CHAPTER 35

Butter and Cheese Imitations

ARTICLE 1

General Provisions

**SECTION 39‑35‑10.** “Imitation butter” and “imitation cheese” defined.

For the purpose of this article, substance or compound, not produced wholly from pure milk, designed to be used as a substitute for butter or cheese made from pure milk or cream from pure milk is hereby declared to be imitation butter or imitation cheese, as the case may be; provided, that the use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

HISTORY: 1962 Code Section 32‑1661; 1952 Code Section 32‑1661; 1942 Code Section 5129‑2; 1932 Code Section 1455; Cr. C. ‘22 Section 401; Cr. C. ‘12 Section 411; Cr. C. ‘02 Section 309; 1896 (22) 215; 1947 (45) 108.

**SECTION 39‑35‑20.** Use of harmless coloring matters in milk products permitted.

Nothing in this article shall be construed to prohibit the use of salt, rennet or harmless coloring matter for coloring the products of pure milk or cream from pure milk.

HISTORY: 1962 Code Section 32‑1664; 1952 Code Section 32‑1664; 1942 Code Section 5129‑4; 1932 Code Section 1457; Cr. C. ‘22 Section 403; Cr. C. ‘12 Section 413; Cr. C. ‘02 Section 310; 1896 (22) 215.

**SECTION 39‑35‑30.** Manufacture and sale of certain imitation butter or cheese prohibited.

No person shall produce, manufacture, sell or keep or offer for sale any imitation butter or imitation cheese made or compounded in violation of this article, whether such imitation shall have been made or produced in this State or elsewhere.

HISTORY: 1962 Code Section 32‑1665; 1952 Code Section 32‑1665; 1942 Code Section 5129‑5; 1932 Code Section 1458; Cr. C. ‘22 Section 404; Cr. C. ‘12 Section 414; Cr. C. ‘02 Section 311; 1896 (22) 215.

**SECTION 39‑35‑40.** Manufacture and sale of certain imitation butter or cheese permitted.

Nothing in this article shall be construed to prohibit the manufacture and sale of imitation butter or imitation cheese, under the regulations herein provided, when such imitation butter or cheese has not been manufactured or colored as herein prohibited.

HISTORY: 1962 Code Section 32‑1666; 1952 Code Section 32‑1666; 1942 Code Section 5129‑5; 1932 Code Section 1458; Cr. C. ‘22 Section 404; Cr. C. ‘12 Section 414; Cr. C. ‘02 Section 311; 1896 (22) 215.

**SECTION 39‑35‑50.** Sale of imitation butter or cheese as genuine prohibited.

No person shall sell or offer for sale any imitation butter or imitation cheese under the pretense that the same is genuine butter or genuine cheese.

HISTORY: 1962 Code Section 32‑1667; 1952 Code Section 32‑1667; 1942 Code Section 5129‑8; 1932 Code Section 1461; Cr. C. ‘22 Section 407; Cr. C. ‘12 Section 417; Cr. C. ‘02 Section 314; 1896 (22) 215.

**SECTION 39‑35‑60.** Substitutes shall be plainly marked.

Every person who lawfully manufactures any substance designed to be used as a substitute for butter or for cheese shall mark by branding, stamping or stenciling upon the top side of each tub, box or other vessel in which such substitute shall be kept or in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the words, “substitute for butter” or “substitute for cheese,” as the case may be, in printed letters in plain roman type, each of which shall be not less than one inch in height and one‑half inch in breadth.

HISTORY: 1962 Code Section 32‑1668; 1952 Code Section 32‑1668; 1942 Code Section 5129‑6; 1932 Code Section 1459; Cr. C. ‘22 Section 405; Cr. C. ‘12 Section 415; Cr. C. ‘02 Section 312; 1896 (22) 215.

**SECTION 39‑35‑70.** Possession of unmarked imitations prohibited.

No person shall have in his possession or control any substance designed to be used as a substitute for butter or for cheese unless the tub, box or other vessel containing such substance shall be clearly and durably marked as provided in Section 39‑35‑60. But this section shall not apply to a person who has such imitation butter or imitation cheese in his possession for the actual consumption of himself or his family.

HISTORY: 1962 Code Section 32‑1669; 1952 Code Section 32‑1669; 1942 Code Section 5129‑7; 1932 Code Section 1460; Cr. C. ‘22 Section 406; Cr. C. ‘12 Section 416; Cr. C. ‘02 Section 313; 1896 (22) 215.

**SECTION 39‑35‑80.** Penalties; certificate of analysis shall be prima facie evidence.

Any person violating any provisions of this article shall be guilty of a misdemeanor and may be proceeded against by any of the processes provided for misdemeanors and tried by any court having jurisdiction of misdemeanors in this State. Upon conviction, he shall be punished by a fine not to exceed one hundred dollars and not less than ten dollars. The sworn certificate or a certified official report of the chemist of the Department of Agriculture of the analysis of a suspected sample shall be recognized in all courts of this State as prima facie evidence of such analysis and of the composition and character of such sample.

HISTORY: 1962 Code Section 32‑1671; 1952 Code Section 32‑1671; 1942 Code Section 5129‑10; 1932 Code Section 1463; Cr. C. ‘22 Section 409; Cr. C. ‘12 Section 419; Cr. C. ‘02 Sections 316, 317; 1896 (22) 215; 1917 (30) 50; 1941 (42) 119.

**SECTION 39‑35‑90.** Article shall be inapplicable to oleomargarine.

This article shall not be construed to include within its provisions the food products known as “oleomargarine” or “margarine.”

HISTORY: 1962 Code Section 32‑1672; 1952 Code Section 32‑1672; 1944 (43) 1219.

ARTICLE 3

Oleomargarine

**SECTION 39‑35‑210.** Sale of oleomargarine without a certain amount of vitamin A shall be unlawful.

It shall be unlawful for any manufacturer, processor or dealer in oleomargarine in this State to sell or offer for sale any oleomargarine within the State which does not contain at least nine thousand United States Pharmacopoeia units of vitamin A per pound.

HISTORY: 1962 Code Section 32‑1681; 1952 Code Section 32‑1681; 1942 (42) 1628.

**SECTION 39‑35‑220.** Oleomargarine shall be labeled.

All oleomargarine sold in the State must be labeled in accordance with the regulations of the Department of Health, Education and Welfare governing the labeling of oleomargarine with added vitamins sold in interstate trade.

HISTORY: 1962 Code Section 32‑1682; 1952 Code Section 32‑1682; 1942 (42) 1628.

**SECTION 39‑35‑230.** Specifications as to vitamins shall conform to certain Federal standards.

The State Department of Agriculture shall change or add to the specifications for ingredients and the amounts thereof as necessary to conform to any changes in the ruling of the Federal agency concerning the addition of vitamins to oleomargarine appearing in Volume 6, page 2763, of the Federal Register, under date of June 7, 1941.

HISTORY: 1962 Code Section 32‑1683; 1952 Code Section 32‑1683; 1942 (42) 1628.

**SECTION 39‑35‑240.** Enforcement.

The State Department of Agriculture shall enforce this article. The Department may, for the purpose of enforcing this article, enter upon the premises of any manufacturer, processor, refiner or person engaged as a retail or wholesale dealer in oleomargarine for the purpose of making such investigations as may be necessary to properly enforce this article.

HISTORY: 1962 Code Section 32‑1685; 1952 Code Section 32‑1685; 1942 (42) 1628.

**SECTION 39‑35‑250.** Penalties.

Any person found by a court of competent jurisdiction to be guilty of violating the terms of this article shall be punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days for each and every offense.

HISTORY: 1962 Code Section 32‑1686; 1952 Code Section 32‑1686; 1942 (42) 1628.