

pose of having such other person distribute the same among certain specified creditors in accordance with a plan agreed upon, or to be agreed upon, and whereby such other person shall receive a consideration for any such services rendered, or to be rendered, in connection therewith.

*(b) Any person engaged in the business of debt pooling shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or to imprisonment in the county jail for not more than thirty *(30) days, or both. Any contract for debt pooling shall be void and unenforceable.*

(c) The provisions of this act shall not apply to any person who is admitted to practice before the Supreme Court of Pennsylvania or any court of common pleas within the State nor to any partnership, all the members of which are admitted to practice before the Supreme Court of Pennsylvania or any court of common pleas within the State, nor shall it apply to Better Business Bureaus, Legal Aid Societies, or welfare agencies who act without compensation or profit on behalf of debtors as debt adjusters or debt poolers.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 8th day of August, A. D. 1961.

DAVID L. LAWRENCE

No. 435

AN ACT

To regulate the sale and distribution for agricultural purposes of ground limestone, burned and hydrated lime, gypsum, slag, and related products in the Commonwealth of Pennsylvania; conferring powers and imposing duties on the Department of Agriculture; establishing fees; making an appropriation and prescribing penalties.

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

Pennsylvania
Agricultural
Lime Act.

Section 1. Administration of Act; Short Title.—This act shall be administered by the Department of Agriculture of the Commonwealth of Pennsylvania and shall be known and may be cited as the “Pennsylvania Agricultural Lime Act.”

Section 2. Definitions.—When used in this act—

* “days” in original.

(1) The term "distribute" means to offer for sale, sell, barter or otherwise supply.

(2) The term "sell" or "sale" includes exchange, except exchanges between manufacturers.

(3) The term "agricultural liming materials" means all calcitic and other materials containing calcium or magnesium in condition and quantity suitable for use in neutralizing soil acidity. "Gypsum" means products consisting primarily of calcium sulfate.

(4) The term "brand" means the term, design or trademark or other specific designation under which an individual agricultural liming material is distributed and sold.

(5) The term "label" or "tag" means a display of written, printed or graphic matter attached to or upon the container in which an agricultural liming material is distributed.

(6) The term "ton" means a net weight of two thousand pounds avoirdupois.

(7) The term "percent" or "percentage" means percentage by weight.

(8) The term "official sample" means any sample taken by the Secretary of Agriculture or his agent.

Section 3. Labeling.—(a) All agricultural liming materials sold, offered or exposed for sale, shall have attached thereto or be accompanied by a plainly printed statement giving the following information:

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

(2) The name of the place where *manufactured, or a code to identify that particular plant.

(3) The brand or trade name of the material.

(4) The name of the form of the material.

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

(6) 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.

(7) The minimum percent of calcium oxide (CaO), and of magnesium oxide (MgO), and, in the case of gypsum, the minimum percent of calcium sulphate (CaSO₄). The percentage of moisture if it exceeds ten percent.

(8) With respect to all burned forms of liming materials, including mixtures of burned and unburned liming materials, statement of the total maximum per-

* "manufacture" in original.

cent contained of calcium oxide and magnesium oxide, 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.

(b) The word "lime" shall not be placed anywhere on a package containing agricultural liming material which has less than sixty percent of its total weight in the form of oxides or hydroxides of calcium or magnesium, except in the required statement of minimum analysis or as part of the name of the company manufacturing or selling it.

(c) The term "standard agricultural limestone" shall not be placed anywhere on any package containing agricultural liming material which has less than fifty percent oxide equivalent by weight, ninety-eight percent of which will pass a No. 20 mesh sieve and contain the dust of fracture. Material meeting a less requirement shall be labeled substandard agricultural limestone.

(d) In the case of agricultural liming materials sold in bulk, the required information shall be delivered to the purchaser either with the invoice therefor or with the goods.

Section 4. Registration.—(a) Every manufacturer or importer of agricultural liming materials shall, before offering them for sale in Pennsylvania, register each brand and grade of agricultural liming material with the Secretary of Agriculture on forms provided by him and shall pay a permanent registration fee of ten dollars (\$10). Changes in brand name or grade shall require a new registration.

(b) The Secretary of Agriculture is empowered to reject any application not in compliance with the provisions of this act, and to cancel any registration when it is subsequently found to be in violation of any provision of this act or when he has satisfactory evidence that the registrant has used fraudulent or deceptive practices in attempted evasion of the provisions of the act or regulations thereunder. No registration shall be refused or cancelled until the registrant shall have been given opportunity to be heard before the Secretary of Agriculture.

Section 5. Control Fee.—(a) Each manufacturer or importer of agricultural liming material shall file, not later than the last day of January and July of each year, a semi-annual statement in a form prescribed by the Secretary of Agriculture setting forth the number of net tons of agricultural liming material distributed in this State during the six months' period ending as

of the last day of the previous month; and upon filing such statement shall pay a control fee at the rate of two cents (\$.02) per ton, except that no semi-annual payment shall exceed one hundred fifty dollars (\$150) nor be less than twelve dollars and fifty cents (\$12.50). Failure to make an accurate statement of tonnage or to pay the control fee shall constitute sufficient cause for the cancellation of all registrations on file for the manufacturer or importer.

(b) Sales of agricultural liming materials to manufacturers or exchanges between them are hereby exempted from the control fee. Registration and control fees and fines, when collected, shall be placed in the Feed and Fertilizer Fund to be used solely for the payment of the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this act and other acts specified by the General Assembly and as much thereof as is necessary is hereby appropriated from time to time.

Section 6. Sampling.—The Secretary of Agriculture is hereby empowered to collect samples of agricultural liming material either in person or by his duly qualified agent or representative, to have them analyzed, and shall publish the results for the information of the public; and for this purpose the Secretary of Agriculture, and his duly authorized agents, shall have full access, ingress, and egress to and from all places of business, quarries, kilns, factories, barns, buildings, cars and vessels used in the manufacture, storage, transportation or sale of the said materials. They shall have the power to open any container or package containing or supposed to contain any of the said materials, and to take *therefrom samples for analysis.

Section 7. Misbranding.—No agricultural liming material shall be deemed to be misbranded if the total combined oxide equivalent present shall exceed the sum of the calcium oxide and magnesium oxide as stated in the guaranteed analysis. If the analysis of any agricultural liming material shall fall as much or more than ten percent below the manufacturer's guarantee, the Secretary of Agriculture shall immediately notify the manufacturer and allow him ten days in which to investigate and make a report. If the deficiency is confirmed, the Secretary of Agriculture shall assess twice the value of such deficiency against the registrant. The assessment shall be based upon the selling price of the agricultural liming material and the Secretary of Agriculture shall require the registrant to make good such assessment to all purchasers of the deficient lot of agricultural liming

* "thereform" in original.

material from which the sample was drawn. If the purchaser or purchasers of the lot cannot be found, the assessment shall be deposited in the State Treasury to the credit of the General Fund.

Section 8. Rules and Regulations.—The Secretary of Agriculture is empowered to prescribe and enforce such reasonable rules and regulations relating to the sale of agricultural liming materials as is deemed necessary to carry into effect the full intent and meaning of this act.

Section 9. Violations; Penalties.—Any person violating any provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than fifty dollars (\$50) for the first offense, and, in default of the payment thereof, undergo imprisonment for a term not exceeding thirty days, and a fine of not less than one hundred dollars (\$100) for each subsequent offense, and, in default thereof, a term of imprisonment of not less than sixty days. It shall be the duty of the Secretary of Agriculture to enforce the provisions of this act.

Section 10. Repeal.—The act of June 1, 1915 (P. L. 678), 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,” is repealed.

Section 11. This act shall take effect January 1, 1962.

APPROVED—The 8th day of August, A. D. 1961.

DAVID L. LAWRENCE

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No. 436

AN ACT

Defining milk and its derivatives, prohibiting its adulteration, regulating its labeling, sale and serving; imposing powers and duties on the Department of Agriculture; providing penalties and making repeals.

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

Section 1. Definitions.—As used in this act—

(1) “Milk” is the natural lacteal secretion, free from colostrum, obtained by the complete milking of one or more healthy cows or goats. The term “milk,” unquali-

Milk and its derivatives administered by the Department of Agriculture.