

SECOND REGULAR SESSION

HOUSE BILL NO. 1301

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), WEBB AND STILL (Co-sponsors).

3696L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 196.725, 196.730, 196.755, 196.765, 196.770, 196.775, 196.780, 196.790, 196.800, and 196.805, RSMo, and to enact in lieu thereof one new section relating to the sale and manufacture of imitation butter, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 196.725, 196.730, 196.755, 196.765, 196.770, 196.775, 196.780, 196.790, 196.800, and 196.805, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 196.790, to read as follows:

196.790. Every person, firm or corporation who shall [violate any of the provisions of sections 196.755 to 196.765, 196.780 and] **violates section 196.785[,]** shall forfeit and pay to the state of Missouri, for the use of the school fund for every such violation, the sum of fifty dollars and costs of suit, to be recovered by civil action in the name of the state of Missouri on the relation of any person having knowledge of the facts before an associate circuit judge, or circuit judge assigned to hear the cause, of the city or county where such violation occurs, subject to the right of an application for trial de novo or appeal, as the case may be, as in other civil cases[; and it is further enacted that every person, firm or corporation who shall violate the provisions of sections 196.750 to 196.810]. **Every person, firm, or corporation who violates section 196.785,** in addition to the civil liability to the state of Missouri herein provided, [shall be deemed] **is** guilty of a misdemeanor, and shall for the first offense be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment not exceeding thirty days, and for each subsequent offense, by a fine of not less than two hundred and fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 thirty days nor more than six months, or by both such fine and imprisonment, in the discretion
16 of the court.

2 [196.725. It shall be unlawful for any person, firm or corporation to use
3 in any way, in connection or association with the sale, or exposure for sale, or
4 advertisement of any substance designed to be used as a substitute for butter, the
5 word "butter", "creamery", or "dairy", except as otherwise required by the laws
6 of this state; or the name or representation of any breed of dairy cattle, or any
7 combination of such word, or words and representation, or any other words or
8 symbols, or combination thereof, commonly used in the sale of butter.]

2 [196.730. Any person who violates any of the provisions of section
3 196.725 is guilty of a misdemeanor and upon conviction thereof shall be
4 punished by a fine of not less than fifty dollars nor more than one hundred
5 dollars, or by imprisonment in the county jail for a term of not less than sixty
6 days nor more than one year, or by both such fine and imprisonment.]

2 [196.755. 1. No person shall combine any animal fat or vegetable oil or
3 other substance with butter, or combine therewith or with animal fat or vegetable
4 oil or combination of the two, or with either one, any other substance or
5 substances whatever, any annatto or compound of the same, or any other
6 substance or substances, for the purpose or with the effect of imparting thereto
7 a yellow color, or any shade of yellow, so that such substitute shall resemble
8 yellow or any shade of genuine yellow butter, nor introduce any such coloring
9 matter or such substance or substances into any of the articles of which the same
10 is composed; provided, nothing in said sections 196.750 to 196.810 shall be
11 construed to prohibit the use of salt and harmless coloring matter for coloring the
12 substitutes for butter manufactured for export or sale outside the state.

13 2. No person shall, by himself, his agents or employees, produce or
14 manufacture any substance in imitation or semblance of natural butter, nor sell,
15 nor keep for sale, nor offer for sale, any imitation butter made or manufactured,
16 compounded or produced in violation of this section, whether such imitation
17 butter shall be made or produced in this state or elsewhere.

18 3. This section shall not be construed to prohibit the manufacture and
19 sale, under the regulations herein provided, of substances designed to be used as
20 a substitute for butter, and not manufactured or colored as herein prohibited.]

2 [196.760. Every person who lawfully manufactures any substance
3 designed to be used as a substitute for butter shall mark, by branding, stamping
4 or stenciling upon the top and side of each tub, firkin, box or other package in
5 which such article shall be kept, and in which it shall be removed from the place
6 where it is produced, in a clean and durable manner, in the English language, the
7 words, "substitute for butter", in printed letters, in plain roman type, each of
which shall not be less than one inch in length and one-half inch in width.]

2 [196.765. No person, by himself, or another, shall ship, consign or
3 forward by any common carrier, whether public or private, any substance
4 designed to be used as a substitute for butter, and no carrier shall knowingly
5 receive the same for the purpose of forwarding or transporting, unless it shall be
6 manufactured and marked as provided in section 196.760, and unless it be
7 consigned by the carrier and receipted for by its true name; provided, that said
8 sections 196.750 to 196.810 shall not apply to any goods in transit between
9 foreign states across the state of Missouri.]

2 [196.770. No person shall mix oleomargarine, suine, butterine, beef fat,
3 lard or other foreign substance with any butter or cheese intended for human food
4 without distinctly marking or stamping or labeling the article or package
5 containing the same with the true and appropriate name of such article, and the
6 percentage in which such oleomargarine or other such substance enters into its
7 composition. Every person offering for sale must inform the purchaser of
8 contents and makeup of article. Whoever shall violate the provisions of this
9 section shall be punished as provided for by section 196.790.]

2 [196.775. No person, firm or corporation, agent or employee shall sell,
3 offer or expose for sale, or deliver to any purchaser, any boiled, process or
4 renovated butter, unless the words "renovated butter" shall be plainly branded in
5 bold face letters, at least three-fourths of an inch in length, on the top and side of
6 each tub, or box or pail, or other kind of case or package, or on the wrapper or
7 prints or rolls of bulk packages in which it is put up. If such butter is exposed for
8 sale uncovered or not in a case or package, a placard containing a label so printed
9 shall be attached to the mass of butter in such a manner as to be easily seen and
10 read by the purchaser. The branding or marking of all packages shall be in the
11 English language and in a conspicuous place, so as to be easily read by the
12 purchaser. Whoever shall violate the provisions of this section shall be punished
13 as provided for by section 196.790.]

2 [196.780. No person shall have in his possession or under his control, any
3 substance designed to be used as a substitute for butter, unless the tub, firkin, box
4 or other package containing the same be clearly and durably marked, as provided
5 by section 196.765; provided, that this section shall not be deemed to apply to
6 persons who have the same in their possession for the actual consumption of
7 themselves and family. Every person having in possession or control any
8 substance designed to be used as a substitute for butter, which is not marked as
9 required by the provisions of sections 196.750 to 196.810, shall be presumed to
10 have known, during the time of such possession or control, the true character and
11 name, as fixed by said sections of such product.]

2 [196.800. No action can be maintained on account of any sale or other
3 contract made in violation of or with intent to violate sections 196.750 to
4 196.810, by or through any person who was knowingly a party to such wrongful
5 sale or other contract.]

2 [196.805. Whoever shall efface, erase, cancel or remove any mark
3 provided for by sections 196.750 to 196.810, with intent to mislead, deceive, or
4 to violate any of the provisions of said sections, shall be deemed guilty of a
 misdemeanor.]

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