

CHAPTER 13.

[S. H. B. 45.]

OLEOMARGARINE AND BUTTER SUBSTITUTES.

AN ACT relating to oleomargarine and butter substitutes, the manufacture, content, advertising, sale, taxation and use thereof, and to prevent confusion, fraud and deceit in connection therewith; and repealing section 5, chapter 43, Laws of 1899, chapter 136, Laws of 1937, and chapter 23, Laws of 1931.

PREAMBLE.

Yellow oleomargarine resembles butter so closely Preamble. that it lends itself readily to substitution for or confusion with butter and in many cases cannot be distinguished from butter by the ordinary consumer. The manufacture, sale or serving of yellow oleomargarine creates a condition conducive to substitution, confusion, deception and fraud, and one which if permitted to exist tends to interfere with the orderly and fair marketing of foods essential to the well-being of the people of this state.

It is hereby declared to be the purpose of this act to correct and eliminate the condition above referred to, protect the public from confusion, fraud and deception, prohibit practices inimical to the general welfare, and promote the orderly and fair marketing of essential foods, without an additional tax burden.

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

SECTION 1. (a) The term "oleomargarine" as used in this act includes: "Oleomargarine" defined.

(1) All substances, mixtures and compounds known as oleomargarine, margarine, oleo or butterine;

(2) All substances, mixtures and compounds which have a consistency similar to that of butter and which contain any edible oils or fats other than milk fat, if (a) made in imitation or semblance of butter, or purporting to be butter or a butter sub-

stitute; or (b) commonly used, or intended for common use, in place of or as a substitute for butter; or (c) churned, emulsified or mixed in cream, milk, skim milk, buttermilk, water or other liquid and containing moisture in excess of one per centum and commonly used, or suitable for common use, as a substitute for butter.

"Yellow oleomargarine" defined.

(b) For the purposes of this act "yellow oleomargarine" is oleomargarine as defined in subsection (a) of this section, having a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement when the Lovibond tintometer is read under conditions similar to those established by the United States Bureau of Internal Revenue.

Use of yellow oleomargarine prohibited.

SEC. 2. (a) The manufacture, transportation, handling, possession, sale, use or serving of yellow oleomargarine is hereby prohibited: *Provided, however,* That nothing herein contained shall be construed to prohibit the use of yellow oleomargarine in private homes.

Use of dairy terms prohibited.

(b) It shall be unlawful in connection with the labeling, selling or advertising of oleomargarine to use dairy terms, or words or designs commonly associated with dairying or dairy products, except to the extent that such words or terms are necessary to meet legal requirements for labeling.

Powers and duties of the Director of Agriculture.

SEC. 3. The Director of Agriculture is authorized and directed to administer and supervise the enforcement of this act; to prescribe rules and regulations to carry out its purposes; to provide for such periodic inspections and investigations as he may deem necessary to disclose violations; to receive and provide for the investigation of complaints; and to provide for the institution and prosecution of civil or criminal actions, or both. The provisions of this act and

the rules and regulations issued in connection therewith may be enforced by injunction in any court having jurisdiction to grant injunctive relief, and yellow oleomargarine illegally held or otherwise involved in a violation of this act or of said rules and regulations shall be subject to seizure and disposition in accordance with an order of court.

SEC. 4. Any person, firm or corporation that violates any of the provisions of this act, or of the rules and regulations issued in connection therewith, and any officer, agent or employee thereof who directs or knowingly permits such violation, or who aids or assists therein, shall be guilty of a misdemeanor.

Penalties for violations.

SEC. 5. Section 5, chapter 43, Laws of 1899, chapter 136, Laws of 1937 and chapter 23, Laws of 1931, are repealed.

Repealing clause.

Passed the House January 27, 1949.

Passed the Senate February 9, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 14.

[H. B. 115.]

VACATION OF STREETS AND ALLEYS.

AN ACT relating to the vacation of streets and alleys, and parts of streets and alleys, in incorporated cities and towns and amending section 2, chapter 84, Laws of 1901, by providing for the reservation of easements for public utilities.

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

SECTION 1. Section 2, chapter 84, Laws of 1901, is amended to read as follows: Amendment.

Section 2. At the time appointed for the hearing of said petition or at such time as the time may be adjourned to by the city council, the same shall be heard, and if the council shall determine to grant said petition or any part thereof, such city or town

Vacation by ordinance.