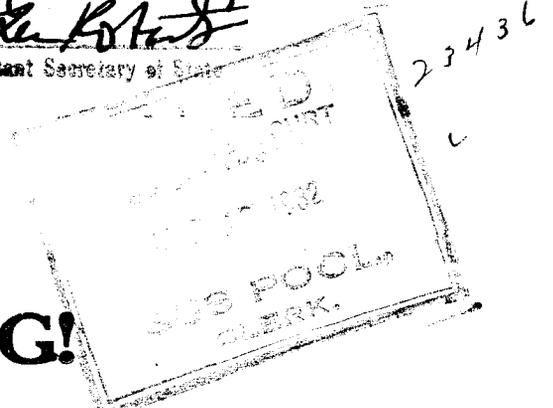


A full true correct and complete copy of
the within Petition in Referendum included
The ballot title delivered to and filed in
my office this June 22, 1936.

R. A. Freed.
Secretary State of Oklahoma
Wm. R. Kott
Assistant Secretary of State



WARNING!

• It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

Wm. R. Kott
Sub

REFERENDUM *No. 55.*
STATE QUESTION NO. 164

BALLOT TITLE.

House Bill 68 defines oleomargarine as any substitute (whatever the ingredients) for butter, imposes stamp tax of ten cents per pound thereon, regulates dealing in same by wholesalers and retailers, requires them to pay \$10.00 and \$5.00, respectively, annually, license tax, and keep records of their dealings in product. The act forbids coloring of said substitute like butter and prohibits use of same at state supported institutions. Violations of act punishable by \$100.00 to \$500.00 fine or imprisonment for three months or both.

SHALL THIS LAW BE REPEALED?

Yes

No

C O P Y

ENROLLED HOUSE BILL NO. 68.

(This copy includes Senate Amend. & Conf. Comm. Amd.)

By: Rickerd, Stillwell, Mauk, King, Jessee, Jones (Beckham), White, Beaver, Childers (Oklahoma), Faulk, Reinwand, Todd, Paxton, Biles, Batman, Hart, Leecraft, Cheek, Keith, Chapman, Strickland, Blocker, Warhurst, Taylor, Williams, Cartwright, Adair, Paul, Major, Wagner, Turner, Kenison, McClintock, and Daniel of the House and Garvin and Ferguson of the Senate.

AN ACT DEFINING OLEOMARGARINE; PREVENTING FRAUD AND DECEPTION IN ITS MANUFACTURE, STORAGE AND SALE; PROHIBITING STATE INSTITUTIONS FROM PURCHASING IMITATIONS TO BE USED IN PLACE OF BUTTER; REQUIRING A STATE LICENSE FOR MANUFACTURE OR SALE OF OLEOMARGARINE; FIXING LICENSE FEE AND PROVIDING FOR COLLECTION THEREOF; TAXING OLEOMARGARINE; DEFINING VIOLATION OF THIS ACT AND FIXING PENALTIES THEREFOR.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. That where used in this Act:

(a) The word "person" shall mean person, firm, or corporation as the case demands.

(b) Any word used shall indicate the singular or plural, as the case demands.

(c) The word "oleomargarine" shall mean all substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterline, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatta, and other coloring matter, intestinal fat, and offal fat,—if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per centum of common salt. This section shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of one hundred and eighteen degrees Fahrenheit or more, nor to any of the following containing condiments and spices; salad dressings, or mayonnaise products.

SECTION 2. No money appropriated by law for maintenance and support, in whole or in part, of a state institution; nor money received by a charitable, benevolent, educational, penal, or reformatory institution from the state or from a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part, of such institution nor money belonging to or used for the maintenance or support of such institutions, shall be expended for the purchase of, or in payment for, oleomargarine, or articles, or products in imitation or semblance of butter. No officer, manager, superintendent, or agent of an institution mentioned in this paragraph shall purchase oleomargarine, or articles or products in semblance of butter for the use of such institution, and no person shall sell oleomargarine or articles or products in semblance of butter to, or for the use of such institution, nor shall oleomargarine, or articles, or products in semblance of butter be used as an article of food, or for cooking purposes in

any such institutions within the state; nor shall oleomargarine be served or used in any eating place maintained in such institution.

SECTION 3. No person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of oleomargarine, or articles, or products in semblance of butter, the word "butter," "creamery," or "dairy," except as otherwise provided for by the laws of this state, or the name, or representation of any breed of dairy cattle, or any combination of such word, or words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter. Each carton or container shall carry the name and percentage of each ingredient contained in the package of oleomargarine.

SECTION 4. No person shall manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine as defined in Section 1, unless such person, shall have first obtained a license and paid a license fee as hereinafter provided; nor unless the said oleomargarine or articles or products in semblance of butter so manufactured, shipped, consigned, or offered for sale, exposed for sale, or had in the possession, with intent to sell, shall be made and kept free from all color or ingredients causing it to look like butter of any shade of yellow, as hereinafter described; nor unless the same shall be kept and presented in a separate and distinct form, and in such manner as will advise the purchaser and consumer of its real character; nor unless such person shall, in all other respects, comply with and observe the provisions of this Act. For the purpose of this Act oleomargarine, or articles, or products in semblance of butter shall be deemed to look like, and be in the semblance of, or in imitation of butter or a shade of butter when it has 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, as measured in terms of the Lovibond tint-ometer scale, or its equivalent.

SECTION 5. Every person desiring to manufacture, sell, or offer, or expose for sale, or have in possession with intent to sell, oleomargarine not made or colored so as to look like yellow butter, shall make application for a license so to do, in such form as shall be prescribed by the Department of Agriculture through its agent the dairy commissioner, which application, in addition to other matters which may be required to be stated therein by said dairy commissioner shall contain an accurate description of the place where the proposed business is intended to be carried on, and the name and style under which it is proposed to conduct the said business.

Provided, that if said business is proposed by said applicant for a license to be carried on in more than one place then a license is required for each place where the business is to be carried on and application must be made for each license in the form and manner herein provided.

If the said application is satisfactory to the said dairy commissioner, and said name and style shall not, in the judgment of the dairy commissioner be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on, he shall issue to the applicant a license, authorizing him to engage in the manufacture of oleomargarine, which shall not contain any coloration or ingredient that causes it to resemble yellow butter, for which said license the applicant shall first pay, if a manufacturer, the annual sum of ten dollars (\$10.00); if a wholesaler, the annual sum of ten dollars (\$10.00); if a retailer, the annual sum of five dollars (\$5.00); and if a proprietor of a hotel, restaurant, dining room, or boarding house, the annual sum of two dollars (\$2.00); and the said license fee, when received by said State Dairy Commissioner, or his agent, shall be by him immediately paid to the State Treasurer and by said treasurer placed to the credit of the General Revenue Fund of the state. Such license shall not authorize the manufacture

or sale, exposing for sale, or having in possession with intent to sell, oleomargarine, at any place other than that designated in the application and license; and the license shall not authorize the manufacture, sale, exposing for sale, or having in possession with intent to sell, any oleomargarine made or colored so as to look like yellow butter, as herein provided.

All licenses under this Act shall expire on the thirty-first day of December of each year; but licenses may be transferred by said State Dairy Commissioner upon the application to him in writing of the person to which the same has been granted; provided, that the transferrer shall comply with the regulation made by the State Dairy Commissioner in regard to the said transfer, and shall thereafter comply with the provisions of this Act.

Wholesale dealers within the meaning of this Act, shall be all persons who shall sell to dealers, and persons who shall buy to sell again, and all persons who make sales in quantities of ten pounds and over, at any time; and retail dealers shall be all persons who shall sell in quantities less than ten pounds. Any license issued under the provisions of this section, may be revoked by authority of said dairy commissioner upon presentation to him of evidence that any of the terms and provisions of this law have been violated by the licensee thereunder.

SECTION 6. There is hereby levied upon each pound of oleomargarine offered for sale in the State of Oklahoma a **tax of ten cents per pound.**

Each package of oleomargarine, before being offered for sale, shall have attached to it stamps for the amount of the tax hereby levied.

The Oklahoma Tax Commission shall provide stamps, in such form and denominations as it may deem best, for the purpose of carrying out the provisions of this section; and shall sell the same to all who may desire to purchase them.

Wholesalers shall cause to be affixed to each package of oleomargarine, stamps for the amount of the tax hereby levied, before disposing of such oleomargarine to retailers or others.

Said commission may furnish such stamps to the various county treasurers of the state, upon request, and when so issued shall be chargeable to such county treasurer; and such county treasurer shall sell such stamps to all persons who may desire to purchase them. All proceeds from the sale of such stamps shall be remitted to the Oklahoma Tax Commission.

All monies received by the Oklahoma Tax Commission from the sale of such stamps, either by direct sale or by remittance from county treasurers, shall be paid to the State Treasurer, to be placed to the credit of the General Revenue Fund of the State.

SECTION 7. After obtaining the license required by this Act, the person obtaining the same shall, before beginning any business under the said license, hang up and display, in a conspicuous place, on the walls of the room or store in which the oleomargarine, is manufactured, sold, or exposed for sale, the license so obtained as aforesaid; and shall also procure from the State Dairy Commissioner a sign, or signs, which in number, size and lettering shall be uniform throughout the state, clearly setting forth that he is engaged in the manufacture, or sale of oleomargarine; which said sign or signs, when procured shall be hung in a conspicuous place on the walls of every room, or store in which the oleomargarine is manufactured or sold. And in addition to such sign or signs, so hung up as aforesaid, every proprietor of a hotel, restaurant, dining room or boarding house at which food, meals, or refreshments are served to customers, a placard plainly printed, shall be displayed in letters not less than one-half inch in length, stating that oleomargarine is used and served to customers.

SECTION 8. It shall be unlawful for any person or any agent thereof, to sell, or offer, or expose for sale or have in possession with intent to sell, any oleomargarine not in imitation of yellow butter, which is not marked or distinguished, on the outside of each tub, package or parcel thereof, in a conspicuous place by a label with the word "OLEOMARGARINE" printed thereon in letters at least two thirds the height and width of the letters in the brand name, and if no brand name is used, then in letters of plain Gothic type not less than one inch long; and a placard shall be placed in a conspicuous position in full view of the purchaser with the said word "OLEOMARGARINE" on such placard in plain, uncondensed Gothic letters, not less than one inch long, and such placard shall not contain any other words thereon. And when Oleomargarine, or articles or products in semblance of butter, not in imitation of yellow butter, are sold from the tub or package, or otherwise, at retail, in print, roll or other form, before being delivered to the purchaser it shall be wrapped in a wrapper, plainly stamped on the outside thereof, in letters one-fourth inch square; and the said wrapper shall also contain the name and address of the seller and the quantity sold, and no other words thereon, and the said word "OLEOMARGARINE" be stamped or printed on the said wrapper, shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

SECTION 9. Every licensed manufacturer of oleomargarine, not in imitation of yellow butter, and every licensed wholesale dealer therein, shall keep a book in which shall be entered accurately every sale and shipment of oleomargarine, not in imitation of yellow butter: giving the date of sale and shipment, the quantity, the person to whom sold and shipped, the place to which shipped, and the name of the transportation line by which shipped: and every licensed retail dealer therein shall keep a book in which shall be entered the date of every purchase of oleomargarine, the date of the receipt at his place of business of each purchase, from whom purchased and the quantity, and the said books to be kept by manufacturers, wholesalers and retailers shall be in such form as the State Dairy Commissioner shall direct and shall always be open to the inspection of such state official or his representatives.

SECTION 10. Every person who shall manufacture, sell or expose for sale, or have in possession, with intent to sell, oleomargarine, or articles, or products in semblance of butter, in violation of any of the provisions of this Act; or shall sell oleomargarine as or for butter; or shall fail to keep a book, in accordance with the last preceding section; or who shall publish or cause to be published a circular, sign or advertisement in violation of this law: or who shall in any other respect violate any of the provisions of this Act, shall for every offense, forfeit and pay the sum of one hundred dollars (\$100.00), which shall be recoverable with the costs, including the expense of analysis, by any person in the name of the state in any court of competent jurisdiction within the state. All penalties and costs imposed and recovered upon the conviction for a violation of any provisions of this Act shall be paid to the State Dairy Commissioner, and by him immediately paid into the State Treasury.

Provided that in any action brought under this Act, the certificate of the State Dairy Commissioner under the seal of his office, shall be accepted as evidence of the fact that a license has or has not been issued, and the terms and conditions of such license is issued.

Provided, further, that in case of an appeal from a conviction secured under this Act, the State Dairy Commissioner, or any other person suing in the name of the state by setting forth the facts may ask the court to command and restrain the person prosecuted from further violation of this Act until determination is made of the pending case and that in bringing such action for a restraint order, no bond or other security shall be required of such State

Dairy Commissioner, his agent or attorney, or any other person suing in the name of the state.

SECTION 11. In addition to the above forfeit, every person, firm, or corporation, and every officer, agent, servant or employee of such person, firm or corporation, who violates any of the provisions of this Act, shall also be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not more than three months, or both, at the discretion of the court.

