

## CHAPTER 32

## DAIRY; BUTTER, CHEESE, CREAM, AND MILK

**32.01 DEFINITIONS.**

HISTORY. 1921 c. 495 s. 84; G. S. 1923 s. 3871; 1927 c. 160 s. 1; 1927 c. 162 s. 1; M. S. 1927 ss. 3821-1; 3871, 3873-1; 1935 c. 61 s. 1; M. Supp. s. 3928-4.

**32.02 GRADES OF CREAM AND BUTTERFAT.**

HISTORY. 1935 c. 61 s. 2; M. Supp. s. 3928-5.

**32.03 CONDEMNATION TAGS.**

HISTORY. 1935 c. 61 s. 3; M. Supp. s. 3928-6.

**32.04 CREAM SHIPPED DAILY.**

HISTORY. 1935 c. 61 s. 4; M. Supp. s. 3928-7.

**32.05 PURCHASES ON BASIS OF GRADES.**

HISTORY. 1935 c. 61 s. 5; M. Supp. s. 3928-8.

**32.06 MONTHLY TEST.**

HISTORY. 1935 c. 61 s. 6; M. Supp. s. 3928-9.

**32.07 LICENSED CREAM BUYER NECESSARY.**

HISTORY. 1935 c. 61 s. 7; M. Supp. s. 3928-10.

**32.08 MILK AND CREAM CANS STERILIZED.**

HISTORY. 1923 c. 173 s. 1; G. S. 1923 s. 3929; M. S. 1927 s. 3929.

**32.09 CREAMERIES, CHEESE FACTORIES, CONDENSERIES, MILK PLANTS, CREAM STATIONS.**

HISTORY. 1927 c. 187 s. 1; M. S. 1927 s. 3935-1.

LICENSE TERMINATES when a cream station is discontinued. It cannot be transferred to a new station. 1934 OAG 7.

**32.10 LICENSES SUSPENDED OR REVOKED.**

HISTORY. 1927 c. 187 s. 3; M. S. 1927 s. 3935-3.

**32.11 DISCRIMINATION IN BUYING PROHIBITED.**

HISTORY. 1921 c. 305 s. 1; 1923 c. 120 s. 1; G. S. 1923 s. 3907; M. S. 1927 s. 3907.

A statute requiring purchasers of certain farm products for manufacture or re-sale to deduct from the purchase price paid the "actual cost of transportation by wagon or truck" from the point of purchase to the locality of manufacture or sale, without defining the elements to be computed in determining "actual cost" nor how the cost is to be apportioned where several purchases are made at varying distances from the point of manufacture or sale, is so uncertain that it denies due process of law. *State v Northwest Poultry*, 203 M 438, 281 NW 753.

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**CONSTITUTIONALITY.** This statute violates the liberty of contract guaranteed by the 14th amendment. *Fairmont Cry. Co. v Minn.*, 274 U. S. 1, 47 Sup. Ct. 506, 71 L. Ed. 894, reversing 168 M 378, 210 NW 163, 608, affirming 162 M 146, 202 NW 714, 42 ALR 548 and note.

The power of a state to regulate business in the public interest extends to control and regulation of prices for which commodities may be sold, where price regulation is a reasonable and appropriate means of rectifying the evil calling for the regulation. *Nebbia v New York*, 291 US 553.

### 32.12 HIGHER PRICE.

**HISTORY.** 1921 c. 305 s. 2; G. S. 1923 s. 3908; M. S. 1927 s. 3908.

### 32.13 STORAGE ROOMS FOR MILK AND CREAM, CONSTRUCTION AND CONDITION; SHIPPED BY COMMON CARRIERS.

**HISTORY.** 1921 c. 306 s. 1; G. S. 1923 s. 3911; 1927 c. 282 s. 1; M. S. 1927 s. 3911.

### 32.14 STORAGE ROOMS KEPT COOL.

**HISTORY.** 1921 c. 306 s. 2; G. S. 1923 s. 3912; 1927 c. 282 s. 1; M. S. 1927 s. 3912.

### 32.15 CANS OR RECEPTACLES TO BE CLEANED.

**HISTORY.** 1921 c. 306 s. 3; G. S. 1923 s. 3913; 1927 c. 282 s. 1; M. S. 1927 s. 3913.

### 32.16 STORAGE ROOMS, INSPECTION, COMPLAINTS; TESTING LICENSES REVOKED.

**HISTORY.** 1921 c. 306 s. 5; G. S. 1923 s. 3915; 1927 c. 282 s. 1; M. S. 1927 s. 3915.

### 32.17 REFRIGERATION SHIPMENT OF CREAM.

**HISTORY.** 1913 c. 433 s. 1; G. S. 1923 s. 3916-1; M. S. 1927 s. 3916-1.

### 32.18 RECORDS REQUIRED; CONTENTS.

**HISTORY.** 1927 c. 169 s. 2; M. S. 1927 s. 3873-2.

### 32.19 REPORTS REQUIRED; CONTENTS.

**HISTORY.** 1927 c. 169 s. 3; M. S. 1927 s. 3873-3.

### 32.20 INSPECTION OF BOOKS AND RECORDS.

**HISTORY.** 1927 c. 169 s. 4; M. S. 1927 s. 3873-4.

However desirable, and though recommended by federal public health service, no authority can be found permitting the city of Breckenridge to contract with North Dakota cities for cooperative milk inspection service. 1942 OAG 237, Dec. 29, 1941 (292-B).

### 32.21 MILK AND CREAM.

**HISTORY.** 1921 c. 495 s. 22; G. S. 1923 s. 3811; M. S. 1927 s. 3811.

**SCOPE.** The statute forbidding the sale of cream of less than 20 per cent butterfat applies to cream sold for any purpose, not merely to that sold for domestic use. 1910 OAG 139.

After interstate shipments of cream reach their destination in this state they are subject to the laws of Minnesota regulating dairy products. 1934 OAG 4.

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**CONSTITUTIONALITY.** Similar earlier statute upheld as a reasonable exercise of the police power. *State v Crescent Cry. Co.* 83 M 284, 86 NW 107, 54 LRA 466, 85 Am. St. Rep. 464; *State v Tetu*, 98 M 351, 107 NW 953, 108 NW 470.

## 32.211 STANDARDS OF MILK.

**HISTORY.** 1943 c. 509 s. 1.

## 39.22 SKIMMED MILK.

**HISTORY.** 1921 c. 495 s. 23; G. S. 1923 s. 3812; M. S. 1927 s. 3812.

## 32.23 SALES LICENSED.

**HISTORY.** 1921 c. 495 s. 24; G. S. 1923 s. 3813; M. S. 1927 s. 3813; 1935 c. 217.

**RESTAURANTS** which sell milk and cream as part of a meal must take out a license. 1934 OAG 7.

## 32.24 LICENSES REVOKED.

**HISTORY.** 1921 c. 495 s. 25; G. S. 1923 s. 3814; M. S. 1927 s. 3814.

## 32.25 MILK AND CREAM SOLD BY WEIGHT.

**HISTORY.** 1921 c. 495 s. 26; G. S. 1923 s. 3815; 1927 c. 154 s. 1; M. S. 1927 s. 3815; 1941 c. 327; 1945 c. 164 s. 1.

**SCOPE.** See 1934 OAG 4 under 32.21.

## 32.26 CANS TO BE CLEANED.

**HISTORY.** 1921 c. 495 s. 27; G. S. 1923 s. 3816; M. S. 1927 s. 3816.

## 32.27 CUSTOM FACTORIES; RECORDS.

**HISTORY.** 1921 c. 495 s. 28; G. S. 1923 s. 3817; M. S. 1927 s. 3817.

## 32.28 MINNESOTA BRANDS.

**HISTORY.** 1921 c. 495 s. 29; G. S. 1923 s. 3818; M. S. 1927 s. 3818.

## 32.29 INSPECTION OF DAIRIES.

**HISTORY.** 1921 c. 495 s. 30; G. S. 1923 s. 3819; M. S. 1927 s. 3819.

## 32.30 LOCAL INSPECTION.

**HISTORY.** 1921 c. 495 s. 31; G. S. 1923 s. 3820; M. S. 1927 s. 3820.

**EXTENT.** A city may impose inspection of herds outside the city if milk from them is sold within the city. *State v Nelson*, 66 M 166, 68 NW 1066, 34 LRA 318; 61 Am. St. Rep. 399; *Nelson v City of Minneapolis*, 112 M 16, 127 NW 445, 29 LRA (N. S.) 260.

A city cannot compel the pasteurization within the city of all pasteurized dairy products sold therein. *State ex rel v City of Minneapolis*, 190 M 138, 251 NW 121.

A city can charge a reasonable fee for inspection of herds and milk, 1936 OAG 20; but see *City of St. Paul v Peck*, 78 M 497, 81 NW 392 and *State v Elofson*, 86 M 103, 90 NW 309, decided under a similar earlier statute, which held that the city could exact no fee.

See Note, 18 MLR 841, which discusses the power of a municipality to exclude milk from outside plans under a health ordinance.

**32.31 BUTTER, CHEESE, CREAM AND MILK**

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**32.31 BUTTERFAT CONTENT OF BUTTER.**

HISTORY. 1921 c. 495 s. 32; G. S. 1923 s. 3821; M. S. 1927 s. 3821; 1937 c. 55 s. 1.

**32.32 OVERRUN IN EXCESS OF 24 PER CENT UNLAWFUL.**

HISTORY. 1927 c. 162 s. 2; M. S. 1927 s. 3821-2.

**32.33 EVIDENCE FOR PROSECUTIONS.**

HISTORY. 1927 c. 162 s. 4; M. S. 1927 s. 3821-4.

**32.34 AUDIT OF BOOKS BY COMMISSIONER.**

HISTORY. 1931 c. 414 s. 1; M. Supp. s. 3821-5.

**32.35 ACCOUNTANT EMPLOYED.**

HISTORY. 1931 c. 414 s. 2; M. Supp. s. 3821-6.

**32.36 RENOVATED BUTTER.**

HISTORY. 1921 c. 495 s. 33; G. S. 1923 s. 3822; M. S. 1927 s. 3822.

**32.37 PROCESS BUTTER.**

HISTORY. 1921 c. 495 s. 34; G. S. 1923 s. 3823; M. S. 1927 s. 3823.

**32.38 DAIRY PRODUCTS; PRESERVATIVES.**

HISTORY. 1921 c. 495 s. 35; G. S. 1923 s. 3824; M. S. 1927 s. 3824.

**32.39 PASTEURIZED MILK AND CREAM.**

HISTORY. 1921 c. 495 s. 39; G. S. 1923 s. 3828; M. S. 1927 s. 3828.

**32.391 MILK; PASTEURIZATION.**

HISTORY. 1945 c. 384 ss. 1, 2.

**32.392 APPROVAL OF PLANT REQUIRED.**

HISTORY. 1945 c. 384 s. 3.

**32.393 LIMITATION ON SALE.**

HISTORY. 1945 c. 384 s. 4.

**32.394 GRADE A PASTEURIZED MILK.**

HISTORY. 1945 c. 384 s. 5.

**32.395 OTHER THAN GRADE A.**

HISTORY. 1945 c. 384 s. 6.

**32.396 GRADE A RAW MILK.**

HISTORY. 1945 c. 384 s. 7.

**32.397 MINIMUM STANDARDS.**

HISTORY. 1945 c. 384 s. 9.

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## 32.398 ENFORCEMENT AND VIOLATIONS.

HISTORY. 1945 c. 384 ss. 8, 10.

## 32.40 LICENSE FOR TESTING APPARATUS.

HISTORY. 1921 c. 495 s. 40; G. S. 1923 s. 3829; M. S. 1927 s. 3829.

## 32.41 APPLICANTS FOR LICENSE RESIDENTS OF UNITED STATES.

HISTORY. 1921 c. 495 s. 41; G. S. 1923 s. 3830; 1925 c. 164; M. S. 1927 s. 3830.

## 32.42 LICENSE FEE, TERM.

HISTORY. 1921 c. 495 s. 42; G. S. 1923 s. 3831; M. S. 1927 s. 3831.

## 32.43 BUTTER AND CHEESE BRANDS.

HISTORY. 1923 c. 172 s. 1; G. S. 1923 s. 3845; M. S. 1927 s. 3845.

## 32.44 MINNESOTA BRANDS.

HISTORY. 1923 c. 172 s. 1; G. S. 1923 s. 3846; M. S. 1927 s. 3846.

## 32.45 USE OF MINNESOTA BUTTER BRANDS.

HISTORY. 1923 c. 172 s. 1; G. S. 1923 s. 3847; 1925 c. 49 s. 1; M. S. 1927 s. 3847.

## 32.46 MINNESOTA BUTTER BRANDS, APPLICATION FOR LICENSE TO USE.

HISTORY. 1923 c. 172 s. 1; G. S. 1923 s. 3848; 1925 c. 49 s. 2; M. S. 1927 s. 3848.

## 32.47 COMPLAINT; INVESTIGATIONS; LICENSES REVOKED.

HISTORY. 1923 c. 172 s. 1; G. S. 1923 s. 3849; M. S. 1927 s. 3849.

## 32.48 LABELING CERTAIN BUTTER COMPOUNDS.

HISTORY. 1923 c. 175 s. 1; G. S. 1923 s. 3933; M. S. 1927 s. 3933.

## 32.49 SALES OF ADULTERATED DAIRY PRODUCTS PROHIBITED.

HISTORY. 1923 c. 126 s. 1; G. S. 1923 s. 3926; 1925 c. 203; M. S. 1927 s. 3926.

Validity of the federal "filled milk act" of March 4, 1923, and comparative laws of the states of the union: 304 US 150.

## 32.50 VIOLATIONS; PENALTIES.

HISTORY. 1913 c. 433 s. 2; 1921 c. 306 s. 4; 1923 c. 126 s. 2; 1923 c. 172 s. 1; 1923 c. 173 s. 2; 1923 c. 175 s. 2; G. S. 1923 ss. 3850, 3914, 3927, 3930, 3934; 1927 c. 169 s. 5; 1927 c. 187 s. 2; 1927 c. 282 s. 1; M. S. 1927 ss. 3821-3, 3850, 3873-5, 3914, 3916-2, 3927, 3928-12, 3930, 3934; 1935 c. 61 s. 9; M. Supp. s. 3935-2.

## 32.51 ENFORCEMENT.

HISTORY. 1921 c. 305 s. 3; 1923 c. 126 s. 3; 1923 c. 173 s. 3; 1923 c. 175 s. 3; G. S. 1923 ss. 3909, 3928, 3931, 3935; 1927 c. 187 s. 4; M. S. 1927 ss. 3909, 3928, 3928-11, 3931, 3935; 1935 c. 61 s. 8; M. Supp. s. 3935-4.

## 32.52 PROSECUTIONS.

HISTORY. 1923 c. 173 s. 3; 1923 c. 175 s. 3; G. S. 1923 ss. 3931, 3935; 1927 c. 187 s. 5; M. S. 1927 ss. 3931, 3935, 3935-5.