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CHAPTER 1—ADULTERATED OR MISBRANDED FOODS OR DRUGS

SUBCHAPTER I—FEDERAL FOOD AND DRUGS ACT OF 1906

Sec.

1 to 15. Repealed or Transferred.

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

16. Introduction into, or sale in, State or Territory or District of Columbia of dairy or food products falsely labeled or branded.

Sec.

17. Penalty for sale or introduction of falsely labeled dairy or food products; venue.

18. Suspension of importation of adulterated articles.

19. Repealed.

20. Apples in interstate commerce; standard grades.

21. Branding grades on barrels of apples.

22. Barrels misbranded.

23. Penalties.

24. Omitted.

25. Oleomargarine, butterine, or imitation butter or cheese transported into a State subject to its police powers.

26. Omitted.

SUBCHAPTER I—FEDERAL FOOD AND DRUGS ACT OF 1906

§§ 1 to 5. Repealed. June 25, 1938, ch. 675, § 902(a), 52 Stat. 1059

Section 1, act June 30, 1906, ch. 3915, § 1, 34 Stat. 768, made it unlawful to manufacture adulterated or misbranded foods or drugs in Territories or District of Columbia and provided penalty for violations. See sections 331 and 333 of this title.

Section 2, act June 30, 1906, ch. 3915, § 2, 34 Stat. 768, prohibited introduction, shipment, delivery or sale of adulterated or misbranded foods or drugs in interstate or foreign commerce, provided penalty for violations and exempted exports conforming to specifications of foreign purchaser and not in conflict with laws of foreign country importing the same. See sections 331, 333 and 381 of this title.

Section 3, acts June 30, 1906, ch. 3915, § 3, 34 Stat. 768; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, authorized Secretaries of the Treasury, Agriculture, and Commerce to make uniform rules and regulations for enforcement of food and drug laws, including collection and examination of specimens. See section 371 of this title.

Section 4, act June 30, 1906, ch. 3915, § 12, 34 Stat. 772, provided that act or omission of officer, agent, and so forth, of corporation, shall be deemed act or omission of corporation.

Section 5, act June 30, 1906, ch. 3915, § 12, 34 Stat. 772, defined ''territory'' and ''person''. See section 321 of this title and section 1 of Title 1, General Provisions.

EFFECTIVE DATE OF REPEAL

Section 902(a) of act June 25, 1938, ch. 675, 52 Stat. 1059, which repealed sections 1 to 5, 7 to 14, and 15 of this title, provided that the repeal of those sections should take effect upon the effective date of act June 25, 1938, which was to take effect twelve months after the date of its enactment. Act June 23, 1939, ch. 242, § 2(b), 53 Stat. 854, provided that: ''The provisions of such act of June 30, 1906, as amended, to the extent that they impose, or authorize the imposition of, any requirement imposed by section 403(k) of the Federal Food, Drug, and Cosmetic Act [section 343(k) of this title], shall remain in force until January 1, 1940.''

§ 6. Transferred

CODIFICATION

Section, act Mar. 4, 1923, ch. 268, 42 Stat. 1500, was transferred to section 321a of this title.

§§ 7 to 14. Repealed. June 25, 1938, ch. 675, § 902(a), 52 Stat. 1059

Section 7, act June 30, 1906, ch. 3915, § 6, 34 Stat. 769, defined ''drug'' and ''food''. See section 321 of this title.

Section 8, act June 30, 1906, ch. 3915, § 7, 34 Stat. 769, deemed drugs to be adulterated when sold having a difference from recognized standards, except where there is an explanatory statement on or in container, and when sold below professed standard; confectioneries, when containing mineral substances, poisonous color or flavors, other deleterious ingredients, liquors or narcotics; food, when concerned with injurious mixtures, use of substitutes, abstraction of valuable constituents, concealment of damage or inferiority, deleterious ingredients, preservatives in shipment conditionally excepted, animal or vegetable substances unfit for food and products of animals diseased or having died otherwise than by slaughter. See sections 342 and 351 of this title.

Section 9, act June 30, 1906, ch. 3915, § 8, 34 Stat. 771, defined ''misbranded'' and provided for its application to drugs and food. See sections 343 and 352 of this title.

Section 10, acts June 30, 1906, ch. 3915, § 8, 34 Stat. 771; Aug. 23, 1912, ch. 352, 37 Stat. 416; Mar. 3, 1913, ch. 117, 37 Stat. 732; July 24, 1919, ch. 26, 41 Stat. 271; July 8, 1930, ch. 874, 46 Stat. 1019, deemed drugs to be misbranded when there is an imitation or use of name of other article, when there is removal and substitution of contents of package or failure to state on label quantity or proportion of narcotics therein, and when there is a false statement of curative or therapeutic effect; and food, when there is an imitation or use of name of other article, when there is a false label or brand removal and substitution of contents of package, or failure to state or label quantity or proportion of narcotics therein, when the packages are not marked with weight, with certain variations and exemptions permitted, when there are false or misleading statements on package or label as to ingredients or substances; and food, when mixtures or compounds under distinctive names, the articles are labeled, branded as compounds, imitations, or blends; construed the term ''blend'' and related to disclosure of trade formulas of proprietary foods, and canned food. See sections 321b, 341, 343 and 352 of this title.

Section 11, acts June 30, 1906, ch. 3915, § 4, 34 Stat. 769; Jan. 18, 1927, ch. 39, 44 Stat. 1003, provided for examination of specimens, notice of adulteration or misbranding, hearing, certification of violations to United States district attorney and notice of judgment.

Section 12, act June 30, 1906, ch. 3915, § 5, 34 Stat. 769, provided for prosecution by district attorneys for enforcement of penalties.

Section 13, act June 30, 1906, ch. 3915, § 9, 34 Stat. 771, provided for a seller's guaranty as protection to dealer. See section 333 of this title.

Section 14, act June 30, 1906, ch. 3915, § 10, 34 Stat. 771, provided for seizure of articles by libel for condemnation, at suit of and in name of United States, in United States district court where found, conforming to proceedings in admiralty, with right to trial by jury, destruction or sale of adulterated or misbranded articles, bond and payment of proceeds into Treasury of United States. See sections 332, 334 and 337 of this title.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 902(a) of act June 25, 1938, set out as a note under sections 1 to 5 of this title.

§ 14a. Transferred

CODIFICATION

Section, act June 30, 1906, ch. 3915, § 10A, as added June 22, 1934, ch. 712, 48 Stat. 1204, and amended, which related to examination of sea food on request of packer, marking of food with results, fees, and penalties, was successively renumbered section 702A and then 706 of the Federal Food, Drug, and Cosmetic Act by act July 12, 1943, ch. 221, title II, § 201, 57 Stat. 500, and by Pub. L. 102–571, title I, § 106(3), Oct. 29, 1992, 106 Stat. 4498, and was successively classified to section 372a and then 376 of this title.

§ 15. Repealed. June 25, 1938, ch. 675, § 902(a), 52 Stat. 1059

Section, act June 30, 1906, ch. 3915, § 11, 34 Stat. 772, provided for examination of samples of imports, refusal of admission and delivery to consignee, delivery to consignee pending examination and decision on bond and charges for storage and lien therefor. See section 381 of this title.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 902(a) of act June 25, 1938, set out as a note under sections 1 to 5 of this title.

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

§ 16. Introduction into, or sale in, State or Territory or District of Columbia of dairy or food products falsely labeled or branded

No person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

(July 1, 1902, ch. 1357, § 1, 32 Stat. 632.)

§ 17. Penalty for sale or introduction of falsely labeled dairy or food products; venue

If any person or persons violate the provisions of section 16 of this title, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than $500 nor more than $2,000. The jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

(July 1, 1902, ch. 1357, § 2, 32 Stat. 632.)

§ 18. Suspension of importation of adulterated articles

Whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States, from any foreign country, of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation; and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles the importation of which is so suspended.

(Aug. 30, 1890, ch. 839, § 4, 26 Stat. 415.)

§ 19. Repealed. May 29, 1928, ch. 901, § 1(100), 45 Stat. 993

Section, act May 23, 1908, ch. 192, 35 Stat. 261, related to report to Congress of expenditures in enforcing food and drug laws.

§ 20. Apples in interstate commerce; standard grades

The standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States shall be as follows: Apples of one variety, which are well-grown specimens, hand picked, of good color for the variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than 10 per centum below the foregoing specifications shall be ''Standard grade minimum size two and one-half inches'', if the minimum size of the apples is two and one-half inches in transverse diameter; ''Standard grade minimum size two and one-fourth inches'', if the minimum size of the apples is two and one-fourth inches in transverse diameter; or ''Standard grade minimum size two inches'', if the minimum size of the apples is two inches in transverse diameter.

(Aug. 3, 1912, ch. 273, § 2, 37 Stat. 250.)

§ 21. Branding grades on barrels of apples

The barrels in which apples are packed in accordance with the provisions of sections 20 to 23 of this title may be branded in accordance with the provisions of section 20 of this title.

(Aug. 3, 1912, ch. 273, § 3, 37 Stat. 251.)

§ 22. Barrels misbranded

Barrels packed with apples shall be deemed to be misbranded within the meaning of sections 20 to 23 of this title—

First. If the barrel bears any statement, design, or device indicating that the apples contained therein are ''Standard'' grade and the apples when packed do not conform to the requirements prescribed by section 20 of this title.

Second. If the barrel bears any statement, design, or device indicating that the apples contained therein are ''Standard'' grade and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked.

(Aug. 3, 1912, ch. 273, § 5, 37 Stat. 251.)

§ 23. Penalties

Any person, firm or corporation, or association who shall knowingly pack or cause to be packed apples in barrels or who shall knowingly sell or offer for sale such barrels in violation of the provisions of sections 20 to 23 of this title shall be liable to a penalty of $1 and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction.

(Aug. 3, 1912, ch. 273, § 6, 37 Stat. 251.)

CODIFICATION

Section is also set out as section 233 of Title 15, Commerce and Trade.

§ 24. Omitted

CODIFICATION

Section, act Mar. 4, 1915, ch. 144, 38 Stat. 1102, related to payment of the cost of inspection under a provision authorizing the investigation of the character of chemical and physical tests applied to American food products in foreign countries and the inspection of such products before shipment to such countries at the request of the shippers or owners. That provision was repeated in subsequent appropriation acts but was omitted from the appropriation act of July 12, 1943, ch. 221, 57 Stat. 494, and from all subsequent appropriation acts.

§ 25. Oleomargarine, butterine, or imitation butter or cheese transported into a State subject to its police powers

All articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

(May 9, 1902, ch. 784, § 1, 32 Stat. 193.)

§ 26. Omitted

CODIFICATION

Section, which was from the appropriation acts of Jan. 18, 1927, ch. 39, 44 Stat. 984; May 16, 1928, ch. 572, 45 Stat. 548; Feb. 16, 1929, ch. 227, 45 Stat. 1198; May 27, 1930, ch. 341, 46 Stat. 424, and subsequent Department of Agriculture Appropriation Acts to and including act June 28, 1944, ch. 296, § 4, 58 Stat. 461, and related to inspection of food and other products, is covered by section 2256 of Title 7, Agriculture.

CHAPTER 2—TEAS

§§ 41 to 50. Repealed. Pub. L. 104–128, § 2, Apr. 9, 1996, 110 Stat. 1198

Section 41, acts Mar. 2, 1897, ch. 358, § 1, 29 Stat. 604; May 16, 1908, ch. 170, 35 Stat. 163; May 31, 1920, ch. 217, 41 Stat. 712; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; May 24, 1962, Pub. L. 87–456, title III, § 303(a), 76 Stat. 77; Aug. 23, 1988, Pub. L. 100–418, title I, § 1214(*l*), 102 Stat. 1158, prohibited unlawful importation of substandard tea.

Section 42, acts Mar. 2, 1897, ch. 358, § 2, 29 Stat. 605; May 31, 1920, ch. 217, 41 Stat. 712; 1940 Reorg. Plan No.