

and sold in original packages or not. Plea which does not answer whole indictment or all counts to which it is pleaded, is defective. *Fox v. State*, 89 Md. 384 (decided prior to act, 1900, ch. 496). And see *Rasch v. State*, 89 Md. 755.

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

This and the following sections (prior to act, 1900, ch. 496), held unconstitutional and void in so far as they prohibited 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.

An. Code, 1924, sec. 157. 1912, sec. 136. 1904, sec. 123. 1888, sec. 89. 1888, ch. 312, sec. 2. 1900, ch. 496. 1910, ch. 437 (p. 87).

171. 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."

This section applies to the branding or marking of retail as well as wholesale packages. *Hicken v. State*, 146 Md. 253.

See notes to sec. 170.

An. Code, 1924, sec. 158. 1912, sec. 137. 1904, sec. 124. 1888, sec. 90. 1888, ch. 312, sec. 3. 1900, ch. 496. 1910, ch. 437 (p. 87).

172. 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 the words, "(true name of substance) used here in place of butter"; and such person shall keep said placards continuously posted as aforesaid so long as such butter substitute be kept or used.

A person who violates this section, whether knowingly or not, is liable thereunder; hence indictment need not state that sale was "fraudulently" made. *Fox v. State*, 94 Md. 144 (decided prior to the act of 1910, ch. 437).

See notes to secs. 170 and 171.

An. Code, 1924, sec. 159. 1912, sec. 138. 1904, sec. 125. 1888, sec. 91. 1888, ch. 312, sec. 4. 1900, ch. 496. 1910, ch. 437 (p. 87).

173. The term "Natural Butter" as used in section 170 shall be understood to mean the product usually known by the term "Butter," and