon the receptacle in which such shell eggs are offered for sale, or upon the package in which they are delivered to the purchaser, a notice containing the words "cold storage eggs" or "processed eggs" in accordance with the fact; and in case any shell eggs which have been in storage or which have been processed are exposed for sale or offered for sale, in a manner which does not require a receptacle or package, the purchaser shall be informed definitely that such shell eggs are either cold storage or processed eggs, to the end that the purchaser may have knowledge of the facts with reference to the storage or processing of such eggs.

**Sec. 28. Invoice of storage eggs to state character; containers to be dated with date of receipt and withdrawal from storage.** 1927, c. 93, § 4. Whenever any person, firm, or corporation within the state of Maine, ships or delivers to a purchaser within the state of Maine, any shell eggs which have been in storage or processed, such person, firm or corporation shall deliver to the purchaser an invoice or bill showing thereon the character of such eggs. All containers of shell eggs deposited in cold storage shall be marked plainly with date of receipt and date of withdrawal by the officer, or his agents, in charge of the cold storage plant.

**Sec. 29. Penalty.** 1927, c. 93, § 5. Any person, firm, or corporation who violates any provision of sections twenty-six to twenty-eight, both inclusive, shall, upon conviction, be liable to a fine of not more than fifty dollars or imprisonment for not more than sixty days, or both, and jurisdiction upon the several municipal courts of the state for trial and punishment of offenses under said sections is hereby expressly conferred, and the commissioner of agriculture is expressly empowered to enforce the provisions of said sections and to be vigilant in discovering violations hereof, and making complaint to the proper authorities.

See §§ 67, 70.

Sec. 30. Annual analysis; results of analyses to be published. R. S. c. 36, § 15. The director of the Maine Agricultural Experiment Station shall annually analyze, or cause to be analyzed, samples of articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drugs, foods, fungicide, and insecticide, at such time and to such extent as the commissioner of agriculture may determine. And said commissioner, in person or by deputy, shall have free access, ingress and egress at all reasonable hours to any place or any building wherein articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drugs, food, fungicide, or insecticide are manufactured, stored, transported, sold, offered or exposed for sale. He may also, in person or by deputy, open any case, package, or other container, and may, upon tendering the market price, take samples for analysis. The results of all analyses of agricultural seed, commercial feeding stuff, commercial fertilizer, drugs, food, fungicide, and insecticide made by said director shall be published by him in the bulletins or reports of the experiment station, together with the names of the persons from whom the samples were obtained, the names of the manufacturers thereof, and such additional information as to him may seem advisable.

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Sec. 31. Samples of commercial fertilizer may be analyzed. R. S. c. 36, § 16. Any person within the state may send to the commissioner of agriculture samples of commercial fertilizers sold or offered for sale within the state for the purpose of analysis under the following conditions: said samples shall be taken in the presence of a witness, from not less than five packages of properly stored commercial fertilizer in accordance with directions to be furnished by said commissioner; a copy of all marks upon or affixed to the package, including the brand or trade-mark, the name of the manufacturer and the guaranteed chemical analysis, shall accompany the sample or be deposited with the secretary of the grange or the selectmen of the town where the sample is taken.

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Sec. 32. Analysis and fees. R. S. c. 36, § 17. On receipt of a sample of commercial fertilizer accompanied with (1) a certified statement signed by the witness that the sample was taken as provided in the preceding section, (2) a copy of the marks on or affixed to the package from which the sample was procured or a signed statement from the secretary of a grange or a selectman that the copy of the marks upon the package has been deposited with him, and (3) an analysis fee of ten dollars for each sample, the commissioner of agriculture shall make or cause to be made an analysis of the fertilizer and shall forthwith report the results of said analysis to the sender.

Sec. 33. When analysis to be deemed of public importance, fees to be returned. R. S. c. 36, § 18. If on receipt of the copy of the marks upon the package from which the sample of commercial fertilizer was taken, it shall be found that not more than one sample of the same brand has been analyzed as aforesaid within the year, or if the actual analysis shall differ materially from the guaranteed analysis, the said actual analysis shall be deemed of public importance, and the analysis fee shall be returned to the person who sent the sample. If the actual analysis agrees reasonably with the guaranteed analysis and more than one sample of the brand from which said sample was taken shall have been examined within the year, said commissioner shall pay said analysis fee to the treasurer of state.

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Sec. 34. Analysis of commodities. R. S. c. 36, § 19. 1919, c. 85. The commissioner of agriculture shall have all analyses of commodities, except milk

and cream, examined under the inspection laws of which he is the executive, made at the Maine Agricultural Experiment Station. The director of said station shall analyze or cause to be analyzed all samples submitted to him by said commissioner. Said station shall be compensated to cover the expense of said analyses by said commissioner.

**Sec. 35. Certificate signed by director, presumptive evidence.** R. S. c. 36, § 20. Every certificate duly signed and acknowledged by the director of the Maine Agricultural Experiment Station, relating to the collection and analysis of any sample of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide, or insecticide, shall be presumptive evidence of the facts therein stated.

**Sec. 36. Adulteration or misbranding prohibited.** R. S. c. 36, § 21. 1923, c. 172, § 5. No person shall adulterate or misbrand, within the meaning of this chapter, any agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide, insecticide or vinegar, or manufacture, sell, distribute, transport, offer or expose for sale, distribution, or transportation, any article of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide, insecticide or vinegar, in violation of any of the provisions of this chapter. Whoever violates said provisions shall be punished by a fine of not more than one hundred dollars for the first offense, and by a fine of not more than two hundred dollars for each subsequent offense.

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**Sec. 37. Exemption from prosecution.** R. S. c. 36, § 22. No person shall be prosecuted under the provisions of the preceding sections of this chapter when he can establish proof of purchase, and a guaranty signed by the person residing in the United States, from whom the purchase was made, to the effect that the article in question is not adulterated or misbranded within the meaning hereof.

### Packing of Food.

**Sec. 38. Packing of food in tin or glass regulated; permit; packer to pay for inspection of product.** R. S. c. 36, § 23. Any person intending to pack food in tin or glass within this state may annually file with the commissioner of agriculture an application for a permit. Said application shall state the location of the factory, the kind of food to be packed, the name of the packer and the date on which it is expected that packing will begin. Within sixty days after the filing of such application for permit, the commissioner shall, upon receipt of one hundred dollars, issue to such applicant a permit for packing said food in conformity with the requirements of this chapter for the calendar year. Such packer shall also pay monthly, not later than the tenth day of each month, the cost of maintaining the inspection of the food packed during the previous month. The one hundred dollars paid by a person for a permit, as aforesaid, shall be credited to him, at the close of the calendar year, as a payment toward the cost of inspecting his product. Said commissioner may, however, cancel any permit whenever the provisions of this chapter have not been complied with.

**Sec. 39. Commissioner of agriculture to see that food is packed in conformity with law; penalty for false marking.** R. S. c. 36, § 24. The commissioner of agriculture shall, by adequate inspection, see that the food packed hereunder is in conformity with the requirements of this chapter; and he shall authorize the persons packing a food in conformity herewith to mark the container of said food with a statement certifying that the food contained therein was packed, inspected and passed under the Maine pure food and drug law. Whoever shall

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falsely mark any container as having been packed in conformity with the requirements of this chapter shall be punished by a fine of not more than five hundred dollars for each container thus falsely marked.

### Packing of Apples.

**Sec. 40. Standard barrel for apples; standard bushel box.** R. S. c. 36, § 25. The standard barrel for apples shall contain seven thousand cubic inches; provided, however, that a barrel of the following dimensions when measured without distention of parts: length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge not less than sixty-four inches outside measurement, shall be a lawful barrel. The standard bushel box for apples shall contain two thousand three hundred fifty cubic inches; provided, however, that a box eighteen inches by eleven and one-half inches by ten and one-half inches, inside measurement, without distention of parts, shall be a lawful bushel box.

**Sec. 41. Marks upon barrels and boxes used in shipping apples; penalty.** R. S. c. 36, § 26. Manufacturers of standard barrels and boxes to be used in shipping apples shall mark, in a conspicuous place, on each barrel the words "standard barrel" and on each box the words "standard box". Whoever fails to comply with the provisions of this section shall be punished by a fine of not more than one hundred dollars.

**Sec. 42. Standard grades established.** R. S. c. 36, § 27. 1923, c. 94, § 1. 1925, c. 107. 1927, c. 193. The standard grade for apples, when packed in closed packages shall be as follows:

First. Maine Standard Fancy, shall consist of apples of one variety which are mature but not overripe, well formed, and free from decay, spray burn, limb rub, sunscald, visible watercore, or injury caused by dirt or other foreign matter, by skin punctures or bruises except those incident to proper packing, or by hail, russeting, disease, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety.

Second. Maine Standard A, shall consist of apples of one variety which are mature but not overripe, free from decay and from damage caused by dirt or other foreign matter, by skin punctures or bruises except those incident to proper packing, or by spray burn, russeting, limb rubs, sunscald, visible watercore, hail, disease, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety.

Third. Maine Commercial, shall consist of apples of one variety which meet the requirements of Maine Standard A except as to color and provided further that early varieties such as Duchess of Oldenburg, Gravenstein, Twenty Ounce, Wealthy, Williams, and other varieties which ripen at the same period need not be mature.

Fourth. Maine Standard B, shall consist of apples of one variety which are mature but not over ripe, free from decay and from serious damage caused by dirt or other foreign matter, by bruises except those incident to proper packing, or by spray burn, sunscald, hail, disease, insects, or mechanical or other means.

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the apples in any one lot may be below the requirements of said respective grades but not more than one-tenth of this amount of one per cent shall be allowed for decay.

Fifth. Unclassified shall consist of apples which are not graded in conformity with any of the foregoing grades.



*Color Requirements*

In addition to the foregoing requirements for Maine Standard Fancy and Maine Standard A each apple of these grades must have the percentage of color shown in the table below. "Color" means a good shade of red characteristic of the variety. Faded brown stripes shall not be considered as color.

| Variety                                      | Maine<br>Standard Fancy | Maine<br>Standard A     |
|--|-------------------------|-------------------------|
| Solid Red:                                   |                         |                         |
| Black Ben Davis .....                        | 50 per cent.            | 25 per cent             |
| Esopus Spitzenburg .....                     | 50 per cent.            | 25 per cent             |
| Gano .....                                   | 50 per cent.            | 25 per cent             |
| King David .....                             | 50 per cent.            | 25 per cent             |
| Opalescent .....                             | 50 per cent.            | 25 per cent             |
| Winesap .....                                | 50 per cent.            | 25 per cent             |
| Other similar varieties .....                | 50 per cent.            | 25 per cent             |
| Striped or partially red:                    |                         |                         |
| Delicious .....                              | 50 per cent.            | 25 per cent             |
| Jonathan .....                               | 50 per cent.            | 25 per cent             |
| McIntosh .....                               | 50 per cent.            | 25 per cent             |
| Other similar varieties .....                | 50 per cent.            | 25 per cent             |
| Baldwin .....                                | 33 per cent.            | 15 per cent             |
| Ben Davis .....                              | 33 per cent.            | 15 per cent             |
| Fameuse .....                                | 33 per cent.            | 15 per cent             |
| Nero .....                                   | 33 per cent.            | 15 per cent             |
| Northern Spy .....                           | 33 per cent.            | 15 per cent             |
| Paragon .....                                | 33 per cent.            | 15 per cent             |
| Rome Beauty .....                            | 33 per cent.            | 15 per cent             |
| Stayman Winesap .....                        | 33 per cent.            | 15 per cent             |
| Tompkins King .....                          | 33 per cent.            | 15 per cent             |
| Wagener .....                                | 33 per cent.            | 15 per cent             |
| Wealthy .....                                | 33 per cent.            | 15 per cent             |
| Williams .....                               | 33 per cent.            | 15 per cent             |
| York Imperial .....                          | 33 per cent.            | 15 per cent             |
| Other similar varieties .....                | 33 per cent.            | 15 per cent             |
| Duchess of Oldenburg .....                   | 25 per cent.            | 10 per cent             |
| Gravenstein .....                            | 25 per cent.            | 10 per cent             |
| Hubbardston .....                            | 25 per cent.            | 10 per cent             |
| Red Astrachan .....                          | 25 per cent.            | 10 per cent             |
| Stark .....                                  | 25 per cent.            | 10 per cent             |
| Twenty Ounce .....                           | 25 per cent.            | None                    |
| Other similar varieties .....                | 25 per cent.            | None                    |
| Red Cheeked or Blushed:                      |                         |                         |
| Maiden Blush .....                           | Blushed Cheek...        | None                    |
| Monmouth (Red Cheeked Pippin) .....          | Blushed Cheek...        | None                    |
| Winter Banana .....                          | Blushed Cheek...        | None                    |
| Other red cheeked or blushed varieties ..... | Blushed Cheek...        | None                    |
| Yellow or green varieties .....              | Characteristic<br>Color | Characteristic<br>Color |

*Size Requirements.*

"Minimum size" as used in this chapter means the transverse diameter of the smallest apples permitted in the container taken at right angles to a line running from the stem to the blossom end. Minimum sizes shall be stated in terms of whole and quarter inches, as two and one-quarter inches minimum, two and one-half inches minimum, in accordance with the facts.

In order to allow for variations incident to proper sizing not more than five per cent, by weight, of the apples in any container may be below the specified minimum size.

*Definition of Terms*

The following terms as used in this section mean:

"Well formed" means having the shape characteristic of the variety.

"Free from damage" means that the apples shall not be injured by any defect to any extent either apparent in the process of proper grading or which would cause a loss in the ordinary preparation for use. The following blemishes shall not be considered as damage: (1) Two small healed insect punctures not larger than one-eighth inch in diameter in which the injured tissue is dry and corky; (2) russetting and limb rubs which do not materially disfigure the fruit; (3) scab spots affecting an aggregate area of not more than one-fourth inch in diameter; (4) hail marks where the injury is superficial and the skin has not been broken or discolored; (5) spray burn or sunscald where the injury is superficial and the normal color of the fruit is not materially changed and where there is no blistering or cracking of the skin.

"Free from serious damage" means that no defect shall be permitted which taken singly or collectively, materially deform or disfigure the fruit. The following defects shall not be considered as serious damages: (1) healed insect punctures which do not materially deform the fruit; (2) small scab and blotch infections not exceeding an aggregate area of one-half inch in diameter, or cedar rust infection not exceeding an aggregate area of three-quarters inch in diameter provided the skin is not cracked; (3) superficial blemishes such as fly speck and sooty blotch affecting not to exceed one-third of the surface; (4) or fruit spots such as Bitter Pit (Stippen) and Jonathan Spot affecting not to exceed ten per cent of the surface.

Decay, scald, or other deterioration developing in storage or in transit on apples otherwise up to grade shall be considered as affecting the condition and not the grade.

No shipment, consignment or lot of apples in closed packages shall be condemned without examination of at least one-fifth of the contents of five per cent of the packages in such shipment, consignment or lot. Any shipment, consignment, or lot in which five per cent of the packages are found to contain fruit below the grade marked on the container may be condemned by the commissioner of agriculture or his authorized deputies.

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Sec. 43. Marks required on outside of package. R. S. c. 36, § 28. 1923, c. 94, § 2. Every closed package of apples, which is packed, sold, distributed, transported, offered or exposed for sale, distribution, or transportation in the state by any person shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the size of the package in terms of standard bushel box or standard barrel, the name and address of the owner or shipper of the apples at the time of packing, the name of the variety, the class or grade of the apples contained therein, and the minimum size

of the fruit in the packages, and if the apples were grown in Maine, that fact shall be plainly designated and the word apples must appear in all instances.

**Sec. 44. Misbranded or adulterated apples not to be packed.** R. S. c. 36, § 29. No person shall, within this state, pack, sell, distribute, transport, offer or expose for sale, distribution, or transportation, apples which are adulterated or misbranded within the meaning of section forty-five of this chapter.

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**Sec. 45. Terms "adulterated" and "misbranded" defined.** R. S. c. 36, §§ 30, 31. For the purpose of sections forty to forty-eight, both inclusive, apples packed in a closed package shall be deemed to be adulterated if their measure, quality, grade, or purity do not conform in each particular to the claims made upon the affixed guaranty, and shall be deemed to be misbranded: first, if the package fails to bear all statements required by section forty-three; second, if the package bears any statement, design, or device regarding such article or its contents which shall be false or misleading in any particular, or is falsely branded in any particular.

**Sec. 46. Commissioner of agriculture to have access to places where apples are packed.** R. S. c. 36, § 32. The commissioner of agriculture, in person or by deputy, shall have free access, ingress and egress, at all reasonable hours to any place or any building wherein apples are packed, stored, transported, sold, offered or exposed for sale, or for transportation. He may also, in person or by deputy, open any box, barrel, or other container, and may, upon tendering the market price, take samples therefrom.

**Sec. 47. Penalty.** R. S. c. 36, § 33. Whoever adulterates or misbrands apples within the meaning of section forty-five, or whoever packs, sells, distributes, transports, offers, or exposes for sale, distribution, or transportation, apples in violation of any provision of sections forty to forty-eight, both inclusive, shall be punished by a fine of not more than one hundred dollars for the first offense, and by a fine of not more than two hundred dollars for each subsequent offense.

**Sec. 48. Guaranty as a bar to prosecution.** R. S. c. 36, § 34. No person shall be prosecuted under the provisions of the eight preceding sections when he can establish a guaranty signed by the person from whom he received any such article, to the effect that the same is not adulterated or misbranded, within the meaning of section forty-five. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of the eight preceding sections.

#### Grades and Standards for Farm Products.

**Sec. 49. Commissioner of agriculture may establish grades for farm products; exceptions; hearings to be held.** 1927, c. 49, § 1. The commissioner of agriculture may establish and promulgate official grades and standards for farm products excepting dairy products and apples produced within the state for the purposes of sale, and may from time to time amend or modify such grades and standards. Before establishing, amending, or modifying any such grades or standards the said commissioner shall hold public hearing in such places within the state as shall be most convenient to producers of the commodity under consideration. Notice of such hearings shall be advertised for three successive weeks prior thereto, in a newspaper or newspapers of general circulation within the county where the hearing is to be held, and shall specify the date and place

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of each hearing and that it is to be held for the purpose of obtaining information with a view to establishing grades or standards for farm products.

**Sec. 50. Brands, labels and trade-marks may be determined by commissioner; permission to use brands may be granted; permission may be revoked.** 1927, c. 49, § 2. The commissioner of agriculture may determine or design brands, labels or trade-marks for identifying farm products packed in accordance with such official grades and standards established as aforesaid and may furnish information to packers and shippers as to where such labels and trade-marks may be obtained. A written application to the said commissioner requesting permission to use said brands, labels or trade-marks, and a written acceptance thereto by the said commissioner or duly authorized assistants shall be a condition precedent to the use of such brands, labels or trade-marks. The said commissioner may revoke or suspend the right to use such brands, labels or trade-marks whenever it appears on investigation that they have been used to identify farm products not in fact conforming to the grade indicated.

**Sec. 51. Publicity of grades, standards, brands, etc., to be given.** 1927, c. 49, § 3. Upon the establishment of such grades or standards, brands, labels or trade-marks, the commissioner of agriculture shall give due publicity through the newspapers of the state, setting forth the grade or grades so established and the date on which such establishment is to become effective, and distribute information explaining the same and their use.

**Sec. 52. After establishment of standards and grades, unlawful to use same without permit.** 1927, c. 49, § 4. After notice of the establishment of grades or standards and the determination of brands, labels or trade-marks as herein provided, it shall be unlawful to use a brand, label or trade-mark to identify farm products as being of a grade established as aforesaid before a permit is granted or after the revocation of the right to use such brand, label or trade-mark by the commissioner of agriculture. Violations of this section shall be punished for the first offense by a fine of not more than fifty dollars and for subsequent offenses by a fine of not more than two hundred dollars.

**Sec. 53. Inspection of branded products; certificates of inspection.** 1927, c. 49, § 5. The commissioner of agriculture or his duly authorized agents may inspect farm products, marked, branded or labeled in accordance with official grades or standards established and promulgated by the said commissioner, as herein provided, for the purpose of determining and certifying the quality and condition thereof and other material facts relative thereto. Certificates issued in pursuance of such inspection and executed by the inspector shall state the date and place of inspection, the grade, condition and approximate quality of the farm products inspected and such other pertinent facts as the said commissioner may require. Such a certificate relative to the condition or quality of said farm products shall be prima facie evidence in all courts of the state of the facts required as aforesaid to be stated therein.

**Sec. 54. Commissioner may make rules and regulations.** 1927, c. 49, § 6. The commissioner of agriculture may prescribe rules and regulations for carrying out the purposes of sections forty-nine to fifty-five inclusive, including the fixing of fees as provided in section two of chapter thirty-nine.

**Sec. 55. Authority of commissioner in making inspections; penalty for obstructing commissioner.** 1927, c. 49, § 7. The commissioner of agriculture, in person or by deputy, shall have free access at all reasonable hours to any building or other place wherein it is reasonably believed that farm products are marked, branded or labelled in accordance with official grades established and

promulgated by the said commissioner are being marketed or held for commercial purposes. He shall also have power in person or by deputy to open any bags, crates or other containers containing said farm products and examine the contents thereof and may upon tendering the market price, take samples therefrom. Whoever obstructs or hinders the said commissioner or any of his duly qualified assistants in the performance of his duties under sections forty-nine to fifty-five inclusive, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

### Beverages.

**Sec. 56. Manufacturers and bottlers for sale at wholesale of non-alcoholic beverages to be licensed by commissioner of agriculture; fee; term of license; manufacturers of sweet cider, excepted.** 1925, c. 155, § 1. 1929, c. 293, § 1. No person, firm, or corporation within this state shall manufacture or bottle for sale at wholesale any drink product or other non-alcoholic beverage without having first filed with the commissioner of agriculture an application for license accompanied with a fee of fifteen dollars. No person, firm, or corporation manufacturing drink product or other non-alcoholic beverage outside the state of Maine for retail sale within the state of Maine shall sell or offer for sale such drink product without having first filed with the commissioner of agriculture an application for license accompanied with a fee of fifteen dollars. Upon receipt of which application the commissioner of agriculture shall issue to the person, firm, or corporation making such application a license to manufacture and sell soft drinks or other non-alcoholic beverages as hereinafter provided. Said license shall run for the current year until the thirtieth day of June following the date of the application, on which date it shall terminate unless sooner revoked as herein provided; and it shall be renewed annually thereafter. No person, firm, or corporation within this state shall sell or offer for sale any drink product or non-alcoholic beverage at retail unless this drink product or non-alcoholic beverage has been protected by registration and a license fee paid therefor. Said provision is not to apply to persons engaged in the manufacture of sweet cider.

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**Sec. 57. Commissioner has power to revoke or suspend license; may revoke or suspend license temporarily; authority granted to make rules and regulations.** 1925, c. 155, § 2. The commissioner of agriculture shall have the power to revoke or suspend any license issued under the provisions of sections fifty-six to sixty-three inclusive whenever it is determined by himself or any of his deputies or other properly qualified official that any of the provisions of said sections have been violated. Any person, firm, or corporation whose license has been so revoked or suspended shall discontinue the manufacture and sale within the state of soft drinks and other non-alcoholic beverages until the provisions of said sections have been complied with and a new license issued, or the suspension removed. The commissioner of agriculture may revoke or suspend such license temporarily until there is a compliance with the provisions of said sections as hereinafter provided or permanently for the unexpired period of such license. The commissioner of agriculture is given the right to make such rules and regulations as he may deem necessary for the enforcement of the provisions of said sections.

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**Sec. 58. Notice to be given to licensee prior to revoking license; procedure; right of appeal.** 1925, c. 155, § 3. Before revoking or suspending any license

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the commissioner of agriculture shall give written notice to the licensee affected stating that he contemplates the revocation or suspension of the same and giving his reasons therefor. Such notice shall appoint a time of hearing before said commissioner and shall be mailed by registered mail to the licensee. On the day of the hearing the licensee may by himself or counsel present such evidence to the said commissioner as he deems fit and after hearing all the testimony the said commissioner shall decide the question in such manner as to him appears just and right. Any licensee who feels aggrieved or dissatisfied with the decision of the said commissioner may appeal from said decision within ten days to the superior court in the county where the licensee resides, or in the case of a non-resident to the superior court in the county of Kennebec.

**Sec. 59. Term "drink product" defined.** 1925, c. 155, § 4. For the purpose of this chapter the term "drink product" as used herein shall be held to include all non-alcoholic beverages, non-alcoholic cereal beverages, non-alcoholic fruit juices and carbonated beverages.

**Sec. 60. Labeling of bottles where artificial coloring is used; kind of coloring matter permitted; prohibited ingredients.** 1925, c. 155, § 5. Whenever artificial colors or flavors are used in the manufacture of drink products or other non-alcoholic beverages, the bottle or other container shall be distinctly labeled or crowned "Artificially colored and flavored." Whenever artificial coal tar colors are used, nothing but the certified colors as approved by the United States bureau of chemistry shall be allowed. All non-alcoholic ciders, non-alcoholic fruitades, non-alcoholic fruit juices, or other similar drinks that are artificially colored or flavored shall be so labeled or crowned. All drink products and other non-alcoholic beverages sold in bulk or from open containers or receptacles that contain artificial coloring or artificial flavors of any character shall be so labeled. Said labels to be prominently displayed on all stands, booths, or other places where said drink product or other non-alcoholic beverages are sold or dispensed. The use of saccharine, salicylic acid, and sulphites in the manufacture of drink products and other non-alcoholic beverages is hereby prohibited.

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**Sec. 61. Manufacturing plants to be well lighted and ventilated and kept clean; machines and containers to be kept sanitary.** 1925, c. 155, § 6. All buildings, stores, factories, or other places where drink products or other non-alcoholic beverages are manufactured or bottled shall be well lighted and ventilated and shall be kept at all times in a clean and sanitary condition. All machines, bottles, jars, jugs, crocks, or other utensils or containers used in the manufacture of drink products or other non-alcoholic beverages shall be kept in a clean and sanitary place, and in a sanitary condition.

**Sec. 62. Containers to be cleaned and sterilized before filling.** 1925, c. 155, § 7. 1929, c. 293, § 2. No person, firm, or corporation having custody of any bottle, jar, jug, or other container used for drink product or other non-alcoholic beverages, the owner of which has complied with the provisions of the preceding section, shall place or cause to be placed in any such bottle, jar, or jug, any turpentine, varnish, wood-alcohol, bleaching water, bluing, kerosene, oils, or any unclean or foul substance or other offensive material, or send, ship, return, or deliver, or cause to be sent, shipped, returned, or delivered to any bottler of drink product or non-alcoholic beverages any bottle, jar, jug, or other receptacle used as a container for drink product or other non-alcoholic beverages containing any turpentine, varnish, wood-alcohol, bleaching water, bluing, kerosene, oil, or any unclean or foul substance and other offensive material.

All bottles, jars, jugs, or other containers used by manufacturers and bottlers of drink products and other non-alcoholic beverages before being filled shall be thoroughly cleaned, sterilized, and then thoroughly rinsed in pure water.

**Sec. 63. Penalty.** 1925, c. 155, § 8. Any person, firm, or corporation who shall violate any of the provisions of sections fifty-six to sixty-three or shall neglect or refuse to comply with the provisions thereof shall be punished by a fine of not more than one hundred dollars for the first offense and by a fine of not more than two hundred dollars for each subsequent offense.

**Sec. 64. Disposal of fees and fines.** 1925, c. 155, § 9. All fees received by the commissioner of agriculture under sections fifty-six to sixty-three inclusive, and all money and fines received by him under sections fifty-six to sixty-three inclusive, by virtue of sections sixty-seven and seventy shall be paid by him to the treasurer of state; and the same is appropriated for carrying out the provisions of sections fifty-six to sixty-three inclusive.

#### Provisions for Enforcement.

**Sec. 65. Uniform rules, regulations; standards of purity.** R. S. c. 36, § 35. The commissioner of agriculture shall make uniform rules and regulations for carrying out the provisions of this chapter. He may also fix standards of purity, quality, or strength when such standards are not specified or fixed by law, and shall publish them together with such other information concerning articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide, and insecticide as he may deem to be of public benefit.

**Sec. 66. Hearing in case of violation.** R. S. c. 36, § 36. When the commissioner of agriculture becomes cognizant of the violation of any provision of this chapter, he shall cause notice of such fact, stating the date, hour, and place of hearing, with a copy of the findings, or, in case of a packer, of food, a copy of the charge to be preferred, to be given to the person concerned and the person from whom the sample was obtained, and the person whose name appears upon the label, (if a resident of the state), who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the said commissioner. When the hearing relates to the packing of apples, it shall be held in the county where the inspection was made.

**Sec. 67. Enforcement of laws by commissioner.** R. S. c. 36, § 37. 1925, c. 155, § 9. The commissioner of agriculture shall diligently enforce all provisions of this chapter, and shall be entitled to, and shall receive the assistance of the attorney-general and of the several county attorneys. He may recover the penalties imposed for violations of this chapter in an action of debt brought in his own name, the venue to be as in other civil cases, and if he prevails in any such action, shall recover full costs; or he may prosecute for violations hereof by complaint or indictment, and such prosecution shall be commenced in the county in which the offense was committed.

**Sec. 68. Appointment of deputies.** R. S. c. 36, § 38. The commissioner of agriculture may, with the approval of the governor and council, appoint, and fix the compensation of a chief deputy and such other deputies as in his judgment are required to assist him, and to enable him to carry out the provisions of all laws, the execution of which is entrusted to him. The chief deputy shall hold office during good behavior, and such other deputies during the pleasure of the commissioner; their compensation and expenses shall be paid from any funds appropriated for the use of the commissioner in the execution of said laws.

**Sec. 69. Rules of construction.** R. S. c. 36, § 39. The word "person" as used in this chapter shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, agent, or other person acting for or empowered by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

**Sec. 70. Jurisdiction; disposal of funds.** R. S. c. 36, § 40. 1925, c. 155, § 9. Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the superior court, of actions brought for the recovery of penalties imposed by this chapter, and of prosecutions for violations hereof. All fines received under this chapter by county treasurers shall be paid by them to the commissioner of agriculture; and all money received by the commissioner of agriculture under this chapter shall be paid by him to the treasurer of state, and the same is hereby appropriated for the purposes of this chapter except as provided in section sixty-four.

### Appropriations.

**Sec. 71. Appropriation.** R. S. c. 36, § 41. 1919, c. 225. The legislature shall from time to time appropriate sums in favor of the commissioner of agriculture, division of inspections, and the same shall be expended by the said commissioner in executing the laws relating to the collection, examination, inspection, and analysis of agricultural seeds, concentrated commercial feeding stuffs, commercial fertilizer, and foods and drugs. Payments of said appropriation shall be made upon the warrants of the governor and council. The said commissioner shall annually publish a classified account of all receipts and expenditures under this section.

**Sec. 72. Method of expending appropriation.** R. S. c. 36, § 42. Any sums of money appropriated to carry out the provisions of chapter fifty-three relating to the duties of the state sealer of weights and measures, shall be added to the funds appropriated to carry out the provisions of this chapter, and expended as a part thereof; or any funds appropriated to carry out the provisions of this chapter may be expended in carrying out the provisions aforesaid, relating to the duties of the state sealer of weights and measures.

### Packing of Sardines.

**Sec. 73. Packers to be licensed by commissioner of agriculture.** 1929, c. 304, § 1. No person, firm, corporation, association or society shall pack sardines within the state for sale without having first filed with the commissioner of agriculture an application for license accompanied with a fee of fifty dollars upon receipt of which application the commissioner of agriculture shall issue to the person, firm, corporation, association or society making such application a license to pack sardines as hereinafter provided. Each such license shall cover one group of buildings constituting a packing plant in one location. Said license shall run from April fifteenth to December first of each year, unless sooner revoked as herein provided and shall be renewed annually thereafter.

**Sec. 74. Repeal or revocation of license; appeal.** 1929, c. 304, § 2. The commissioner of agriculture shall have the power to revoke or suspend any



license issued under the provisions of sections seventy-three to eighty inclusive whenever it is determined by himself or any of his deputies that any of the provisions of said sections has been violated. Any person, firm, corporation, association or society whose license has been so revoked or suspended, shall discontinue the packing of sardines until the provisions of said sections have been complied with and a new license issued, or the suspension removed. The commissioner of agriculture may revoke or suspend such license temporarily until there is a compliance with the provisions of said sections as hereinafter provided, or permanently for the unexpired period of such license. Before revoking or suspending any license, the commissioner of agriculture shall give written notice to the licensee affected stating that he contemplates the revocation or suspension of the same and giving his reasons therefor; such notice shall appoint a time of hearing before said commissioner. On the date of hearing the licensee may present such evidence to the said commissioner as he deems fit and after hearing all the testimony, the said commissioner shall decide as to whether the license shall be revoked or not. Any licensee who feels aggrieved or dissatisfied with the decision of the commissioner may appeal from said decision within ten days to the superior court.

**Sec. 75. Definition.** 1929, c. 304, § 3. For the purposes of sections seventy-three to eighty inclusive the term "sardine" shall be held to include any small, canned, clupeoid fish, being the fish commonly called herring, particularly the *clupea harengus*.

**Sec. 76. Inspection; conformity with the food and drug acts; branding of cans.** 1929, c. 304, § 4. The commissioner of agriculture shall by adequate inspection see that sardines are packed in conformity with the requirements of the federal food and drug act and the laws of this state, and the provisions of sections seventy-three to eighty inclusive. He shall make uniform rules and regulations for carrying out the provisions of said sections and shall fix standards of quality when such standards are not fixed by law; and he shall authorize the persons packing sardines in conformity with the requirements of said sections to mark the container of said sardines with a statement certifying that the food contained therein was packed, inspected, and passed under the Maine food and drug act. Any sardines falsely marked shall be deemed to be misbranded, and any person, firm, corporation, association or society who shall misbrand or falsely mark any container of sardines or sell or offer for sale such misbranded containers shall be punished by a fine of not more than five hundred dollars for each container thus falsely marked. The commissioner of agriculture shall employ inspectors in numbers so that adequate inspection can be performed; the compensation of the inspectors shall be fixed by the said commissioner and it shall be the duty of said inspectors to inspect all the places, shops and factories, in the state of Maine, wherever sardines are being packed for sale, and for this purpose such inspectors shall have free access, ingress and egress at all reasonable hours to any sardine packing plant, may open any case or container and may upon tendering the market price, take samples therefrom.

**Sec. 77. Fees; disposition.** 1929, c. 304, § 5. Each packer shall pay monthly, not later than the tenth day of each month, one cent per case on the amount of sardines packed during the previous month, toward the cost of maintaining the inspection provided for in section seventy-six and as a part of the fee for obtaining and retaining his license. All license fees and all money received under the provisions of sections seventy-three to eighty inclusive by the commissioner of agriculture shall be paid by him to the treasurer of state and the

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same are hereby appropriated for carrying out the provisions of sections seventy-three to eighty inclusive and for no other purpose.

**Sec. 78. Standards of contents of cans; misbranding.** 1929, c. 304, § 6. The minimum count of fish per one-quarter size keyless can shall be four fish. The minimum count of fish per one-quarter size key can shall be five fish. The minimum quantity of oil shall be not less than four pounds per case of one hundred one-quarter size cans and the oil shall be a vegetable or cotton seed of a grade not below that of "Prime Summer Yellow." The minimum count of fish for one-quarter size mustard cans shall be four fish and the minimum quantity of mustard sauce shall be not less than eight pounds per case of one hundred one-quarter size cans. The minimum count of fish for three-quarter size mustard cans shall be four fish and the minimum quantity of mustard sauce shall be not less than eight pounds per case of forty-eight three-quarter size cans. For all one-quarter size tomato cans there shall be not less than eight pounds tomato sauce of not less than 1.035 specific gravity. Provided, however, that less than the minimum count of fish per can as above specified or less than the minimum quantity of oil or mustard sauce or tomato sauce as above specified, may be packed if the cases in which they are contained and each can in said case are plainly and conspicuously marked with a legend indicating that the contents of the cans are not in accord with the standard of quality established in this section; such cases and cans so marked in accord with the fact shall not be deemed to be misbranded.

**Sec. 79. Cans to be hermetically sealed.** 1929, c. 304, § 7. On all one-quarter size cans used for packing sardines there shall be used a compound lined gasket, or other adequate gasket or such other adequate device as will hermetically seal the container.

**Sec. 80. Penalty.** 1929, c. 304, § 9. Any person, firm, corporation, association or society who shall pack sardines in the state of Maine for sale without the license provided for in section seventy-three, or who shall violate any of the provisions of sections seventy-three to eighty inclusive, or neglect or refuse to comply with any of the provisions required in said sections or any way violate any of their provisions shall be punished by a fine of five hundred dollars and imprisonment for not more than six months for each and every offense and municipal courts shall have jurisdiction of the offense.