

case of the death of any such person prior to his filing an application for compensation under this act an equal amount shall be paid to his surviving widow, if not remarried at the time compensation is requested, or in case he left no widow and left children, then to his surviving children, or in the event he left no widow or children or left a widow who remarried, then to his surviving parent or parents if actually dependent upon such deceased person for support. Persons of the female sex, or their surviving children or parents, who are in all other respects within the terms of this act, shall be entitled to compensation thereunder.

Passed the House January 25, 1923.

Passed the Senate February 14, 1923.

Approved by the Governor February 28, 1923.

CHAPTER 36.

[H. B. 44.]

FOODS, DRINKS AND DRUGS.

AN ACT relating to drugs, foods and drinks, and the adulteration and misbranding thereof, and amending sections 6146 and 6147 of Remington's Compiled Statutes.

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

SECTION 1. That Section 6146 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Section 6146. For the purposes of this act an article shall be deemed to be adulterated: In the case of drugs: 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 determined by the test laid down in the United States Pharmacopoeia or National Formulary official at

Amends Rem.
Comp. Stat.
§ 6146;
Pierce's Code
§ 2537.

Drugs
adulterated.

the time of investigation: *Provided*, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary. Second, if its strength or purity fall below the professed standard or quality under which it is sold.

In case of confectionery: If it contains terra Confectionery.
alba, barytes, talc, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spiritous liquor or compound or narcotic drug. In case of food: Food. First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Second, If any substance has been substituted wholly or in part for the article. Third, If any valuable constituent of the article has been wholly or in part abstracted. Fourth, If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed. Fifth, If it contains sodium sulphite or any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption. Sixth, If it consists in whole or in part of a filthy, decomposed or putrid animal

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

Amends Rem.
Comp. Stat.
§ 6147;
Pierce's Code
§ 2538.

SEC. 2. That Section 6147 of Remington's Compiled Statutes be amended to read as follows:

Misbranded.

Section 6147. The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

Drugs.

For the purposes of this act an article shall also be deemed to be misbranded: In the case of drugs: First, If it be an imitation of or offered for sale under the name of another article, Second, If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide or any derivative or preparation of any such substances contained therein. Third, If its package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false or fraudulent.

Food.

In the case of food: First, If it be an imitation of or offered for sale under the distinctive name of any other article. Second, If it be labeled or branded so as to deceive or mislead the purchaser or purport to

be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein. Third, If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count; *Provided, however,* That the reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of Chapter 168, Session Laws of 1917. Fourth, If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *Provided,* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First, In the cases of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the said article has been manufactured or produced. Second, In the case of articles labeled, branded or tagged so as plainly to indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale:

See Rem.
Comp. Stat.
§§ 6137 to
6139;
Pierce's Code
§§ 2546 to
2548.

Provided, That the term "blend" as used herein shall be construed to mean a mixture or like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade mark formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

Passed the House January 24, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor February 28, 1923.

CHAPTER 37.

[S. H. B. 43.]

HORTICULTURE.

AN ACT relating to horticulture and horticultural products and amending sections 2841, 2842, 2843, 2845, 2854, 2855, 2858 and 2872 of Remington's Compiled Statutes.

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

SECTION 1. That Section 2841 of Remington's Compiled Statutes be amended to read as follows:

Section 2841. Inspectors-at-large may be assigned to duty in one or more counties and transferred from one county to another in the discretion of the director, and their salaries, compensation and actual and necessary traveling expenses shall be paid by warrants drawn upon the state treasurer by the state auditor upon vouchers signed and verified under oath by such inspectors and countersigned by the director or the assistant director. In addition to inspectors-at-large whenever a petition is pre-

Amends Rem.
Comp. Stat.
§ 2841;
Pierce's Code
§ 2709.

Inspectors
at large.