

persons charged with the violation thereof, in like manner and with like powers as they are now authorized and required by law to enforce the laws of this State against the adulteration of food and fraud in the sale thereof.

Passed the Senate January 31, 1905.

Passed the House February 23, 1905.

Approved by the Governor March 2, 1905.

CHAPTER 51.

(H. B. No. 54)

AMENDING ACT RELATIVE TO ADULTERATION OF FOOD.

AN ACT to amend Sections 5 and 6 of "An act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency and repealing, "An act to provide against the adulteration of food, approved March 13, 1899," approved March 16, 1901.

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

SECTION 1. That section 5 of an "Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency, and repealing "An act to provide against the adulteration of food approved March 13, 1899," approved March 16, 1901, is hereby amended to read as follows:

Amendment.

Section 5. Possession by any person, firm or corporation of any article of food, the sale of which is prohibited by this act, or being the consignee thereof, shall be *prima facie* evidence that the same is kept or shipped to the said person, firm or corporation in violation of the provisions of this act.

and the Dairy and Food Commissioner is hereby authorized ^{Duty of Commissioner.} to seize upon and take into his possession such articles of food and thereupon apply to the Superior Court of the County in which such food is seized for an order directing him to dispose of or sell the same and apply the proceeds to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guarantee as required in Section 4; *Provided, however,* That the said Dairy and Food Commissioner shall first give notice to the person, firm or corporation in whose possession such goods are found, or if the same are found in the possession of a common carrier, then to the consignee of such food, notifying such person, firm or corporation ^{Notice.} that he has seized the said foods and the reasons therefor, and that he has made an application to the Superior Court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten days from the service of such notice, and that at the hearing of said application the said person, firm or corporation shall show cause, if any they have, why the prayer of the petition should not be granted. Upon the hearing of said petition the affidavits or oral testimony may be introduced to establish the contention of the respective parties. ^{Hearing.} Hearing, however, may be had at an earlier day by mutual consent of the parties to said application.

SEC. 2. That Section 6 of an "Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation; declaring an emergency, and repealing "An act to provide against the adulteration of food; approved March 13, 1899," approved March 16, 1901, be amended to read as follows: Section 6. Every ^{Amendment.} person selling, exhibiting or offering for sale, manufacturing or having in his possession with intent to sell or serve, or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person demanding the same, who shall apply to him for the purpose and shall tender him the price at which the article of food is sold, a sample sufficient for the analysis of any such article of food which is in his possession.

Marking of
packages.

All food packages shall be marked, stenciled or branded on the package in a conspicuous manner with the name of the purporting contents.

Passed the House February 2, 1905.

Passed the Senate February 23, 1905.

Approved by the Governor March 2, 1905.

CHAPTER 52.

(H. B. No. 28)

PROVIDING FOR PAYMENT OF PREMIUM ON OFFICIAL BONDS OF STATE, COUNTY OR CITY TREASURERS.

AN ACT to provide for the payment by the State or Counties or Cities of the premium or charge on official bonds of State, County or City Treasurers when given by surety companies.

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

Cities of first,
second and
third classes.

SECTION I. That the premium or charge for bonds given by surety companies for State treasurers, County treasurers and treasurers of cities of the first, second and third class, shall be paid by the State, County or city, respectively: *Provided*, That no such premium or charge shall exceed one half of one per cent per annum on the amount of such bond.

Passed the House February 14, 1905.

Passed the Senate February 24, 1905.

Approved by the Governor March 2, 1905.