

Sec. 5. Tax levy to retire bonds.—The City Council or other governing body of such city is hereby authorized and empowered to, and shall make, provision by the levying of taxes for the payment of the principal and interest of the bonds or certificates of indebtedness issued under and by virtue of the authority and power granted by this act as the same may become due.

Sec. 6. Must be issued within five years from passage of act.—No bonds or certificates of indebtedness shall be issued by virtue of this act after five years from the date of its passage.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 7, 1921.

CHAPTER 189—S. F. No. 532.

An act fixing the clerk hire of the county treasurer in counties now or hereafter having not less than thirty-eight nor more than forty-two congressional townships and now or hereafter having a taxable valuation of not less than ten million dollars.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. County treasurer's clerk hire in certain counties.—In each county of this state now or hereafter containing not less than thirty-eight nor more than forty-two congressional townships, and now or hereafter having a taxable valuation of not less than ten million dollars, as finally equalized by the state tax commission each year, there shall be allowed for county treasurer's clerk hire as follows:

One-tenth of a mill on every dollar of assessed valuation, which clerk hire shall be paid in equal monthly installments to the persons actually rendering such service. The amount of said clerk hire for any year shall be computed on the assessed valuation of the preceding year and shall be paid in the same manner as the salary of other county employes.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1921.

CHAPTER 190—S. F. No. 564.

An act to prohibit the manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale, within the state of Minnesota of any adulterated; mislabeled or misbranded drug; defining the terms "drug," "misbranded," "mislabeled," "adulterated" and "package," fixing the standard of purity of drugs; defining what shall constitute prima facie evidence of the

violation of the act; providing for the enforcement of the provisions of the act by the state board of pharmacy; defining violations of the act; providing that the same shall be misdemeanor and providing for the punishment thereof and fixing the penalty and making disposition of the fines.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Manufacture, etc., of misbranded drugs prohibited.—The manufacture, production, preparation, compounding packing, selling, offering for sale or keeping for sale, within the state of Minnesota, of any drug which is adulterated, mislabeled or misbranded, within the meaning of this act, is hereby prohibited. Any person, firm, company, or corporation who shall manufacture or produce, prepare or compound, pack or sell, offer for sale or keep for sale, within the state of Minnesota, any such adulterated, mislabeled or misbranded drug, shall be guilty of a misdemeanor.

Sec. 2. Definition of "drug."—That the term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals.

Sec. 3. National standard to govern.—The standard of purity of drugs shall be the United States Pharmacopoeia or National Formulary. The regulations and definitions adopted for the enforcement of the National Food and Drugs Act of June 30, 1906, and any amendments thereof, may be adopted by the State Board of Pharmacy so far as applicable to the provisions of this act and the Board may adopt such other rules and regulations as may be necessary for the enforcement of this act.

Sec. 4. What constitutes adulterated drugs.—Drugs shall be deemed adulterated within the meaning of this act in any of the following cases.

First: If, when a drug is sold under or by a name used in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time. Provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the package thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second: If the strength or purity fall below the professed standard or quality under which it is sold.

Sec. 5. Definition of "misbranded."—That the term "misbranded" as used herein shall apply to all drugs, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug which is falsely branded or labeled as to the county, city and county, city, town, state, territory, District of Columbia or foreign country in which it is manufactured or produced.

Sec. 6. When deemed misbranded or mislabeled.—Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases:

First: If it be an imitation of or offered for sale under the name of another drug.

Second: If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package as offered for sale at retail or wholesale, fail to bear a statement on the label of the per cent by volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta-eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide or any derivative or preparation of any such substances contained therein, except when prescribed by a physician, dentist, or veterinarian duly licensed to practice under the laws of this state.

Third: If its package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false and fraudulent.

Sec. 7. Definition of "package."—The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for enclosing any drug but shall not include any shipping container in which properly marked packages are contained.

Sec. 8. Sale or offering for sale to be prima facie evidence of violation of act.—The sale or offering for sale, within this state, of any adulterated, mislabeled or misbranded drug by any manufacturer, producer, jobber, packer or dealer in drugs, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer, shall be prima facie evidence of the violation of this act.

Sec. 9. Refusal to sell an agent prima facie evidence of violation.—It shall be prima facie evidence of the violation of this act for any person to refuse to sell to any agent of the state board of pharmacy, any sample of drug upon tender of the market price therefor, or to conceal any such drug from such officer, or to withhold from him information where such drug is kept or stored.

Sec. 10. Duties of State Board of Pharmacy.—It shall be the duty of the State Board of Pharmacy to enforce the provisions of this act and the power and authority of the said Board as now defined by the laws of this state are hereby extended so as to be commensurate with the duties hereby imposed.

Sec. 11. Penalties—Disposition of fines.—That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, for each offense, upon conviction thereof, be fined not to exceed fifty dollars; and upon conviction for any second or subsequent offense, shall be fined not to exceed one hundred dollars, and upon each conviction the person so convicted shall, in addition to the fine herein mentioned, pay all the cost of prosecution, including the expense incurred in examining and analyzing the article found to have been adulterated or misbranded; and all fines paid and collected for violations of this act shall be paid to the State Board of Pharmacy forthwith, the provisions of any statute, ordinance or charter to the contrary notwithstanding. The fines so collected shall be kept in a separate fund by the said Board, to be used in the enforcement of the provisions of this act. But the Board may use so far as they deem necessary other moneys in its hands for this purpose.

Sec. 12. Application.—The provisions of this act relating to misbranding shall not apply to the distribution or sale, or to the possession with intent to distribute or sell by any dealer, of such drugs as may be in such dealer's stock, in this state, on October first, one thousand nine hundred and twenty-one; Provided, That the package or other container in which said drugs shall be contained shall be plainly and conspicuously marked with the words and figures: "On hand October first, one thousand nine hundred and twenty-one."

Sec. 13. Effective Oct. 1, 1921.—That this act shall be in force and effect from and after the first day of October, nineteen hundred and twenty-one.

Sec. 14. Inconsistent acts repealed.—All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 7, 1921.

CHAPTER 191—S. F. No. 569.

An act relating to the payment of money by the game and fish commissioner for a warranty deed to certain land in Ottertail county.
Be it enacted by the Legislature of the State of Minnesota:

Section 1. Game and fish commissioner authorized to purchase additional field stations.—The game and fish commissioner is hereby authorized to pay the sum of one hundred dollars, out of moneys appropriated to his department available for field stations,