

4792.

APPROVAL, BONDS OF CITY OF AKRON, SUMMIT COUNTY, OHIO—
\$20,295.34.

COLUMBUS, OHIO, December 6, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4793.

APPROVAL, BONDS OF CITY OF AKRON, SUMMIT COUNTY, OHIO—
\$26,529.15.

COLUMBUS, OHIO, December 6, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4794.

APPROVAL, BONDS OF CITY OF AKRON, SUMMIT COUNTY, OHIO—
\$29,000.00.

COLUMBUS, OHIO, December 7, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4795.

DENATURED ALCOHOL—MUST BEAR LABEL "POISON" WHEN SOLD.

SYLLABUS:

Under the legislative mandate as expressed in the provisions of Section 12708-3, of the General Code, completely denatured alcohol must continue to bear the label as required in such statute, even though it does not contain wood alcohol as a denaturant, as it did when the statute was enacted.

COLUMBUS, OHIO, December 7, 1932.

HON. M. N. FORD, *Secretary, State Board of Pharmacy, Columbus, Ohio.*

DEAR SIR:—Your recent request for opinion reads:

"At a recent meeting of our board, I was directed to request an

opinion from your department concerning the labeling of completely denatured alcohol when dispensed or sold within this state. Section 12708-3, of the General Code of Ohio, provides very specifically the requirements for the labeling of completely denatured alcohol, however, during the past twenty-two months, there have been various changes in the formulas of completely denatured alcohol.

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* * wood alcohol as a denaturant ceased to be used in any of the formulas of completely denatured alcohol on January 1, 1931. The Federal Bureau, however, authorizes dealers to dispose of completely denatured alcohol manufactured prior to that date which might be in their possession on January 1, 1931. We have no way of knowing the quantity of such alcohol that might still be in existence, but my opinion is that the stocks of these alcohols are practically exhausted at the present time.

Wood alcohol (denaturing grade) is the only substance appearing in any of the formulas * * which the bureau considered as a violent poison, and it was because of the presence of this material in the old formulas of completely denatured alcohol that the regulations of this Bureau required persons selling the same to attach a label bearing the word 'Poison' under the accepted skull and cross bones symbol. With the elimination of wood alcohol as a denaturant, the Bureau promulgated T. C. No. 9 (copy of which is attached hereto), the fourth page of which deals with the labelling of completely denatured alcohol. This decision specifies that any completely denatured alcohol compounded prior to January 1, 1931, containing 5 gallons or less, must have affixed thereto, a label bearing the words, 'Completely Denatured Alcohol' and in addition thereto, the word 'Poison' under the accepted Skull and Cross Bones Symbol, together with the following statement: 'Completely Denatured Alcohol is a violent poison. It cannot be applied externally to human or animal tissues without serious injurious results. It cannot be taken internally without inducing blindness and general physical decay, ultimately resulting in death.' This decision also specifies that every package of completely denatured alcohol compounded on and after January 1, 1931, containing 5 wine gallons or less must have affixed thereto a label bearing the words 'Completely Denatured Alcohol' and in addition thereto the following statement, 'Completely Denatured Alcohol. Contains ingredients which render the product wholly unfit for beverage purposes. If taken internally will cause serious consequences to health.'

* * * *

The Federal regulations as mentioned above entirely eliminate wood alcohol as a denaturant for completely denatured alcohol, being effective on January 1st 1931, for all new production.

The question is, therefore, must completely denatured alcohol continue to bear the label as required in Section 12708-3, of the General Code of Ohio, even though completely denatured alcohol as such, does not contain wood alcohol as a denaturant, as it did when the Ohio Act was passed?

Our department is having a number of requests concerning the proper labeling of what is now known as completely denatured alcohol."

While it may or may not be true that completely denatured alcohol manufactured at present, is non-poisonous, nevertheless, it should be noted that the

legislature has specifically provided in Section 12708-3, General Code, the manner in which such alcohol shall be labeled. Such section reads:

“Whoever dispenses or sells completely denatured alcohol or wood alcohol in packages containing less than five wine gallons without having affixed thereto a label on which is printed or stenciled in plain, legible, red letters of equal prominence on a white background the words, ‘Completely Denatured Alcohol’ or ‘Wood Alcohol’, as the case may be, and in addition on the same label in red ink, under the skull and crossbones symbol, the word ‘POISON’ together with the following statement: ‘Completely denatured alcohol, or wood alcohol is a violent poison. It cannot be applied externally to human or animal tissue without serious injurious results. It cannot be taken internally without inducing blindness and general physical decay ultimately resulting in death,’ and without having stamped, stenciled or printed upon such label the name and address of the seller, the degree of proof, and the formula number thereof, shall be fined not less than ten dollars nor more than fifty dollars. Neither the word ‘pure’ nor the single word ‘alcohol’ alone shall appear on any label of completely denatured alcohol or wood alcohol.”

Although this enactment, as you have pointed out in your inquiry, was passed at a time when the situation was different than at present, yet it is not within the province of the administrative branch of the state government to repeal or amend legislative enactments; this function is within the sole province of the legislature. If circumstances warrant, it might be advisable to bring the need for amendment of this section to the attention of the next General Assembly, for its consideration, but until this section is amended, I must be of the opinion that under the legislative mandate, as expressed in the provisions of Section 12708-3, of the General Code, completely denatured alcohol must continue to bear the label as required in such statute, even though it does not contain wood alcohol as a denaturant, as it did when the statute was enacted.

Respectfully,

GILBERT BETTMAN,

Attorney General.

4796.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN CITY OF DELAWARE, DELAWARE COUNTY, OHIO.

COLUMBUS, OHIO, December 7, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of a recent communication over the signature of Earl V. Murray, Statistician, submitting for my examination and approval an abstract of title for property purchased by the State for the Department of Highways, situate in the City of Delaware, Delaware County, Ohio, in Range 17, Township 5, Section 4, more particularly described as

Parcel One, that part of Lot No. 15 bounded and described thus: beginning at a stone on a post at the Southwest corner of said Lot 15;