

Agriculture

CHAPTER 17

DEPARTMENT OF AGRICULTURE, DAIRY, AND FOOD

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17.01 CREATION. There is hereby created a department of agriculture, dairy, and food, which shall be in charge of a commissioner to be known as the commissioner of agriculture, dairy, and food, in chapters 17 to 41 called the commissioner, who shall be appointed by the governor for the term of four years, and receive a salary of \$4,500 per annum. Before entering upon the duties of his office, he shall take and subscribe the oath required of state officials and give his bond to the State of Minnesota, to be approved by, and filed with, the secretary of state, for the sum of \$5,000, conditioned for the faithful performance of his duties. He shall be provided with a suitable office and equipment at the seat of government, and have authority to appoint a deputy, at a salary of not to exceed \$4,000 per annum, and such other assistants, clerks, and employees as occasion may require, and fix their compensation.

[1919 c. 444 s. 1; 1921 c. 78 s. 1; 1923 c. 261 s. 1; 1929 c. 387] (6023, 53-27½)

17.02 TRANSFER OF POWERS, DUTIES, AND AUTHORITY. The powers, duties, and authority which, prior to the enactment of Laws 1925, Chapter 426, were vested in the inspector of apiaries are hereby transferred to and vested in the department of agriculture, dairy, and food.

All the rights, powers, and duties which, prior to the enactment of Laws 1925, Chapter 426, were vested in and imposed by law upon the commissioner of agriculture and all duties imposed by law upon the commissioner of dairy and food are hereby transferred to and vested in the commissioner of agriculture, dairy, and food, subject to the provisions and limitations of Laws 1925, Chapter 426.

[1925 c. 426 art. 7 s. 1; 1929 c. 387] (53-26, 53-27½)

17.03 POWERS AND DUTIES. Subdivision 1. **Development of agricultural industries.** The commissioner shall encourage and promote the development of agricultural industries, investigate marketing conditions affecting the marketing of farm products, and assist farmers, producers, and consumers in the organization and management of cooperative enterprises and the cooperative marketing of farm products; advise and assist in the location and establishment of local markets when he determines that the public necessity or the welfare of the community requires such markets, provided he be satisfied that such markets will be successfully operated by a cooperative company or municipality. It shall be the duty of the department of agriculture, dairy, and food and the department of agriculture of the University of Minnesota to cooperate in all ways that may be beneficial to the agricultural interests of the state. It is intended that police and organizational powers in reference to agriculture shall be exercised by the state department of agriculture and that the department of agriculture of the University of Minnesota

shall retain its present powers and duties relating to obtaining and disseminating agricultural information and conducting agricultural research, and shall retain custody of scientific collections.

Subd. 2. Statistics and information. The commissioner shall collect, compile, and supply statistics and information in regard to the agricultural products of the state and agricultural industries and, to attain this result, he shall cause to be made a complete farm census at least once in two years, and may do so annually if deemed advisable. He is authorized to have made and supplied to the auditors of the several counties suitable blanks to be used by the assessor in each precinct upon which to make the returns required by the commissioner; and, in cases where a county assessor is employed, these blanks may be supplied to such assessor, and the county and local assessors are hereby required, as a part of their duties, to fill out such blanks according to instructions. When these blanks, so filled out, are returned to the county assessor or to the county auditor they shall then be forwarded to the commissioner to be used by him to compile for distribution in suitable form to persons engaged in agriculture.

Subd. 3. Cooperation with federal agencies. The commissioner shall cooperate with the government of the United States, with financial agencies created to assist in the development of the agricultural resources of this state, and so far as practicable may use the facilities provided by the existing state departments and the various state and local organizations. This subdivision is intended to relate to every function and duty which devolves upon the commissioner.

[1919 c. 444 s. 2; 1921 c. 78 s. 2; 1923 c. 261 s. 2; 1945 c. 27] (6024)

17.04 ENFORCEMENT OF LAWS; APPOINTEES. The commissioner shall cause to be enforced all the provisions of all 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 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 him shall be practical men and specially trained and equipped for their particular lines of work.

[1921 c. 495 s. 6] (3793)

17.05 SALARIES. The position, number, and annual salary of the subordinates to be appointed by the commissioner in the division of dairy and food are hereby fixed as follows: director, \$3,800; secretary, \$2,000; chief chemist, \$3,500; chief clerk, \$1,320; statistician, \$1,500; laboratory clerk and stenographer, \$1,200; one stenographer, \$1,200; general clerks as in his judgment may be necessary, not to exceed two, at \$1,200 each; two stenographers, not to exceed \$1,200 each; three assistant chemists and 22 inspectors, at a minimum salary of \$1,500 each; but he may, in consideration of faithful and continuous service, increase the salary of any assistant chemist or inspector not more than \$200.00 for each year such assistant chemist or inspector has been employed by the department until such salary reaches \$2,000, which shall be the maximum.

[1921 c. 495 s. 7; 1921 c. 520 s. 1; 1923 c. 183 s. 1] (3794)

17.06 EXPENSES. The expenses of the commissioner and his subordinates necessarily and actually incurred in the discharge of their official duties shall be paid in addition to salary, upon itemized vouchers approved by the commissioner or the deputy commissioner.

[1919 c. 316 s. 2; 1921 c. 520 s. 2] (3795)

17.07 APPROVAL OF EXPENDITURES. No expenditure of money for any purpose shall be made from any state appropriation to any agricultural, horticultural, florist, dairymen's crop improvement, poultry, live stock, or live stock breeders' association, society, or corporation, or to any other association, society, or corporation of a similar nature not a part of or connected with the state government, except upon the written approval of the commissioner. This section shall not apply to the state agricultural society or to county agricultural associations or other societies or associations whose books and records are required by law to be audited by any state official as a prerequisite to such payment.

[1925 c. 426 art. 7 s. 2] (53-27)

17.08 LABORATORY; REPORTS. Rooms shall be provided in the capitol for the 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 first, in each year, and at such other times as he may fix, send to him a full and accurate report of the amount of business done during the year preceding, together with such other statistical information as he may require.

[1921 c. 495 s. 8] (3797)

17.09 INFORMATION PUBLISHED. The commissioner is authorized to publish, from time to time, such marketing or other information as may be deemed necessary to the welfare of agriculture, and to that end he shall have authority to investigate marketing or other conditions relating to agriculture in this and in other states, and to make these investigations public in such manner as shall in his judgment be most effective.

[1919 c. 444 s. 6; 1921 c. 78 s. 5; 1923 c. 261 s. 5] (6027)

17.10 BIENNIAL REPORTS. The commissioner shall, biennially, on or before the second Tuesday in December, in each even-numbered year, submit to the governor and the legislature a report of his department, with such recommendations and suggestions as the interests of agriculture and foods and marketing conditions require. 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.

[1919 c. 444 s. 8; 1921 c. 78 s. 7; 1923 c. 261 s. 6] (6028)

17.11 INVESTIGATIONS. The commissioner is hereby empowered to investigate the prices of kerosene, gasoline, electricity, and other things used for light, heat, and power, and all common necessities of life, including food stuffs, clothing, shoes, building material, tools and implements, automobiles and repairs for same, coal and other fuel, paints, oils, and farm machinery and automobile parts, and other commodities ordinarily regarded as essential to living, and to that end he may exercise the powers now conferred upon him by law with reference to the holding of hearings, compelling the attendance of witnesses, the production of books and papers, and administering oaths and taking testimony.

[Ex. 1919 c. 47 s. 1] (6241)

17.12 PUBLICATION OF REPORTS AND INFORMATION. The commissioner may, from time to time, prepare and publish reports, apportioning in detail the cost of production and the wholesale and retail cost of necessities of life investigated by him, so as to disclose the cost of production, the cost of distribution, and the profits to each manufacturer, producer, dealer, wholesaler, or retailer, of such necessities so investigated by him, and may at the same time prepare and publish prices deemed by him to be fair retail prices in any given locality, in order that the public may know whether or not excessive profits are being exacted by any person, firm, association, or corporation producing or dealing in such necessities. He may, from time to time, at his discretion, publish any other information obtained by him relative to the prices of the necessities of life, as enumerated in section 17.10. These reports shall be issued, from time to time, as he shall determine, and a limited number shall be available for general distribution.

[Ex. 1919 c. 47 ss. 2, 3] (6242, 6243)

17.13 COOPERATE WITH FEDERAL AUTHORITIES. It shall be the duty of the commissioner to cooperate with and furnish to all federal authorities engaged in similar work all information which he attains from time to time, provided that the furnishing of such information will not materially interfere with the work being carried on by him.

[Ex. 1919 c. 47 s. 5] (6245)

17.14 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2, 3, and 4 shall, for the purposes of sections 17.15 to 17.24, be given the meanings subjoined to them.

Subdivision 2. **Person.** "Person" means an individual, firm, copartnership, corporation, or association.

Subdivision 3. **Farm products.** The term "farm products" means and includes butter, milk, cream, butterfat, cheese, other dairy products, honey, eggs, poultry, and all live stock and products of live stock such as wool, mohair, hides, and meats.

Subdivision 4. **Bona fide competitor.** The term "bona fide competitor" means

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a duly licensed dealer in farm products maintaining a place of business in the same trade territory.

[1927 c. 252 s. 2; 1935 c. 100 s. 1; 1937 c. 420 s. 1] (6248-2, 10522-4)

17.15 DISCRIMINATION PROHIBITED. Any person engaged in the business of buying any farm products for manufacture or sale thereof, who shall discriminate between different sections, localities, communities, cities, or villages, or between persons in the same community, in this state, by purchasing any farm products at a higher price or rate in one locality or from one person than is paid for farm products of the same kind, quality, and grade by such person in another section, locality, community, city, or village, or than is paid to another person of the same community, after making due allowance for the difference, if any, in the reasonable cost of transportation from the locality of purchase to the locality of manufacture or sale, or who shall fail to deduct reasonable transportation costs from the purchase price paid, or who shall fail to deduct the reasonable costs of hauling when such products are gathered by wagon or truck, or who shall pay or offer to pay in trade or in exchange for goods, wares or merchandise a higher price for such farm products than the cash price paid or offered to be paid for such farm products, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful. Wherever the transportation costs actually charged for hauling cream shall be two cents or more per pound for butterfat therein contained, and 15 cents per 100 pounds for transportation of whole milk, such charge shall be deemed a compliance with the terms of sections 17.14 to 17.19. It shall not be unfair discrimination for any person to pay, in any section, locality, community, city, or village, a price equal to that actually paid on the same day by any bona fide competitor in such place for farm products of the same kind and grade, provided such price is paid in good faith effort to meet such competition, and the burden of proving such facts shall be upon the defendant.

[1927 c. 252 s. 3; 1937 c. 420 s. 2; 1945 c. 122] (6248-3)

17.16 PRIMA FACIE EVIDENCE OF DISCRIMINATION. Proof that any person has paid a higher price for any such farm products in one section, locality, community, village, or city than in another, after due allowance for the cost of transportation has been made, shall be prima facie evidence of a violation of sections 17.14 to 17.19.

[1927 c. 252 s. 4] (6248-4)

17.17 COMPLAINTS; INVESTIGATIONS; PROSECUTIONS; FORFEITURES; INJUNCTIONS. If complaint be made to the commissioner that any person is guilty of unfair discrimination defined by section 17.15, he shall investigate such complaint and he may, upon his own initiative, investigate whether or not section 17.15 has been violated; and, in either event, for that purpose, he may subpoena witnesses, administer oaths, take testimony, and if, in his opinion, sufficient ground exists therefor, he may prosecute an action, in the name of the state, in the proper court, to annul the act of incorporation or the existence of a corporation engaged in such business practice. If any corporation is adjudged by any court guilty of unfair discrimination as defined by section 17.15, such court may vacate the charter or revoke the authority of such corporation to do business in this state and may permanently enjoin it from transacting business in this state.

[1927 c. 252 s. 6] (6248-6)

17.18 PROSECUTIONS INSTITUTED BY OTHERS. The authority hereby extended to the commissioner shall be considered as duties only and shall not be construed to preclude any prosecuting officer or any party interested from instituting proceedings, civil or criminal, for the enforcement of any of the provisions of sections 17.14 to 17.19.

[1927 c. 252 s. 8] (6248-8)

17.19 CONSTRUCTION. Nothing in sections 17.14 to 17.19 shall be construed as repealing any other act or part of any other act, unless inconsistent herewith, but the remedies therein provided shall be cumulative to all other remedies provided by law.

[1927 c. 252 s. 9; 1937 c. 420 s. 3] (6248-9)

17.20 FERTILIZERS; INGREDIENTS STATED ON LABEL. Any person, firm, or corporation who shall offer, sell, or expose for sale, in the state, any commercial fertilizer the price of which exceeds \$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

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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, or potassium soluble in water, of phosphorus in available form (soluble or reverted) and of insoluble phosphorus.

[1915 c. 251 s. 1] (3896)

17.21 CERTIFIED COPY OF CERTIFICATE FILED WITH 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, shall file in the office of the commissioner a certified copy of the certificate referred to in section 17.20, and shall pay each year to the commissioner a license fee of \$10.00 for each brand of fertilizer offered for sale or sold within the state. Each such license shall expire one year from date of issuance. When 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.

[1915 c. 251 s. 2; 1945 c. 42] (3897)

17.22 REPORTS; ANALYSIS OF SAMPLES. The commissioner may publish, annually, a report of all analyses made and certificates filed. He 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.

[1915 c. 251 s. 3] (3898)

17.23 CONSERVATION OF CERTAIN WILD FLOWERS. Subdivision 1. **Prohibition.** No person within the state shall buy, sell, offer or expose for sale, the state flower (*Cypripedium reginae*), or any species of lady slipper (*Cypripedieae*), or any member of the orchid family trillium of any species, lotus (*Nelumbolutea*), gentian (*Gentiana*), arbutus (*Epigaea repens*), or any species of lilies (*Lilium*), or any thereof, dug, cut, plucked, pulled, or gathered in any manner from any public land or from the land of any private owner without the written consent of such owner or other occupant of such land, and then only upon written permission of the commissioner, and for scientific and herbarium purposes; except, that any persons may upon their own lands cultivate for sale and sell these flowers by registering the purpose to do the same with the commissioner.

Subdivision 2. **Prosecution.** The commissioner is hereby authorized, and it shall be his duty, to administer this section, and when, by investigation, complaint or otherwise, it shall be made to appear that any person has violated any of the provisions of subdivision 1, it shall be his duty to assemble the facts and transmit the same to the attorney general, or, in the discretion of the commissioner, he may act through the county attorney of the county in which the violation was committed, whose duty it shall be to forthwith institute proceedings and prosecute the same against any person or persons charged with such violation. It is hereby made the duty of the county attorney to prosecute any and all cases submitted to him by the commissioner or the attorney general.

Subdivision 3. **Punishment.** Any person who violates any of the provisions of subdivision 1 shall be guilty of a misdemeanor; and, upon conviction, shall be fined not less than \$10.00 and the costs of such prosecution, nor more than \$50.00 and the costs of such prosecution, or in default of payment thereof, shall be imprisoned in the county jail for not less than ten, nor more than 30, days for each and every such conviction. All fines and moneys thus collected shall be deposited in the state treasury.

[1925 c. 409 ss. 1, 2, 3; 1935 c. 100 s. 1] (10522-1, 10522-2, 10522-3)

17.24 ENFORCEMENT. Subdivision 1. **Forfeiture of license; annulment of corporate existence.** The commissioner is authorized, if upon investigation he is satisfied that the laws of the state, relative to any laws placed within his jurisdiction, have been violated, to cause to be instituted, in his own name as commissioner or in the name of the state, actions in the proper court, to secure punishment of the guilty party; and, if the party complained against is a corporation, to secure the cancelation of its authority and the annulment of its corporate existence, if a domestic corporation; or, if a foreign corporation, the forfeiture of its license to do business in this state.

Subdivision 2. **Reports to prosecuting officers.** If, after an investigation, it appears to the commissioner that the laws of this state have been violated in any

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respect, he shall present all available information bearing upon such apparent violation to the proper law enforcing or prosecuting officer of the state or of the United States.

Subdivision 3. Who may enforce. The commissioner, his deputy, assistants, inspectors, agents, and employees shall enforce the provisions of sections 17.14 of them, by the provisions of all laws heretofore enacted.

[1919 c. 444 s. 3; Ex. 1919 c. 47 s. 4; 1921 c. 78 s. 3; 1923 c. 261 s. 3; 1927 c. 252 s. 5] (6025, 6244, 6248-5)

17.25 ATTORNEY GENERAL TO ADVISE COMMISSIONER. The attorney general is hereby required to assign a deputy to act as adviser for the commissioner and to institute and maintain the actions herein provided for, when sufficient evidence is available to warrant the institution of such proceedings.

[1919 c. 444 s. 4; 1921 c. 78 s. 4; 1923 c. 261 s. 4] (6026)

17.26 ANNUAL REPORT TO COMMISSIONER. Every creamery association, on or before December thirtieth, in each year, shall make a report to the commissioner, or such officer as may at any time, by law, be given the supervision of dairy products. Such report shall contain the name of the corporation, its principal place of business, the location of its creamery, and the number of pounds of butter or other dairy product manufactured by it during the preceding year.

[R. L. s. 3078] (7829)

17.27 ANNUAL REPORT BY CERTAIN CORPORATIONS. Every corporation organized under the terms of sections 308.29 and 308.30 shall, on or before December thirtieth, in each year, make a report to the commissioner; which shall contain the name of the corporation, its principal place of business in this state, and generally a statement as to its business, showing the total amount of business transacted, its profits and losses.

[1907 c. 293 s. 2, last sentence] (7831)

17.28 ANNUAL REPORT BY CERTAIN ASSOCIATIONS. Every association organized under any corporation laws of this state, or under the laws of any other state and doing business in this state, or which represents itself to be a cooperative association, shall be required to file with the department of agriculture, dairy, and food each year a report of its business for its last fiscal year, which report shall be made within 60 days after the close of the fiscal year. Such report shall contain the name of the association, the amount of its authorized and paid-in capital, the names of its officers and directors, a statement of its resources and liabilities and such other information as may be required by the commissioner.

[1919 c. 382 s. 10; 1921 c. 23 s. 10; 1923 c. 326 s. 9] (7842)

17.29 VIOLATIONS; PENALTIES. Subdivision 1. Any person violating the provisions of section 17.15 shall, upon conviction thereof, be fined not less than \$50.00 for each offense; or, in default of the payment of such fine, by imprisonment in the county jail for not less than three months, nor more than one year.

Subdivision 2. Any person, firm, or corporation who shall offer or expose for sale or sell any commercial fertilizer in the state without complying with the provisions of sections 17.20 to 17.22, or who shall use an analysis regarding any commercial fertilizer which shall be false as to the constituents named in section 17.20, or who shall obstruct or interfere with the commissioner, or any of his assistants, in the discharge of their duties, shall be guilty of a misdemeanor; and, upon conviction, shall be fined not less than \$25.00, nor more than \$100.00, for each offense.

Subdivision 3. Any person violating any of the provisions of sections 17.30 to 17.33 shall be guilty of a misdemeanor. In addition, any apples found to be offered or exposed or packed for sale in violation of sections 17.30 to 17.33 may be ordered temporarily withdrawn from sale by the commissioner pending either (1) informal adjustment according to law between the commissioner, or his duly authorized representative, and the person in charge of the apples in question, or (2) by the filing of a formal complaint, without undue delay, with the attorney general or prosecuting attorney.

[1915 c. 251 s. 4; 1927 c. 252 s. 7; 1941 c. 371 s. 6] (3899, 6248-7)

17.30 STANDARD GRADES FOR APPLES. The commissioner shall annually, after due notice and public hearing of all parties affected, fix and promulgate official standards for grading and classifying all apples offered for sale in Minnesota. These grades and classes shall not conflict with any such grades or standards promulgated by the United States department of agriculture, except as producer and

marketing conditions in Minnesota shall require the establishment of fewer grades than the United States department of agriculture grades.

[1941 c. 371 s. 1]

17.31 PACKAGES OF APPLES PLAINLY MARKED. All apples offered for sale and each closed package of apples offered or exposed or packed for sale shall be plainly and conspicuously marked with a sign bearing the name and address of the grower or packer, the name of the variety, the minimum size and the grade, except that apples not in closed packages, offered for sale at retail, may be marked with a sign bearing only the name of the variety and the grade. All apples which fail to meet the requirements of any of the established Minnesota grades shall be plainly and conspicuously marked with a sign bearing the word "culls" in well proportioned letters, at least two inches in height, except that on closed packages of cull apples the sign bearing the word "culls" may be three-quarter inch in height and shall be placed on the top and side of each package. The commissioner shall exempt from the provisions of sections 17.30 to 17.33 apples which are marked with and meet the requirements of grades of the United States department of agriculture, or well established grades promulgated by other states meeting the Minnesota requirements.

[1941 c. 371 s. 2]

17.32 ENFORCEMENT OF SECTIONS 17.30 TO 17.33. The commissioner shall be charged with the enforcement of the provisions of sections 17.30 to 17.33 and for that purpose shall have the power:

(1) To enter and inspect personally, or through any authorized representative, any place within the state where apples are sold, offered or exposed or packed for sale, and to inspect such places and all apples and apple containers found in any such place.

(2) To make, publish, and enforce such uniform rules and regulations as are necessary for carrying out the provisions of sections 17.30 to 17.33.

[1941 c. 371 s. 3]

17.33 APPLICATION. Sections 17.30 to 17.33 shall not apply to any grower or producer when selling apples of his own production grown in Minnesota.

[1941 c. 371 s. 5]

17.34 PERMITS OR LICENSES ISSUED TO COMMON CARRIERS FOR SALE OF CIGARETTES ON CARS. Subdivision 1. **Issued by commissioner.** The commissioner of agriculture, dairy, and food may issue a license or permit to any railroad company, dining car company, or sleeping car company, or other common carrier, operating in this state, to sell cigarettes upon any club, parlor, dining, buffet, observation, cafe, lounge, or passenger car. Each such company applying for such license shall pay to the commissioner of agriculture, dairy, and food a fee of \$25.00 per annum. A duplicate of such license shall be posted in each such car in which cigarettes are sold. The license so granted shall govern and permit the sale of cigarettes in the state, or in any political subdivision thereof, in any club, parlor, dining, buffet, observation, cafe, lounge, or passenger car which is part of a train or which is about to become a part of a train then being operated or to be operated in this state. Such cigarettes are to be sold only to bona fide passengers or persons actually being transported.

Subdivision 2. **License required.** It shall be unlawful to sell, exchange, barter, dispose of, or give away, or keep for sale any cigarettes on any such car without first having obtained the license herein provided.

Subdivision 3. **Enforcement.** The commissioner of agriculture, dairy, and food, his inspectors, assistants, and employees shall enforce the provisions of this section, and the fees collected shall be paid into the state treasury by the dairy and food commissioner.

Subdivision 4. **Violation a misdemeanor.** Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

[1941 c. 242 s. 6; 1941 c. 405 s. 6]