

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 133

House of Representatives, Feb. 11, 1919.

Referred to Committee on Agriculture and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Mathews of Oakfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
· NINE HUNDRED AND NINETEEN

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 Section six of chapter thirty-six of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sect. 6. MARKING OF PACKAGES OF COMMERCIAL FERTILIZER. 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

7 printed statement clearly and truly giving the number of
8 net pounds in the package, the name brand or trade-mark
9 under which the fertilizer is sold; the name and principal
10 address of the manufacturer or importer and a chemical
11 analysis stating the minimum percentage of nitrogen, avail-
12 able as plant food, present as nitrates, ammonium salts or
13 organic nitrogen, of potash, soluble in water, of phosphoric
14 acid in available form, soluble and reverted, and of total
15 phosphoric acid, the constituents to be determined by the
16 methods adopted by the association of official agricultural
17 chemists. If the fertilizer is sold in bulk or put up in
18 containers furnished by the purchaser, the seller shall, upon
19 request of the purchaser, furnish the latter with a copy of
20 the statements named in this section.'

Sect. 2. Section twelve of said chapter thirty-six of the
2 revised statutes is hereby amended by adding a third clause
3 to the third paragraph thereof, namely, the paragraph which
4 defines certain adulterations of commercial fertilizers as
5 follows:

'Third. If it is found to contain any pulverized leather,
2 hair, ground hoofs, horns, wool waste, peat, garbage tank-
3 age, cyanamide, or any nitrogenous ingredients derived from
4 any inert material whatsoever, unless the same has been so
5 treated as to be available as plant food as determined by
6 the methods adopted by the association of official agricul-
7 tural chemists, without an explicit printed statement of the
8 fact, conspicuously affixed to the package of such fertilizer

9 and accompanying and going with every lot or package
10 of the same, in which fertilizer the above named materials
11 aid in making up the required, or guaranteed analysis,' so
12 that said section as amended shall read as follows:

'Sect. 12. WHEN GOODS SHALL BE DEEMED TO
2 BE ADULTERATED. 1911, c. 119, sect. 11. For the
3 purpose of this chapter an article shall be deemed to be
4 adulterated:

In case of AGRICULTURAL SEED:

First. If its purity fall below its accompanying guaranty.

Second. If it contains the seed of any poisonous plant.

In the 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 ingre-
2 dents 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 the 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.

Second. If it contains any material deleterious to grow-
2 ing plants.

Third. If it is found to contain any pulverized leather,
2 hair, ground hoofs, horns, wool waste, peat, garbage tank-
3 age, cynamide, or any nitrogenous ingredients derived from
4 any inert material whatsoever, unless the same has been
5 so treated as to be available as plant food as determined
6 by the methods adopted by the association of official agri-
7 cultural chemists, without an explicit printed statement of
8 the fact, conspicuously affixed to the package of such fer-
9 tilizer and accompanying and going with every lot or pack-
10 age of the same, in which fertilizer the above named ma-
11 terials aid in making up the required or guaranteed analysis.

In the case of a drug: 1913, c. 140, sect. 1.

First. If, when a drug is sold under or by a name recog-
2 nized in the United States pharmacopœia or national for-
3 mulary, it differs from the standard of strength, quality,
4 or purity, as laid down in the United States pharmacopœia,
5 or national formulary official at the time of investigation,
6 or as fixed by the commissioner of agriculture; provided,
7 that no drug defined in the United States pharmacopœia,
8 the national formulary or by said commissioner shall be
9 deemed to be adulterated under this provision if the stand-
10 ard of strength, quality, or purity be plainly stated, so as
11 to be understood by the non-professional person, upon the

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

Second. If its strength or purity differs from the pro-
2 fessed standard or quality under which it is sold.

In the 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
5 narcotic 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
2 or 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 filthy, decom-

2 posed or putrid animal or vegetable substance, or any por-
3 tion of any 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 other
5 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 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
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 the 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_2O_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_2O_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 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 of arsenic oxide. (As
3 $2O_3$.)

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 $2O_3$.)

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 labeled
5 lead arsenate and water, the percentage of extra water
6 being plainly and correctly stated on the label.

In the case of FUNGICIDE OR INSECTICIDE OTHER
2 THAN PARIS 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.'