

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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CITER-DIGEST CO.
ST. PAUL, MINNESOTA
1931

governing body thereof, such amount shall be paid to the treasurer of said relief association, to be disbursed as hereinabove prescribed for municipalities, and as hereinafter provided for service pensions, or relief of sick, injured, or disabled, active or retired members of the fire department in such city, who are members of such relief association. In case any fire department relief association or any trustee having any of said funds in its hands shall resign its trust in relation thereto, or shall be dissolved or shall have been heretofore, or shall be hereafter removed as such trustee, the district court of the proper county may appoint a trustee or trustees of said funds, or cause such trust to be executed by its officer under its direction, or such court may direct that such trust funds be paid to the treasury of the proper municipality, and all funds so held in trust or so paid to any such treasurer shall be kept as a special fund and disbursed only for the purpose provided in this section. (As amended Apr. 11, 1929, c. 165, §1.)

Mechanic who was member of St. Paul Bureau of Fire Protection was entitled to membership in the St. Paul Fire Department. Relief Association organized under this section. 175M600, 604, 222NW283, 284.

Proceeds of refund of premiums paid to insurance companies cannot be used to apply on bonded indebtedness of a village, though it is to be replaced at some future time. Op. Atty. Gen., Dec. 21, 1929.

Funds received under these sections, together with interest thereon, may be used for the purchase of fire apparatus. Op. Atty. Gen., Feb. 28, 1930.

Interest received on moneys in special fund cannot be placed in the general fund of the association. Op. Atty. Gen., Feb. 28, 1930.

Village council cannot reimburse firemen's relief association for funds used by it in the

purchase of fire apparatus. Op. Atty. Gen., Feb. 28, 1930.

City is without power to pay expenses of delegates from its fire department to state firemen's association convention. Op. Atty. Gen., June 2, 1930.

In order to be entitled to benefits, a man must be a member of the fire department or retired after serving twenty years and having reached the age of 50, and an association has no authority to create "honorary members." Op. Atty. Gen., Jan. 24, 1931.

The funds raised under this section and §1200 should be kept separate so that investment of each could be approved by the proper authority. Op. Atty. Gen., Mar. 12, 1931.

Firemen's relief association may expend money from its special fund for the purchase of fire fighting equipment for a village as far as funds received under section 3726 are concerned, but not from funds arising under section 1919. Op. Atty. Gen., Apr. 21, 1931.

Right to relief from a firemen's relief association does not bar a member thereof from participating in benefits conferred by Laws 1931, c. 307. Op. Atty. Gen., May 23, 1931.

§3728. Service pension.

One acting as secretary of the fire department and as secretary of the association cannot draw a service pension. Op. Atty. Gen., July 16, 1930.

§3748. Pensions and relief in cities of first class, etc.

Resignation of fireman filed with fire department and civil service commission terminated right to pension, and withdrawal after death of copy filed with civil service commission was not reinstatement. 180M157, 230NW 633.

PENALTIES

§3757. When agent of insurer, etc.

Agent of insurer cannot bind his principal by agreement that premium shall be applied in payment of his personal debt. 179M545, 229NW 879.

CHAPTER 20

Inspector of Oils

§3770. Abolishing of office of state oil inspector and transferring powers, etc.

Superseded by §§53-25, 53-27½.

§3771. Dairy and food commissioner to be appointed by governor.

Superseded in part by §§53-25, 53-27½.

§3774. Reports and inspection—improper traffic.

Superseded by §3787-3.

§3776. Kerosene must be inspected.

Superseded by §§3787-7 to 3787-9.

§3778. Gasoline must be inspected.

Superseded by §§3787-5, 3787-6. 175M276, 221NW6.

§3779. Duties of oil inspector and deputies.

Superseded by §3787-11.

§3780. Sale of adulterated kerosene or gasoline forbidden.

Superseded by §3787-12.

§3781. Must be inspected before unloading.

Superseded by §§3787-4, 3787-5.

§3783. Fees for inspection.

Superseded by 3787-14.

§3785. Penalty for adulteration or changing of certificate.

Superseded by §3787-16.

§3786. Violations—penalties.

Superseded by §§3787-16, 3787-18.

§3787-1. Definitions.—Unless the language or context clearly indicates that a different meaning is intended the following words and terms shall, for the purpose of this act, be given the meaning hereinafter subjoined to them.

(a) "Motor gasoline" includes all gasoline, benzene, naphtha, benzol and other volatile and inflammable liquids by whatever name called, used for generating power in combustion engines, but does not include the products herein defined as kerosene, furnace oil

or gasoline for other industrial, heating or cooking purposes.

(b) "Kerosene" includes all illuminating oils, signal oil, mineral seal and other petroleum liquids, by whatever name called, used for illuminating, heating, cooking or power purposes, but does not include the products herein defined as gasoline or furnace oil.

(c) "Furnace oil" includes all kerosene distillate, gas oil, fuel oil, and other petroleum liquids by whatever name called used or to be used only for domestic heating purposes, but does not include the products herein defined as gasoline or kerosene.

(d) "Lubricating oils" includes all grades of petroleum oil used for the general lubrication of internal combustion engines.

(e) "Distributor" includes every person, co-partnership, company, joint stock company, corporation or association of persons however organized, who brings or causes to be brought into this state gasoline, kerosene or furnace oil for storage, sale, distribution or use therein. (Act Apr. 27, 1929, c. 425, §1.)

§3787-2. Duties of inspectors.—It shall be the duty of the deputy oil inspectors to secure samples of gasoline, kerosene and furnace oils from all tank cars shipped into their respective districts within twenty-four hours after receiving notice of their arrival; to immediately inspect such samples and notify the distributors of the result of the inspection; to make out certificates in triplicate and mail the originals to the distributors and the copies to the chief oil inspector; to inspect petroleum products at all places where such products are held or offered for sale; to keep records of all inspections made and issue reports thereof to the chief oil inspector on the last day of each month; to inspect general surroundings and conditions at all places where petroleum products are stored; held or offered for sale; to inspect all storage tanks and other containers in order to ascertain that they are kept clean and free from water and all impurities; to check all inshipments in tank cars or barrels with the railroad agents at all freight terminals in their respective districts at the end of each month; and to strictly adhere to all rules and instructions given by the chief oil inspector.

Inspection certificates shall be conclusive evidence of the facts stated therein.

For the purpose of assuring efficiency and economy in the service, the chief oil inspector is authorized, whenever he finds it advantageous and practicable, to detail deputy oil inspectors to inspect petroleum products loaded in tank cars outside of the state at places from which such products are transferred to dealers or consumers within the state. (Act Apr. 27, 1929, c. 425, §2.)

§3787-3. Duties of chief oil inspector and his deputies.—The chief oil inspector and his deputies shall cause all the provisions of this act to be observed and enforced. The chief oil inspector shall keep a record of all inspections made showing the time and place of each, the number of packages inspected and the number of gallons contained therein and amount of fees therefor and to that end he

shall require reports from his deputies at least monthly. If any product has been rejected such reports shall show the dates and location thereof and the quantity rejected and the names of the dealers in whose hands it was found and by whom it was shipped, and from whom received. Such rejected products may, by order of the chief oil inspector be temporarily held in separate storage tanks until they can be blended or mixed with other products so as to meet the legal specifications. The storing and blending of such products shall be done under the supervision of the chief oil inspector or any deputy inspector that he may detail to perform such duties.

All records shall be open to the public. If the chief oil inspector or any of his deputies shall traffic directly or indirectly in any article which it is his duty to inspect he shall be deemed guilty of a gross misdemeanor. (Act Apr. 27, 1929, c. 425, §3.)

§3787-4. Containers to be painted red.—All barrels or cans used for storing, shipping and delivering gasoline, naphtha, benzine, benzol and other volatile and inflammable products shall be painted red. Barrels containing kerosene or furnace oils shall be painted blue, green or yellow.

Tank wagons with separate compartments for gasoline, kerosene, or furnace oil shall have a red tag attached to the faucet from which gasoline is drawn.

No person under sixteen years of age shall be employed at gasoline service stations or to deliver gasoline and other inflammable products.

Gasoline tanks of motor vehicles shall not be filled with gasoline while the motor is running, nor while any of the occupants are smoking.

Gasoline shall not be pumped through the same pump line or through the same pump as is used for kerosene or furnace oil.

All visible pipes through which gasoline is drawn from tank cars or storage tanks shall be painted red. (Act Apr. 27, 1929, c. 425, §4.)

§3787-5. Must be inspected before unloading.—Gasoline, kerosene or furnace oil brought into the state shall not be unloaded, removed, stored, offered for sale, or used until it has been duly inspected and approved. It shall be the duty of each distributor or other buyer, at his own expense, to give notice to the deputy oil inspector in his district immediately upon arrival of any shipments, setting forth such information as may be required. Violation of the provisions of this section shall constitute a misdemeanor. (Act Apr. 27, 1929, c. 425, §5.)

§3787-6. Specifications—certificate.—For the purpose of this act all gasoline as defined, shall be deemed to be subject to the inspection and control as herein provided for.

Motor gasoline shall comply with the following specifications:

Quality—Gasoline to be high grade, refined and free from water and all impurities.

Inspection—The samples taken for inspection shall immediately after drawing be retained in a clean, absolutely tight, closed

vessel and a sample for tests taken from the mixture in this vessel directly into the test vessel.

Test—One hundred cubic centimeters shall be taken as a test sample, and the following rules shall be observed:

(a) When the first drop falls from the end of the condenser tube, the thermometer shall not read more than 140° F.

(b) When 20 per cent has been recovered in the receiver, the thermometer shall not read more than 225° F.

(c) When 50 per cent has been recovered in the receiver, the thermometer shall not read more than 310° F.

(d) When 90 per cent has been recovered in the receiver, the thermometer shall not read more than 405° F.

(e) The end point shall not be higher than 405° F.

Gasoline brought into the state principally for blending purposes, may be approved when it shows a recovery of not less than 86 per cent after complete distillation.

All gasoline shall be tested as to "end point," and every barrel which contains gasoline shall be branded "Unsafe for illuminating purposes," and shall be labeled or branded with the word "Gasoline" in letters at least two inches in height, and there shall be branded or stenciled on each such barrel, can, cask, tank or other vessel covering delivery of such gasoline the following:

"This is to certify that the gasoline covered by this sale has an "end point" of not over 450° and has been inspected and approved by the chief oil inspector.

(Name of distributor selling or furnishing same shall be signed, printed or stenciled on the above line.)

"Per.....Agent."

Provided, however, that any distributor or dealer selling or delivering gasoline in bulk by tanks shall in lieu of the stamp or brand herein provided for, furnish and deliver to the purchaser a sales ticket with certificate containing provisions as above set forth.

All testing instruments and the distillation method shall strictly conform to the rules adopted by the Petroleum Division of the Bureau of Mines, United States Government, and the American Society for Testing Material (A.S.T.M.).

All visible containers and all devices used for drawing gasoline from underground containers, at filling stations, garages or other places where gasoline is sold or offered for sale shall be stamped or labeled in a visible place with one inch letters and figures:

"STATE INSPECTED GASOLINE, PRICE PER GALLON.....CENTS," with the price inserted.

(Act Apr. 27, 1929, c. 425, §6.)

§3787-7. Specifications of kerosene—certificate.—Kerosene shall conform to the following specifications:

- (a) It shall water white.
- (b) It shall not contain glue or suspended matter.
- (c) It shall not contain water.

(d) It shall not contain more than 5% of residue after being distilled to a temperature of not more than 600°.

(e) It shall not flash at a temperature below 120° F., nor shall it burn at a temperature below 130° F.

The instrument to be used in making kerosene tests shall be the Tagliabue open cup and the gravity of said oils shall be determined by the Tagliabue standard registered hydrometer Baume scale at a temperature of 60° F.

There shall be printed or stenciled on each can, cask, barrel or tank covering delivery of kerosene the following:

"This is to certify that the kerosene covered by this sale has less than 5% residue in distillation to 600° F. and a fire test of not less than 130°, and has been inspected and approved by the chief oil inspector.

(Name of distributor selling or furnishing the same shall be signed, printed or stenciled on the above line.)

"Per.....Agent."

Provided, however, that any distributor or dealer selling or delivering kerosene in bulk by means of portable tanks, shall in lieu of the stamp or brand herein provided for, furnish and deliver to the purchaser a sales ticket with certificate containing provisions as above set forth.

If a deputy oil inspector finds that kerosene has a flash point below 120° F. he shall order the receptacles containing such kerosene branded "unsafe for illuminating purposes" and immediately report to the chief oil inspector. (Act Apr. 27, 1929, c. 425, §7.)

§3787-8. Specifications for furnace oil—certificate.—Furnace oil for domestic heating purposes shall conform to the following specifications:

(a) It shall be free from all foreign matter likely to clog or injure the burners or valves.

(b) It shall not flash at a temperature below 120° F.

(c) The gravity shall be from 24° Baume scale and higher.

The instruments to be used in making furnace oil tests shall be the Cleveland open cup and the gravity of said furnace oil shall be determined by the Tagliabue standard registered hydrometer Baume scale at a temperature of 60° F.

There shall be printed or stenciled on each can, cask, barrel or tank covering delivery of such furnace oil, the following:

"This is to certify that the furnace oil covered by this sale has a flash test of not below 120° F. and has been inspected and approved by the chief oil inspector.

(Name of distributor selling or furnishing the same shall be signed, printed or stenciled on the above line.)

"Per.....Agent."

Provided, however, that any distributor or dealer selling or delivering such furnace oil in bulk by means of portable tanks shall in lieu of the stamp or brand herein provided for furnish and deliver to the purchaser a

sales ticket with certificate containing provisions as above set forth. (Act Apr. 27, 1929, c. 425, §8.)

§3787-9. Sales tickets.—All sales tickets shall show plainly the dealer's name and place of business, the dates and amounts of petroleum products purchased, price per gallon and total amount paid for each product, gasoline excise tax paid and shall also be signed by the representative or agent of the distributor or dealer selling such products.

There shall be printed on such sales tickets the complete or abbreviated wording as provided for stencils on cans, casks and barrels in this act. These provisions may be printed on sales tickets as follows:

"This is to certify that the gasoline, kerosene or furnace oil covered by this sale complies with the specifications of the Minnesota oil inspection law, and have been inspected and approved by the chief oil inspector.

....."
(Name of distributor or dealer shall be printed on the above line.)

"Per.....Agent."
(Act Apr. 27, 1929, c. 425, §9.)

§3787-10. Test.—The chief oil inspector shall make the necessary preparations and arrangements for testing lubricating oil at any of the division laboratories within the state. Any deputy inspector shall cause to be tested at the nearest station equipped for such work any sample of such oil furnished him for such purpose. Thereafter, the deputy inspector so receiving such sample shall in accordance with the rules of the oil inspection division, cause the same to be tested and a report of the result of the test shall be furnished to the person requesting the same. Such test shall be as to viscosity, gravity, flash, fire, and pour points. The methods employed by the American Society for Testing Materials shall govern all such tests; the viscosity to be taken by the Saybolt viscosimeter at two different temperatures, to-wit: 100° and 210° F.

A fee of two dollars shall be paid to the deputy inspector by the person and at the same time the sample to be tested is furnished. Deputy inspectors shall promptly transmit to the chief oil inspector, with a statement of the names and addresses of the persons paying, all moneys so received. On the first day of each month, the chief oil inspector shall deposit with the treasurer all such money, heretofore received by him.

It shall be unlawful for any person to fill any order for a lubricating oil for an internal combustion engine, designated by a trademark or distinctive trade name, with a spurious or substitute article, unless and until it is explained to the person giving the order that the article offered is not the article that he has ordered, and the purchaser shall thereupon elect to take the substitute article that is being offered to him. (Act Apr. 27, 1929, c. 425, §10.)

§3787-11. Inspector and deputies may enter premises for purpose of inspection.—The chief oil inspector and his deputies are empowered and it is hereby made their duty to

enter into or upon the premises of all wholesale and retail dealers in, or any vendor of gasoline, kerosene or furnace oil and to inspect the receptacles in which said products are stored; and it is made the duty of all dealers in such products to keep such receptacles free from water, dirt or other solid matter; and when such receptacles are found to contain water, dirt or other solid matter, the deputy inspector shall make a written order directing that the same be properly cleaned, and upon failure of the owner to comply with said order within ten days from the date thereof, the deputy inspector shall confiscate and cause the contents to be destroyed or removed. And if such deputy inspector shall find or discover on said premises any gasoline, kerosene or furnace oil which shall not have been examined or tested and the containers not properly marked, stamped, sealed or branded, he shall at once proceed to test such products and thereafter give order to the dealer to have such containers stamped, sealed or branded.

Every agent and employe of any railroad company or other transportation company having the custody of books or records showing the shipment or receipt of the gasoline, kerosene or furnace oil mentioned in this act shall give and permit the chief oil inspector and his deputies free access to such books and records for the purpose of determining the amount of gasoline, kerosene or furnace oil shipped and received. Any such agent or employe of any railroad company or other transportation company, refusing or neglecting to comply with these provisions shall be guilty of a misdemeanor. (Act Apr. 27, 1929, c. 425, §11.)

§3787-12. Sale of adulterated products forbidden.—The sale of any adulterated gasoline, kerosene or furnace oil is hereby forbidden. The chief oil inspector shall not be required in every case to make a complete analysis of the oils inspected, to ascertain every form of impurities, but whenever in the opinion of the chief oil inspector or any of his deputies it is necessary that any oil shall be more thoroughly analyzed, it shall be his duty to procure a sample of such oil and forward same to the chemist of the department of agriculture for the purpose of a more detailed analysis to determine in what particular impurities or imperfections exist. And if upon such analysis it is demonstrated that impurities or imperfections exist in said oil, which would render the same in any way unfit for the purposes intended, it shall be the duty of the chief oil inspector or any of his deputies to reject such oil for such purposes. It shall be the duty of such chemist to make such analysis without delay and return such sample of oil, together with the report of his official analysis of the same, at the earliest practicable moment to the inspector from whom it was received.

All clerks, bookkeepers, express agents, railroad agents or officials, employes or common carriers or other persons, shall render the oil inspectors, chemists or agents all assistance in their power when so requested. (Act Apr. 27, 1929, c. 425, §12.)

§3787-13. Barrels to be branded.—If gaso-

line, kerosene or furnace oil, after being inspected, shall be placed in barrels, the distributor so doing shall brand each barrel as herein provided.

No distributor shall use as a receptacle for gasoline, kerosene or furnace oil any barrel, tank, or other container previously used for that purpose and having said inspector's brand thereon without, first canceling such previous brand, nor shall any distributor falsely brand, mark or otherwise represent any such vessel as containing gasoline, kerosene or furnace oil that has been inspected. Every violation of this section shall be deemed a misdemeanor. (Act Apr. 27, 1929, c. 425, §13.)

§3787-14. Fees.—The fees for the inspection of gasoline, kerosene and furnace oil shall be uniform, fixed by the chief oil inspectors, subject to approval of the directing head of the department, of which the chief oil inspector is a part; such fees not to exceed three cents per barrel of fifty gallons.

Provided, that when gasoline, kerosene or furnace oil is shipped outside of the state after inspection has been made, the distributor shipping the same shall be given credit by the inspector for such fees on monthly shipments of fifty barrels or more, when a sworn statement has been furnished the chief oil inspector not later than the fifteenth day of the following month; otherwise no such credit shall be given. (Act Apr. 27, 1929, c. 425, §14.)

§3787-15. Inspector to mail certificate.—On or before the fifteenth day of each month, the chief oil inspector shall cause to be mailed to each distributor a certified statement of the total amount due from such distributor for inspection fees for the preceding calendar month. Such statement may be combined with the statement of the excise tax on gasoline due from such distributor. There shall be noted upon the records of the chief oil inspector the date of the mailing of such statement which shall be conclusive evidence that the statement was mailed as required by this section. All payments of inspection fees shall be made to the chief oil inspector not later than the fifteenth day of the month following the month in which the statement was mailed. All collections of inspection fees made by the chief oil inspector shall be paid to the state treasurer in the same manner as other departmental receipts are paid. All moneys collected hereunder shall be credited to the revenue fund.

If inspection fees are not paid within the prescribed period, a penalty of ten per cent of the amount thereof shall immediately accrue, and thereafter such amount and penalty shall bear interest at the rate of one per cent per month from the date of delinquency until paid.

On or before the twenty-fifth day of each month, the chief oil inspector shall deliver to the attorney general a certified statement of the amount due from each distributor for delinquent inspection fees and such other information as the attorney general may require. Upon receipt of such statement the attorney general shall bring an action in the district court of Ramsey county or of the

county in which the distributor resides to recover the amount due, together with penalty, interest, costs and disbursements. No inspections shall be made for any distributor whose inspection fees have been certified to the attorney general.

On or before the tenth day of each month, the chief oil inspector shall certify to the state auditor the amount due to each of his deputies as compensation for the preceding month; also the items and amounts of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage, travel and instruments furnished for testing and branding oils and such salaries, and expenses being duly audited shall be paid by the state.

The directing head of the department of which the oil inspection division is a part, shall make an annual report to the governor of the transactions of such division. Such report shall include the transactions in connection with the administration of the gasoline tax law. (Act Apr. 27, 1929, c. 425, §15.)

§3787-16. Violations—penalty.—Any distributor or any agent or representative of same who fails to notify a deputy inspector in his district of the arrival of tank cars or other containers as provided for in this act, or uses the products herein made subject to inspection without having the same inspected, shall be guilty of a misdemeanor.

Any person who shall personally or by clerk or agent wilfully adulterate oil used for motor, illuminating, cooking or heating purposes, by adding thereto any material, fluid or substance that is dangerous either in itself or when mixed or blended with said products or which impairs the usefulness of said products, shall be guilty of a gross misdemeanor.

Any person who shall personally or by clerk or agent falsely stamp, seal, brand or mark any cask, barrel, or other package or receptacle for gasoline, kerosene, or furnace oil, or who shall cause the changing, altering or defacing in any manner of any stamp, seal, brand or device affixed to any cask, barrel or other package or receptacle for gasoline, kerosene or furnace oil by any inspector, or who shall refill or use any such cask, barrel, or other package or receptacle having the inspector's seal, mark, stamp or brand thereon, without canceling or defacing said seal, mark, stamp or brand, and without having the gasoline, kerosene or furnace oil in such cask, barrel, or other package or receptacle properly examined and tested and stamped, or marked under the provisions of this act, or who shall offer for sale or sell gasoline, kerosene or furnace oil representing the same to be different in quality or kind than said products actually are as shown by the inspector's certificate of inspection, shall be guilty of a misdemeanor, and any distributor or vendor who shall sell or in any way dispose of any empty cask, barrel or other package or receptacle bearing the inspector's seal, brand or stamp without first thoroughly canceling, defacing or removing such seal, brand, stamp, mark or other combination thereof, shall be guilty of a misdemeanor.

Charging a higher price for gasoline drawn from one pump than from another at the

same place, shall be prima facie evidence that the higher priced product is sold as a better quality gasoline for the purpose for which it is to be used. (Act Apr. 27, 1929, c. 425, §16.)

§3787-17. Construction.—Neither this act nor any of the provisions hereof shall apply to or be construed to apply to foreign or interstate commerce except insofar as the same may be applied under the constitution and laws of the United States. (Act Apr. 27, 1929, c. 425, §17.)

§3787-18. Violation of misdemeanor.—Every person who fails or refuses to comply with any provisions of this act shall, except as herein otherwise provided, be guilty of a misdemeanor. (Act Apr. 27, 1929, c. 425, §18.)

§3787-19. Provision severable.—If any section, sub-section, sentence, clause or phrase

of this act is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this act. (Act Apr. 27, 1929, c. 425, §19.)

§3787-20. Chief oil inspector to be under direction of department head.—The chief oil inspector in the performance of his duties shall at all times be subject to the control of and supervision of the directing head of the department of which the oil inspection division has been made a part by law. The provisions of this act shall be subject to the provisions of Chapter 426, Laws 1925, [§§53-1 to 53-52] or any amendments thereto. (Act Apr. 27, 1929, c. 425, §20.)

§3787-21. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby repealed. (Act Apr. 27, 1929, c. 425, §21.)

CHAPTER 21

Inspection of Food and Other Articles

§3801. Price not collectible.

Seller of infected hogs held not entitled to directed verdict for price. 180M78, 230NW259.

§3820. Local inspection.

Municipality may impose license on producers and dealers selling milk in its limits, except as power may be affected by Const., Art. 1, §18. Op. Atty. Gen., Dec. 11, 1929.

Ordinances may provide for inspection both as to producers and dealers in milk sold in municipality and require payment of inspection fee. Op. Atty. Gen., Dec. 11, 1929.

§3821-5. Commissioner of agriculture to audit books in certain cases.—Whenever complaint shall be made to the Commissioner of Agriculture that any person, firm or corporation is violating the provisions of Chapter 162 of the Laws of 1927, [§§3821-1 to 3821-4], and/or whenever the Commissioner of Agriculture shall have reason to believe that any person, firm or corporation is violating the provisions of said chapter, the Commissioner of Agriculture may cause the books and records of the person, firm or corporation alleged to be violating said chapter to be examined and audited by a competent accountant familiar with creamery practices and the handling of books and accounts of creameries. Such audit shall be made for the purpose of aiding in determining whether or not there has been a violation of said Chapter 162 of the Laws of 1927. (Act Apr. 25, 1931, c. 414, §1.)

§3821-6. To employ accountant.—The investigation herein provided for shall be made by an accountant or accountants employed by the Commissioner of Agriculture pursuant to the terms and provisions of Chapter 284 of the Laws of 1923 [§§6114 to 6117], but any such investigation shall be made at the sole cost and expense of the State. (Act Apr. 25, 1931, c. 414, §2.)

§3826-1. Wrongful advertisement of meats prohibited.—A person, who, with intent to defraud sells or exposes for sale any meat or meat preparation and falsely represents the same to be kosher, whether such meat or meat preparation be raw or prepared for human consumption, or as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements; or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and non kosher meat or meat preparations, either raw or prepared for human consumption, who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, "kosher and non kosher meat sold here"; or who exposes for sale in any show window or place of business both kosher and non kosher meat or meat preparations, either raw or prepared for human consumption, who fails to display over each kind of meat or meat preparation so exposed a sign in block letters at least four inches in height reading "kosher meat," or "non kosher meat," as the case may be, is guilty of a misdemeanor and shall be punished accordingly. (Act Apr. 26, 1929, c. 398, §1.)

§3827-1. Definitions.—The word "person" as used in this act shall mean persons, firms, corporations, co-partnerships, associations or agents of any of them. (Act Mar. 19, 1931, c. 75, §1.)

§3827-2. Unlawful to manufacture certain products.—It shall be unlawful for any person to manufacture for sale, sell or offer or expose for sale in this state any frozen product made in imitation or in semblance of ice