

SENATE No. 180.

[Ordered printed on motion of Mr. DURANT.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-five.

AN ACT

To prevent the Sale of Adulterated Spirituous or
Intoxicating Liquors.

*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 nine of chapter one hun-
2 dred of the Public Statutes is hereby amended by
3 striking out all the words of the third clause
4 thereof and substituting therefor the following:
5 “*Third.* That no spirituous or intoxicating
6 liquor shall be sold, exchanged or delivered, or
7 exposed, offered or kept for sale, exchange or
8 delivery, upon the premises described in any
9 license except such as are of good standard
10 quality, and such as are free from any adulter-
11 ation prohibited in the Pharmacopœia of the

12 United States, or under the several acts relating
13 to adulteration of food and drugs for either a
14 food or a drug. And if marked, labelled or
15 represented as being the product of any foreign
16 country, they shall also be of the standard quality
17 required for their legal sale for domestic use in
18 the country of their reputed production. All such
19 liquors as are sold, exchanged or delivered, or
20 which are exposed or kept for sale, exchange or
21 delivery, under a license of the sixth class shall
22 be of the quality required for their sale as drugs
23 under the provision of the acts relating to the
24 adulteration of food and drugs.

25 "All spirituous or intoxicating liquor shall be
26 deemed, for the purpose of this act, not to be of
27 good standard quality, if upon analysis it shall be
28 found: in the case of a malt liquor or beer, to be
29 anything other than the alcoholic liquid the
30 legitimate and exclusive product of the fermen-
31 tation with yeast of a wort made from barley,
32 malt and hops; except it be a malt liquor or beer
33 distinctly labelled or otherwise plainly designated
34 by a distinctly qualifying descriptive name, in
35 which case the malt may be wholly or in part
36 replaced by any wholesome malt substitute, which
37 is plainly indicated by the descriptive name. It
38 shall also be deemed not to be of good standard
39 quality if it be cloudy with yeast, or if it contains
40 more than fifty grains of sodium chloride to the
41 gallon.

42 "In the case of cider, to be anything other
43 than the alcoholic liquid, the legitimate and ex-

44 clusive product of the fermentation of pure apple
45 juice.

46 “In the case of a wine, to be anything other
47 than the alcoholic liquid, the legitimate and ex-
48 clusive product of the fermentation of the pure
49 juice of fresh grapes, and containing from ten to
50 fourteen per cent. by weight or twelve and four-
51 tenths to seventeen and three-tenths per cent. by
52 volume at sixty degrees Fahrenheit of absolute
53 alcohol; except it be a wine distinctly labelled or
54 otherwise plainly designated as a ‘fortified sweet
55 wine,’ in which case it must be one which has
56 been fortified with wine spirits, and which is in
57 full accord with the ‘regulations and instruc-
58 tions’ issued by the United States internal
59 revenue bureau concerning the ‘fortification of
60 pure sweet wines’ under the revenue acts of the
61 United States; or except it be a wine distinctly
62 labelled or otherwise plainly designated by a dis-
63 tinctly qualifying descriptive name as the product
64 of some other fruit juice than the pure juice of
65 fresh grapes; in which case it must be the pro-
66 duct of the fermentation of the pure juice of the
67 fruit plainly indicated in its descriptive name, but
68 it shall be of like character in all other respects
69 to that produced from grapes, except such as are
70 necessarily implied in its descriptive qualifying
71 name.

72 “In the case of brandy, to be anything other
73 than the alcoholic liquid, the legitimate and ex-
74 clusive product obtained by distillation from
75 fermented unmodified juice of fresh grapes, and

76 which since its distillation has been stored for at
77 least four years, and which contains from thirty-
78 nine to forty-seven per cent. per weight or forty-
79 six to fifty-five per cent. by volume at sixty
80 degrees Farenheit of absolute alcohol; except it
81 be distinctly labelled or otherwise plainly de-
82 signated by a distinctly qualifying descriptive
83 name as apple, peach or some such like fruit
84 brandy other than grape; in which case it must
85 be an alcoholic liquor of like character in all
86 other respects to that produced from grapes,
87 except such as are necessarily implied in its
88 descriptive name.

89 “In the case of whiskey, to be anything other
90 than the alcoholic liquid, the legitimate and ex-
91 clusive product obtained by distillation from a
92 mash of grain, wholly or in part malted and
93 which since its distillation has been stored for
94 at least two years and which contains from
95 forty-four to fifty per cent. by weight, or fifty
96 to fifty-eight per cent. by volume at sixty de-
97 grees Farenheit of absolute alcohol, and which
98 is distinctly labelled or otherwise plainly desig-
99 nated as a bourbon, rye, corn or other brand of
100 whiskey, by a distinctly qualifying descriptive
101 name, according to its manner of production.

102 “In the case of gin, to be anything other than
103 the alcoholic liquid, the legitimate and exclusive
104 product obtained by distillation from a fermented
105 mash of grain, wholly or in part malted and rec-
106 tified from juniper berries, and which contains
107 from forty-four to fifty per cent. by weight, or

108 fifty to fifty-eight per cent. by volume at sixty
109 degrees Farenheit of absolute alcohol, except
110 it be distinctly labelled or otherwise plainly des-
111 igned by a distinctly qualifying descriptive
112 name as produced in some other manner, in
113 which case it shall be an alcoholic liquor of like
114 character in all other respects, except such as are
115 necessarily implied in its descriptive name.

116 “In the case of rum, to be anything other than
117 the alcoholic liquid, the legitimate and exclusive
118 product obtained by distillation from fermented
119 molasses or other product of the sugar cane, and
120 which contains from forty-four to fifty per cent.
121 by weight or fifty to fifty-eight per cent. by
122 volume, at sixty degrees Farenheit, of absolute
123 alcohol.”

1 SECT. 2. Chapter one hundred of the Public
2 Statutes is hereby amended by striking out the
3 words of section twenty-nine thereof and substi-
4 tuting therefor the following: —

5 “*Section 29.* The governor, with the advice
6 and consent of the council, shall appoint and com-
7 mission a competent person for the inspection of
8 spirituous or intoxicating liquor, upon whom
9 shall devolve all of the duties hitherto incumbent
10 upon the inspector and assayer of liquors.

11 “The said commissioner shall hold office for the
12 term of five years, beginning with the first day
13 of May in the year of his appointment, and he
14 shall receive from the treasurer an annual salary
15 of five thousand dollars, and his necessary travel-

16 ling expenses incurred in the performance of his
17 official duties. He shall, during the month of
18 January in each year, report in print to the
19 governor as to all of his official actions of the pre-
20 ceding year, with such suggestions and recom-
21 mendations as he may deem expedient. Before
22 receiving his commission, the person appointed
23 shall file in the office of the treasurer of the Com-
24 monwealth a bond to the Commonwealth, in the
25 penal sum of five thousand dollars, with two or
26 more sureties, to be approved by the treasurer,
27 for the faithful performance of the duties of his
28 office. The said commissioner may appoint and
29 employ such agents, and incur such expenses, not
30 exceeding fifteen thousand dollars in each year,
31 as may be necessary for the proper discharge
32 of his official duties.

33 “Such agents shall, before entering upon their
34 duties, be sworn and give bonds satisfactory to
35 the treasurer of the Commonwealth for the faith-
36 ful performance of their duties, and they shall
37 receive such compensation for their services as
38 the commissioner may deem just, but no such
39 agents shall be paid more than five dollars per
40 day, in addition to his necessary travelling
41 expenses.

42 “It shall be the duty of the said commissioner,
43 by himself or his sworn agent, to inspect or
44 analyze such spirituous or intoxicating liquors as
45 are sold, exchanged or delivered, or which are
46 exposed, offered, or kept for sale, exchange or
47 delivery; and for the purpose of such inspection

48 or analysis he shall, for himself or his sworn
49 agent, have free access, ingress and egress to and
50 from any place or vehicle in which intoxicating
51 liquor is authorized to be sold, and he may upon
52 tender by himself or his sworn agent, of the
53 usual commercial value of the same, take samples
54 of such liquor sufficient for his inspection or
55 analysis. At the time of taking a sample for
56 inspection or analysis upon the request of the
57 person from whose custody the sample is taken,
58 a proper container having been furnished and a
59 satisfactory written receipt therefor from the said
60 person having been given, he shall return to the
61 said person a sealed and labelled portion of the
62 sample which he has taken. In the performance
63 of his official duties, by himself or his sworn
64 agent, he shall have the like powers and authority
65 as are conferred upon inspectors and agents
66 appointed under the several statutes relating to
67 the inspection of food, drugs, milk and other
68 dairy products or imitations thereof; and whoever
69 makes, uses or has in his possession any imitation
70 or counterfeit of any seal, or die thereof, used by
71 the commissioner or his sworn agent, or whoever
72 changes or in any manner tampers with any
73 sample taken, sealed or labelled by the commis-
74 sioner or his sworn agent, or whoever hinders,
75 obstructs or in any way interferes with the com-
76 missioner in the performance of his duty, by him-
77 self or his sworn agent, shall be liable to the
78 same penalties as are in like cases made and pro-
79 vided for under chapter fifty-seven, section

80 eight, of the Public Statutes, as amended by
81 chapter three hundred and ten, section five, of
82 the acts of eighteen hundred and eighty-four,
83 and by chapter three hundred and eighteen, sec-
84 tion four, of the acts of eighteen hundred and
85 eighty-six.

1 SECT. 3. All acts and parts of acts inconsis-
2 tent with the provisions of this act are hereby
3 repealed.

1 SECT. 4. This act shall take effect upon its
2 passage.