

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 18

STATE OF MAINE.

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

AN ACT to provide for the proper Labeling of Medicines containing alcohol and narcotic drugs and to prevent the manufacture and sale of Adulterated Drugs.

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

Section 1. No person shall manufacture for sale, sell, or
2 expose for sale within this state any medicine or drug which
3 is adulterated or misbranded within the meaning of this act.

Sect. 2. The term "drug" as used in this act shall include
2 all medicines and preparations recognized in the United
3 States pharmacopoeia or national formulary for external or
4 internal use, and any substance or mixture of substances
5 intended to be used for the cure, mitigation or prevention of
6 disease of either man or other animals.

Sect. 3. For the purposes of this act a drug shall be deemed
2 to be adulterated:

First. If, when a drug is sold under or by a name recog-
4 nized in the United States pharmacopoeia or national formu-
5 lary, it differs from the standard of strength, quality, or
6 purity, as determined by the test laid down in the United
7 States pharmacopoeia or national formulary official at the
8 time of investigation: Provided, that no drug defined in the
9 United States pharmacopoeia or national formulary shall be
10 deemed to be adulterated under this provision if the standard
11 of strength, quality or purity be plainly stated upon the bot-
12 tle, box, or other container thereof although the standard
13 may differ from that laid down in the United States phar-
14 macopoeia or national formulary.

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

Sect. 4. For the purposes of this act a drug shall be deemed
2 to be misbranded:

First. If the package or label shall bear any statement,
4 design or device regarding such article, or the ingredients or
5 substances contained therein, which shall be false or mis-
6 leading in any particular.

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

Third. If the contents of the package as originally put up
10 shall have been removed in whole or in part, and other con-
11 tents shall have been placed in the package, or, except in the
12 case of a physician's prescription compounded by a regis-
13 tered pharmacist, if the package fail to bear a statement on

14 the label of the quantity or proportion of any alcohol, mor-
15 phine, opium, heroin, alpha or beta eucaine, chloroform,
16 cannabis indica, chloral hydrate, or acetanilide, or any
17 derivative or preparation of any such substances contained
18 therein.

Sect. 5. No dealer shall be prosecuted for a first offense
2 under the provisions of this act when he can establish a
3 guaranty signed by the wholesaler, jobber, manufacturer or
4 other party residing in the United States from whom he
5 purchases such articles, to the effect that the same is not
6 adulterated or misbranded within the meaning of this act.
7 Said guaranty, to afford protection, shall contain the name
8 and address of the party or parties making the sale of such
9 articles to such dealer, and in such case, said party or parties,
10 if residing within this state, shall be amendable to the prose-
11 cutions, fines, and other penalties which would attach in due
12 course, to the dealer under the provisions of this act.

Sect. 6. Any person who shall violate any of the provisions
2 of this act shall be punished by a fine not exceeding one
3 hundred dollars for the first offense and not exceeding two
4 hundred dollars for each subsequent offense.

Sect. 7. This act shall take effect January first, 1908.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, January 18, 1907.

Tabled pending reference to a committee, by Mr. MILLIKEN of
Island Falls, and ordered printed.

E. M. THOMPSON, *Clerk.*