

COMMERCIAL FEED STUFF LAW

EXPLANATORY.

The within pamphlet contains the law enacted in 1905 as amended in 1907 providing for the inspection and analysis of Commercial Feeding Stuff.

I have given marginal notes of subjects treated in different Sections for convenience.

Special attention is called to the duties of Sheriffs in Section 3 of the Act of 1905.

Manufacturers and dealers will please note that they are required to file in *this* office annually their oath of analysis. See Section 5. Parties interested will please comply at once. Blank forms will be furnished upon application to this office.

Section 8 of the Act of 1905 specifically explains how to order stamps. On application I will furnish printed forms in ordering stamps in compliance with the present law. Stamps will be furnished in the following denominations of weights, to wit:

One hundred, one hundred and twenty-five, and two hundred pound packages.

Manufacturers will please have their goods conform to these weights, or complements of these weights. To illustrate: A one hundred, and a one hundred and twenty-five pound stamp placed on a two hundred and twenty-five pound package will meet the demands of the law. Parties using packages of fractional weights must lose the difference in ordering stamps.

Consumers of the goods herein described will find in Section 9 of the Act of 1905 what is required to properly take samples for analysis by the State Chemist. Citizens of the State are entitled to have samples analyzed free of cost.

No consumer should purchase a package of Commercial Feeding Stuff that does not bear its analysis, plainly

printed on a tag, and the stamp showing the number of pounds the tax has been paid on. You purchase such goods at your own risk with no guarantee that it is not a fraud. When the guarantee is on the package you can send sample to this office and know if your goods come up to the guarantee. This Department is ready to aid you if you will use the law to protect yourself. I certainly expect Sheriffs of the different counties in this State to assist in protecting their people as the law requires them to do in Section 3 of the Act of 1905.

B. E. McLIN,
Commissioner of Agriculture.

“The attention of persons sending samples of fertilizers or commercial feeding stuff” for analysis is called to the following:

REGULATIONS GOVERNING THE TAKING AND
FORWARDING OF FERTILIZER OR COMMERCIAL
FEEDING STUFF SAMPLES TO THE
COMMISSIONER OF AGRICULTURE.

SECTION 15 OF THE LAWS.

Special samples of Fertilizers or Commercial Feeding Stuffs sent in by purchasers, under Section 9 of the laws, shall be drawn in the presence of two disinterested witnesses, from one or more packages, thoroughly mixed and a FAIR SAMPLE OF THE SAME OF NOT LESS THAN EIGHT OUNCES (ONE-HALF POUND) SHALL BE PLACED IN A CAN OR BOTTLE, SEALED AND SENT BY A DISINTERESTED PARTY TO THE COMMISSIONER OF AGRICULTURE AT TALLAHASSEE. NOT LESS THAN EIGHT OUNCES, IN A TIN CAN OR BOTTLE, WILL BE ACCEPTED FOR ANALYSIS. This rule is adopted to secure fair samples of sufficient size to make the necessary determinations, and to allow the preservation of a duplicate sample in case of protest or appeal. These duplicate samples will be preserved for two months from date of certificate of analysis.

The State Chemist is not the proper officer to receive special samples from the purchaser. The propriety of the method of drawing and sending the samples as fixed by the law is obvious.

The drawing and sending of special samples in rare cases is in compliance with law. Samples are frequently sent in paper packages or paper boxes, badly packed, and frequently in very small quantity (less than ounce); frequently there are no marks, numbers or other means of identification; the postmark in some instances being absent.

I would call the attention of those who desire to avail themselves of this privilege to Sections 9 and 10 of the law, which are clear and explicit.

Hereafter strict compliance with above regulations will be required. *The sample must not be less than one half pound, in a can or bottle, sealed and addressed to the Commissioner of Agriculture. The sender, name and address must also be on the package, this rule applying to special samples of fertilizers or commercial feeding stuff.*

INSTRUCTIONS TO MANUFACTURERS AND DEALERS.

Each package of Commercial Fertilizer, and each package of Commercial Feeding Stuff (after August 22, 1905) must have, securely attached thereto, a tag with the guaranteed analysis required by law, and the stamp showing the payment of the inspector's fee. This provision of the law—Section 3 of both laws—will be rigidly enforced.

Manufacturers and dealers will be required to properly tag and stamp each package of Commercial Fertilizer or Commercial Feeding Stuff under penalty as fixed in Section 6, of both laws. Tags shall be attached to the top end of each bag, or head of each barrel.

INSTRUCTIONS TO PURCHASERS.

Purchasers are cautioned to purchase no Commercial Fertilizers or Commercial Feeding Stuff (after August 22, 1905) that does not bear on *each package* an analysis tag with the guarantee required by law, and the stamp

showing the payment of the inspector's fee. Goods not having the guarantee tag and stamp are irregular and fraudulent; the absence of the guarantee tag and stamp being evidence that the manufacturer or dealer has not complied with the law. Without the guarantee tag and stamp showing what the goods are guaranteed to contain, the purchaser has no recourse against the manufacturer or dealer. Such goods are sold illegally and fraudulently, and are generally of little value. All reputable manufacturers and dealers now comply strictly with the law and regulations by placing the guarantee tag and stamp on each package.

The interest of the consumer, the farmer, or stockman, demands that they purchase no Commercial Fertilizer or Commercial Feeding Stuff (after August 22, 1905), that does not have securely attached the guarantee tag and inspection stamp.

INSTRUCTIONS TO SHERIFFS.

The attention of the Sheriffs of the various counties is called to Section 3 of both laws, defining their duties. This department expects each Sheriff to assist in maintaining the law and protecting the citizens of the State from the imposition of fraudulent, inferior or deficient Commercial Fertilizers or Commercial Feeding Stuffs.

B. E. McLIN,
Commissioner of Agriculture.

The following tables of average composition of Commercial Feed Stuffs are compiled from the report of the Connecticut Experiment Station. They cover a large number of analyses, and are fully representative of the standard composition of the various feeds in the tables. They are given for reference. Should a feed stuff vary materially from these averages, its purity may be questioned. If the "ash" content exceed to any great extent, sweepings may be suspected. If the crude fiber be excessive, oat hulls, corn cobs, or other ligneous or fibrous materials may be suspected. While the valuable constituents, "protein," "sugar and starch," and "fat," should not materially vary from these tables of averages, that are practically standards of comparison, for the feeds mentioned in the tables.

AVERAGE COMPOSITION OF COMMERCIAL
FEED STUFFS.

NAME OF FEED	Crude Fiber.	Protein.	Starch and Sugar.	Fat.	Ash.
Cotton Seed Meal....	7.05	43.16	24.59	9.22	6.60
Linseed Meal	8.76	34.70	35.91	5.34	6.12
Wheat Bran	8.39	15.93	54.62	4.70	5.33
Middlings	6.36	17.14	50.60	4.26	4.30
Mixed Feed (wheat)..	7.80	16.86	54.44	4.79	5.30
Corn Meal	1.64	8.73	71.32	3.14	1.20
Corn (grain).....	2.10	10.50	69.60	5.40	1.50
Corn Cobs	30.10	2.40	54.90	0.50	1.40
Corn and Cob Meal...	6.60	8.50	64.80	3.50	1.50
Corn & Oats, eq'l p'ts..	5.80	9.60	66.10	4.40	2.20
Wheat	1.80	11.90	71.99	2.10	1.80
Oats	9.50	11.80	59.70	5.00	3.09
Soja Beans	4.80	34.00	28.00	16.50	5.40
Velvet Beans & Hulls..	9.20	19.70	51.30	4.50	3.30
Rice Hulls	35.70	3.60	38.60	0.70	13.20
Gluten Meal.....	1.25	37.06	46.52	3.27	0.68
Gluten Feed.....	7.31	24.17	54.30	3.44	1.80

AVERAGE COMPOSITION OF COMMERCIAL FEED
STUFFS—(Continued.)

NAME OF FEED.	Crude Fiber.	Protein.	Starch and Sugar.	Fat.	Ash.
Hominy Feed	4.05	10.49	65.27	7.85	2.54
Rye Products (bran)..	4.53	15.57	61.28	3.02	3.80
Barley Sprouts	10.94	27.20	42.66	1.56	6.34
Distillers' Grains	12.90	32.23	33.34	12.09	1.86
Oat Feed	20.57	7.91	54.58	3.26	5.34
Provender	3.91	10.62	67.34	4.03	1.83
Victor Feed	10.63	8.83	62.46	4.02	3.64
XXX Corn & Oat F'ds	9.94	9.66	64.66	5.09	3.24
Corn & Oat Feeds....	12.09	8.73	61.73	3.73	3.22
Proprietary Horse F'ds	9.57	12.48	60.54	4.27	2.83
Molasses Feeds	8.49	16.34	51.72	1.79	6.18
Poultry Feeds	4.62	15.89	60.27	5.32	27.63
Beef Scrap	44.70	3.28	14.75	29.20
Quaker Dairy Feed...	15.53	14.42	52.12	4.05	5.31
Creamery Feed	10.07	20.06	51.00	5.38	3.57
Purina Feed	12.60	10.10	57.03	5.75	4.65

CHAPTER 5452—(No. 81.)

AN ACT to Provide for the Inspection and Analysis of, and to Regulate the Sale of Commercial Feeding Stuffs in This State; to Prohibit the Sale of Fraudulent or Adulterated Commercial Feeding Stuffs; to Define the Term Commercial Feeding Stuffs; to Provide for Guarantees of the Ingredients of Commercial Feeding Stuffs; for the Affixing of Labels and Stamps to the Packages Thereof as Evidence of the Guarantee and Inspection Thereof; to Provide for the Collection of an Inspection Fee from the Manufacturers of Commercial Feeding Stuffs; to Fix Penalties for the Violation of the Provisions of this act; to Authorize the Appointment of an Additional Assistant State Chemist, an Inspector of Commercial Feeding Stuffs, to Appropriate the Necessary Funds to Enforce the Provisions of This Act, and to Repeal all Laws or Parts of Laws in Conflict with This Act.

Be it Enacted by the Legislature of the State of Florida:

Sec. 1. The State Chemist and his Assistants shall be inspectors of commercial feeding stuffs; they shall be under the general direction and supervision of the Commissioner of Agriculture.

Powers given to inspect under supervision of the Commissioner of Agriculture.

Sec. 2. It shall be the duty of the State Chemist to analyze samples of commercial feeding stuffs that may be offered for sale in this State, and for this purpose he is authorized, and directed, to take or have taken by his assistants, from any brand of commercial feeding stuffs offered for sale in this State, which may be in the possession of any manufacturer, dealer or person using or offering for the same, samples not to exceed one pound each in weight. In case any manufacturer shall request another analysis, then the sample at the request of any manufacturer, shall be sent to any chemist to whom the Commissioner of Agriculture, State Chemist and manufacturer shall agree upon.

Duties of State Chemist.

Rights of manufacturer to second analysis.

Sec. 3. Every bag, barrel, or other package of commercial feeding stuff manufactured, sold in or imported into this State, shall have securely attached a tag or label, and plainly printed thereon, the number of net

Requirements of analysis to be on packages

pounds of commercial feeding stuffs in the package; the name, brand, or trade-mark under which the commercial feeding stuff is sold; the name and address of the manufacturer, and the guaranteed chemical analysis, stating the percentage of fat, the percentage of protein—allowing one per centum of nitrogen to equal 6.25 per centum of protein—the percentage of sugar and starch contained therein, these constituents to be determined by the methods adopted by the Association of Official Agricultural Chemists of the United States, and the ingredients from which it is compounded; also the stamp showing the payment of the inspection fee provided for in this act. The sale of moldy and damaged feeding stuff is prohibited in this State, except on full notice in writing to the purchaser of the nature and extent of the damage. Any manufacturer, importer, jobber, agent or seller who shall sell, offer or expose for sale or distribution in this State any commercial feeding stuff as defined in this act, without complying with the requirements of this act, or or who shall sell, offer or expose for sale or distribution any commercial feeding stuff which contains substantially a smaller percentage of constituents than are certified to be contained, or who shall adulterate any feeding stuff with foreign, mineral or other similar substance or substances, such as rice hulls or chaff, peanut shells, corn cobs or other similar material of little or no feeding value, or with substances injurious to the health of domestic animals, shall be guilty of a violation of the provisions of this act, and the lot of feeding stuff in question shall be subject to seizure, condemnation and sale or destruction by the Sheriffs under direction of the Commissioner of Agriculture. The Sheriffs of the counties of this State are hereby authorized, and it is hereby made their duty, to seize and sell at public sale each and every bag, barrel or package of commercial feeding stuffs manufactured, imported into or sold in this State which shall not have securely attached the tag or label and stamp mentioned in this section; Provided, That should the owner show to the satisfaction of the Sheriff such tag or label or stamp had been attached and the same had become detached, the Sheriff shall release the same without cost to the owner. All commercial feeding stuffs shipped in bulk to consumers shall be subject to the penalties provided for in this act, upon the attempt

As amended by Chapter 5661, Laws 1907. Moldy and damaged feeding stuff prohibited.

Mineral and other substances prohibited.

Adulterated feeds subject to seizure and sale.

Duties of the Sheriffs.

Sheriffs required to seize unstamped packages.

Cannot ship in bulk to consumers.

to evade the guaranteed analysis and the payment of the inspection fee provided for in this act; Provided, That nothing in this act shall be construed to restrict or avoid sales of commercial feeding stuff materials in bulk to each other by importers, manufacturers or manipulators who mix commercial feeding stuffs for sale; or as preventing the free and unrestricted shipment of these article in bulk to manufacturers or manipulators who mix commercial feeding stuffs for sale. All money or proceeds derived from the seizure or sale of commercial feeding stuffs shall be covered into the State Treasury.

Sec. 4. Any manufacturer or dealer who shall misrepresent the proportion of fat, protein, sugar or starch, or other ingredient contained in such commercial feeding stuffs, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined not more than five hundred dollars for the first offense, and one thousand dollars for each subsequent offense.

Penalties for misrepresenting true analysis.

Sec. 5. Any manufacturer, or importer, dealer or agent, for the sale of commercial feeding stuffs, previous to offering the same for sale in this State, shall file with the Commissioner of Agriculture annually, a paper giving his or their name and address, the place of manufacture, the name and address of his principal agent or agents in the State of Florida, also the name or brand and guaranteed analysis, under oath, of the commercial feedingstuffs offered for sale by him, or them; and any manufacturer, importer or agent who shall refuse to give the information herein required, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars for each offense.

Oath of analysis to be filed with Commissioner of Agriculture annually.

Sec. 6. Every manufacturer, importer, agent or seller, of any commercial feeding stuffs, shall pay to the State Treasurer a fee of twenty-five cents for each and every ton offered for sale in the State; Provided, That when the manufacturer or importer shall have paid the fees herein required for any person acting as agent or seller for any manufacturer or importer, such agent or seller shall not be required to pay the fee named in this section; and any manufacturer, importer or dealer who shall fail to pay the inspection fee provided for in this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined one hundred and fifty dollars for the first offense, and two hundred and fifty dollars for each

Penalty for non-payment of tax.

Stamps must be attached to each package.

subsequent offense. It shall be the duty of every person, before selling any commercial feed stuffs for use in this State, to attach, or cause to be attached, to each bag, barrel or package thereof, one of the tags and stamps hereinbefore described, designating the name and quantity of feeding stuff in the bag, barrel or package and guaranteed analysis to which it is attached, as evidence of the payment of the inspection fee, and the guaranteed analysis

Penalty for neglecting to attach stamps to packages,

imposed by this act. Any person who shall sell any package of commercial feeding stuff which has not been tagged and stamped as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of one hundred and fifty dollars for each lot of feeding stuffs so sold; and the said person shall be also liable to a penalty of five dollars for each omission to tag and stamp each package, each omission to constitute a separate offense, which penalty may be sued for, either by

Duty of Attorney General and State's Attorney.

the Commissioner of Agriculture or any other person. It shall be the duty of the Attorney-General and the several State Attorneys, when requested by the Commissioner of Agriculture, to enjoin any person, firm or corporation, resident or non-resident, from manufacturing or selling or soliciting orders for the sale of commercial feeding stuffs in this State, for use in this State, without complying with the provisions of this act, without bond or advanced costs. Any person who shall counterfeit or use a

Penalty for counterfeiting.

counterfeit of a tag or stamp required in this act knowing the same to be counterfeited, or who shall use them a second time after the said tags or stamps shall have been once attached, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding five hundred dollars for the first offense, and one thousand dollars for the second offense.

Stamps furnished by Commissioner of Agriculture.

Sec. 7. It shall be the duty of the Commissioner of Agriculture to furnish the manufacturers, dealers or importers of commercial feeding stuffs with stamps to be attached to each package of commercial feeding stuffs sold or used in this State, which stamps shall be accounted for by the Commissioner of Agriculture in his monthly report to the Governor; such stamps shall be printed in such form as may be prescribed by the Commissioner of Agriculture.

Sec. 8. Each manufacturer of or dealer in commercial feeding stuffs, shall forward the money for commercial

feeding stuff stamps, with his letter of request, direct to the State Treasurer. Said letter of request shall contain the statement of tons of commercial feeding stuffs for which stamps are requested, and the number of packages contained in each ton. The State Treasurer shall hand to the Commissioner of Agriculture the letter of request for commercial feeding stuff stamps, which orders shall be filled by the Commissioner of Agriculture at once, if found correct.

How to apply for stamps.

Sec. 9. Any person purchasing any commercial feeding stuff from any manufacturer or vendor in this State for his own use, such person being a citizen of this State, may submit fair samples of the said commercial feeding stuff to the Commissioner of Agriculture for analysis. But in order to protect the manufacturer or vendor from the submission of spurious samples for analysis, the person selecting the same shall do so in the presence of two or more disinterested persons, which sample shall be taken from one or more packages, placed in a bottle or can, and sealed in the presence of said witnesses, and this sample package, bottle or can, placed in the hands of a disinterested person, who shall forward the same, at the expense of the purchaser, to the Commissioner of Agriculture, and upon the receipt by him of such sample package, the Commissioner of Agriculture is hereby authorized to require the State Chemist to analyze the same, and he shall return to such purchaser, or purchasers, a certificate or certificates of analysis. *The certificate shall in all cases set forth the component parts of said commercial feed stuffs, with their respective quantities, dates of analysis, and the name or names of the person or persons submitting the samples, and to be signed by the State Chemist, who is hereby required to keep an accurate account of the same, and the said certificate or record, when verified by the affidavit of the State Chemist, shall be competent evidence in any court of law or equity in this State.*

How citizens may apply to have goods analyzed.

How samples shall be drawn and forwarded

Certificate of State Chemist.

Sec. 10. Any person purchasing any commercial feed stuff from any manufacturer or vendor who shall, upon analysis by the State Chemist, discover that he has been defrauded by reason of adulteration, or deficiency of constituent elements, either in quality or quantity, in the commercial feed stuffs so purchased, shall recover in any action he may institute, upon proof of the fact, twice the amount paid to or demanded by the manufacturer or

Damages, how recovered.

vendor of the commercial feed stuff so purchased. But in all cases where the vendor is an agent of the manufacturer, or sub-agent of such agent, the judgment of the court shall be rendered against the manufacturer. In case any purchase be made of any manufacturer, or agent of any person or persons residing out of the State of Florida, manufacturing, compounding or furnishing for sale any commercial feed stuffs, the purchaser thereof may, at his option, proceed by attachment, as now provided by law in case of non-resident and absconding debtors, against such property, rights, or credits of the person or persons selling, manufacturing, compounding or furnishing said commercial feeding stuff, when such property, rights or credits can be found within the limits of the State.

Definition* of materials subject to this act.

Sec. 11. The term commercial feeding stuffs as used in this act shall be held to include linseed meals, cottonseed meals (when sold for stock feed), pea meals, cocoanut meals, gluten meals, maize feeds, starch feeds, sugar and molasses feeds, dried brewers' grains, malt sprouts, hominy feeds, cerealine feeds, oat feeds, corn and oat chops, corn and oat feeds, ground beef or fish scraps, mixed feeds, middlings, mixed feeds, made wholly or in part from wheat, rye, buckwheat or rice, mixed bran, and brans made from any cereal or grain, but shall not include hays and straws, and cottonseed hulls, the whole seeds, nor the unmixed meals and chops, made directly from the seed of wheat, rye, barley, oats, velvet beans, indian corn, buckwheat, broom-corn or rice, containing less than ten per cent of crude fiber.

What the State Chemist is required to furnish analyses of.

Sec. 12. The State Chemist, upon application, shall furnish at any time to an applicant a full analysis of any sample of commercial feeding stuffs required. Said analysis shall set forth the percentage of fat, protein, starch and sugar, with a statement of the commercial value of each ingredient, which valuation shall be uniform and not above the real value of such ingredient.

As amended by Chapter 5661, Laws, 1907.

Sec. 13. The Governor shall, upon the recommendation of the State Chemist, appoint an additional Assistant State Chemist, who shall be a competent analytical chemist. His salary shall be fifteen hundred dollars per annum. The Governor may also, when necessary, appoint an inspector of commercial feeding stuffs and commercial fertilizers. His salary shall be fifteen hundred

dollars per annum, and he shall be under the immediate direction of the State Chemist. The actual traveling expenses of the inspector of the chemical division of the Agricultural Department of the State, not to exceed seven hundred and fifty dollars per annum, shall be paid on proper vouchers approved by the State Chemist and the Commissioner of Agriculture.

Sec. 14. The sum of three thousand seven hundred and fifty dollars per annum is hereby appropriated to carry into effect the provisions of this act, and the Comptroller is hereby authorized to issue his warrants for the payment of the same out of any funds in the Treasury derived from the sale of commercial fertilizer stamps or commercial feed stuff stamps.

As amended by
Chapter 5661,
Laws, 1907.

Sec. 15. The Commissioner of Agriculture shall have the authority to establish such rules and regulations in regard to the inspection, analysis and sale of commercial feeding stuffs, not inconsistent with the provisions of this act, as in his judgment will best carry out the requirements thereof.

Commissioner
of Agriculture
has power to
regulate.

Sec. 16. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 17. This act shall take effect ninety days after its passage and approval by the Governor.

In force August 22, 1905.

Approved May 24, 1905.

Amendments approved May 23, 1907.