

and injurious to health. A plea setting forth the above facts is not bad as amounting to the general issue. *McAllister v. State*, 94 Md. 299 (decided prior to the act of 1910, ch. 437). And see *Medairy v. McAllister*, 97 Md. 491; *Fox v. State*, 89 Md. 381; *Rasch v. State*, 89 Md. 755.

Since a state cannot prohibit the sale in the original packages of oleomargarine imported from another state, this section will be so construed as to apply only to oleomargarine made in this state or not sold in the original packages when imported. The state has the right, however, to prohibit the sale of impure and deleterious articles of food whether imported and sold in the original packages or not. A plea which does not answer the whole indictment or all of the counts to which it is pleaded, is defective. *Fox v. State*, 89 Md. 384 (decided prior to the act of 1900, ch. 496). And see *Rasch v. State*, 89 Md. 755.

This section in so far as it prohibits the sale or manufacture of oleomargarine in this state, is a valid exercise of the police power; this section held to be constitutional. *Wright v. State*, 88 Md. 437 (decided prior to the act of 1900, ch. 496). And see *McAllister v. State*, 72 Md. 390; *Pierce v. State*, 63 Md. 592.

This and the following sections (prior to the act of 1900, ch. 496), held unconstitutional and void in so far as they prohibited the importation and sale of oleomargarine in original packages. Taking the lid from a tub of oleomargarine so as to permit its inspection, does not destroy its original character. *In re McAllister*, 51 Fed. 282.

Cited but not construed in *Hancock v. State*, 89 Md. 724.

1904, art. 27, sec. 123. 1888, art. 27, sec. 89. 1888, ch. 312, sec. 2. 1900, ch. 496. 1910, ch. 437 (p. 87).

136. Renovated butter, process butter, oleomargarine, butterine, or other butter substitute may be sold, if free from prohibited ingredients and otherwise wholesome, provided each vessel, package, roll or parcel of such substance be plainly and conspicuously branded by a stamp or label, with the true name of such substance in letters not less than thirty-six point bold-faced gothic capitals, and also the name of each article or ingredient used or entering into the composition of such substance, in letters of reasonable size; and provided also that the seller keep constantly and conspicuously posted on all sides of the room in which the sale is made a placard the face of which shall contain plainly printed in black ink thereon in the English language, in type not smaller than six inches in height, the words "(the true name of the substance) sold here."

See notes to section 135.

Ibid. sec. 124. 1888, art. 27, sec. 90. 1888, ch. 312, sec. 3. 1900, ch. 496. 1910, ch. 437 (p. 87).

137. Any proprietor or person in charge of hotel, boarding-house, restaurant, or other place or vehicle where food is sold or served for pay, who shall serve, sell or use as butter any substance or compound other than that produced wholly from unadulterated milk or cream, with or without salt or harmless coloring matter, shall cause to be plainly printed on every bill of fare, if one be used, in letters not smaller than eight point bold-faced gothic capitals, in the English language, the words "(true name of substance) used here in place of butter"; and in case no bill of fare be used, shall cause to be conspicuously posted upon each side of the eating-room or place, and in letters large enough to be distinctly seen and read from all parts of the room or place, placards containing on the face thereof in the English language