

## CHAPTER 151.

[S. B. 74.]

## COMMERCIAL FERTILIZERS: REGULATION OF MANUFACTURE AND SALE.

AN ACT relating to and regulating the manufacture and sale of commercial fertilizers, defining the powers and duties of certain officers in relation thereto, providing penalties for violations thereof, and repealing certain acts in relation thereto.

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

SECTION 1. Every lot, parcel or package of commercial fertilizers or material used for manurial purposes, sold or offered for sale within this state, the retail price of which is ten dollars or more per ton, shall have firmly attached thereto a printed label, stating clearly and truly the number of pounds of fertilizer in the package, the name, brand or trade mark under which the fertilizer is sold, the name and address of the manufacturer or importer, the place of manufacture and the chemical analysis stating the percentage of nitrogen, of potash soluble in water, and of soluble reverted and insoluble phosphoric acid. Whenever any fertilizer or fertilizing ingredients are shipped or sold in bulk for use by farmers in this state a statement must be sent to the director of agriculture giving the name of the goods so shipped and accompanied by an affidavit from the seller giving the percentage of the several fertilizing ingredients guaranteed. All commercial fertilizers sold, offered or exposed for sale, shall have firmly attached to each package thereof a label giving a correct general statement of the composition and ingredients of the same.

To bear label.

Information on label.

Bulk sales—report to the director of agriculture.

SEC. 2. Before any commercial fertilizer, the retail price of which is ten dollars or more per ton, is sold, offered or exposed for sale, the importer,

Before sale report and sample to director.

manufacturer, or dealer within this state, shall file with the director of agriculture a certified copy of the statement specified in section 1 of this act, and a list of the names and addresses of his agents in this state; and shall also deposit with the director of agriculture, at his request, a sealed glass jar or bottle containing not less than one pound of the fertilizer accompanied by an affidavit that it is a fair average sample thereof.

Annual fee for analysis.

SEC. 3. The manufacturer, importer, agent or seller of any brand of commercial fertilizer or material used for manurial purposes, the retail price of which is ten dollars or more per ton, shall pay on or before the first day of April annually to the director of agriculture an analysis fee of six dollars for each of the fertilizing ingredients contained, or claimed to exist, in said fertilizer to be sold, offered or exposed for sale within this state: *Provided, however,* That whenever the manufacturer or importer shall have paid the fee herein required for any person acting as an agent or seller for said manufacturer or importer, such agent or seller shall not be required to pay the fee named in this section. Upon the receipt of said analysis fees the director of agriculture shall issue certificates of compliance with this act.

Agent not to pay fee if paid by manufacturer.

Certificate.

SEC. 4. No person shall sell, offer or expose for sale, in this state, any pulverized leather, raw, steamed, or roasted, or in any form, as fertilizer or for manurial purposes without an explicit printed certificate of the fact, conspicuously affixed to every package of such fertilizer.

Certificate if leather is used.

Penalty.

SEC. 5. Any person selling, or offering or exposing for sale, any commercial fertilizer without the statement required by the first section of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the consti-

uents mentioned in said section than is contained therein, or respecting the sale of which all of the provisions of the foregoing sections have not been fully complied with, shall be guilty of a misdemeanor and for each subsequent offense shall be guilty of a gross misdemeanor.

SEC. 6. This act shall not affect parties manufacturing, importing or purchasing fertilizer for their own use and not selling the same in this state.

Excepted from penalty if for own use.

SEC. 7. The director of agriculture shall cause to be collected, and analyzed, samples of such fertilizing materials as are subject to the provisions of this act, and which may from time to time be sold, offered or exposed for sale in this state; shall cause the results of the analysis of fertilizers so collected to be published and distributed to persons applying therefor, together with the comparative commercial value per ton, and such other information as he may deem advisable.

Publication and distribution of analysis of fertilizers.

SEC. 8. The director of agriculture, the supervisor of the division of agriculture or any duly appointed deputy or inspector is hereby authorized to take a sample not exceeding two pounds in weight for analysis from any lot or package of fertilizer, or any material used for manurial purposes which may be in the possession of any manufacturer, importer, agent or dealer, but said samples shall be taken in the presence of the party or parties in interest or their representatives, and taken from a parcel or number of packages which shall not be less than ten per cent of the whole lot inspected, and shall be thoroughly mixed, divided into two samples, placed in glass vessels, carefully sealed, and a label placed on each stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was taken, and the time and place of taking the same, and said label shall

Duty of inspector in taking samples.

also be signed by the director of agriculture, the supervisor of the division of agriculture or his deputy and by the party or parties in interest or their representatives present at the taking and sealing of said sample. One of said samples shall be retained by the officer taking the same and the other by the party whose stock was sampled.

SEC. 9. For all the purposes of this act commercial fertilizers shall be considered as distinct brands when differing either in guaranteed composition, trade mark, name, or any other characteristic method of marking of whatever nature.

SEC. 10. Any person violating or failing to comply with any provision of this act for the violation of which no specific penalty is prescribed shall be guilty of a misdemeanor.

SEC. 11. That chapter L (50) of the Laws of 1899, pages 80-83; sections 2829-2838 of Remington's Compiled Statutes, and sections 85-94 of Pierce's 1919 Code, are hereby repealed: *Provided*, That such repeal shall not operate to prevent the prosecution of any violation of said act repealed or affect any proceedings pending for such violation.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

When considered distinct brands.

Penalty for violation of act.

Ch. 50,  
L. 1899;  
§§ 2829-2838,  
Rem. Stats.;  
§§ 85-94,  
Pierce's  
1919 Code.

Pending prosecutions not affected by repeal.