

PAINT, PUTTY AND NAVAL STORES LAW
Act of Apr. 10, 1925, P.L. 229, No. 152
AN ACT

Cl. 03

To prevent deception in; and to regulate the sale of, paint, putty, naval stores (turpentine and rosin), or any substitutes therefor; providing penalties for the violation thereof; providing for the enforcement of this act, and repealing an act approved the first day of June, one thousand nine hundred and fifteen, entitled "An act to prevent deception in the sale of paint, putty, turpentine, or any substitutes therefor, and providing penalties for the violation thereof."

Section 1. Be it enacted, &c., That no person, firm, or corporation shall sell or expose for sale, or offer for sale within this Commonwealth, any paint, putty, naval stores (turpentine or rosin), as hereinafter defined, or any substitutes therefor which is labeled or marked in any manner so as to tend to deceive the purchaser thereof as to its nature or composition, or which is not labeled as hereinafter provided.

Section 2. The term "paint," as used in this act, shall include oxide of zinc, red lead, and white lead (basic carbonate or basic sulphate), dry or in any kind of oil, or any compound intended for the same use, colors ground in oil, paste or semi-paste paint, and liquid or mixed paint ready for use; and all similar materials used as protective coatings, or for painting purposes.

Section 3. The term "naval stores," as used in this act, shall be defined as follows:

- (a) "Naval stores" means spirits of turpentine and rosin.
- (b) "Spirits of turpentine" includes gum spirits of turpentine, and wood turpentine.
- (c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.
- (d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.
- (e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.
- (f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.
- (g) "Rosin" includes gum rosin and wood rosin.
- (h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.
- (i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

Section 4. That when used in this act, standards of quality and purity of gum spirits of turpentine, steam distilled wood turpentine, destructively distilled wood turpentine, gum rosin, or wood rosin shall be those established and promulgated by the Secretary of Agriculture.

Section 5. That the following acts are hereby prohibited and

made unlawful:

(a) The sale in this State of any paint, putty, or naval stores labeled, branded, and offered for sale in such a manner as to deceive the purchaser thereof, or in violation of sections two, three, and four of this act.

(b) To use in this State the word "turpentine" or the word "rosin" in labeling, branding, selling, or offering for sale any compound, derivative, or imitation of naval stores, as defined in section 3 of this act, unless accompanied by the words "substitute," "artificial," or some equivalent combination, conspicuously shown so as to avoid deception of the purchaser.

(c) The use in this State of any false, misleading, or deceitful means or practice in the sale of paint, putty, or naval stores, or of anything offered for sale as such.

Section 6. The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, putty, or naval stores, or of the distributor thereof, or of the party for whom same is manufactured. Such label shall be printed in plain, legible type, and so far as possible common English words shall be used instead of technical terms.

Section 7. The label on all liquid or mixed paint shall show the net measure of the contents of the container; and on all paste and semi-paste paint sold by weight, the net weight of the contents of the package; or if sold by measure, the net measure of such contents.

Section 8. The label on all paints, as defined in section two of this act, which have been extended or reduced or compounded by the addition of inert extenders or other similar paint materials, shall be labeled with the word "compound" immediately following the title in conspicuous type: Provided, That where the percentage of oxide of zinc, red lead, white lead, natural colors, or natural colors ground in oil paste or semi-paste paint, is fifty per centum (50%) or more of the compound, the terms oxide of zinc, red lead, white lead, or the name of the natural color or natural color in oil may be retained on the label with the word "compound." In the case of natural or chemical colors, where the inert material or other foreign substance is a natural or normal part of the product itself, the word "compound" need not be added to the name of the title.

Section 9. For the purpose of this act an article shall be deemed improperly labeled or misbranded:

(1) If it be an imitation of, or offered for sale under, the name of another article.

(2) 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 packages.

(3) 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.

Section 10. The having in possession of by any person, firm, or corporation dealing therein, of any of the articles hereinbefore described and improperly marked or not correctly

labeled, as provided in this act, shall be considered prima facie evidence that the same are kept by such person, firm, or corporation in violation of the provisions of this act.

Section 11. The Department of Agriculture of the Commonwealth is hereby charged with the enforcement of the provisions of this act.

Section 12. The Department of Agriculture, by its assistants, experts, chemists, and agents, shall have access to all places of business, stores, and buildings used for the sale of paint, putty, and naval stores, as hereinbefore defined, or any substitute therefor, and shall have power and authority to open any package, can, jar, tub, or other receptacle containing articles subject to the provisions of this act, which may there be sold, offered or kept for sale, for the purpose of obtaining samples for chemical analysis or examination, and to determine whether or not any of the provisions of this act have been violated.

Section 13. Any person, firm, or corporation, or violator of any of the provisions of this act, or assisting or taking part in the violation of any of said provisions, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Section 14. The Department of Agriculture shall from time to time cause to be published information obtained as a result of the examination and chemical analyses of samples of paint, putty, and naval stores, as hereinbefore defined, and the results of the enforcement of the provisions of this act.

Section 15. This act shall take effect and be in force upon its approval by the Governor, and the act of the first day of June, Anno Domini one thousand nine hundred and fifteen (Pamphlet Laws, six hundred sixty-five), entitled "An act to prevent deception in the sale of paint, putty, turpentine, or any substitutes therefor, and providing penalties for the violation thereof," is hereby repealed.