

Guard of the United States and Air National Guard of the United States officers below the grade of General Officer ordered to such duty shall not exceed 40 per centum of the number of officers of their respective services authorized in each grade for duty in that Bureau."

Approved March 16, 1950.

[CHAPTER 61]

AN ACT

To regulate oleomargarine, to repeal certain taxes relating to oleomargarine, and for other purposes.

March 16, 1950
[H. R. 2023]
[Public Law 459]

Oleomargarine.
Repeal of tax.
53 Stat. 248.
26 U. S. C. § 2301.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2301 of the Internal Revenue Code (relating to the tax on oleomargarine) is repealed.

Occupational tax,
repeal.
53 Stat. 380.
26 U. S. C. §§ 3200-
3202.

SEC. 2. Part I of subchapter A of chapter 27 of the Internal Revenue Code (relating to the occupational tax on manufacturers, wholesalers, and retailers of oleomargarine) is repealed: *Provided*, That such repeal shall not be construed to entitle any manufacturer, wholesaler, or retailer to a refund of any occupational tax heretofore paid.

Colored oleomargarine.

SEC. 3. (a) The Congress hereby finds and declares that the sale, or the serving in public eating places, of colored oleomargarine or colored margarine without clear identification as such or which is otherwise adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act depresses the market in interstate commerce for butter and for oleomargarine or margarine clearly identified and neither adulterated nor misbranded, and constitutes a burden on interstate commerce in such articles. Such burden exists, irrespective of whether such oleomargarine or margarine originates from an interstate source or from the State in which it is sold.

52 Stat. 1040.
21 U. S. C. §§ 301-
392; Sup. III, § 331
et seq.
Post, p. 21.

(b) Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 331), is amended by adding a new paragraph as follows:

52 Stat. 1042.
21 U. S. C., Sup. III,
§ 331.

"(m) The sale or offering for sale of colored oleomargarine or colored margarine, or the possession or serving of colored oleomargarine or colored margarine in violation of sections 407 (b), or 407 (c)."

Infra.
Post, p. 21.

(c) Chapter IV of such Act, as amended (21 U. S. C. 341 and the following), is amended by adding a new section as follows:

52 Stat. 1046.
21 U. S. C. §§ 341-
346.
Post, p. 21.

"COLORED OLEOMARGARINE

"SEC. 407. (a) Colored oleomargarine or colored margarine which is sold in the same State or Territory in which it is produced shall be subject in the same manner and to the same extent to the provisions of this Act as if it had been introduced in interstate commerce.

Sale.

"(b) No person shall sell, or offer for sale, colored oleomargarine or colored margarine unless—

"(1) such oleomargarine or margarine is packaged,

"(2) the net weight of the contents of any package sold in a retail establishment is one pound or less,

"(3) there appears on the label of the package (A) the word 'oleomargarine' or 'margarine' in type or lettering at least as large as any other type or lettering on such label, and (B) a full and accurate statement of all the ingredients contained in such oleomargarine or margarine, and

"(4) each part of the contents of the package is contained in a wrapper which bears the word 'oleomargarine' or 'margarine' in type or lettering not smaller than 20-point type.

The requirements of this subsection shall be in addition to and not in lieu of any of the other requirements of this Act.

“(c) No person shall possess in a form ready for serving colored oleomargarine or colored margarine at a public eating place unless a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items. No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (2) each separate serving thereof is triangular in shape.

“(d) Colored oleomargarine or colored margarine when served with meals at a public eating place shall at the time of such service be exempt from the labeling requirements of section 403 (except (a) and 403 (f)) if it complies with the requirements of subsection (b) of this section.

“(e) For the purpose of this section colored oleomargarine or colored margarine is oleomargarine or margarine having a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in terms of Lovibond tintometer scale or its equivalent.”

(d) Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., sec. 342) is amended by adding a new subsection (e) as follows:

“(e) If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine or margarine or butter is otherwise unfit for food.”

SEC. 4. (a) Section 15 of the Federal Trade Commission Act, as amended, is amended by inserting “(1)” after the letter “(a)” in subsection (a) thereof, and by adding at the end of such subsection the following new paragraph:

“(2) In the case of oleomargarine or margarine an advertisement shall be deemed misleading in a material respect if in such advertisement representations are made or suggested by statement, word, grade designation, design, device, symbol, sound, or any combination thereof, that such oleomargarine or margarine is a dairy product, except that nothing contained herein shall prevent a truthful, accurate, and full statement in any such advertisement of all the ingredients contained in such oleomargarine or margarine.”

(b) Such section 15 is further amended by adding at the end thereof the following new subsection:

“(f) For the purposes of this section and section 407 of the Federal Food, Drug, and Cosmetic Act, as amended, the term ‘oleomargarine’ or ‘margarine’ includes—

“(1) all substances, mixtures, and compounds known as oleomargarine or margarine;

“(2) all substances, mixtures, and compounds which have a consistence similar to that of butter and which contain any edible oils or fats other than milk fat if made in imitation or semblance of butter.”

(c) Subsection (1) of section 5 of the Federal Trade Commission Act is amended by adding at the end thereof the following new sentence: “Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing

Possession in form for serving at public eating place.

52 Stat. 1047.
21 U. S. C. § 343.

Definition.

52 Stat. 1046.

Adulteration.

52 Stat. 116.
15 U. S. C. § 55 (a).

False advertisement.

52 Stat. 116.
15 U. S. C. § 55.

“Oleomargarine”;
“margarine.”
Ante, p. 20.

Violations.

52 Stat. 114.
15 U. S. C. § 45 (f).

failure or neglect to obey a final order of the Commission each day of continuance of such failure or neglect shall be deemed a separate offense."

Enforcement funds.

53 Stat. 247.
26 U. S. C. §§ 2300-
2314.
Ante, p. 20.

Sale in contraven-
tion of State laws,
etc.

Effective date.

SEC. 5. So much of the unexpended balances of appropriations, allocations, or other funds (including funds available for the fiscal year ending June 30, 1950) for the use of the Bureau of Internal Revenue of the Treasury Department in the exercise of functions under the Oleomargarine Tax Act (26 U. S. C. 2300 subchapter A), as the Director of the Bureau of the Budget may determine, shall be transferred to the Federal Security Agency (Food and Drug Administration) for use in the enforcement of this Act.

SEC. 6. Nothing in this Act shall be construed as authorizing the possession, sale, or serving of colored oleomargarine or colored margarine in any State or Territory in contravention of the laws of such State or Territory.

SEC. 7. This Act shall become effective on July 1, 1950.

Approved March 16, 1950.

[CHAPTER 62]

AN ACT

March 16, 1950
[H. R. 6670]
[Public Law 460]

To incorporate the Girl Scouts of the United States of America, and for other purposes.

Girl Scouts of the
United States of
America, incorpora-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Harry S. Truman, of Independence, Missouri; Mrs. Woodrow Wilson, of Washington, District of Columbia; Mrs. Calvin Coolidge, of Northampton, Massachusetts; Mrs. Franklin D. Roosevelt, of Hyde Park, New York; Mrs. Arthur O. Choate, of New York, New York; Mrs. Frederick H. Brooke, of Washington, District of Columbia; Mrs. Vance C. McCormick, of Harrisburg, Pennsylvania; Mrs. Harvey S. Mudd, of Los Angeles, California; Mrs. Alan H. Means, of Los Angeles, California; Mrs. C. Vaughan Ferguson, of Schenectady, New York; Doctor Mary H. S. Hayes, of New York, New York; Mrs. Walter N. Rothschild, of New York, New York; Mrs. Charles Kendrick, of San Francisco, California; Mrs. Frederick H. Bucholz, of Omaha, Nebraska; Mrs. Nathan Mobley, of Greenwich, Connecticut; Mrs. Amory Houghton, of Corning, New York; Mrs. Gordon Hunger, of Scarsdale, New York; Mrs. Charles H. Ridder, of New York, New York; Mrs. Paul Rittenhouse, of New York, New York; Mrs. Alfred R. Bachrach, of New York, New York; Mrs. Stanlee T. Bates, of Cleveland Heights, Ohio; Mrs. D. D. Bovaird, of Tulsa, Oklahoma; Mrs. W. Wright Byran, of Atlanta, Georgia; Mrs. R. A. Burnett, of Amarillo, Texas; Mrs. Cyril T. Carney, of Des Moines, Iowa; Mrs. Leonard G. Carpenter, of Crystal Bay, Minnesota; Mrs. Everett Case, of Hamilton, New York; Doctor Rosalind Cassidy, of Santa Monica, California; Mrs. H. S. Fenimore Cooper, of Cooperstown, New York; Mrs. J. Roger DeWitt, of Independence, Missouri; Mrs. R. T. Dozier, of Montgomery, Alabama; Mrs. Charles W. Farnsworth, of Concord, Massachusetts; Mrs. Merritt Farrell, of Newtown, Ohio; Mrs. W. V. M. Fawcett, of Newton, Massachusetts; Mrs. J. T. Finlen, of Butte, Montana; Mrs. John A. Frick, of Allentown, Pennsylvania; Mrs. A. B. Graham, of Portland, Oregon; Mrs. Edward F. Johnson, of Scarsdale, New York; Mrs. Charles H. Larkin Second, of Eden, New York; Mrs. Roy F. Layton, of Chevy Chase, Maryland; Mrs. James P. McGranery, of Philadelphia, Pennsylvania; Mrs. Julius Mark, of New York, New York; Miss Clementine Miller, of Columbus, Indiana; Mrs. Dudley H. Mills, of Glen Head, Long Island, New York; Mrs. Hilleary L. Murray, of Minneapolis, Minnesota; Mrs. C. E. Robbins, of Pierre,