

**SIXTH ANNUAL REPORT OF THE
DAIRY AND FOOD
COMMISSIONER OF THE STATE
OF MICHIGAN. YEAR ENDING
JUNE 30, 1899**

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Sixth Annual Report of the Dairy and Food Commissioner of the State of Michigan. Year Ending June 30, 1899 by Michigan Food and Drug Commissioner

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MICHIGAN FOOD AND DRUG COMMISSIONER

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OF THE

DAIRY AND FOOD COMMISSIONER

OF THE

STATE OF MICHIGAN

YEAR ENDING JUNE 30, 1899.



BY AUTHORITY

LANSING, MICHIGAN
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1899

MICHIGAN DAIRY AND FOOD DEPARTMENT

ELLIOT O. GROSVENOR,	-	-	-	-	-	COMMISSIONER
W. H. TUNNICLIFFE,	-	-	-	-	-	DEPUTY COMMISSIONER
* F. H. BORRADAILE,	-	-	-	-	-	STATE ANALYST
† R. E. DOOLITTLE,	-	-	-	-	-	ASSISTANT STATE ANALYST
CARL FRANKE,	-	-	-	-	-	INSPECTOR
GEO. W. HASKELL,	-	-	-	-	-	INSPECTOR
H. J. FOOTLANDER,	-	-	-	-	-	INSPECTOR
JOHN R. BENNETT,	-	-	-	-	-	INSPECTOR
JOHN B. BARRON,	-	-	-	-	-	INSPECTOR
L. H. KIRTLAND,	-	-	-	-	-	INSPECTOR

* Resigned May 1, 1899

† Appointed State Analyst May 1, 1899



LETTER OF TRANSMITTAL.

OFFICE OF DAIRY AND FOOD COMMISSIONER, }
Lansing, Michigan, June 30, 1899.

TO HIS EXCELLENCY, HAZEN S. PINGREE, *Governor of Michigan:*

SIR—In compliance with section nine of Act No. 211 of the Public Acts of 1893, as amended, I have the honor to submit herewith the annual report of this Department for the year ending June 30, 1899.

Very respectfully,

ELLIOT O. GROSVENOR,

Dairy and Food Commissioner.



SIXTH ANNUAL REPORT

OF THE

STATE DAIRY AND FOOD COMMISSIONER.

Following the example of Massachusetts, Ohio, New York, Pennsylvania, Wisconsin and Minnesota, in 1893 the State of Michigan established a dairy and food commission. For the first two years the Commissioner was without funds with which to properly prosecute the work. No provision was made for a force of inspectors, and the result was limited to what it was possible for one man to bring about. Taking into consideration that the State had long been a dumping ground for all sorts of adulterated foods, it is not to be wondered at that little could be done.

In 1895, the legislature provided a fund of \$10,000 which served to create a department of medium efficiency compared to the work in hand. A small force of inspectors could now be employed, and provision was made for a laboratory and the employment of a chemist. Along the line of education, the work during the next two years progressed favorably. A system of inspection was established and a fair portion of the State gone over. The merchants were instructed and assisted in understanding the law, but little was done in court work and nothing to establish a system of prosecutions or promote correct practice under the various statutes.

In 1897, when the department came into the hands of the present administration, it found no court decisions in Michigan bearing upon food questions and was further hampered by the growing belief in the State that the laws either could not or would not be enforced.

Early in 1897 it became evident that prosecutions would be necessary to produce a correct understanding and obedience of the law's demands.

In the first cases brought, the department was confronted in court by a multiplicity of legal questions as to the true intent of the statutes.

The question as to whether a dealer could be convicted and fined without knowledge on his part that the goods he sold were adulterated was the first and most formidable stumbling block. Circuit Judges were found who held that intent or guilty knowledge must be proven before a conviction could be had, thereby defeating the declared purpose of the statute.

Realizing that no headway could be made in the enforcement of the laws until this question was settled by a court of competent jurisdiction, the

department in May, 1897, had carried to the Supreme Court from the Monroe County Circuit a case involving the points at issue.

The decision of the court, in June following, vigorously laid down the principle that it was within the power of the legislature to pass an act making it an offense punishable with fine and imprisonment to sell adulterated food or drink, although the person selling the same has no knowledge that it is adulterated.

Other vexed and technical questions have come up from time to time, including questions as to the constitutionality of the various statutes, and the department has been forced five times within the two years to seek final judgment in the Supreme Court of the State.

As a result, perhaps no State in the Union is more strongly fortified today than is Michigan with questions of food legislation and food litigation correctly and authoritatively interpreted.

The period of twelve months covered by this report has been a marked one in its policy of enforcement of the law. More prosecutions have been commenced, more cases tried, and more accused persons convicted than in any one year of its former history. With the idea in mind that a change has been made in the policy of the department, we come most naturally to a consideration of the general conditions in which we found the food supplies of our State, and contemporaneously with it, the conditions surrounding the enforcement of the special laws and the necessities which changed conditions have made evident.

It may be said in general that all conditions are more favorable in Michigan today than at any time in the past.

Perhaps the most important work of the department, since it is the one which lays the foundation for every prosecution, and which must be the basis for all results, is

INSPECTIONS.

During the last year, a smaller number of inspectors were employed than during the preceding year, owing to the shortage of means due to the unusual expenditure in the oleomargarine fight. It has been possible, during the greater portion of the year, to carry but three inspectors upon regular work along food lines. In addition, one inspector has been regularly employed in the examination of dairies where milk is sold for consumption in cities and villages. Reports of inspectors show that the stocks in the hands of retail dealers have improved to such an extent as warrants more rigid inspection. What has been termed "old stock" (meaning small amounts purchased before the law went into effect) is less often found, so that we are able to trace sales much more directly to the jobbers and manufacturers. It may be said that, practically, no goods now remain in retailers' hands which have not been sold by jobbers or manufacturers since the law became operative. Fewer samples in proportion to the number of stocks inspected are sent to the laboratory for analysis.

Under the present more rigid inspection, it is the intention that more prosecutions shall result, since more good cases are found and the department is not so willing to accept excuses and explanations, many of which in the past have been founded in good faith and due to imperfect understanding of the law.