

## CHAPTER CXIII.

[H. B. No. 195.]

## PROHIBITING THE ADULTERATION OF FOOD ARTICLES.

AN ACT to provide against the adulteration of food.

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

SECTION 1. No person shall, within this state, manufacture for sale, offer for sale, or sell any article of food which is adulterated within the meaning of this act.

SEC. 2. The term "food," as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

SEC. 3. Any article shall be deemed to be adulterated within the meaning of this act: In the case of food — What shall constitute adulteration.

(1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity. (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. (4) If it is an imitation of, or is sold under the name of, another article. (5) If it consists wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal, or vegetable or fruit substance or article, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal. (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7) If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds,

with the name and per cent. of each ingredient therein and are not injurious to health.

Sample to be furnished.

SEC. 4. Every person manufacturing, exposing or offering for sale, or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person interested or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such article of food which is in his possession.

Penalty.

SEC. 5. Whoever refuses to comply, upon demand with any of the requirements of section 4, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than fifty dollars, or imprisoned not exceeding ninety or less than thirty days, or both; any person found guilty of manufacturing, offering for sale or selling any adulterated articles of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale: *Provided*, That all penalties and costs for the violation of the provisions of this act shall be paid to the state dairy and food commission, or their agent, and by them paid into the state treasury, to be paid as a fund separate and apart for the use of the state dairy and food commissioner for the enforcement of this act, and called "pure food fund."

Fines, etc., to go into special fund.

Salary food commissioner.

SEC. 6. The state dairy commissioner shall be state dairy and food commissioner, and shall receive, in addition to his salary as dairy commissioner, \$300 per year, as extra compensation for enforcing the provisions of this act, and his necessary expense, out of the pure food fund in the discharge of his duties under this act.

Appropriation.

SEC. 7. There shall be appropriated for salary of state dairy and food commissioner \$600, for two years end-

ing April 1st, 1901, and \$1,000 out of the food commission fund for expenses of said commissioner.

SEC. 8. It shall be the duty of the chemist of any state institution to correctly analyze, without extra compensation, and without extra charge to the state, other than necessary expenses, any and all substances that the dairy food commissioner may send to them, and to report to him without [un]necessary delay, the result of any analysis so made, and when called upon by said commissioner, any such chemist shall assist him in prosecuting violations of the law by giving testimony, either expert or otherwise.

SEC. 9. It shall be the duty of the attorney general, or the prosecuting attorney in any county in 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: *Provided*, That the dairy commissioner may employ special counsel if necessary.

SEC. 10. The state board of dairy commissioners, *ex officio*, shall be "the state board of dairy and food commission." All expenses incurred under the provisions of this act shall be paid out of the "pure food fund," and shall be audited by the state auditor upon bills being presented, properly certified by the board of dairy and food commission, and the state auditor shall from time to time draw warrants upon the state treasurer for the amounts thus audited.

This act shall take effect April 1st. 1899.

Passed the House February 6, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.