

GENERAL STATUTES
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1923

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CHAPTER 21

INSPECTION OF FOOD AND OTHER ARTICLES

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3788. Minnesota Dairy and Food Law—That the laws of Minnesota, relating to dairy and food products be and the same hereby are amended, supplemented, revised, consolidated, rearranged and codified in the order and form following, which revision and codification may be known as the "Minnesota Dairy and Food Law." ('21 c. 495 § 1)

(See '19 c. 406, providing commission for codification of dairy and food laws.)

3789. Unlawful to sell certain food—It shall be unlawful for any person to manufacture, sell, use, transport, offer for sale or transportation, or have in possession with intent to use, sell or transport any article of food which is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act. ('21 c. 495 § 2)

3790. Definition of food—The term "food" as used herein shall include every article used for, or entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery or condiment for man, whether simple, mixed or compound. ('21 c. 495 § 3)

3791. When food is deemed to be adulterated—For the purposes of this act an article shall be deemed to be adulterated—

In the case of confectionery:

If it contains terra alba, barytes, coal tar dye or saccharin, chrome yellow or other mineral substance or any other poisonous or injurious coloring or flavoring matter, or any substance or ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

First: If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second: If any substance has been substituted wholly or in part for the article.

Third: If any valuable constituent of the article has been wholly or in part abstracted.

Fourth: If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth: If it contain any added boric acid or borates salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphites, except such nominal percentage of sulphurous acid or sulphites as the process of manufacture may necessitate, hydrofluoric acid or fluorides, coal tar dye or color, saccharin or any added poisonous or other added deleterious ingredient which may render such article unwholesome, injurious or detrimental to health.

Sixth: If it consist in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. ('21 c. 495 § 4)

3792. When food is deemed to be misbranded—The term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely

branded as to the state, territory or country in which it is manufactured or produced.

For the purposes of this act an article shall also be deemed to be misbranded—

In the case of food:

First: If it be an imitation of or offered for sale under the distinctive name of another article.

Second: If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide or any derivative or preparation of any of such substances contained therein.

Third: If in package form the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of net weight, measure or numerical count; provided, however, that reasonable variations may be permitted, and tolerances and also exemptions as to small packages may be established, by rules and regulations made in accordance with the provisions of sections 15, 16 and 17 of this act; and provided further, that the dairy and food commissioner shall have full authority to determine when food is in package form.

Fourth: If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular. ('21 c. 495 § 5)

3793. Appointment of 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 act and all other laws designed to prevent fraud and deception in the manufacture and sale of food 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 shall be qualified electors of this state. The commissioner shall be a practical dairyman; the assistant commissioner, chief chemist, chemists, inspectors and all agents and other persons appointed or employed by the commissioner shall be practical men and especially trained and equipped for their particular line 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. ('21 c. 495 § 6)

3794. Salaries of dairy and food commissioner and employes—The annual salary of the dairy and food commissioner and the position, number and annual salary of the subordinates to be appointed by him in his department are hereby fixed as follows:

The commissioner, four thousand dollars; assistant commissioner, three thousand dollars; secretary, two thousand dollars; chief chemist, three thousand five

hundred dollars; chief clerk, thirteen hundred and twenty dollars; statistician, fifteen hundred dollars; laboratory clerk and stenographer, twelve hundred dollars; one stenographer, twelve hundred dollars; general clerks as in his judgment may be necessary, not to exceed two at twelve hundred dollars each; two stenographers, not to exceed twelve hundred dollars each; three assistant chemists and twenty-two inspectors at a minimum annual salary of fifteen hundred dollars each; but the commissioner may, in consideration of faithful and continuous service, increase the salary of any assistant chemist or inspector not more than two hundred dollars for each year such assistant chemist or inspector has been employed by the department until such salary reaches two thousand dollars, which shall be the maximum; provided, that the provisions of this act shall not apply to chapter 97, Laws of 1913, and amendments thereto. ('21 c. 495 § 7, amended '21 c. 520 § 1; '23 c. 183 § 1)

3795. Expenses—The expenses of the commissioner and his subordinates necessary and actually incurred in the discharge of his official duties shall be paid in addition to salary, upon itemized vouchers approved by the commissioner or assistant commissioner. ('19 c. 316 § 2, amended '21 c. 520 § 2)

3796. Inconsistent acts repealed—All acts and parts of acts inconsistent herewith are hereby repealed; provided, that this act shall not be construed as repealing or affecting the provisions of Chapter 300 of the Laws of 1905. ('19 c. 316 § 3, amended '21 c. 520 § 3)

3797. Offices and 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 purchase, manufacture or sale of dairy products and all owners or operators of skimming stations or other places engaged in the business of purchasing milk or cream, and operators of condenseries, dry milk factories, creameries and cheese factories shall on March 1st in each year, and at such other times as the commissioner 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 the commissioner may require. ('21 c. 495 § 8)

3798. Right of inspection—For obtaining information regarding suspected violations of law, the commissioner, his assistants, inspectors, appointees, agents and employes shall have access to all places where any article of food, or other article, the manufacture, sale, use or transportation of which is restricted, regulated or prohibited by this act, or by any law of this state, is or may be manufactured, prepared, stored, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell or transport, 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 or 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 manufactured, sold, used, offered for sale or transportation, or had in possession with intent to use, sell or transport, and they may inspect any package, receptacle or container found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture, use, sale or transportation of which is restricted, regulated or forbidden by this act or by any law of this state, 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. ('21 c. 495 § 9)

3799. Seizure, search, warrants—The commissioner may seize all food, the manufacture, transportation, sale or use of which is prohibited by this act, or which is manufactured, sold, used, transported, kept or offered for sale, use or transportation, or had in possession with intent to sell, use or transport in violation of any provision of this act, or in violation of any rule, regulation, definition, standard or ruling made, adopted and published hereunder, and for this purpose he and his several assistants, inspectors, agents and employes 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 act. ('21 c. 495 § 10)

3800. Execution of warrant—Disposition of food seized—The search warrant shall be directed to the sheriff or any constable of the county, and to the chief of police, or any police officer or marshal of any municipality, and may be executed by the commissioner or any of his agents or employes. No security for costs shall be required thereon nor upon any prosecution under this act. All food seized, whether with or without warrant, shall be safely kept by the officer or person seizing the same, so long as it may be needed for evidence; and if found upon trial to have been manufactured, sold, used, transported, kept or offered for sale, use or transportation or had in possession with intent to use, sell or transport in violation of law, it shall be forfeited to the state, and shall be disposed of as directed by the court. ('21 c. 495 § 11)

3801. Price not collectible—No action shall be maintained for the purchase price or value of any food, the sale of which is prohibited by this act, or which is manufactured, used, sold, transported, kept or offered for sale, use or transportation, or had in possession, with intent to sell, use or transport in violation of law; nor shall any person be liable for the price or value of food or board furnished in violation of this act. ('21 c. 495 § 12)

3802. Additional powers and authority—The dairy and food commissioner, by himself or any of his assistants, inspectors, agents or employes, in addition to the authority and powers otherwise conferred by law, is authorized and empowered to have and to take access to any and all trucks, aeroplanes, airships, vehicles and railroad cars of every sort and nature transported or being within this state, all railroad stations, storage houses, warehouses, express offices or other places wherein at any time there may be food transported or shipped into from without this state, whether or not such food has been manufactured, sold or given away without the state, provided, that such food was manufactured, sold or given away with the intent that it be delivered, had or used within this state; and the dairy and food commissioner shall have the same power and authority to open any package, car or vessel containing food so transported or shipped into from without the state, which contains or which he has reason to believe contains any such food; to inspect the contents thereof and to take samples for analysis and examination, all after the same manner and with the same procedure as obtains by law in reference to similar goods manufactured, sold, transported, offered for sale, use or transportation, or had in possession with intent to sell, use or transport within this state. If it

shall appear that any such food is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious, the dairy and food commissioner shall have the same rights and remedies and shall enforce the same in the same manner as in the case of food manufactured, sold, transported, offered for sale, use or transportation, or had in possession with intent to sell, use or transport within this state. On receiving notice from the commissioner or any authorized agent or employe that he desires to inspect the contents of any such package, can or vessel, it shall be the duty of any common carrier, storage man, warehouseman or their employes, or other person having the same in his possession or under his control, to withhold the same from delivery within this state for such period of time as may be reasonably necessary for the inspection, examination and analysis thereof. It is further made the duty of all such persons to render to the commissioner and his agents and employes all the assistance in their power when so required to effectuate the purposes of this act. In case such inspection, examination or analysis of any such food shall disclose it to be adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act, such persons shall on demand disclose to the commissioner the names and addresses of the consignor and consignee of the package, can or vessel containing the same, and the commissioner, before proceeding further, shall notify such consignor and consignee in writing at their respective addresses of the result of such inspection, examination or analysis as so disclosed. Any common carrier, warehouseman, storageman, employe or other person having such food in his possession or under his control, failing or refusing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor. ('21 c. 495 § 13)

3803. Authority of the commissioner to render certain food unsalable—The dairy and food commissioner, his assistants, inspectors, agents and employes, shall also have power and authority in their discretion to render unsalable for use as food, any food, the sale or use of which is prohibited by this act, or which is manufactured, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell or transport in violation of any provision of which act, or in violation of any provision of any rule, regulation, definition, standard or ruling made, adopted and published hereunder, and the said commissioner and his several assistants, inspectors, agents and employes shall be exempt from liability for any such action. The test of the condition of any such food shall be its condition at the time of discovery. Any reasonable and necessary means may be adopted for rendering such food unsalable for use as food. ('21 c. 495 § 14)

3804. Definitions and standards—For the purpose of securing uniformity, so far as practicable, between the laws of this state and those of the federal government enacted to prevent fraud and deception in the manufacture, use, sale and transportation of food, and to protect and preserve the public health, it shall be the duty of the dairy and food commissioner to fix, adopt and publish, from time to time, by ruling or rulings, in writing, definitions and standards of quality, purity and strength of articles of food for which no definitions and standards are prescribed by law, and such definitions and standards so fixed, adopted and published shall be the lawful definitions and standards thereof before all courts; provided, that when definitions and standards have been or may be fixed by the secretary of the Department of Agriculture of the United States, except in cases where definitions or

standards otherwise are prescribed by law, they shall be accepted by the dairy and food commissioner and published as definitions or standards for Minnesota. Before any such definitions or standards shall be deemed to be fixed and adopted the ruling or rulings fixing and adopting the same shall be published twice in a legal newspaper of general circulation published at the capital of this state and from and after the tenth day succeeding the date of the last such publication, such ruling or rulings shall have the force and effect of law. An affidavit of such publication, setting forth the said ruling or rulings in full and the dates of such publication thereof, shall be made by the publisher of such newspaper or by the manager or agent of such publisher, and shall be kept on file by the commissioner in his office with the original of such ruling or rulings. Such affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained and of the due fixing, adopting and publishing of the said ruling or rulings, therein set forth. Until such definitions and standards are fixed, adopted and published, the definitions and standards heretofore fixed and adopted by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for sale or transportation or have in possession with intent to sell, use or transport any article of food which does not conform to such definition and standard so fixed, adopted and published, shall be deemed guilty of a violation of this act. ('21 c. 495 § 15)

3805. Rules and regulations—For the purposes aforesaid it shall also be the duty of the dairy and food commissioner to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of this act, which rules and regulations shall be approved by the attorney general as to form and legality and shall be made and published and affidavits of publication made and filed in the manner specified in Section 15 of this act. From and after the tenth day succeeding the date of the last such publication, such rules and regulations shall have the force and effect of law. The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained, and of the due making and publishing of the rules and regulations therein set forth. Until such rules and regulations are made and published, the rules and regulations heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for use, sale or transportation, or have in possession with intent to use, sell or transport, any article of food contrary to the provisions of any such rule or regulation, or who shall fail to comply with any such rule or regulation, shall be deemed guilty of a violation of this act. ('21 c. 495 § 16)

3806. Labeling—For the purposes aforesaid, it shall also be the duty of the dairy and food commissioner by ruling or rulings not inconsistent with law, to require that any article of food or the package, receptacle or container thereof, before it be sold, transported, used, offered for sale or transportation, or had in possession with intent to use, sell or transport within this state, shall be labeled, stamped, stenciled, marked or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information, to-wit: The percentages and true composition of such food article, its quality, strength, quantity, source of its manufacture or production or the person by or for whom the same is manufactured, produced, packed or shipped; and the said commis-

sioner shall also have authority to prescribe by such ruling or rulings, the date on which the same shall take effect and be in force, and also the form, size, style and wording of and the place, time, method, means and manner of use of all such labels, stamps, stencils, brands and markings, which ruling or rulings shall be made and published and affidavits of publication made and filed, in the manner specified in Section 15 of this act. From and after the tenth day succeeding the date of the last such publication, unless a later date be fixed in the ruling for the taking effect thereof, and in such case from and after such date so fixed, such ruling or rulings shall have the force and effect of law.

The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained, and of the due making and publishing of the ruling or rulings therein set forth. Until such rulings are made and published and in effect as aforesaid, the rulings heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall fail to comply with such ruling or rulings shall be deemed guilty of a violation of this act. ('21 c. 495 § 17)

3807. Analysis—Evidence—It shall be the duty of the chief chemist and assistants to make analysis and examinations of such articles as shall be furnished to them by the commissioner for the purpose of determining from such examination whether such articles are adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act, and whether such articles have been manufactured, used, sold, transported, offered for use, sale or transportation or had in possession with intent to use, sell, or transport in violation of any provision of this act or of any definition, standard, rule, regulation or ruling made and published thereunder, and to certify the result of such analysis and examination to the commissioner. A copy of the result of the examination or analysis of any such article, duly authenticated, by the chemist making such analysis or examination, under oath of such chemist shall be prima facie evidence in all courts of the matters and facts therein contained. ('21 c. 495 § 18)

3808. Duty to prosecute—It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case herein provided. ('21 c. 495 § 19)

3809. Penalties—Any person violating or failing to comply with any of the provisions of this act, or any of the provisions of any of the rules, regulations, definitions, standards, or rulings made and published thereunder shall be deemed guilty of a misdemeanor, and, save as herein otherwise specifically provided, for each first offense shall be punished by a fine of not less than fifteen dollars, or by imprisonment for not less than twenty days, and for each subsequent offense, by a fine of not less than fifty dollars or by imprisonment for not less than sixty days. ('21 c. 495 § 20)

3810. Disposition of receipts—In all prosecutions under this act, save as herein otherwise specifically provided, the fine or fines collected by and under the same shall be forthwith transmitted by the officer collecting the same to the state treasurer, to the credit of the general revenue fund, and all other fees and payments made to the dairy and food commissioner, except as aforesaid, shall be accounted for and disposed of in the same manner. ('21 c. 495 § 21)

3811. Milk and cream—No person shall sell or

knowingly buy unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated, or to which a preservative has been added; milk drawn from cows kept in crowded conditions or in places not well ventilated or lighted, or which from any cause are filthy or insanitary, or from unclean or diseased cows, or those fed with garbage or any filthy, decayed, putrid or unwholesome animal or vegetable substance; milk drawn from cows within fifteen days before or five days after calving; and milk or cream which has been kept 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 act. Milk from which any normal ingredient has been abstracted, or milk containing any substance not a normal constituent thereof, or containing less than three and one-fourth per cent of butterfat, and cream in which there is less than 20 per cent of butterfat, 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 in the next following section hereof provided. ('21 c. 495 § 22)

3812. Skimmed milk—Notwithstanding the provisions of Section 22, milk from which the cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skimmed milk cheese, and by licensed dealers; but in the latter case only from vessels legibly marked "skimmed milk" in plain, common black letters upon a light colored background, 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 furnishes milk thereto, but all skimmed milk from creameries and all whey from cheese factories so delivered to patrons shall first be pasteurized at a minimum temperature of 145 degrees Fahrenheit for not less than thirty minutes, or at a minimum temperature of 180 degrees Fahrenheit for continuous flow pasteurization. ('21 c. 495 § 23)

3813. Milk and cream—Sales licensed—No person shall sell milk or cream without being licensed by the dairy and food commissioner, and the fee for such license shall be \$1.00 for each place or vehicle from which sale is made. Every such license shall expire May 1st, 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 employes authorized 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 purpose aforesaid, and the license shall be conspicuously posted in each place where such milk or cream is sold, and the making of every sale from a vehicle not so inscribed or from a place where such license is not so posted, shall be deemed the commission of a misdemeanor. Provided that any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor. ('21 c. 495 § 24)

3814. Licenses revoked—The commissioner may withhold a license from any applicant therefor under any provision of this act whom he may deem unworthy, and may revoke any license issued by him to any licensee who has violated the terms thereof, or who has failed to comply with any requirement of this act, or

refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offense punishable under this act shall be a sufficient ground for such revocation. ('21 c. 495 § 25)

3815. Standard measure—Tests—All milk or cream received or purchased for the purpose of manufacturing the same into butter or cheese, or condensing or drying the same, shall be received or purchased by weight, and payment therefor shall be upon the basis of the butterfat contained therein. The standard pipette for measurement of milk shall have a capacity of seventeen and six-tenths cubic centimeters and the standard for the measurement of cream shall be eighteen grams by weight. The standard test tube or bottle for testing 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 60 degrees Fahrenheit, and the standard test tube or bottle for testing cream shall have 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 measuring pipette, test tube or bottle for measuring or testing milk or cream sold or purchased at prices determined by the portion of butterfat contained therein; any person who shall manufacture or sell a cream or milk pipette, test tube or bottle which is not correctly marked or graduated as herein provided; any person who shall use or employ any other appliance than the Babcock test for ascertaining the butterfat content of milk or cream; any person who shall underread, overread, or otherwise falsify or manipulate the reading of such test, or who shall falsely state, certify or use in the purchase or sale of milk or cream a misreading of such test, whether the test or actual reading shall have been made by such person or by any other person, shall be deemed guilty of a misdemeanor. ('21 c. 495 § 26)

3816. Cans to be cleaned—Every person delivering milk, cream or ice cream to any other person, in cans or other vessels shall have such cans or vessels free from any deleterious substance, filth or rust, and in a wholesome condition for containing such milk, cream or ice cream. Every person receiving milk, cream or ice cream in cans or vessels which are to be returned to the sender or seller, shall cause such vessels to be promptly emptied, thoroughly cleansed and immediately returned. ('21 c. 495 § 27)

3817. 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 of the commissioner and his employes and to all persons furnishing milk and cream to such maker. ('21 c. 495 § 28)

3818. Minnesota brands—Any person manufacturing in this state, cheese which is wholly and exclusively the product of wholesome and unadulterated milk, or butter which is wholly and exclusively the product of wholesome and unadulterated milk and cream, may label and sell the same as "Minnesota Full Milk 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. ('21 c. 495 § 29)

3819. Inspection of dairies—At such times as he may deem proper the commissioner 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 shall 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 section shall be deemed a misdemeanor. ('21 c. 495 § 30)

3820. Local inspection—The governing authority of any municipal corporation may by ordinance provide for the inspection of milk, cream and butter sold within its limits, and of dairies and dairy herds kept for the production of such milk, cream or butter and may prescribe the terms upon which such sales may be made and fix 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. ('21 c. 495 § 31)

3821. Dairy and creamery butter—No person shall manufacture, for sale, or sell any dairy or creamery butter which contains more than 16 per cent of water by weight or less than 80 per cent of butter fat by weight. ('21 c. 495 § 32)

3822. Renovated butter—No person shall sell any butter made by taking original packing stock, or other butter, or both, and malting the same and drawing off, or extracting butterfat and mixing such fat with skimmed milk or cream, or other milk product and rechurning or reworking such mixture; or any butter product 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 height, 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. ('21 c. 495 § 33)

3823. Process butter—No person shall sell any butter made of part cream and part casein and other ingredients by what is known as the "Quinness Patent" or process, or that made by other similar process, whereby the casein of milk and other ingredients are made to imitate or 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 high; and in addition to such marking the seller at the time of the sale shall give to the purchaser a printed card, stating

3815 154

3818 17
194-NW
3821 271
25
3823 28
56-M
94-NW 17

3815
27 — 271R
27 — 187
27 — 252

distinctly and correctly the different ingredients contained in said compound. ('21 c. 495 § 34)

3824. 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, preservative or renovator of milk, cream, butter or cheese; or as a neutralizer of the acidity of milk, cream, butter or cheese; nor shall any person add or apply to milk, cream, butter or cheese, any borax, boric acid, salicylic acid, formaldehyde, formalin, or other antiferment or preservative, nor any alcohol, viscogen, lime, saltpeter, sal-soda, soda ash or other neutralizer; provided, however, that this section shall not apply to pure salt added to butter or cheese. ('21 c. 495 § 35)

3825. Protection of meat—Every dealer in meats, fish, fowl, or game for human food, at the place of offering or exposing for sale, and in the transportation of such food from place to place to customers, shall protect the same from dust, flies and other vermin or substance which may injuriously affect it, by securely covering it while being so offered or exposed for sale or transported. Every violation of the foregoing provision shall be a misdemeanor. ('21 c. 495 § 36)

3826. Veal—No person shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves killed when less than four weeks old. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than fifty dollars or by imprisonment for not less than sixty days. ('21 c. 495 § 37)

3827. Ice cream—For the purposes of this act, ice cream is defined as a frozen product made from cream and sugar with or without a natural flavoring and containing not less than twelve per cent by weight of butterfat; fruit ice cream is defined as a frozen product made from cream, sugar, and sound, clean, mature fruits, and containing not less than ten per cent by weight of butterfat; and nut ice cream is a frozen product made from cream, sugar and sound, non-rancid nuts and containing not less than ten per cent by weight of butterfat. It shall be unlawful for any person to manufacture, sell, transport, offer for sale, use or transportation, or have in possession with intent to sell or transport, ice cream containing less than twelve per cent by weight of butterfat, or fruit ice cream containing less than ten per cent by weight of butterfat, or nut ice cream containing less than ten per cent by weight of butterfat. ('21 c. 495 § 38)

3828. Pasteurized milk and cream—Any creamery equipped with machinery and appliances for pasteurizing the milk and cream which it receives, may apply to the state dairy and food commissioner for an inspection by him of such machinery and appliances; and upon such application made showing such fact and the wish of the creamery to use such process in the manufacture of butter, the state dairy and food commissioner shall cause such inspection to be made.

If such machinery and appliances are sufficient for effective use in so pasteurizing the milk and cream received, the said dairy and food commissioner may issue a certificate to such creamery, authorizing it so long as it shall keep such machinery and appliances in use and shall pasteurize such milk and cream at a minimum temperature of 145 degrees Fahrenheit for not less than thirty minutes, or at a minimum temperature of 180 degrees Fahrenheit for continuous flow pasteurization, to label its products "This product is from pasteurized milk and cream," and such creamery may label its products, so long as it continues to so pasteurize all its milk and cream used in the manufacture of such product. Labeling contrary to this section shall be a misdemeanor. ('21 c. 495 § 39)

3829. License for testing apparatus—No person shall operate a milk or cream testing apparatus to determine the percentage of butterfat in milk or cream for the purpose of purchasing the same either for himself or another without first securing a license from the dairy and food commissioner of this state, or from one of his duly appointed assistants, or inspectors, authorizing such person to so operate such tester. ('21 c. 495 § 40)

3830. Application for license—Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant, before such license may be issued, shall pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same. ('21 c. 495 § 41)

3831. License fee and term—Such license shall be issued for a period ending on the thirty-first day of December following, and a fee of \$1.00 shall be paid for such license by the licensee upon the issuance thereof.

The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offense except in case such unlicensed person shall have valid reasons to appoint a substitute for a period of not to exceed three days, subject to the approval of the dairy and food commissioner. ('21 c. 495 § 42)

3832. Sanitary food law—No person, firm or corporation shall operate any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box, or receptacle, fruit stand or vehicle of any kind, packing or slaughter house, ice cream plant or any place where any fruit or food products are manufactured, packed, stored, deposited, collected, prepared, produced or served for the purpose of sale or profit, or sold for any purpose whatever, if the same is in a filthy, unclean or unsanitary condition, or is permitted to be in a filthy, unclean or unsanitary condition. ('21 c. 495 § 43)

3833. Removal of insanitary conditions—If, in the opinion of the state dairy and food commissioner, his assistants, inspectors or agents, or either of them, after an investigation thereof, any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, or eating house, fruit box, receptacle, fruit stand or vehicle of any kind, packing or slaughter house, ice cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served or sold for any purpose whatever, is operated in violation of section 43 of this act, the dairy and food commissioner, his assistants, inspectors, or agents shall notify in writing the proprietor or proprietors, owner or owners, manager or managers of such bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box or receptacle, fruit stand or vehicle of any kind, packing or slaughter house, ice cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served, or sold for any purpose whatever, to place the same in a clean and sanitary condition within a reasonable time to be stated in said notice, which time so stated shall in no case be less than two days, and failure to comply with such notice within the time so stated shall be deemed a violation of the provisions of this act. ('21 c. 495 § 44)

3834. Employment of diseased person—It shall be unlawful for any person to work in or about any place where any fruit or any food products are manufac-

tured, packed, stored, deposited, collected, prepared, produced or sold, any person or persons whose condition is such that disease may be spread to his associates direct, or through the medium of milk, cream, butter, other food or food products, likely to be eaten without being cooked after handling, whether such condition be due to a contagious, infectious, or venereal disease, in its active or convalescent stages, or to the presence of disease germs, whether accompanied by, or without, any symptoms of the disease itself.

It shall be the duty of the State Dairy and Food Commissioner, his assistants, inspectors or agents, to report to the State Board of Health for investigation, any person suspected to be dangerous to the public health as provided for in this Section, and immediately to exclude such person from such employment pending investigation and during the period of infectiousness, if such person is certified by the State Board of Health or its authorized agent, to be dangerous to the public health. ('21 c. 495 § 45)

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3835. Commercial canneries—All commercial vegetable and fruit canneries located within this state shall be under the supervision and regulation of the dairy and food commissioner. For the purposes of this act, a commercial cannery is defined to be a factory where fruits or vegetables are packed in hermetically sealed cans, where sterilization by heat is used, and its products placed on the market for general consumption. At such times as the dairy and food commissioner may deem proper he shall cause to be inspected all canning factories where fruits or vegetables are put up and preserved in tin or glass cans or jars, to be sold as food, and shall require the correction of all insanitary conditions or practices found therein, and may search and enter all cupboards, closets or any other places in such canning factories for the purpose of discovering any chemical preservatives or adulterants which he believes are in use or intended to be used in the canning or preserving of fruits or vegetables, and for enforcing the provisions of this act. ('21 c. 495 § 46)

3836. Reports—Information furnished—The dairy and food commissioner shall issue public bulletins of information, report and publish the conditions found in canning factories, furnish and disseminate information regarding the canning industry, and for that purpose may arrange for educational exhibits and demonstrations, public meetings, and give instructions to processors and superintendents of canneries; such information shall be available to any person who is a resident of this state, or those now engaged in the business of canning and to those who may hereafter engage therein who may properly apply therefor. ('21 c. 495 § 47)

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3837. Minnesota standard—Any person owning or operating any such cannery may label and sell the product thereof as "Minnesota Standard"; provided such person puts up, cans and preserves fruits and vegetables which are absolutely free from chemical coloring matter and adulterants of any kind, and which have been inspected and passed upon as of first class grade and quality by the dairy and food commissioner. ('21 c. 495 § 48)

3838. Inspector of canneries—The dairy and food commissioner shall appoint and assign, upon the passage of this act, an efficient and experienced food inspector who has passed required examinations, national or state, and who has a thorough knowledge of the canning business, either as processor, superintendent or as an inspector of food manufacturing factories, whose duties it shall be, in addition to his general work as food inspector, to have this inspection of canneries in charge, as required in this act; to visit and inspect canneries, as often as may be required, super-

intend the work of and instruct inspectors stationed at canneries and make reports thereof to the commissioner. The commissioner may allow the person appointed as such inspector, a sum of not to exceed \$600.00 annually as additional compensation for his services, and may whenever he in his judgment deems it proper for the good of the canning industry, arrange for annual scoring prize contests, on products of Minnesota canneries and for such purpose expend not to exceed \$200.00 annually. ('21 c. 495 § 49)

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3839. Special inspectors—The dairy and food commissioner shall, whenever he deems it necessary, furnish an efficient inspector to be stationed at a cannery while in operation whose duties it shall be to see that the cannery where stationed shall at all times comply with all food laws, national and state, and all sanitary laws and regulations; to superintend and see that nothing but proper raw material is used with the necessary sterilization by heat, with only pure salt, sugar and water for the preservation of foods packed. The dairy and food commissioner, his inspector in charge of canneries, or any local inspector stationed at canneries shall be the judge of the quality of any raw material or articles used in canning and as to the canning of sweet corn, such corn shall be labeled when packed, as sweet or sugar corn only when packed in the stage of milk; if matured beyond this stage, it shall be considered to be over-ripe for canning as or for sweet or sugar corn. Immature, over-ripe, containing an admixture of field corn or frosted sweet corn, or other unfit vegetables or fruits intended for canning shall not be accepted at any factory and shall be condemned as being unfit for such use by such commissioner or inspector. ('21 c. 495 § 50)

3840. Rules and regulations for canneries—Any and all power and authority in this act conferred upon the commissioner shall be applicable for the purpose of prescribing rules and regulations for the operation of canneries, and proper labels, standards and definitions of grades on products of canneries. ('21 c. 495 § 51)

3841. Notice of intention to operate—Any person owning or operating a canning factory shall, by written notice on or before June 1st of each year, notify the commissioner whether or not such factory is to be operated during that season or year, giving kinds and varieties of products to be canned or manufactured that season. At least ten days prior to the beginning of operation of any canning factory, the commissioner shall be notified in writing of such intended operation. On or before November 15 of each year the owner, manager or superintendent of such factory shall furnish the commissioner, his agent, or inspector with a report giving such information concerning the factory as the commissioner may require. ('21 c. 495 § 52)

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3842. Certificate of inspection—The dairy and food commissioner shall furnish to each canning factory that shall have fully complied with the provisions of this act, a certificate of inspection that such factory has been inspected and has complied with all laws and regulations applying thereto. The commissioner may authorize the owner of such factory to use the following or similar label or brand on his products to read substantially as follows: "Packed under regulations of, and in factory inspected by Minnesota dairy and food department," or such other label, device, brand, trade mark, or guarantee certificate with the words "inspected and approved" as such commissioner may from time to time designate by published regulations. ('21 c. 495 § 53)

3843. Penalties—Whoever shall without inspection or without permission of the commissioner use the brand or label "Minnesota standard," or any brand, label, or device authorized by the commissioner, or

who shall fail to furnish reports within the time specified, or who shall neglect to obey any lawful direction of the commissioner, his assistants, inspectors or agents, given in carrying out the provisions of this act, or who shall use any raw material, articles or substances forbidden to be used in canning, or who shall violate or fail to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor. ('21 c. 495 § 54)

3844. Inspection of canneries—The commissioner is hereby authorized to expend such sum or sums not exceeding fifteen thousand dollars annually, for the purpose of establishing, equipping, and maintaining a bacteriological laboratory and employing a bacteriologist and one assistant bacteriologist and a sufficient number of special inspectors to be stationed at canneries while operating, for the purpose of inspecting and grading canned products, packed, to see that proper raw materials are used, and to enforce sanitary regulations. The dairy and food commissioner is hereby further authorized and directed to collect from the various canneries in operation in this state, an assessment for inspection to be provided for by the dairy and food commissioner, the sum of one cent per case, but not exceeding \$1,500 from any one cannery for inspection in any one cannery season, for each and every case of hermetically sealed and sterilized canned foods manufactured by such canneries, each year hereafter, including the year 1921, and the sums so collected shall be paid into the state treasury and credited to the commercial canneries inspection fund, to compensate for and meet the expense of special inspection as provided for in this section. The amount of such fees shall be due and payable immediately upon completion of each season's inspection, shall bear interest thereafter until paid at the rate of 7% per annum, and if not paid on or before December 1 following a penalty of 10% shall also be added and collected. ('21 c. 495 § 55, amended '23 c. 379 § 1)

3845. Butter and cheese brands—Any person manufacturing butter in the State of Minnesota may use the stamp, brand or label hereinafter provided when authorized by the dairy and food commissioner. ('23 c. 172 § 1)

3846. Minnesota brands—The dairy and food commissioner may authorize the use of the following stamp, brand or label for butter manufactured in the State of Minnesota. Such stamp, brand or label shall have the design and shall be of such size as the dairy and food commissioner shall adopt and designate, and shall contain the following words: "Minnesota Fancy Creamery Butter, 92 points. If not up to grade, notify Minnesota Dairy & Food Commission. No. _____ (Insert factory Number)" ('23 c. 172 § 1)

3847. Dairy and food commissioner may authorize brands in certain cases—The dairy and food commissioner may authorize the use of such stamp, brand or label only by such persons manufacturing butter who comply with the following rules:

- (a) Cream must be received from all patrons at least three times per week from the 1st day of May up to and including the 30th day of September in each year, and not less than two times per week from the 1st day of October to and including April 30th thereafter.
- (b) Cream must be delivered in good condition, in individual producer's cans, and when delivered must not show an acid test above 3/100 of 1%.
- (c) After such cream has been delivered to the creamery or factory it shall be pasteurized at a temperature of at least 145 degrees Fahrenheit, vat pasteurization for at least thirty minutes, and in the flash system pasteurization at

a temperature of at least 180 degrees Fahrenheit.

- (d) Butter made from such cream at such factory or creamery shall score at least 92% at the time of manufacture and within 15 days thereafter. ('23 c. 172 § 1)

3848. Application for license and penalty—Any person desiring to use the stamp, brand or label described in this act, in the manufacture or sale of butter shall make written application for a license therefor to the dairy and food commissioner which application shall describe the creamery or factory by location and name in which such butter is to be manufactured, and give such other information as the dairy and food commissioner may require. A license may be granted by such commissioner to such person to use such stamp, brand or label at the creamery or factory described in the application, if the commissioner shall find, on investigation, that all the provisions of law have been complied with. Such license shall state that the stamp, brand or label provided for in this act may be used in connection with the manufacture or sale of butter from the creamery or factory described in such license. Such creamery or factory so described shall be given the same number as the serial number of the license.

No person shall use, in the manufacture or sale of butter, such stamp, brand or label without first having obtained a license therefor. Such license so granted may be revoked by the dairy and food commissioner if any of the provisions of this act are not complied with. All licenses shall be numbered in serial order. All applications for license shall be accompanied by a fee of five dollars, which fee shall be returned to the applicant in the event no license is granted. ('23 c. 172 § 1)

3849. Complaint—Investigations—Licenses revoked—Whenever complaint is made in writing to the dairy and food commissioner as to the quality of any butter sold bearing the stamp, brand or label described in this act, the dairy and food commissioner shall upon receipt of such complaint immediately make investigation, and if such persons licensed to use such stamp, brand or label have not complied with, or refuses to comply with, the rules and regulations of the dairy and food commissioner and with the laws relative thereto and if such butter is found to be of an inferior quality to that prescribed by such laws, rules and regulations, the license to use such official stamp, brand or label shall be revoked and such official stamp, brand or label shall be surrendered to and taken by dairy and food commissioner. ('23 c. 172 § 1)

3850. Violation and penalties—Any person, firm, corporation or co-partnership who shall use the official stamp, brand or label mentioned in this act or any similar stamp, brand or label on any package of manufactured butter without first having obtained a license therefor from the state dairy and food commissioner shall be guilty of a gross misdemeanor. ('23 c. 172 § 1)

3851. Manufacture of oleomargarine—No person shall produce or manufacture out of or from any animal fats or vegetable oils not produced from unadulterated milk or cream from the same, the article known as oleomargarine or any article or product in imitation or semblance of natural butter produced from pure unadulterated milk or cream of the same; or mix, compound with or add to milk, cream or butter any acids or other deleterious substances or any animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or in semblance of natural butter, nor sell, keep for sale, or offer for sale any article, substance

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or compound, made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any person manufacturing, selling, offering or exposing for sale any commodity or substance in imitation or semblance of butter, the product of the dairy, shall be deemed guilty of a violation of this section, whether he sells such commodity or substance as butter, oleomargarine or under any other name or designation whatsoever and irrespective of any representations he may make relative to such commodity or substance. ('21 c. 495 § 64)

3852. Sale, etc., of oleomargarine, with intent to deceive—No person shall manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine which shall be manufactured in imitation of, or in semblance of butter of any shade of yellow, with an intent to deceive or defraud the consumer or purchaser thereof.

If, in the manufacture of any oleomargarine, fats, oils, or other ingredients are selected and used in such proportions as to cause the oleomargarine so manufactured to resemble butter of any shade of yellow, such fats shall be prima facie evidence in any prosecution under this section that such oleomargarine was manufactured with an intent to deceive or defraud the consumer or purchaser thereof. ('21 c. 495 § 65)

3853. Oleomargarine, labeling of—It shall be unlawful for any person to manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine made wholly or partly out of fats, oils or oleaginous substances or compound thereof unless each receptacle and package in which the same is kept for sale or sold has securely affixed upon the side thereof, a white or light colored label which shall be printed in the English language with black ink in type not smaller than 36-point bold-faced gothic capitals the word "oleomargarine" and immediately thereafter under the same label in the same colors there shall be printed in the English language, in 8-point bold-faced gothic capitals, the name and, with substantial accuracy, the percentage of each ingredient contained in such oleomargarine, giving the name of each animal or vegetable from which such fats or oils are derived. ('21 c. 495 § 66)

3854. Labeling—It shall be unlawful for any person to sell or offer or expose for sale, or have in possession with intent to sell, any oleomargarine which is not marked and distinguished on the outside of each tub, package, or parcel, thereof in a conspicuous place, by a placard with the word "oleomargarine" printed in English thereon; such placard to be placed in a conspicuous position in full view of the purchaser; and the said word "oleomargarine" on such placard shall be printed in plain uncondensed gothic letters, each letter not less than one inch in height, and such placard shall contain no other words thereon; and there shall also be displayed upon each tub, package or parcel containing such oleomargarine in the same manner and in a conspicuous position, a placard with the word "oleomargarine" printed thereon in the same form as above described in this section; and when oleomargarine is sold from such package or tub, or otherwise at retail, in print, roll, or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the word "oleomargarine" printed or stamped thereon in English in letters one-fourth inch square; and said wrapper shall also contain the name and address of the seller and the quantity sold, and immediately following there shall appear upon the wrapper the name and address of the manufacturer.

Descriptive matter upon the label shall be free from any statement, design or device that is in itself misleading or that conveys or tends to convey information that the product is derived from other than the ingredients of which it is composed; and it shall be unlawful to label oleomargarine "dairy rolls" "country rolls," "Guernsey," "Jersey," "Holstein" or other labeling that would indicate that said product is of dairy or creamery origin.

The use of any false or misleading statement, design, or device shall not be justified by any statement given as the opinion of an expert or other person appearing on the label, nor by any descriptive matter explaining the use of the false or misleading statement, design or device. ('21 c. 495 § 67)

3855. Oleomargarine—Serving as butter—It shall be unlawful for the proprietor of any hotel, dining room, dining car, drinking place, cafe, bakery, boat, lumber camp, mining camp, railroad camp, boarding house, or hospital, or any place where guests, boarders or patients are served with food for pay, or for any managing agent or servant of such proprietor, to serve as or for butter, or as a substitute thereof, any oleaginous substance or compound other than that produced wholly from pure, unadulterated milk or cream, unless he or they shall cause to be plainly printed in English upon every bill of fare, if one be used, and in letters not smaller than eight-point bold faced gothic capitals, the words "oleomargarine 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 car or eating room, in a conspicuous position and in letters large enough to be distinctly seen and read from all parts of said room, placards containing on the face thereof the words in the English language "oleomargarine used in place of butter," and such person shall keep said placards continuously posted as aforesaid as long as such butter substitute be kept or used. ('21 c. 495 § 68)

3856. Cold storage eggs to be labeled—No person shall sell, agree to sell, or advertise for sale any cold storage eggs without making it known to the purchaser or prospective purchaser that the eggs are cold storage eggs, and all boxes or other receptacles in which cold storage eggs are sold or delivered at wholesale or retail, shall be stamped in a conspicuous manner with the words "cold storage eggs." ('21 c. 495 § 69)

3857. Sale, etc., of eggs unfit for human food—No person shall sell, offer or expose for sale, or have in his possession, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food. For the purpose of this act, an egg shall be deemed unfit for human food if it be addled or mouldy, a black rot, a white rot, or a blood ring; or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood ring stage; or if it consists in whole or in part of a filthy, decomposed or putrid substance. ('21 c. 495 § 70)

3858. Eggs, dockage of—Candling—Reports—No person, firm or corporation shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section 70 of this act than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the dairy and food commissioner. All such records shall be open at all reasonable times for examination by the dairy and food commissioner, or his assistants, agents, inspectors or employes. Every person engaged in the business of

buying eggs for exchange or consignment in this state, shall, within ten days after receipt of any shipment or consignment of eggs, render a detailed and accurate statement to the person by whom such shipment or consignment of eggs was shipped or consigned. The return statement shall truthfully and accurately classify the grade of eggs received according to the general commercial standard and shall include the following information: The number of cases of eggs received, the number of No. 1 eggs, the number of No. 2's, or seconds, the number of cracked, the number of leakers, and the number of rots, as defined in section 70 of this act. The term "candling" as used herein shall be construed to mean the careful examination, in a partially dark room or place of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the dairy and food commissioner. Every person engaged in the business of buying eggs in this state for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs which are intended to be used for human food. ('21 c. 495 § 71)

3859. Eggs—Candling certificate—There shall be placed on the top layer under the top flap of every case of candled eggs, by the person candling the same a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than 2¾ by 4¼ inches and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials or number of the person candling the eggs, and the name of this state and the license number of the person for whom the eggs were candled. ('21 c. 495 § 72)

3860. Eggs—License for selling—No person shall engage in the business of buying, selling, dealing in or trading in eggs, except those retailers who do not buy direct from the producers and who do not sell in lots greater than one case, without first obtaining from the dairy and food commissioner a license to conduct such business. Such officer upon receipt of a proper application upon forms such as he may prescribe, accompanied by an annual license fee of \$1.00, shall thereupon issue to such person an annual license to engage in such business. Each license shall expire on the first day of March next after its issue.

The dairy and food commissioner shall determine the conditions under which eggs previously candled shall be recandled before sale in order to safeguard the purchaser against buying as a part of a lot, eggs unfit for human food. ('21 c. 495 § 73)

3861. Civil service—Office of dairy and food commissioner—Before any person shall be eligible to appointment as an inspector in the dairy and food department, except special inspectors to be stationed at canneries while operating, he shall be required to pass a competitive examination touching his general qualifications and proficiency and such general knowledge of the trade and technical phases of the work required in such position as may be deemed necessary by a board of examiners to the proper discharge of the duties of such position. And no person shall be eligible to such appointment unless in addition to the examination requirements herein specified, he shall satisfy the board as to his moral, mental and physical fitness to hold such position. All applicants must be citizens of the United States and must have resided in the state of Minnesota at least one year before receiving an appointment under the provisions of this act. All appointments and removals under the provisions of this act shall be made by the officer now authorized by law to make such appointments and removals. In case of the removal of any such inspector, a statement in writing giving the reasons for such re-

moval shall be filed by the person making such removal with the secretary of state, which shall be open to public inspection, but the inspector against whom such statement has been filed shall, on written request, be given a hearing before the board of examiners within fifteen days from the filing of such request. The failure to make and file such statement within five days after such removal shall operate to reinstate such official or employe. No removal of any inspector shall be made except for neglect of duty, incompetence, insubordination or immorality. ('21 c. 495 § 74)

3862. Civil service—Board of examiners—To carry out the provisions of the preceding section of this act, a board of examiners is hereby created consisting of the state dairy and food commissioner, the dean of the agricultural college and the attorney general. In case of death or inability to act as one of three persons herein designated, the governor of the state shall appoint some person temporarily to act in his place. The state dairy and food commissioner shall be secretary of such board and shall keep all the records which shall contain all the proceedings of the board in reference to examinations and of its actions in carrying out the provisions of this act. The secretary of the board shall likewise keep and have open to the inspection of the public, a list of the names of the persons who are eligible to appointment. Two members of the board shall constitute a quorum for the transaction of business. A chairman shall be elected by the board from its number. None of the members of the board shall receive any compensation for their services herein required, except their reasonable and necessary expenses, which shall be paid out of the fund appropriated for the maintenance of the state dairy and food department in the same manner as other charges against such fund are paid. ('21 c. 495 § 75)

3863. Civil service—Duty of board of examiners—The board of examiners shall provide for such examinations, suitable lists of questions, which shall be submitted to the applicants in such manner as the board may determine; and a list shall be made of the successful applicants, and from which list the state dairy and food commissioner shall make selections for the positions above named. ('21 c. 495 § 76)

3864. Examiners—The board of examiners shall convene for the purpose of holding the first examination the second Monday in January, 1921, and annually thereafter. Special examinations may be called by the board upon written request of the commissioner, provided that, except for extraordinary reasons, it shall not be necessary to call special examinations if there be a sufficient number of eligibles remaining from previous examinations. Any person who shall pass such examination shall be eligible to appointment at any time within one year from the date of his examination, provided he shall remain morally, mentally and physically fit. Thirty days' notice, signed by the secretary of the board, of any examination held hereunder shall be given by one publication in two St. Paul daily newspapers of opposite political faith, such notice to state the time and place thereof and in general terms the subject matter upon which applicants will be examined. All examinations shall be held in the city of St. Paul at some suitable place therein to be fixed by the board. If more applicants than are necessary to fill vacancies shall have passed such examination, or series of examinations, the commissioner shall have authority to select from such entire list, but without reference to any political affiliation or belief, those persons who in his judgment are best fitted to perform the duties of the position; and if at any time there be an insufficient number of eligibles, the commissioner

shall have authority to temporarily fill a vacancy, such appointment to hold until such list of eligibles has been sufficiently replenished. ('21 c. 495 § 77)

3865. Construction of act—This act is intended to be a restatement of existing laws, with such changes as appear, and its provisions, so far as they are the same as those of existing statutes, shall be construed as continuations thereof, and not as new enactments. Any of the provisions of this act inconsistent with the existing code of criminal procedure or penal law shall be effective for the purposes of this act only. ('21 c. 495 § 78)

3866. Provisions severable—The provisions of this act, and each part thereof, and its sections and each part thereof, are independent and severable, and if any provisions or part thereof, or section or part thereof, be held unconstitutional or invalid, no other provision or part thereof or section or part thereof shall thereby be impaired or rendered unconstitutional or invalid. ('21 c. 495 § 79)

3867. Not to affect the feeding stuff control law—Nothing in this act shall be construed to change, modify, amend, or in any manner affect any of the provisions of chapter 260, Session Laws 1919, approved April 15, 1919, entitled: "An act to prevent fraud and deception in the manufacture and sale of concentrated commercial feeding stuffs and providing for registration and labeling thereof and repealing chapter 383, General Laws of Minnesota 1907, and all other acts or parts of acts inconsistent herewith." And said chapter 260, Session Laws 1919, shall continue in full force and effect. ('21 c. 495 § 80)

3868. Certain other laws not repealed—Nothing in this act shall be construed to affect or repeal Session Laws 1901, Chapter 117, being R. L. 1905, Section 4993, Session Laws 1895, Chapters 200, 201, being R. L. 1905, Sections 4994, 4995, nor Session Laws 1905, Chapter 323, nor Session Laws 1915, Chapter, 335. ('21 c. 495 § 81)

3869. Implied repeals—Saving clause—Save as aforesaid, all acts and parts of acts inconsistent with the provisions of this act and not herein expressly repealed, are hereby repealed. ('21 c. 495 § 82)

3870. Repeals—The said laws hereafter enumerated shall be expressly repealed from and after the taking effect of this act.

Session Laws 1905, Chapters 158 and 300.

Revised Laws 1905, sections 1734 to 1771, both inclusive, and sections 1774 to 1780, both inclusive.

Session Laws 1907, chapters 124, 237, 337, 384 and 424.

Session Laws 1909, chapters 353, 428 and 498.

Session Laws 1911, chapters 183, 213 and 310.

Session Laws 1913, chapters 47, 97, 229, 336, 366 and 475.

Session Laws 1915, chapters 18 and 368.

Session Laws 1919, chapters 316, 351, 352, 353 and 495.

Extra Session Laws 1919, chapter 16.

Nothing herein shall be construed as a legislative declaration that any law so enumerated has not heretofore been expressly or impliedly repealed. ('21 c. 495 § 83)

3871. Definitions—Evidence of intent—The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, co-partnerships, companies, societies and associations. The word "men" shall include "women." No person who shall commit or assist in committing any offense herein defined shall be exempt from conviction and punishment therefor for the reason that he acted as the agent, employe, or representative of another. When construing and en-

forcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, co-partnership, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, co-partnership, company, society or association, as well as that of the person.

The words "sell" and "sale" as used herein shall be construed as including the keeping, offering or exposing for sale, use, transportation or exchange of the restricted, regulated or prohibited article, the having of any such article in possession with intent to sell, use, transport 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 having in possession of any article, the manufacture, sale, use or transportation of which is restricted, regulated or forbidden by this act, shall be deemed prima facie evidence of intent to sell, manufacture, transport or use the same in violation of law. ('21 c. 495 § 84)

3872. Tenure of office preserved—Whoever, when this act takes effect, holds an office under any of the laws thereby repealed, shall continue to hold it according to the tenure thereof, unless it is abolished or unless a different provision relative thereto is made by this act. ('21 c. 495 § 85.)

3873. Effect of repeal—Whenever a law is repealed by this act, which repealed a former law, the former law shall not thereby be revived, unless it is so specially provided; nor shall such repeal affect any right accrued, any duty imposed, any penalty incurred, or any proceeding commenced or to be commenced, under or by virtue of the law repealed. ('21 c. 495 § 86)

MISCELLANEOUS

ANIMAL FEED

3874. Statement of concentrated feeding stuff to be filed with dairy and food commissioner—That before any concentrated commercial feeding stuff is sold, offered or exposed for sale in Minnesota, the manufacturer, importer, dealer, agent or person who causes it to be sold or offered for sale, by sample or otherwise, within this state, shall file with the dairy and food commissioner of the state of Minnesota, a statement that such manufacturer, importer, dealer, agent or person desires to offer for sale such concentrated commercial feeding stuff, in this state, and also a certificate, the execution of which shall be sworn to before a notary public, or other proper official, for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, the name, brand or trade-mark under which the concentrated commercial feeding stuffs will be sold, the ingredients from which the concentrated commercial feeding stuffs are compounded, and the minimum percentage of crude fat and crude protein, allowing one per cent of nitrogen to equal 6.25 per cent of protein, and the maximum percentage of crude fiber which the manufacturer or person offering the concentrated commercial feeding stuff for sale guarantees it to contain. ('19 c. 260 § 1)

3875. Statement to be affixed to packages and samples—Any person, company, corporation or agent who shall sell, offer or expose for sale or distribution in this state, any concentrated commercial feeding stuffs shall affix, or cause to be affixed, to every package or sample of such concentrated commercial feeding stuffs, in a conspicuous place on the outside thereof, a tag or label which shall be accepted as a guarantee of the manufacturer, importer, dealer or agent, and which shall have plainly printed thereon in the English lan-

guage, the number of net pounds of concentrated commercial feeding stuffs in the package, the name, brand or trade-mark under which the concentrated commercial feeding stuffs are sold, the name of the manufacturer, the location of the principal office of the manufacturer, and the guaranteed analysis, stating minimum percentage of crude fat and crude protein, and the maximum percentage of crude fiber, determined as provided in the provisions of this act, and the ingredients from which the concentrated commercial feeding stuff is compounded. For each one hundred pounds, or fraction thereof, the person, company, corporation or agent shall also affix the tag or label purchased from the dairy and food commissioner of the state of Minnesota, showing that the concentrated commercial feeding stuff has been registered as required by the provisions of this act, and that the inspection tax has been paid. When the concentrated commercial feeding stuff is sold in bulk, a tag, as hereinbefore described, shall be delivered to the consumer with each 100 pounds or fraction thereof, provided, that the state dairy and food commissioner's tags and labels shall be issued to cover twenty-five, fifty and one hundred pounds; provided further, that the state dairy and food commissioner is authorized to issue tags or labels of other denominations. ('19 c. 260 § 2)

3876. Registration by dairy and food commissioner and tags and labels to be supplied—Fees—The state dairy and food commissioner shall register the facts set forth in the certificate required by section 1 of this act in a permanent record, and shall furnish tags or labels showing the registration of such certificate to manufacturers or agents desiring to sell the concentrated commercial feeding stuff so registered at such times and in such numbers as the manufacturers or agents may desire; provided, that the state dairy and food commissioner shall not be required to sell tags or labels in less amount than to the value of five dollars (\$5.00) or multiple of five dollars, for any one concentrated commercial feeding stuff; provided further, that the state dairy and food commissioner shall not be required to register any certificates unless accompanied by an order and fees for tags or labels to the value of five dollars (\$5.00) or some multiple of five dollars; provided further, that such tags or labels shall be printed in such form as the state dairy and food commissioner may prescribe; provided, however, that each package or container of a concentrated commercial feeding stuff offered for sale in the state of Minnesota, containing one or more of the materials of low feeding value enumerated in section six of this act, in which the maximum crude fiber content of such concentrated commercial feeding stuff is twelve and one-half per cent or more, or the minimum crude protein of such concentrated commercial feeding stuff is nine per cent or less, shall have attached to it a yellow tag or label, identical with the official tag as prescribed by the state dairy and food commissioner, except in color, and that there should be printed on this tag, in red ink, the per cent present of each material enumerated in section six, or the names and total per cent of all such materials or the names and maximum per cent thereof; provided further, that such tags or labels shall be good until used. ('19 c. 260 § 3)

3877. Sworn statement to be filed annually—On or before January 31st of each year, each and every manufacturer, importer, dealer, agent or person, who causes any concentrated commercial feeding stuff to be sold or offered or exposed for sale in the state of Minnesota, shall file with the state dairy and food commissioner of the state of Minnesota a sworn statement, giving the number of net pounds of each brand of concentrated commercial feeding stuff that, such

manufacturer, importer, dealer, agent, persons or person has sold or caused to be offered for sale in the state, for the previous year, ending with December 31; provided, that when the manufacturer, jobber or importer of any concentrated commercial feeding stuff shall have filed the statement aforesaid, any persons or person acting as agent for such manufacturer, importer or jobber, shall not be required to file such statement. ('19 c. 260 § 4)

3878. Fees to be paid to cover expenses of department—For the expenses incurred in registering, inspecting and analyzing concentrated commercial feeding stuffs, the state dairy and food commissioner shall receive for tags or labels furnished, to cover one hundred pounds, one dollar for each one hundred tags or labels; to cover fifty pounds, sixty cents for each one hundred tags or labels; to cover twenty-five pounds, forty cents for each one hundred tags or labels; provided, that if the state dairy and food commissioner should, at his discretion, issue tags or labels to cover more than one hundred pounds or less than twenty-five pounds, as is provided in the provisions of this act, he shall receive for all tags or labels in excess of one hundred pounds, a proportional rate on the basis of a one hundred pound tag, and for all tags or labels issued in denominations of less than twenty-five pounds, he shall receive not less than thirty cents for each one hundred tags or labels. The money for said tags or labels shall be forwarded to the state dairy and food commissioner, who shall pay all such fees received by him to the treasurer of the state of Minnesota, who shall expend the same, on proper vouchers, to be filed with the auditor of the state in meeting all necessary expenses in carrying out the provisions of the act, including the employment of inspectors, chemists, expenses in procuring samples, printing bulletins giving the results of the work in feeding stuff inspection, as provided for by this act, and for any other expenses deemed necessary by the state dairy and food commissioner for carrying out the provisions of this act. The state dairy and food commissioner shall make to the governor on or before the first day of January of each year, a classified report showing the total receipts and expenditures of all fees received under the provisions of this act, as well as a statement showing the number of samples procured, the number of analyses made, and the names of manufacturers, importers, agents or dealers who have failed to comply with the provisions of this act, or whose concentrated commercial feeding stuffs were found upon analysis to be below that guaranteed upon the tag or label. ('19 c. 260 § 5)

3879. Certain adulterations prohibited from commercial feeding stuffs—No person, company, corporation or agent shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuffs which is adulterated with any foreign mineral matter or damaged feeding materials which have been reduced in feeding value to an extent as to be rendered unwholesome, or any foreign substance of low feeding value, such as mill, elevator, boat or other sweepings or dust; buck-wheat hulls, cottonseed hulls, peanut hulls, peanut shells, rice hulls, oat hulls, corn cobs ground, cocoa shells, clipped oat by-products, ground or unground hulls, chaff, dust or other inferior cleanings derived from the preparation, cleaning or milling of any seed or grain when separated from the standard product, humus, peat, sphagnum moss, ivory nut turnings, ground corn stalks, flax plant by-products, sorghum pulp, ground or shredded straw or hay (excepting alfalfa meal or similar leguminous meals), sawdust, tree bark, cellulose or dirt, coffee hulls or chaff, or any

other materials of equally low feeding value, without plainly stating on the tags or labels hereinbefore described, the components of such mixture, using the names by which each ingredient is commonly known. Provided, that if any concentrated commercial feeding stuff is adulterated with humus, peat or sphagnum moss, the maximum percentage of such humus, peat or sphagnum moss present in the concentrated commercial feeding stuff must also be stated upon the tag or label.

Provided further, that no concentrated commercial feeding stuffs shall be adulterated with any substance injurious to the health of domestic animals. ('19 c. 260 § 6)

3880. Powers granted state dairy and food commissioner—The state dairy and food commissioner or any person deputized by him is hereby empowered to procure from any lot, parcel or package of any concentrated commercial feeding stuff offered for sale or found in the state of Minnesota; and upon tender and full payment of the selling price of said sample take therefrom a quantity of commercial feeding stuff of not less than two pounds; provided, that such sample shall be obtained during reasonable business hours, or in the presence of the owner of the concentrated commercial feeding stuff, or in the presence of some person claiming to represent the owner. ('19 c. 260 § 7)

3881. Standards and definitions authorized to be promulgated—The state dairy and food commissioner is hereby empowered to promulgate standards and definitions for concentrated commercial feeding stuffs, and to subscribe and enforce such rules and regulations, relating to concentrated commercial feeding stuff as he may deem necessary to carry into effect the full intent and meaning of this act, and to refuse the registration of any concentrated commercial feeding stuff under a name which would be misleading as to the materials of which it is made or when the percentage of crude fiber is above or the percentage of crude fat or crude protein below the standards adopted by the state dairy and food commissioner for concentrated commercial feeding stuffs. The state dairy and food commissioner is further empowered to refuse to issue tags or labels to any manufacturer, importer, dealer, agent or person who shall sell or offer or expose for sale any concentrated commercial feeding stuff in the state of Minnesota and refuse to submit a sworn statement as required by the provisions of this act. ('19 c. 260 § 8)

3882. County attorneys to prosecute for violations—It shall be the duty of every prosecuting attorney to whom the state dairy and food commissioner shall report any violation of this act to cause proceedings to commence against the person or persons so violating this act, and the same prosecuted in the manner required by law. ('19 c. 260 § 9)

3883. Articles included within terms—The term "concentrated commercial feeding stuffs" as used in this act shall include linseed meals, cocoanut meals, gluten feeds, gluten meals, germ feeds, corn feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, dried distiller's grains, dried beet refuse, hominy feeds, cerealine feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, wheat bran, wheat middlings, wheat shorts and other mill by-products not excluded in this section, ground beef or fish scraps, dried blood, blood meals, bone meals, tankage, meat meals, slaughter house waste products, mixed feeds, clover meals, alfalfa meals and feeds, pea vine meal, cottonseed meal, sunflower oil cake, velvet bean meal or any other leguminous meal, mixed feeds and mixed meals made from seeds or grains and all materials of similar

nature used for food for domestic animals, condimental feeds, poultry feeds, stock feeds, patented proprietary or trade and market stock and poultry feeds; but it shall not include straws, hays, whole seeds, unmixed meals, made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn, nor wheat flours or other cereal flours. ('19 c. 260 § 10)

3884. Violations a misdemeanor—Any person, company, corporation or agent that shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuff which has not been registered with the state dairy and food commissioner as required by the provisions of this act, or which does not have affixed to it a tag or label required by the provisions of this act, or which is found by an analysis made by or under the direction of the state dairy and food commissioner to contain a smaller percentage of crude fat or crude protein than the minimum guarantee, or a greater percentage of crude fiber than the maximum guarantee or which shall be labeled with a false or inaccurate guarantee, or who shall alter the tags or labels of the state dairy and food commissioner, or who shall use the name and title of the state dairy and food commissioner, or who shall use the tags or labels of the state dairy and food commissioner a second time, or who shall refuse or fail to make the sworn statement required under the provisions of this act, or who shall prevent or strive to prevent the state dairy and food commissioner, or any person or persons deputized by him, from inspecting and obtaining samples of concentrated commercial feeding stuffs, as provided for in this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of fifty dollars for the first offense, and in the sum of one hundred dollars for each subsequent offense. In all litigation arising from the purchase or sale of any concentrated commercial feeding stuff in which the composition of the same may be involved a certified copy of the official analysis signed by the state dairy and food commissioner or the chemist authorized by the state dairy and food commissioner to make such analysis, shall be accepted as prima facie evidence of the composition of such concentrated commercial feed stuff; provided, that nothing in this act shall be construed to restrict or prohibit the sale of concentrated commercial feed stuff in bulk to each other by importers, manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, or as preventing the free, unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, or to prevent the state dairy and food commissioner or any person or persons deputized by the state dairy and food commissioner, or the Minnesota agricultural experiment station, or any person or persons in the employ of the Minnesota agricultural experiment station, making experiments with concentrated commercial feeding stuffs for the advancement of the science of agriculture. ('19 c. 260 § 11)

3885. Chapter 383, General Laws 1907 repealed—Chapter 383, General Laws of Minnesota for the year 1907 is hereby repealed and all other acts and parts of acts inconsistent herewith are hereby repealed. ('19 c. 260 § 12)

3886. Sale of certain feeds prohibited—That it shall be unlawful for any manufacturer, company or person to sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff as defined in Section 10, Chapter 260, Laws of 1919, used for feeding farm live stock, which shall contain any weed seeds in which the germ and life has

not been destroyed; provided, that this section shall not be deemed to make unlawful any sale by a retailer, who was not able, by reasonable diligence, to ascertain before such sale, the presence in any such concentrated commercial feeding stuff sold of such noxious seeds. ('23 c. 117 § 1)

3887. Sale of screenings prohibited—Exceptions—It shall be unlawful for any manufacturer, company or person, to sell, offer or expose for sale, any screenings taken from any grain or seeds which shall contain any noxious or poisonous weed seeds the viability of which has not been destroyed; provided, that nothing in this section shall be construed to restrict or prohibit the sale of screenings to each other by jobbers, manufacturers or manipulators who mix or grind concentrated commercial feeding stuff for sale; provided further, that nothing in this section shall prohibit the sale of screenings in closely woven and securely tied sacks to purchasers who feed same to sheep which are kept and fed within enclosures. ('23 c. 117 § 2)

3888. Penalties for violation—Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 and not more than \$100.00 or by imprisonment for not less than thirty days nor more than ninety days. ('23 c. 117 § 3)

3889. Duty of commissioner—The state dairy and food commissioner, his inspectors, assistants and employes shall enforce the provisions of this act, and in so doing shall have all the powers and authority with relation thereto that are conferred upon them, and each of them, by Chapter 260, Laws of 1919, and Chapter 495, Laws of 1921. ('23 c. 117 § 4)

CANNED GOODS

3890. Manufacture and sale of canning compounds prohibited—It shall be unlawful for any person to manufacture for sale within the State of Minnesota any article to be used as a canning compound or chemical preservative in the canning and preserving of fresh fruits and vegetables which is adulterated within the terms of this act, nor shall any person add to, apply or use, in the process of canning fruits or vegetables, any canning compound which is adulterated within the terms of this act.

Provided, that no article shall be deemed adulterated within the provisions of this act when intended for export to any foreign country or purchaser, and prepared and packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not except said article from the operation of any of the other provisions of this act. ('15 c. 335 § 1)

3891. Possession a misdemeanor—The having in possession of any preservative compound which is adulterated as herein defined, with intent to sell the same, is hereby prohibited, and whoever shall have in his possession with intent to sell, sell or offer for sale any preservative compound, which is adulterated within the meaning of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as hereinafter provided.

Proof that any person, firm or corporation has or had possession of any preservative compound which is adulterated within the terms of this act shall be prima facie evidence that the possession thereof is in violation of this section. ('15 c. 335 § 2)

3892. Definition of term—The term "Preservative Compound," as used herein, shall include all articles used for preservative purposes, whether simple, mixed

or compound, and any substance used as a constituent in the manufacture thereof. ('15 c. 335 § 3)

3893. Contents of compound—That for the purposes of this act a preservative compound shall be deemed to be adulterated if it contain any added poisonous or other added deleterious, unwholesome and injurious ingredient which may render said article injurious to public health; and formaldehyde, hydrofluoric acid, salicylic acid, sulphurous acid, and all compounds and derivatives thereof, are hereby declared unwholesome and injurious. ('15 c. 335 § 4)

3894. Dairy and food commissioner to enforce provisions—The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act. ('15 c. 335 § 5)

3895. Violation a misdemeanor—Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and violation thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100), or by imprisonment in the county jail for not more than three (3) months. ('15 c. 335 § 6)

FERTILIZERS

3896. Ingredients of fertilizer to be stated on label—That any person, firm or corporation who shall offer, sell or expose for sale, in the State of Minnesota, any commercial fertilizer the price of which exceeds five dollars (\$5.00) per ton, shall affix to every package, in a conspicuous place on the outside thereof, or furnish to the purchasers of goods sold in bulk, a plainly printed certificate, naming the materials, including the filler, if any, of which the fertilizer is made, stating the number of pounds in the package sold, the name or trade-mark under which the article is sold, the name of the manufacturer and the place of manufacture; and a chemical analysis, stating the minimum percentage of nitrogen in available form, of pottassium soluble in water, of phosphorus in available form (soluble or reverted) and of insoluble phosphorus. ('15 c. 251 § 1)

3897. Certified copy of certificate to be filed with dairy and food commissioner—Before any commercial fertilizer is sold, or offered for sale, the manufacturer, importer or party who causes it to be sold, or offered for sale, within the State of Minnesota, shall file in the office of the dairy and food commissioner a certified copy of the certificate referred to in Section 1 of this act and shall pay to the dairy and food commissioner on or before May 1st of each year a license fee of ten dollars (\$10.00) for each brand of fertilizer offered for sale or sold within the state. Provided, that whenever the manufacturer or importer shall have paid the license fee herein required for any year, no other person shall be required to pay such license fee for that brand. ('15 c. 251 § 2)

3898. Dairy and food commissioner to enforce provisions—The state dairy and food commissioner and his assistants shall enforce the provisions of this act, and he may publish annually a report of all analysis made and certificates filed. The inspectors and assistants of the dairy and food commissioner shall exercise, in the enforcement of this act, all the authority and powers now granted such assistants under the food and dairy laws of the State of Minnesota. The state dairy and food commissioner is hereby authorized, in person or by deputy, to take for analysis a sample from any lot or package of commercial fertilizer in this state, not exceeding two pounds in weight. ('15 c. 251 § 3)

3899. Violation a misdemeanor—Any person, firm or corporation who shall offer or expose for sale or sell any commercial fertilizer in the State of Minne-

sota without complying with the provisions of this act, or who shall use an analysis regarding any commercial fertilizer, which shall be false as to the constituents named in Section 1 of this act, or who shall obstruct or interfere with the dairy and food commissioner, or any of his assistants, in the discharge of their duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. ('15 c. 251 § 4)

INSECTICIDES

3900. Paris green and insecticides, sale of inaccurately labeled, etc.—Penalty—Whoever shall expose for sale or sell within this state any "paris green" or other insecticide which does not conform to all the requirements of this act, or which is labeled or marked in any manner so as to tend to deceive the purchaser as to its nature or composition, or which is not accurately labeled as hereinafter required shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, and not more than one hundred dollars, or by imprisonment in the county jail not exceeding sixty days. ('09 c. 62 § 1) [3752]

3901. "Insecticide" defined—The term "insecticide" as used in this act shall include "paris green" and any other substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all insects which may infest vegetation. ('09 c. 62 § 2) [3753]

3902. Formulas prescribed—Any insecticide labeled, marked or called "paris green" shall contain at least fifty per cent of arsenious oxide in combination with copper, not more of water-soluble arsenic than the equivalent of three and one-half per cent arsenious oxide, and no substance that would injuriously affect its strength or quality. And any insecticide labeled and called lead arsenate or arsenate of lead must contain at least fifty per cent of actual lead arsenate, at least twelve and one-half per cent of arsenious oxide, no more water-soluble arsenic than the equivalent of one per cent of arsenic oxide and no added substances that would injuriously affect the quality or strength. ('09 c. 62 § 3, amended '09 c. 100 § 1) [3754]

3903. Statement on label—The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the "paris green" or other insecticide, or the distributor thereof, or of the party for whom the same is manufactured and show the name, and with substantial accuracy, the percentage of each ingredient, both solid and liquid, contained therein; said label shall be printed in the English language in plain, legible type. ('09 c. 62 § 4) [3755]

3904. Possession prima facie evidence—The having in possession by any person, firm or corporation dealing in said articles, any article or substance hereinbefore described and not properly labeled, as provided in this act, shall be considered prima facie evidence that the same is kept by such person, or firm, in violation of the provisions of this act, and punishable under it. ('09 c. 62 § 5) [3756]

3905. Duty of commissioner—The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act. ('09 c. 62 § 6) [3757]

3906. Powers of commission—The said commissioner and the assistants, experts, chemists and agents shall be duly authorized for the purpose and shall have access and ingress to all the places of business, factories, stores and buildings used for the manufacture or sale of such "paris green" or other insecticide. They shall also have power and authority to open any pack-

age, can or other receptacle containing such "paris green" or other insecticide, that may be sold, manufactured or exposed for sale in violation of the provisions of this act. ('09 c. 62 § 7) [3758]

MILK, CHEESE AND BUTTER

3907
202-NW 714

3907. Discriminations—Any person, firm, co-partnership or corporation engaged in the business of buying milk, cream or butterfat for manufacture or for sale of such milk, cream or butterfat, who shall discriminate between different sections, localities, communities or cities of this state, by purchasing such commodity at a higher price or rate in one locality than is paid for the same commodity by said person, firm, co-partnership or corporation in another locality, after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture or locality of sale of such milk, cream or butterfat, shall be deemed guilty of unfair discrimination, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not exceeding 90 days. ('21 c. 305 § 1, amended '23 c. 120 § 1)

3907
162-M 1
31 3907 97
27 3907
210-NW 16

3908. Higher price—Proof that any person, firm, co-partnership or corporation has paid a higher price for milk or cream in one locality than in another, after due allowance for the cost of transportation has been made, shall be prima facie evidence of the violation of this act. ('21 c. 305 § 2)

3909. Dairy commissioner to enforce provisions—The state dairy and food commissioner, his assistant, inspectors, agents and employes shall enforce the provisions of this act, and in so doing shall have all the powers conferred upon them, and each of them, by the provisions of Chapter 21, Revised Laws of 1905. ('21 c. 305 § 3)

3910. Repeal—The following laws are hereby expressly repealed, to-wit:

- Chapter 468 of the General Laws of 1909.
- Chapter 230 of the General Laws of 1913.
- Chapter 337 of the General Laws of 1917.

Provided, however, that the express or implied repeal by the provisions of this act of any law not in force shall not affect any action or proceeding now pending in any court. ('21 c. 305 § 4)

3911. Common carriers to provide storage room—Every person, firm or corporation, engaged in the business of buying and shipping milk or cream by common carrier, or operating a milk station where milk or cream is purchased and prepared for shipment by common carrier, shall provide, equip and maintain at every station where milk or cream is so received for shipment, a clean and sanitary room for the receiving, handling and storing thereof pending shipment. Said room shall be isolated and protected from contaminating surroundings, shall be constructed in a sanitary manner, and provided with screens on all doors and windows, and shall be well lighted and ventilated. The floor thereof shall be constructed of sanitary material, and shall be kept in a sanitary condition. Said room shall also be equipped with boiling water or steam for use in washing milk or cream cans or other receptacles. Said room shall be used exclusively for the receiving, handling, testing and preparing for shipment of milk and cream, for the receiving and handling for shipment or sale of butter, eggs and poultry, and for the washing and sterilizing of milk or cream receptacles or utensils. ('21 c. 306 § 1)

3911
27 — 28

3912. Storage rooms for milk, etc., must be cool—Milk or cream stored or kept in any such receiving station awaiting shipment by common carrier shall be kept in a cool condition either by use of ice or a tank

cistern or other device using cold water to be approved by the dairy and food commissioner. ('21 c. 306 § 2)

3913. **Cans must be cleaned**—Milk or cream cans or receptacles returned to such receiving stations after use, shall be scalded, washed and cleaned before being used again. ('21 c. 306 § 3)

3914. **Violations—Penalties**—Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$100 or in lieu thereof by imprisonment for not less than 30 nor more than 90 days. Each period of 24 hours, or part thereof, during which a receiving station is maintained in an unsanitary condition shall be deemed a separate offense. ('21 c. 306 § 4)

3915. **Duties of dairy and food commissioners**—It shall be the duty of the dairy and food commissioner to inspect such milk and cream stations, and whenever he deems that any such station is not maintained in a sanitary condition to go before a magistrate and make proper complaint. Upon the conviction of any person of a second offense under this act, the testing license of such person shall automatically become null and void, and no further testing license shall be issued to such person until the period of two years shall have elapsed from the date of conviction of the second offense. ('21 c. 306 § 5)

3916. **Inconsistent acts repealed**—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. ('21 c. 306 § 6)

3917. **Use of "butter" in advertising unlawful**—It shall be unlawful for any person to make, publish, disseminate, circulate or place before the public, or directly or indirectly cause to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in any book, notice, handbill, poster, bill, label, circular, pamphlet or letter, or in any other way, any publication advertising in any manner any food product or article of food produced or manufactured in whole or in part out of or from animal fats or vegetable oils, or any article or product manufactured or produced in imitation or semblance of natural butter, not produced wholly from pure, unadulterated milk or cream, in or as a part of or connected with which publication the word "butter" is used or appears; provided, that the word "butter" may be used in designating the food article known to the trade as "plum butter," "apple butter," "peanut butter," when used in connection with the name of article manufactured from; and, provided further, that nothing herein contained shall repeal or modify any of the provisions now in force for the labeling of the food product known as "oleomargarine." ('21 c. 309 § 1)

3918. **Violation a misdemeanor**—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. ('21 c. 309 § 2)

3919. **Dairy and food commissioner to enforce provisions of act**—It shall be the duty of the state dairy and food commissioner to enforce the provisions of this act, and of all county attorneys, upon complaint made, to prosecute all persons violating any of the provisions hereof within their respective counties. ('21 c. 309 § 3)

3920. **Butter fat not to be used in substitutes**—No person, firm or corporation shall mix, compound or use any butter fat with or to any oleomargarine or any article or product containing animal or vegetable oils and intended for use as a butter substitute, except that skimmed milk or buttermilk may be used in the churning or manufacture of oleomargarine or other similar product. Violations of this act shall be a misdemeanor

and shall be punished accordingly. ('23 c. 10 § 1)

3921. **Oleomargarine not to be used in state institutions**—The service of oleomargarine or any other butter substitute to the inmates of any state institution as a substitute for table butter is hereby prohibited. ('21 c. 438 § 1, amended '23 c. 24 § 1)

3922. **Violations—Penalties**—Any officer in charge of any state institution affected by this act who shall knowingly violate the provisions of this act shall be dismissed from the service of the state immediately by the officer or board by whom he is appointed. ('21 c. 438 § 2, amended '23 c. 24 § 2)

3923. **Manufacturers of butter substitutes not to use certain words in advertising**—No person shall use in any way in connection or association with the sale or offering or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery" or "dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter. ('23 c. 116 § 1)

3924. **Violation a misdemeanor**—Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor. ('23 c. 116 § 2)

3925. **Dairy and food commissioner to enforce act**—The dairy and food commissioner shall cause the provisions of this act to be enforced, and to that end he shall exercise all power and authority conferred upon him by the provisions of Chapter 495, Laws 1921, known as the "Minnesota Dairy and Food Law." It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act, to cause appropriate proceedings to be instituted in the proper courts and prosecuted without delay for enforcement of the penalties herein specified. ('23 c. 116 § 3)

3926. **Sale of filled milk prohibited**—It shall be unlawful for any person, firm or corporation, by himself, his employe or agent, or as the employe or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, condensed or evaporated cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever. ('23 c. 126 § 1)

3927. **Violations and penalties**—Any violation of any of the provisions of this act is hereby declared to be a misdemeanor, and any person, whether individually or as a member of a partnership, or as a responsible agent or officer of a corporation who shall be convicted of such violation, either on his own behalf or in the interests of a corporation, shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days or by a fine of not less than fifty dollars nor more than one hundred dollars. ('23 c. 126 § 2)

3928. **Dairy and food commissioner to enforce laws**—The dairy and food commissioner, by himself or by his assistants, chemists, inspectors or agents, shall be charged with the enforcement of the provisions of this act. ('23 c. 126 § 3)

3929. **Milk and cream cans must be sterilized**—All persons receiving, buying or handling cream for use, either locally or after shipment, in the manufacture of butter or cheese, in cans or other receptacles which are to be returned to the senders or sellers, shall thoroughly sterilize all such cans and receptacles with live

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steam under pressure, before returning them to the senders or sellers. ('23 c. 173 § 1)

3930. Violation a misdemeanor—Every person who shall violate or fail or refuse to comply with any provision of this act shall be deemed guilty of a misdemeanor. ('23 c. 173 § 2)

3931. Dairy and food commissioner to enforce provisions of act—The dairy and food commissioner shall cause the provisions of this act to be enforced, and it hereby is made the duty of every prosecuting officer to whom the commissioner shall report any violation of or failure or refusal to comply with any of its provisions to institute and prosecute without delay appropriate proceedings in the proper courts for enforcement of the penalties herein prescribed therefor. ('23 c. 173 § 3)

3932. Effective January 1st, 1924—This act shall take effect and be in force from and after January 1, 1924. ('23 c. 173 § 4)

3933. Certain butter compounds must be labeled—No person shall sell or offer or expose for sale or have in possession with intent to sell or offer or expose for sale, any butter in whole or in part made from neutralized cream or milk unless the words "made from neutralized cream (or milk)" shall be printed, marked or stamped on each receptacle, package or wrapper in which such butter is offered or exposed for sale or is sold, in letters at least one-fourth of an inch wide and one-half of an inch high; and if such butter is offered or exposed for sale, uncovered or not in a receptacle, package or wrapper, then a placard containing the words "made from neutralized cream (or milk)" printed, stamped or marked thereon in style and manner aforesaid, shall be attached to the mass or butter in such manner as to be easily seen and read by the purchaser. ('23 c. 175 § 1)

3934. Violation a misdemeanor—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. ('23 c. 175 § 2)

3935. Dairy and food commissioner to enforce act—The dairy and food commissioner shall cause the provisions of this act to be enforced, and it hereby is made the duty of every prosecuting attorney to whom the commissioner shall report any violation of this act to cause appropriate proceedings to be commenced and prosecuted without delay in the proper courts for enforcement of the penalties hereof. ('23 c. 175 § 3)

PAINTS

3936. 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. (1772) [3733]

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3937. 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 § 3936, shall be deemed guilty of a misdemeanor. (1773) [3734]

3938. Paints—False label—Penalty—Whoever shall expose for sale or sell within this state, any paint which is labeled or marked in any manner so as to tend to deceive the purchaser as to its nature or composition, or which is not accurately labeled as herein-after required, shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, and not more than one hundred dollars, or by imprisonment in the county jail not exceeding sixty days. ('07 c. 421 § 1) [3735]

3939. Paint defined—The term "paint" as used in this act shall include white lead in any kind of oil, or any compound intended for the same use, paste or semi-paste, and liquid or mixed paint ready for use. ('07 c. 421 § 2) [3736]

3940. Labels—Shall state, what—The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, or the distributor thereof, or of the party for whom the same is manufactured and show the name, and with substantial accuracy, the percentage of each ingredient, both solid and liquid, contained therein; provided, however, that in case of paint other than white paint, the ingredients other than the coloring material, may be treated as 100 per cent. In which case, it shall be necessary to state not only the name and percentage of each ingredient other than the coloring matter, but also the description or trade name of such coloring material, and state with substantial accuracy, its chemical analysis, said label shall be printed in the English language in plain, legible type. ('07 c. 421 § 3) [3737]

3941. Possession as evidence—The having in possession by any person, firm or corporation dealing in said articles, any article or substances hereinbefore described and not properly labeled, as provided in this act, shall be considered prima facie evidence that the same is kept by such person, or firm, in violation of the provisions of this act and punishable under it. ('07 c. 421 § 4) [3738]

3942. Commissioner to enforce—The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act. ('07 c. 421 § 5) [3739]

3943. Powers of commissioner—The said commissioner and the assistants, experts, chemists and agents, shall be duly authorized for the purpose and shall have access and ingress to all the places of business, factories, stores and buildings used for the manufacture or sale of paints. They shall also have power and authority to open any package, can, tub or other receptacle containing paints that may be sold, manufactured or exposed for sale in violation of the provisions of this act. ('07 c. 421 § 6) [3740]

3944. Labeling of wood alcohol—No person, by himself, his servant or agent, or as the servant or agent of another person or persons, shall sell, exchange, deliver or have in his custody or possession with intent to sell, exchange or deliver, or expose or offer for sale, exchange or delivery, any wood alcohol, or substance commonly known as wood alcohol, unless each package, bottle, cask, can or receptacle containing the said

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wood alcohol shall be plainly marked, stamped, branded or labeled on the outside and face of each said package, bottle, cask, can or receptacle of the capacity of less than one gallon, in legible type not smaller than large primer, and on the outside and face of each package, bottle, cask, can or receptacle of the capacity of one gallon or more, in legible letters of not less than one inch in length, the letters and words "wood naphtha," "poison." ('05 c. 35 § 1). [3750]

3945. Penalty for violation—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than fifty dollars and not more than one hundred dollars, for each and every offense, or by imprisonment in the county jail for not less than thirty days, or more than ninety days. ('05 c. 35 § 2) [3751]

SEEDS 3946-3957
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3946. Definitions—The term "agricultural seeds" or "agricultural seed" as used in this act shall include the seeds of red clover, white clover, alsike clover, alfalfa, Kentucky bluegrass, timothy, brome grass, orchard grass, redtop, meadow fescue, oat grass, rye grass, and other grasses and forage plants, corn, flax, rape, wheat, oats, barley, rye, buckwheat and other cereals, and when the term "agricultural seed" or "agricultural seeds" is used in this act it shall be construed to mean such seed when sold, or offered or exposed for sale, or had in possession with intent to sell, within this state for purposes of seeding. ('13 c. 141 § 1, amended '21 c. 480 § 1) [3759]

3947. All seeds to be labeled—The owner or person in possession of each and every package, parcel or lot of agricultural seed as defined in Section one (1) of this act which contains one (1) pound or more of such agricultural seeds, whether in package or in bulk, shall affix thereto in a conspicuous place on the exterior of the container of such agricultural seeds a written or printed label in the English language in legible type or copy not smaller than eight point heavy Gothic caps, such label containing a statement specifying:

1st. The commonly accepted name of the kind or kinds of such agricultural seed; if the name of the special variety or strain of such seed is used, it must be the true name of such special variety or strain.

2nd. The approximate percentage of germination of such agricultural seed, together with the date of test of germination.

3rd. The approximate percentage by weight of each of the following seeds: Quack grass (*Agropyron repens*), Canada thistle (*Carduus arvensis*), perennial sow thistle (*Sonchus arvensis*) and dodder, species of *Cuscuta* if any such are found in such agricultural seed.

4th. The approximate percentage by weight of pure seed in such agricultural seed.

5th. If grown in this state, the words "grown in Minnesota," and in the case of corn, the county in which grown; if imported into this state, the name of such state or country from which it was imported.

6th. The full name and address of the seedsman, importer, dealer or agent or other person or persons, firm or corporation selling, offering or exposing the said agricultural seed for sale. ('13 c. 141 § 2, amended '21 c. 480 § 2) [3760]

3948. Exceptions—The provisions concerning agricultural seed contained in this act shall not apply to:

1st. Any person selling agricultural seeds to be cleaned or graded before being offered for sale for the purpose of seeding and plainly marked on the outside of container "not cleaned seed."

2nd. Agricultural seed marked plainly on the outside of container, "not cleaned," and held or sold for export outside the state only.

3rd. Lawn grass mixtures. This shall not exempt, however, the vendor of such mixtures from the provisions of Section 2, Subdivisions 2nd, 3rd, 4th and 6th. ('13 c. 141 § 3, amended '21 c. 480 § 3) [3761]

3949. Violations—Penalties—Any person, firm or corporation who sells, offers or exposes for sale or distribution in this state any agricultural seeds for seeding purposes without complying with the requirements of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars (\$10.00) and the costs of such prosecution nor more than one hundred dollars (\$100.00) and the costs of such prosecution, and upon the second or any subsequent offense shall be fined not less than one hundred dollars (\$100.00) and the costs of such prosecution, nor more than five hundred dollars (\$500.00) and the costs of such prosecution. ('13 c. 141 § 4, amended '21 c. 480 § 4) [3762]

3950. Definitions—The words "person" and "sell" as used in this act shall be construed as provided in Section 1738 of the Revised Laws of Minnesota 1905. ('13 c. 141 § 5, amended '21 c. 480 § 5) [3763]

(R. L. '05 § 1738, repealed by '21 c. 495, declared that the word "person" should be construed as including a co-partnership, association or corporation, and that the word "sell" should 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.)

3951. Commissioner of agriculture to inspect—To appoint agents—The commissioner of agriculture shall inspect and examine and secure samples of seeds sold, offered or exposed for sale in the state at such time and place and to such extent as he may determine. The Minnesota Agricultural Experiment Station shall examine, and make analysis of, and test said samples of said seeds as provided in this act. The said commissioner of agriculture may appoint such agents as may be deemed necessary to carry out the provisions of this act, and said commissioner of agriculture or his agents shall have free access at all reasonable hours upon, and into any premises or structures to make examination of any seeds whether such seeds are upon the premises of the owner of such seeds or upon other premises, or in the possession of any warehouse, elevator, or railway company; and upon the tendering payment therefor at the current value, may take any sample or samples of said seeds. ('13 c. 141 § 6, amended '21 c. 480 § 6) [3764]

3952. Salaries of agents—The salaries of such agents as may be appointed by the commissioner of agriculture to carry out the provisions of this act, shall be fixed and paid by the commissioner of agriculture out of the funds of the state treasury appropriated for the state department of agriculture for the purpose of carrying out the provisions of this act.

The said commissioner of agriculture shall pay to the Minnesota Agricultural Experiment Station out of the funds of the state treasury appropriated for the state department of Agriculture, the cost of making such examinations, analysis and tests as the said Minnesota Agricultural Experiment Station shall make under the provisions of this act. ('13 c. 141 § 7, amended '21 c. 480 § 7) [3765]

3953. Commissioner to test seeds—Fees—Any citizen of the State of Minnesota may, in accordance with the regulations prescribed by the commissioner of agriculture, and by pre-paying the transportation charges, send a sample or samples of seed to said commissioner of agriculture for examination, analysis and tests, and such examination, analysis or tests shall be

reported upon free of charge; provided, that when dealers in seeds desire to have the same tested, they shall pay a reasonable fee for the testing of such seeds. Such fees shall be paid to the commissioner of agriculture, who shall pay the same into the state treasury to be credited to the State Revenue Fund. ('13 c. 141 § 8, amended '21 c. 480 § 8) [3766]

3954. Certificate to be evidence of facts—The certificate of the Minnesota Agricultural Experiment Station giving results of any examinations, analysis or tests of any seed sample made under the authority of said Minnesota Agricultural Experiment Station shall be presumptive evidence of the facts therein stated. ('13 c. 141 § 9, amended '21 c. 480 § 9 [3767])

3955. Commissioner to report violations to attorney general or county attorney—When said commissioner of agriculture shall find by the examinations, analysis or tests, that any person, firm or corporation has violated any of the provisions of this act, said commissioner shall transmit the fact so found to the attorney general or to the county attorney of the county in which the offense was committed. ('13 c. 141 § 10, amended '21 c. 480 § 10) [3768]

3956. Duties of attorney general—It shall be the duty of the attorney general and the county attorney to prosecute all persons, firms or corporations violating any of the provisions of this act, when evidence thereof has been presented by the said commissioner of agriculture. ('13 c. 141 § 11, amended '21 c. 480 § 11) [3769]

3957. Reports to be published—The said commissioner of agriculture shall make a biennial report on the first day of January of each odd numbered year to the governor of the State of Minnesota upon the work done under this act, and shall publish the same in pamphlet form. ('13 c. 141 § 12, amended '21 c. 480 § 12) [3770]

SOFT DRINKS

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3958. Manufacturers of soft drinks to obtain license—No person shall manufacture for sale, sell or distribute any carbonated or still beverages in bottles, barrels, kegs or other closed containers without first having obtained a license therefor from the dairy and food commissioner, who is charged with the duty and power of administering and enforcing the provisions of this act; provided, that this act shall not apply to beverages re-sold by retail dealers. ('21 c. 432 § 1)

3959. Application—License fee—Any person desiring to manufacture, sell or distribute any such carbonated or still beverages shall apply for a license therefor to the dairy and food commissioner in such form and furnish such information as the commissioner may require. If the commissioner shall find that the applicant maintains a proper place and the equipment and containers necessary for the manufacture and sale of carbonated or still beverages as required by the terms of this act, and otherwise complies therewith, then the commissioner shall issue to the applicant a license to manufacture, sell or distribute such beverages, as the case may be. All such licenses shall run for one year—unless sooner revoked, and the commissioner shall collect for each license, and for each renewal thereof, the sum of twenty-five dollars, which sums shall be turned over to the state treasurer. ('21 c. 432 § 2)

3960. Commissioner may suspend license—The Commissioner shall have power to suspend or revoke any such license for failure to comply with the provisions

of this act, but before any such license shall be revoked the Commissioner shall serve upon the licensee, by registered letter containing a copy thereof, an order to show cause why the license should not be revoked, stating the grounds thereof and the time and place of hearing, which time shall not be less than five days after the mailing of the order.

At the appointed time and place, and at such times as the matter may be adjourned to, the Commissioner shall hear all proper evidence relating to the cause of the proposed suspension or revocation, and within a reasonable time thereafter he shall make and file his decision of the matter, and forthwith mail to the licensee a copy thereof. ('21 c. 432 § 3)

3961. Definitions—A "Carbonated or Still beverage" within the meaning of this act, shall be a beverage made of pure cane or beet sugar, or of such harmless substitutes for sugar as may be permitted by the laws of this state, with pure flavoring materials, with or without fruit acids and coloring materials, and the finished product shall contain not less than seven per centum of sugar and less than one-half of one per centum of alcohol by volume. The term "Carbonated or Still Beverage" shall include mineral and spring waters, and the Beverage commonly known as Soft Drinks such as soda water, ginger ale, root beer, artificial or imitation ciders, nectars, etc., but it shall not include malt or cereal beverages, fruit juices or apple cider. All carbonated or still beverages not conforming to the requirements of this act or the Minnesota Dairy and Food Law shall be deemed adulterated, and are hereby prohibited. ('21 c. 432 § 4)

3962. Factories to be kept clean and well lighted—All factories, rooms and places where carbonated or still beverages are manufactured—or placed in containers shall be well lighted and kept in a clean and sanitary condition; and all machinery, apparatus and utensils used in the manufacture and inclosing of such beverages shall be kept clean and sanitary and in a clean and sanitary place. ('21 c. 432 § 5)

3963. Bottles must be sterilized—Before being filled with such beverages all bottles shall be sterilized by soaking for a period of not less than five minutes in a solution of not less than four per centum of caustic soda or alkali, expressed in terms of sodium hydrate, heated or not less than 130 degrees Fahrenheit, and then thoroughly rinsed in pure water until freed from alkali. When such beverages are marketed in second hand or used barrels, kegs or other wooden containers, such containers shall be thoroughly cleansed and coated on the inside with paraffin, pitch or other suitable material. Such beverages shall not be placed in bottles with internal stoppers.

The receptacles containing such beverages shall plainly bear the names of the manufacturer and of the product and the volume of the contents; and if an artificial or imitation product, then the word artificial or imitation shall plainly appear upon the bottle, crown, cork or label. ('21 c. 432 § 6)

3964. Definitions—The word "person" as used in this act, shall be considered to include firms, associations, and corporations. ('21 c. 432 § 7)

3965. Violations—Penalties—Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment for not less than thirty days nor more than ninety days. ('21 c. 432 § 8)