

HOUSE . . . AN ACT . . . No. 2349

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 20, 1914.

The committee on Mercantile Affairs, to whom was referred the petition (accompanied by bill, House, No. 1478) of the Massachusetts Association of Sealers of Weights and Measures that packages of commodities be marked so as to indicate the contents, report the accompanying bill.

For the committee,

DAVID F. SULLIVAN.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

To require the Marking of Packages containing Foods or
Drugs.

*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. Subject to the variations, tolerances and
2 exemptions set forth in section three of this act, no per-
3 son shall himself, or by his servant or agent, and no
4 corporation or association, shall by its servant or agent,
5 and no person as the agent or servant of another person,
6 corporation or association, shall sell or offer for sale an
7 article for food or drug in package form, unless the net
8 quantity of the contents be plainly and conspicuously
9 marked on the outside of the package in terms of weight,
10 measure or numerical count.

1 SECTION 2. The commissioner of weights and meas-
2 ures is hereby authorized to establish rules and regula-
3 tions for variations, tolerances and exemptions.

1 SECTION 3. The said commissioner of weights and
2 measures shall adopt such variations, tolerances and ex-
3 emptions as shall have been established at the time this

4 act goes into effect, or shall from time to time thereafter
5 be established by the rules and regulations of the board
6 of tolerances established by section three of chapter thirty-
7 nine hundred and fifteen of the acts of congress of the
8 year nineteen hundred and six, together with such further
9 reasonable variations, tolerances and exemptions not
10 covered by the rules of said board of tolerances as may to
11 him seem expedient.

1 SECTION 4. The term " food " as used in this act shall
2 include all articles, whether simple, mixed or compound,
3 used for food, drink, confectionery, or condiment by man
4 or animals. The term " drug " as used herein shall in-
5 clude all medicines and preparations recognized in the
6 United States pharmacopœia or national formulary for
7 internal or external use and any substance or mixture of
8 substances intended to be used for the cure, mitigation
9 or prevention of disease of either man or animals.

1 SECTION 5. This act does not apply to retail sales made
2 from bulk if the quantity is weighed, measured or counted
3 for the purpose of such sale, nor to the sale of milk,
4 cream, or buttermilk in glass jars as provided in section
5 forty-three of chapter sixty-two of the Revised Laws and
6 acts in amendment thereto.

1 SECTION 6. Violations of the provisions of this act
2 shall for a first offense be punished by a fine of not less
3 than ten nor more than fifty dollars, and for each subse-
4 quent offense by a fine of not less than twenty-five nor
5 more than one hundred dollars.

1 SECTION 7. The state commissioner of weights and
2 measures shall have in charge the enforcement of this
3 act.

1 SECTION 8. Before suit is begun, the parties concerned
2 shall be notified and given an opportunity to be heard.

1 SECTION 9. All acts, parts of acts or amendments
2 thereof inconsistent with this act are hereby repealed.

1 SECTION 10. This act shall take effect September
2 three in the year nineteen hundred and fifteen and shall
3 not apply to packages in the hands of the retailer at the
4 time of the passage of this act.