

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 294

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to regulate the sale and analysis of food.

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*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows:*

Section 1. It shall be unlawful for any person, persons or  
2 corporation within this State to manufacture for sale, to sell,  
3 or to offer or expose for sale any article of food which is  
4 adulterated or misbranded within the meaning of this act.

Sect. 2. The term food, as used in this act, shall include  
2 every article used for food or drink by man, horses or cattle.

Sect. 3. For the purpose of this act an article of food shall  
2 be considered as adulterated or misbranded:

First. If any substance or substances be mixed or packed  
4 with it so as to reduce or lower or injuriously affect its qual-  
5 ity or strength.

Second. If any inferior substance or substances be substi-  
7 tuted wholly or in part for this article.

Third. If any necessary or valuable constituent of the  
9 article be wholly or in part abstracted.

Fourth. If it be in imitation of, or sold under the name  
11 of another article.

Fifth. If it be colored, coated, polished or powdered  
13 whereby damage is concealed, or if it be made to appear  
14 better or of greater value than it is.

Sixth. If it contains poisonous ingredients, or if it con-  
16 tains any antiseptic or preservative not evident or not known  
17 to the purchaser.

Seventh. If it consists wholly or in part of a diseased,  
19 filthy, decomposed or putrid animal or vegetable substance.

Eighth. If the package or label shall have any statement  
21 purporting to name any ingredient or substance as not being  
22 contained in the article, which statement shall be untrue in  
23 any particular.

Ninth. If the package or label shall bear any statement  
25 purporting to name the substance or substances of which the  
26 article is made, which statement shall not fully give the  
27 names of all substances contained therein.

Tenth. If it be labeled or branded so as to deceive or mis-  
29 lead the purchaser in any particular.

Provided, that any article of food which is adulterated  
31 within the meaning of this act, but which does not contain  
32 any poisonous or deleterious ingredient, may be manufact-  
33 ured or sold if the same shall be plainly labeled, branded or  
34 tagged so as to show the exact character thereof. Provided  
35 further, that nothing in this act shall be construed as requir-  
36 ing proprietors, manufacturers or sellers of proprietary foods  
37 which contain no unwholesome substances to disclose their  
38 trade formulas, except that in the case of baking powders  
39 each can or package shall be plainly labeled so as to show the  
40 acid salt or salts contained therein.

Sect. 4. The director of the Maine Agricultural Experi-  
2 ment Station shall analyze, or cause to be analyzed, samples  
3 of articles of food on sale in Maine, suspected of being adul-

4 terated, and at such times and to such extent as said director  
5 may determine. And said director, in person or by deputy,  
6 shall have free access at all reasonable hours to any place  
7 wherein articles of food are offered for sale, and upon tender-  
8 ing the market price of any such article may take from any  
9 person, persons or corporations samples for analysis.

Sect. 5. The results of all analyses of articles of food made  
2 by said director shall be published by him in the bulletins or  
3 reports of the Experiment Station, together with the names  
4 of the persons from whom the samples were obtained, and  
5 the names of the manufacturers thereof. The said director  
6 may also adopt or fix standards of purity, quality or strength  
7 when such standards are not specified or fixed by law and  
8 shall publish them, together with such other information  
9 concerning articles of food as may be of public benefit.

Sect. 6. Whoever adulterates or misbrands any article of  
2 food as defined in this act, or whoever sells, offers or exposes  
3 for sale any adulterated or misbranded article of food, shall  
4 be punished by a fine not exceeding one hundred dollars for  
5 the first offense and not exceeding two hundred dollars for  
6 each subsequent offense.

Sect. 7. Whenever said director becomes cognizant of the  
2 violation of any of the provisions of this act, he shall report  
3 such violation to the commissioner of agriculture, and said  
4 commissioner shall prosecute the party or parties thus  
5 reported.

Sect. 8. No action shall be maintained in any court in this  
2 State on account of any sale or other contract made in viola-  
3 tion of this act.

Sect. 9. Sections 10, 11, 12, 13, 14, 15, 16 and 17 of chapter  
2 129 of the Revised Statutes and all acts or parts of acts  
3 inconsistent herewith are hereby repealed.

Sect. 10. This act shall take effect when approved.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 1, 1905.

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

E. M. THOMPSON, *Clerk.*