

No. 670, A.]

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CHAPTER 421

AN ACT to repeal 97.02 (19) and 97.25 (2); to renumber and amend 97.25 (3); to amend 97.25 (1); and to create 97.25 (3) and (4) of the statutes, relating to the adulteration of foods and drugs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 97.02 (19) of the statutes is repealed.

SECTION 2. 97.25 (1) of the statutes is amended to read:

97.25 (1) No person shall sell * * * any drug or * * * food which is adulterated * * *.

SECTION 3. 97.25 (2) of the statutes is repealed.

SECTION 4. 97.25 (3) of the statutes is renumbered 97.25 (2) and amended to read:

97.25 (2) * * * *A food is adulterated:* * * * (a) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its strength, quality or purity;

* * * (b) If any inferior or cheaper substance or substances have been substituted wholly or in part for it;

* * * (c) If any valuable or necessary ingredient has been wholly or in part abstracted from it, or if it is below that standard of quality, strength or purity represented to the purchaser or consumer;

* * * (d) If it is an imitation of, or sold or offered or exposed for sale under the name of another article;

* * * (e) If it consists of or is manufactured, wholly or in part, from a diseased, contaminated, filthy, decomposed, tainted or rotten * * * substance or any * * * substance produced, * * * prepared, packed, transported, or * * * held under unsanitary conditions whereby it may have been rendered unfit for food, or if it is any part of the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter;

(f) *If its container is composed, in whole or part, of any poisonous or deleterious substance which may render the contents injurious to health;*

* * * (g) If it is mixed, colored, coated, polished, powdered or stained, whereby damage or inferiority is concealed, or so that it tends to deceive or mislead the purchaser or consumer, or if by any means it is made to appear better or of greater value than it really is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance;

* * * (h) If it bears or contains any added substance or ingredient which is poisonous, injurious or deleterious to health, or any deleterious substance not a necessary ingredient in its manufacture; provided * * * that * * *:

1. *When the substance is not an added substance, the food is not adulterated if the quantity of such substance does not ordinarily render it injurious to health; and*

2. *When the addition of a poison or deleterious substance is required in the production thereof or cannot be avoided by good manufacturing practice, the department shall promulgate regulations limiting the quantity therein or thereon to such extent as it finds necessary for the protection of public health;*

(i) *If it bears or contains a coal-tar color other than one from a batch which has been certified under authority of the federal food, drug and cosmetic act (title 21 U.S.C. ss. 301 et seq.).* * * *

(j) *If it is confectionery, and it bears or contains any alcohol or nonnutritive article or substance, except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one per cent, natural gum and pectin; provided, this paragraph does not apply to any confectionery by reason of its containing less than one-half of one per cent by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.*

SECTION 5. 97.25 (3) and (4) of the statutes are created to read:

97.25 (3) COMPOUND FOODS. Any article of food which is not adulterated under the provisions of sub. (2) (d), (e), (f), (g), (h), (i) and (j) and which does not contain any filler or ingredient which debases without adding food value shall not be deemed adulterated in the cases of mixtures or compounds sold under their own distinct names or under coined names, if the same be so labeled, branded or tagged as plainly to show their true character and composition. Nothing in this section shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas, except as far as may be necessary to secure freedom from adulteration, imitation or fraud.

(4) DRUGS. A drug is adulterated: (a) If when sold under a name recognized in the official United States pharmacopoeia or national formulary it differs from the standard of strength, quality or purity prescribed in the latest edition thereof; (b) If its strength, quality or purity fall below the professed standard under which it is sold; or (c) If it contains wood alcohol except when intended for external use only and is so labeled.

Approved July 2, 1953.
