

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 322

H. P. 1113

House of Representatives, February 9, 1937.

Referred to Committee on Public Health. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Demers of Sanford by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Prohibit the Sale of Adulterated or Misbranded Cosmetic Preparations.

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

Sec. 1. R. S., c. 41, § 1, amended. Section 1 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Sec. 1. Sale of certain adulterated articles prohibited. No person shall manufacture, sell, distribute, transport, offer, or expose for sale, distribution, or transportation, any article of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, **cosmetic**, food, fungicide or insecticide which is adulterated or misbranded within the mean of this chapter.'

Sec. 2. R. S., c. 41, § 2, amended. Section 2 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Sec. 2. Definitions. The term "agricultural seed" as used in this chapter shall be held to include the seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, brome grass, buckwheat, alsike clover, crimson clover, red clover, medium clover, white clover, field corn, Kaffir corn, meadow fescue flax, Hungarian, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy, and wheat.

The term "commercial feeding stuff" as used herein shall be held to include all articles of food used for feeding live stock, and poultry, except hays and straws, the whole seeds, and the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, flaxseed, and broom corn.

The term "commercial fertilizer" as used herein shall be held to include all materials used for fertilizing purposes, the price of which exceeds \$10 a ton.

The term "drug" as used herein shall be held to include all medicines and preparations recognized in the United States pharmacopoeia or national formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of man or other animals.

The term "cosmetic" as used herein shall be held to include all substances and preparations intended for external use in cleansing, altering the appearance, or promoting the attractiveness of the person, except that such term shall not include water or soaps represented for shaving or for cleansing purposes only.

The term "food" as used herein shall be held to include all articles, whether simple, mixed or compound, used for food, drink, confectionery, or condiment by man or animals.

The term "fungicide" as used herein shall be held to include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation, or be present in any environment whatsoever.

The term "insecticide" as used herein shall include paris green, lead arsenate, and any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insect which may infest vegetation, man, animals, or houses, or be present in any environment whatsoever.'

Sec. 3. R. S., c. 41, § 18, additional. Section 18 of chapter 41 of the revised statutes is hereby amended by inserting before the paragraph "In case of confectionery:" a new paragraph, to read as follows:

'In case of a cosmetic: If it bears any poisonous or deleterious substance or any harmful metallic salt in such quantity as may render it dangerous to the user under the conditions of use prescribed in the labelling thereof, or under such conditions of use as are customary or usual.'

Sec. 4. R. S., c. 41, § 19, additional. Section 19 of chapter 41 of the revised statutes is hereby amended by inserting before the paragraphs entitled "In case of food:" the following:

'In case of a cosmetic:

First. If it is dangerous to health under the conditions of use prescribed in the labelling or advertising thereof.

Second. If it fails to bear a statement of the name and address of the manufacturer, or producer, or seller, or distributor.'

Sec. 5. P. L., 1935, c. 109, repealed. Chapter 109 of the public laws of 1935, entitled "An Act for the Regulation of Cosmetics," is hereby repealed.