

ARTICLE IV.

Shafts, Slopes, Openings and Outlets.

Employes must be in connection with every seam, etc.

Must be two openings from every lift.

Safe means of ingress and egress.

Uniform markings.

Shall not apply to opening a new mine, etc., if not more than twenty persons are employed.

Section 1. It shall not be lawful for the owner, operator or superintendent of any mine to employ any person or persons in such mine or permit any person or persons to be in such mine for the purpose of working therein, unless they are in connection with every seam or stratum of coal; and from every lift thereof, worked in such mine, not less than two openings or outlets separated by a strata of not less than sixty (60) feet in breadth underground, and one hundred and fifty (150) feet in breadth at the surface, at which openings or outlets safe and distinct means of ingress and egress are at all times available for the person or persons employed in the said mine, but it shall not be necessary for the said two openings to belong to the same mine if the persons employed therein have safe, ready and available means of ingress and egress by not less than two openings. *All means of ingress and egress shall be marked in a uniform manner as prescribed by the Department of Mines and Mineral Industries and each miner as part of his certification requirements shall have a thorough knowledge of the manner in which means of ingress and egress are marked. It shall be the duty of the mine foreman or assistant mine foreman to notify all of the persons working within the mine of the two nearest openings, and of at least two alternate means of ingress or egress if such alternate means are available.* This section shall not apply to opening a new mine or to opening any new lift of a mine, while being worked for the purpose of making communication between said two outlets, so long as not more than twenty persons are employed at any one time in such mine or new lift of a mine, neither shall it apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final robbing of pillars previous to abandonment, so long as not more than twenty persons are employed therein at any one time. The cage or cages and other means of egress shall, at all times, be available for the persons employed where there is no second outlet.

APPROVED—The 22nd day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 471

AN ACT

Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the

laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt, and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," regulating sales by distributors and importing distributors and requiring out of State malt or brewed beverage manufacturers to give distributing rights to importing distributors.

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

Liquor Code.

Section 1. Subsection (b) of section 431, act of April 12, 1951 (P. L. 90), known as the "Liquor Code," amended January 14, 1952 (P. L. 2089), is amended to read:

Subsection (b), section 431, act of April 12, 1951, P. L. 90, amended January 14, 1952, P. L. 2089, further amended.

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.— * * *

(b) The board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in quantities of not less than twenty-four containers, each container holding seven fluid ounces or more, or twelve containers, each container holding twenty-four fluid ounces or more, and such containers to be the original containers as prepared for the market by the manufacturer at the place of manufacture.

[Such] *Except as hereinafter provided, such* license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages *or from manufacturers or importing distributors licensed under this article.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this

* "of" in original.

Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

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Section 441 of the act amended by adding a new subsection (e).

Section 2. Section 441 of the act is amended by adding, at the end thereof, a new subsection to read:

Section 441. Distributors' and Importing Distributors', Restrictions on Sales, Storage, etc.— * * *

(e) *No distributor or importing distributor shall purchase, sell, resell, receive or deliver any malt or brewed beverages, except in strict compliance with the provisions of subsection (b) of section 431 of this act.*

Section 3. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 23d day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 472

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," regulating the advertising of merchandise offered for sale by certain businesses.

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

The Penal Code.

Section 1. Section 857, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended March 1, 1956 (P. L. 1200), is amended to read:

Section 857, act of June 24, 1939, P. L. 872, amended March 1, 1956, P. L. 1200, further amended.

Section 857. Untrue, False and Misleading Advertising.—Whoever, with intent to sell or in any wise dispose of merchandise, securities, service, or any other thing, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or any interest therein, makes, publishes, disseminates, or causes, directly or indirectly, the same to be made, published, disseminated, circulated, or placed before the public, in a newspaper or other publication in the form of a book, notice, handbill, poster, sign, bill, circular, pamphlet, or letter, or over any radio or television station or other medium of wireless communication, or in any other way, similar or dissimilar to the foregoing, an advertisement, announcement, or statement, of any sort regarding merchandise, security, investment, service or anything so offered to the public or concerning the quantity, quality, value, merit, use, present or former price, cost, reason for price, motive for sale, or concerning the method or cost of production or manufacture, or the possession of rewards, prizes or distinctions conferred, regarding such merchandise, security, investment, service or thing, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading, and which is known, or which by