

## CHAPTER 33

## BUTTER SUBSTITUTES

33 001	Definition	33 032	Penalty
33 002	Enforcement	33 06	Oleomargarine labeling
33 01	Butter or buttered in advertising or representing certain products unlawful	33 07	Must be stamped or placarded
33 011	Prosecution by county attorney	33 08	Descriptive matter on packages
33 02	Certain words not to be used in advertising	33 09	Oleomargarine serving as butter
33 03	Imitation butter flavoring labeling restrictions	33 091	Penalty
33 031	Prosecuting officers duties	33 111	Identification of oleomargarine served in public places

**33 001 DEFINITION**

Subdivision 1 **Scope** 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** ‘Commissioner’ means the commissioner of the department of agriculture

**History** 1961 c 113 s 1, 1961 c 128 s 15

**33 002 ENFORCEMENT**

The commissioner shall enforce the provisions of this chapter

**History** (3855 7, 3855 17, 3919, 3925, 3928 3) 1921 c 309 s 3, 1923 c 116 s 3, 1931 c 97 s 3, 1931 c 344 s 7, 1933 c 175 s 8, 1961 c 144 art 2 s 22

**33 01 “BUTTER” OR “BUTTERED” IN ADVERTISING OR REPRESENTING CERTAIN PRODUCTS 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, or to represent that any food product or article of food produced or manufactured, in whole or in part, out of or from any 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, or representation, the words “butter” or ‘buttered’ are used or appears, however, the word “butter” or ‘buttered’ may be used in designating the following (1) A food article known to the trade as ‘plum butter’ ‘apple butter, or peanut butter, when used in connection with the name of the article from which it was manufactured, and (2) a food article which is labeled with the word ‘butter’ or “buttered” immediately preceding the name of the food and which contains a minimum of 51 percent butter as shortening except for pretzels which shall contain a minimum of ten percent butter as shortening, and complies with rules promulgated by the commissioner Nothing herein contained shall repeal or modify any of the provisions now in force for the labeling of the food product known as oleomargarine

**History** (3917) 1921 c 309 s 1, 1963 c 832 s 1, 1967 c 345 s 1, 1985 c 248 s 70

**33 011 PROSECUTION BY COUNTY ATTORNEY**

It shall be the duty of all county attorneys, upon complaint made, to prosecute all persons violating any of the provisions of section 33 01 within their respective counties

**History** (3919) 1921 c 309 s 3

**33 02 CERTAIN WORDS NOT TO BE USED 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 substances 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

**History** (3923) 1923 c 116 s 1

**33 03 IMITATION BUTTER FLAVORING, LABELING RESTRICTIONS**

No person shall, directly or through an agent, or as a servant or agent of another, manufacture, sell, distribute, offer or expose for sale or distribution in the state, or possess with intent to use, sell, or exchange, any article of food prepared with or containing artificial or imitation flavoring of butter and labeled or represented with the words "butter," "buttered," "butter flavored," or any combination of words, symbols, letters, or designs which are misleading in that it implies a quality or character to the food which is false or misleading in any particular. Compound foods containing such artificial or imitation flavor shall be labeled to declare the presence of said flavor only as "artificial flavor added" or "with artificial flavor" and shall not contain any other descriptive statements or claims regarding said flavor. Provided that food flavors or extracts contained in package form shall be labeled in accordance with mandatory labeling requirements of the Commissioner of Food and Drugs of the United States Department of Health, Education and Welfare

**History** (3928 1) 1931 c 97 s 1, 1945 c 28 s 1, 1969 c 948 s 1, 1986 c 444

**33 031 PROSECUTING OFFICERS, DUTIES**

It shall be the duty of every prosecuting officer to whom the commissioner of agriculture shall report any violations of section 33 02 or 33 03 to cause appropriate proceedings to be instituted in the proper courts and prosecuted, without delay, for the enforcement of the penalties therein specified

**History** (3925 3928-3) 1923 c 116 s 3 1931 c 97 s 3, 1961 c 113 s 1

**33 032 PENALTY**

Any person violating any of the provisions of section 33 01, 33 02, or 33 03 shall be guilty of a misdemeanor

**History** (3918, 3924, 3928 2) 1921 c 309 s 2, 1923 c 116 s 2, 1931 c 97 s 2, 1961 c 128 s 16, 1965 c 34 s 1

**33 04** [Repealed, 1963 c 832 s 7]

**33 05** [Repealed, 1959 c 606 s 12, 1961 c 128 s 20]

**33 06 OLEOMARGARINE, LABELING**

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 capitals, the word "oleomargarine" and immediately thereafter, under the same label and 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

**History** (3855 3) 1931 c 344 s 3

**33 07 MUST BE STAMPED OR PLACARDED**

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, the placard to be placed in a conspicuous position in full view of the purchaser, and the word 'oleomargarine' on such placard shall be printed in plain, uncondensed Gothic letters, each letter not less than one inch in height, and these placards 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, the quantity sold, and immediately following there shall appear upon the wrapper the name and address of the manufacturer

*History (3855 4) 1931 c 344 s 4*

**33 08 DESCRIPTIVE MATTER ON PACKAGES**

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, "Holstem, or other labeling that would indicate that the 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 any 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

*History (3855 5) 1931 c 344 s 5*

**33 09 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 there is plainly printed in English upon every bill of fare, if one be used, and in letters not smaller than 8 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 the 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 the room, placards containing on the face thereof the words in the English language, "oleomargarine used in place of butter," and such person shall keep such placards continuously posted, as long as such butter substitute be kept or used

*History (3855 6) 1931 c 344 s 6, 1986 c 444*

**33 091 PENALTY**

The minimum punishment for any person violating any of the provisions of sections 33 06 to 33 09 shall be a fine of \$25 or imprisonment for 20 days

*History (3855 8) 1931 c 344 s 8, 1969 c 6 s 1*

**33 095** [Repealed, 1975 c 222 s 2]

**33 096** [Repealed, 1975 c 222 s 2]

33 10 [Repealed 1978 c 674 s 7]

33 11 [Repealed, 1978 c 674 s 7]

**33 111 IDENTIFICATION OF OLEOMARGARINE SERVED IN PUBLIC PLACES**

No person shall serve oleomargarine at a public eating place, whether or not any charge is made therefor, unless each separate serving is covered by a sanitary paper or parchment covering or patty divider upon which is printed, in 10 point boldface capital, plain Gothic letters, the word "margarine"

**History** 1963 c 832 s 5, 1975 c 222 s 1

33 12 [Repealed, 1978 c 674 s 7]

33 13 [Repealed, 1978 c 674 s 7]

33 14 [Repealed, 1978 c 674 s 7]

33 15 [Repealed, 1978 c 674 s 7]

33 16 [Renumbered 33 095]

33 17 Subdivision 1 [Repealed, 1975 c 204 s 106]

Subd 2 [Repealed, 1975 c 204 s 106]

Subd 3 [Repealed, 1965 c 809 s 35]

33 171 [Repealed, 1978 c 674 s 7]

33 18 [Renumbered 33 002]

33 19 [Renumbered 33 011]

33 20 [Renumbered 33 031]

33 21 Subdivision 1 [Renumbered 33 032]

Subd 2 [Renumbered 33 091]

Subd 3 [Renumbered 33 171]

Subd 4 [Repealed 1961 c 484 s 2]