

LIVESTOCK AND POULTRY REMEDIES

Act 134 of 1929

AN ACT to provide for the regulation of the sale of live stock and poultry remedies, defining same; to provide for their licensing and registration, labeling, inspection and analyses; to prohibit the sale of fraudulent or adulterated remedies; to provide for guarantees regarding ingredients; to provide for the collection of license fees from manufacturers of or dealers in these remedies; to provide for penalties for the violation of the provisions of this act; to authorize the expenditure of the funds derived from the license fees, and repeal all acts or parts of acts in conflict.

History: 1929, Act 134, Imd. Eff. May 7, 1929.

The People of the State of Michigan enact:

287.141 Livestock remedies; defined; remedies excepted.

Sec. 1. The term "live stock remedy" shall be held to include all condimental feeds, medicated stock foods, medicinal stock foods, stock food tonics, stock powders, condition powders, conditioners, animal regulators, proprietary medicines, or any preparations of like nature in either solid or liquid form used for any animal except man, and administered internally for the purported purpose of stimulating, invigorating, curing ailments, or other reasons: Provided, That this act shall not apply to remedies prescribed and used by a veterinarian, regularly licensed in Michigan, for use in connection with his own practice, or to the preparation and sale of remedies by registered pharmacist or registered assistant pharmacists operating in licensed drug stores.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5218;—Am. 1931, Act 283, Eff. Sept. 18, 1931;—CL 1948, 287.141.

287.142 Livestock remedies; certificate, contents, filing; sample package, affidavit, filing.

Sec. 2. Before any manufacturer, importer, jobber, firm, association, corporation or person shall sell, offer or expose for sale or distribute in Michigan any live stock remedies, the manufacturer thereof shall file with the commissioner of agriculture a sworn certificate stating: First, name and principal address of the manufacturer or person responsible for placing such live stock remedy on the market; second, the name, brand, or trade mark under which the remedy is to be sold; third, the minimum net contents of the package, lot or parcel of such live stock remedy (expressed by weight in the case of solids and by measure in the case of liquids); and fourth, the English name of each ingredient used in the manufacture of remedy registered: And it is further provided, That when any of the substances, to-wit: Mineral acids; the following elements or their salts,—copper, mercury, lead, chromium, iodine, arsenic and antimony; the following substances or any of their derivatives or preparations,—opium, belladonna, nux vomica, pilocarpus, santonica, areca nut, wormwood, digitalis, strophanthus, calabar bean, aconite, veratrum, croton oil, ergot, cotton root bark, chenopodium, carbon tetrachloride, carbon disulphide, potassium permanganate, phosphorus, and cantharides are included in the ingredients of a live stock remedy, the percentage of such ingredient or ingredients must be stated on the certificate; also that when such substances as common salt, charcoal, sulphur, earth, humus, elevator dust, coal, ashes, soda, oyster shells, oils, or other like substances are used as a "filler," the maximum percentage of each such substance or substances shall be stated; said sworn certificate to be accompanied, when the commissioner of agriculture or his authorized agent shall so request, by a sealed package of such live stock remedy to be sold, offered or exposed for sale, or distributed in this state, and the company or person furnishing said sample shall thereupon make affidavit that the said sample is representative and a true sample of such live stock remedy offered for registration.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5219;—CL 1948, 287.142.

287.143 Livestock remedies; labels; contents, use.

Sec. 3. Every sack, box, carton, bottle or other container of live stock remedy sold, offered or exposed for sale, or distributed within this state, shall have a label affixed thereto in a conspicuous place on the outside thereof bearing a legible and plainly printed statement in the English language clearly and truly certifying: First, the name and principal address of the manufacturer or person responsible for placing such live stock remedy on the market; second, the name, brand, or trade mark under which the live stock remedy is sold; third, the minimum net contents of the sack, box, carton, bottle or other container; and fourth, the English name of each ingredient used in the manufacture of the live stock remedy contained therein, according to the manner required in the sworn certificate as provided in section 2. The United States pharmacopoeia shall be the authority as to terms or standards.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5220;—CL 1948, 287.143.

287.144 Livestock remedies; license, fees, issuance, term.

Sec. 4. Each and every manufacturer, importer, jobber, firm, association, corporation or person manufacturing, selling or distributing any live stock remedy, as defined in section 1 of this act, shall pay to the commissioner of agriculture on or before the first day of July, A.D. 1929, and annually thereafter, a license fee of 20 dollars for each and every brand or separate live stock remedy sold, offered or exposed for sale, or distributed in this state. Fees so collected shall be paid to the state treasurer and credited to the general fund. Whenever the manufacturer of any live stock remedy shall have complied with the requirements of this section, the commissioner of agriculture shall issue or cause to be issued a license permitting the sale of said live stock remedy which license shall terminate on June the thirtieth following the date of issue.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5221;—Am. 1933, Act 11, Imd. Eff. Feb. 17, 1933;—CL 1948, 287.144.

287.145 License; refusal to issue, cancellation; lowering of guaranteed analyses; changing of ingredients.

Sec. 5. The commissioner of agriculture shall have power to refuse license for any live stock remedy under a name, brand or trade-mark which would be misleading or deceptive or which would tend to mislead or deceive as to the materials of which it is composed or for which unfounded prophylactic or curative claims are made or when the specific name of each and every ingredient used in its manufacture is not stated. He shall also have the power to refuse to license more than 1 live stock remedy under the same name or brand. Should any live stock remedy be licensed in this state and it is afterward discovered that such license is in violation of any of the provisions of this act, the commissioner of agriculture shall have the power to cancel such license. The commissioner of agriculture shall have the power to refuse to allow any manufacturer, importer, jobber, firm, association, corporation or person to lower the guaranteed analyses or change the ingredients of any brand or separate live stock remedy, of his or their live stock remedies, during the term for which licensed, unless reasons satisfactory to said commissioner of agriculture are presented for making such change or changes.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5222;—CL 1948, 287.145.

287.146 One fee and one certificate required for each brand.

Sec. 6. Whenever a manufacturer, importer, jobber, firm, association, corporation or person manufacturing, selling or distributing a brand of "live stock remedy," shall have filed the certificate required by section 2 and paid the license fee, as required by section 4 of this act, no other agent, importer, jobber, firm, association, corporation or person shall be required to file such certificate or pay such fee upon such brand.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5223;—CL 1948, 287.146.

287.147 Right of access; right to take samples; annual analysis.

Sec. 7. Any authorized agent or agents of the commissioner of agriculture shall have free access during reasonable business hours to all places of business, mills, factories, buildings, vehicles, cars, vessels, and parcels of whatsoever kind used in the manufacture, transportation, importation, sale, or storage of any live stock remedy and shall have the power and authority to open any parcel containing, or supposed to contain, any live stock remedy and to take therefrom official sample or samples for analyses. He shall tender therefor the reasonable price for the sample or samples procured in so far as is practicable and the revenue provided by this act may suffice. It shall be the duty of the commissioner of agriculture to annually cause to be analyzed at least 1 sample so taken of every live stock remedy sold, offered or exposed for sale or distributed in this state.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5224;—CL 1948, 287.147.

287.148 Prosecutions; evidence.

Sec. 8. If it appears that any provisions of this act have been violated, the commissioner of agriculture shall certify the facts to the prosecuting attorney in the county in which the violation occurred, together with a copy of the result of any analysis or other examination which may have a bearing on the case, duly authenticated by the state analyst or other officer making the examination under the oath of such officer. Such prosecuting attorney shall thereupon proceed to file and prosecute such case. In all prosecutions arising under the provisions of this act certificate of the analyst or other officer making the examination or analyses when duly sworn to by such officer may be offered as evidence of the fact or facts therein certified to.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5225;—CL 1948, 287.148.

287.149 Violation; definition; penalty.

Sec. 9. Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell, offer or

expose for sale, or distribute in this state or who shall take or receive from any firm, association, corporation, or person in the state any order for the sale of any live stock remedy as defined in section 1 of this act or who shall directly or indirectly contract with any manufacturer, importer, jobber, firm, association, corporation, or person in this state for the sale of such live stock remedy to be delivered in this state by common carrier or otherwise, which has not been licensed as required by the provisions of this act or without truly stating the English name of each and every ingredient used in its manufacture as required by section 2 of this act, or who shall impede, obstruct, or hinder said commissioner of agriculture or his authorized agents in the performance of his or their duty in connection with the provisions of this act, or who shall violate any of the rules and regulations promulgated by the commissioner of agriculture as provided herein, shall be deemed guilty of a violation of the provisions of this act and upon conviction thereof shall be sentenced to pay a fine of not less than 100 dollars, nor more than 200 dollars, or to imprisonment of not less than 30 days, nor more than 60 days, in the county jail, or both such fine and imprisonment in the discretion of the court.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5226;—CL 1948, 287.149.

287.150 Enforcement; regulations.

Sec. 10. The commissioner of agriculture is hereby empowered to enforce the provisions of this act and to prescribe and enforce such rules and regulations relating to the sale and license of live stock remedies as may be deemed necessary to carry into effect the full intent and meaning of this act.

History: 1929, Act 134, Imd. Eff. May 7, 1929;—CL 1929, 5227;—CL 1948, 287.150.