

[Act No. 3091, March 16, 1923]

AN ACT TO PREVENT THE IMPORTATION, MANUFACTURE, SALE, OR TRANSPORTATION WITHIN THE PHILIPPINE ISLANDS OF ADULTERATED OR MISBRANDED PARIS GREENS, LEAD ARSENATES, LIME-SULPHUR COMPOUNDS, AND OTHER INSECTICIDES AND FUNGICIDES, AND REGULATING TRAFFIC THEREIN, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. It shall be unlawful for any person, association or corporation to import, manufacture, sell or offer for sale, within the Philippine Islands, any insecticide or fungicide which is adulterated or misbranded, within the meaning of this Act.

SEC. 2. It shall be unlawful for any person, association or corporation to defraud any other person or corporation by misrepresenting the value, quality or composition of any treatment applied to trees, shrubs, vines, or other plant material, or to any animal, for preventing, destroying, repelling, or mitigating any insect, fungus, or bacterial disease, or for accelerating its growth or productive power.

SEC. 3. The Secretary of Agriculture and Natural Resources shall promulgate uniform rules and regulations for enforcing this Act, including the collection and examination, by existing bureaus, of insecticides and fungicides, imported, manufactured, or offered for sale in the Philippines for the purpose of determining whether such articles are adulterated or misbranded within the meaning of this Act; and, if it shall appear after such examination that any such specimens are adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture and Natural Resources 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 provisions of this Act have been violated by such party, then the Secretary of Agriculture and Natural Resources shall at once certify the facts to the Attorney-General, with a copy of the results of the analysis or the examination of such articles duly authenticated and sworn to by the analyst or officer making such examination.

SEC. 4. It shall be the duty of the Attorney-General to whom the Secretary of Agriculture and Natural Resources shall report any violation of this Act, or to whom the Director of the Bureau of Science or agent under authority of the Secretary of Agriculture and Natural Resources shall present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the Philippines, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 5. For the purposes of this Act, the following terms are defined:

(a) *Insecticide*.—This term shall include any substance, or mixture of substances,

intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man, or animals, or households, or be present in any environment whatsoever.

(b) *Paris green*.—This term shall include the product sold in commerce as Paris green, and chemically known as the aceto-arsenate of copper.

(c) *Lead arsenate*.—This term shall include the product or products sold in commerce as lead arsenate, and consisting chemically of products derived from arsenic acid (H_3AsO_4), by replacing one or more hydrogen atoms by lead.

(d) *Fungicide*.—This term shall include any substance, or mixture of substances, intended to be used for preventing, destroying, repelling, or mitigating any and all fungi or other micro-organisms that may infest vegetation, or animals, or be present in any environment whatsoever.

(e) *Misbranded*.—This term shall apply to Paris green, lead arsenate, and all other insecticides or fungicides, or articles which enter into the composition of insecticides or fungicides, the package, label, or accompanying descriptive circulars 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 all insecticides or fungicides, which are falsely branded as to the territory, or country in which they are manufactured or produced.

SEC. 6. For the purposes of this Act, an article shall be deemed to be adulterated:

(a) In the case of Paris green,—first, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum (3.5%) of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

(b) In the case of lead arsenate,—first, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum (12.5%) of arsenic oxide (As_2O_5); third, if it contains arsenic in water soluble forms equivalent to more than seventy-five one hundredths per centum (75/100% or $\frac{3}{4}$) of arsenic oxide (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: *Provided, however,* That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

(c) In the case of insecticides or fungicides other than Paris green and lead arsenate,—first, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for any given insecticide or fungicide; third, if any valuable constituent of the articles has been wholly or in part abstracted; fourth, if it is intended for use of vegetation, and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects or fungi, shall be injurious to such vegetation when- used.