

middlings, or any admixture thereof', et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven'', is hereby repealed.

Section 14. This act shall become effective the first day of January, one thousand nine hundred fifty-seven. Effective date.

APPROVED—The 29th day of May, A. D. 1956.

GEORGE M. LEADER

No. 598

AN ACT

Regulating the sale and distribution of mixed fertilizers and fertilizer materials; imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the "Pennsylvania Fertilizer Law of 1956." Pennsylvania
Fertilizer Law
of 1956.

Section 2. Definitions.—As used in this act: Definitions.

(1) "Fertilizer material" means any substance containing nitrogen, phosphoric acid, potash or any recognized plant nutrient, element or compound which is used or sold for its plant nutrient content, or claimed plant nutrients, or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

(2) "Mixed fertilizers" includes any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

(3) "Commercial fertilizer" includes mixed fertilizer or fertilizer materials.

(4) "Speciality fertilizer" includes any fertilizer distributed primarily for use on crops grown for noncommercial purposes such as home gardens and lawns, and may include fertilizers used for research or experimental purposes.

(5) "Bulk fertilizer" includes commercial fertilizer delivered to the purchaser in the solid or liquid state, in a nonpackaged form to which a label cannot be attached.

(6) "Brand" includes any term, design or trade mark used in connection with one or several grades of fertilizer.

(7) "Grade" means the minimum percentage of total nitrogen, available phosphoric acid, and soluble potash stated in the order given in this definition, and, when applied to mixed fertilizers, shall be in whole numbers only.

(8) "Official sample" means any sample of commercial fertilizer taken by the secretary.

(9) "Secretary" includes the Secretary of Agriculture or his duly authorized deputy, agent or representative.

(10) "Ton" means a net weight of two thousand pounds avoirdupois.

(11) "Percent" or "Percentage" means the percentage by weight.

(12) "Distributor" includes any person who offers for sale, sells, barter, or otherwise supplies commercial fertilizers.

(13) "Sell" or "Sale" includes exchange.

Section 3. Registration.—(a) Each brand and grade of commercial fertilizer shall be registered by the manufacturer or importer with the Department of Agriculture before being offered for sale, sold or distributed in this State. The application for registration shall be submitted to the secretary on forms furnished by the secretary and shall be accompanied by a fee of fifteen dollars (\$15) per brand. The secretary may require a sample label to be submitted before registering any fertilizer. Upon approval by the Secretary, a copy of the registration shall be furnished to the applicant. All registrations shall expire on June 30 of each year. The application shall include the following information in the following order:

Contents of application for registration.

(1) The name and address of the person guaranteeing the fertilizer.

(2) The brand and grade.

(3) The guaranteed analysis showing the minimum percentage of plant food claimed in the following order and form:

Total Nitrogen	percent
Available Phosphoric Acid	percent
Soluble Potash	percent

Unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to both total and available phosphoric acid, and the degree of fineness. In the case of bone, tankage, and other natural organic phosphate materials, only the total phosphoric acid, need be guaranteed. Additional plant food elements, determinable by chemical methods, may be guaranteed only by permission of the secretary, by and with the advice of the Director of the Agricultural Experiment Station. When any such additional plant foods are claimed, they shall be included in the guarantee, and shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the secretary. The secretary may permit the potential basicity or

acidity (expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton) to be registered and guaranteed.

(b) A distributor shall not be required to register any brand of commercial fertilizer which is already registered under this act by another person.

(c) The plant nutrient content of each and every brand of commercial fertilizer must remain uniform for the period of registration, and, in no case, even at a subsequent registration, shall the percentage of any guaranteed plant food element be changed in such a manner that the crop-producing quality of the commercial fertilizer is lowered.

Section 4. Labeling.—(a) Any commercial fertilizer offered for sale or sold or distributed in this State in bags, barrels, or other containers, shall have placed on or affixed to the container in written or printed *form the net weight and the information required by clauses (1), (2) and (3) of subsection (a) of section 3, either (1) on tags affixed to the end of the package between the ears or on the sewed end, or (2) directly on the package in which case, for bags containing fifty pounds or more, the grade shall appear also on the end or on the face of the package in type that is plainly legible.

(b) If distributed in bulk, a written or printed statement of the weight and the information required by clauses (1), (2) and (3) of subsection (a) of section 3, shall accompany delivery and be supplied to the purchaser.

Section 5. Inspection Fees; Reports.—(a) There shall be paid to the secretary for all commercial fertilizers offered for sale, sold or distributed in this State an inspection fee at the rate of two cents (\$.02) per ton. Inspection fees shall not be paid for sales to manufacturers or exchanges between them. Fees so collected shall be placed in a fund for the payment of the costs of inspection, sampling, and analysis, and other expenses necessary for the administration of this act and other acts specified by the General Assembly. Said fund shall be known as The Feed and Fertilizer Fund.

(b) Payment of the inspection fee shall be evidenced by a statement of commercial fertilizer distributed, together with documents showing that fees corresponding to the tonnage were received by the secretary.

(c) Every manufacturer or importer of commercial fertilizer in this State shall file, not later than the last day of January and July of each year, a semi-annual statement, setting forth the number of net tons of commercial fertilizer distributed in this State during the

* "from" in original.

preceding six-months period and, upon filing such statement, shall pay the inspection fee at the rate stated in subsection (a) of this section.

Section 6. Inspection, Sampling, Analysis.—(a) It shall be the duty of the secretary to sample, inspect, make analysis of, and test commercial fertilizers distributed within this State at times and places and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this act. The secretary may enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of this act and the rules and regulations pertaining thereto.

(b) The methods of sampling, inspection and analysis shall be those adopted in the year 1955 by the Association of Official Agricultural Chemists.

(c) The secretary, in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, shall be guided solely by the official sample as defined in clause (8) of section 2, and obtained and analyzed as provided for in subsection (b) of section 6.

(d) The results of official analysis of any commercial fertilizer which has been found to be subject to penalty or other legal action shall be forwarded by the secretary to the registrant at least thirty days before the report is submitted to the purchaser. If during that period no adequate evidence to the contrary is made available to the secretary, the report shall become official. Upon request, the secretary shall furnish to the registrant a portion of any sample found subject to penalty or other legal action.

Section 7. Plant Nutrient Deficiency.—(a) If the analysis shows that any commercial fertilizer falls short of the guaranteed analysis in any one ingredient, a penalty shall be assessed by the secretary against the manufacturer in accordance with the following:

(1) Total Nitrogen. A penalty of three times the value of the deficiency, if such deficiency is in excess of two-tenths of one percent on goods that are guaranteed two percent; twenty-five one-hundredths of one percent on goods that are guaranteed three percent; thirty-five one-hundredths of one percent on goods that are guaranteed four percent; four-tenths of one percent on goods that are guaranteed five percent up to and including eight percent; five-tenths of one percent on goods guaranteed above eight percent up to and including thirty percent; and seventy-five one-hundredths of one percent on goods guaranteed over thirty percent.

(2) Available Phosphoric Acid. A penalty of three times the value of the deficiency, if such deficiency exceeds four-tenths of one percent on goods that are guaranteed up to and including ten percent; five-tenths of one percent on goods that are guaranteed above ten percent up to and including twenty-five percent; and seventy-five one-hundredths of one percent on goods guaranteed over twenty-five percent.

(3) Soluble Potash. A penalty of three times the value of the deficiency, if such deficiency is in excess of two-tenths of one percent on goods that are guaranteed two percent; three-tenths of one percent on goods that are guaranteed three percent; four-tenths of one percent on goods guaranteed four percent; five-tenths of one percent on goods guaranteed above four percent up to and including eight percent; six-tenths of one percent on goods guaranteed above eight percent up to and including twenty percent; and one percent on goods guaranteed over twenty percent.

(4) Deficiencies in any other constituent, except those covered under this section, which the registrant is required to or may guarantee shall be evaluated by the secretary and penalties therefor shall be prescribed by the secretary.

(b) All penalties assessed under this section shall be paid to the purchaser of the lot of commercial fertilizer represented by the sample analyzed within three months after the date of notice from the secretary to the registrant and receipts evidencing payment shall be promptly forwarded to the secretary by the registrant. If said purchaser cannot be found, the amount of the penalty shall be paid to the State Treasurer who shall deposit the same into the General Fund.

Section 8. Commercial Value.—For the purpose of determining the commercial values to be applied under the provisions of section 7, the secretary shall determine and publish, annually, the values per pound of nitrogen, phosphoric acid, and potash in commercial fertilizer in this State. The values so determined and published shall be used in determining and assessing penalties.

Section 9. Minimum Plant Nutrient Content.—No superphosphate containing less than eighteen percent available phosphoric acid nor any mixed fertilizer in which the sum of the guarantees for the nitrogen, available phosphoric acid, and soluble potash totals less than twenty percent shall be distributed in this State, except for complete fertilizers containing twenty-five percent or more of their nitrogen in water-insoluble form of plant or animal origin, in which case the total nitrogen, available phosphoric acid, and soluble potash shall not

total less than eighteen percent. The provisions of this section shall not apply to specialty fertilizers nor to any fertilizer materials in which the sources of nitrogen available phosphoric acid and soluble potash are derived solely from organic materials.

Section 10. False or Misleading Statements.—A commercial fertilizer is misbranded, if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container, or in any advertising matter accompanying or associated with the commercial fertilizer. It shall be unlawful to distribute a misbranded commercial fertilizer.

Requirements to report tonnage of each grade of fertilizer.

Section 11. Each person registering commercial fertilizers under this act shall furnish the secretary with a confidential written statement of the tonnage of each grade of commercial fertilizer sold by him in this State. The statement shall include all sales for the periods of July 1 to and including December 31 and of January 1 to and including June 30 of each year. A statement shall not be required when the reporting system in subsection (a) of section 5 is used. The secretary may, in his discretion, cancel the registration of any person failing to comply with this section if the above statement is not made within thirty days from the date of the close of each period. The secretary, however, may grant a reasonable extension of time. No information furnished under this section shall be disclosed in such a way as to divulge the operation of any person.

Section 12. Publications.—The secretary shall publish at least annually in such forms as he may deem proper, information concerning the sales of commercial fertilizers, together with such data on their production and use as he may consider advisable, and a report of the results of the analysis based on official samples of commercial fertilizers sold within the State as compared with the analyses guaranteed under sections 3 and 4. The information concerning production and use of commercial fertilizers shall be shown separately for the periods July 1 to December 31 and January 1 to June 30 of each year, and that no disclosure shall be made of the operations of any person.

Section 13. Rules and Regulations.—The secretary is authorized to prescribe and, after public hearing following due public notice, to enforce such rules and regulations relating to the distribution of commercial fertilizers as he may find necessary to carry into effect the provisions of this act.

Section 14. Short Weight.—If any lot of commercial fertilizer in the possession of the purchaser is found by the secretary to be short in weight, the registrant of said commercial fertilizer shall, within thirty days after official notice from the secretary, pay to the purchaser a penalty equal to twice the value of the actual shortage.

Section 15. Cancellation of Registrations.—The secretary is authorized and empowered to cancel the registration of any brand of commercial fertilizer or to refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this act or any rules and regulations promulgated thereunder. No registration shall be revoked or refused until the registrant has been given the opportunity to appear for a hearing by the secretary.

Section 16. "Stop Sale" Orders.—The secretary may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the secretary finds the commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of this act. The order shall be effective until the law has been complied with and the commercial fertilizer is released in writing by the secretary or the violation has been otherwise legally disposed of by written authority. The secretary shall release the commercial fertilizer so withdrawn when the requirements of the provisions of this act have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

Section 17. Seizure, Condemnation and Sale.—Any lot of commercial fertilizer not in compliance with the provisions of this act shall be subject to seizure on complaint of the secretary to a court of competent jurisdiction in the area in which the commercial fertilizer is located. In the event the court finds the commercial fertilizer to be in violation of this act and orders the condemnation of the commercial fertilizer, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the State, but in no instance shall the disposition of the commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial fertilizer or for permission to process or relabel the commercial fertilizer to bring it into compliance with this act.

Section 18. Penalties.—Any person who violates any of the provisions of this act or any rule, regulation or order made pursuant to this act shall, for the first or second offense, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and costs of prosecution and, in default of payment thereof, shall be sentenced to undergo imprisonment for not more than thirty days, and for a third or subsequent offense, if three offenses including the last offense are committed within one year, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) or to undergo imprisonment not exceeding one year, or both.

Section 19. Exchange Between Manufacturers.—Nothing in this act shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers or manipulators who have registered their brands as required by the provisions of this act.

Section 20. Appeals.—Any action of the secretary with respect to the registration of brands or the assessment of penalties shall be subject to appeal and review in accordance with the provisions of the act of June 4, 1945 (P. L. 1388), known as the “Administrative Agency Law.”

Section 21. Repeal.—The act of May 1, 1909 (P. L. 344), entitled “An act to regulate the manufacture and sale of commercial fertilizers; prescribing penalties for its violation, and repealing an act, entitled ‘An act to regulate the manufacture and sale of commercial fertilizers; providing for its enforcement, and prescribing penalties for its violation,’ approved the twenty-fifth day of March, Anno Domini one thousand nine hundred and one,” is repealed.

Effective date.

Section 22. Effective Date.—This act shall take effect July 1, 1956, but the registrations of fertilizers registered prior thereto shall not expire until June 30, 1957. Statements shall be filed and payments made for the period from January 1, 1956, in accordance with the provisions of subsection (c) of section 5 of this act.

Section 23. Violations Committed Prior to the Effective Date of this Act.—The provisions of this act shall not apply to violations committed prior to its effective date, but the violations shall be prosecuted and prosecu-

tions concluded under the provisions of law in force at the time the violation occurred. For such purpose the laws repealed by this act shall be deemed to remain in effect.

APPROVED—The 29th day of May, A. D. 1956.

GEORGE M. LEADER

No. 599

AN ACT

Providing for the establishment of forestry conservation camps by the Department of Forests and Waters for the development and conservation of the forests of this Commonwealth and for the rehabilitation and training of male youth; giving additional powers to the Department of Welfare; and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. It is hereby declared to be the legislative intent that the purpose of this act is to promote the welfare of this Commonwealth by making available facilities for the rehabilitation, reeducation treatment and training of male youth.

Section 2. The Department of Forests and Waters, at the request of the Department of Welfare, shall provide and maintain facilities to be used for forest conservation and for the education and training of male youth. In cooperation with the Fish Commission and with the Game Commission, the Department of Forests and Waters shall plan useful projects for conservation, recreation, dams or flood control in State forests and State park lands and shall supply personnel to supervise work on these projects.

Section 3. The Department of Welfare may select as campers young men fifteen (15) to eighteen (18) years of age, who have been committed to the Pennsylvania Training School or whose commitment as campers is recommended by a classification and assignment center of the Department of Welfare and whose rehabilitation will be furthered by forestry work.

Section 4. The sum of one hundred thousand dollars (\$100,000), or as much thereof as is necessary, is hereby appropriated to the Department of Forests and Waters for the construction and renovation of camp facilities. The sum of one hundred fifty thousand dollars (\$150,-

Rehabilitation of male youths.

Legislative intent.

Facilities to be provided and maintained for forest conservation and youth rehabilitation.

Selection limited to youths 15 to 18 years of age.

Appropriations.