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STATUTES OF MASSACHUSETTS

RELATIVE TO THE

ADULTERATION OF FOOD AND DRUGS.

PUBLISHED BY THE

STATE BOARD OF HEALTH, LUNACY, AND CHARITY,
HEALTH DEPARTMENT,

OCTOBER, 1884.

BOSTON:

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1884.

STATUTES OF MASSACHUSETTS

RELATIVE TO THE

ADMINISTRATION OF FOOD AND DRUGS

RECEIVED BY THE

STATE BOARD OF HEALTH, LEGISLATIVE AND FINANCIAL

DEPARTMENT OF HEALTH

DECEMBER 1894

NOTED

RECEIVED BY THE STATE BOARD OF HEALTH, LEGISLATIVE AND FINANCIAL

DEPARTMENT OF HEALTH

1894

GENERAL LAWS

RELATIVE TO

ADULTERATION.

FOOD AND DRUGS.

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

Adulteration prohibited.
1882, 263, § 1.

2. The term "drug" as used in this act shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" as used therein shall include all articles used for food or drink by man.

Definition of terms "drug" and "food."
1882, 263, § 2.

3. An article shall be deemed to be adulterated within the meaning of this act, —

Drugs, how adulterated.
1882, 263, § 3.

(a.) In the case of drugs,—(1.) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein, unless the order calls for an article inferior to such standard, or unless such difference is made known or so appears to the purchaser at the time of such sale. (2.) If, when sold under or by a name not recognized in the United States Pharmacopœia but which is found in some other pharmacopœia, or other standard work on *materia medica*, it differs materially from the standard of strength, quality or purity laid down

Specifications.

Official drugs may be sold as called for, or as variation is made known to the purchaser.
1884, 289, § 7.

in such work ; (3.) If its strength or purity falls below the professed standard under which it is sold :

Food, how adulterated.
Specifications.

(b.) In the case of food,—(1.) If any substance or substances have been mixed with it so as to reduce, or lower, or injuriously affect its quality or strength ; (2.) If any inferior or cheaper substance or substances have been substituted wholly or in part for it ; (3.) If any valuable constituent 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 or rotten animal or vegetable substance, 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 is concealed, or if it is made to appear better or of greater value than it really is ; (7.) If it contains any added poisonous ingredient, or any ingredient which may render it injurious to the health of a person consuming it.

Provisions of act not to apply to labelled compounds or mixtures when not injurious to health.

No prosecution to be made relative to drugs, if standard of same has been raised since the issue of the last edition of the Pharmacopœia until such change has been published. 1884, 289, § 5.

State board shall make investigations and may appoint inspectors, analysts and chemists. 1882, 263, § 5.

4. The provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food or drinks, provided that the same are not injurious to health, and are distinctly labelled as mixtures or compounds. And no prosecutions shall at any time be maintained under said act concerning any drug the standard of strength or purity whereof has been raised since the issue of the last edition of the United States Pharmacopœia, unless and until such change of standard has been published throughout the Commonwealth.

5. The state board of health, lunacy and charity shall take cognizance of the interests of the public health relating to the sale of drugs and food and the adulteration of the same, and shall make all necessary investigations and inquiries in reference thereto, and for these purposes may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal.

The board shall make regulations as to collecting and ex-

Within thirty days after the passage of this act the said board shall adopt such measures as it may deem necessary

to facilitate the enforcement hereof, and shall prepare rules and regulations with regard to the proper methods of collecting and examining drugs and articles of food. Said board may expend annually an amount not exceeding ten thousand dollars for the purpose of carrying out the provisions of this act: *provided, however*, that not less than three-fifths of said amount shall be annually expended for the enforcement of the laws against the adulteration of milk and milk products.

Examining of food and drugs, and may expend ten thousand dollars in carrying out the provisions of this act.
1882, 263, § 5.

Three-fifths to be expended in relation to milk and its products.
1884, 289, § 1.

6. Every person offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any analyst or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender him the value of the same, a sample sufficient for the purpose of the analysis of any such drug or article of food which is in his possession.

Samples to be furnished to officers or agents.
1882, 263, § 6.

7. Whoever hinders, obstructs, or in any way interferes with any inspector, analyst, or other officer appointed hereunder, in the performance of his duty, and whoever violates any of the provisions of this act, shall be punished by a fine not exceeding fifty dollars for the first offence, and not exceeding one hundred dollars for each subsequent offence.

Obstruction and its penalty.
1882, 263, § 7.

8. The state board of health, lunacy and charity shall report annually to the legislature the number of prosecutions made under said chapter, and an itemized account of all money expended in carrying out the provisions thereof.

State board to report prosecutions and money expended.
1883, 263, § 2.
1884, 289, § 2.

9. An inspector appointed under the provisions of said chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-two shall have the same powers and authority conferred upon a city or town inspector by section two of chapter fifty-seven of the Public Statutes.

Powers of inspectors.
1884, 289, § 3.

10. Nothing contained in chapter two hundred and sixty-three of the acts of the year eighteen hundred and

Act of 1882 does not affect chapter 57 of the Public Statutes.
1884, 289, § 4.

eighty-two shall be in any way construed as repealing or amending anything contained in chapter fifty-seven of the Public Statutes.

Samples to be sealed for benefit of defendant. 1884, 289, § 8.

11. Before commencing the analysis of any sample the person making the same shall reserve a portion which shall be sealed; and in case of a complaint against any person the reserved portion of the sample alleged to be adulterated shall upon application be delivered to the defendant or his attorney.

Selling corrupt or unwholesome provisions without notice. Public Statutes chap. 208, § 1. 12 Cush. 499.

12. Whoever knowingly sells any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, shall be punished by imprisonment in the jail not exceeding six months, or by fine not exceeding two hundred dollars.

Adulterating food. Public Statutes, chap. 208, § 3.

13. Whoever fraudulently adulterates, for the purpose of sale, bread or any other substance intended for food, with any substance injurious to health, or knowingly barter, gives away, sells, or has in possession with intent to sell, any substance intended for food, which has been adulterated with any substance injurious to health, shall be punished by imprisonment in the jail not exceeding one year, or by fine not exceeding three hundred dollars; and the articles so adulterated shall be forfeited, and destroyed under the direction of the court.

Adulterating liquor used for drink, with Indian cockle, etc. Public Statutes, chap. 208, § 4.

14. Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with Indian cockle, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, and whoever knowingly sells any such liquor so adulterated, shall be punished by imprisonment in the state prison not exceeding three years; and the articles so adulterated shall be forfeited.

Adulteration of drugs or medicines. Public Statutes, chap. 208, § 5.

15. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to

be adulterated, shall be punished by imprisonment in the jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

16. Whoever sells arsenic, strychnine, corrosive sublimate, or prussic acid, without the written prescription of a physician, shall keep a record of the date of such sale, the name of the article, the amount thereof sold, and the name of the person or persons to whom delivered; and for each neglect shall forfeit a sum not exceeding fifty dollars. Whoever purchases deadly poisons as aforesaid, and gives a false or fictitious name to the vendor, shall be punished by fine not exceeding fifty dollars.

Persons selling certain poisons to keep record, etc.

Purchasers who give false name, etc.
Public Statutes, chap. 208, § 6.

L A W S

RELATIVE TO

SPECIAL ARTICLES OF FOOD.

[The older statutes relative to the weights and measures of sundry articles, and the local inspection of the same, containing much material pertaining to commercial inspection, and irrelevant to the subject of adulteration are omitted from this *resumé*, with the exception of the statutes relative to milk and provisions and animals intended for slaughter.]

OF THE INSPECTION AND SALE OF MILK AND MILK PRODUCTS.

Appointment of
inspectors of
milk.
Public Statutes,
chap. 57, § 1.

1. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more persons to be inspectors of milk for their respective places, who shall be sworn before entering upon the duties of their office. Each inspector shall publish a notice of his appointment for two weeks in a newspaper published in his city or town, or if no newspaper is published therein, he shall post up such notice in two or more public places in such city or town.

Their duties and
powers.
1884, 310, § 3.
11 Allen, 264.

2. Such inspectors shall keep an office, and shall record in books kept for the purpose the names and place of business of all persons engaged in the sale of milk within their city or town. Said inspectors may enter all places where milk is stored or kept for sale, and all persons engaged in the sale of milk shall on the request in writing of an inspector deliver to the person having the request, a sample or specimen sufficient for the purpose of analysis of the milk then in his possession from such

can or receptacle as shall be designated by the inspector or the person bearing the request. Said inspector shall cause the sample or specimen of milk so delivered to be analyzed or otherwise satisfactorily tested, the results of which analysis or test they shall record and preserve as evidence. The inspectors shall receive such compensation as the mayor and aldermen or selectmen may determine.

3. In all cities, and in all towns in which there is an inspector of milk, every person who conveys milk in carriages or otherwise for the purpose of selling the same in such city or town shall annually, on the first day of May, or within thirty days thereafter, be licensed by the inspector or inspectors of milk of such city or town to sell milk within the limits thereof, and shall pay to such inspector or inspectors fifty cents each to the use of the city or town. The inspector or inspectors shall pay over monthly to the treasurer of such city or town all sums collected by him or them. Licenses shall be issued only in the names of the owners of carriages or other vehicles, and shall for the purposes of this chapter be conclusive evidence of ownership. No license shall be sold, assigned, or transferred. Each license shall record the name, residence, place of business, number of carriages or other vehicles used, name and residence of every driver or other person engaged in carrying or selling said milk, and the number of the license. Each licensee shall before engaging in the sale of milk cause his name, the number of his license, and his place of business to be legibly placed on each outer side of all carriages or vehicles used by him in the conveyance and sale of milk, and he shall report to the inspector or inspectors any change of driver or other person employed by him which may occur during the term of his license. Whoever, without being first licensed under the provisions of this section, sells milk or exposes it for sale from carriages or other vehicles, or has it in his custody

Persons selling
milk from car-
riages to be
licensed.
Public Statutes,
chap. 57, § 3.

or possession with intent so to sell, and whoever violates any of the provisions of this section, shall for a first offence be punished by fine of not less than thirty nor more than one hundred dollars; for a second offence by fine of not less than fifty nor more than three hundred dollars; and for a subsequent offence by fine of fifty dollars and by imprisonment in the house of correction for not less than thirty nor more than sixty days.

Persons selling milk in stores, etc., to be registered.
Public Statutes, chap. 57, § 4.
1 Allen, 593.
2 Allen, 157.

4. Every person before selling milk or offering it for sale in a store, booth, stand, or market-place in a city or in a town in which an inspector or inspectors of milk are appointed, shall register in the books of such inspector or inspectors, and shall pay to him or them fifty cents to the use of such city or town; and whoever neglects so to register shall be punished for each offence by fine not exceeding twenty dollars.

Penalty for selling, etc., adulterated milk, etc.
Public Statutes, chap. 57, § 5.
9 Allen, 499.
10 Allen, 199.
11 Allen, 264.
107 Mass. 194.

5. Whoever by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges, or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk produced from cows fed on the refuse of distilleries, or from sick or diseased cows, shall for a first offence be punished by fine of not less than fifty nor more than two hundred dollars; for a second offence by fine of not less than one hundred nor more than three hundred dollars or by imprisonment in the house of correction for not less than thirty nor more than sixty days; and for a subsequent offence by fine of fifty dollars and by imprisonment in the house of correction for not less than sixty nor more than ninety days.

for selling milk from which cream has been removed.
Public Statutes, chap. 57, § 6.

6. Whoever by himself or by his servant or as the servant or agent of any other person, sells, exchanges, or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or a part

thereof has been removed, shall be punished by the penalties provided in the preceding section.

7. No dealer in milk, and no servant or agent of such a dealer, shall sell, exchange, or deliver, or have in his custody or possession with intent to sell, exchange, or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the centre upon the outside of every vessel, can, or package from or in which such milk is sold, the words "SKIMMED MILK" are distinctly marked in letters not less than one inch in length. Whoever violates the provisions of this section shall be punished by the penalties provided in section five.

Vessels containing milk from which cream has been removed to be marked "skimmed milk."
Public Statutes, chap. 57, § 7.

8. Any inspector of milk, and any servant or agent of an inspector who wilfully connives at or assists in a violation of the provisions of this chapter, and whoever hinders, obstructs, or in any way interferes with any inspector of milk, or any servant or agent of an inspector in the performance of his duty, shall be punished by fine of not less than one hundred nor more than three hundred dollars, or by imprisonment for not less than thirty nor more than sixty days.

Penalty on inspectors, etc., for conniving, etc.
Public Statutes, chap. 57, § 8.
1884, 310, § 5.

9. In all prosecutions under this chapter, if the milk is shown upon analysis to contain more than eighty-seven per cent. of watery fluid, or to contain less than thirteen per cent. of milk solids, it shall be deemed for the purposes of this chapter to be adulterated.

What milk to be deemed adulterated.
Public Statutes, chap. 57, § 9.

10. It shall be the duty of every inspector to institute a complaint for a violation of any of the provisions of this chapter on the information of any person who lays before him satisfactory evidence by which to sustain such complaint.

Inspectors to institute complaints.
Public Statutes, chap. 57, § 10.

11. Each inspector shall cause the name and place of business of every person convicted of selling adulterated milk, or of having the same in his possession with intent to sell, to be published in two newspapers in the county in which the offence was committed.

Names, etc., of persons convicted to be published.
Public Statutes, chap. 57, § 11.

Milk cans to hold eight quarts when, etc. Public Statutes, chap. 57, § 12.

Spurious butter sold in boxes, tubs and firkins to be plainly marked as such. 1884, 310, § 1.

Retail packages to be marked on outside of wrapper.

Spurious cheese to be plainly marked as such. Public Statutes, chap. 56, § 18.

Wrappers to be marked.

12. When milk is sold by the can, such can shall hold eight quarts, and no more.

13. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of butter, or as a substitute for butter, and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation butter," or "oleomargarine," stamped, labelled or marked, in printed letters of plain Roman type, not less than one inch in length, so that said word cannot be easily defaced, upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound. And in cases of retail sales of any of said article, substance or compound, not in the original packages, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation butter" or "oleomargarine" in printed letters of plain Roman type, not less than one-half inch in length.

14. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation cheese," stamped, labelled or marked, in printed letters of plain Roman type not less than one inch in length, so that said words cannot be easily defaced, upon the side of every cheese cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound. And in case of retail sales of any of said article, substance or compound not in the original packages, the seller shall, by himself

or his agents, attach to each package so sold at retail, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation cheese," in printed letters of plain Roman type not less than one-half inch in length.

15. Whoever sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of butter or as a substitute for butter, except as provided in section one; whoever sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, except as provided in section two, and whoever shall deface, erase, cancel or remove any mark, stamp, brand, label or wrapper provided for by this act, or change the contents of any box, tub, article or package marked, stamped or labelled as aforesaid, with intent to deceive as to the contents of said box, tub, article or package, shall for every such offence forfeit and pay a fine of one hundred dollars, and for a second and each subsequent offence a fine of two hundred dollars, to be recovered with costs in any court of this Commonwealth of competent jurisdiction; and any fine paid shall go to the city or town where the offence was committed.

Penalty for
fraudulent sales.
Public Statutes,
chap. 56, § 19.

16. Inspectors of milk shall institute complaints for violations of the provisions of the three preceding sections when they have reasonable cause to believe that such provisions have been violated, and on the information of any person who lays before them satisfactory evidence by which to sustain such complaint. Said inspectors may enter all places where butter or cheese is stored or kept for sale, and said inspectors shall also take specimens of suspected butter and cheese and cause them to be analyzed or otherwise satisfactorily tested, the result of which analysis or test they shall record and preserve as evidence; and a certificate of such result, sworn to by the

Complaints for
violations to be
instituted by
inspectors of
milk.
1884, 310, § 2.

analyzer, shall be admitted in evidence in all prosecutions under this and the three preceding sections. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the costs of such prosecutions. Whoever hinders, obstructs, or in any way interferes with any inspector, or any agent of an inspector, in the performance of his duty, shall be punished by a fine of fifty dollars for the first offence, and of one hundred dollars for each subsequent offence.

Terms "butter" and "cheese" defined. Public Statutes, chap. 56, § 21.

17. For the purposes of the four preceding sections the terms "butter" and "cheese" shall mean the products which are usually known by these names, and are manufactured exclusively from milk or cream, with salt and rennet, and with or without coloring matter.

Portion of sample to be reserved for defendant. 1884, 310, § 4.

18. Before commencing the analysis of any sample the person making the same shall reserve a portion which shall be sealed; and in case of a complaint against any person the reserved portion of the sample alleged to be adulterated shall upon application be delivered to the defendant or his attorney.

OF THE INSPECTION AND SALE OF PROVISIONS, AND ANIMALS INTENDED FOR SLAUGHTER.

Appointment of inspectors of provisions. Public Statutes, chap. 58, § 1.

19. The mayor and aldermen of cities and the selectmen of towns may annually appoint one or more persons to be inspectors of provisions and of animals intended for slaughter. Such inspectors shall be sworn faithfully to discharge the duties of their office, and shall receive such compensation as the city council or the selectmen shall determine.

Duties and powers of inspectors. Public Statutes, chap. 58, § 2.

20. Said inspectors may inspect all animals intended for slaughter, and all meats, fish, vegetables, produce, fruits, and provisions of all kinds, found in said cities or towns or exposed for sale or kept with intent to sell therein; and may for this purpose enter into all buildings or enclosures where said animals, meats, fish, vegetables, produce, fruits, or provisions are kept, stored,

or exposed for slaughter or sale. When such animals, meat, fish, vegetables, produce, fruit, or provisions are found on such inspection to be tainted, diseased, corrupted, decayed, or unwholesome from any cause, said inspectors shall seize the same, and cause them or it to be destroyed or disposed of otherwise than for food; but if, at the time of the seizure, the owner of the property seized notifies in writing the inspector seizing the same of his desire to appeal to the board of health, said inspector shall cause said animals, meat, fish, vegetables, produce, fruit, or provisions to be inspected by said board of health, or by a committee thereof consisting of not less than two members; and if said board or committee find the same to be tainted, diseased, corrupted, or unwholesome, they shall order the same to be destroyed or disposed of otherwise than for food. If said board or committee do not so find, they shall order said animals, meat, fish, vegetables, produce, fruit, or provisions to be forthwith returned to the owner thereof. All moneys received by said inspectors or board of health for property disposed of as aforesaid shall, after deducting all expenses incurred by reason of such seizure, be paid to the owner of such property.

21. Said inspectors may inspect all veal found in said cities or towns or offered or exposed for sale or kept with intent to sell therein, and if said veal is, in the judgment of the inspector, that of a calf killed under four weeks old, he shall seize the same and cause it to be destroyed or disposed of as provided in the preceding section, subject, however, to the provisions therein contained concerning appeal and the disposal of moneys.

Duties and powers relative to veal. Public Statutes, chap. 58, § 3.

22. Whoever kills or causes to be killed, for the purpose of sale, any calf less than four weeks old, or knowingly sells, or has in his possession with intent to sell, the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction not exceeding six months, or

Killing for sale, or selling calf less than four weeks old. Public Statutes, chap. 208, § 2. 97 Mass. 567.

by fine not exceeding two hundred dollars, or by both such imprisonment and fine; and all such meat exposed for sale, or kept with intent to make sale thereof, may be seized and destroyed by any board of health or health officer, or by any sheriff, deputy-sheriff, constable or police officer.

Search warrants
for unwhole-
some food, etc.
Public Statutes,
chap. 58, § 4.

23. When complaint is made on oath to any police, district, or municipal court, or to a magistrate authorized to issue warrants in criminal cases, that the complainant believes that any diseased animals, or any tainted, diseased, corrupted, decayed, or unwholesome meat, fish, vegetables, produce, fruit, or provisions of any kind, or any veal of a calf killed under four weeks old, are kept or concealed in a particular house or place with the intent to kill, sell, or offer the same for sale for food, the court or magistrate, if satisfied there is reasonable cause for such belief, shall issue a warrant to search for such animals or articles, and all such warrants shall be directed and executed as provided in section three of chapter two hundred and twelve. If, upon hearing, said court or magistrate determines that said animals or articles or any of them were kept or concealed for the purposes aforesaid, the same shall be destroyed or disposed of by the inspector, or by any officer designated by the court or magistrate according to the provisions of section two of this chapter; if the court or magistrate does not so determine, said animals or articles shall be returned to the owner.

Penalty for
knowingly sell-
ing, etc., un-
wholesome
food.
Public Statutes,
chap. 58, § 5.

24. Whoever knowingly sells, or offers or exposes for sale, or has in his possession with intent to sell for food, any diseased animal, or any tainted, diseased, corrupted, decayed, or unwholesome meat, fish, vegetables, produce, fruit, or provisions of any kind whatever, shall be punished by imprisonment in jail for not more than sixty days, or by fine of not more than one hundred dollars.

25. The place where property condemned under this chapter is found, and the name of every person in whose possession it is found, and of every person convicted of an offence under the preceding section, shall be published in two newspapers published in the county in which the property was found or the conviction took place.

Name and place of business of person convicted to be published.
Public Statutes, chap. 58, § 6.

26. The provisions of this chapter shall not be in force in any city or town unless they are adopted by the city council of such city or by the inhabitants of such town, or unless the provisions of chapter one hundred and eighty of the statutes of the year eighteen hundred and seventy-six have been already so adopted.

This chapter not to be in force unless accepted.
Public Statutes, chap. 58, § 7.

OF THE SALE OF TAINTED OR DAMAGED FISH.

27. Whoever sells within this commonwealth or exports therefrom tainted or damaged fish, unless with the intent that the same shall be used for some other purpose than as food, shall forfeit ten dollars for every hundred pounds of such fish, and in the same proportion for any other quantity; and upon a trial in such case the burden of proof shall be upon the defendant to show for what purpose such fish was so exported or sold.

Penalty for selling tainted fish for food.
Public Statutes, chap. 56, § 45.

OF THE SALE OF CHOCOLATE.

28. No manufacturer of chocolate shall make any cake of chocolate except in pans in which are stamped the first letter of his christian name, the whole of his surname, the name of the town where he resides, and the quality of the chocolate in figures, *No. 1*, *No. 2*, *No. 3*, as the case may be, and the letters *MASS.*

Chocolate, how to be stamped.
Public Statutes, chap. 60, § 8.

29. Number one shall be made of cocoa of the first quality, and number two of cocoa of the second quality, and both shall be free from adulteration; number three may be made of the inferior kinds and qualities of cocoa. Each box containing chocolate shall be branded on the end thereof with the word *chocolate*, the name of

Ingredients of.

Boxes, how branded.
Public Statutes, chap. 60, § 9.

the manufacturer, the name of the town where it was manufactured, and the quality, as described and directed in the preceding section for the pans.

Boxes, when
may be seized,
etc.
Public Statutes,
chap. 60, § 10.

30. If chocolate manufactured in this commonwealth is offered for sale or found within the same, not being of one of the qualities described in the two preceding sections and marked as therein directed, the same may be seized and libelled.

OF THE ADULTERATION OF VINEGAR.

Sale of adulter-
ated vinegar.
Penalty.
Public Statutes,
chap. 60, § 69.
1883, 257, § 1.

31. Every person who manufactures for sale or offers or exposes for sale as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider or vinegar, not made exclusively of said apple cider or vinegar, into which any foreign substances, ingredients, drugs or acids have been introduced, as may appear by proper tests, shall for each such offence be punished by fine of not less than fifty nor more than one hundred dollars.

Sale of vinegar
containing in-
gredients injur-
ious to health.
Penalty.
Public Statutes,
chap. 60, § 70.

32. Every person who manufactures for sale, or offers or exposes for sale, any vinegar found upon proper tests to contain any preparation of lead, copper, sulphuric acid or other ingredient injurious to health, shall for each such offence be punished by fine of not less than one hundred dollars.

Appointment of
inspectors.
Public Statutes,
chap. 60, § 71.

33. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more persons to be inspectors of vinegar for their respective places, who shall be sworn before entering upon their duties.

Compensation
of inspectors.
1883, chap. 257,
§ 2.

34. Any city or town in which an inspector shall be appointed under the preceding section, may provide compensation for such inspector from the time of such appointment, and in default of such provision shall be liable in an action at law for reasonable compensation for services performed under such appointment.

[CHAP. 307, ACTS OF 1884.]

AN ACT TO PREVENT THE ADULTERATION OF VINEGAR.

Be it enacted, etc., as follows:

SECTION 1. No person shall by himself, his servant or agent or as the servant or agent of any other person, sell, exchange, deliver or have in his custody or possession with intent to sell or exchange, or expose or offer for sale or exchange any adulterated vinegar, or label, brand or sell as cider vinegar, or as apple vinegar, any vinegar not the legitimate product of pure apple juice, or not made exclusively from apple cider. Sale of adulterated vinegar.

SECTION 2. All vinegar shall have an acidity equivalent to the presence of not less than five per cent. by weight of absolute acetic acid, and in the case of cider vinegar shall contain in addition not less than one and one-half per cent. by weight of cider vinegar solids upon full evaporation over boiling water, and if any vinegar contains less than the above amount of acidity, or if any cider vinegar contains less than the above amount of cider vinegar solids, such vinegar shall be deemed to be adulterated within the meaning of this act. Standard of vinegar prescribed.

SECTION 3. It shall be the duty of the inspectors of milk who may be appointed by any city or town to enforce the provisions of this act. Milk inspectors to enforce act.

SECTION 4. Whoever violates any of the provisions of this act shall be punished by fine not exceeding one hundred dollars. Penalty for violation.

SECTION 5. All acts or parts of acts inconsistent with this act are hereby repealed. *Approved June 2, 1884.*

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