

**Text of the
Insecticide Law of Connecticut
and Regulations for Its
Enforcement**



**Connecticut Agricultural Experiment Station
New Haven**

Rules and Regulations for Carrying Out the Provisions of the Insecticide and Fungicide Law

By authority of Section 2504, Chapter 137, General Statutes, Revision of 1930, the following rules and regulations have been adopted for carrying out the provisions of the act.

As further provided in said Section these rules and regulations conform, so far as possible, to those promulgated by the Production and Marketing Administration of the United States Department of Agriculture for the enforcement of the Federal Insecticide Act of 1910.

Sections cited under each regulation refer to the section of the State law wherein the term defined, or the clause interpreted, occurs; and the citation following each regulation refers to the Federal regulation which corresponds thereto.

W. L. SLATE,
Director of the Conn. Agricultural Experiment Station.

JOHN J. SWEENEY,
Dairy and Food Commissioner.

REGULATION 1. TERMS DEFINED.

(a) "Package" includes the carton, box, barrel, or other receptacle into which an insecticide or fungicide, Paris green, or lead arsenate is placed for use, handling, removal, shipment, or conveyance; a single container of such article or articles or several containers packed together, including both the immediate container or the material and the box, carton, or other container (if any) in which it is enclosed or displayed.

"Unbroken package" and "original unbroken package" means the original package delivered by the shipper to the carrier at the initial point of shipment and also the unit package as ordinarily displayed on the shelves of the retail dealer or distributor.

(b) "Label" includes any legend and descriptive matter or design printed, stencilled, stamped, seared, or impressed upon the article or its container or wrapper, and also includes any circular pamphlet, or other descriptive matter packed with or accompanying the article at any time while such article is in intrastate commerce, and such letters, circulars, pamphlets, and other descriptive matter to which reference is made, either on the label attached to the package or on the

package itself, or any circular, pamphlet, or other descriptive matter accompanying the package in intrastate commerce.

(c) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

(d) "Fungi" means all nonchlorophyll-bearing plants of a lower order than mosses and liverworts (i. e. nonchlorophyll-bearing thallophytes), as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria. (F. R. 161.2.)

REGULATION 2. LABELING.

Statements on Labels must conform to the following requirements:

(a) *To be in English language.*—All words, statements, and other information required by the act to appear on the label shall be in the English language.

(b) *Ingredient statement.*—The ingredient statement, where required on the labels of insecticides and fungicides, shall: (1) be placed on that part of the label of each individual package or container (also on the carton or outer container, if there is one) which is presented or displayed under customary conditions of purchase; (2) run parallel with other printed or reading matter on the label; (3) not be materially less conspicuous than any other word, statement, or information on the label; (4) be on a clear, contrasting background and not obscured by designs or vignettes, or crowded with other written, printed, or graphic matter; (5) give the specific names by which the ingredient is commonly known, other than a trade name or collective name, or, if it does not have such a name, its correct chemical name; (6) give equal prominence to the names of the ingredients where more than one is present; (7) give single values for the percentages of the ingredients and shall not use a sliding scale form of statement; and (8) shows the term "Inert Ingredient" in type and position equally as conspicuous as the term "Active Ingredient" when both these terms are used.

(c) *Phenol coefficient statement.*—If a label of a disinfectant bears a phenol coefficient statement it shall not be in a sliding scale form.

(d) *False and misleading statements.*—The use of any false or misleading statement on any part of the label or labeling, given as the statement or opinion of an expert or other person or based on such statement or opinion, shall not be justified, nor may such statement be

justified by any descriptive matter explaining the use of the false or misleading statement.

Any statement on the label or labeling, either directly or indirectly implying that the product is recommended or endorsed by any agency of the Federal or State Government, is considered misleading.

(e) *When labels are required.*—Whenever, by the terms of the act, information is required to be on the label of an insecticide or fungicide, a label must be placed on the article or its container in order that the statement can be made. The omission of a label will not excuse the absence of the required statement.

(f) *Name and address of manufacturer.*—The name of the manufacturer or producer or the place of manufacture need not be given upon the label, but, if given, it must be the true name and true place. The words "Packed for," "Distributed by," or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer. (F. R. 161.12.)

REGULATION 3. COLLECTION OF SAMPLES.

Section 2506 of the General Statutes provides that duly authorized agents of the Connecticut Agricultural Experiment Station or of the Dairy and Food Commissioner may take duplicate samples of any insecticide or fungicide upon tendering the market price thereof.

Such samples shall be representative of the lot or parcel sampled. In the case of bulk goods the sample shall be divided in two parts each sealed, dated and marked for identification. In case of goods in package form, if each package be 2 pounds or less in weight or 1 quart or less in volume, two packages may be taken each sealed, dated and marked for identification. If packages are more than 2 pounds in weight or more than 1 quart in volume, a sample may be taken in whatever way is most practicable, divided into two parts, each sealed, dated, and marked for identification. In all cases one of the duplicate samples shall be delivered by the sampling agent to the Connecticut Agricultural Experiment Station for analysis and the other left with the person whose stock is sampled.

REGULATION 4. METHODS OF EXAMINING SAMPLES.

The methods of examining samples shall be those adopted and published by the Association of Official Agricultural Chemists (where applicable), and such other methods as may be necessary to determine whether or not the product and its labeling are in compliance with the law. These methods may include chemical, microscopical, physical, and bacteriological methods, and tests in orchard, field, garden and greenhouse, on animals, in or about premises, in cages, in the laboratory, and in such other places as may be necessary. (F. R. 161.6.)

REGULATION 5. GUARANTY.

Guaranty against adulteration and misbranding. The following provisions apply to the furnishing and use of the guaranty:

(a) *To dealer.*—Any wholesaler, manufacturer, jobber, or other person residing in the United States may furnish to any person to whom he sells any insecticide, Paris green, lead arsenate, or fungicide, a guaranty that such article is not adulterated or misbranded within the meaning of the act.

(b) *Essential wording.*—Each guaranty to afford protection shall be signed by, and shall contain the name and address of the wholesaler, manufacturer, jobber, or other person residing in the United States who sold the article and it shall be stated in the guaranty that such article or articles are not adulterated or misbranded within the meaning of the act. The guaranty shall not appear on the labels or packages.

(c) *Holder not to be prosecuted.*—No dealer in insecticides, Paris greens, lead arsenates, or fungicides will be liable to prosecution if he can establish that the articles were sold under a guaranty given in compliance with the regulations in this part. (F. R. 161.15.)

TEXT OF THE LAW RELATING TO INSECTICIDES AND FUNGICIDES
(Chapter 137, Connecticut General Statutes, Revision of 1930.)

Sec. 2501. The term "insecticide" shall include any substance or mixture of substances intended to destroy or repel insects. The term "Paris green" shall include the product commercially known as Paris green and chemically known as acetoarsenite of copper. The term "lead arsenate" shall include the products commercially known as lead arsenate consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. The term "fungicide" shall include any substance or mixture of substances intended to lessen the growth of or destroy fungi.

Sec. 2502. Paris green shall be deemed adulterated: (a) When it shall not contain at least fifty per centum of arsenious oxide (As_2O_3); (b) when it shall contain arsenic in water-soluble forms equivalent to more than three and one-half per centum arsenious oxide (As_2O_3); or (c) when any substance shall have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength. Lead arsenate, not dry or powdered, shall be deemed adulterated: (a) When it shall contain more than fifty per centum of water; (b) when it shall contain total arsenic equivalent to less than twelve and one-half per centum arsenic oxide (As_2O_5); (c) when it shall contain arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum arsenic oxide (As_2O_5); or (d) when any substance shall have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength; provided lead arsenate and water shall not be deemed to be adulterated when such mixture shall contain more than fifty per centum of water if such mixture shall be labeled lead arsenate and water and the percentage of water shall be plainly and correctly stated on the label. Dry or powdered lead arsenate shall be deemed adulterated when it shall contain total arsenic equivalent to less than twenty-five per centum of arsenic oxide (As_2O_5) and arsenic in water-soluble forms equivalent to more than one and one-half per centum of arsenic oxide (As_2O_5). Insecticides and fungicides other than Paris green and lead arsenate shall be deemed adulterated: (a) When the strength or purity shall fall below the standard or quality under which it shall be sold; (b) when any substance

shall have been substituted wholly or in part for the article described; (c) when any valuable constituent of the article shall have been wholly or in part abstracted; or (d) when it shall be intended for use on vegetation and shall contain any substance which, although destroying or repelling insects or lessening the growth of or destroying fungi, shall be injurious to vegetation upon which it may be used.

Sec. 2503. The term "misbranded," as used in this act, shall apply to any insecticide or fungicide, or any article which shall enter into the composition of any insecticide or fungicide, the package or label of which shall bear any statement, design or device regarding such article or any ingredient or substance contained therein which shall be false or misleading in any particular, including any statement, design or device which shall be false or misleading as to the place of manufacture thereof. Any insecticide, other than Paris green or lead arsenate, and any fungicide shall be deemed misbranded: (a) When it shall contain arsenic in any of its combinations or in the elemental form and the amount of arsenic present shall not be stated on the label as the per centum of metallic arsenic; (b) when it shall contain arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms shall not be stated on the label as the per centum of metallic arsenic; (c) when it shall consist partially or completely of any inert ingredient which shall not destroy or repel insects or lessen the growth of or destroy fungi and shall not have the name and percentage amount of each of such inert ingredients plainly and correctly stated on the label; provided, in lieu of naming and stating the percentage amount of each inert ingredient, the producer may, at his discretion, state plainly on the label the correct name and percentage amount of each ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients except to state the total percentage thereof.

Sec. 2504. The dairy and food commissioner and the director of the Connecticut Agricultural Experiment Station, acting jointly, shall make all necessary rules and regulations for carrying out the provisions of this act, such rules and regulations to conform, where possible, to the rules and regulations of the government of the United States authorized by the federal insecticide act of 1910. Upon complaint or information of a violation of any provision of this act, submitted by the Connecticut Agricultural Experiment Station, said commissioner and said director shall hold a hearing thereon, giving reasonable notice and opportunity to any person accused of any violation hereof to be present and be heard. If said commissioner and said director shall be of the opinion that any person shall have committed a violation of any provision of this act, they shall place all evidence thereof which they shall have secured with any prosecuting authority having jurisdiction; but no person shall be penalized under the provisions of this act for selling or offering for sale any article of insecticide or fungicide in the original unbroken package in which it was received by him, provided he shall establish a guaranty by the wholesaler, jobber, manufacturer or other person residing in the United States, from whom any such article shall have been purchased, that such article is not adulterated or misbranded within the meaning of this act, which guaranty shall contain the name and address of the guarantor, but such guarantor shall be amenable to prosecution and penalties.

Sec. 2505. Manufacture and sale. *Penalty.* Any person who shall manufacture, sell or offer or expose for sale any Paris green, lead arsenate or other insecticide or any fungicide which is adulterated or misbranded, or who shall violate any other provision of this chapter, shall be fined not more than two hundred dollars for the first offense and not more than three hundred dollars for each subsequent offense.

Sec. 2506. The Connecticut Agricultural Experiment Station or the dairy and food commissioner, or both, or their deputies, may, upon tendering the market price thereof, take duplicate samples from any lot, parcel or package of insecticide or fungicide which may be in the possession of any person. Each such sample shall be taken in the presence of the owner or his representative, and shall be sealed and properly marked for identification. One of such samples shall be left with the person from whom taken and the other shall be retained by the official taking the same. The Connecticut Agricultural Experiment Station shall annually analyze at least one sample of each brand of insecticide or fungicide so collected and such analysis

shall include determinations of the active ingredients which the article contains, with such other determinations as may be deemed advisable. Results of such analyses shall be published in the bulletins of said Connecticut Agricultural Experiment Station, with such information regarding the character, composition and use thereof as may be of interest or importance. Such bulletins shall be issued annually or at such other intervals as may be deemed advisable.