

Repeal.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 14th day of May, A. D. 1925.

In approving this bill I desire to point out that my action is consistent with the principle followed in my recent disapproval of a number of bills which increase the salaries of officers or employes who are paid out of county or city treasuries. That principle is that the Legislature ought not to fix salaries of local employes which must be paid out of local treasuries, but that the local tax-levying authorities should be allowed to determine and fix the compensation of such employes, except in cases in which the Commonwealth has an interest in the proper administration of the work of local officers or employes, which is paramount to the home rule principle just stated. One of these exceptions must very obviously be the compensation of employes of the courts.

For this reason the only question before me in connection with this bill is whether five thousand dollars per annum is proper compensation for the clerks of the courts of common pleas in counties of the first class. I am satisfied that this compensation is not excessive and therefore approve the bill.

GIFFORD PINCHOT.

No. 399.

AN ACT

For the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties.

Manufacture and sale of carbonated beverages and still drinks.

Definitions.

Section 1. Be it enacted, &c., That the term "carbonated beverages" or "still drinks," as used in this act, shall include all carbonated beverages or still drinks, fruit juices, and mineral waters when ready for use as a beverage, whether still or carbonated, and whether simple, mixed, or compounded. The term shall not include natural apple cider or unfermented grape juice.

The word "person" shall include individuals, associations, copartnerships, and corporations.

The singular shall include the plural; the masculine shall include the feminine and neuter.

Unlawful to sell or give away unless registered.

Section 2. It is unlawful for any person to sell, offer, or expose for sale or exchange or give away any carbonated beverage or still drink, except such as is manufactured, prepared, mixed, or compounded by himself, unless the same has been registered with the Department of Agriculture.

Registration.

Section 3. Any person, whether a resident or non-resident of this Commonwealth, manufacturing or bottling any carbonated beverages or still drinks shall reg-

ister such beverages with the Department of Agriculture by filing an application for such purpose on a form to be prescribed by the Department of Agriculture. Such application shall state (a) the name and address of the applicant, (b) the location of his manufacturing or bottling plant, (c) the name of each beverage to be registered, and (d) such other information as may be required by the Department of Agriculture. The application shall be accompanied by a fee of fifty dollars. The Department of Agriculture shall issue to each applicant a certificate of registration for all carbonated beverages or still drinks manufactured or bottled by him. Such registration shall expire one year from the issuance thereof, unless renewed annually by the payment of a fee of fifty dollars.

Application.

Contents of application.

Fee.

Certificate of registration.

Term and renewal.

The Department of Agriculture may revoke any registration whenever it is determined by it that any of the provisions of this act or of any other act relating to carbonated beverages or still drinks have been violated.

May be revoked.

Section 4. It is unlawful for any person to label, mark, or cap any carbonated beverage or still drink which has not been registered under this act, so as in any way to indicate that such beverage has been so registered.

Unlawful marking.

It is unlawful for any person other than a person holding a certificate of registration to use for the purpose of holding any carbonated beverages or still drinks any container, label, or cap bearing any registration mark.

Unlawful use of containers, labels or caps.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars.

Penalty

Section 5. No carbonated beverages or still drinks shall be made except from syrup containing pure cane or beet sugar and pure flavoring materials with or without added fruit acids and with or without added color. Such carbonated beverages or still drinks shall contain not less than eight per centum sugar by weight. This section does not prohibit the use of any other harmless ingredient in the manufacture of carbonated beverages or still drinks, nor does this section apply to non-alcoholic fruit juices or to carbonated beverages or still drinks made in imitation of beer, bitter drinks, or other similar beverages. Whenever artificial coal tar products are used nothing but the certified colors approved by the Federal Government may be used. Carbonated beverages or still drinks not in compliance with this section shall be deemed adulterated.

Composition of beverages or still drinks.

Marking, labeling or capping of beverages and still drinks where artificial flavors or colors are used or natural product imitated.

Section 6. Whenever artificial colors or flavors are used in the manufacture of carbonated beverages or still drinks the bottle or other container shall be distinctly marked, labeled, or capped "artificially colored," "artificially flavored," or "artificially colored and flavored," as the case may be. All cider, fruit-ades, fruit juices, or other similar beverages made in imitation of the natural product, shall be distinctly marked, labeled, or capped with the word "imitation," followed by the name of the natural product imitated.

Marking when sold from bulk.

All carbonated beverages or still drinks containing artificial flavor or artificial color of any character and sold from bulk shall be so labeled or marked on the container from which it is sold.

Display cards on stands where artificially flavored or colored beverages are sold.

Section 7. Display cards shall be prominently displayed on all stands, booths, or other places where any carbonated beverage or still drink containing artificial coloring or artificial flavoring is sold or dispensed. Such display cards shall be printed in letters not less than two inches long and three-fourths of an inch in width and shall bear the following inscription: "artificially colored," "artificially flavored," "imitation flavor," or "artificially colored and flavored," as the case may be. When such carbonated beverage or still drink contains artificial color and natural fruit flavor the display card shall indicate the presence of the artificial coloring, as follows: "artificially colored," or "harmless color added." When such beverages contain artificial flavors and no artificial coloring they shall be labeled as follows: "artificial flavor," or "imitation flavor."

Bottle to show true name.

Section 8. Every bottle filled with carbonated beverages or still drinks shall be distinctly marked, labeled, or capped so as to show the true name of the carbonated beverages or still drinks contained therein.

Cleansing of bottles.

Section 9. All bottles used for bottling carbonated beverages or still drinks, before being filled, shall be cleansed by soaking in a hot caustic solution of not less than one hundred and ten degrees Fahrenheit and that shall contain not less than three per centum caustic or alkali, expressed in terms of sodium hydrate, for a period of not less than five minutes, then thoroughly rinsed in pure water. The cleansing solution shall be changed frequently, so as to prevent its becoming foul and unsanitary.

Certain bottles not to be used.

Section 10. No bottles shall be used in the manufacturing or bottling of carbonated beverages or still drinks in which the metal or rubber parts of the stopper come in contact with the beverage or drink. The provisions of this section shall not apply to carbonated water put in syphons.

Containers not to be used for any other purpose.

Section 11. It is unlawful for any person to use any containers used in the manufacture, bottling, or

distribution of carbonated beverages or still drinks for any other purpose.

Section 12. All carbonated beverages or still drinks shall be drawn from closed containers or served from individual bottles.

Served from closed containers or in individual bottles.

Section 13. All carbonated beverages or still drinks manufactured, sold, or offered for sale at or tributary to fair grounds, carnivals, circus grounds, parks, resorts, and all other places within the State, shall be made from pure cane or beet sugar and in compliance with the provisions of the non-alcoholic drink laws of Pennsylvania.

Carbonated beverages and still drinks sold at fairs, etc.

Section 14. All coolers and other containers of any description whatsoever from which carbonated beverages or still drinks are sold or dispensed at or adjacent to fair grounds, carnivals, circus grounds, parks, resorts, and all other places within the State, shall have proper display cards, as provided by section seven of this act.

Coolers and containers to have display cards.

Section 15. No carbonated beverage or still drink shall be sold or offered for sale from bulk which has been kept cool by the addition of ice.

Improper cooling.

Section 16. It is unlawful for any person to display any press at any place where carbonated beverages or still drinks are being sold or dispensed unless such press is actually used in the production of the carbonated beverages or still drinks being sold or dispensed from bulk at such place and time.

Display of press.

Section 17. No carbonated beverages or still drinks shall be mixed or compounded in tin, galvanized iron, or wood pails, tubs, or barrels.

Vessels for mixing or compounding.

Section 18. The Department of Agriculture shall have charge of the enforcement of this act.

Enforcement.

The Secretary of Agriculture shall appoint four special agents with experience to enforce the provisions of this act and such additional agents as may be necessary to keep supervision over the non-alcoholic drinks industry, as provided for by this act, and shall fix the compensation of such special agents and shall allow them necessary traveling expenses.

Appointment of agents.

Section 19. All licenses, all registration fees, and fines paid or recovered under the provisions of this act, shall be paid by the justice of the peace or court official to the Secretary of Agriculture, and shall be paid by him into the State Treasury. Such moneys shall constitute a special fund and are hereby permanently appropriated to the Department of Agriculture for the purpose of enforcing the provisions of this act, and may be drawn out upon warrants signed by the Secretary of Agriculture, approved by the Auditor General.

Disposition of fines and fees.

All moneys remaining in such fund on the first day of June of each year shall be paid over into the general fund of the State Treasury.

- Violations.** • Section 20. Any person violating any of the provisions of this act, excepting section four thereof, or interfering with, or refusing to give access to, the Secretary of Agriculture or any of his agents or assistants, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or to undergo an imprisonment of not less than thirty (30) days nor more than ninety (90) days, or both.
- Penalty.**
- Certain sales excepted.** Section 21. The provisions of this act shall not apply to drinks sold or dispensed from soda fountains nor to social, fraternal, charitable, educational, religious, or beneficial organizations. This act shall take effect sixty days after the date of its approval.
- Not to repeal or affect certain acts.** Section 22. This act does not repeal or in any wise affect any of the provisions of any act of this Commonwealth relating to intoxicating liquors nor any of the provisions of the act, approved the eleventh day of March, one thousand nine hundred and nine (Pamphlet Laws, fifteen), entitled "An act relating to non-alcoholic drinks; defining the same; and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded non-alcoholic drinks; and providing penalties for the violation thereof, and providing for the enforcement thereof," or the act, approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred sixty-eight), entitled "An act for the protection of the public health by providing clean, sanitary establishments for bottling non-alcoholic drinks, including clean, sanitary ingredients, bottles, receptacles, and utensils; and providing penalties for the enforcement thereof," or any of their supplements or amendments.
- Repeal.** Section 23. All acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 14th day of May, A. D. 1925.

GIFFORD PINCHOT.