

HOUSE No. 1015

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, Jan. 30, 1925.

The committee on Public Health, to whom was referred so much of the recommendations of the Commissioner of Public Health (House, No. 73) as relates to the examination of samples of food and drugs for determining adulteration and misbranding (accompanied by bill, House, No. 75), report the accompanying bill.

For the committee,

WILLIAM J. BELL.

The Commonwealth of Massachusetts.

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

An Act relative to Analyses or Tests of Samples of Food or Drugs to Determine the Question of Adulteration or Misbranding.

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 one hundred and eighty-nine of chapter ninety-
2 four of the General Laws is hereby amended by striking
3 out, in the eleventh line, the word "findings" and insert-
4 ing in place thereof the words: — results of such analysis
5 or test, — and by striking out, in the thirty-second line,
6 the words "as provided" and inserting in place thereof
7 the words: — if and as required, — so as to read as
8 follows: — *Section 189.* Examination of samples of food
9 and drugs in order to determine by analysis or test
10 whether such articles are adulterated or misbranded
11 within the meaning of sections one hundred and eighty-
12 six to one hundred and ninety-five, inclusive, shall be
13 made under the direction and supervision of the depart-
14 ment or board taking such samples as provided in the
15 preceding section; and if it shall appear from such ex-
16 amination that any of the samples are so adulterated or
17 misbranded, the commissioner of public health or the
18 local board of health need not cause formal complaint
19 to be entered at once, but shall in the case of misbrand-
20 ing, and may in the case of adulteration, cause reasonable

21 notice thereof, together with a copy of the results of such
22 analysis or test, to be given to the party from whom the
23 sample was obtained, to the guarantor, if any, and to the
24 party, if any, whose name appears upon the label as
25 manufacturer, packer, producer, wholesaler, retailer or
26 other dealer. Before any formal complaint is entered,
27 any person so notified shall be given an opportunity to be
28 heard before any person designated by the commissioner
29 of public health or local board of health taking the
30 sample, under such rules and regulations as the depart-
31 ment of public health prescribes. Such notice shall
32 specify the date, hour and place of hearing, and the
33 parties interested therein may appear in person or by
34 attorney. If it is decided that the party whose name
35 appears upon the label, or the guarantor, shall be notified,
36 and such party or guarantor resides without the com-
37 monwealth, the notice shall be sent by mail to such
38 address as, with due diligence, may be obtained. If after
39 such opportunity to be heard it appears that any pro-
40 vision of sections one hundred and eighty-six to one
41 hundred and ninety-five, inclusive, has been violated, the
42 department of public health or local board of health may
43 make or authorize to be made a formal complaint to a
44 court or justice having jurisdiction in such cases, but no
45 evidence of the result of such analysis or test shall be re-
46 ceived if the agent described in the preceding section has
47 refused or neglected to seal and deliver the sample, or
48 part thereof, if and as required in the preceding section.

