That all moneys appropriated by this Act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the President of the United States for transmission to Congress.

Approved, June 30, 1906.

CHAP. 3915.—An Act For preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

BE IT ENACTED by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or be sentenced to one year’s imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year’s imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: Provided, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform
rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and
drugs manufactured or offered for sale in the District of Columbia, or
in any Territory of the United States, or which shall be offered for
sale in unbroken packages in any State other than that in which they
shall have been respectively manufactured or produced, or which
shall be received from any foreign country, or intended for shipment
to any foreign country, or which may be submitted for examination
by the chief health, food, or drug officer of any State, Territory, or
the District of Columbia, or at any domestic or foreign port through
which such product is offered for interstate commerce, or for export
or import between the United States and any foreign port or country.

SEC. 4. That the examinations of specimens of foods and drugs shall
be made in the Bureau of Chemistry of the Department of Agricul-
ture, or under the direction and supervision of such Bureau, for the
purpose of determining from such examinations whether such articles
are adulterated or misbranded within the meaning of this Act; and if
it shall appear from any such examination that any of such specimens
is adulterated or misbranded within the meaning of this Act, the Sec-
retary of Agriculture shall cause notice thereof to be given to the party
from whom such sample was obtained. Any party so notified shall be
given an opportunity to be heard, under such rules and regulations as
may be prescribed as aforesaid, and if it appears that any of the pro-
visions of this Act have been violated by such party, then the Secre-
tary of Agriculture shall at once certify the facts to the proper United
States district attorney, with a copy of the results of the analysis or the
examination of such article duly authenticated by the analyst or officer
making such examination, under the oath of such officer. After judg-
ment of the court, notice shall be given by publication in such manner
as may be prescribed by the rules and regulations aforesaid.

SEC. 5. That it shall be the duty of each district attorney to whom
the Secretary of Agriculture shall report any violation of this Act, or
to whom any health or food or drug officer or agent of any State, Terri-
tory, or the District of Columbia shall present satisfactory evidence of
any such violation, to cause appropriate proceedings to be commenced
and prosecuted in the proper courts of the United States, without
delay, for the enforcement of the penalties as in such case herein
provided.

SEC. 6. That the term "drug," as used in this Act, shall include all
medicines and preparations recognized in the United States Pharma-
copoeia or National Formulary for internal or external use, and any
substance or mixture of substances intended to be used for the cure,
mitigation, or prevention of disease of either man or other animals.
The term "food," as used herein, shall include all articles used for
food, drink, confectionery, or condiment by man or other animals,
whether simple, mixed, or compound.

SEC. 7. That for the purposes of this Act an article shall be deemed
to be adulterated:
In case of drugs:
First. If, when a drug is sold under or by a name recognized in the
United States Pharmacopoeia or National Formulary, it differs from
the standard of strength, quality, or purity, as determined by the test
laid down in the United States Pharmacopoeia or National Formulary
official at the time of investigation: Provided, That no drug defined
in the United States Pharmacopoeia or National Formulary shall be
deemed to be adulterated under this provision if the standard of
strength, quality, or purity be plainly stated upon the bottle, box, or
other container thereof although the standard may differ from that
determined by the test laid down in the United States Pharmacopoeia
or National Formulary.
Below professed standard.

Confectionery.
Deleterious ingredients, narcotics, etc.

Food.
Injurious mixtures.
Substitutes.

Constituents abstracted.

Damage, etc., concealed.
Deleterious additions.
Preservatives for shipment allowed.

Compositions prohibited.

Misbranding defined.

Sec. 8. That the term “misbranded,” as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

In case of drugs:
First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

In case of food:
First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.
Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: Provided, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: And provided further, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

Sec. 9. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

Sec. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: Provided, however, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The
proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

**Sec. 11.** The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: And provided further, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

**Sec. 12.** That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

**Sec. 13.** That this Act shall be in force and effect from and after the first day of January, nineteen hundred and seven.

Approved, June 30, 1906.

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**CHAP. 3916.**—An Act To increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor