

REVISED LAWS

MINNESOTA

1905

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1906

be required for travel outside of the county in which the inspection is made. (454, 455)

1730. Oil in tanks—Inspection before unloading—Oil shipped in tanks or tank cars shall not be unloaded until it is duly inspected, provided such inspection is made within twenty-four hours after arrival. Each fifty-five gallons thereof shall be considered a barrel, in computing the inspection fees. No further inspection shall be necessary, and, if such oil be afterward placed in barrels, the inspector shall brand, without charge, one such barrel for each fifty-five gallons thereof. (456)

50-290, 52+652.

1731. Uncanceled or false brands—No person shall use as a receptacle for illuminating oil any barrel, tank, or other vessel previously used for that purpose, and having an inspector's brand thereon, without first canceling such previous brand; nor shall any person falsely brand, mark, or otherwise represent any such vessel as containing oil that has been inspected. Every violation of this section shall be deemed a gross misdemeanor. (453)

1732. Fees for inspection—The fees for inspection and branding shall be as follows:

1. For a single barrel, or other receptacle containing not more than fifty-five gallons, forty cents.
2. If more than one and not more than ten such receptacles be inspected at one time and place, twenty-five cents for each.
3. If more than ten, fifteen cents for each additional barrel or receptacle.

If the quantity in any receptacle exceed one barrel, fifteen cents shall be charged for each fifty-five gallons thereof. Such fees shall be collected at the time of inspection, and the inspector or deputy may sue therefor in his own name, for the use of the state. (457; '01 c. 123 s. 3)

1733. Receipts paid to treasurer—Standing appropriation for salaries—At the end of each month, the inspector shall pay into the state treasury all moneys received by him as such, and file with the state auditor a verified statement of the amount and sources thereof. Such moneys shall be credited to the "Oil inspection fund." For the payment of the salaries of the state inspector, his deputy and assistants, and the expenses provided for in this chapter, the sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated out of the oil inspection fund, herein provided for. On or before the tenth of each month the inspector shall certify to the state auditor the amount due to each of his deputies as compensation and mileage for the preceding month; also the items and amount of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage, travel, and implements furnished for testing and branding oils. And such salaries, mileage, and expenses, being duly audited, shall be paid by the state. (447, 449; '01 c. 123 ss. 1, 2)

CHAPTER 21

INSPECTION OF FOOD AND OTHER ARTICLES

1734. Dairy and food commissioner—The governor shall appoint a dairy and food commissioner whose term of office shall extend to the first Monday in January of the odd-numbered year next after his appointment and until his successor qualifies; but the governor may supersede such commissioner at pleasure. He shall cause to be enforced all the provisions of this chapter, and all other laws designed to prevent fraud and deception in the manufacture and sale of human food and drink and the several ingredients thereof, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food products. All appointees hereunder

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shall be qualified electors of this state. The commissioner shall be a practical dairyman; the assistant commissioner, chemist, inspectors and all agents and other persons appointed by the commissioner shall be practical men and especially trained and equipped for their particular lines of work. He shall report on or before the fifteenth day of each session of the legislature concerning his official acts, showing receipts and disbursements of his office, and may issue public bulletins of information from time to time. ('03 c. 155 s. 1)

1735. Assistant—Employees—Salaries—He shall receive a salary of two thousand dollars per annum and shall be allowed the expenses necessarily incurred by him in the discharge of his duties. He may appoint an assistant commissioner at a salary of fifteen hundred dollars per annum; a secretary at a salary of twelve hundred dollars per annum; one chief chemist at a salary of fifteen hundred dollars per annum; and when needed an assistant chemist or chemists, each at a salary not to exceed one hundred dollars per month; and such number of inspectors as may be necessary, at not to exceed one hundred dollars per month. The expenses necessarily incurred by such subordinates shall be allowed and paid in addition to salary. He may employ necessary legal counsel. The expenses properly incurred by him and his appointees shall be paid by warrant of the state auditor upon itemized accounts thereof approved by him or his assistant. The total expenses of the office, including salaries and compensation of all employees, shall not exceed in any fiscal year the appropriation made therefor plus the amount allowed by law to the commissioner from moneys received from licenses, fines and articles confiscated and sold under this chapter. ('03 c. 155 s. 1)

See 1905 c. 300

1736. Right of inspection—For obtaining information regarding suspected violations of law, the commissioner and his employees shall have access to all places where any article of food or other article the manufacture or sale of which is restricted, regulated or prohibited by this chapter, is or may be manufactured, prepared, stored, kept for sale or sold, or where cows or other animals are pastured or stabled, to cars or other carriages used for transportation of such articles or animals, and to places where food is or may be cooked, prepared, sold or kept for sale to or for the public, or distributed as a part of the compensation of servants and agents, including public and private hospitals, lumber and railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats and other places where any of said articles may be sold, and they may inspect any package or receptacle found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture or sale of which is restricted, regulated or forbidden by this chapter, and may take samples therefrom for analysis. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor. ('03 c. 155 ss. 1, 2)

See 1905 c. 158

1737. Office—Reports—Rooms shall be provided in the capitol for the office and laboratory of the commissioner. He may require reports from persons engaged in the manufacture or sale of dairy products, and all owners or operators of creameries and cheese factories shall on March 1 in each year, and at such other times as he may fix, send to him a full and accurate report of the amount of business done during the year preceding, together with such other statistical information as he may require. ('03 c. 155 ss. 1, 2, 5)

1738. Definitions—Evidence of intent—The word "person" as used in this chapter, shall be construed as including a copartnership, association, or corporation, and no person who shall commit or assist in committing any offence herein defined shall be exempt from punishment therefor for the reason that he acted as the agent, employee, or representative of another. The words "sell" and "sale," as used herein shall be construed as including the offering or exposing for sale or exchange of the prohibited article, the having of any such article in possession with intent to sell or exchange the same, and the storing, carrying, or handling thereof in aid of traffic therein, whether done or permitted in person or through others. The term "food" shall be construed

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as including all articles, single, mixed or compound, and howsoever prepared, which are used, or designed or offered for use by man for or in food, drink or condiment. The having in possession of any article, the sale or use of which is prohibited by this chapter shall be deemed prima facie evidence of intent to sell or use the same in violation of law. ('03 c. 155 s. 5)

DAIRY PRODUCTS

1739. Impure milk and cream—No person shall sell unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated, or to which preservatives of any kind have been added; milk drawn from cows kept in a crowded condition or in places not well ventilated or lighted, or which from any cause are filthy or unsanitary, or from unclean or diseased cows, or those fed with distillery waste, brewery grains, waste of vinegar or sugar factories, garbage or decayed substances in any form, except ensilage from silos properly managed; milk drawn from cows within fifteen days before, or five days after giving birth to a calf; and milk or cream which has been kept in or near stables where any animal is housed, or in any building attached to such stable, or in any place where bad air exists, and cream taken from unwholesome or adulterated milk, shall be deemed unwholesome and adulterated within the meaning of this chapter. Milk from which any normal constituent has been abstracted or milk containing any substance not a normal constituent thereof, or more than eighty-seven per cent. of water, or less than thirteen per cent. of milk solids, of which at least three and a half per cent. shall be fat, and cream in which there is less than twenty per cent. of butter fat or which contains any foreign thickening, or coloring substance or any abnormal ingredient whatsoever, shall be deemed adulterated; nor shall any article of food be manufactured from unwholesome or adulterated milk or cream except as hereinafter provided. No person producing milk or cream for market, or exchange or for manufacturing the same into articles of food shall feed milch cattle any distillery waste or brewery grains or the waste of vinegar or sugar factories, or garbage or any substance which is decayed and unhealthy. ('03 c. 155 ss. 4-6)

66-166, 68+1066; 83-284, 86+107.

1740. Skimmed milk—Notwithstanding the provisions of § 1739, milk from which the cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skim cheese, as hereinafter defined, and by licensed dealers; but in the latter case only from vessels legibly marked with the words "Skimmed Milk" in plain, black letters upon a light colored background, and each letter being at least one inch high and one-half inch wide, and said words being placed on the top or side of such vessel. These requirements, however, shall not apply to skimmed or separated milk delivered to any patron of a creamery who regularly sells milk to the proprietor thereof, but all milk so delivered shall first be pasteurized at a temperature of at least one hundred and eighty degrees, Fahrenheit. ('03 c. 155 ss. 10, 18)

72-316, 75+225.

1741. Sales licensed—No person shall sell milk or cream in, or to be used in, any, municipal corporation, except for the purpose of supplying the same to a butter or cheese factory, without being licensed by the dairy and food commissioner, and the fee for such license shall be one dollar for each place or vehicle from which sale is made. Every such license shall expire May 1 next after its issue; shall be given only to a person owning or leasing the vehicle or place from which sales are to be made, and shall not be transferred. Each license shall be numbered and shall contain the name, residence and place of business of the licensee, the names of all employees to act thereunder, and the number of vehicles and places to be used. The name, and number of the license shall be plainly inscribed on both sides of each vehicle in use for the purposes aforesaid, and every sale from a vehicle not so inscribed shall be deemed a misdemeanor. Every licensee shall report to the commissioner any

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change of driver or person employed by him in connection with such sales which may occur during the term of his license. Any person keeping not more than one cow shall be exempted from the provisions of this section. ('03 c. 155 ss. 15, 16)

66-166, 68+1066; 86-103, 90+309.

1742. License revoked—The commissioner may withhold a license from any applicant therefor whom he may deem unworthy and may revoke any license issued by him to an owner who has violated the terms thereof, or who has failed to comply with any requirement of this chapter, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offence punishable under this chapter shall be a sufficient ground for such revocation. ('03 c. 155 s. 17)

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1743. Standard measures and tests—The standard pipette for measurement of milk shall have a capacity of seventeen and six-tenths cubic centimeters, and for cream eighteen cubic centimeters. The standard test tube or bottle for milk shall have a capacity between zero and ten on the graduated scale marked on the neck thereof, of two cubic centimeters of mercury, at a temperature of sixty degrees Fahrenheit, and for cream a capacity of six cubic centimeters of mercury, at the same temperature, between zero and thirty on the scale. Any person who shall use any other measure or test for milk or cream sold or purchased at prices determined by the proportion of butter fat contained therein; any person who shall manipulate or under-read the Babcock test or any other contrivance used for determining the quality or value of milk; and any person who shall manufacture or sell, a cream or milk pipette or measure which is not correctly marked or graduated as herein provided, shall be deemed guilty of a misdemeanor. ('03 c. 155 s. 12)

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1744. Cans to be cleansed—Every person receiving milk or cream from a common carrier in cans or other vessels which are to be returned to the shipper, shall cause such vessel to be promptly emptied and before returning the same to be thoroughly cleansed. No person shall ship or deliver to any manufacturer or dealer any milk or cream that has become sour unless it be so labeled. ('95 c. 202)

1745. Custom factories—Records—No person engaged in making butter or cheese for others out of cream or milk furnished by them shall withhold or permit to be withheld any part of the cream or milk so furnished, or any product thereof, without the knowledge and consent of the owner. Every maker shall keep a record of all quantities of milk and cream received each day and from whom received and the disposition thereof, also of the weight of all cheese and butter made each day, and of the number and aggregate weight of all packages of cheese and butter delivered to those furnishing milk and cream for manufacture or otherwise disposed of. Such records shall be exhibited on request to the commissioner and his employees and to all persons furnishing milk and cream to such maker. ('03 c. 155 s. 18)

1746. Skim cheese—Placards—No person shall manufacture for sale or sell as cheese any substance not the exclusive product of milk. Cheese containing less than forty-five per cent. of fat to total solids therein shall be known as "skim cheese" and no person shall sell the same unless the words "Skim Cheese" be plainly lettered thereon in letters made with bold-face type not less than one and one-half inches long, upon the circumference of the cheese, and the same inscription be placed upon the outside of each package in which it is kept for sale or sold; and every person who sells the same or furnishes it to boarders or others for pay shall cause placards to be kept continuously posted in a conspicuous position upon the walls of the room wherein such skim cheese is sold, or served, upon the face of which placards there shall be distinctly and legibly printed in the English language and in letters of sufficient size to be visible from all parts of the room, the words "Skim cheese sold (or served) here." ('03 c. 155 s. 22)

1747. Minnesota brands—Any person manufacturing in this state cheese above the grade of skim cheese or butter which is wholly and exclusively the

product of wholesome and unadulterated milk or cream may label and sell the same as "Minnesota Full Cream Cheese" or "Minnesota Pure Dairy (or Creamery) Butter," as the case may be, and may add to such brand or label the name of the county wherein such cheese or butter is made, using for the purpose a numbered stencil brand furnished by the dairy and food commissioner. Such commissioner shall issue to such manufacturer under such regulation as to the custody and use thereof as the commissioner may prescribe, uniform stencil brands for such marking; keeping a register of the number of each and of the name and place of residence of the manufacturer receiving the same. Any person who shall without authority of the commissioner, as aforesaid, use any such brand or label, or any person who shall use such brand or label upon cheese or butter below the grade aforesaid, shall be guilty of a misdemeanor. ('03 c. 155 s. 21)

1748. Inspection of dairies—At such times as he may deem proper he shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk or cream and may require the correction of all unsanitary conditions and practices found therein. Every refusal or neglect to obey any lawful direction of the commissioner or his agent given in carrying out the provisions of this chapter shall be deemed a misdemeanor. ('03 c. 155 s. 11)

1749. Local inspection—The governing authority of any municipal corporation may by ordinance provide for the inspection of milk and butter sold within its limits, and of dairies, and dairy herds kept for the production of such milk or butter; and may prescribe the terms upon which such sales may be made and affix penalties for violation thereof; but no such ordinance shall conflict with any law of this state, or interfere with any power or duty of the dairy and food commissioner, or his official subordinates. ('95 c. 203)

66-166, 68+1066; 86-103, 90+309; 78-497, 81+389.

1750. Dairy and creamery butter—No person shall manufacture for sale or sell any dairy or creamery butter which contains more than sixteen per cent. of water. ('03 c. 155 s. 7)

1751. Renovated butter—No person shall sell any butter made by taking original packing stock, or other butter, or both, and melting the same and drawing off, or extracting the butter fat, and mixing such fat with skimmed milk, or cream, or other milk product, and rechurning or reworking such mixture; or any butter produced by any process, commonly known as boiled, process or renovated butter, unless the words "Renovated Butter" shall be plainly branded with bold-face letters, at least three-fourths of an inch in length, on the top and sides of each receptacle, package or wrapper in which it is kept for sale or sold. And if such butter is exposed for sale uncovered, or not in a receptacle, package, or wrapper, then a placard containing the words "Renovated Butter" printed in style and manner as aforesaid, shall be attached to the mass of butter in such manner as to be easily seen and read by purchasers. ('99 c. 94)

1752. Process butter—No person shall sell any butter made of part cream and part caseine and other ingredients by what is known as the "Quinness Patent" or process, or that made by other similar process, whereby the caseine of milk and other ingredients are made to imitate and resemble genuine butter made from cream, unless each package or receptacle in which the same is kept for sale or sold shall be stamped or marked "Patent Butter" on the top and sides thereof, with lamp-black and oil, in letters at least one-fourth of an inch wide, and one-half of an inch long; and in addition to such marking the seller at the time of the sale shall give to the purchaser a printed card, stating distinctly and correctly the different ingredients contained in said compound. (6985. 6986)

1753. Imitating yellow butter—The manufacture or sale of oleomargarine, butterine, or similarly constituted butter substitute, which is made or colored to imitate yellow butter is prohibited. Every violation of the provision of this section shall be deemed a misdemeanor, the punishment whereof shall be a

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fine of not less than fifty dollars or imprisonment for not less than sixty days. ('03 c. 155 s. 20)

55-183, 56+688.

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117-NW 606

1754. Same—Branding—Oleomargarine or butterine or similarly constituted butter substitutes may be sold if not in semblance of yellow butter, and if free from prohibited ingredients and otherwise wholesome, provided each wrapper or receptacle in which the same is kept for sale, or sold, shall be plainly and conspicuously branded by stamp or label with the word "Oleomargarine" or "Butterine," in the English language, in letters not smaller than thirty-six point, bold-face gothic capitals, and provided also, the seller keeps constantly and conspicuously posted on both sides of the room in which the sale is made, a placard, the face of which shall contain plainly printed thereon, in the English language, in black ink, in type not smaller than six inches in length, the words "Oleomargarine (or Butterine) sold here." ('01 cc. 78, 155)

1755
105-M - 359

1755. Use of butterine substitutes—Every manager or managing agent of any establishment, either public or private, where guests, boarders or patients are served with food for pay, who shall serve or use as butter, or as a substitute therefor any oleaginous substance or compound other than that produced wholly from unadulterated milk or cream, shall cause to be plainly printed upon every bill of fare, if one be used, in letters not smaller than eight point, bold-face gothic capitals, in the English language, the words "Oleomargarine (or butterine or other substitute) used in place of butter;" and in case no bill of fare be used the manager or person in charge of such establishment shall cause to be posted upon each side of the dining or eating room in a conspicuous position and in letters large enough to be distinctly seen and read from all parts of the room, placards containing on the face thereof, the words in the English language, "Oleomargarine (or butterine, or other substitute) used 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. ('03 c. 155 s. 24)

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117-NW 606

1756. Dairy products—Preservatives—No person shall manufacture for sale, advertise or sell, any mixture or compound designed or offered for sale or use, as an adulterant of, or preservative of milk, butter or cheese; nor shall any person add or apply to milk, butter or cheese, any borax, boric acid, salicylic acid, formaldehyde, formalin or other anti-ferment or preservative: Provided, however, that this section shall not apply to pure salt added to butter or cheese. ('03 c. 155 s. 14)

86-399, 90+1055, 1133.

OTHER FOODS

1757
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1757. Vinegar—The term "vinegar" as used herein, shall be deemed to include any article or preparation designed or offered for sale or use as vinegar, or as a substitute therefor, or in imitation thereof. No person shall sell as cider vinegar any article or preparation not made wholly from pure apple juice. The manufacture or sale of adulterated vinegar for use in any form in food is prohibited, and any vinegar shall be deemed adulterated:

1. If it contains less than four and one-half per cent. by weight of acetic acid; or

2. If it contains any artificial coloring matter; or

3. If it contains any mineral acid, or any acid or product originating from the distillation of wood, or any poisonous metallic impurities, or any substance injurious to health; or

4. If it be cider vinegar and contains less than two per cent. by weight of cider vinegar solids upon full evaporation at the temperature of boiling water. ('03 c. 57 ss. 1-3, 5)

1758
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1758. Same—Branding—No person shall sell any vinegar, unless the receptacle in which it is kept for sale or sold, be plainly and conspicuously marked, in the English language, upon the head thereof by stencil, brand, or label, with the name of the kind of vinegar therein contained, its percentage

of acetic acid by weight, the name of the substances from which it is made, the name of the maker and the place of manufacture. The size of the letters and the figures in the marking herein required shall be not less than one inch in length when a barrel or larger size container be used, and when a cask, keg or any wooden receptacle of less than barrel size be used the size of the letters and figures shall be not less than one-half inch in length; and if the receptacle consists of a barrel, jug or similar container, the data and information herein required shall be plainly printed, in English, with black ink, with type not smaller than eighteen point bold-face, gothic capitals, upon a white label, which shall be securely affixed upon the side of such receptacle. ('03 c. 57 s. 4)

1759. Liquor—Prohibited ingredients—No person shall make, brew, distil, sell or serve, in any form, any adulterated, spirituous, fermented or distilled liquor, and any such liquor shall be deemed adulterated if it contains any of the following named substances: cocculus indicus, chloride of sodium, copperas, opium, extract of logwood, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, alum, tobacco, salts of zinc, copper or lead, methyl, alcohol or derivatives therefrom, amyl alcohol, coal-tar dye, or any poisonous or injurious ingredient. Every violation of the provisions of this section shall be deemed a misdemeanor, and the first offence hereunder shall be punished by a fine of not less than twenty-five dollars or not less than ten days imprisonment, and any subsequent offence by a fine or imprisonment which shall be not less than double the minimum herein prescribed for the first offence hereunder. ('022; '01 c. 115)

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1760. Baking powder—Any substance or preparation designed or offered for sale or use as baking powder or as a substitute therefor, or in imitation thereof, shall for the purposes of this chapter be deemed included in the term "baking power." The manufacture or sale of any baking powder, which contains any ingredient injurious to health, is prohibited. No person shall sell any baking powder unless each receptacle or package in which the same is kept for sale or sold, has securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter; a white or light colored label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than eight point, bold-face, gothic capitals, the words "This baking powder is composed of the following ingredients and none other;" and immediately thereafter upon the same label, in color, style and manner above specified, there shall be printed the name of each ingredient contained in such baking powder, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such baking powder. ('010; '99 c. 245; '01 c. 336)

07 1760
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80-446, 83+417; 44-271, 46+410.

1761. Spices and condiments—The words "spice" and "condiment," as used in this chapter, shall be deemed to include every substance known in commerce as a spice or condiment, whether separately or in combination with others, and however prepared, and such words shall also be deemed as including any substance or preparation designed or offered for sale or use as a spice or condiment, or as a substitute for either, or in imitation of either. The manufacture or sale of any spice or condiment which is itself injurious, or which contains any ingredient injurious to health, is prohibited. The manufacture or sale of any condiment containing, or prepared with, or by use of vinegar which is adulterated within the meaning of § 1757 is prohibited; and nothing in this section or § 1762 shall be deemed to permit the sale of vinegar as a separate condiment if such vinegar be adulterated within the meaning of § 1757. ('97 c. 176)

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1762. Same—Adulteration—For the purpose of this chapter a spice or condiment shall be deemed adulterated:

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1. If it be so mixed or packed with other articles as to decrease its strength or purity; or

2. If any normal constituent thereof has been either in whole or in part abstracted; or

- 3. If it be an imitation of the article named upon the label; or
- 4. If it be colored, powdered, or treated in any manner whereby damage or inferiority is concealed, or whereby the quantity, quality or value is misrepresented.

No person shall sell any spice or condiment which is adulterated as hereinbefore defined, unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white label, upon the outside face of which label shall be printed in the English language in black ink, in type not smaller than double pica, the words "Mixed and adulterated," and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the common English name of the spice or condiment which such receptacle or package contains, together with the net weight of such contents; and such label shall also contain the name and address of the manufacturer or packer of such spice or condiment. No person shall sell any unadulterated spice or condiment, unless the net weight of the contents of the receptacle or package shall plainly appear in a conspicuous place thereon. ('97 c. 176)

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1763. Jellies, jams and preserves—Pure fruit jelly shall be defined as a preparation consisting wholly of the product obtained by evaporating the natural juice of the fruit specified, with or without the addition of cane sugar, and containing no other ingredients. Pure fruit jam, preserves and marmalade shall each be defined as a preparation consisting wholly of the fruit specified, preserved in a syrup made of cane sugar and pure water, and containing no other ingredients. If designed or offered for sale or use as, or in place of, or in imitation of either fruit jelly, jam, preserves, or marmalade, any substance or preparation, which is not pure within the meaning of the above definitions, shall for the purposes of this chapter be deemed and known as a substitute. The manufacture or sale of any such substitute which contains coal-tar dye, or any ingredient injurious to health, is prohibited. No person shall sell any such substitute unless each package or receptacle, in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, a separate and distinct white label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than eighteen point, bold-face, gothic capitals, the words "This preparation is mixed and adulterated;" and there shall also appear upon such label the name and address of the manufacturer of such substitute. ('97 c. 167; '01 c. 337)

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1764. Maple sugar and syrup—Pure maple sugar and pure maple syrup shall each be defined as a product obtained wholly by the evaporation of the natural sap of the sugar maple tree: Provided, that maple syrup made by dissolving pure maple sugar in pure water shall for the purposes of this chapter be deemed pure. If designed or offered for sale or use as either maple sugar or maple syrup, or as a substitute for either, or in imitation of either, any substance or preparation which is not pure, within the meaning of the above definition, shall for the purpose of this chapter be deemed and known as "maple sugar substitute" or "maple syrup substitute," as the case may be. The manufacture or sale of any maple sugar substitute or any maple syrup substitute which contains any ingredient injurious to health is prohibited. No person shall sell any such substitute, unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white or light colored label upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than twelve point, bold-face, gothic capitals, the words "This maple sugar substitute (or maple syrup substitute, as the case may be) is composed of;" and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the name of each ingredient contained in such substitute, using the name by which each ingredient is com-

monly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute. ('01 c. 329)

1765. Sorghum syrup—Sorghum syrup, to be deemed pure, must consist wholly of the product obtained by the evaporation of the natural juice of the sorghum plant. If designed or offered for sale or use as sorghum syrup, or as a substitute therefor, or in imitation thereof, any substance or preparation, which is not pure sorghum syrup within the meaning of the above definition, shall for the purpose of this chapter be deemed and known as "sorghum syrup substitute." The manufacture or sale of any sorghum syrup substitute which contains any ingredient injurious to health is prohibited. No person shall sell any sorghum syrup substitute, unless each receptacle in which the same is kept for sale or sold, shall have securely affixed upon the side thereof a separate and distinct white label, upon the outside face of which label, shall be printed in the English language, with black ink, in type not smaller than thirty-six point, bold-face, gothic capitals, the words "This preparation is sorghum syrup substitute composed of;" and immediately following upon the same label in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute. ('03 c. 187)

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1766. Honey—Pure honey is wholly the natural product of honey bees, collected and made by them from the nectars of flowers and saccharine exudations of plants. If made by bees in whole or in part from glucose, sugar, syrup or other material fed to them for the purpose, such product is "fed honey" and shall, for the designs of this chapter, be deemed and known as "honey substitute." If designed or offered for sale or use as honey or as a substitute therefor, or in imitation thereof, any substance or preparation which is not pure honey, within the meaning of the above definition, shall, for the purposes of this chapter, be deemed and known as "honey substitute." The foregoing definitions and terms shall be deemed to apply both to comb honey and to the extracted or strained products of comb honey. The manufacture or sale of any honey substitute which contains any ingredient injurious to health is prohibited. No person shall sell any honey substitute, unless each receptacle, package or frame in which it is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than ten point, bold-face, gothic capitals, the words "This preparation is honey substitute, composed of;" and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute and if such substitute consists in whole or in part of fed honey, then, there shall also appear upon such label, the name of each substance fed to the bees producing such fed honey together with the name and location of the apiary from which such fed honey came. ('038-7044)

07 1766 - 384

1767. Confectionery—No person shall manufacture or sell adulterated confectionery; and confectionery shall be deemed adulterated if it contain terra alba, barytes, talc, coal-tar dye, or any other poisonous or injurious coloring matter, or any poisonous or injurious flavoring matter, or any substance injurious to health. ('01 c. 118)

07 1767 - 384

1768. Lard—Lard, to be deemed pure, must be composed wholly of rendered hog fat and must contain intact every constituent normal to rendered hog fat. If designed or offered for sale or use as lard, or as a substitute therefor, or in imitation thereof, any substance or preparation, which is not pure lard, within the meaning of the above definition, shall for the purpose of this chap-

07 1768 - 384

ter be deemed and known as "lard substitute." The manufacture or sale of any lard substitute which contains any ingredient injurious to health is prohibited. No person shall sell any lard substitute, unless each receptacle in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, a stencil brand or light colored label, upon the outside face of which shall appear in the English language, in letters not smaller than thirty-six point bold-face, gothic capitals, the words "Lard substitute," and immediately following in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer or packer of such substitute; and in addition to the proper labeling of such receptacle, as hereinbefore required, the seller shall furnish to the purchaser, at the time of sale a card upon which is distinctly and legibly printed in English all data and information required to be printed upon the label aforesaid. ('02 c. 30)

50-5, 52+220; 84-42, 86+768.

1769. Same—Use in food—No person shall sell in any bakery or other place where prepared foods are kept for sale or sold, and no person shall serve to guests, boarders or patients for pay, any food prepared wholly or in part from, with, or by use of lard substitute, unless at the time of such sale or service there be furnished to the purchaser a card or printed notice upon which is distinctly and legibly printed in English the words "This food is prepared with lard substitute;" and such person shall also keep constantly posted upon the walls of the room where sale or service is made, in conspicuous positions, a notice, upon which shall be distinctly and legibly printed in English, and in letters of sufficient size to be visible from all parts of the room, the words "Lard substitute is used in the preparation of food sold (or served) here." ('02 c. 30)

07 1770 - 384

1770. Other articles of food—Any article, designed or offered for sale or use as food, which is not expressly included within the terms of any other section of this chapter, shall for the purposes herein, be subjected to the tests for adulteration prescribed for spices and condiments in § 1762; and if such article or preparation be adulterated as therein defined, it shall be unlawful to sell the same.

07 1771 - 258
07 - 384

1771. Applicable to all foods—The manufacture or sale of any article, designed or offered for sale or use as food, is prohibited, if it contain or is mixed with, or by use of any substance or preparation the manufacture or sale of which is specifically prohibited by any section of this chapter; or if it be in itself injurious, or if it contain any ingredient injurious to health; or if it consist in whole or in part of a filthy or decomposed substance, or of any portion of any animal unfit for food, or of the product of a diseased animal, or one that has died otherwise than by slaughter. And it shall be unlawful to add or apply to any article designed for sale or use as food, any preservative which conceals or tends to conceal the taste, odor, or other evidence of putrefaction, taint or filth existing in such article, or which conceals or tends to conceal, inferiority in any form. ('03 c. 260)

MISCELLANEOUS PROVISIONS

1772. Linseed oil—Pure linseed oil shall be defined as the oil obtained wholly from the seeds of the flax plant and containing no added ingredient. Pure "boiled" linseed oil is composed wholly of pure linseed oil with so-called dryers added thereto, to an amount not exceeding three per cent. of the total product. Pure linseed oil as distinguished from pure "boiled" linseed oil shall be known as "raw" linseed oil. If designed or offered for sale or use as either raw or boiled linseed oil, or as a substitute for either, or in imitation of either, any substance or preparation which is not pure, within the meaning of either of the above definitions, shall be deemed adulterated, and the manufacture or sale thereof is prohibited. No person shall sell either pure raw linseed oil or

pure boiled linseed oil, unless each receptacle in which the same is kept for sale or sold, shall have distinctly, legibly and durably painted, stamped, stenciled or labeled thereon the true name of such oil, setting forth in bold-face capital letters not smaller than one inch in length, whether it be "pure raw linseed oil" or "pure boiled linseed oil;" and there shall also appear upon such receptacle the name and address of the manufacturer of such oil. ('97 c. 217; '01 c. 332)

93-155, 100+641.

1773. Paints—No person shall sell as pure white lead paint any compound containing ingredients other than carbonate of lead and pure linseed oil; or as pure mixed paint any compound containing ingredients other than pure linseed oil, pure carbonate of lead, oxide of zinc, turpentine, japan dryer, and pure colors. Every person who shall mark or otherwise represent as pure any paint not conforming to the requirements aforesaid, or who shall otherwise violate any provision of this section or § 1772, shall be deemed guilty of a misdemeanor. ('99 c. 244; '01 c. 267)

07	1773	-	421
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1774. Misbranding—Any person who either fails to affix or display any brand, marking, label, card or placard in the manner and form required by any section of this chapter, or who fails to fully or truthfully state thereon all things as in such section required, or who places thereon anything other than the specific data or information therein called for; any person who shall remove, erase, efface, obscure or obliterate any such mark, brand, label, card or placard so required by law, and any person who shall place upon any article designed or offered for sale, or use as food, or any article mentioned in this chapter, or upon any receptacle or package containing the same, anything which might deceive or tend to deceive the purchaser as to the substance from which such article is made or which it contains, or in respect to its quality, strength or quantity, or in respect to the source of its manufacture or production, or which conflicts with, confuses or conceals any data or information required by this chapter to be set forth by the aforesaid mark, brand, label, card or placard, shall be deemed guilty of a misdemeanor, which shall be known as misbranding; and the article concerning, or upon which such misbranding is done, shall be deemed a misbranded article. ('03 c. 155 s. 29)

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07	-	-	424
07	-	-	455

1775. All violations, misdemeanors — Evidence—The having in possession of any article which is misbranded, within the meaning of § 1774, shall be deemed prima facie evidence that the same is kept in violation of the law. Every violation of any provision of this chapter shall be deemed a misdemeanor and wherever the minimum punishment is not hereinbefore expressly prescribed, such minimum shall be a fine of not less than fifteen dollars or not less than twenty days imprisonment. In all criminal prosecutions under this chapter the doing of any act prohibited thereby or the failure to do any act commanded, shall be prima facie evidence of an intent to violate the law; and in any such prosecution the certificate of the commissioner's chemist making the analysis, when sworn to by him, shall be prima facie evidence of the facts therein stated; and wherever in this chapter the manufacture or sale of any article or preparation is forbidden by the use of the word "prohibited," compliance with any labeling, marking or placarding requirement hereof, shall not be construed as making such manufacture or sale lawful. ('03 c. 155 ss. 32, 34)

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1776. Seizure—Search warrants—The commissioner shall seize all goods, the sale of which is prohibited by this chapter, or which are kept or offered for sale in violation of any provision hereof, and for this purpose he and his several employees shall have the powers of a constable. Such seizure may be made without a warrant, but in such case, as soon as practicable, he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary, a search warrant may be issued, as in the case of stolen property; the form of the complaint and of the warrant being adapted to the purpose of this chapter. ('03 c. 155 ss. 26, 27)

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1777. Execution of warrant—Disposal of goods seized—The search warrant shall be directed to the sheriff or any constable of the county, and may be

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executed by the commissioner or any of his employees. No security for costs shall be required thereon, nor upon any prosecution under this chapter. All goods seized, whether with or without warrant, shall be safely kept by the officer so long as they may be needed as evidence; and, if found, upon the trial, to have been kept, offered or sold in violation of law, such goods shall be forfeited to the state, and shall be disposed of as directed by the court. ('03 c. 155 ss. 27, 28)

1778
07 - 124
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07 - 424

1778. Price not collectible—No action shall be maintained for the purchase price or value of any goods the sale of which is prohibited by this chapter, or which are sold or intended to be sold in a manner forbidden hereby. Nor shall any person be liable for the price or value of food or board furnished in violation of any provision hereof. ('03 c. 155 s. 30)

1779
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07 - 383
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07 - 426

1779. Costs—Fines—Receipts—In all prosecutions under this chapter, the costs thereof shall be paid and collected as in other criminal cases; but all fines collected shall be paid into the state treasury, and be added, together with all fees and other receipts of the commissioner, to the appropriation made for the support of his office for the current year. ('03 c. 155 s. 33)

1780. Standing appropriation—The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated annually for carrying out the purposes of this chapter and for the salaries and expenses of the state dairy and food commissioner, his assistant and employees. ('03 c. 155 s. 1)

CHAPTER 22

FORESTRY AND FIRE WARDENS

1781. State forestry commissioner—The state auditor shall appoint a forestry commissioner, to hold office during his pleasure, whose salary shall be twelve hundred dollars per annum, payable monthly out of the appropriations for forest preservation. He shall be a member of the forestry board, have immediate supervision of the several fire wardens, disseminate information concerning forestry, and enforce the laws relating thereto, and to the prevention of forest and prairie fires. ('03 c. 363 s. 2)

See 1905 c. 310

1782
09 - 182

1782. Fire wardens—Powers and duties—The supervisors of towns, mayors of cities, and presidents of village councils are hereby constituted fire wardens for their respective districts. Upon request of the commissioner, county auditors shall immediately furnish the names and addresses of the chairmen of town boards, the names of towns, and the numbers and ranges of the townships in each. The commissioner may appoint fire wardens for unorganized territory, and additional wardens, temporarily, wherever he may deem it necessary; and he may direct any warden to perform duties at a point outside of his district. The wardens shall enforce the provisions of this chapter. They shall patrol their districts in dry seasons, and, with the approval of the commissioner, may employ patrols to guard against carelessness in use of fire. They shall promptly investigate each prairie and forest fire within their respective districts, and report the cause thereof, the property destroyed and its value, the lives lost, if any, the means used to combat such fire, and any additional facts required by the commissioner. They shall make such other reports as he may require, and comply promptly with his instructions. Each warden shall co-operate with the warden in any adjoining district, and, in his absence, assume control therein. Each may arrest, without a warrant, any person found violating any provision of this chapter, and take him before a magistrate, and there make complaint; and, when a warden shall have information that such violation has been committed, he shall make similar complaint. Wardens shall go to the place of danger to control or prevent fires, and in emergencies may employ or compel assistance. Each warden shall receive for