

SANITARY RULES AND REGULATIONS FOR THE STORAGE AND SALE OF FOODS AND DRUGS IN PORTO RICO

GOVERNMENT OF PORTO RICO
OFFICE OF THE EXECUTIVE SECRETARY

SAN JUAN, May 10, 1917.

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BY THE GOVERNOR OF PORTO RICO
A PROCLAMATION

Sanitary Rules and Regulations No. 53.—Foods and Drugs, regulation for the storage and sale of in the Island of Porto Rico; promulgated.

The following regulations having been approved by the Insular Board of Health on February 13, 1917, and by the Executive Council on May 1, 1917, in accordance with the provisions of Act 81 approved March 14, 1912, are hereby promulgated for the information and guidance of all concerned:

“REGULATION OF THE STORAGE AND SALE OF FOODS AND DRUGS IN THE ISLAND
OF PORTO RICO

“Article 1.—No person, syndicate, corporation or institution of whatever character it may be, shall sell, offer, expose or hold for sale or transport or store, any food or drug whatever, for consumption in the Island of Porto Rico, if it be adulterated or misbranded, within the meaning of these terms as defined in this regulation which is the same as that expressed in articles 7 and 8 of the Food and Drug Act, approved by the Congress of the United States, on June 30th, 1906.

“Article 2.—Sanitary officials duly authorized by the Director of the Service are thus authorized to receive ‘official samples’ of foods and drugs, in any public establishment, belonging to any person, firm, syndicate, corporation or institution of whatever character it may be, obtaining said samples, if possible, in their original wrappers or containers, without opening, or if this is not possible, aliquot parts of the original wrappers or containers, sealing and labeling said wrappers or containers under his own signature and giving to the interested person a receipt in which is specified the name of the product and the number of samples taken. Whenever possible, three samples shall be taken, one of which shall be for the Chemical Laboratory and the other two shall be kept under charge and responsibility of the inspector. The Director of the Chemical Laboratory shall instruct the inspector in writing in regard to the proper manner in wrapping, sealing and labeling the samples. One of these samples shall be given to the

interested person, if he so desires. The third sample shall be deposited at the disposition of the court according to the judgment of said tribunal.

"Article 3.—Inspectors are authorized to take an 'official sample' of unopened products, or aliquot parts of their contents, in order to make an analysis or preliminary report in the laboratory, in which case only one sample shall be taken which shall not be wrapped or sealed, but shall be labeled with its name, date and corresponding number. If in this examination the article should prove to be adulterated or misbranded, the inspector shall take official samples, wrapped, sealed and labeled, as prescribed in article 2, before proceeding judicially against the violator of this Regulation.

"Article 4.—In case an article of food or drugs proves to be adulterated or misbranded, the Director of the Chemical Laboratory shall notify the interested person, within a period of thirty days, stating the nature of the infraction, naming day and hour for him to appear personally, or by some duly authorized person, before said public official, to state the reasons he may have to show that the analysis or the conclusions derived from it, are mistaken or incorrect; it being understood that if the interested person does not appear on the date named, the Director of the Laboratory shall proceed, with the proof he has to denounce the case before the court. The allegation made before the Director of the Laboratory shall only and exclusively treat upon facts.

"Article 5.—Any person, firm, syndicate, corporation or any institution of whatever character it may be that gives in writing its consent to the destruction of any article of damaged food or drugs or to changes in the wording of the label, or of the printed literature that goes with any article of food or drugs shall not be prosecuted, unless he fail to carry out what he agreed to in writing. Nor shall the person be prosecuted who presents a guaranty from the maker or importer to the effect that the article is pure and lawfully branded.

"Article 6.—When any article of food or drugs shall be found to be adulterated with inoffensive substances, or to be misbranded, or in state of adulteration, decomposition or putrefaction or contaminated with outside substances and the owner of said product will not consent to the destruction or denaturalization of the same, for industrial purposes, or to modify the labels or the wording of the literature of the same, the Service of Sanitation shall proceed to the prosecution of said person according to the evidence.

"Article 7.—If any article of food or drugs is unfit for consumption, because by judgment of the inspector, it be changed, decomposed or contaminated with outside substances, the inspector may temporarily suspend the sale of this article, leaving the parcel or lot duly sealed and in the custody and under the responsibility of the interested person. In this case he shall write a duplicated report of the articles and the state in which they are, which shall be signed by the interested person and the inspector; each one shall keep one of these copies. The suspension of sale shall not be raised until the Laboratory report in writing on this 'Provisional Seizure.' The phrase 'Provisional Seizure' shall be written on the outside of samples taken in these cases. The Laboratory shall give preference to these investigations and render its report in the shortest time possible. If any merchant should sell or dispose in any way of any confiscated article, as is defined in this section, he shall be prosecuted according to law.

"Article 8.—When an article of food or drugs be changed decomposed or in a state of putrefaction, contaminated with outside substances or be misbranded, the inspector shall take a sample, as is prescribed in article 3. The inspector

may in this case, with the concurrence of the merchant, who shall give his consent in writing, confiscate and destroy, either by denaturalization or by other means, the foods and drugs that may be found in that state, as also he may modify the wording of their labels and the printed literature that goes with them. In case the merchant does not consent to the action taken by the inspector, he shall present a protest to the Director of Sanitation.

"When the articles are decomposed or decayed, they shall constitute 'prima facie evidence' of the violation of the Regulation and the inspector may proceed according to law against the merchant if he should sell or expose for sale, or transport or store said articles.

"Article 9.—When a guaranty exists such as is indicated in article 5, and is signed by any person, firm, syndicate, corporation or institution of whatever character, in the Island of Porto Rico, the guarantor shall be proceeded against; and if he reside outside of the jurisdiction of the courts of Porto Rico, the Director of Sanitation shall collect the data of his disposition and remit it to the Department of Agriculture through the Federal Chemical Laboratory of San Juan.

"Article 10.—The Department of Sanitation shall publish, either in the daily press or by means thought more fit, the decisions and penalties imposed by the courts for the infractions of this Regulation.

"Article 11.—This Regulation shall be put in force thirty days after having been promulgated by the Governor of Porto Rico, in accordance with the disposition of the Law of Sanitation.

"Article 12.—Any person who shall infringe any of the dispositions contained in this Regulation shall be punished with a fine of not less than one dollar nor more than one hundred dollars, or with prison from one to thirty days, or with both penalties at the discretion of the court."

Being so promulgated, and having been published in two newspapers of general circulation in the Island, in accordance with the provisions of Section 13 of Act No. 81, approved March 14, 1912, the said regulations entitled "Regulation for the Storage and Sale of Foods and Drugs in the Island of Porto Rico" on and after this date have the force and effects of law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the People of Porto Rico to be affixed at the city of San Juan, this tenth day of May A. D. nineteen hundred and seventeen.

[SEAL]

ARTHUR YAGER,
Governor.

Promulgated according to law, May 10, 1917.

R. SIACA PACHECO,
Executive Secretary.