

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 641

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*House of Representatives, March 21, 1917.*

*Printed under joint rules.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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

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

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*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 amend-  
ed 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 form" the words, 'and the form in which  
it is present,' so that said section as amended shall read as  
follows:

'Sect. 6. 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 or trade-mark under which the article is sold; the name and principal address of the manufacturer or shipper and a chemical analysis stating the minimum percentage of nitrogen in available form, and the form in which it is present, 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 packages belonging to the purchaser, the seller shall, upon request of the purchaser, furnish the purchaser with a copy of the statements named in this section.'

Sect. 2. Section twelve of said Chapter thirty-six of the Revised Statutes of nineteen hundred sixteen is hereby amended in the first paragraph of the portion thereof which deals with commercial fertilizer, being the first clause of the third paragraph thereof, by adding thereto the following words, 'if any commercial fertilizer, is found to contain any pulverized leather, hair, ground hoofs, horns, wool waste, peat, garbage tankage or any nitrogenous ingredients derived from any inert material whatsoever, unless

10 the same have been so treated as to be immediately avail-  
11 able, without an explicit statement of the fact, conspicuously  
12 ly affixed to every package of such fertilizer, and accom-  
13 panying and going with every lot, parcel or package of the  
14 same, such fertilizer shall be deemed to be misbranded with-  
15 in the meaning of said chapter,' so that said section as  
16 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 pur-  
2 ity do not conform in each particular to the claims made  
3 upon the affixed guaranty.

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

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

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

In 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.

If any commercial fertilizer is found to contain any pulverized leather, hair, ground hoofs, horns, wool waste, peat, garbage tankage or any nitrogenous ingredients derived from any inert material whatsoever, unless the same have been so treated as to be immediately available, 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,

12 upon the bottle, box or other container thereof, although  
13 the standard may differ from that laid down in the United  
14 States pharmacopoeia, national formulary, or that fixed by  
15 said commissioner.

Second. If its strength or purity differs from the pro-  
2 fessed 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  
4 any vinous, malt, or spirituous liquor or compound, or nar-  
5 cotic drug.

In case of food:

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

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

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

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

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

Sixth. If it consists in whole or in part of a filthy, de-

2 composed or putrid animal or vegetable substance, or any  
3 portion of an animal unfit for food, whether manufactured  
4 or not, or if it is the product of a diseased animal, or one  
5 that has died otherwise than by slaughter.

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

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

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

In case of fungicide or insecticide:

In 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  
3 or strength.

In 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 2-0-5).

Third. If it contains arsenic in water-soluble forms equiv-  
2 alent to more than seventy-five one-hundredths per centum  
3 of arsenic oxide (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 qual-  
3 ity or strength; provided, however, that extra water may  
4 be added to lead arsenate if the resulting mixture is labelled  
5 lead arsenate and water, the percentage of extra water be-  
6 ing 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.