

moneys received from sale of lands as set forth hereinbefore shall accumulate as a revolving fund. An amount not to exceed ten percent of this appropriation and an amount not to exceed ten percent of the moneys received from the sale of lands may be used for administrative purposes.

Section 2. This act shall take effect immediately.

APPROVED—The 15th day of December, A. D. 1965.

WILLIAM W. SCRANTON

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No. 412

AN ACT

SB 689

Relating to and regulating the manufacture, sale, transportation, possession, use, serving and advertising of oleomargarine, margarine, butterine and similar substances; prohibiting the sale, possession or use thereof in certain cases; preventing and punishing fraud and deception in the manufacture, sale, use, serving and advertising thereof; imposing powers and duties on the Department of Agriculture and defining enforcement procedure; requiring notice to patrons of certain eating places which sell or serve any such products; and prescribing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Definitions.—(a) The following words and terms as used in this act shall, unless the context clearly indicates otherwise, have the meanings ascribed to them in this section as follows:

“Department.” The Department of Agriculture of the Commonwealth of Pennsylvania, its agents, employes, attorneys and representatives.

“Secretary.” The Secretary of the Department of Agriculture of the Commonwealth of Pennsylvania, or his duly authorized agent.

“Hotel, restaurant, dining room or boarding house.” Any public or private eating place, restaurant, lunch room, institution, or other place where food is served to the public, inmates, students, patients or employes for a consideration, whether such consideration be in the form of cash, service or otherwise.

“Serve or use.” The serving of oleomargarine, margarine or butterine or its use in the preparation of food in a hotel, restaurant, dining room or boarding house.

“Premises.” All buildings or structures used for the preparation, storage or serving of food.

(b) Section headings shall not be construed to affect in any manner the scope or meaning of any section of this act.

Section 2. **Manufacture, Sale, Et Cetera Regulated.**—(a) No person, firm or corporation shall by himself, herself or themselves, or by his, her or their agent or servant, nor shall any officer, agent, servant or employe of any person, firm or corporation manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine, margarine, butterine or any similar substance, article, product, or compound, made wholly or partly out of any fats, oils or oleaginous substances or compound thereof, not produced from pure unadulterated milk or cream from the same without the admixture or addition of any fat foreign to the milk or cream, unless the same shall be kept and presented in a separate and distinct form and in such manner as will advise the purchaser and consumer of its real character, nor unless such person, firm or corporation shall in all other respects comply with, and observe the provisions of this act, nor unless the fat content shall be eighty percent or more.

(b) For the purpose of this act, oleomargarine, margarine, butterine or similar substance shall be deemed to look like, be in resemblance of, or in imitation of, butter of a shade of yellow, when it has a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red as measured in the terms of the Lovibond tintometer scale or its equivalent.

Section 3. **Sale of Colored Oleomargarine, Et Cetera.**—It shall be unlawful for any person to sell or offer for sale, colored oleomargarine, colored margarine, colored butterine or, when colored, other similar substance unless:

(1) Such oleomargarine, margarine, butterine or other similar substance is packaged.

(2) The net weight of the contents of any package sold by a retail dealer is one pound or less.

(3) There appears on the label of the package (i) the word “oleomargarine,” “margarine,” “butterine” in type or lettering at least as large as any other type or lettering on such label and (ii) a full and accurate statement of all the ingredients contained in the contents of such package.

(4) Each part of the contents of the package is contained in a wrapper which bears the word “oleomargarine,” “margarine,” or “butterine” in type or lettering not smaller than 20-point type.

Section 4. **Marking of Tubs, Packages, Parcels, and Wrappers.**—(a) It shall be unlawful for any person, firm or corporation, or any

servant, agent or employe thereof, to sell or offer or expose for sale, or have in possession with intent to sell, any oleomargarine, margarine, butterine or similar substance not in imitation of yellow butter, which is not marked and distinguished on the outside of each tub, package or parcel thereof, in a conspicuous place with the word "oleomargarine" or "margarine" and the said word "oleomargarine" or "margarine" shall be printed in plain uncondensed Gothic letters of not less than 20-point type, and be a color in strong contrast to that of the tub, package or parcel.

(b) When oleomargarine, margarine, butterine, or other similar substance, not in imitation of yellow butter is sold at retail from such tub or repackaged in print, roll or other form before being delivered to the purchaser, it shall be wrapped in wrappers, plainly stamped on the outside thereof, with the word "oleomargarine" or "margarine" printed or stamped thereon in letters one-fourth inch square, and said wrapper shall also contain the name and address of the seller, and the quantity sold with no other words thereon except the word "oleomargarine" or "margarine."

Section 5. Penalties for Violations.—Every person, firm or corporation, and every officer, agent, servant and employe of such person, firm or corporation, who manufactures, sells or offers or exposes for sale, or serves to customers, or has in possession oleomargarine, margarine, butterine or any similar substance in violation of any of the provisions of this act, or who sells oleomargarine, margarine, butterine or any similar substance as, or for, butter or who, in any other respect, violates any of the provisions of this act or any rule, regulation or order made pursuant to this act, shall, for the first or second offense, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than sixty dollars (\$60) nor more than one hundred dollars (\$100) and costs of prosecution, and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not more than thirty days; and for a third or subsequent offense shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) or to undergo imprisonment not exceeding one year, or both, in the discretion of the court.

Section 6. Proceedings by Attorney General Based on Violations.—The Attorney General at the request of the department may, in the name of the Commonwealth, institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining any person violating any of the provisions of this act from selling oleomar-

garine, margarine, butterine or any similar substance in this Commonwealth. For such purpose, jurisdiction is hereby conferred upon such court. In such cases, the Attorney General shall not be required to give bond.

Section 7. Enforcement of Act; Rules and Regulations.—(a) The department is charged with the enforcement of the provisions of this act.

(b) The department is authorized to adopt and promulgate such rules and regulations as are necessary for the proper enforcement of the provisions of this act.

Section 8. Unlawful Advertising.—(a) It shall be unlawful for a person, copartnership, association or corporation, or for any agent, servant or employe of such person, or for any member, agent, servant or employe of any such corporation, to advertise for any purpose whatsoever in any newspaper, periodical or magazine, or upon any handbill or sign, or upon any billboard or by signs, or otherwise in, or upon or in connection with, any premises, or to advertise or designate upon any package, carton, tub or other container any substance, article, product or compound made wholly or partly out of any fats, oils or oleaginous substances or compound thereof, designated under the laws of the Commonwealth as oleomargarine, margarine or butterine, unless such advertisement or designation shall distinctly and clearly set forth the character of such substance, article, products or compound by the use of the word oleomargarine, or the word margarine, or the word butterine.

(b) It shall be unlawful to use in any such advertisement or designation on, or in connection therewith, the word "butter," or any word such as "Holstein," "Jersey" or "Guernsey," or any other word which is commonly used as designating a known breed of cows.

Section 9. Notice to Patrons of Certain Eating Places and Service in Certain Institutions.—(a) No hotel, restaurant, dining room or boarding house shall sell or serve oleomargarine, margarine, butterine or any similar product unless:

(1) Each separate serving bears or is accompanied by labeling identifying it as oleomargarine, margarine, butterine or any such similar substance, or

(2) Each separate serving thereof is triangular in shape.

(b) No hotel, restaurant, dining room or boarding house shall possess in a form ready for serving oleomargarine, margarine, butterine or any similar product unless a notice that any such product is served:

(1) Is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served, or

(2) Is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items.

(c) Any patient in an institution, except one operated by the Commonwealth or a political subdivision thereof, shall be served butter if so desired except when otherwise prohibited by a physician.

Section 10. Repeals.—(a) The act of June 30, 1947 (P. L. 1154), entitled, as amended, “An act to regulate the manufacture, sale, transportation, possession, use and advertising of oleomargarine, butterine and other similar products, and to prohibit the sale, possession or use thereof in certain cases; to provide for license fees to be paid by manufacturers, wholesale and retail dealers, and by proprietors of hotels, restaurants, dining rooms, and boarding houses; to prevent and punish fraud and deception in such manufacture, sale, use and advertising; to prescribe penalties and punishment for violation of this act, and the means and method of procedure for its enforcement; to regulate certain matters of evidence in such procedure; and to prescribe certain powers and duties of the Department of Agriculture,” and its amendments is repealed except in so far as necessary to sustain or maintain the validity, prosecution or enforcement of any action for the enforcement thereof which may be pending upon the effective date of this act.

(b) All other acts or parts of acts and administrative rules and regulations inconsistent with this act are repealed to the extent of such inconsistency.

Section 11. Effective Date.—(a) This act shall take effect July 1, 1965.

(b) Licenses in effect under any act of Assembly on the effective date of this act shall not be subject to refund.

APPROVED—The 15th day of December, A. D. 1965.

WILLIAM W. SCRANTON

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No. 413

AN ACT

SB 949

Amending the act of June 24, 1939 (P. L. 872), entitled “An act to consolidate, amend and revise the penal laws of the Commonwealth,” defining the crime of making, possessing or transferring a device designed for theft of telecommunications service or other purposes; and prescribing penalties.