

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 66

House of Representatives, Jan. 31, 1917.

Referred to Committee on Agriculture, one thousand copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Barnes of Houlton.

STATE OF MAINE

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

AN ACT for better protection against adulterated, misbranded
or inferior commercial fertilizers.

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

Section 1. Section six of Chapter thirty-six of the Re-
vised Statutes of nineteen hundred sixteen is hereby
amended by striking out in the eighth line of said section the
words, "or its equivalent in ammonia." Said Section six is
further amended by adding in the eighth line, after the words
"available from" the words, 'and the source from which
derived,' so that said section as amended shall read as
follows:

‘Sect. 6. Every lot or package of commercial fertilizer,
2 which is manufactured, sold, distributed, transported, offered
3 or exposed for sale, distribution or transportation in the state
4 by any person shall have affixed in a conspicuous place on the
5 outside thereof a plainly printed statement clearly and truly
6 giving the number of net pounds in the package; the name or
7 trade-mark under which the article is sold; the name and
8 principal address of the manufacturer or shipper and a
9 chemical analysis stating the minimum percentage of nitro-
10 gen in available form, and the source from which derived, of
11 potash soluble in water, of phosphoric acid in available form,
12 soluble and reverted, and of total phosphoric acid, the con-
13 stituents to be determined by the methods adopted by the
14 association of official agricultural chemists. If the fertilizer
15 is sold in bulk or put up in packages belonging to the pur-
16 chaser, the seller shall, upon request of the purchaser, fur-
17 nish the purchaser with a copy of the statements named in
18 this section.’

Sect. 2. Section twelve of said Chapter thirty-six of the
2 Revised Statutes of nineteen hundred sixteen is hereby
3 amended in the first paragraph of the portion thereof which
4 deals with commercial fertilizer, being the first clause of the
5 third paragraph thereof by adding thereto the following
6 words, ‘if any commercial fertilizer, is found to contain any
7 pulverized leather, hair, ground hoofs, horns, wool waste,
8 peat, garbage tankage or any ingredients derived from any
9 inert material whatsoever, without an explicit statement of

10 the fact, conspicuously affixed to every package of such fer-
11 tilizer, and accompanying and going with every lot, parcel or
12 package of the same, such fertilizer shall be deemed to be
13 misbranded within the meaning of said chapter,' so that said
14 section as amended shall read as follows :

'Sect. 12. For the purpose of this chapter an article shall
2 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.

In case of commercial feeding stuff :

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

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

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

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

In case of commercial fertilizer :

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

If any commercial fertilizer is found to contain any pulverized leather, hair, ground hoofs, horns, wool waste, peat, garbage, tankage or any ingredients derived from any inert material whatsoever, without an explicit statement of the fact, conspicuously affixed to every package of such fertilizer, and accompanying and going with every lot, parcel or package of the same, such fertilizer shall be deemed to be adulterated within the meaning of said chapter.

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

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 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 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
2 other mineral substances, or poisonous color or flavor, or
3 other ingredients deleterious or detrimental to health, or any
4 vinous, malt, or spiritous liquor or compound, or narcotic
5 drug.

In case of food:

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

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

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

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

Fifth. If it contain any poisonous or other added dele-
2 terious ingredient which may render such article injurious
3 to health.

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

Seventh. If in the manufacture, sale, distribution, trans-
2 portation, or in the offering or exposing for sale, distribu-

3 tion or transportation, it is not at all times securely protected
4 from filth, flies, dust or other contamination, or other un-
5 clean, unhealthful or unsanitary conditions.

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

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

In case of fungicide or insecticide:

In the case of Paris green:

First. If it does not contain at least fifty per centum of
2 arsenious oxide (As. 2-0-3).

Second. If it contains arsenic in water-soluble forms
2 equivalent to more than three and one-half per centum of
3 arsenious oxide (As. 2-0-3).

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

In the case of lead arsenate:

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

Second. If it contains total arsenic equivalent to less than

2 twelve and one-half per centum or arsenic oxide (As.
3 2-0-5).

Third. If it contains arsenic in water-soluble forms
2 equivalent to more than seventy-five one-hundredths per
3 centum of arsenic oxide (As.2-0-5).

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

In the case of fungicide or insecticide other than Paris
2 green and lead arsenate:

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

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

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

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