

# HOUSE . . . . No. 254

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Bill accompanying the recommendations of the State Department of Health (House, No. 245). Public Health. January 8.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

### AN ACT

Relative to the Adulteration of Drugs and Food.

*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 sixteen of chapter seventy-five of  
2 the Revised Laws, as amended by chapter three hundred  
3 and sixty-seven of the acts of the year nineteen hundred  
4 and three is hereby further amended by striking out  
5 said section and substituting the following, so that said  
6 section will read:— *Section 16.* No person, himself or  
7 by his servant or agent shall manufacture, offer for sale,  
8 sell, or have in his custody or possession with intent to  
9 sell, exchange, or deliver within this commonwealth,  
10 any drug or article of food which is adulterated within  
11 the meaning of section eighteen.

1 SECTION 2. Section eighteen of chapter seventy-five  
2 of the Revised Laws, as amended by section one of chap-

3 ter five hundred and twenty-eight of the acts of the  
4 year nineteen hundred and ten, and by chapter two  
5 hundred and seventy-two of the acts of the year nineteen  
6 hundred and thirteen, is hereby further amended by  
7 striking out the words "and the percentage", and the  
8 words "and per cent", so that said section will read:—

9 *Section 18.* A drug shall be deemed to be adulterated:

10 1. If, when sold under or by a name recognized in the  
11 United States pharmacopoeia, it differs from the standard  
12 of strength, quality or purity prescribed therein, unless  
13 the order therefor requires an article inferior to such  
14 standard or unless such difference is made known or so  
15 appears to the purchaser at the time of the sale. 2. If,  
16 when sold under or by a name not recognized in the  
17 United States pharmacopoeia but which is found in some  
18 other pharmacopoeia or other standard work on materia  
19 medica, it differs materially from the standard of strength,  
20 quality or purity prescribed in such work. 3. If its  
21 strength, quality or purity differs materially from the  
22 professed standard under which it is sold.

23 Food shall be deemed to be adulterated: 1. If any  
24 substance has been mixed with it so as to reduce, depre-  
25 ciate or injuriously affect its quality, strength or purity.  
26 2. If an inferior or cheaper substance has been substi-  
27 tuted for it wholly or in part. 3. If any valuable or  
28 necessary constituents or ingredients have been wholly  
29 or in part taken from it. 4. If it is in imitation of or is  
30 sold under the name of another article. 5. If it consists  
31 wholly or in part of a diseased, decomposed, putrid,  
32 tainted or rotten animal or vegetable substance or article,  
33 whether manufactured or not, or in case of milk, if it  
34 is produced by a diseased animal. 6. If it is colored,  
35 coated, polished or powdered in such a manner as to  
36 conceal its damaged or inferior condition, or if by any

37 means it is made to appear better or of greater value  
38 than it is. 7. If it contains any added substance or  
39 ingredient which is poisonous or injurious to health.  
40 8. If it contains any added antiseptic or preservative  
41 substance, except common table salt, saltpetre, cane  
42 sugar, alcohol, vinegar, spices, or in smoked food, the  
43 natural products of the smoking process; but this para-  
44 graph shall not be construed as permitting the use of  
45 cane sugar in maple syrup, maple sugar, honey, cocoa,  
46 or any other food product in which the presence of cane  
47 sugar as a preservative is unnecessary. Furthermore, the  
48 provisions of this definition shall not apply to any such  
49 article if it bears a label on which the presence of every  
50 such antiseptic or preservative substance are clearly  
51 indicated, nor shall it apply to such portions of suitable  
52 preservative substances as are used as a surface applica-  
53 tion for preserving dried fish or meat, or as exist in  
54 animal or vegetable tissues as a natural component  
55 thereof, but it shall apply to additional quantities. This  
56 act shall be construed as in addition to and not super-  
57 seding or annulling any of the provisions of existing laws.  
58 The provisions of this and the two preceding sections  
59 relative to food shall not apply to mixtures or compounds  
60 not injurious to health and which are recognized as  
61 ordinary articles or ingredients of articles of food, if every  
62 package sold or offered for sale is distinctly labelled as a  
63 mixture or compound with the name of each ingredient  
64 therein.

1 SECTION 3. Section twenty-four of chapter seventy-  
2 five of the Revised Laws, as amended by chapter seven  
3 hundred and ninety-five of the acts of the year nineteen  
4 hundred and thirteen, is hereby further amended by strik-  
5 ing out said section and substituting the following, so

6 that said section will read:— *Section 24.* Whoever  
7 violates any of the provisions of sections sixteen to  
8 twenty-four inclusive, shall be punished by a fine of not  
9 less than fifteen dollars nor more than five hundred  
10 dollars.

1 SECTION 4. This act shall take effect upon its passage.