

CHAPTER 34

NON-ALCOHOLIC BEVERAGES

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34.001 DEFINITION. Subdivision 1. Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of the department of agriculture.

[1961 c 113 s 1; 1961 c 128 s 17]

SOFT DRINKS, NON-ALCOHOLIC BEVERAGES

34.01 DEFINITIONS. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 3, for the purposes of sections 34.02 to 34.11, shall have the meanings given them.

Subd. 2. **Soft drinks and other non-alcoholic beverages.** The term "soft drinks and other non-alcoholic beverages" means and includes (1) carbonated or still beverages, (2) natural and mineral waters, carbonated, plain or otherwise, (3) apple or fruit ciders, natural or reconstituted fruit juices, or cereal beverages and other finished beverages.

Subd. 3. **Adulterated soft drinks and non-alcoholic beverages.** In addition to the requirements of other laws relating to adulteration of food which are administered by the department of agriculture, all soft drinks and other non-alcoholic beverages not conforming to the provisions of sections 34.02 to 34.11, or to the rules, definitions, and standards made thereunder, shall be deemed to be adulterated.

Subd. 4. [Renumbered 34.119]

[1927 c 42 s 3,9; 1933 c 378 s 1; 1937 c 359 s 1; 1945 c 39 s 1; 1947 c 447 s 1; 1953 c 586 s 1; 1961 c 113 s 1; 1961 c 128 s 18; 1961 c 144 art 2 s 23; 1967 c 92 s 1] (3965-3, 3965-9)

34.02 LICENSES; EXCEPTIONS. No person shall manufacture, mix, or compound any soft drinks or other non-alcoholic beverage, to be sold in bottles, barrels, kegs, jars, coolers, cans, glasses or tumblers, or other containers, without first having obtained a license therefor from the commissioner. Sections 34.02 to 34.11 shall not apply to beverages manufactured, mixed, or compounded in quantities of one quart or less at one time.

[1927 c 42 s 1; 1947 c 447 s 2; 1953 c 586 s 2] (3965-1)

34.03 SOFT DRINKS INSPECTED; REGISTRATION. No soft drinks or other nonalcoholic beverages, not manufactured in this state, shall be sold, offered or exposed for sale, exchanged, or held in possession with intent to sell within this state, unless the same are first inspected and registered with the commissioner.

[1927 c 42 s 2; 1957 c 106 s 1] (3965-2)

34.04 [Repealed, 1971 c 339 s 27]

34.05 REGISTRATION BY NONRESIDENT MANUFACTURERS AND DISTRIBUTORS; EXCEPTION. Subdivision 1. Except as provided in subdivision 2, any person who distributes soft drinks or other non-alcoholic beverages manufactured outside of this state, for sale within this state, shall apply for registration with the commissioner in such form and furnish such information as he may require. Samples of all soft drinks or other non-alcoholic beverages so manufactured for sale and sold within

this state shall be submitted. Each application shall be accompanied by a registration fee of \$100, which shall constitute the registration fee in case registration is granted, and one-half of which may be retained to reimburse the state for inspection should registration be refused. If the commissioner shall find that the samples so submitted are up to accepted standards, and otherwise comply with the laws of this state, he shall issue to the applicant a certificate of registration.

Subd. 2. A distributor need not register if the label of the non-alcoholic beverage offered for sale bears, in addition to all other required information, the identity of a licensed manufacturer. By identity is meant:

(a) The actual name and address including the zip code of said manufacturer, or

(b) An identification code or number consisting of the number for the IBM Numerical Code of States representing the state of origin followed by the plant number corresponding to a permanent list of numbers assigned by the state regulatory agency having jurisdiction. Such number may be printed, embossed, stamped, or perforated on the container label. If the manufacturer cannot be identified because of misuse of the identity code, the product shall be deemed to be misbranded.

[1927 c 42 s 5; 1969 c 1148 s 14; 1974 c 2 s 7; 1975 c 412 s 25,26; 1976 c 2 s 31]
(3965-5)

34.06 [Repealed, 1971 c 339 s 27]

34.07 BEVERAGE INSPECTION FUND. All fees collected hereunder by the commissioner, together with all fines paid for the violation of the provisions of sections 34.02 to 34.11, shall be paid into the state treasury and credited to the beverage inspection fund, hereby created. The money so derived is hereby appropriated to compensate for and meet the expense of inspection and supervision, as provided for in sections 34.02 to 34.11. The money so collected and appropriated shall be expended by the commissioner for inspection, supervisions, publications, short courses, and such other activities as in his judgment may be necessary, not inconsistent with the provisions of sections 34.02 to 34.11.

[1927 c 42 s 7] (3965-7)

34.08 [Repealed, 1971 c 339 s 27]

34.09 SANITATION; RULES AND REGULATIONS. The commissioner shall promulgate, in the manner provided by law, such rules and regulations establishing minimum sanitary requirements as are reasonably necessary to protect the public health and interest.

[1927 c 42 s 10; 1967 c 92 s 2] (3965-10)

34.10 [Repealed, 1967 c 92 s 4]

34.11 RESTRICTIONS ON USE OF TRADE NAMES. No person shall label or represent his soft drinks or non-alcoholic beverages by using any trademark, trade name or proprietary name other than one owned by him, unless the soft drink or beverage is marketed or sold under franchise, license, permit or contract with the owner or holder of the trademark, trade name or proprietary name.

[1927 c 42 s 12; 1947 c 447 s 4; 1969 c 411 s 1] (3965-12)

34.112 ENFORCEMENT. The commissioner, his inspectors, assistants, and employees, shall enforce the provisions of sections 34.02 to 34.11.

[1927 c 42 s 1,13; 1961 c 144 art 2 s 25] (3965-1, 3965-13)

34.113 PENALTY. Any person violating any of the provisions of sections 34.02 to 34.11, or of any regulations made thereunder or now in force, shall be guilty of a misdemeanor and be punished by a fine of not less than \$25 or by imprisonment in the county jail for not less than 30 days for the first offense; and in the sum of not less than \$50 or by imprisonment in the county jail for not less than 60 days for each subsequent offense.

[1927 c 42 s 14] (3965-14)

FERMENTED MALT BEVERAGES

34.119 DEFINITION. For the purposes of section 34.12, "fermented malt beverages" means any liquor or liquid capable of being used for beverage purposes, made

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by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar, containing one-half of one percent or more of alcohol by volume.

[1937 c 59 s 1; 1961 c 128 s 19] (3965-16)

34.12 BARLEY MALT, PERCENT REQUIRED IN MALT BEVERAGES. No fermented malt beverages shall be sold in this state unless $66 \frac{2}{3}$ percent, or more, of the grain used in its manufacture consists of barley malt.

[1937 c 59 s 1] (3965-16)

34.13 ENFORCEMENT. Subdivision 1. [Renumbered 34.112]

Subd. 2. The department of agriculture shall be charged with the enforcement of section 34.12 and it is hereby authorized and directed to procure samples on the open market for chemical analysis.

[1937 c 59 s 2; 1961 c 113 s 1] (3965-17)

34.14 PENALTY. Subdivision 1. [Renumbered 34.113]

Subd. 2. Any violation of section 34.12 shall be a misdemeanor and punishable accordingly.

[1937 c 59 s 3] (3965-18)