

CHAPTER 247.

[S. F. No. 243.]

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY (140), AN ACT TO PREVENT DECEPTION IN THE SALE OF DAIRY PRODUCTS, AND TO PRESERVE THE PUBLIC HEALTH, BEING SUPPLEMENTARY TO AND IN AID OF CHAPTER ONE HUNDRED AND FORTY-NINE (149), OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ENTITLED "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. That chapter one hundred and forty (140) of the general laws of Minnesota for the year one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended so as to read as follows:

SEC. 1. No person or persons shall sell or exchange or expose for sale or exchange, any unclean, 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 milk cheese made from milk which is pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars, or by imprisonment of not less than one (1) month or more than three (3) months, or both such fine and imprisonment, for the first offense, and by three (3) months imprisonment for each subsequent offense.

Impure milk,
sale of
prohibited.

Penalty.

Section two (2) of said act is hereby amended so as to read as follows:

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 ten (\$10) dollars nor more than one hundred (\$100) dollars, or by imprisonment of not less than one (1) month or more than three (3) months, or by both such fine or imprisonment for the first offense, and by three (3) months' imprisonment for each subsequent offense.

Cows shall not
be kept in
unhealthy
condition.

Penalty.

Section three (3) of this act is hereby amended to read as follows:

Milk, sale of
to manufactur-
ers of dairy
products.

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, un healthy, 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 manufacturers, 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 deemed guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than ten (10) dollars or more than one hundred (100) dollars, or not less than one (1) month or more than three (3) months' imprisonment or by both such fine and imprisonment.

Penalty.

Section four (4) of said act is amended so as to read as follows:

Imitations
prohibited.

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 deemed guilty of a misdemeanor and be punished by a fine of not less than one hundred (100) dollars or 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 (1st) offense, and by imprisonment for one (1) year for each subsequent offense.

Penalty.

Section five (5) of said act is hereby amended so as to read as follows:

Imitations
prohibited.

SEC. 5. No person, by himself or his agents or servants, shall render or manufacture out of any animal fat, or animal or vegetable oils not produced from unadulterated milk or

cream from the same, any article or product in imitation or semblance of or designed to take the place of natural butter or cheese produced from pure, unadulterated milk or cream of the same, nor shall he or they mix, compound with or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream with designs or interest to render, make or produce any article or substance for human food in imitation or semblance of natural butter or cheese, nor shall he sell, keep for sale or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or any other state or country. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, nor less than six (6) months or more than one (1) year's imprisonment for the first (1st) offense, and by imprisonment for one (1) year for each subsequent offense.

Penalty.

Nothing in this section shall impair the provisions of section four (4) of this act.

Section six (6) of said act is hereby amended so as to read as follows:

SEC. 6. No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats, or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent; nor shall any article or substance or compound so made or produced, be sold for butter or cheese, the product of the dairy. If any person shall coat, powder or color with annatto or any coloring matter whatever, butterine, or oleomargarine, or any compounds of the same, or any products or manufacture made in whole or in part from animal fats, or animal or vegetable oils not produced from unadulterated milk or cream, whereby the said product, manufacture or compound shall be made to resemble butter or cheese, the product of the dairy, or shall have the same in his possession, or sell or offer for sale, or have in his possession any of said products which shall be coated or colored in semblance of or to resemble butter or cheese, it shall be prima facie evidence of an intent to sell the same for butter or cheese, the product of the dairy. Whoever violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than one hundred (100) dollars nor more than one thousand (1,000) dollars.

Imitations prohibited.

Penalty.

This section shall not be construed to impair or affect

the prohibition of section four (4) and five (5) of this act.

Section seven (7) of said act is hereby amended so as to read as follows:

False brand.

SEC. 7. No person shall offer, sell or expose for sale, butter or cheese branded or labeled with a false brand or label as to the quality of the article, or to the county or state in which the article is made.

Uniform
stencil brand.

The Minnesota state dairy commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state upon proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto and the words "Minnesota state full cream cheese." Every brand issued shall be used upon the outside of the cheese, and also upon the package containing the same, and shall be a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same.

Unlawful to
use except on
full cream
cheese.

It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese, or packages containing the same. Minnesota state full cream cheese, of which there be less than forty (40) per centum of fats to total solids shall be deemed, for the purpose of this act to be adulterated. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and for each and every cheese or package so falsely branded shall be punished by a fine of not less than twenty-five (25) dollars or more than fifty (50) dollars or imprisonment of not less than fifteen (15) days or more than thirty (30) days.

Penalty.

Section eight (8) of said act is hereby amended so as to read as follows:

Dairy
commissioner,
governor to
appoint.

SEC. 8. 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 a term of two (2) years, or until his successor is appointed, and shall receive a salary of eighteen hundred (1,800) dollars per annum, and his necessary expenses incurred in the discharge of his duties under 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 secretary whose salary shall be twelve hundred (1,200) 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

Salary.

Secretary and
assistants.

compensation to be fixed by the commissioner. The sum of fifteen thousand (15,000) 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 purpose of this act. The said commissioner shall 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 capitol, to be set apart for his use by the governor. This section shall not affect the tenure of office of the present commissioner, nor to be construed to impair or affect any of the provisions in section seven (7) of chapter one hundred and forty-nine (149) of the law of one thousand eight hundred and eighty-five (1885), except in the sum of money appropriated.

Appropriation.

SEC. 9. The said commissioner and assistant commissioners, and such experts, chemists, agents and counsel as they shall duly authorize for the purpose, shall have access, ingress and egress 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 imitations thereof. They also shall 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 samples therefrom for analysis.

Duties of commissioners, etc.

All clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or discovering the presence of any prohibited article named in this act.

Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials or employes or common carriers to render such friendly aid shall be deemed a misdemeanor, and be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each and every offense.

SEC. 10. The commissioner shall provide blanks, which shall be furnished to all proprietors or managers of creameries, cheese factories or milk dairies that ship milk to the cities and all venders or peddlers of milk in the cities within the state, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories shall, on the first (1st) day of November of each year, send to

Blanks to be furnished for reports.

Reports to be made to commissioner.

the dairy commissioner a full and accurate report of the amount of business done during the year, and all milk dairies, milk venders or milk peddlers shall send to the state dairy commissioner quarterly reports of all the business done by each and every such person, firm or company in handling dairy products during the last three (3) months past, as designated under the different headings of such printed blanks.

Penalty.

Any neglect or failure, or false statement on the part of any proprietor or manager of such creamery, cheese factory, dairy or any milk vender or milk peddler shall be considered guilty of a misdemeanor, and be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars.

Section eleven (11) of said act is hereby amended so as to read as follows:

Cream, sale of.

SEC. 11. No person shall sell or offer for sale any cream taken from impure or diseased milk, or cream that contains less than twenty (20) per centum of fat. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars.

Section twelve (12) of said act is hereby amended so as to read as follows:

Impure milk defined.

SEC. 12. In all prosecutions under this act, relating to the sale and manufacture of unclean, impure, unhealthy, adulterated or unwholesome milk, if the milk is shown to contain more than eighty-seven (87) per centum of water fluids or less than thirteen (13) per centum milk solids, of which less than three and one-half ($3\frac{1}{2}$) per centum shall be fat, shall be declared adulterated, and milk drawn from cows within fifteen (15) days before and four (4) days after parturition or from animals fed on distillery waste, or brewers' malt, or any unhealthy food whatever, shall be deemed, for the purpose of this act, to be unclean, impure, unhealthy and unwholesome milk. The penalties for any violation of this section are the same as those of section two (2) of this act. This section shall not prevent the feeding of ensilage from silos.

Skimmed milk must be labelled.

No person shall sell or expose for sale in any store or place of business, or on any wagon or other vehicle used in transporting or selling milk, any milk from which cream has been removed, or milk commonly called "skimmed milk," without first marking the can or package containing said milk with the words, "skimmed milk," in large, plain, black letters, each letter being at least one (1) inch high and one-half ($\frac{1}{2}$) inch wide. Said words to be on the top or side of said can or package, where they can be easily seen.

Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by

a fine of not less than twenty-five (25) nor more than one hundred (100) dollars for each and every offense.

SEC. 13. Every person who conveys milk in carriages, carts, or otherwise, for the purpose of selling the same, in any city or town of two thousand (2,000) inhabitants or more in the state of Minnesota, shall annually, on the first (1st) day of May, or within thirty (30) days thereafter, be licensed by the state dairy commissioners to sell milk within the limits of said city or town, and shall pay to the said state dairy commissioner the sum of one (1) dollar each to the use of the said dairy commission.

Milk carts
must be
licensed.

Licenses shall be issued only in the names of the owners of carriages, carts or other vehicles, and shall, for the purpose of this act, be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages, carts or other vehicles used, the name and residence of every driver, or other person engaged in selling said milk, and the number of the license. Each licensee shall, before engaging in the sale of milk, cause his name, the number of his license and his place of business to be legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance and sale of milk, and he shall report to the state dairy commissioner any change of driver or other person employed by him, which may occur during the term of his license. Whoever without being first licensed under the provisions of this section, sells milk, or exposes it for sale from carriages, carts, or other vehicles, or has it in his custody or possession with intent to sell, and whoever violates any of the provisions of this section, shall, for the first offense, be punished by a fine of not less than ten (10) dollars, nor more than fifty (50) dollars. For a second offense by a fine of not less than fifty (50) dollars, nor more than one hundred (100) dollars, and for a subsequent offense by a fine of fifty (50) dollars and imprisonment in the county jail for not less than thirty (30), nor more than sixty (60) days.

Licenses, in
whose name
issued, etc.

SEC. 14. Every person, before selling milk or offering it for sale in a store, booth, stand or market place, in the respective towns or cities, as designated in this act, shall procure a license from the state dairy commissioner, or his authorized agents, and shall pay to said commissioner or his agents the sum of one (1) dollar. And whoever neglects to procure said license shall be deemed guilty of a misdemeanor and shall be punished for each offense by a fine not exceeding twenty-five (25) dollars.

License for
sale in market
place.

SEC. 15. That all moneys received as license fees, or from the sale of any and all goods confiscated by the state dairy commissioner, under said act, shall be received and disbursed the same as money appropriated for the use of said dairy commission.

License fees,
how disbursed.

Violations.

SEC. 16. The having in possession by any person or firm of any articles or substances prohibited by this act, shall be considered prima facie evidence that the same is kept by such person or firm in violation of the provisions of this act, and the commissioner shall be authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction under this act, he shall sell the same for any purpose other than to be used for food, the proceeds to be placed to the credit of the state dairy commissioners' fund.

Section seventeen (17) of said act is hereby amended so as to read as follows:

Jurisdiction of courts

SEC. 17. The district and municipal courts and all justices of the peace 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.

Section eighteen (18) of said act is hereby amended so as to read as follows:

Costs of prosecutions.

SEC. 18. In all prosecutions under this act the cost thereof shall be paid in the manner now provided by law, and the rest placed to the credit of the state dairy commissioners' fund.

SEC. 19. All acts and parts of acts now in force and inconsistent with this act are hereby repealed.

When act to take effect.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved April 20, 1889.

CHAPTER 248.

[S. F. No. 557.]

AN ACT RELATING TO THE DUTY OF THE ATTORNEY GENERAL RESPECTING INCORPORATIONS.

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

Articles of incorporation.

SECTION 1. Hereafter it shall not be necessary for the attorney general to endorse any form of approval upon the articles of incorporation of any incorporated company.

SEC. 2. This act shall not apply to religious corporations.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 24, 1889.