

such county to the Judge of the Superior Court thereof, and said warrant shall be paid by said Treasurer out of the salary fund of said county: *Provided*, That no such warrant shall be issued until the judge who is to receive the same shall have made an affidavit, in the manner provided by law, that no cause in his court remains pending and undecided contrary to the provisions of section 12, page 344, Session Laws of 1889-1890 (section 39, Remington's Revised Statutes) and of section 20, article 4, Constitution of the State of Washington.

Salary
warrant
issued upon
affidavit.

Passed the Senate February 25, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 190.

[S. B. 408.]

MANUFACTURE AND DISTRIBUTION OF MACARONI PRODUCTS.

AN ACT relating to macaroni products; bringing the laws of this state into conformity with regulations of the Federal Trade Commission; regulating the manufacture and distribution of macaroni products; defining terms; providing for permits and certificates and the procedure for revocation or suspension thereof; establishing standards for the prevention of frauds and the protection of public health; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. This act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state; it is hereby found and declared that the public welfare requires control and regulation of the manufacture and distribution of macaroni, noodles and related products and of persons engaged therein, in order that there may be prevented or eliminated insani-

Purpose
of act.

tary, unhealthful, fraudulent, unfair or uneconomic practices and conditions in connection with such manufacture or distribution which endanger public health, defraud consumers, and jeopardize the public source and supply of a nourishing, healthful food. It is further found and declared that the regulation of the commercial manufacture and distribution of macaroni, noodles and related products as provided by this act is in the interest of the economic and social well being and the health and safety of the state and its people, and is a necessary subject for immediate general legislation operating uniformly throughout the state.

Definitions.

SEC. 2. Except where the context indicates a different meaning, terms used in this act shall be interpreted and construed as defined herein.

"Macaroni products."

SEC. 3. "Macaroni products" shall mean and include macaroni, spaghetti, vermicelli, noodles and all related products in whatever form or style the same may be prepared.

"Macaroni factory."

SEC. 4. "Macaroni factory" shall mean any place, premises or establishment where any macaroni products are regularly prepared, processed or manufactured for sale rather than for consumption on such premises.

"Person."

SEC. 5. "Person" shall include an individual, partnership, corporation, association or club.

"Distributor."

SEC. 6. "Distributor" shall mean any person engaged within this state in the sale or distribution of any macaroni product by some method other than exclusively at retail at a fixed place or places of business, but shall not include any person distributing or selling macaroni products manufactured in a macaroni factory licensed under this act.

Macaroni factory permit.

SEC. 7. No person shall operate, or participate in the management and operation of any macaroni factory within this state without a macaroni factory

permit therefor, under the provisions of this act. Application for such permit shall be made in writing and under oath to the Director of Agriculture, upon such forms and with such pertinent information as he shall require.

SEC. 8. No person shall engage within this state in the business of distributor without a permit to do so. Application for such permit shall be made in writing and under oath to the Director of Agriculture upon such form as shall be prescribed and supplied by him.

Distributor's permit.

SEC. 9. There shall be paid to the Director of Agriculture with each application for a macaroni factory permit or distributor's permit or for renewal of such permit an annual fee of twenty-five dollars (\$25), and the funds derived therefrom shall be disbursed by the Director of Agriculture for the administration and enforcement of this act.

Annual fee.

SEC. 10. Each permit provided in this act shall expire on December 31, following its date of issue, unless sooner revoked for cause. Renewal thereof may be obtained from the director by surrendering the previous year's permit and paying the permit fee. No permit shall be transferable nor shall it be applicable to any location other than that for which it was originally issued. Upon change of ownership or management of any macaroni factory the new owner or manager before assuming control shall notify the Director of Agriculture of the change in writing and obtain a new permit covering that establishment.

Expiration of permit.

Not transferable.

SEC. 11. The Director of Agriculture may cancel or suspend any permit provided in this act if upon investigation he determines (1) that the permittee has violated any provision of this act or of any other law of this state relating to the operation of factories for the manufacture or handling of any macaroni

Cancellation or suspension of permit.

product, or any regulation effective thereunder; or (2) that the factory premises or any equipment of the permittee used therein or in connection therewith is in an insanitary condition and that the permittee has failed or refused to remedy such condition within ten (10) days after written notice to do so from the director.

Notice to
permittee.

SEC. 12. No permit shall be revoked or suspended by the director until after a written statement of the grounds therefor has been served upon the permittee and he is given at least ten (10) days within which to answer such charge. For the purpose of making an investigation or of conducting a hearing with reference to such proposed revocation or suspension, the Director of Agriculture shall have power to conduct such hearing, administer oaths, take depositions, issue subpoenas and compel the attendance of witnesses and the production of books, papers, documents and testimony.

Appeal
from order.

SEC. 13. Within thirty (30) days after an order revoking or suspending a permit is made by the Director of Agriculture any party aggrieved thereby may appeal to the superior court of the county of his residence in this state. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail or personally on the Director of Agriculture. The Director shall, within twenty (20) days after receipt of such notice of appeal, serve and file notice of appearance and such appeal shall thereupon be deemed at issue. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No bond shall be required on such appeal but such appeal shall not stay proceedings before the director. The trial of said issues shall be by the court, and an appeal shall lie from its judgment as in other civil cases.

SEC. 14. Service as required in this act may be made by registered mail, return receipt requested, addressed to the permittee at the address given by him in his most recently filed application for a permit.

Service.

SEC. 15. No person afflicted with any contagious or infectious disease shall work or be permitted to work or be employed in any macaroni factory.

Diseased persons.

SEC. 16. No person shall work or be permitted to work in any macaroni factory in storing, preparing, mixing or handling any macaroni product or any ingredient thereof without holding a certificate from a physician, duly accredited for that purpose by the State Board of Health, certifying that such person has been examined and found free from any contagious or infectious disease. The State Board of Health may fix a maximum fee, not exceeding two dollars (\$2), which may be charged by a physician for such examination. Such certificate shall be effective for a period of six (6) months and thereafter must be renewed following proper physical examination as aforesaid. When such certificate is required and provided under municipal ordinance upon examination deemed adequate by the State Board of Health, certificates issued thereunder shall be sufficient under this act.

Health certificate.

Physician's fee.

Renewal of certificate.

SEC. 17. Any certificate provided under section 16 of this act shall be revoked by the State Board of Health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in a macaroni factory to submit to proper and reasonable physical examination upon written demand of the State Board of Health or the Director of Agriculture shall be cause for revocation of that person's health certificate.

Certificate revoked.

Refusal to submit to examination.

SEC. 18. The Director of Agriculture shall have the right to inspect any macaroni factory for which

Inspection of factories.

a permit has been issued under this act to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state applicable either to macaroni factories or macaroni products, and of all regulations effective thereunder. Such inspection shall also be made of each vehicle used by a macaroni factory or distributor holding a permit under this act in transporting or distributing any macaroni products within this state.

Statement of prices filed and posted.

SEC. 19. Each person hereafter operating a macaroni factory or operating as a distributor, shall file with the Director of Agriculture in duplicate and under oath a written statement of all prices, discounts, rebates, allowances and other terms or conditions of sale or payment, thereafter by him to be quoted, offered, charged, made or allowed upon each kind of macaroni product offered by him for sale in this state, and shall keep a true and complete copy of said statement posted conspicuously at each of his places of such business within this state, or, if no fixed place of business is maintained, upon each vehicle used in distribution of macaroni products. Such statement may be revised or added to by filing with the Director of Agriculture a supplementary written statement in duplicate and under oath, the revision or addition to become effective not less than ten (10) days after its receipt by the director.

Provisions applicable, when.

SEC. 20. On and after fifteen (15) days after the effective date of this act no person shall sell, or display or offer for sale within this state any macaroni product the price and terms and conditions of sale of which have not been filed and posted as provided in this act, nor shall any price be quoted nor any term, condition, rebate, discount, or allowance, be offered or accepted, unless the applicable price, term, condition, rebate, discount or allowance specified for that type of macaroni product is contained in

the statement of that person then on file with the Director of Agriculture and posted as provided in this act.

SEC. 21. In addition to the acts by this act made unlawful, it shall be unlawful in connection with the operation of any macaroni factory or the sale or distribution of any macaroni product:

Prohibited
acts.

(a) To sell, advertise, describe, brand, mark, label or pack macaroni or any simulation or imitation thereof in a manner which is calculated to mislead or deceive or has the tendency or capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, substance, character, nature, origin, size, material, content, composition, color, preparation, or manufacture of such products or in any material respect.

(b) To sell, offer for sale, advertise, describe, brand, label or otherwise represent any macaroni or noodle product as being a semolina or farina product when such is not true and correct.

(c) To use yellow coloring in, or yellow transparent containers for, any macaroni product in such manner as deceptively to import or imply to purchasers, prospective purchasers or the consuming public that such product contains egg in greater proportion than is in fact present, or in such manner as to mislead or deceive in any other respect.

(d) To advertise, describe, brand, label, or otherwise represent any product as containing a food ingredient which is not macaroni, found, or is not present in the advertised quantities, resulting in purchasers, prospective purchasers or the consuming public being misled or deceived.

(e) To use photographs, cuts, engravings, illustrations or pictorial or other adoptions or devices of industry products in catalogs, sales literature or advertisements or on packages or containers or other-

wise in such manner as to have the capacity and tendency or effect of misleading or deceiving the purchaser or consuming public as to the grade, quality, quantity, substance, character, nature, origin, size, material content, composition, coloring, preparation or manufacture of such products.

(f) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standings, or any other false representations, or falsely to disparage the grade, quality or manufacture of the products of competitors or of their business method, selling price, values, grade, terms, policies or services.

(g) To fail to brand, mark or identify macaroni products so as to disclose their true character, where such failure has the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public.

Penalty.

SEC. 22. Any person violating any provision of this act shall be guilty of a misdemeanor. Each day such violation continues shall constitute a separate offense.

Partial
invalidity.

SEC. 23. If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Passed the Senate March 3, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 17, 1939.