

inspectors, but the penalties herein provided for shall not obtain in any case prior to the time the inspector or inspectors have notified the persons affected that they are ready to make the inspection as herein provided for.

SEC. 16. All acts, or part of acts, inconsistent with this act, are hereby repealed.

Repeal of inconsistent acts.

SEC. 17. This act shall take effect, and be in force from and after April 15th, A. D. 1885.

When act to take effect.

Approved March 10, 1885.

CHAPTER 149.

AN ACT TO PROHIBIT AND PREVENT THE SALE OR MANUFACTURE OF UNHEALTHY OR ADULTERATED DAIRY PRODUCTS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. No person or persons shall sell or exchange or expose for sale or exchange any unclean, impure, unhealthy, adulterated or unwholesome milk, or shall offer for sale any article of food made from the same or of cream from the same. This provision shall not apply to pure skim cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (25) dollars nor more than two hundred (200) dollars, or by imprisonment of not less than one (1) or more than six (6) months, or both such fine and imprisonment for the first offence, and by six (6) months imprisonment for each subsequent offense.

Not lawful to sell or exchange adulterated milk.

Penalty for violation.

SEC. 2. No person shall keep cows for the production of milk for market, or for sale or exchange, or for manufacturing the same or cream from the same into articles of food, in a crowded or unhealthy condition, or feed the cows on food that is unhealthy, or that produces impure, unhealthy, diseased or unwholesome milk. No person shall manufacture from impure, unhealthy, diseased or unwholesome milk or of cream from the same any article of food; whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five (25) nor more than two hundred (200) dollars or by imprisonment of not less than one (1) or more

Cows kept for the production of milk for market to be kept in a healthy place.

Penalty for violation.

than four (4) months, or by both such fine and imprisonment for the first offense, and by four (4) months' imprisonment for each subsequent offense.

Prohibited from selling milk diluted with water, etc.

SEC. 3. No person or persons shall sell, supply or bring to be manufactured, to any butter or cheese manufactory, any milk diluted with water or any unclean, impure, unhealthy, adulterated or unwholesome milk or milk from which any cream has been taken (except pure skim milk to skim cheese factories), or shall keep back any part of the milk commonly known as "strippings," or shall bring or supply milk to any butter or cheese manufactory that is sour (except pure skim milk to skim cheese factories). No butter or cheese manufactories, except those who buy all the milk they use, shall use for their own benefit or allow any of their employes or any other person to use or the product thereof, brought to said manufactories without the consent of the owners thereof. Every butter or cheese manufacturer, except those who buy all the milk they use, shall keep a correct account of all the milk daily received and of the number of pounds and packages of butter, the number and aggregate weight of cheese made each day the number of packages of cheese and butter disposed of which shall be open to inspection to any person who delivers milk to such manufacturer. Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five (25) or more than two hundred (200) dollars or not less than one (1) or more than six (6) months imprisonment, or both such fine and imprisonment.

To keep account of milk received—pounds butter and cheese made each day—to be open for inspection to any person who delivers milk.

Penalty for violation.

Penalty for making and exposing for sale oleomargarine.

SEC. 4. No person shall manufacture out of any oleaginous substance or substances, or any compound of the same, or any other compound other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese, produced from pure, unadulterated milk or cream from the same, or shall sell or offer for sale the same as an article of food. This shall not apply to pure skim milk cheese made from pure skim milk. Whoever violates the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than one hundred (100) nor more than five hundred (500) dollars, or not less than six (6) months, or more than one (1) year's imprisonment, or by both such fine and imprisonment for the first offense and by imprisonment for one (1) year for each subsequent offense.

Penalty for exposing for sale butter or cheese labeled with a false brand.

SEC. 5. No person shall offer, sell or expose for sale in full packages butter or cheese branded or labeled with a false brand or label as to county or state in which the article is made. Whoever violates the provision of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (25) or more than fifty (50) dollars, or imprisonment of less than fifteen (15) or

more than thirty (30) days for the first offense and fifty (50) dollars or thirty (30) days' imprisonment for each subsequent offense.

SEC. 6. No person shall manufacture, sell or offer for sale any condensed milk unless the same shall be put up in packages, upon which shall be distinctly labeled or stamped the name or brand by whom or under which the same is made. No condensed milk shall be made or offered for sale unless the same is manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount equivalent of twelve (12) per centum of milk solids in crude milk, and of such solids twenty-five (25) per centum shall be fat. When condensed milk shall be sold from cans or packages not hermetically sealed, the vender shall brand or label such cans or packages with the name of the county or counties from which the same was produced, and the name of the vendor. Whoever violates the provision of this section shall be guilty of a misdemeanor and be punished by a fine of not less than fifty (50) or more than five hundred (500) dollars, or by imprisonment of not more than six (6) months, or both, such fine and imprisonment for the first offense; and by six (6) months' imprisonment for each subsequent offense.

Condensed milk
—how manufac-
tured.

Penalty for
violation.

SEC. 7. The governor shall appoint a commissioner who shall be known as the state dairy commissioner, who shall be a citizen of this state, and who shall hold his office for the term of two (2) years or until his successor is appointed, and shall receive a salary of eighteen hundred (1800) dollars per annum and his necessary expenses incurred in the discharge of his duties under this act; said commissioner shall be appointed within ten (10) days after the passage of this act, and shall be charged, under the direction of the governor, with the enforcement of the various provisions thereof; said commissioner may be removed from office at the pleasure of the governor, and his successor appointed as above provided for. The said commissioner is hereby authorized and empowered to appoint a clerk, whose salary shall be twelve hundred (1200) dollars per year and such assistant commissioners, and to employ such experts, chemists, agents and such counsel as may be deemed by him necessary for the proper enforcement of this law, their compensation to be fixed by the commissioner. The sum of six thousand (6,000) dollars, annually, is hereby appropriated to be paid for such purposes out of any moneys in the treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the state upon the warrant of the state auditor. The entire expenses of said commissioner shall not exceed the sum appropriated for the purposes of this act. The said commissioner shall

Appointment of
State Dairy
Commission—
term of office—
salary of—duty
of.

Annual appropriation—in what amount.

make biennial reports to the legislature not later than the fifteenth (15th) day of January, of his work and proceedings, and shall report in detail the number of assistant commissioners, experts, chemists, agents and counsel he has employed, with their expenses and disbursements. The said commissioner shall have a room in the capital to be set apart for his use by the governor.

To make report—when—what to contain.

SEC. 8. The said commissioner and assistant commissioners, and such experts, chemists, agents and counsel as they shall duly authorize for the purpose shall have access, egress and ingress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans used in the manufacture and sale of any dairy products or any imitation thereof. They shall also have power and authority to open any package, car or vessel containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this act, and may inspect the contents therein, and may take therefrom samples for analysis.

Power of commission and assistants.

What courts to have jurisdiction.

SEC. 9. The district and municipal courts of this state shall have jurisdiction of all cases arising under this act, and their jurisdiction is hereby extended so as to enable them to enforce the penalties imposed by any or all of the sections hereof.

Costs—how paid.

SEC. 10. In all prosecutions under this act the cost thereof shall be paid out of the fine, if one is collected, if not, the same shall be paid in the manner now provided for by law, and the rest of the fine shall be paid into the state treasury.

What to be deemed adulterated bread.

SEC. 11. In all prosecutions under this act relating to the sale, and manufacture of unclean, impure, unhealthy, adulterated or unwholesome milk; if the milk be shown to contain more than eighty-eight (88) per centum of water or fluids or less than twelve (12) per centum milk solids, which shall contain not less than three (3) per centum of fat it shall be declared adulterated, and milk drawn from cows within fifteen (15) days before and five (5) days after parturition or from animals fed on distillery waste or any substance in the state of putrefaction or fermentation or upon any unhealthy food whatever shall be declared unclean, impure, unhealthy and unwholesome milk. This section shall not prevent the feeding of ensilage from silos.

What to be deemed a willful intent to violate this act.

SEC. 12. The doing of anything prohibited being done and the not doing of anything directed to be done in this act shall be presumptive evidence of a willful intent to violate the different sections and provisions hereof.

Repeal of inconsistent acts.

SEC. 13. All acts or parts of acts, conflicting with the provisions of this act, are hereby repealed.

When act to take effect.

SEC. 14. This act shall take effect, and be in force from and after April first (1st,) eighteen-hundred and eighty-five (1885.)

Approved March 5, 1885.