

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 36.**  
**TRADE PRACTICES.**

**CHAPTER 1.**  
**REGISTRATION OF BEVERAGE BOTTLES.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 1. REGISTRATION OF BEVERAGE**  
**BOTTLES.**

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# **CHAPTER 1. REGISTRATION OF BEVERAGE BOTTLES.**

## **SUBCHAPTER I. GENERAL.**

### **§ 36-101. FILING AND PUBLICATION OF BOTTLE DESCRIPTION.**

All manufacturers and vendors of mineral waters and other beverages allowed by law to be sold in bottles, upon which their names or marks shall be respectively impressed, may file with the Recorder of Deeds of the District of Columbia a description of such bottles and of the names or marks thereon, and shall cause the same to be published for not less than 2 weeks successively in a daily or weekly newspaper published in the District.

(Mar. 3, 1901, 31 Stat. 1333, ch. 854, § 877; July 5, 1966, 80 Stat. 263, Pub. L. 89-493, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 48-101.

1973 Ed., § 48-101.

### **§ 36-102. UNAUTHORIZED USE OR SALE OF REGISTERED BOTTLES.**

It shall be unlawful for any person, without the permission of the owner thereof, to fill with mineral waters or other beverages any such bottles so marked, for sale, or to traffic in any such bottles so marked and not bought by him of such owner; and every person so offending shall be liable to a penalty of \$.50 for every bottle so filled, or sold, or used, or disposed of, or bought, or trafficked in, for the 1st offense, and of \$5 for every subsequent offense, to be recovered as other fines are recovered in the District.

(Mar. 3, 1901, 31 Stat. 1333, ch. 854, § 878.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 48-102.

1973 Ed., § 48-102.

## **SUBCHAPTER II. REGISTRATION OF MILK CONTAINERS.**

### **§ 36-121. FILING AND PUBLICATION OF CONTAINER DESCRIPTION.**

All persons, firms, partnerships, or corporations engaged in the bottling, selling, or distributing of milk or cream in bottles, cans, crates, or other containers within the District of Columbia, on which the name, trademark, or other device designating the owner is branded, blown, cut, carved, embossed, or impressed, may file with the Recorder of Deeds of the District of Columbia a description of the name or names, marks or devices so used by them, the said description to be a statement under oath by the owner of said name, mark, or device. The said owner of said name, mark, or device shall, after filing the description as above required, cause the same to be published at least once a week for 2 consecutive weeks in a newspaper of general circulation in the District of Columbia. The said owner of said name, mark, or device shall thereafter file with the Recorder of Deeds of the District of Columbia an affidavit made by himself or any other competent person stating that said description has been published as herein

provided, and shall file in the office of the Health Department of the District of Columbia a copy of said registration and said affidavit of publication, both duly certified as true copies by the Recorder of Deeds of the District of Columbia. The registration of any such name, mark, or device shall be complete on the filing of said certified copies in the Health Office of the District of Columbia, and thereafter the name, mark, or device shall be considered as registered in accordance with this subchapter, and any bottle, can, crate, or other container on which said name, mark, or device shall be or shall be placed shall be considered as registered in accordance with this subchapter.

(July 3, 1926, 44 Stat. 809, ch. 737, § 1; July 5, 1966, 80 Stat. 263, Pub. L. 89-493, § 7.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 48-201.

1973 Ed., § 48-201.

##### *Miscellaneous Notes*

Health Department abolished: The Health Department of the District of Columbia, including the office of the head thereof, was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. Reorganization Order No. 57 of the Board of Commissioners, dated June 30, 1953, and Reorganization Order No. 52, dated June 30, 1953, combined and redesignated Organization Order No. 141, dated February 11, 1964, established under the direction and control of a Commissioner, a Department of Public Health headed by a Director, for the purpose of planning, implementing, and directing public health and hospital care programs, and for performing certain other allied medical and para-medical functions. The Anatomical Board was established under the direction and control of the Director of Public Health consisting of members as prescribed in the D. C. Code. Prior to redesignation, the Order abolished the previously existing Health Department, Gallinger Hospital, Glenn Dale Sanatorium, and the Anatomical Board, and transferred their functions and positions to the new Department. The organization of the new Department was set out in the Order. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions stated in Organization Order No. 141 were transferred to the Director of the Department of Human Resources by Commissioner's Order No. 69-96, dated March 7, 1969, as amended by Commissioner's Order No. 70-83, dated March 6, 1970. The Department of Human Resources was replaced by Reorganization Plan No. 2 of 1979, dated February 21, 1980, which Plan established the Department of Human Services.

## **§ 36-122. UNAUTHORIZED USE OR SALE OF REGISTERED BOTTLES.**

Whoever shall by himself or his agent fill, use, sell, offer for sale, give, buy, traffic in, or shall have in his possession with intent to fill, use, sell, offer for sale, give, buy, or traffic in any registered milk bottle or bottles, can or cans, crate or crates, or other containers on which appears the name, mark, or device, registered by another person, shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties in this subchapter.

(July 3, 1926, 44 Stat. 810, ch. 737, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 48-202.

1973 Ed., § 48-202.

## **§ 36-123. DEFACING OR DESTROYING REGISTERED CONTAINERS.**

Whoever shall by himself or his agent willfully deface, erase, alter, obliterate, cover up, or otherwise remove or conceal any registered name, mark, or device registered by another and being on any milk bottle, can, crate, or other container, or shall willfully break, destroy, or otherwise injure any registered milk bottle, can, crate, or other container which has been registered by another shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties prescribed in this subchapter.

(July 3, 1926, 44 Stat. 810, ch. 737, § 3.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 48-203.

1973 Ed., § 48-203.

## **§ 36-124. REFUSAL TO SURRENDER TO REGISTRANT A REGISTERED CONTAINER PRIMA FACIE EVIDENCE OF UNLAWFUL USE.**

In any prosecution under this subchapter, the refusal of any person having possession of any registered milk bottle, can, crate, or other container to surrender possession of the same to the registrant of the name, mark, or device appearing thereon, after notice and demand by said registrant or his agent, shall be prima facie evidence of the unlawful use or traffic in the same contrary to the provisions of this subchapter.

(July 3, 1926, 44 Stat. 810, ch. 737, § 4.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 48-204.

1973 Ed., § 48-204.

## **§ 36-125. PROCEEDING IN SUPERIOR COURT TO ASCERTAIN VIOLATIONS; SEARCH WARRANT.**

Whenever any person who has registered milk bottles, cans, crates, or other containers in accordance with the provisions of this subchapter shall by himself or his agent make oath before the Clerk of the Superior Court of the District of Columbia that he has reason to believe, and does believe, that any of his registered milk bottles, cans, crates, or other containers are being filled, used, bought, trafficked in, held, sold, offered for sale, broken, injured, or destroyed within the District of Columbia contrary to the provisions of this subchapter, by any person without the written consent of the registrant, the judge of the Superior Court of the District of Columbia to whom said complaint under oath is made may forthwith issue a search warrant directed to any police officer or other proper officer to search the premises whereon or wherein said registered milk bottles, cans, crates, or other containers are unlawfully held and may issue a warrant for the arrest of the person complained against; and if any one or more of such registered milk bottles, cans, crates, or other containers, or any parts of the same, shall be found upon the premises by the officer executing the said search warrant, he shall seize and take possession of all such registered milk bottles, cans, crates, or other containers, or parts thereof, and shall cause the same to be brought before the judge of the Superior Court of the District of Columbia, who shall award the said registered milk bottles, cans, crates, and other containers to the person entitled to the same.

(July 3, 1926, 44 Stat. 810, ch. 737, § 5; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 48-205.

1973 Ed., § 48-205.

## **§ 36-126. TITLE TO REGISTERED MARK TO BE ACQUIRED ONLY BY WRITTEN CONSENT OF REGISTRANT.**

No title may be acquired to any mark, name, or device, or any milk bottle, can, crate, or other container registered in accordance with this subchapter except by the consent in writing of the person who registered the same.

(July 3, 1926, 44 Stat. 811, ch. 737, § 6.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 48-206.

1973 Ed., § 48-206.

## **§ 36-127. RIGHTS OF FORMER REGISTRANTS PRESERVED.**

All persons who prior to July 3, 1926, registered any milk bottles, cans, crates, or other containers in

accordance with the laws existing at the time of said registration shall be exempted from filing a new description in accordance with the terms of this subchapter and shall be entitled to the rights and benefits accruing under this subchapter in the same manner as if said registration was made in accordance with this subchapter; provided, that a copy of said registration duly certified by the Clerk of the United States District Court for the District of Columbia was within 30 days from and after July 3, 1926, filed in the Health Office of the District of Columbia.

(July 3, 1926, 44 Stat. 811, ch. 737, § 7; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 48-207.

1973 Ed., § 48-207.

## **§ 36-128. "PERSON" DEFINED.**

Whenever the word "person" is used in this subchapter, it shall apply equally as well to 1 or more persons, copartnerships, and corporations.

(July 3, 1926, 44 Stat. 811, ch. 737, § 8.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 48-208.

1973 Ed., § 48-208.

## **§ 36-129. TYPE OF CONTAINERS TO WHICH LAW IS APPLICABLE.**

The provisions of this subchapter shall apply to all bottles, cans, crates, and other containers in which milk or cream of any grade, quality, or character is sold or offered for sale and shall include bottles, cans, crates, and other containers in which skimmed milk, buttermilk, double cream, and sour milk are sold.

(July 3, 1926, 44 Stat. 811, ch. 737, § 9.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 48-209.

1973 Ed., § 48-209.

## **§ 36-130. PROSECUTIONS; PENALTIES.**

The violation of any of the provisions of this subchapter shall be a misdemeanor, and prosecutions for violations of this subchapter shall be in the Superior Court of the District of Columbia. Upon conviction of a violation of the provisions of this subchapter the penalty shall be a fine of not more than \$50 for the 1st offense and a fine of not more than \$100 for the 2nd and each subsequent offense.

(July 3, 1926, 44 Stat. 811, ch. 737, § 10; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 48-210.

1973 Ed., § 48-210.

## **§ 36-131. INJUNCTIVE RELIEF.**

Whenever any person who has registered milk bottles, cans, crates, or other containers as herein provided shall have, upon complaint under oath, prosecuted any other person for violation of the provisions of this subchapter in the use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, or destroying of such registered milk bottles, cans, crates, or other containers and said other

persons shall have been convicted on 3 occasions at least for the said unlawful use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, or destroying of said registered milk bottles, cans, crates, or other containers, then the said registrant of said milk bottles, cans, crates, or other containers shall be entitled, upon making complaint to a judge of the Superior Court of the District of Columbia, to have issued an injunction directed to said violator enjoining him from further illegal use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, or destroying of said registered milk bottles, cans, crates, or other containers.

(July 3, 1926, 44 Stat. 811, ch. 737, § 11; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(a), (b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 573, Pub. L. 91-358, title I, § 155(c)(54).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 48-211.

1973 Ed., § 48-211.

## **SUBCHAPTER III. REGISTRATION OF CONTAINERS FOR BEVERAGES COMPOSED PRINCIPALLY OF MILK.**

### **§ 36-151. DEFINITIONS.**

The following words shall, in addition to their ordinary meaning, have the meaning herein given:

- (1) The word "person" or "persons," in §§ 36-152 to 36-155 and 36-157 shall include firms or corporations.
- (2) The word "vessel" or "vessels," in §§ 35-152 to 35-155 shall include cans, bottles, siphons, and boxes.
- (3) The word "mark" or "marks" shall include labels, trademarks, and all other methods of distinguishing ownership in vessels, whether printed upon labels or blown into bottles or engraved and impressed upon cans or boxes.

(Mar. 3, 1901, ch. 854, § 878a; Feb. 27, 1907, 34 Stat. 1006, ch. 2086.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 48-301.

1973 Ed., § 48-301.

### **§ 36-152. FILING AND PUBLICATION OF VESSEL DESCRIPTION.**

Persons engaged in producing, manufacturing, bottling, or selling any lawful beverages composed principally of milk, in vessels with their name, trademark, or other distinctive mark, and the word "registered" branded, engraved, blown, or otherwise produced thereon, or on which a pasted trademark label is put upon which the word "registered" is also distinctly printed, may file with the Recorder of Deeds of the District of Columbia a description by facsimile, or a sample of an original package so marked or branded or blown, showing plainly such names and marks thereon, together with their name in full, or their corporate name, and also their place of business in the District of Columbia, and if so filed shall cause the same to be published for not less than 2 weeks successively in a daily or weekly newspaper published in the District of Columbia.

(Mar. 3, 1901, ch. 854, § 878b; Feb. 27, 1907, 34 Stat. 1006, ch. 2086; June 25, 1936, 49 Stat. 1921, ch. 804; July 5, 1966, 80 Stat. 263, Pub. L. 89-493, § 6.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 48-302.

1973 Ed., § 48-302.

### **§ 36-153. UNAUTHORIZED USE, DEFACING, OR SALE OF REGISTERED VESSEL.**

Whoever, except the person who shall have filed and published a description of the same as aforesaid, fills with milk or cream, or other beverage, as aforesaid, with intent to sell the same, any vessel so marked and distinguished as aforesaid, the description of which shall have been filed and published as provided in § 36-152, or defaces, erases, covers up, or otherwise removes or conceals any such name or mark as aforesaid, or the word "registered," thereon, or sells, buys, gives, takes, or otherwise disposes of, or traffics in the same without having purchased the contents thereof from the person whose name is in or upon such vessel, or without the written consent of such person, shall, for the 1st offense, be punished by a fine of not less than \$.50 for each such vessel, or by imprisonment for not less than 10 days nor more than 1 year, or by both such fine and imprisonment; and for each subsequent offense by a fine of not less than \$1 nor more than \$5 for each such vessel, or by imprisonment for not less than 20 days nor more than 1 year, or by both such fine and imprisonment.

(Mar. 3, 1901, ch. 854, § 878c; Feb. 27, 1907, 34 Stat. 1007, ch. 2086.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 48-303.

1973 Ed., § 48-303.

### **§ 36-154. USE OR POSSESSION OF VESSEL WITHOUT PURCHASE OF CONTENTS PRIMA FACIE EVIDENCE OF UNLAWFUL USE.**

The use or possession by any person not engaged in the production or sale of beverage as aforesaid, except the person who shall so have filed and published a description of the same as aforesaid, of any vessel marked or distinguished as aforesaid, the description of which shall have been filed and published as aforesaid, without purchase of the contents thereof from, or the written consent of, the person who shall so have filed and published the said description, shall be prima facie evidence of the unlawful use, possession of, or traffic in, such vessel, and the person so using or in possession of the same, except the person who shall so have filed and published the said description as aforesaid, shall be punished as provided in § 36-153.

(Mar. 3, 1901, ch. 854, § 878d; Feb. 27, 1907, 34 Stat. 1007, ch. 2086.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 48-304.

1973 Ed., § 48-304.

### **§ 36-155. PROCEEDING IN SUPERIOR COURT TO ASCERTAIN VIOLATIONS; SEARCH WARRANT.**

Upon complaint of any person who has complied with § 36-152, or of his agent, to the Superior Court of the District of Columbia, or 1 of the judges thereof, that any person within the District of Columbia is guilty of the violation of any provision of this subchapter, the said Court or judge may issue a search warrant to discover and obtain such vessels as aforesaid and their contents, and may also cause to be brought before the said Court or judge the person so believed to be guilty, or his agent or employee, in whose possession or upon whose wagon or premises any such vessel or vessels may be found; and any such person, agent, or employee found guilty of a violation of any of the provisions of this subchapter shall be punished as aforesaid, and the said Court or judge shall also order the property taken upon any such search warrant to be delivered to its owner.

(Mar. 3, 1901, ch. 854, § 878e; Feb. 27, 1907, 34 Stat. 1007, ch. 2086; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 48-305.

1973 Ed., § 48-305.



## **§ 36-156. RECORDER OF DEEDS TO MAKE REGULATIONS.**

The Recorder of Deeds of the District of Columbia is authorized to make regulations and prescribe forms for the filing of labels, trademarks, or other distinctive marks under the provisions of this subchapter.

(Mar. 3, 1901, ch. 854, § 878f; Feb. 27, 1907, 34 Stat. 1007, ch. 2086; June 25, 1936, 49 Stat. 1921, ch. 804; July 5, 1966, 80 Stat. 263, Pub. L. 89-493, § 6.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 48-306.

1973 Ed., § 48-306.

## **§ 36-157. ACTIONS IN TORT PERMISSIBLE.**

Nothing in this subchapter shall prevent or restrain any person who is the legal owner of a trademark or label from proceeding in an action of tort against any person found guilty of violating this subchapter.

(Mar. 3, 1901, ch. 854, § 878g; Feb. 27, 1907, 34 Stat. 1007, ch. 2086.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 48-307.

1973 Ed., § 48-307.