

May, 1907

Bulletin 146

Kansas State Agricultural College

Agricultural Experiment Station

Kansas Law Regulating the Sale of Concentrated Feeding Stuffs.

BY

C. W. Burkett and J. T. Willard

MANHATTAN

PUBLISHED BY THE COLLEGE PRINTING DEPARTMENT

Application for Registration of Concentrated Commercial Feeding Stuff

..... 190.....

Director C. W. Burkett,
Agricultural Experiment Station,
Manhattan, Kansas.

Application is hereby made for registration of the concentrated feeding stuff described below, and I enclose \$..... registration fee required:

Name, brand, or trade-mark,.....

Name and address of manufacturer,.....

The above-named concentrated feeding stuff contains the following substances, obtained from the sources named, and none other

The retail selling price of the above-named feed is.....
to.....

I have sent you sample of the above-described concentrated feeding stuff for analysis, and guarantee that the quality of the said feeding stuff as placed upon the market will be maintained equal to that of the sample furnished.

Signature of applicant.....

Address.....

Kansas Law Regulating the Sale of Concentrated Feeding Stuffs

By C. W. Burkett and J. T. Willard

INTRODUCTION

In this special bulletin is given the law regulating the sale of concentrated commercial feeding stuffs that are sold, held for sale, or offered for sale within the State of Kansas. Its purpose is to secure pure feeding stuffs for all classes of domestic animals.

The law provides for the registration of the feeding stuffs in a way that is not burdensome to the manufacturer, and controls the sale of concentrated feeding stuffs so that the consumer may know what he is buying, and at the same time it protects him against the misbranding of feeding stuffs and every form of adulteration.

The correspondence of the Experiment Station has amply shown that the feeders of the State are in many cases being imposed upon in respect to the quality of the concentrated feeding stuffs sold them. The absence of any law providing for inspection of milled feeds has made our State an easy prey to unscrupulous manufacturers and dealers. Some feeders have realized this and have protected themselves in a measure by having cottonseed-meal, oil-meal, etc., analyzed at their own expense. Such analyses have shown almost invariably that the feed was not up to the standard claimed by the seller. With a view to protecting feeders of stock and honest dealers, the Station authorities secured the introduction and passage of the concentrated feeding-stuffs law at the recent session of the legislature, which will be in full effect the first of next July. The law in full follows, and it is hoped that it will be carefully studied by farmers, millers and dealers in order that its simple provisions may be understood and acted upon. The law does not require as complete a statement concerning the composition of feeding stuffs as some other states, but the points included are sufficient to safeguard the public. No extended argument will be entered into at this time as it is believed that the provisions of the law will justify themselves to all thinking readers.

CONCENTRATED FEEDING STUFFS

An Act regulating the sale of concentrated feeding stuffs, forbidding their adulteration, providing for their inspection and analysis, providing penalties for its violation and repealing all acts or parts of acts in conflict with it.

Be it enacted by the Legislature of the State of Kansas:

- Definitions.** SECTION 1. For the purposes of this act concentrated feeding stuffs are declared to be all materials sold offered for sale or held for sale within the state of Kansas and designed for the nutrition of animals of any species, if such materials have been subjected to any grinding, milling or mixing process, or to any process whereby the composition of the original material is altered. Condimental feeds are hereby expressly designated as coming under the provisions of this act, and all forms of animal life except man are included under the term "animals". The term "brand" as used in this act is to be taken to mean, first, the name, trademark, or other designation under which a concentrated feeding stuff is sold, and second, the feeding stuff itself.
- Registration.** SEC. 2. Every brand of concentrated feeding-stuff offered or held for sale or sold within the state of Kansas shall be registered in the office of the director of the agricultural experiment station of the Kansas state agricultural college, and each sale of any concentrated feeding-stuff not so registered shall constitute a separate violation of this act. The manufacturer or seller of any concentrated feeding-stuff shall apply to the said director of the experiment station for registration and analysis of the feeding-stuff and in his application for such registration and analysis he shall submit a statement of the several ingredients used in preparing the concentrated feeding-stuff, and the sources from which they are obtained, which information shall be filed for reference, but shall not be disclosed by the said director if none of the ingredients are unwholesome, deleterious or fraudulent. If the feeding-stuff, as described by the manufacturer or seller, is found to consist of wholesome materials, and the name or brand used to designate it is not false or misleading, the said director of the experiment station shall register the name, brand or other designation of the concentrated feeding-stuff, its guaranteed composition in the terms stated in this section, and the name and address of the manufacturer or seller applying for the registration. Such registration shall be made annually, and the manufacturer or seller shall pay a registration fee of ten dollars for each brand of concentrated feeding-stuff registered; provided, that any manufacturer of condimental or medicinal stock foods shall pay a registration fee of fifty dollars for each brand selling for more than forty dollars per ton.
- Statement.**
- Fees.**
- Names of dealers to be furnished.** SEC. 3. Whenever requested by the said director of the experiment station it shall be the duty of the manufacturer or seller who secured registration of a brand of concentrated feeding-stuff, to furnish said director a true and complete list of the names and places of business of all dealers in said brand of concentrated feeding-stuff who purchase it of the said manufacturer or seller, and reside within the state of Kansas. Failure to furnish such list shall be sufficient ground for revocation of the registration of said concentrated feeding-stuff.
- Penalty.**
- Label.** SEC. 4. Every sack, box, carton or other package of concentrated feeding-stuff offered or held for sale or sold within the state of Kansas shall bear a distinctly printed and conspicuous label in the English language which shall state the name and address of the manufacturer or seller, the

registered name, trademark or other designation of the concentrated feeding-stuff, the net weight of the package, and the guaranteed percentage of fat and of protein.

Inspection.

SEC. 5. An inspection tax shall be collected upon all concentrated feeding-stuffs, imported into the state of Kansas, that is sold, offered for sale or held for sale within the state of Kansas, which tax shall be at the rate of twenty-five cents per ton, except as hereinafter stated. Every sack, box, carton or other package of concentrated feeding-stuff, imported into the state of Kansas, that is sold, offered for sale, held for sale, or in the possession of any one within the state of Kansas, shall bear at least one tag certifying that the tax aforesaid has been paid on one hundred pounds or a fraction thereof. If any package contains more than one hundred pounds it shall bear one tag for each one hundred pounds or fraction thereof, and in case the concentrated feeding-stuff is sold in bulk one tag shall be delivered with each one hundred pounds or fraction thereof. All tags required under the provisions of this section shall be obtained from the aforesaid director of the experiment station in lots of four hundred or multiples thereof, and he shall receive from the manufacturer or seller five dollars for each four hundred so furnished. Such tags shall be good until used, but counterfeiting them or using them more than once is prohibited. The tax so collected, together with all registration fees collected, shall be used so far as may be necessary in defraying the expenses of inspection and analysis of concentrated feeding-stuffs, as hereinafter provided, and if any residue remains it shall be turned into the general funds of the experiment station aforesaid.

Inspection Analysis.

SEC. 6. In so far as the revenues provided by this act or otherwise may suffice: it shall be the duty of the chemist of the experiment station aforesaid to make, or cause to be made, such inspection and analysis of concentrated feeding-stuffs as in his judgment may be deemed necessary to ascertain whether or not manufacturers and others are complying with all the provisions of this act. Toward this end he or his authorized deputies shall procure annually at least one sample of each brand of concentrated feeding-stuff registered for sale within the state of Kansas, and shall make or cause to be made an analysis of the same according to the methods of the association of official agricultural chemists, and a certified statement of the results of such analysis shall be final evidence in any legal action within the state of Kansas, concerning such concentrated feeding-stuff.

Sampling Analysis.

SEC. 7. In sampling concentrated feeding-stuffs in lots of ten or less packages, portions shall be taken from each package, in lots of more than ten packages and not more than five tons samples shall be taken from not less than ten packages and from not less than ten per cent of the packages. In lots of over five tons, portions shall be taken from not less than twenty packages. In sampling concentrated feeding-stuffs in bulk, not less than ten portions shall be drawn, and these from various parts so as to represent fairly the whole. The portions drawn shall be carefully mixed and from the mixture two samples of about two pounds each reserved and placed in sealed bottles or jars, and accurately labeled. One of these samples shall be delivered to the owner of the concentrated feeding-stuff, or his representative, the other taken for the use of the chemist of the experiment station. Sampling shall be during ordinary business hours and the owner of the concentrated feeding-stuff or his representative may be present, but any refusal by

such owner or his representative to permit sampling shall be taken as sufficient evidence of violation of this law by him.

Penalties for violation of law.

SEC. 8. Any manufacturer, seller or holder of concentrated feeding-stuffs who shall fail to comply with all the provisions of this act, or who shall sell, offer for sale or hold for sale any concentrated feeding-stuffs the composition of which is not in accordance with that guaranteed, upon conviction shall be deemed guilty of a misdemeanor and fined not less than fifty dollars nor more than two hundred dollars, and costs of the first offense, and not less than one hundred dollars, nor more than five hundred dollars and costs for each subsequent offense; provided, that any seller shall be exempt from the penalty for sale of concentrated feeding-stuffs that are below the guaranteed standard if he has a written guarantee from the manufacturer or seller of the concentrated feeding-stuff that said feeding-stuff is registered and of the guaranteed composition, if said manufacturer or seller is a resident of the state of Kansas. Suit may be brought for the recovery of penalties under the provisions of this act in the district court of the county where the offense is alleged to have been committed, and shall be prosecuted by the county attorney in the name of the state of Kansas, upon complaint of the said director of the experiment station or of some reputable citizen of the county. Each sale shall constitute a separate offense. Penalties recovered under this act shall be turned into the school fund of the county wherein the offense was committed. In cases involving the composition of the concentrated feeding-stuff a deficiency not greater than one-fifteenth of the guaranteed percentage of any ingredient shall not be taken as evidence of fraudulent intent, but the seller of any concentrated feeding-stuff that does not possess the composition guaranteed shall be liable for damages resulting to the user in consequence thereof.

Recovery of penalties.

Tolerance of deficiency.

Publication.

SEC. 9. The experiment station aforesaid shall publish at least annually a bulletin giving a list of the concentrated feeding-stuffs registered for sale in this state with their guaranteed composition, and such other information as may be deemed valuable to the public concerning them and their use. This bulletin shall also contain a list of the manufacturers and sellers of concentrated feeding-stuffs in this state according to the statements secured under the provisions of section 3.

Adulteration forbidden.

SEC. 10. The adulteration of any concentrated feeding-stuff by the addition of foreign mineral matter, or by the addition of foreign animal or vegetable matter of little or no nutritive value, and the use or addition of substances poisonous or deleterious to animals is forbidden. This section shall not be so construed as to prevent the compounding and sale of balanced feeds or condiments, the composition of which has been duly declared and approved in accordance with the provisions of section 2.

Provision

SEC. 11. The provisions of this act shall not apply to goods sold by one manufacturer to another, nor to feed ground or mixed by the consumer of the same.

SEC. 12. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 13. This act shall go into effect on the first day of July, 1907, after its publication in the statute-book.

DIRECTIONS FOR REGISTRATION

The registration blank herewith is an example of such blanks as are sent to each manufacturer, who must furnish the information at the time his products are registered with the director of the Agricultural Experiment Station,

After July 1, 1907, the provisions of this act must be carried out by the manufacturer. The registration fee must be paid for each brand of feeding stuffs that is sold in the State; and, in addition to this registration fee, all concentrated commercial feeding stuffs that are imported into the State and sold, offered for sale, or held for sale, including condimental and medicinal stock foods, must bear a tag stating that the tax has been paid.

These tags can be used but once; and each and every package under one hundred pounds must bear a tag. All packages over one hundred pounds must bear a tag for each hundred pounds or fraction thereof. The tags will be obtained from the director of the Agricultural Experiment Station, in accordance with the provisions of the bill.

ANALYSIS AND INSPECTION

The law provides that the Experiment Station shall analyze feeding stuffs submitted for registration. The analysis contemplated is only that necessary to furnish data required for the label, *viz.*, the estimation of protein and fat. The law further makes it the duty of the chemist of the Station to make or cause to be made such inspection and analysis of the several brands of feeding stuffs on the market as may be necessary in order to ascertain whether the law is being obeyed or not. One provision is that the label on the package shall show the guaranteed composition. It is very important, therefore, that the original sample sent for analysis be not one specially selected to make a good showing, but one which represents what the manufacturer can attain regularly. It is better to fulfil one's professions, even if the claim is not quite so pretentious, than to guarantee something extra and fail to attain the standard.

Concerning the inspection contemplated it may be said that the object will be to detect violators of the law, and this will be in the interest of the feeder and of the honest feed manufacturer or dealer. A most important feature of the working of the law, if enforced, will be that the dealer who wishes to sell his products on their merits and to give honest weights will be protected from the dishonest competition of the seller of short-weight packages and adulterated feeds. While the purpose of the law is primarily to safeguard the feeder, it is no less important as a protection to honest tradesmen.

It is manifestly impossible for our inspectors to be present at all times in all parts of the State, and it will not be possible to make many analyses of each brand of feeding stuff on sale in the State. It is, therefore, evident that the hearty cooperation of those whose interests are conserved by the law will be a potent aid in its enforcement. Persons knowing of violations of the law or suspecting them are invited to correspond with us in reference thereto, that abatement of the evil and punishment of the guilty may be secured. A few convictions will have a salutary effect. It is not necessary, however, to depend on the Experiment Station altogether. Any reputable citizen of the county where the offense is committed may make complaint to the county attorney, and all violations of the law except those requiring chemical analysis for their proof may be punished without the assistance of the Station.

It must be borne in mind that it is not practicable to make feeds perfectly uniform, and a manufacturer's output must not be judged by one or two packages. To secure justice to millers and dealers the law prescribes a mode of sampling that is designed to prevent errors of judgment by insuring that the product shall be fairly represented in the composite sample.

It will be noted that a distinction is made between concentrated feeding stuffs produced in the State and those imported into it. All feeds, without exception, that have been subjected to any grinding, milling or mixing process, or to any process whereby the composition of the original material is altered, must bear a printed label which shall state the name and address of the manufacturer, the name of the feed, the net weight of the package, and the guaranteed percentage of fat and protein. In addition to the label, all such feeds imported into the State of Kansas and sold, offered for sale, held for sale or in the possession of any one within the State, must bear at least one tag certifying that the tax has been paid on one hundred pounds or a fraction thereof. No one can be in possession of such imported concentrated feeding stuffs upon which the inspection tax has not been paid without becoming liable to the penalties set forth in section eight of the law, except as provided in section eleven.

Especial attention may be directed to the provision that conditional feeds come within the scope of this law, and druggists, grocers and others who are not dealers in feeds in general must be on their guard against illegal traffic in this class of goods. Every brand must be separately registered and every package imported bear at least one tax tag when sold.