of Pub. L. 91–513, set out as an Effective Date note under section 951 of this title.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of repeal of these sections by section 1101 of Pub. L. 91–513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91–513, set out as a Savings Provision note under section 171 of this title.

MISCELLANEOUS

§ 196. Repealed. July 1, 1944, ch. 373, title XIII, § 1315, 58 Stat. 714

RENUMBERING OF REPEAL ACT

Section 611 of act July 1, 1944, which repealed this section, was renumbered 711 by act Aug. 13, 1946, ch. 958, §§ 5, 60 Stat. 1049. 715 by act Feb. 28, 1948, ch. 83, §§ 9(b), 62 Stat. 47, 613 by act July 30, 1946, ch. 779, § 9(b), 60 Stat. 39, related to punishment for offenses after first offense. See section 801 et seq. of this title.

Section 197, act June 14, 1930, ch. 488, §§ 7, 46 Stat. 587, directed Secretary of the Treasury to cooperate with Secretary of State in discharge of international obligations of United States concerning traffic in narcotic drugs.

Section 198, acts June 14, 1930, ch. 488, §§ 8, 46 Stat. 587; July 18, 1936, ch. 629, title III, § 302, 70 Stat. 575, directed Secretary of the Treasury to cooperate with the several States in suppression of abuse of narcotic drugs in their respective jurisdictions.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 1105(a) of Pub. L. 91–513, set out as an Effective Date note under section 951 of this title.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of repeal of this section by section 1101 of Pub. L. 91–513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91–513, set out as a note under section 171 of this title.

§§ 198a to 198c. Transferred

CONFERENCE

Section 198a, act Aug. 11, 1955, ch. 600, § 1, 69 Stat. 684, as amended, which related to the authority of Secretary of the Treasury to issue subpoenas, administer oaths and compel attendance of witnesses for purpose of any investigation, was transferred to section 967 of this title.

Section 198b, act Aug. 11, 1955, ch. 600, §§ 2, 69 Stat. 685, which related to service of subpoenas and proof of service, was transferred to section 968 of this title.

Section 198c, act Aug. 11, 1955, ch. 600, §§ 3, 69 Stat. 685, which related to contempt proceedings, was transferred to section 969 of this title.

Section, act July 3, 1930, ch. 829, 46 Stat. 850, authorized payment to persons giving information concerning violations of narcotics laws. See section 886(a) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 1105(a) of Pub. L. 91–513, set out as an Effective Date note under section 951 of this title.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of repeal of this section by section 1101 of Pub. L. 91–513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91–513, set out as a note under section 171 of this title.

Sections, acts Aug. 12, 1937, ch. 598, §§ 1-3, 50 Stat. 627; July 1, 1944, ch. 377, § 9, 58 Stat. 721; Mar. 6, 1946, ch. 81, §§ 6, 60 Stat. 39, related to punishment for offenses after first offense. See section 801 et seq. of this title.

SAVINGS PROVISION

Section 6 of act Nov. 2, 1951, provided that any rights or liabilities now existing under former sections 200 to 200b of this title should not be affected by their repeal.

CHAPTER 7—PRACTICE OF PHARMACY AND SALE OF POISONS IN CONSULAR DISTRICTS IN CHINA

Sec. 201. Doing business without a license unlawful; employment of Chinese subjects.
202. Certain classes of persons and corporations excepted; insecticides.
203. Application for license; requirements; qualifications for license.
204. Issuance of license.
205. Display of license in pharmacy.
206. Revocation of license.
207. Restrictions on sales; written orders or prescriptions.
208. Certain preparations and sales excepted.
209. Poisons; book entry of sale; labels.
210. Pharmacist; unauthorized use of title.
211. Preservation of originals of prescriptions compounded and copies thereof; inspection of prescriptions by consular officers; marking containers of drugs.
212. Offenses; punishment; duty to enforce provisions.
213. Fraudulent representations to evade or defeat restrictions.
214. Previous laws unaffected.

§ 201. Doing business without a license unlawful; employment of Chinese subjects
It shall be unlawful in the consular districts of the United States in China for any person whose permanent allegiance is due to the United States not licensed as a pharmacist within the meaning of this chapter to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding, or dispensing of any drugs, chemicals, or poisons, or for the com-
§ 202. Certain classes of persons and corporations excepted; insecticides

Nothing in section 201 of this title shall be construed to interfere with any recognized and reputable practitioner of medicine, dentistry, or veterinary surgery in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper, except as hereinafter provided; nor with the exclusively wholesale business of any person, firm, or corporation whose permanent allegiance is due to the United States dealing and licensed as pharmacists, or having in their employ at least one person who is so licensed, except as hereinafter provided; nor with the sale by persons, firms, or corporations whose permanent allegiance is due to the United States other than pharmacists of poisonous substances sold exclusively for use in the arts, or as insecticides, when such substances are sold in unbroken packages bearing labels having plainly printed upon them the name of the contents, the word “Poison”, when practicable the name of at least one suitable antidote, and the name and address of the vender.

(Mar. 3, 1915, ch. 74, § 1, 38 Stat. 818.)

§ 203. Application for license; requirements; qualifications for license

Every person whose permanent allegiance is due to the United States desiring to practice as a pharmacist in the consular districts in China shall file with the consul an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which he pursued and the time spent in the study of pharmacy, the experience which the applicant has had in compounding physicians’ prescriptions under the direction of a licensed pharmacist, and the name and location of the school or college of pharmacy, if any, of which he is a graduate, and shall submit evidence sufficient to show to the satisfaction of said consul that he is of good moral character and not addicted to the use of alcoholic liquors or narcotic drugs so as to render him unfit to practice pharmacy. Applicants shall be not less than twenty-one years of age and shall have had at least four years’ experience in the practice of pharmacy or shall have served three years under the instruction of a regularly licensed pharmacist, and any applicant who has been graduated from a school or college of pharmacy recognized by the proper board of his State, Territory, District of Columbia, or other possession of the United States as in good standing shall be entitled to practice upon presentation of his diploma.

(Mar. 3, 1915, ch. 74, § 2, 38 Stat. 818.)

§ 204. Issuance of license

If the applicant for license as a pharmacist has complied with the requirements of section 203 of this title, the consul shall issue to him a license which shall entitle him to practice pharmacy in the consular districts of the United States in China, subject to the provisions of this chapter.

(Mar. 3, 1915, ch. 74, § 3, 38 Stat. 819.)

§ 205. Display of license in pharmacy

Every license to practice pharmacy shall be conspicuously displayed by the person to whom the same has been issued in the pharmacy, drug store, or place of business, if any, of which the said person is the owner or part owner or manager.

(Mar. 3, 1915, ch. 74, § 5, 38 Stat. 819.)

§ 206. Revocation of license

The license of any person whose permanent allegiance is due to the United States to practice pharmacy in the consular districts of the United States in China may be revoked by the consul if such person be found to have obtained such license by fraud, or be addicted to the use of any narcotic or stimulant, or to be suffering from physical or mental disease, in such manner and
to such extent as to render it expedient that in the interests of the public his license be canceled; or to be of an immoral character; or if such person be convicted in any court of competent jurisdiction of any offense involving moral turpitude. It shall be the duty of the consul to investigate any case in which it is discovered by him or made to appear to his satisfaction that any license issued under the provisions of this chapter is revocable and shall, after full hearing, if in his judgment the facts warrant it, revoke such license.

(Mar. 3, 1915, ch. 74, §4, 38 Stat. 819.)

§ 207. Restrictions on sales; written orders or prescriptions

It shall be unlawful for any person, firm, or corporation whose permanent allegiance is due to the United States, either personally or by servant or agent or as the servant or agent of any other person or of any firm or corporation, to sell, furnish, or give away any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphia or preparation containing opium, or any chloral hydrate or preparation containing morphine or salts of morphine, or any chloral hydrate or preparation containing chloral hydrate. But the preceding sentence shall not be construed to prevent any recognized or reputable practitioner of medicine whose permanent allegiance is due to the United States from furnishing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this section. But the provisions of this section or section 207 of this title shall not apply to sales at wholesale between jobbers, manufacturers, and retail druggists, hospitals, and scientific or public institutions.

(Mar. 3, 1915, ch. 74, §6, 38 Stat. 819.)

CODIFICATION

Section is comprised of part of section 6 of act Mar. 3, 1915. Remainder of such section 6 is classified to section 207 of this title.

§ 209. Poisons; book entry of sale; labels

It shall be unlawful for any person, firm, or corporation whose permanent allegiance is due to the United States to sell or deliver to any other person any of the following-described substances, or any poisonous compound, combination, or preparation thereof, to wit: The compounds of and salts of antimony, arsenic, barium, chromium, copper, gold, lead, mercury, silver, and zinc, the caustic hydrates of sodium and potassium, solution or water of ammonia, methyl alcohol, paregoric, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, Paris green, carbolic acid, the essential oils of almonds, pennroyal, tansy, rue, and savin; croton oil, creosote, chloroform, cantharides, or aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, coni, cannabis indica, ergot, hyoscyamus, ignatia, lobelia, nux vomica, physostigma, phytolacca, strophanthus, stramonium, veratrum viride, or any of the poisonous alkaloids or alkaloidal salts derived from the foregoing, or any other poisonous alkaloids or their salts, or any other virulent poison, except in the manner following, and, moreover, if the applicant be less than eighteen years of age, except upon the written order of a person known or believed to be an adult. It shall first be learned, by due inquiry, that the person to whom delivery is about to be made is aware of the poisonous character of the substance and that it is desired for a lawful purpose, and the box, bottle, or other package shall be plainly labeled with the name of the substance, the word "Poison", the name of at least one suitable antidote, when practicable, and the name and address of the person, firm, or corporation dispensing the substance. And before delivery be made of any of the foregoing substances, excepting solution or water of ammonia and sulphate of copper, there shall be recorded
§ 210  Pharmacist; unauthorized use of title

It shall be unlawful for any person whose permanent allegiance is due to the United States, not legally licensed as a pharmacist, to take, use, or exhibit the title of pharmacist, or licensed or registered pharmacist, or the title of druggist or apothecary, or any other title or description of like import.

(Mar. 3, 1915, ch. 74, §10, 38 Stat. 821.)

§ 211. Preservation of originals of prescriptions compounded and copies thereof; inspection of prescriptions by consular officers; marking containers of drugs

Every person, firm, or corporation whose permanent allegiance is due to the United States owning, partly owning, or managing a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than three years the original of every prescription compounded or dispensed at such store or pharmacy, or a copy of such prescription, except when the preservation of the original is required by section 207 or 208 of this title. Upon request the owner, part owner, or manager of such store shall furnish to the prescribing physician, or to the person for whom such prescription was compounded or dispensed, a true and correct copy thereof. Any prescription required by section 207 or 208 of this title, and any prescription for, or register of sales of, substances mentioned in such sections shall at all times be open to inspection by duly authorized consular officers in the consular districts of the United States in China. No person, firm, or corporation whose permanent allegiance is due to the United States shall, in a consular district, compound or dispense any drug or drugs or deliver the same to any other person without marking on the container thereof the name of the drug or drugs contained therein and directions for using the same.

(Mar. 3, 1915, ch. 74, §9, 38 Stat. 821.)

§ 212. Offenses; punishment; duty to enforce provisions

Any person, firm, or corporation, whose permanent allegiance is due to the United States, violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $50 and not more than $100 or by imprisonment for not less than one month and not more than sixty days, or by both such fine and imprisonment, in the discretion of the court, and if the offense be continuing in its character, each week or part of a week during which it continues shall constitute a separate and distinct offense. And it shall be the duty of the consular and judicial officers of the United States in China to enforce the provisions of this chapter.

(Mar. 3, 1915, ch. 74, §11, 38 Stat. 821.)

§ 213. Fraudulent representations to evade or defeat restrictions

No person, firm, or corporation whose permanent allegiance is due to the United States seeking to procure in the consular districts of the United States in China any substance the sale of which is regulated by the provisions of this chapter shall make any fraudulent representations so as to evade or defeat the restrictions herein imposed.

(Mar. 3, 1915, ch. 74, §8, 38 Stat. 821.)
§ 214. Previous laws unaffected

Nothing in this chapter shall be construed as modifying or revoking any of the provisions of sections 191 to 193 of this title.

(Mar. 3, 1915, ch. 74, §13, 38 Stat. 822.)

REFERENCES IN TEXT


§ 215. "Consul" defined

The word "consul" as used in this chapter shall mean the consular officer in charge of the district concerned.

(Mar. 3, 1915, ch. 74, §12, 38 Stat. 822.)

CHAPTER 8—NARCOTIC FARMS

§§ 221 to 237. Repealed. July 1, 1944, ch. 373, title XIII, §1313, 58 Stat. 714


Section 222, act Jan. 19, 1929, ch. 82, §2, 45 Stat. 1085, provided for narcotic farms.

Section 222a, act June 23, 1935, ch. 725, §1, 49 Stat. 1849, provided name for narcotic farm at Lexington, Ky.

Section 222b, act Mar. 28, 1938, ch. 55, §1, 52 Stat. 134, provided name for narcotic farm at Fort Worth, Texas.


Section 224, act Jan. 19, 1929, ch. 82, §4, 45 Stat. 1086, provided for construction of buildings for two of the narcotic farms.


Section 227, act Jan. 19, 1929, ch. 82, §7, 45 Stat. 1086, provided for transfer to and from farms of addicts who are prisoners.

Section 228, act Jan. 19, 1929, ch. 82, §§8, 45 Stat. 1087, provided that it was the duty of prosecuting officers to report convicted persons believed to be addicts.


Section 230, act Jan. 19, 1929, ch. 82, §10, 45 Stat. 1087, provided for parole of inmates.


Section 235, act Jan. 19, 1929, ch. 82, §15, 45 Stat. 1089, provided penalties for escape of inmates.

Section 236, act Jan. 19, 1929, ch. 82, §16, 45 Stat. 1089, provided penalties for procuring of escape by inmates.

Section 237, act Jan. 19, 1929, ch. 82, §17, 45 Stat. 1089, provided for deportation of alien addicts who are entitled to a discharge from narcotic farms.

RENUMBERING OF REPEALING ACT


CHAPTER 9—FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER I—SHORT TITLE

Sec. 301. Short title.

SUBCHAPTER II—DEFINITIONS

321. Definitions; generally.


321b. “Package” defined.

321c. Nonfat dry milk; “milk” defined.

321d. Market names for catfish and Ginseng.

SUBCHAPTER III—PROHIBITED ACTS AND PENALTIES

331. Prohibited acts.

332. Injunction proceedings.

333. Penalties.

333a. Repealed.

334. Seizure.

335. Hearing before report of criminal violation.

335a. Debarment, temporary denial of approval, and suspension.

335b. Civil penalties.

335c. Authority to withdraw approval of abbreviated drug applications.


337. Proceedings in name of United States; provision as to subpoenas.

SUBCHAPTER IV—FOOD

341. Definitions and standards for food.

342. Adulterated food.

343. Misbranded food.

343–1. National uniform nutrition labeling.

343–2. Dietary supplement labeling exemptions.


343a. Repealed.

344. Emergency permit control.

345. Regulations making exemptions.

346. “Tolerances for poisonous or deleterious substances in food; regulations.

346a. Tolerances and exemptions for pesticide chemical residues.


347. Intrastate sales of colored oleomargarine.

347a. Congressional declaration of policy regarding oleomargarine sales.

347b. Contravention of State laws.

348. Food additives.

349. Bottled drinking water standards; publication in Federal Register.

350. Vitamins and minerals.

350a. Infant formulas.

350b. New dietary ingredients.

1 See References in Text note below.