

HOUSE No. 94

The Commonwealth of Massachusetts

DEPARTMENT OF AGRICULTURE,
STATE HOUSE, BOSTON, December 5, 1927.

To the General Court of the Commonwealth of Massachusetts.

In accordance with the provisions of section 33 of chapter 30 of the General Laws, as amended by section 43 of chapter 362 of the Acts of 1923, copies of the recommendations for legislation to be contained in the annual report of this department (Pub. Doc. No. 123) are submitted herewith, together with drafts of bills embodying the legislation recommended. These drafts have been submitted to the counsel for the House of Representatives, as required by law.

Very truly yours,

ARTHUR W. GILBERT,
Commissioner.

RECOMMENDATIONS.

AMENDMENT TO THE LAW RELATIVE TO OLEOMARGARINE.

The General Laws relative to butter, cheese and their imitations, including oleomargarine, as found in chapter 94, sections 49-63, inclusive, have retained in most respects their original form for a period approximating fifty years, and several important changes have taken place in the manufacture and distribution of these food products during this time which would appear to necessitate some slight change in the law. The common use among the manufacturers of oleomargarine, of cartons or wrappers for incasing prints, bricks or rolls of oleomargarine in convenient sizes for sale purposes, would necessitate a slight change in the size of letters contained in the brand or marks on the carton or wrapper. Section 49, chapter 94 of the General Laws, provides that each stamp, label or mark shall be in printed letters in a straight line of plain, uncondensed gothic type, not less than one-half inch in length. The Federal law provides that "cartons shall be branded on the two principal panels with the word oleomargarine in plain gothic letters of not less than twenty point type." "Twenty point type" measures slightly over one-quarter inch in length. It would be impossible, with the average size carton, which is convenient for sales purposes, to comply strictly with the Massachusetts law and print upon the carton the word oleomargarine, in printed letters of uncondensed gothic type, not less than one-half inch in length.

It would seem desirable at this time to change section 49, chapter 94 of the General Laws, to conform with the Federal law, in order that a specially branded or marked carton will not be required of the manufacturer for sale and distribution in Massachusetts. The carton containing the word oleomargarine in plain, gothic letters of not less than twenty point type will emphasize sufficiently the fact that the product is not butter, and will satisfy the intent of the law in so far as the requirement of "special notice to the buyer"

is concerned. It would also seem desirable to amend section 55 for the purpose of clarifying the law.

It is, therefore, recommended that sections 49 and 55 of chapter 94 of the General Laws be amended so as to make our law more uniform with respect to the Federal oleo-margarine laws.

Accompanying the recommendations of the Commissioner of Agriculture. Agriculture. Dec. 8, 1927.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Eight.

An Act relative to the Sale of Oleomargarine.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section forty-nine of chapter ninety-four
2 of the General Laws is hereby amended by striking out
3 all after the word "of" in the fourteenth line and in-
4 serting in place thereof the words:— not less than
5 twenty point plain gothic type, — so as to read as fol-
6 lows:— *Section 49.* Whoever himself or by his agent
7 sells, exposes for sale or has in his possession with intent
8 to sell oleomargarine shall have the word "oleomarga-
9 rine" or "butterine" so stamped, labelled or marked
10 that said word cannot be easily defaced, upon the top,
11 side and bottom of each tub, firkin, box or package con-
12 taining any of said oleomargarine. Whoever, himself or
13 by his agent, exposes or offers for sale oleomargarine not
14 in the original package shall attach thereto in a con-
15 spicuous place a label bearing the words "imitation
16 butter," or the word "oleomargarine" or "butterine."
17 In retail sales of oleomargarine not in the original
18 package the seller shall attach to each package so sold,

19 and shall deliver therewith to the purchaser, a label or
20 wrapper bearing in a conspicuous place upon the outside
21 of the package the words "imitation butter," or the
22 word "oleomargarine" or "butterine." Each such stamp
23 label or mark shall be in printed letters in a straight
24 line of not less than twenty point plain gothic type.

1 SECTION 2. Said chapter ninety-four is hereby fur-
2 ther amended by striking out section fifty-five and
3 inserting in place thereof the following: —

4 *Section 55.* Whoever exposes for sale oleomargarine
5 which is not marked and distinguished by all the marks,
6 words and stamps required by section forty-nine, or
7 whoever does not have upon the exposed contents of
8 each opened tub, package or parcel of oleomargarine a
9 conspicuous placard with the word "oleomargarine"
10 printed thereon in plain, uncondensed gothic letters,
11 not less than one inch long, or whoever himself or by
12 his agent sells or offers for sale any oleomargarine to any
13 person who asks or sends for butter, shall be punished
14 by a fine of one hundred dollars.

