

entered into such agreement to each other such committee at least sixty days before the end of such year. Such agreement shall provide for the disposition, upon termination thereof, of all unencumbered funds and all equipment and supplies held pursuant thereto.

Approved September 1, 1970.

Chap. 890. AN ACT AUTHORIZING THE CITY OF WALTHAM TO REEMPLOY CHARLOTTE JOHNSON AND PROVIDING FOR HER REINSTATEMENT IN THE CONTRIBUTORY RETIREMENT SYSTEM OF SAID CITY OF WALTHAM.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of general or special law, the city of Waltham is hereby authorized to reemploy Charlotte Johnson, who was retired on September the first, nineteen hundred and sixty-nine, at fifty-nine years of age and returned to employment on March the first, nineteen hundred and seventy, under the emergency provisions of section ninety-one of chapter thirty-two, General Laws and said Charlotte Johnson shall be reinstated as a member in service of the city of Waltham retirement system; provided, however, that she pays into the annuity savings fund of said system the amount of any accumulated retirement allowances received by her during the period when she was on retirement, in one sum or in instalments, upon such terms and conditions as said board may prescribe, and all retirement rights under the contributory retirement system, including creditable service resulting from her previous employment, shall be reestablished for her upon resumption of regular deductions and payment by her into the system of a sum equal to the regular deductions accumulated since the date of her reemployment.

Approved September 1, 1970.

Chap. 891. AN ACT FURTHER REGULATING THE SLAUGHTERING OF CERTAIN ANIMALS AND THE PROCESSING OF SAID ANIMALS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 94 of the General Laws is hereby amended by striking out sections 118 to 139A, inclusive, and inserting in place thereof the following sections: —

Section 118. The following words as used in sections one hundred and eighteen to one hundred and thirty-one, inclusive, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings: —

“Broker”, any person engaged in the business of buying or selling livestock products or poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

“Capable of use as human food”, any livestock or poultry carcass, or part of product of any such carcass, unless it is denatured or otherwise identified as required by regulations prescribed by the department to deter its use as human food, or it is naturally inedible by humans.

“Commissioner”, the commissioner of public health or his duly authorized agent.

“Container” or “package”, any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

“Department”, the department of public health.

“Inspector”, an employee or official of the division of food and drugs, authorized by the director to perform any inspectional function.

“Label”, a display of written, printed, or graphic matter upon any article or container, not including package liners, of any article.

“Labeling”, all labels and other written, printed, or graphic matter: (1) upon any article or any of its containers or wrappers; or, (2) accompanying such article.

“Livestock”, any cattle, sheep, swine, goats, horses, mules, or other equines, whether live or dead.

“Livestock product”, any carcass, part thereof, meat, or meat food product of any livestock.

“Meat food product”, any product capable of use as food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the commissioner under such conditions as he may prescribe. These words as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

“Official certificate”, any certificate prescribed by regulations of the department for issuance by an inspector or other person performing official functions under this chapter.

“Official device”, any device prescribed or authorized by the department for use in applying any official mark.

“Official establishment”, any establishment as determined by the department at which inspection of the slaughter of livestock or poultry or the preparation of livestock products or poultry products is maintained under the authority of this chapter.

“Official inspection legend”, any symbol prescribed by regulations of the department showing that an article was inspected and passed in accordance with this chapter.

“Official mark”, the official inspection legend or any other symbol prescribed by regulations of the department to identify the status of any article or livestock or poultry under this chapter.

“Poultry”, any domesticated bird, whether live or dead.

“Poultry product”, any poultry carcass or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the commissioner from definition as a poultry product under such conditions as he may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

“Prepared” or “processed”, slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed in any way.

“Shipping container”, any container used or intended for use in shipping the product packed in another container.

“Renderer”, means any person engaged in the business of rendering livestock or poultry carcasses, or parts or products of such carcasses, except rendering conducted under inspection or exemption under this chapter.

Section 119. An official establishment or a person engaged in the business of slaughtering livestock or poultry or in the business of the preparation of such products shall be under the supervision of the department and subject to the inspection required by said department.

The commissioner may issue orders and said department shall establish, and may from time to time amend, modify, repeal or suspend, rules and regulations, including uniform minimum requirements for the maintenance and operation of said establishments and to otherwise implement the provisions of sections one hundred and eighteen to one hundred and twenty-seven, inclusive.

If any establishment licensed under section one hundred and twenty is deemed by the commissioner to be operated or maintained in an unsanitary manner, or in violation of any of said rules and regulations, or not properly constructed or equipped for said business of slaughtering or preparation, said commissioner shall close such establishment until such time as it has been put in proper condition, and the department may also suspend the licenses issued under section one hundred and twenty if the required changes are not made within a reasonable time.

Section 120. No person shall engage in the slaughter of livestock or poultry unless he has obtained a license from the department. No person shall process or manufacture meat or meat food products, poultry or poultry products, in an establishment unless he has obtained a license from the department. Persons engaged in the business of slaughter or meat or meat food processing or poultry or poultry processing shall apply annually for a license. Such application shall be signed and sworn to by one or more of the owners or persons carrying on such business or if a corporation by an authorized officer thereof. Such person shall state the name and address of all owners or persons carrying on said business except in the case of a corporation, the names and addresses of the officers of such corporation, and the location of said establishment or such other information as the commissioner may require. The fee for a license issued by the department shall be twenty dollars.

Section 121. Any license issued pursuant to section one hundred and twenty may be suspended or revoked if the licensee is in violation of any provision of sections one hundred and eighteen to one hundred and twenty-seven, inclusive, or the rules and regulations promulgated under the authority thereof, or any lawful order of the department or the commissioner. A hearing shall be held prior to the revocation, or within seven days after the suspension, of any such license, unless prior to the expiration of such period said license has been restored. Such hearings shall be held before a hearings board within the department established in section one hundred and twenty-two.

Section 122. There shall be a hearings board consisting of the commissioner, or at the discretion of the commissioner the director of the division of food and drugs, and two persons to be appointed by the governor for a term of three years, one of whom shall be a representative of consumer interests, and one of whom shall be a representative of the

meat or poultry industry. The appointive members shall serve without compensation, but shall be reimbursed for their necessary expenses incurred in connection with the discharge of their official duties. The commissioner, or the director of the division of food and drugs, shall act as chairman. The board shall conduct hearings relative to the suspension, revocation or restoration of any license granted under section one hundred and twenty, and after such hearing may by majority vote suspend, revoke or reinstate any such license. Notice and procedures shall, so far as may be applicable, be in accordance with chapter thirty A. The board may further prescribe proceedings before it by regulations which shall not be inconsistent with said chapter thirty A.

Section 123. There shall be a board within the department, to be known as the meat and poultry advisory board consisting of seven members which shall be appointed by the governor, one of whom shall be a representative of each of the following:— the Massachusetts Farm Bureau, the Massachusetts Health Officers Association, the New England Wholesale Meat Dealers Association, the Massachusetts Retail Grocers' Association, and the Consumers Council, and two members of whom shall be representatives of the State Labor Council, AFL-CIO. Two of said members shall be designated in their original appointments to serve for one year, two for two years, and three for three years. Upon the expiration of the term of a member, his successor shall be appointed in the manner aforesaid for three years.

Members of said advisory board shall serve without compensation, and shall meet quarterly and at other times at the discretion of the chairman. They shall receive their necessary travel and other expenses when engaged in the work of the board. The chairman of the board shall be designated by the governor from time to time. The commissioner shall designate an employee of the department to be secretary of said board.

The board shall:—

(a) Act entirely in an advisory capacity, except as provided in this section. A majority of the members of the board present and voting shall constitute the basis for an official action or recommendation of said board.

(b) Consider all matters submitted to it by the commissioner or the director of food and drugs.

(c) On its own initiative recommend to the department such rules and regulations and any changes thereon which the advisory board may deem important and necessary.

(d) Cooperate in the preparation of rules and regulations promulgated by the department.

Notice and procedures shall, so far as may be applicable, be in accordance with chapter thirty A. The board may further prescribe proceedings before it by regulations which shall not be inconsistent with said chapter.

Section 124. An inspector may inspect livestock and poultry, the carcasses of all slaughtered animals and all meat and poultry or the products thereof, offered or exposed for sale or kept with intent to sell, and may enter any place where such livestock, poultry, carcasses or products are stored, kept, or exposed for sale and shall have access at all times, by day or night, to every part of every establishment required to have inspection under this chapter, whether the establishment is op-

erated or not. If such carcasses or products are tainted, diseased, corrupted, decomposed, unwholesome, unfit for food from any cause or otherwise adulterated or misbranded, said inspector shall seize and may cause the same to be destroyed forthwith, or denatured and disposed of in accordance with such regulations as the department may prescribe. The inspector shall immediately notify the commissioner of any carcasses or products seized or condemned, stating the reasons for such seizure or condemnation and stating the name of the owner or person in whose possession it was found, and the disposition made of said carcass or product.

Reports shall be made by the inspector or other authorized person employed by the department, stating in detail the conditions observed and recommendations, if any, regarding such conditions. The consumers' council, upon request of its chairman, shall have access to such reports. Inspectors shall make inspections of all establishments licensed under the provisions of section one hundred and twenty. Reports of said inspections shall be made in quadruplicate and a case number assigned to each inspection shall be affixed thereto. A copy of each inspection report shall be given to the following:—

- (a) to the person whose establishment has been inspected;
- (b) to the commissioner; and,
- (c) to the director of the division of food and drugs; and,
- (d) one is to be retained by the inspector making said report.

Complete records of all inspections, reports, complaints and enforcement actions shall be maintained and a summarized monthly list of all enforcement actions, detailing the business name, address, offense charged, and disposition of each such case shall be published by the department and a copy thereof furnished to the consumers' council.

Section 125. The department shall:—

(a) require ante mortem and post mortem inspections, quarantine, segregation, and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all official establishments in the commonwealth;

(b) require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers or both as "Mass. D.P.H. Inspected and Passed" if the products are found upon inspection to be not adulterated and as "Mass. D.P.H. Inspected and Condemned" if they are found upon inspection to be adulterated and the destruction for food purposes of all such condemned products, each of the foregoing acts to be performed under the direct and immediate supervision of an inspector;

(c) prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of such articles and other materials into such establishments under such conditions as the department may prescribe;

(d) require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, as the department may require, all information required under the provisions of or by the authority of this chapter; and require approval of all labeling and containers to be used for such products when sold or transported to assure that they comply with the requirements of this chapter;

(e) investigate on a regular basis the sanitary conditions of each official establishment and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled thereat;

(f) prescribe regulations relating to sanitation for all official establishments;

(g) require that the following classes of persons shall keep such records and for such periods as are specified in regulations which shall be promulgated by the department to fully and correctly disclose all transactions involved in their business, and afforded to the commissioner, access to such places of business, and opportunity, at all reasonable times, to examine the facilities, inventory and records thereof, to copy the records, and to take reasonable samples of the inventory upon payment of the fair market value therefor: any persons that engage (1) in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling as brokers, wholesalers or otherwise, transporting, or storing any livestock products or poultry products for human or animal food; or (2) in business as renderers or in the business of buying, selling or transporting any dead, dying, disabled or diseased livestock or poultry, or parts of the carcasses of any such animals including poultry that died otherwise than by slaughter.

Section 126. (a) The commissioner shall: —

(1) remove inspectors from any establishment that fails to destroy condemned products as required;

(2) refuse to provide inspection service under this chapter with respect to any official establishment for causes specified in section four hundred and one of the Federal Meat Inspection Act, as amended, or section eighteen of the Federal Poultry Products Inspection Act, as amended;

(3) refuse to provide inspection service under sections one hundred and eighteen to one hundred and twenty-eight, inclusive, with respect to any establishment for violation of provisions as set forth in said sections;

(4) order labeling and containers to be withheld from use if he determines that the labeling is false or misleading or the containers are of a misleading size or form;

(5) require that equines be slaughtered and prepared in establishments separate from establishments where other livestock are slaughtered or their products are prepared;

(6) require that persons subject to the provisions of sections one hundred and eighteen to one hundred and thirty, inclusive, furnish the department, on such form as the commissioner may prescribe, annual or special reports, or both such annual or special reports, or answers in writing to specific questions asked by the commissioner, or such other information as the commissioner may require to enforce the provisions of said sections.

(7) cooperate with the Secretary of Agriculture in the administration of the provisions of this chapter in order to effectuate the purposes thereof, and to accept federal assistance for that purpose;

(b) The department shall: —

(1) by regulations prescribe the sizes and style of type to be used for labeling information required under this chapter, and definitions and

standards of identity or composition or standards of fill of container, consistent with federal standards, when it deems such action appropriate for the protection of the public and after consultation with the Secretary of Agriculture;

(2) by regulations prescribe conditions of storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles to assure that such articles will not be adulterated or misbranded when delivered to the consumer;

(3) by regulations require that every person engaged in business in or for intrastate commerce as a broker, renderer, animal food manufacturer, or wholesaler or public warehouseman of livestock products or poultry products, or engaged in the business of buying, selling, or transporting in intrastate commerce, any dead, dying, disabled or diseased livestock or poultry or parts of the carcasses of any such animals including poultry that died otherwise than by slaughter shall register with the department his name and the address of each place of business at which and all trade names under which he conducts such business.

Section 127. (a) No person shall, with respect to any livestock or poultry or any livestock products or poultry products:

(1) slaughter any such animals or prepare any such articles which are capable of use as human food at any official establishment, except in compliance with the requirements of this chapter and any regulations thereunder promulgated;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any such articles which are capable of use as human food, and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or any such articles required to be inspected under this chapter unless they have been so inspected and passed;

(3) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

(b) No person shall buy, sell, transport, offer for sale or transportation, or receive for transportation:

(1) any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the department except as may be authorized by such regulations;

(2) any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the department to show the kinds of animals from which they were derived;

(3) any livestock products or poultry products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the department or are naturally inedible by humans.

(c) No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise

than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled, or diseased livestock or poultry or the products of any such animals that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the department shall prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

(d) No person shall:

(1) cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the commissioner;

(2) forge any official device, mark, or certificate;

(3) without authorization from the commissioner use any official device, mark, or certificate; or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(4) contrary to the regulations prescribed by the department, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(5) possess, without promptly notifying the commissioner or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, including poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(6) represent that any article has been inspected and passed, or exempted, under this chapter when, in fact, it has, respectively, not been so inspected and passed, or exempted;

(7) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the department;

(8) fail to furnish the commissioner upon his request any record, report, answer, or information which may be required under the provisions of or under the authority of sections one hundred and eighteen to one hundred and thirty, inclusive, or knowingly make any omission or false statement in any such record, report, answer, or information.

Section 128. (a) Any person who neglects or refuses to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the lawful requirement of the commissioner, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

(b) Any person who makes, or causes to be made, any false entry or statement of act in any report required to be made under sections one hundred and eighteen to one hundred and thirty, inclusive, or who makes, or causes to be made, any false entry in any account, record, or memorandum kept by any person subject to sections one hundred and eighteen to one hundred and thirty, inclusive, or who neglects or fails to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person or that shall wilfully remove out of

the jurisdiction of this commonwealth, or mutilate, alter, or by any other means falsify any documentary evidence of any person subject to sections one hundred and eighteen to one hundred and thirty, inclusive, or who wilfully refuses to submit to the commissioner for the purpose of inspection and taking copies; and documentary evidence of any person subject to sections one hundred and eighteen to one hundred and thirty, inclusive, in his possession or within his control, shall be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment for a term of not more than three years or by both such fine and imprisonment.

Section 129. Any person who violates any provision of sections one hundred and eighteen to one hundred and twenty-eight, inclusive, or any regulation or order issued under the authority of said sections shall be punished by imprisonment for not more than one year or a fine of not more than three thousand dollars, or both such imprisonment and fine; except that any person who knowingly attempts to distribute in commerce an adulterated article or an unexempted article which has not been inspected under the provisions of this chapter, or who commits a violation which involves intent to defraud, shall be punished by imprisonment of not less than one year nor more than three years or a fine of not less than three thousand dollars and not more than ten thousand dollars, or both such imprisonment and fine.

The superior court in equity is vested with jurisdiction specifically to enforce, and to prevent and restrain violations of sections one hundred and eighteen to one hundred and twenty-eight, inclusive.

Section 130. The commissioner may exempt the following types of operations from any provisions of sections one hundred and eighteen to one hundred and thirty-one, inclusive; (1) slaughtering and preparation by any person of livestock and poultry of his own raising exclusively for use by him and members of his household, and his nonpaying guests and employees, and (2) any other operations which the commissioner may determine would best be exempted to further the purposes of said sections, to the extent such exemptions conform to the Federal Meat Inspection Act, as amended, and the Federal Poultry Products Inspection Act, as amended, and any regulations thereunder.

Section 131. Nothing in sections one hundred and eighteen to one hundred and thirty, inclusive, shall be construed so as to require or prohibit inspection by the department of any establishment under official inspection by the United States department of agriculture or any livestock or poultry or any livestock or poultry product under such official establishment.

Section 132. If any provision of sections one hundred and eighteen to one hundred and thirty-one, inclusive, is declared void or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder or the provisions promulgated thereunder and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 2. Section 186 of said chapter 94 is hereby amended by striking out lines 1 to 4, inclusive, as appearing in section 1 of chapter 598 of the acts of 1948, and inserting in place thereof the following: — For the purposes of this chapter, an article shall be deemed to be adulterated: —

SECTION 3. Said section 186 of said chapter 94 is hereby further amended by striking out the paragraph designated "In the case of food" and inserting in place thereof the following paragraph: —

In the case of food: First, if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

Second, (1) if it bears or contains, by reason of administration of any substance to the livestock or poultry or otherwise, any added poisonous or added deleterious substance;

(2) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug and Cosmetic Act;

(3) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug and Cosmetic Act;

(4) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug and Cosmetic Act; provided that an article which is not otherwise deemed adulterated under clause (2), (3) or (4) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the department;

Third, if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthy, unwholesome or otherwise unfit for food;

Fourth, if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

Fifth, if it is, in whole or in part, the product of an animal, including poultry, which has died otherwise than by slaughtering;

Sixth, if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

Seventh, if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug and Cosmetic Act;

Eighth, if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

Ninth, if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance; or

Tenth, if it falls below the standard of purity, quality or strength which it purports or is represented to possess.

SECTION 4. Section 187 of said chapter 94 is hereby amended by striking out the first paragraph, as appearing in section 2 of chapter

598 of the acts of 1948, and inserting in place thereof the following paragraph:—

The term "misbranded" as used in this chapter shall apply to each drug, or article of food, or article which enters into the composition of food, the package or label of which bears any statement, design or device regarding such article or the ingredients or substance contained therein, which is false or misleading in any particular, and also to any food or drug product which is falsely branded as to the state or country where it was manufactured or produced.

SECTION 5. Said section 187 of said chapter 94 is hereby further amended by striking out the paragraph designated "In the case of food" and inserting in place thereof the following paragraph:—

In the case of food: First, if its labeling is false or misleading in any particular;

Second, if it is offered for sale under the name of another food;

Third, if it is in imitation or semblance of any other food; provided, that this paragraph shall not apply to an imitation of a food for which a standard of quality or identity has been adopted under the provisions of section one hundred and ninety-two nor to an imitation of any other food for which no standard has been established by law or regulation, if its label bears in type of uniform size and prominence the word "imitation", and immediately thereafter the name of the food imitated; and, provided further, that this paragraph shall not be construed to permit the imitation of any food for which a standard has been established by law, other than as specifically provided herein;

Fourth, if its container is so made, formed, or filled as to be misleading;

Fifth, if the package containing it or its label bears any statement, design or device regarding the ingredients or the substances contained therein which is false or misleading in any particular;

Sixth, if it is in package form and fails to bear a label showing (1) the name and place of business of the manufacturer, packer, or distributor; (2) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count; provided that reasonable variations may be permitted, and exemptions as to small packages may be established for food products by regulations prescribed by the department;

Seventh, if any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

Eighth, if it purports to be or is represented as a food for which a standard of quality has been prescribed by the department and its quality falls below such standard, unless its label bears a statement as to its true nature;

Ninth, if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the regulations of the department unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring and coloring, present in such food;

Tenth, if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the department and it falls below the standard of fill of container, applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

Eleventh, if it is not subject to the provision of paragraph Ninth unless its label bears (1) the common or usual name of the food in order of predominance, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the department, be designated as spices, flavorings, and colorings without naming each; provided that, to the extent that compliance with the requirements of this clause is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the department;

Twelfth, if it purports to be or is represented for special dietary uses, its label bears such information concerning its vitamin, mineral and other dietary properties as the department determines to be, and by regulations prescribes as, necessary in order to fully inform purchasers as to its value for such uses;

Thirteenth, if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: provided that, to the extent that compliance with the requirements of this chapter is impracticable, exemptions shall be established by regulations promulgated by the department;

Fourteenth, in the case of meat or meat food product or poultry or poultry products, if it fails to bear, directly thereon and on its containers, as the department may by regulations prescribe, the official inspection legend and establishment number of the establishment where the product was prepared, and, unrestricted by any of the foregoing, such other information as the department may require in such regulations to assure that it will not have false or misleading labeling.

SECTION 6. Said chapter 94 is hereby further amended by striking out sections 190 and 191 and inserting in place thereof the following section: —

Section 190. Whoever manufactures, delivers, or offers to deliver, any article of food or any drug, cosmetic or device which is adulterated or misbranded within the meaning of sections one hundred and eighty-six and one hundred and eighty-seven, or any article of food, or any drug or device, which does not comply with the rules, regulations or standards, or any cosmetic which does not comply with the rules and regulations provided in sections one hundred and eighty-six to one hundred and ninety-five, inclusive, shall be punished: for a first offense, by a fine of not more than two hundred dollars; for a second offense, by a fine of not less than two hundred dollars nor more than one thousand dollars; and for a third or subsequent offense, by a fine of not less than one thousand dollars or by imprisonment for not more than six months or by both such fine and imprisonment.

Notwithstanding any provision of this chapter, no person shall have in his possession in his place of business an article of food which is adulterated as set forth in section one hundred and eighty-six unless said article is contained in a receptacle which clearly labels it as inedible and such other labeling as the commissioner may require.

SECTION 7. The second paragraph of section 305C of said chapter 94, as appearing in section 2 of chapter 663 of the acts of 1956, is hereby amended by striking out, in lines 5 and 6, the words "one hundred and eighteen, one hundred and thirty-nine A" and inserting in place thereof the words: — one hundred and twenty. *Approved September 1, 1970.*

Chap. 892. AN ACT FURTHER REGULATING THE ESTABLISHMENT OF THE PITTSFIELD-RICHMOND REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 3 of chapter 714 of the acts of 1969 is hereby amended by striking out, in lines 3 and 4, the words "and the department of education, and, subject to their approval," and inserting in place thereof the words: — , and, subject to its approval.

SECTION 2. Paragraph (d) of section 6 of said chapter 714 is hereby amended by adding the following sentence: — Notwithstanding the provisions of this paragraph written notice of the amount of any debt incurred for school construction within the city of Pittsfield need be given only to the city council of said city, and written notice of the amount of any debt incurred for school construction within the town of Richmond need be given only to the selectmen of the town of said town.

SECTION 3. Said section 6 of said chapter 714 is hereby further amended by adding the following two paragraphs: —

(n) To purchase school building maintenance service from the city of Pittsfield through the department of public buildings of said city.

(o) To purchase health services from the city of Pittsfield through its city health department or from community health organizations in the city of Pittsfield or in the town of Richmond.

SECTION 4. Said chapter 714 is hereby, further amended by inserting after section 14 the following section: —

Section 14A. No employee of the Pittsfield or Richmond school departments becoming an employee of the regional school district shall, by reason of this transfer of employment, suffer any impairment of civil service status, seniority, retirement and other rights of employment, without interruption of his service within the meaning of chapter thirty-one of the General Laws or of section nine A of chapter thirty of the General Laws, and without reduction in his salary grade and compensation, notwithstanding any change in his title or duties made as a result of such transfer. *Approved September 1, 1970.*

Chap. 893. AN ACT RELATIVE TO CERTIFICATES OF COMPLIANCE UNDER THE ALCOHOLIC BEVERAGES CONTROL LAW.

Be it enacted, etc., as follows:

Section 18B of chapter 138 is hereby amended by adding the following sentence:—A holder of a certificate of compliance under the provisions of this section shall not be construed to be a licensee within the commonwealth under the provisions of this chapter.

Approved September 1, 1970.