

IMITATION BUTTER AND CHEESE, LABELED
Act of May 24, 1883, P.L. 43, No. 34
AN ACT

Cl. 31

For the protection of dairymen, and to prevent deception in sales of butter and cheese.

Section 1. Imitations of butter and cheese to be so marked

Every person who shall manufacture for sale, or who shall offer or expose for sale, or who shall export to a foreign country, by the tub, firkin, box or package, or any greater quantity, any article or substance in semblance of butter or cheese, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which any oil, lard or fat not produced from milk or cream enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the side of every cheese, and also upon the top and side of every such tub, firkin, box or package of such article or substance, the words "oleomargarine butter," or if containing cheese the words "imitation cheese" only, where it can be plainly seen in Roman letters, which shall be burned in or painted thereon with permanent black paint in a straight line, and shall not be less than one-half inch in length, and if for export shall also invoice the same and clear the same through the custom house as "oleomargarine butter," or if cheese, as "imitation cheese," and in case of retail shall, in all of such articles or substances in parcels, the seller shall, in all cases, sell or offer or expose the same for sale from a tub, firkin, box or package stamped, branded or marked, as herein stated, and shall also deliver therewith to the purchaser printed label bearing the plainly printed words "oleomargarine butter," or if cheese, the words "imitation cheese" only, in Roman letters not less than one-half inch in length, which shall be printed in a straight line, and every sale of such article or substance, or export of the same, by the tub, firkin, box or package, or in any greater quantity, not so stamped, branded or marked, and, if exported, not invoiced and cleared through the custom house as "oleomargarine butter," or if cheese as "imitation cheese," and every sale of such article or substance at retail in parcels that shall not be sold from a tub, firkin, box or package so stamped, branded or marked, or without delivery of a label therewith as above stated, is declared to be unlawful and void, and no action upon any contract shall be maintained in any of the courts of this State to recover upon any contract for the sale of any such article, or semblance, not so stamped, branded, marked, labeled or sold. 1883, May 24, P.L. 43, Sec. 1.

Section 2. Penalty for violation of act

Every person who shall sell, or offer or expose for sale, or export to a foreign country, or have in his or her possession with intent to sell, by the tub, firkin, box or package, or in any greater quantity, any of the said article or substance

required by the first section of this act to be stamped, branded, marked, and, if exported, invoiced and cleared through the custom house as "oleomargarine butter," or "imitation cheese," as therein stated, that shall not be so stamped, branded, marked and, if exported, invoiced according to the provisions of this act, or in case of retail sales in parcels, every person who shall sell or offer or expose for sale any of said article or substance without selling, offering or exposing for sale the same from a tub, firkin, box or package, stamped, branded or marked as in said first section stated, or without delivery of a label as required by section one of this act, shall for every such offense forfeit and pay a fine of one hundred dollars, to be recovered, with costs, in any of the courts of this State having cognizance thereof in an action to be prosecuted by any district attorney in the name of the commonwealth, and shall be paid into the county treasury. 1883, May 24, P.L. 43, Sec. 2.

Section 3. Violation of act a misdemeanor; evidence of guilty knowledge

Every person who shall sell or offer or expose for sale, or export to a foreign country, or who shall cause or procure to be sold, offered or exposed for sale, by the tub, firkin, box or package, or in any greater quantity, any article or substance required by the first section of this act to be stamped, branded, marked and, if exported, invoiced and cleared as therein stated, not so stamped, branded, marked and, if exported, invoiced and cleared, or, in case of retail sales in parcels every person who shall sell, or offer or expose for sale, or who shall cause or procure to be sold, offered or exposed for sale any article or substance required by the first section of this act to be sold, offered or exposed for such sale from a tub, firkin, box or package, stamped, branded or marked, and labeled as therein stated contrary to the provisions of said section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail, for not less than ten nor more than thirty days, or by both such fine and imprisonment for each and every offense. 1883, May 24, P.L. 43, Sec. 3.