

BULLETIN No. 148.

**KANSAS LAW REGULATING THE SALE OF
COMMERCIAL FERTILIZERS.**

BY

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IN this special bulletin the law is given regulating trade in commercial fertilizers that are sold, held for sale or offered for sale within the state of Kansas. It provides for the registration of commercial fertilizers in a way that is not burdensome to the manufacturer, and controls their sale so that the consumer may know what he is buying, and at the same time it protects him against misbranding and false guaranties of composition.

The use of commercial fertilizers in this state has not yet become very extensive and the need of a fertilizer control does not seem to the people of the state at large as of much necessity. There are, however, considerable amounts used in certain localities, and doubtless this fact led to the introduction and passage by the legislature four years ago of the law regulating their sale. The framer of the law, however, did not profit by the experience of other states, and the enactment was very defective in its provisions. The law presented in this bulletin was designed to correct these defects and to place this state in line with others that have made adequate legislation. Fertilizer legislation has been very carefully considered by scientific men who have had large experience with the control of eastern states. These men have agreed upon a number of points which every fertilizer law should embody, and these have all been included in the new law. It is hoped that after administration it will be found inferior to none in the country. In the purchase of fertilizers the user is almost entirely at the mercy of the manufacturer. Fertilizers usually being mixtures of finely ground substances, but little can be judged by mere inspection. Careful chemical analysis is the only means

of ascertaining the value of the fertilizer. Fertilizers are so high in price and the results of one's labor are so often dependent upon their quality that protection against dishonest manufacturers has long been recognized as necessary. This protection is not only of advantage to the farmer, but also to the honest manufacturer.

Following is the law:

CHAPTER 217.-Laws of 1907.

RELATING TO THE MANUFACTURE AND SALE OF FERTILIZERS.

AN ACT providing for the registration, inspection and taxation of commercial fertilizers, providing punishments for violation of its provisions, and repealing all acts or parts of acts in conflict therewith.

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

SECTION 1. Any substance shall be deemed to be a commercial fertilizer if by reason of its chemical composition it is sold, offered or held for sale for the purpose of increasing the crops produced by land. The provisions of this

Definitions.

act shall not apply to raw materials in the hands of manufacturers, nor to salt, lime, gypsum, or the dung of domestic animals, when sold as such, and each unmixed with anything else. Nothing in this law shall be construed as preventing any one from mixing commercial fertilizing materials for his own use only, if these have been purchased under official tag and legal label as hereinafter specified. By the term "brand," as used in this act, is to be understood (1) the name, number, trade-mark or other designation under which a fertilizer is sold, and (2) the fertilizer itself sold under such name, number, or trade-mark.

SEC. 2. Except as herein provided, it shall be unlawful within the state of Kansas to sell, offer for sale or possess for sale any commercial fertilizer which has not been officially

Registration. registered by the director of the Agricultural Experiment Station of the Kansas State Agricultural College. The manufacturer or seller of any brand of commercial fertilizer, on application to the said director for registration of the same, shall submit a statement of its guaranteed composition in the following terms: (1)

Statement. The minimum percentage of phosphorus in phosphates soluble in water; (2) the minimum percentage of

phosphorus in reverted phosphates; (3) the minimum percentage of phosphorus in insoluble phosphates; (4) the minimum percentage of total phosphorus; (5) the minimum percentage of potassium in compounds soluble in water; (6) the maximum percentage of chlorin in compounds soluble in water; (7) the minimum percentage of nitrogen in nitrates; (8) the minimum percentage of nitrogen in ammonium salts; (9) the minimum percentage of total nitrogen; and (10) a guaranty that the fertilizer contains no horn, hoof, hair, feathers or other similarly inert nitrogenous matter; but any manufacturer desiring to do so may waive the privilege of stating the percentage of nitrogen in nitrates and nitrogen in ammonium salts. The manufacturer or seller shall also state the sources of the constituents of the brand of fertilizer offered for registration, which statement and the information contained therein shall be recorded for reference, but shall not be disclosed by the said director unless the materials used are such as are liable to lower the standard of the fertilizer or give it deleterious properties. If the materials used in said brand of fertilizer are found satisfactory, and **Sources of constituents.** the guaranteed composition as described above is the same as that previously guaranteed within the period through which a fertilizer law has been in force in the state of Kansas, the said director shall officially register the said brand and its guaranteed composition, and the manufacturer or seller of the said brand shall pay a registration fee of twenty-five dollars. Such registration shall be permanent, unless revoked for cause, and no change may be made in composition guaranteed for the fertilizer or in the general character of the materials used in its manufacture.

SEC. 3. After official registration of any brand of commercial fertilizer, it shall be the duty of the manufacturer or seller securing such registration to notify the director aforesaid of the names and addresses of all dealers **Names of dealers to be furnished.** within the state of Kansas, who will probably sell such brand, so far as shall then be known, and quarterly thereafter to furnish him a revised, complete and true list of dealers in that brand. It shall be the duty of each seller of fertilizers within the state of Kansas, not included in the preceding, to notify the director aforesaid, annually, of the brands of fertilizers which he sells or offers for sale; such notification to be sent on or about January 1 of each year, and at least

quarterly thereafter if additional brands are offered for sale by him. If the manufacturer or seller securing registration of any brand of commercial fertilizer shall fail to give such quarterly information, the said director of the Experiment Station may revoke the registration of such brand.

SEC. 4. Every package of commercial fertilizer sold, exposed or offered for sale, by sample or otherwise, or in the possession of any one within the state of Kansas, shall bear a distinctly printed label in the English language, which shall state:

Label. (1) The name and address of the manufacturer, (2) the brand of the fertilizer, (3) the number of net pounds in the package, and (4) the chemical composition guaranteed by the manufacturer, in the terms set forth in section 2 of this act; and nothing else shall be stated on such label.

SEC. 5. An inspection tax shall be collected upon all commercial fertilizers 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 provided.

Inspection tax. Every package of commercial fertilizer sold, exposed or offered for sale, by sample or otherwise, 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 upon two hundred pounds of the fertilizer, or a fraction of two hundred pounds. If any package contains more than two hundred pounds, it shall bear one tag for each two hundred pounds or fraction thereof; and in case the fertilizer is sold in bulk, one such tag shall be delivered with each two hundred pounds of fraction thereof. All tags required under the provisions of this section shall be obtained from the director of the Experiment Station aforesaid, in lots of two hundred or multiples thereof, and he shall receive from the manufacturer or seller five dollars for each two hundred so furnished. Such tags shall be good until used, but counterfeiting them or using them more than once is prohibited. The director of the Agricultural Experiment Station shall account to the state treasurer, at the close of each month, for all fees collected under this act, and all fees turned in to the state treasury during the fiscal years 1908 and 1909 are hereby appropriated to be applied towards paying the expenses of the Agricultural Experiment Station for such years. Such ex-

penses shall be paid out on warrants drawn by the state auditor on itemized vouchers filed with the state auditor and approved by the director of the Agricultural Experiment Station.

SEC. 6. In so far as the revenues provided for herein or otherwise may suffice, it shall be the duty of the chemist of the Experiment Station aforesaid, personally or by deputies **Inspection and analysis.** duly authorized in writing, to make such inspection of fertilizers sold or offered for sale in the state of Kansas, as in his judgment may be deemed necessary to ascertain whether or not manufacturers and others within this state are complying with all of the provisions of this law. Toward this end he or his authorized deputies shall procure at least one sample annually of each brand of fertilizer registered for sale in this state, 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 brand of commercial fertilizer.

SEC. 7. In sampling fertilizers in lots of ten or less packages, portions shall be taken from each package; in lots of **Sampling for analysis.** 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 fertilizers 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 fertilizer or his representative; the other taken for the use of the said chemist of the Experiment Station. Sampling shall be during ordinary business hours, and the owner of the fertilizer 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 the law by him.

SEC. 8. Any manufacturer, seller or holder of commercial fertilizers who shall fail to comply with all of the provisions of this act, or who shall sell, offer for sale or hold for sale any

commercial fertilizer 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 for 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 fertilizers that are below the guaranteed standard if he has a written guaranty from the manufacturer or seller of the fertilizer that said fertilizer 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 in to the school fund of the county wherein the offense was committed. In cases involving the composition of the fertilizer, 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 fertilizer that does not possess the composition guaranteed shall be liable for damages resulting to the user in consequence thereof.

Penalties for violation of law.

Recovery of penalties.

Tolerance of deficiency.

SEC. 9. The Experiment Station aforesaid shall publish at least annually a bulletin giving a list of the fertilizers 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 fertilizers in this state according to the statements secured under the provisions of section 3.

Publication.

SEC. 10. All acts and parts of acts in conflict with this law are hereby repealed.

SEC. 11. This act shall go into effect on the 30th day of September after its publication in the statute-book.

APPLICATION FOR REGISTRATION OF COMMERCIAL
FERTILIZER.

Director C. W. Burkett,190..
Agricultural Experiment Station, Manhattan, Kan.:

Application is hereby made for registration of the commercial fertil-
izer described below, and I enclose \$25 registration fee required:

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

Name and address of manufacturer.....

The above-named commercial fertilizer is made from the following sub-
stances, and none other.....

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I guarantee that no horn, hoof, hair, feathers or other similarly inert
nitrogenous matter is present in said brand of fertilizer, and that its
composition is as follows:

- (1) Minimum percentage of phosphorus in phosphates soluble
in water,
- (2) Minimum percentage of phosphorus in reverted phosphates,
- (3) Minimum percentage of phosphorus in insoluble phosphates,
- (4) Minimum percentage of total phosphorus,
- (5) Minimum percentage of potassium in compounds soluble in
water,
- (6) Maximum percentage of chlorin in compounds soluble in
water,
- (7) Minimum percentage of nitrogen in nitrates,
- (8) Minimum percentage of nitrogen in ammonium salts,
- (9) Minimum percentage of total nitrogen,

The retail price of the above-named fertilizer is \$. to \$.
per ton.

Signature of applicant.....

Address.....

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DIRECTIONS FOR REGISTRATION.

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

After September 30, 1907, the provisions of this act must be carried out by the manufacturer. The registration fee must be paid for each brand of commercial fertilizer that is sold in the state; and, in addition to this registration fee, all commercial fertilizers sold, offered for sale, or held for sale must bear a tag stating that the tax has been paid.

These tags can be used but once; and each and every package under 200 pounds must bear a tag. All packages over 200 pounds must bear a tag for each 200 pounds or fraction thereof. The tags will be obtained from the director of the Agricultural Experiment Station, in accordance with the provisions of the law.

INSPECTION OF COMMERCIAL FERTILIZERS.

The inspection, sampling and analysis of fertilizers on sale in the state is intrusted to the chemist of the Station. It is obvious, however, that it will be impossible for him or his authorized deputies to inspect all lots of fertilizers sold, and the assistance of all interested in the enforcement of the law is solicited. If one has any reason to suspect an infraction of the law, the Station authorities will be very glad to be placed upon the track of the supposed offender. While the fertilizer business is at present not large in the state, we hope that such growth as it makes will be that of an honest business. A favorable attitude toward the use of commercial fertilizers will be promoted by results obtained from fertilizers having the expected composition and, hence, producing the expected results. The highest interests of the fertilizer trade, therefore, will be served by a faithful enforcement of the fertilizer law. All consumers of fertilizers and all dealers in them should be sure that all goods purchased or sold by them after September 30, 1907, possess a legal label, as described in section 4, and every package must bear the necessary tag or tags showing that the inspection tax has been paid. The means of conducting the inspection and thus protecting the trade and the farmer can be secured to the Station only by the payment

of this tax, and it is unlawful for any one to be in possession of fertilizers upon which this tax has not been paid.

As the sampling of commercial fertilizers is a delicate operation, and no legal measures would be effective unless the samples were taken in the proper way, the Station will not accept for analysis samples taken by others than its authorized inspectors. Manufacturers are entitled to the protection afforded by proper sampling as fully as consumers are to the protection of adequate inspection.