

HOUSE No. 534.

Bill accompanying the petition of C. Herbert Packard and another for legislation relative to certain drugs, medicines and foods. Public Health. January 20.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

Relative to Prosecutions for the Sale of Certain Adulterated Patent and Proprietary Drugs and Foods.

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. No prosecution shall be begun under
2 chapter seventy-five of the Revised Laws, sections
3 sixteen to twenty-seven, inclusive, nor under chap-
4 ter three hundred and eighty-six of the acts of the
5 year nineteen hundred and six, nor under chapter
6 two hundred and fifty-nine of the acts of the year
7 nineteen hundred and seven, unless the person pur-
8 chasing or taking the drug, medicine, or prepara-
9 tion mentioned in said acts shall seal and deliver
10 to the owner or person from whose possession such
11 drug, medicine or preparation is taken, a portion
12 of such article so taken and a receipt therefor shall

13 be given the collector. The drug, medicine, or prep-
14 aration so taken by such collector shall be there-
15 after analyzed or tested under the direction of the
16 state board of health for the purpose of determining
17 whether it comes within the provisions of the acts
18 before mentioned. If it shall so appear, the said
19 board of health shall cause notice thereof to be
20 given to the party from whom such drug, medicine,
21 or preparation was purchased or obtained, and shall
22 record and preserve as evidence the results of such
23 analysis.

1 SECTION 2. Any person so notified shall have op-
2 portunity to be heard by the state board of health
3 under such rules and regulations as may be pre-
4 scribed by such board, and if it appears that any
5 of the provisions of said acts have been violated,
6 the said board may direct or authorize formal com-
7 plaint to be made to the appropriate judicial tri-
8 bunal having jurisdiction in such cases; but no evi-
9 dence of the result of such analysis or test shall be
10 received if the collector refuses or neglects to seal
11 or deliver a portion of the drug, medicine or prep-
12 aration purchased or taken as aforesaid to the
13 owner or person from whose possession it is taken,
14 nor unless opportunity has been given for a hearing
15 as hereinbefore provided.

1 SECTION 3. Nothing contained in this act shall be
2 deemed to apply to prosecutions for the sale or ex-
3 change of any patent or proprietary medicine or
4 food preparation which has been advertised by the
5 state board of health in accordance with section six
6 of chapter three hundred and eighty-six of the acts
7 of the year nineteen hundred and six.