

CHAPTER 183—S. F. No. 455.

An Act to regulate the manufacture and sale of oleomargarine, and to prescribe penalties and punishments for violation of the provisions of this act.

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

Sale of oleomargarine.—Section 1. No person, firm or corporation shall, by himself or by his or their agent or servant, nor shall any officer, agent, servant or employee of any person, firm or corporation, 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 any fats, oils or oleagenous substance or compound thereof not produced from pure unadulterated milk, or cream from the same, without the admixture or addition of any fats foreign to the said milk or cream, and which shall be in imitation of butter of any shade or tint of yellow, produced from pure unadulterated milk, or cream from the same, with or without coloring matter, unless said oleomargarine, so manufactured, shipped, consigned, offered for sale, exposed for sale, or had in possession with intent to sell, shall be made and kept free from all coloration or ingredients causing it to look like butter of any shade or tint of yellow, nor unless the same shall be kept and presented in a separate and distinct form, and in such manner as will advise the purchaser and consumer of its real character.

Package to be marked.—Sec. 2. It shall be unlawful for any person, firm or corporation, or any agent thereof, to sell or offer or expose for sale, or have in possession with intent to sell, any oleomargarine, not in imitation of butter, 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 thereon; such placard to be placed in a conspicuous position, in full view of the purchaser; and the said word "oleomargarine" on such placard shall be printed in plain, uncondensed Gothic letters, each letter not less than one inch in height, and such placard shall contain no other words thereon; and there shall also be displayed upon each tub, package or parcel containing such "oleomargarine" not in imitation of butter, 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, not in imitation of butter, 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 letters one-fourth inch

square; and said wrapper shall also contain the name and address of the seller and the quantity sold, and immediately following there shall appear upon the wrapper the name and address of the manufacture.

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," "Holstein" or other labeling that would indicate that said 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 an 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. *Provided*, that nothing in this section shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the purchaser and consumer of its real character, when free from coloration or ingredients that cause it to look like or resemble butter of any shade or tint of yellow.

Hotels and restaurants to mark service on bill of fare or by posted notice.—Sec. 3. 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, hospital, or other 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 therefor, any oleaginous substance or compound other than that produced wholly from pure, unadulterated milk or cream, unless he or they shall cause to be plainly printed upon every bill of fare, if one be used, and in letters not smaller than eight-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 such establishment shall cause to be posted upon each side of the dining or eating room, in a conspicuous position and in letters large enough to be distinctly seen and read from all parts of said room placards containing on the face thereof the words in the English language, "Oleomargarine used in place of butter," and such person shall keep said placards continuously posted as aforesaid so long as such butter substitute be kept or used.

Violation a misdemeanor.—Sec. 4. Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation, who violates any of the provisions of

this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished, for the first offense, by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or both such fine and imprisonment at the discretion of the court; and upon conviction of any subsequent offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days, or both such fine and imprisonment at the discretion of the court.

Dairy and food commissioner to enforce.—Sec. 5. The state dairy and food commissioner, his assistant, agents and employees shall enforce the provisions of this act, and in so doing shall have all the powers conferred upon them and each of them by the provisions of chapter 21, Revised Laws of 1905.

Commissioner and employees to have access.—Sec. 6. For the purpose of obtaining information regarding suspected violations of this act, the dairy and food commissioner and his several agents and employees shall have access to all places where any of the above mentioned articles are manufactured, sold or served, the manufacture, sale or serving of which is regulated, restricted or forbidden by this act. They may inspect any package or receptacle found therein apparently containing any of the aforementioned articles and may take samples therefrom for analysis. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

The words "sell" and "sale," as used herein, shall be construed as including the offering or exposing for sale or exchange of the forbidden or regulated article, the having of any such article in possession with intent to sell or exchange the same, and the storing, carrying or handling thereof in aid of traffic therein, whether done in person or permitted through others.

In all criminal prosecutions under the provisions of this act, the doing of any act forbidden herein or the failure to perform any act commanded shall be deemed prima facie evidence of an intent to violate the law, and in any such prosecution the certificate of the commissioner's chemist making the analysis, when sworn to by him, shall be prima facie evidence of the statement or statements therein contained. Wherever in this act the manufacture or sale of any article or preparation is forbidden or regulated, compliance with any requirement regarding labeling, marking or placarding shall not be construed as making such manufacture or sale lawful.

Inconsistent acts repealed.—Sec. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. but the repeal of any such act shall not in any way interfere with or prevent the prosecution to final termination of any

actions, civil or criminal, now pending or which may hereafter be commenced for any violation of said acts which has already been committed.

Sec. 8. This act shall take effect and be in force from and after July 1, 1911.

Approved April 19, 1911.

CHAPTER 184—S. F. No. 466.

An Act to amend section six of chapter 499 General Laws of Minnesota 1909, being an Act prescribing hours of labor and time for meals for women and children in mercantile and manufacturing establishments; regulating the ventilation and sanitation of all manufacturing establishments and providing for the enforcement thereof.

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

Women and children in manufacturing or mechanical establishments.—Section 1. That section six of chapter 499 General Laws of Minnesota 1909 be and the same is hereby amended to read as follows:

Section 6. Every factory and workshop in this state where women and children are employed and where dusty work is carried on shall be limewashed or painted at least once in every twelve months.

Every floor of any room in said factory shall be thoroughly cleaned with soap and water at least once in six months and every dressing room and water closet in said factory shall be thoroughly cleaned with soap and water once in every week.

Any employer, superintendent, owner or other agent of any mercantile, manufacturing or mechanical establishment who violates any of the provisions of this chapter shall be guilty of a misdemeanor.

Approved April 18, 1911.

CHAPTER 185—S. F. No. 485.

An Act relating to acquisition of lands for streets, parks and parkways in cities of the first class and the improvement and government thereof.

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

Council may designate lands for park purposes.—Section 1. The city council and the board of park commissioners of any city of the first class may by concurrent resolution adopted by a ma-

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