

Pure Food Law, Construction Of. Oleomargarine, Notice of Sale Of to be Given.

Under the provisions of Chap. 130, Session Laws of 1911, it is made unlawful for any person to sell or offer for sale in this state, any article of food which is adulterated or misbranded, within the meaning of the act. The act specifically provides what constitutes misbranded or adulterated food.

The sale of oleomargarine is not prohibited, but it must be plainly marked "Oleomargarine." Hotels and restaurants using it must expose a proper sign showing this fact.

May 25, 1912.

Dr. T. D. Tuttle,
Sec'y State Board of Health,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of May 20th, stating that at all soda fountains which you have thus far inspected, the fruits, syrups, etc., artificially preserved and colored, are purchased from manufacturers in the east or west, the packages in which they are received being labeled accordingly. The merchant removes these products from the original packages and places them in containers not labeled. Also that you find ice creams are being sold that are artificially colored, and that oleomargarine is sold at certain hotels without any notice being given to the consumer of this fact. You request my official opinion as to whether or not these artificially preserved and colored fruits and flavors should be sold as such; and also whether or not the person selling oleomargarine is required to give notice of this fact to the purchaser.

In reply I will say that by the provisions of Chapter 130, Session Laws of 1911, it is made unlawful for any person to sell or offer for sale in this State any article of food which is adulterated or misbranded within the meaning of the Act. The Act specifically provides what constitutes misbranded or adulterated food. If the foods comply with this Act in purity and branding, they may be sold in this State either in the original or unbroken package, but if they do not conform to the Act they cannot be sold or offered for sale. The Act is clear and specific as to what constitutes adulterated or misbranded foods.

The sale of oleomargarine is not prohibited, but under the provisions of Sec. 8, Chapter 138, Session Laws of 1911, "All products made

and sold or exposed for sale, as butter substitutes and made either wholly or in part from any fat or oil other than from pure unadulterated milk or cream, shall be plainly marked, stamped or labeled on every package, so made, sold, or exposed for sale in plain black letters one-half inch vertical dimension, 'Oleomargarine.' Hotels or Restaurants using imitation butter shall place placards, plainly legible from all parts of the dining-room, marked 'Oleomargarine' or 'Renovated Butter', as the case may be, 'used here'."

Yours very truly,

ALBERT J. GALEN,

Attorney General.