

N.C.R.A.E.

COMMERCIAL FEED STUFF LAW

CHAPTER 5452 AS AMENDED BY CHAPTER 5661
ACTS OF 1907

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:

Fifty, one hundred, and one hundred and seventy-five pound packages.)

Manufacturers will please have their goods conform to these weights. 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.

W. A. McRAE,

Commissioner of Agriculture.

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

THE STATE OF FLORIDA,

Department of Agriculture.

January 1, 1916.

REGULATIONS GOVERNING THE TAKING AND FORWARDING OF SAMPLES OF COMMERCIAL FEEDING STUFF TO THE COMMISSIONER OF AGRICULTURE FOR ANALYSIS BY THE STATE CHEMIST.

The following regulations for drawing, preparing and

sending samples of Commercial Fertilizer and Commercial Stock Feed, under the authority given in Section 15 of Chapter 4150, Acts of 1901 (Chapter XXII General Statutes), and Sec. 15, Chapter 5452, Acts of 1907, are this day adopted.

OFFICIAL SAMPLES, drawn by State Chemist, Assistant State Chemist or Inspectors.

An approximately equal quantity (a pint or a pound, approximately) shall be taken from each of ten original packages of the same brand in the possession of any manufacturer, dealer, or person, when the lot being sampled contains ten or more packages of the same brand.

In case the lot contains less than ten packages of the same brand, each package shall be sampled as directed.

PREPARATION OF SAMPLE.—The several samples, drawn as above from each package, shall be carefully and thoroughly mixed. From this well-mixed lot drawn from each package as above, a fair sample of not less than one pound, in the case of fertilizers, and of not less than one-half pound in the case of stock feed, shall be placed in a bottle or tin can—approximately a quart can or bottle.

The sample shall be delivered to the State Chemist, who shall prepare the same for analysis (by properly grinding, mixing and sifting the same). The State Chemist shall retain one-half of this prepared sample for analysis; the remainder shall be placed in a glass bottle, sealed, and identified by the Laboratory number, and date, and placed in the custody of the Commissioner of Agriculture. These duplicate samples shall be retained for a period of three months from the date of the certificate of analysis. In case of appeal from analysis of the State

Chemist (within three months from the date of the certificate) the sample shall be retained indefinitely, until the final disposition of the case.

SPECIAL SAMPLES.—Samples drawn and transmitted by the purchaser under Sections 9 of both the Commercial Fertilizer and the Commercial Stock Feed Laws.

The purchaser or owner of the material to be sampled, when the lot or shipment contains ten or more original packages, each bearing the Guarantee tag and stamp required by law, of the same brand, shall take in the presence of two witnesses, an approximately equal quantity from each of ten packages of the same brand (approximately a pint or a pound), after carefully and thoroughly mixing these samples, a fair sample of the mixture, not less than a pound in the case of commercial fertilizer and not less than one-half pound in the case of commercial stock feed, shall be placed in a bottle or tin can, and sealed in the presence of the witnesses.

On the sample thus drawn shall be written the name and address of the purchaser, and the name of a disinterested party, who shall transmit the package to the Commissioner of Agriculture by mail or express, properly packed to prevent damage in transportation.

In case the lot or shipment contains less than ten original packages of the same brand, each bearing the Guarantee tag and stamp required by law, each package shall be sampled as provided in the foregoing paragraph, the samples mixed, and a fair sample of the lot, "one or more packages," shall be drawn and transmitted as provided in the foregoing paragraphs.

The purchaser, or sender of the sample, shall also address a letter to the Commissioner of Agriculture, advis-

ing him of the sending of the sample, stating the number of original packages, each bearing the guaranteed analysis and inspection stamp required by law, represented by the sample. This letter must not be enclosed in the package.

The object of the sealed bottle or tin can is to prevent the evaporation of the moisture from the sample—an important determination.

SAMPLES IN PAPER OR WOODEN PACKAGES WILL NOT BE ACCEPTED.

These regulations are adopted to secure fair samples of sufficient size to allow the preservation of a duplicate sample in case of protest or appeal. This duplicate sample will be preserved for three months from the 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 samples as fixed by law is obvious.

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

The attention of those who desire to avail themselves of this privilege is called to Sections 9 and 10 of the laws, which are clear and explicit.

NOTE.—HEREAFTER STRICT COMPLIANCE WITH ABOVE REGULATIONS WILL BE REQUIRED. THE SAMPLES MUST NOT BE LESS THAN ONE POUND OF FERTILIZER OR ONE-HALF POUND

OF STOCK FEED, IN A TIN CAN OR BOTTLE, SEALED AND ADDRESSED TO THE COMMISSIONER OF AGRICULTURE. THE PURCHASER'S NAME AND ADDRESS, AND THE NAME OF THE SENDER, MUST ALSO BE ON THIS PACKAGE, THIS RULE APPLYING TO SPECIAL SAMPLES OF FERTILIZERS OR COMMERCIAL FEEDING STUFF.

NOTE.—A one-pound baking powder tin can, properly cleaned, filled with a fairly drawn, well-mixed sample, drawn as directed, is a proper sample. IT MUST BE SEALED AND ADDRESSED TO THE COMMISSIONER OF AGRICULTURE, AT TALLAHASSEE. THE PURCHASER'S NAME AND ADDRESS, AND THE NAME OF THE SENDER, MUST ALSO BE PLACED ON THE PACKAGE.

IF MORE THAN ONE SAMPLE IS SENT REPRESENTING DIFFERENT BRANDS, THE SAMPLES MUST BE NUMBERED SO AS TO IDENTIFY THEM. ALL THIS SHOULD BE DONE IN THE PRESENCE OF THE WITNESSES, AND THE PACKAGE MAILED OR EXPRESSED BY A DISINTERESTED PERSON.

NOTE.—The tags off the sacks with the guaranteed analyses and stamp, and names of manufacturers should be retained by the purchaser, to compare with the certificate of analysis when received and NOT SENT TO THIS OFFICE. THE DATE OF THE DRAWING AND SENDING OF THE SAMPLE, AND NAMES OF WITNESSES, SHOULD ALSO BE RETAINED BY THE PURCHASER; NOT SENT TO THIS OFFICE.

RAW PHOSPHATES. Ground raw phosphate rock—hard or soft—contains phosphoric acid, more or less available, hence is classed a fertilizer when sold to consumers for fertilizing purposes, under Section 11 of the law; and is required to be guaranteed and stamped as required by section 3; listed and guaranteed under oath, as required by Section 5, and the inspection fee paid previous to sale as provided by Section 6.

LIME is not classed a fertilizer. It is not required to be sold under guarantee, nor the inspection fee paid; hence is not subject to free analysis by the State Laboratory.

When sold under guarantee to growers, the State Laboratory will analyze the same on receipt of proper information as to the guarantee, and a sample drawn, transmitted and certified to, as provided for drawing and sending special samples of fertilizers.

OBJECT OF THE LAWS.

The object of the Fertilizer and Stock Feed Laws are: *First*, to protect the consumer from fraud, false representations by illegitimate dealers who have not complied with the law, nor filed their guaranteed analysis under oath, and who have not paid their inspection tax fixed by law.

Second, to protect the lawful dealer who has fully complied with the law, by filing his guarantee under oath, and has paid his inspection fee, and who has placed upon each bag or other package, a guarantee tag showing the minimum percentage of valuable ingredients in the fertilizer or feed stuff, as provided by the law.

These regulations supersede and revoke all previous regulations governing the drawing and transmitting of samples of Commercial Fertilizer and Commercial Stock Feed.

R. E. ROSE,
State Chemist.

Approved:

W. A. McRAE,
Commissioner of Agriculture.

Tallahassee, Fla., January 1, 1916.

CHAPTER 5452—(No. 81).

AS AMENDED BY CHAPTER 5661, ACTS OF 1907.

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 or 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:

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

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.

Duties of State Chemist.

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 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.

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 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 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 pro-

Requirements of analysis to be on packages.

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.

Penalties of misrepresenting true analysis.

visions 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 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 articles 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.

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 feeding stuffs 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 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 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

Penalty for non-payment of tax.

Stamps must be attached to each package.

Penalty for neglecting to attach stamps to packages.

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 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 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.

Duty of
Attorney-
General and
State's
Attorney.

Penalty
for counter-
feiting.

Stamps*
furnished by
Commis-
sioner 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.

How to apply
for stamps.

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.

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 of 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

Damages, how recovered.

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 vendor of the commercial feed stuff 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 shops, 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.

Sec. 12. The State Chemist, upon application, shall furnish at any time to an applicant a full analysis of any sample of commercial feeding stuff 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.

What the State Chemist is required to furnish analyses of.

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.

As amended by Chapter 5661, Laws 1907.

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 stuffs 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

Commissioner of Agriculture has power to regulate.

feeding stuffs, not inconsistent with the provisions of this act, as in his judgment will best carry out the requirements thereof.

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.

Approved May 24, 1905.

In force August 22, 1905.

Amendments approved May 23, 1907.