

district court. The court at such term shall fix a day for the hearing of such appeal, and cause notice thereof to be served upon the chairman of the town or village board of health, as the case may be. The said chairman may appear in person or by counsel at the trial thereof. The court shall render judgment as justice shall require, regardless of the action of said board of county commissioners. It shall be the duty of the clerk of the court to issue subpoenas for the attendance of witnesses when requested so to do, in writing, by the said chairman. No bond shall be required of the board of health taking the appeal herein provided. All expenses incident to such appeal may be allowed by the court, in its discretion, and paid out of the county treasury. When the board of county commissioners shall audit such statement, or any part thereof, the said statement shall be paid out of the county treasury by orders on the treasurer, drawn by the county auditor, and paid out of the general revenue fund of the county, as other claims against the county are paid."

Hearing by
court.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1902.

CHAPTER 30.

H. F. No. 40.

An act to regulate the manufacture and sale of lard and of lard compounds and lard substitutes, and of food prepared therefrom; to prevent fraud and to preserve the public health, and to repeal acts and parts of acts inconsistent herewith.

Pure food.

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

SECTION 1. No person shall within this state manufacture for sale, or have in his possession with intent to sell, or offer or expose for sale or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog. Any lard for purposes of this act shall be deemed adulterated. (1) If any substitute or substitutes has been mixed with it so as to lessen or depreciate its quality, strength or purity. (2) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

Adulterated
lard pro-
hibited.

Lard substitutes must be labeled.

SEC. 2. Every person who manufactures for sale within this state, or has in his possession with intent to sell, or offers or exposes for sale, or sells as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats, or from any mixture or compound consisting in part of lard in mixture or combination with animal or vegetable oils or fats, unless the same shall be branded or labeled as hereinafter required and directed, shall be guilty of a misdemeanor and shall upon conviction be subject to the penalties hereinafter provided in this act.

How labeled or branded.

SEC. 3. Every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale or sells any substance made in the semblance of lard, or as an imitation of lard, or a substitute for lard, and which is designed to take the place of lard, and which consists of any mixture or compound of animal or vegetable oils or fats other than hog fat in the form of lard, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled, in letters not less than one (1) inch in length, with the name of the person or firm making the same, together with the location of the manufactory, and the words "Lard Substitute," and immediately following the same in letters not less than one-half (1-2) inch in length, with the names and the approximate proportions of the several constituents which are contained in the mixture or compound.

Same.

SEC. 4. Every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale or sells, any substance made in the semblance of lard, or as an imitation of lard, or as a substitute for lard, and which is designed to take the place of lard, which consists of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled, in letters not less than one (1) inch in length, with the name of the person or firm making the same, together with the location of the manufactory, and the words "Adulterated Lard," and immediately following the same in letters not less than one-half (1-2) inch in length, with the names and approximate proportions of the several constituents which are contained in the mixture or compound.

SEC. 5. Every dealer or trader, who, by himself or his agent, or as the servant or agent of another person, offers or exposes for sale or sells any form of lard substitute or adulterated lard as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein the same is contained, offered for sale or sold, a label upon the outside and face of which is distinctly and legibly printed, in letters not less than one-half (1-2) inch in length the words "Lard Substitute," or "Adulterated lard," and immediately following the same in letters not smaller than long primer, the name and approximate proportions of the several constituents which are contained in the mixture or compound, and shall furnish to the purchaser, at the time of sale, a card upon which is distinctly and legibly printed the name of the article as hereinbefore defined, and a list of the several components of the mixture. Same.

SEC. 6. Every person who manufactures for sale, or who offers or exposes for sale or sells, or who serves to guests as keeper of hotel, restaurant, dining room, or in any other capacity, articles of food which have been prepared, either wholly or in part, with lard substitutes or adulterated lard as hereinbefore defined, shall at the time of sale furnish to the purchaser a card upon which is distinctly and legibly printed the words, "This food is prepared with lard substitute (or adulterated lard)," or in case no bill of fare is provided, there shall be kept constantly posted upon each of the sides of the dining room, in a conspicuous position, cards, upon the face of which is distinctly and legibly printed, in the English language, and in letters of sufficient size to be visible from all parts of the room, the words, "Lard Substitute (or adulterated lard) is used in the preparation of the food served here." Sellers and users of adulterated lard, or substitutes, must expose cards before customers or guests.

SEC. 7. The having in possession of any lard substitute or adulterated lard as hereinbefore defined which is not branded or labeled as hereinbefore required and directed, upon the part of any dealer or trader, keeper of hotel, restaurant, bakery, or any person engaged in the public sale of such articles or of food prepared therefrom, shall for the purpose of this act be deemed prima facie evidence of intent to sell the same or to use the same in an illegal manner. Possession prima facie evidence.

SEC. 8. It shall be the duty of the state dairy and food commissioner and his assistants, experts, chemists Enforcement of law.

and agents by him appointed, to enforce the provisions of this act. The said commissioner is hereby authorized and empowered to employ such experts and chemists as may be deemed by him necessary for the proper enforcement of the law, their compensation to be fixed by the commissioner. All charges, accounts and expenses authorized by this act shall be paid by the state treasurer upon a warrant drawn by the state auditor.

Access to all places.

SEC. 9. The said commissioner and assistant commissioners, experts, chemists and others by him appointed shall have access, ingress and egress to all places of business, factories and buildings where the same is manufactured or kept for sale. 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 take samples therefrom for analysis. 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 clerk, bookkeeper, express agent, railroad officials, employes or common carriers to render such friendly aid, shall be deemed a misdemeanor and be punished by a fine of not less than twenty-five (\$25) dollars or more than fifty (\$50) dollars for each and every offense.

Penalty.

SEC. 10. Any person violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five (\$25) dollars or more than seventy-five (\$75) dollars and costs for each offense, or by imprisonment in the county jail for not less than thirty (30) days or more than sixty (60) days.

SEC. 11. Chapter 12 of the General Laws of 1891, and chapter 126, of the General Laws of 1893, and chapter 280 of the General Laws of 1901, and all acts, and parts of acts inconsistent with this act, are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 6, 1902.