

extended to cover the publication herein required to be made.

SEC. 5. That, whereas, great financial stringency exists and many citizens are unable to pay their taxes with the large penalty and interest accrued thereon under the existing laws, an emergency is declared to exist, and this act shall take effect and be in force immediately.

Passed the senate March 5, 1895.

Passed the house March 6, 1895.

Approved March 8, 1895.

CHAPTER XLV..

[H. B. No. 573.]

RELATING TO DAIRY PRODUCTS.

AN ACT regulating the manufacture of dairy produce, to prevent deception or fraud in the sale of the same or imitations thereof, providing for the appointment of a dairy commissioner and defining his duties, creating a state board of dairy commissioners and defining their duties, imposing certain duties upon the chemists of state institutions, providing penalties for violations of this law, making an appropriation, and declaring an emergency.

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

SECTION 1. It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery, cheese factory, corporation, person or persons whatsoever, as pure, wholesome and unskimmed, any unmerchanted, adulterated, skimmed, impure or unwholesome milk.

Unmerchanted milk,
how determined.

SEC. 2. In all prosecutions or other proceeding under this or any other law of this state relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale or furnished or delivered, or had in possession with intent to sell or offer for sale, or to furnish or deliver as aforesaid, as pure, wholesome or unskimmed milk contain less than three per centum of pure butter fat when subjected to chemical analysis or other satisfactory test, or that it had been diluted or any part of its cream

abstracted, or that it, or any part of it, was drawn from cows known by the person complained of to have been within fifteen days before or four days after parturition, or to have any disease, or ulcers, or other running sores, then, and in either case, the said milk shall be held and adjudged to have been unmerchantable, adulterated, impure or unwholesome, as the case may be, and if it shall appear that cows kept for the production of milk or cream for the same for market or for sale or exchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthful condition, or are being fed on distillery waste, or upon any substance in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature, the milk or the cream from the same is hereby declared impure and unwholesome. Any milk that has been exposed to or contaminated by emanations, discharges or exhalations from persons or animals, is hereby declared to be impure and unwholesome.

SEC. 3. Every person who shall at any factory in the state manufacture cheese shall stamp in a distinct and durable manner on each and every cheese manufactured by him, whether cheddar, twin, flat, or Young America, or by whatever name or style known, before the sale thereof, in full faced capital letters not less than one inch high, included within a plain, heavy border, in ordinary stamping ink, either red, green, purple or violet in color, and of such composition as not to be easily removed or wholly obliterated by moisture, the grade of the same in the following named letters and words: "Washington Full Cream," "Skimmed," or "Half Skimmed," as the case may be, together with the name of the factory and the name of the city, town or village where the said factory is located; and such cheese only as shall have been manufactured from pure and wholesome milk, and from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter, nor any substance for butter, or other animal or vegetable fats or oils have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling the said cheese, shall be stamped

Dairy products to be stamped.

“Washington Full Cream,” and such cheese only as shall be made from pure milk having not less than one-half of the cream thereof extracted, leaving in said cheese not less than fifteen per centum of pure butter fat, shall be marked “Half Skimmed,” and such cheese only as shall be made from pure skimmed milk shall be marked “Skimmed.” *Provided*, That nothing in this section shall be construed to apply to Edam, Brickstein, Pineapple, Limburger, Swiss or hand made cheese, or other cheese, by whatever name or style known, not made by ordinary cheddar process.

Accounts, how kept; same open to inspection.

SEC. 4. Every butter or cheese manufacturer who shall at any creamery, cheese factory or private dairy, manufacture any butter or cheese, shall keep or cause to be kept a correct account (open to the inspection of the dairy commissioner or any person furnishing milk to such creamery, cheese factory or private dairy) of the number of pounds of milk daily received and of the number of pounds of butter and the number and aggregate weight of cheese made each day, and such manufacturer shall, on the first Monday in the month of December of each year, send a verified report of the same in writing or in print to the state board of dairy commissioners and for the purposes of this act any butter or cheese manufacturer who shall keep twenty or more milk cows, and who shall manufacture the milk from the same into butter or cheese, shall be deemed and adjudged to be keeping a private dairy.

Resemblance to butter of manufactured articles prohibited.

SEC. 5. No person, by himself, his agents or his servants, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell or serve to patrons, guests, boarders or inmates in any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil or oleaginous [substance], or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or the cream from the same with or without harmless coloring matter which shall be in imitation of yellow butter produced from pure, unadulterated milk or the cream from the same: *Provided*, That nothing in this act shall

be construed to prohibit the manufacture or sale of oleo-margarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to resemble butter.

SEC. 6. It shall be unlawful for any person to sell, or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt, rennet and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half skimmed milk. Unlawful to color.

SEC. 7. There shall be appointed by the governor, by and with the advice and consent of the senate, one competent person who shall be denominated the dairy commissioner, whose term of office shall continue four years from and after the first Monday in April after his appointment, subject to removal for cause by the governor, or until his successor be appointed and qualified. Dairy commissioner, how appointed.

SEC. 8. Before entering upon his duties, said dairy commissioner shall file with the secretary of state a good and sufficient bond in the sum of five thousand dollars (\$5,000), conditional upon the faithful discharge of his duties under this act. Bond required.

SEC. 9. Said commissioner may appoint one or more deputies whenever he is unable to perform all the duties of his office without assistance; they shall hold office at the pleasure of the dairy commissioner, who may summarily remove any such deputy from office whenever in his judgment the public service calls for such removal. Deputies, when appointed.

SEC. 10. It shall be the duty of the dairy commissioner to devote his entire time and attention to the dairy interests of the State of Washington, to enforce all laws that now exist or that may be hereafter enacted in this state regarding the production, manufacture or sale of dairy produce, and personally to inspect any articles of milk, butter, cheese, or imitations thereof, made or offered for sale within the state, which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manu- Duties of commissioner.

facture or sale of any adulterated or counterfeit dairy products contrary to law.

Duty of chemist.

SEC. 11. It shall be the duty of the chemist of any state institution to correctly analyze, without extra compensation, and without other charge to the state than necessary traveling expenses, any and all substances that the dairy commissioner may send to either of them, and to report to him without unnecessary delay the result of any analysis so made, and when called upon by said dairy commissioner, any such chemist shall assist him in prosecuting violators of the law, by giving testimony, either expert or otherwise.

Authority to employ chemists, when.

SEC. 12. Whenever it is impossible or impracticable for the dairy commissioner to have necessary analysis performed by any of the said chemists mentioned in the preceding section, he shall have the power to appoint any competent chemist to make such analysis, who shall be paid a fair and reasonable compensation.

Commissioner to go, where.

SEC. 13. The dairy commissioner shall have power, in the performance of his official duties, to enter into any creamery, cheese or condensed milk factory, store, sales-room, warehouse, or any place or building where he has reason to believe that any dairy products or imitations of dairy products are kept, made, prepared, sold or offered for sale or exchange; and to open any cask, tub, package or receptacle of any kind, containing or supposed to contain any such article, and to examine or cause to be examined and analyzed, the contents thereof; he may seize or take any such article for analysis: *Provided*, That if the person from whom such sample is taken shall request him to do so, he shall at the same time and in the presence of the person from whom such property was taken, seal up two samples of the article seized or taken, one of which shall be for examination or analysis under the direction of said commissioner, and the other of which shall be delivered to the person from whom the article was taken.

Penalty for violations.

SEC. 14. Any person who shall violate any of the provisions of this law, or who shall obstruct the dairy commissioner in the performance of his duties under this act by refusing him entrance to any place as enumerated in the

preceding section, or by refusing to deliver to him samples of dairy products, or imitations thereof, upon demand and upon tender of the value thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SEC. 15. Any superior court, municipal court or justice Jurisdiction. of the peace in this state shall have jurisdiction over all prosecutions arising under this act.

SEC. 16. The dairy commissioner shall receive an annual Salary. salary of twelve hundred dollars (\$1,200), and shall be allowed his actual transportation expenses: *Provided*, That such expenses shall not exceed one thousand dollars (\$1,000) in any one year. His deputies shall receive three dollars (\$3) per day for each day actually employed, and actual expenses disbursed in the discharge of their duties shall be repaid to them. No deputy shall be employed at the cost of the state for more than thirty (30) days in any one year.

SEC. 17. It shall be the duty of the attorney general or the prosecuting attorney in any county of the state, when called upon by the dairy commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act.

SEC. 18. The secretary of state, the president of the agricultural college and the dairy commissioner are hereby created a state board of dairy commissioners *ex officio*.

SEC. 19. The state board of dairy commissioners shall receive no compensation for their services as such board, but shall be allowed necessary actual traveling expenses. All accounts for expenditure incurred or made pursuant to the provisions of this act shall be approved and certified by said state board of dairy commissioners before presentation to the state auditor.

SEC. 20. The state board of dairy commissioners shall Biennial reports. biennially, on December first, report to the governor of this state a full account of their actions under this act; also the operations and results of this and any other laws

pertaining to the dairy industry of the state; a full account of all expenses and disbursements of the board and dairy commissioners; as full and complete statistics as it is in their power to collect pertaining to the manufacture, imports and exports of dairy products within the state for the biennial term; and shall make suggestions as to the need of further legislation on this subject.

SEC. 21. All expenses incurred under the provisions of this act, shall be audited by the state auditor upon bills being presented properly certified by the board of dairy commissioners, and the said auditor shall, from time to time, draw warrants upon the state treasurer for the amounts thus audited.

SEC. 22. To carry out the provisions of this act, there is hereby appropriated out of the general fund of the state for the term beginning April 1, 1895, and ending April 1, 1897, the sum of six thousand dollars (\$6,000).

Fines, to
whom paid.

SEC. 23. One-half of all the fines collected under the provisions of this act shall be paid to the person or persons furnishing information upon which conviction is procured, and the remainder to be paid forthwith into the treasury of the county in which the conviction is obtained.

SEC. 24. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 25. Whereas, grievous injustice is being perpetrated daily upon both customers and producers within the state from lack of adequate legislation protective of the dairy interests, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the house March 1, 1895.

Passed the senate March 6, 1895.

Approved March 11, 1895.