

AN ACT TO PROVIDE FOR THE ANALYSIS AND REGISTRATION OF COMMERCIAL FERTILIZERS, ESTABLISH PENALTIES FOR VIOLATIONS OF ITS PROVISIONS, REGULATE TRAFFIC IN SUCH FERTILIZERS, AND FO...

Act No. 3067, March 16, 1923

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Any substance shall in its simple or compound state be deemed to be a commercial fertilizer if by reason of its chemical composition it is sold, offered, or held for sale for the purpose of increasing the productivity of the soil. The provisions of this Act shall not apply to raw-material nor the dung of domestic animals when sold as such, and unmixed with anything else. Nothing in this Act shall be construed as preventing any one from mixing commercial fertilizing materials for his own use only, if these have been purchased under official tag and legal label as hereinafter specified. By the term "brand," as used in this Act, is to be understood: (1) the name, number, trademark, or other designation under which a fertilizer is sold, and (2) the fertilizer itself sold under such name, number, or trademark.

SEC. 2. It shall be unlawful within the Philippine Islands to sell, offer for sale or possess or manufacture for m sale any commercial fertilizer which has not been officially registered in the Bureau of Science. The application of the manufacturer or seller of any brand of commercial fertilizer to said Bureau for registration of such fertilizer shall contain a sworn statement of its correct composition in the following terms: (1) The minimum percentage of phosphoric acid (P2O5) in available form (soluble); (2) the minimum-percentage of insoluble phosphoric acid (P2O5) ; (3) the minimum percentage of potash (K2O) in compounds soluble in water; (4) the minimum percentage of nitrogen in a available form; and (5) a sworn guaranty that the fertilizer contains no horn, hoof, hair, feathers or other similarly inert nitrogenous matter. The manufacturer or seller shall also state the sources of the constituents of the brand of fertilizer offered for registration, which statements and the information contained therein shall be recorded for reference, but shall not be disclosed unless the materials used in said brand of fertilizer are found satisfactory, and its guarantee composition as described above is correct, the said Bureau may officially register the said is brand and its guaranteed composition, and the manufacturer or seller of the said brand shall pay a registration fee of fifty pesos. No change may be made in the composition guaranteed for the fertilizer or in the general character of the materials used in its manufacture, without filing a new statement.

SEC. 3. After official registration of any brand of commercial fertilizer, it shall be duty of the manufacturer or seller securing such registration to notify the Director of the Bureau of Science of the names and addresses of all dealers within the Philippine Islands, who will probably sell such brand, so far as shall then be known, and quarterly thereafter to furnish his a revised, complete, and true list of dealers in that brand. It shall be the duty of each seller of fertilizers within the Philippine Islands to notify the Director aforesaid, annually, of the brands of fertilizers which he sells or offers for sale; such notification to be sent on or shortly before January first of each year, and at least quarterly thereafter if additional brands are offered for sale by him. If the manufacturer seller securing registration of any brand commercial fertilizer shall fail to give such quarterly information, the Bureau of

Science may revoke the registration of such brand.

SEC. 4. Every package of commercial fertilizer sold, exposed, or offered for sale, by sample or otherwise, or in the possession of any one within the Philippine Islands, bear a distinctly printed label in the English or Spanish language, which shall state: (1) The name and Address of the manufacturer, (2) the brand of the fertilizer, (3) the number of net kilos in the package, and (4) the chemical composition guaranteed by the manufacturer, in the terms set forth in section two of this Act; and nothing else shall be stated on such label.

SEC. 5. The Director of the Bureau of Science shall collect such sum as may be proper in accordance with the schedule of charges of his Bureau for the analysis of the composition of the substances of each brand offered for registration in his Bureau, and shall, whenever he may deem this to be necessary, order the inspection of the fertilizer sold or offered or kept for sale, and fertilizers or inspected shall bear a tag showing that they have been inspected bearing the signature, mark, or initial of the inspecting officer. The repeated use of one and the same tag or failure to destroy the same upon beginning to use the fertilizer to which such tag is attached, shall be considered a violation of this Act.

SEC. 6 It shall be the duty of the Director of the Bureau aforesaid, personally or by deputies duly authorized, to make proper inspection of fertilizers sold or offered for sale in the Philippine Islands. Toward this end he or his authorized deputies shall procure at least one sample annually of each brand of fertilizer registered for sale in the Philippine Islands. Toward this end he or his authorized deputies shall procure at least one sample annually of each brand of fertilizer registered for sale in the Philippine Islands, and shall make or cause to be made an analysis of the same according to the methods of the United States Association of Official Agriculture Chemist, and a certified statement of the results of such analysis shall be received in the courts and all other places as prima facie evidence in any legal action within the Philippines concerning such brand of commercial fertilizers. The said Director shall order the publication in the Official Gazette or permit to be published in reports or bulletins the result obtained from the analysis of fertilizers registered in the islands with their guaranteed composition and such other information as may be deemed valuable concerning them and their use. This bulletin shall also contain a list of the manufacturers and sellers of fertilizers in the Philippine Islands according to the statements secured under the provisions of section three.

SEC. 7. All samples of commercial fertilizers taken for analysis shall not weigh less than one kilogram. Sampling shall be during ordinary business hours and the owner of the fertilizer or his representative may be present, but any refusal by such owner or his representative to permit sampling shall be taken as sufficient evidence of violation of the law by him. Broken packages shall not be sampled and all shall be taken from substantially ten percent of the fertilizer to be sampled, except that in the case of a fertilizer sold or offered or exposed for sale in bulk ten samples shall be taken from as many different portions of the lot. All samples taken shall be thoroughly mixed, and placed in suitable vessels.

SEC. 8. Any person hindering or obstructing the Director of the Bureau of Science or deputy of the said Director, in the discharge of the authority or duty conferred or imposed by any provision of this Act, and any person violating any provision of sections two, three, four and five of this Act shall be fined not less than five hundred pesos and not more than five thousand pesos for each offense. By authority of the Secretary of Agriculture and Natural Resources it shall be the duty of the said director to see that the provisions of this Act are complied with, and he may prescribe and enforce such rules and regulations relative to the sale of commercial fertilizers as may deem necessary to carry into effect the full intent and meaning of this Act.

SEC. 9. With the approval of the Secretary of Agriculture and Natural Resources the Director of the Bureau of Science is Authorized to establish standards for grades of fertilizer by which its quality and quality and condition

may be determined, which shall be known as the official fertilizer standards of the Philippines. Public notice of the establishment of such standards or any change or modification thereof by the Director of the Bureau of Science, shall be given by such means as he shall find appropriate at least sixty days before the date when the same shall become effective.

SEC. 10. It shall be the duty of the Secretary of Agriculture and Natural Resources to enforce the provisions of this Act by causing all violations thereof to be prosecuted in the courts of justice, in accordance with the ordinary procedure.

SEC. 11. This Act shall take effect on January first, nineteen hundred and twenty-three.

Approved, March 16, 1923.

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