

Sale of
bonds.

Use for sinking
fund purposes.

Investment for
custodial funds.

Use of bonds by
New Jersey.

When effective.

Section 3. The Governor, Auditor General, and State Treasurer, acting on behalf of the Commonwealth of Pennsylvania, and the mayor, city controller, and city treasurer, acting on behalf of the City of Philadelphia, are hereby authorized, from time to time, to sell such bonds or other obligations, after advertisement or without advertisement, at not less than par and accrued interest. Such bonds may also be used by the City of Philadelphia for sinking fund purposes. The respective boards of the Commonwealth charged by law with the investment of the moneys held in and received by custodial funds are hereby authorized to purchase any of said bonds from the Commonwealth or the City of Philadelphia. Such boards are also authorized to sell or transfer bonds or other securities, now in the possession of the State Treasurer and held for the benefit of such funds, in order that additional moneys may be made available for the purchase of such bonds or other obligations issued by said commission and acquired as aforesaid. The bonds or obligations delivered to the State of New Jersey shall be sold or used for such purposes as may be provided by the reciprocal legislation of said state.

Section 4. This act shall become effective immediately upon the adoption of reciprocal legislation by the State of New Jersey.

APPROVED—The 22d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 157

AN ACT

To amend sections one, two, four, five, six and seven of the act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred seventy-eight), entitled "An act to regulate the sale for agricultural purpose of crushed limestone, lime, gypsum, and related products; defining said products; and prescribing penalties for the violation of this act," extending the provisions of said act so as to regulate the sale of all "liming materials for agricultural purposes," defining said term, and giving the Secretary of Agriculture power in certain cases to revoke licenses issued under this act.

Liming materials
for agricultural
purposes.

Sections 1, 2, 4,
5, 6 and 7, act
of June 1, 1915
(P. L. 678),
amended.

Section 1. Be it enacted, &c., That sections one, two, four, five, six, seven of the act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred seventy-eight), entitled "An act to regulate the sale for agricultural purpose of crushed limestone, lime, gypsum, and related products; defining said products; and prescribing penalties for the violation of this act," are hereby amended to read as follows:

Section 1. Be it enacted, &c., That [every bag, barrel, or other package or quantity, of any pulverized limestone, ground oyster shells, artificial carbonate of lime, ground lime, spraying lime, slaked-lime, hydrated lime, hydrated spraying lime, marl, gypsum, or land-plaster] *all liming materials for agricultural purposes*, sold, offered, or exposed for sale within this Commonwealth, [for use as a soil amendment or as an ingredient or reagent in the preparation of any fungicide or insecticide] shall have attached to it or be accompanied, in the manner provided in section three hereof, by a plainly printed statement, giving [the name and address of the manufacturer or importer and his place of business, the brand or trade-name of said material, the net weight of the contents of the package, when sold in package, and a statement declaring, with respect to pulverized limestone, ground oyster shells, and artificial carbonate of lime: (a) The degree of fineness of the material, in terms of the minimum sieve-mesh, expressed in fractions of an inch, through which the coarsest particles of said material can pass; and (b) the minimum percentages contained of available oxides of calcium and magnesium, respectively, combined as carbonates; with respect to lime, ground lime, spraying lime, slaked-lime, hydrated lime, hydrated spraying lime, and marl, the minimum percentages contained of the available oxides of calcium and magnesium, respectively; and with respect to gypsum, or landplaster, the minimum percentages contained of available calcium oxide and sulphur trioxide, or sulphuric acid (SO³), respectively; which] *the following information:*

(a) *The name of the manufacturer or importer, and the address of his principal office.*

(b) *The name of the place where manufactured.*

(c) *The brand or trade name of the material.*

(d) *The name of the form of the material.*

(e) *The net weight, when the material is sold in packages.*

(f) *The fineness of the material, if in a ground or powdered form, showing the percentage passing the twenty mesh sieve, the sixty mesh sieve, and the one hundred mesh sieve.*

(g) *The minimum per cent contained of; in terms of, oxides of calcium and oxides of magnesium.*

(h) *With respect to all burned forms of liming materials, including mixtures of burned and unburned liming materials, statement of the total maximum per cent contained of oxides of calcium and oxides of magnesium, which are combined as carbonates. The information given in the said statement shall be held to be the guaranty of the manufacturer or importer that the goods to which said statement refers are of the kind and quality or composition and fineness so set forth. [The provisions of this act shall not, however, apply to air-*

Department of
Agriculture.

Liming materials
sold for agri-
cultural purposes
to have state-
ment attached.

Information
required.

Guaranty

slaked lime, kiln-slaks, gas-house lime, or tanners' lime, when sold as such.]

"Liming materials for agricultural purposes," defined.

Section 2. For the purpose of this act, the [materials named in the foregoing section are defined as follows:—

(1) Limestone is the rock commonly known by that name, and consisting chiefly of calcium carbonate, or of said carbonate with a smaller molecular proportion of magnesium carbonate.

(2) Pulverized limestone is limestone reduced by mechanical means to a fine powder.

(3) Artificial carbonate of lime is carbonate of lime artificially produced by any method other than the exposure of lime, ground lime, slaked-lime, hydrated lime, or spraying lime to the action of the atmosphere.

(4) Lime is the product obtained by the complete burning of limestone in a kiln, and capable of being reduced by slaking to a fine powder.

(5) Ground lime is lime reduced to a fine powder by grinding.

(6) Spraying lime is lime of high purity, containing not less than ninety-three per centum of calcium oxide and not more than five per centum of magnesium oxide, not more than five per centum of carbon dioxide, nor more than five per centum of acid insoluble matters, iron and aluminum oxides, collectively.

(7) Slaked-lime is the dry finely divided product obtained by the addition of water to lime.

(8) Hydrated lime is slaked-lime prepared by the aid of stirring, or of stirring, grinding, and screening machinery, and is free from hard lumps.

(9) Hydrated spraying lime is dry finely divided hydrated lime of purity not less, after taking the water of hydration into account, than that herein required in the case of spraying lime, and of such fineness that all shall pass a standard sieve of one hundred meshes to the inch.

(10) Air-slaked lime is the more or less finely divided product obtained when lime, slaked-lime, hydrated lime, or spraying lime is exposed for a considerable time to the action of the air.

(11) Marl is clay highly charged with carbonate of lime. Shell marl is marl in which the carbonate of lime is present chiefly in the form of molluscan shells.

(12) Gypsum, or land-plaster, is the finely divided mineral, commonly known by that name, and consisting chiefly of calcium sulphate.

(13) Kiln-slake is refuse lime mixed with ashes and "core," or imperfectly burned limestone.

(14) Gas-house lime is spent lime that has been used as a purifier in the manufacture of illuminating gas.

(15) Tanner's lime is spent lime that has been used in the curing of hides.]

expression "liming materials for agricultural purposes" means any substances containing calcium or magnesium,

or both, for use as soil amendments or in soil treatment, or as ingredients or reagents in the preparation of any fungicide or insecticide.

Section 4. Every manufacturer or importer of [one or more of the materials named in section one of this act, for either or both of the purposes therein stated] *liming materials for agricultural purposes* shall, on or before the first day of January of each year, or before offering them for sale in this Commonwealth, [for either of said purposes] file annually with the Secretary of Agriculture a statement of the names and number of brands of such materials, having distinct trade-names, that he shall offer for sale [for either or both of said purposes] during the next ensuing calendar year, or remainder thereof, together with a copy of the statement declaring the composition of these several brands of said materials, as required by section one of this act.

Annual statement
of brands.

Section 5. In addition to the statement required by section four of this act, every manufacturer or importer of any of the materials [named in] *covered by* section one of this act shall, on or before the first day of January of each year, or before offering them for sale within this Commonwealth, file annually with the Secretary of Agriculture an affidavit showing, as nearly as practicable, the weight of each brand of said materials sold by him, or, if the producer or vendor be a firm or corporation, by its managers, officers, and agents, within the Commonwealth, [for either or both of the purposes named in section one of this act] during the last preceding year; and for each brand so sold, he shall pay to the Secretary of Agriculture a license fee, according to the weight sold, as follows: For an amount [exceeding one hundred tons, but] not exceeding one thousand tons, five dollars; for an amount exceeding one thousand tons, but not exceeding five thousand tons, ten dollars; and for an amount exceeding five thousand tons, twenty dollars; and when said fees shall have been paid, and the statements required by section four of this act have been filed with the Secretary of Agriculture, the party or parties who have made such payment, and otherwise complied with the provisions of this act, shall be entitled to sell within the Commonwealth the goods specified in said statement and covered by said fees during the year, or fraction of a year, immediately following said statement. If the manufacturer or importer shall not have made during the preceding year any sales within the Commonwealth [for the aforesaid purposes] *of the aforesaid material* of any brand to be offered for sale during the year for which the fee is to be paid, he shall pay for each such brand a fee of five dollars. All moneys so received shall be immediately paid by the Secretary of Agriculture into the State Treasury, for the use of the Commonwealth.

Annual affidavit
of weight of each
brand.

License fees.

Violations.

Section 6. Any person or persons selling, offering, or exposing for sale [for either of the purposes stated in section one of this act] any of the materials [named therein] covered by section one or brand of the same, unless accompanied by the statement required by section one of this act, or, when so accompanied, if the said statements shall be false in any particular, or without having complied with all the foregoing provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not less than ten nor more than fifty dollars for the first offense, and not less than one hundred dollars for each subsequent offense. It shall be the duty of the Secretary of Agriculture to enforce the provisions of this act, and all penalties, costs, and fines recovered shall be paid to him or his duly authorized agent, and by him shall be immediately paid into the State Treasury, for the use of the Commonwealth. *The Secretary of Agriculture is hereby authorized to revoke any license where it shall be properly ascertained that the license has wilfully given false information in its statements relative to the kind, quality, composition or fineness of the lining materials sold, or offered for sale, under the provisions of this act.*

Penalty.

Enforcement.

Revocation of license.

Collection of samples.

Right of access, etc.

Taking samples for analysis.

Right of producer to have sample analyzed.

Fee.

Section 7. The Secretary of Agriculture is hereby empowered to collect samples of the materials [named in] covered by section one of this act, either in person or by his duly qualified agent or representative, to have them analyzed, and [to] shall publish the results for the information of the public, and, for this purpose, the said Secretary of Agriculture, such assistants, agents, experts, chemists, detectives, and counsel as he shall duly authorize, shall have full access, ingress, and egress to and from all places of business, quarries, kilns, factories, barns, buildings, carriages, cars, and vessels used in the manufacture, storage, transportation, or sale of any of the said materials. They shall also have power to open any package or vessel containing or supposed to contain any of the said materials, and to take therefrom samples for analysis, upon tendering the value of said samples. Any manufacturer or producer of any of the materials [named in] covered by section one of this act, located in the Commonwealth, shall be entitled to have a single sample of any distinct brand, for the sale of which he has paid the fee required by section five of this act, analyzed by the Department of Agriculture, under such regulations as the Secretary of Agriculture may prescribe with respect to the points of composition specified in said section one, upon sending sample properly sealed and carriage prepaid, together with a fee of [one dollar] *five dollars* for each such analysis; but not more than two brands shall be analyzed, under the privilege conferred by this proviso, for one manufacturer or producer in a single year. None of the provisions of this

act shall apply to sales of limestone, or limestone products or marl, when such sales are made at the quarry or pit in bulk, and delivered to the wagons or trucks of the users, who are presumed to be acquainted with the qualities of the local products, *if such deliveries do not exceed one hundred tons in any one year.*

Limited sales at pit or quarry excepted.

APPROVED—The 22d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 158

AN ACT

To amend clause five of section three of the act, approved the thirteenth day of May, one thousand nine hundred and nine (Pamphlet Laws, five hundred twenty), entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," as amended, permitting the use of harmless colors in fruits used in fruit cake, and further regulating the use of sulphur dioxide in the preparation of dried fruits and molasses.

Section 1. Be it enacted, &c., That clause five of section three of the act, approved the thirteenth day of May, one thousand nine hundred and nine (Pamphlet Laws, five hundred twenty), entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," which was last amended by the act approved the twenty-sixth day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, eighty-eight), is hereby further amended to read as follows:

Fifth. If it contains any added sulphurous acid, sulphur dioxide, or sulphites, [benzoate] benzoic acid or benzoates, except as hereafter provided; or if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or florides, fluorborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, alum, compounds of copper, betanaphthol, hydronaphthol, abrastol, asaprol, pyroligneous acid, or other added ingredients deleterious to health; or if, in the case of confectionery, it contains any of the substances mentioned in this paragraph, or

Public health.

Clause 5, section 3, act of May 13, 1909 (P. L. 520), as last amended by act of April 26, 1923 (P. L. 88), further amended.

Adulterations.