

## CHAPTER 309—H. F. No. 633.

*An act making it unlawful to use the word "butter" in advertising in any manner 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, declaring violations hereof to be misdemeanors, and providing for the enforcement of this act.*

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

Section 1. **Use of "butter" in advertising 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 any food product or article of food produced or manufactured in whole or in part out of or from 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 the word "butter" is used or appears, provided that the word "butter" may be used in designating the food article known to the trade as "plum butter" "apple butter" "peanut butter" when used in connection with the name of article manufactured from, and provided further that nothing herein contained shall repeal or modify any of the provisions now in force for the labeling of the food product known as "oleomargarine".

Sec. 2. **Violation a misdemeanor.**—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

Sec. 3. **Dairy and food commissioner to enforce provisions of act.**—It shall be the duty of the state dairy and food commissioner to enforce the provisions of this act, and of all county attorneys, upon complaint made, to prosecute all persons violating any of the provisions hereof within their respective counties.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 15, 1921.

## CHAPTER 310—H. F. No. 766.

*An act to regulate cold storage of certain articles of food and dealers therein, defining certain terms as used therein; providing penalties for violations of the provisions of this act, and repealing*

*Chapter 57, Special Session Laws of 1919, and all acts or parts of acts inconsistent herewith.*

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

Section 1. Definitions.—For the purpose of this Act “Cold Storage” shall mean the storage or keeping of articles of food at or below a temperature above zero of 45 degrees Fahrenheit in cold storage warehouse. The term “Cold Storage Warehouse” shall mean and include every place, whether a single room or enclosed space, or a group of rooms, that is cooled, mechanically or by any artificial means whatever, including the cooling by use of ice, to or below a temperature of 45 degrees Fahrenheit above zero and in which articles of food are placed and held for thirty days or more.

For the purposes of this act any room or rooms in a cold storage warehouse, leased, controlled and operated apart from the general storage business of such warehouse and to which the general public has not access for storage purpose, is hereby declared a separate cold storage warehouse, subject to licensing and supervision under this Act.

Refrigerator cars and ships, when used solely for the transportation as distinguished from the storage of foods shall not be regarded as cold storage warehouses, nor shall the ice-boxes of retail food establishments and chill-rooms used only for the holding of food for periods of less than thirty days, be so regarded. The Commissioner shall, however, for the proper enforcement of the law, have the right of inspection of such chill-rooms, and, as well, of the food held therein: “Articles of Food” shall mean fresh meat and fresh meat products and all fish, game, poultry, eggs, butter, butter substitutes and lard substitutes. Fresh fruit and fresh vegetables, dried fruit and dried vegetables, dehydrated products, nuts, and other articles of food intended for human consumption not herein before specifically mentioned shall be included and come under the provisions of this act only for the purposes of enforcing regulations for sanitation and public health; and for these purposes shall be subject to such inspection, rules and regulations as may be prescribed by the Commissioner of Agriculture.

Sec. 2. Licenses, fees, etc.—No person, firm or corporation shall maintain or operate a cold storage warehouse without a license so to do issued by the Commissioner of Agriculture. Any person, firm or corporation desiring such license shall make written application to the Commissioner of Agriculture for that purpose, stating the location of the warehouse. The Commissioner of Agriculture shall cause an examination to be made of said warehouse, and if it be found by him to be in proper sanitary condition and otherwise properly equipped for its intended use, he shall issue a license authorizing the applicant to operate the same as a cold storage warehouse during one year. The license shall be issued

upon payment by the applicant of a license fee of fifty (\$50.00) dollars to the Commissioner of Agriculture.

**Sec. 3. Suspending or revoking license.**—The Commissioner of Agriculture shall also have authority to suspend or revoke the license of any cold storage warehouseman or dealer in cold storage products, whenever it shall be made to appear to him by satisfactory evidence that any such licensee has violated any of the terms or provisions of this Act. Such suspension or revocation shall be made only after notice to the licensee and an opportunity to be heard with reference to the grounds for suspension or revocation, and such action by the commissioner of Agriculture shall in no way exempt such licensee from the penalties otherwise provided for in this Act.

**Sec. 4. Records, reports, etc.**—Every licensee, operating under Section 2 of this Act, shall keep accurate records of the articles of food received in and of the articles of food withdrawn from his cold storage warehouse, and the Commissioner of Agriculture shall have free access to such records at any time. Every such licensee shall submit a monthly report to the Commissioner of Agriculture, setting forth its itemized particulars and the quantity and kinds of articles of food in his cold storage warehouse. Such monthly reports shall be filed on or before the fifth day of each month, and the reports so rendered shall show the conditions existing on the last day of the preceding month reported and a summary of such reports shall be prepared by the Commissioner of Agriculture and shall be open to the public inspection on or before the tenth day of each month.

**Sec. 5. Inspection.**—The Commissioner of Agriculture shall inspect and supervise all cold storage warehouses and make such inspection of articles of food therein as he may deem necessary to secure the proper enforcement of this Act, and he shall have access to all cold storage warehouses, together with all related offices, toilet, wash and locker rooms, egg candling rooms, power houses or rooms, loading and unloading platforms, passage ways, approaches, and other spaces, the state of sanitation of which may effect the sanitary conditions of the cold storage foods, or which may require visitation or inspection for the enforcement of any of the provisions of the law, at all reasonable times. The Commissioner may appoint such persons as he deems qualified to make any inspection under this act.

**Sec. 6. Food which may be received for cold storage.**—No article of food intended for human consumption shall be placed, received or kept in any cold storage warehouse unless the same is in an apparently pure and wholesome condition. A food will be deemed "Wholesome" only when it is in all respects fit for human consumption. The Commissioner of Agriculture may seize and condemn any articles of food in cold storage warehouses which are

found to be unfit for human consumption, and such articles of food shall be destroyed or otherwise disposed of under such conditions as the Commissioner shall prescribe.

**Sec. 7. Marking articles of food.**—No person, firm or corporation shall place, receive or keep in any cold storage warehouse in this State, articles of food unless the same shall be plainly marked, stamped or tagged, either upon the container in which they are packed, or upon the article of food itself, with the date when placed therein; and no person, firm or corporation shall remove or allow to be removed such articles of food from any cold storage warehouse unless the same shall be plainly marked, stamped or tagged, either on the container in which it is enclosed or upon the article of food itself, with the date of such removal, and such marks, stamps and tags shall be prima facie evidence of such receipt and removal, and of the date thereof. It shall be unlawful to remove, deface, add to, alter or change any mark or marks placed upon the container, wrapper or upon the article of food itself, or upon the label or tag attached thereto, which marks are required under the provisions of this Act, or in compliance with regulations adopted by the Commissioner of Agriculture or under the provisions of the cold storage act of any other state, without permission of the Commissioner of Agriculture or under his direction.

If the articles of food are stored by the lessee of a room or rooms in a cold storage warehouse, the said lessee shall be responsible for the goods placed by him or his employees in said leased space, and also for the placing upon them of the required marks. Articles of food entered for periods of less than thirty days in a chill-room located in cold storage warehouse, but used solely for the storage of articles of food for less than thirty days, shall have affixed their respective Lot Numbers, but require no "time of entry" marks. Cold storage products, as defined by this Act, may be removed from one container to another for the purpose of grading or repacking into more convenient commercial form, either during cold storage or at the time of withdrawal therefrom providing (1) that the old container was properly marked; (2) lot number or numbers, and all other distinguishing marks, shall be marked also upon the new container.

**Sec. 8. Length of storage period.**—No person, firm or corporation shall keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the state for a longer aggregate period than twelve months, except with the consent of the Commissioner of Agriculture, as herein provided.

The Commissioner upon written application made and presented during the twelve months' period may extend the allowable storage period for any particular article of food, provided the same upon examination is found to be in proper condition for

further cold storage. If the Commissioner shall grant the application for such further cold storage period he shall enter an order specifying the period for which such additional storage may be permitted. The Commissioner shall make written report on each case in which such extension of storage is granted, including therein the information relating to the reason for the action taken, specifying the kinds and amounts of the articles of food covered by such extension order and the length of time for which the extension is granted, and this report and the order based thereon shall be kept on file in the office of the Commissioner at all times open to the public. No extension shall be granted for a longer period than sixty days, but a second extension of not more than sixty days may be granted upon re-investigation and re-examination, provided the entire extension period shall in no event exceed more than one hundred and twenty (120) days.

In case the owner of any article of food in storage in a cold storage warehouse fails or refuses to remove the same before the expiration of the period of time within which the storage may lawfully be continued, then and in such case the warehouseman may sell the same at public auction and for the best price obtainable, first giving ten days' published notice of his intention so to do and account for and pay over to the owner of said articles of food so sold the amount for which the same is sold, after deducting the reasonable expense of such sale and his charges, if any, for the storage of such articles of food. In such case it shall be lawful to retain such articles of food in cold storage for a period of time, not exceeding fifteen days, after the expiration of time during which such articles of food could otherwise be kept in cold storage.

**Sec. 9. Shortening storage period.**—Whenever, in the opinion of the Commissioner, the market conditions of food articles, resulting from hoarding or deterioration is such as to require the release for immediate sale of food stuffs held in cold storage, so that there is immediate market therefor at fair and reasonable prices, the Commissioner by order may shorten the twelve months' storage period herein provided for as to any particular article of food and may by his order fix and establish a shorter storage period for such articles or articles of food and thereupon the articles covered by such order shall, upon the expiration of such shortened storage period be released from storage and removed from such storage warehouse.

If such provision for shortened storage period for any reason shall be invalid, no other provision of this Act shall be impaired or held invalid in consequence thereof.

**Sec. 10. Display of placards.**—It shall be unlawful to sell, or to offer for sale, either at wholesale or retail fresh meat or fresh meat products, fish, game, poultry, eggs, butter, butter substitutes and lard substitutes which have been held for a period of thirty days or

over in cold storage, either within or without the State, without notifying persons purchasing or intending to purchase the same that it has been so held, by the display of a placard, which shall indicate the kind of cold storage products offered for sale by such dealer, which placards shall be furnished at cost by the Department of Agriculture, and shall be prominently displayed within the principal salesroom of such place of business.

**Sec. 11. Dealers penalties.**—Any place of business, or warehouse, or outbuilding connected therewith, wherein cold storage products are sold, or held subject to sale, and all books and records shall be open at all reasonable times to inspection by the Commissioner of Agriculture, and for the purpose of examination of such foods, the Commissioner may cause any food container to be opened and examined as to its suitability for human consumption.

Any dealer in cold storage products whether wholesale or retail violating Section 10 of this act, or who shall fail to comply with the rules and regulations of the Commissioner of Agriculture in the enforcement of same shall be guilty of misdemeanor and shall upon conviction be punished for the first offense by a fine not to exceed (\$25.00) twenty-five dollars, and for a second offense by a fine not to exceed (\$100.00) one hundred dollars, or by imprisonment, or by both such fine and imprisonment.

**Sec. 12. Returning food to cold storage: Transfer.**—After food has been withdrawn from a cold storage warehouse, for the purpose of placing it on the market for sale, it shall be unlawful for any person, firm or corporation to return such food, or any portion thereof, to such cold storage warehouse, or to any similar warehouse. Subject to such regulations as may be prescribed by the Commissioner of Agriculture, food may be transferred from one cold storage warehouse or refrigerating plant to another; provided, however, that the total length of time such food shall remain in such cold storage for the purpose of sale, shall not exceed the time specified in Section 8 of this Act.

**Sec. 13. Making rules and regulations.**—The Commissioner of Agriculture may make all necessary rules and regulations to carry this Act into effect. Such rules and regulations shall be filed in the Commissioner's office and shall not take effect until thirty (30) days after such filing.

**Sec. 14. Penalties.**—Any person, firm or corporation violating any provision of this Act as relating to cold storage warehousing, shall be guilty of a gross misdemeanor and shall upon conviction be punished for the first offense by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the jail of the proper county for a period of not more than three months, or by both such fine and imprisonment, and for the second or subsequent offense, by a fine not to exceed one thousand (\$1,000) dollars or

by imprisonment in the jail of the proper county for a period not to exceed one year, or by both such fine and imprisonment.

Sec. 15. **Fees and fines, disposition of.**—All license fees and fines accruing through the enforcement of the provisions of this Act shall be paid into the State Treasury and credited to the State Revenue Fund.

Sec. 16. **Conflicting acts repealed.**—Chapter 57, Special Session Laws of 1919 and all acts and parts of acts inconsistent with this Act are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its passage.

Approved April 15, 1921.

---

#### CHAPTER 311—H. F. No. 872.

*An act to amend Section 2026, Revised Laws, 1905, as amended by Chapter 380, Laws 1909, relating to the free transportation of shippers by railroad companies.*

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

Section 1. Section 2026, Revised Laws 1905, as amended by chapter 380, Laws 1909, is hereby amended so as to read as follows:

2026. **Transportation of Shippers, etc.**—Every such company receiving for shipment live stock by the car load shall without additional charge transport, going, in a caboose or other suitable car, and returning, by *first class passage, with each single, or with the first such car load, one person to care for such stock, and one person in addition for each four additional car loads shipped at the same time.* Any company failing to comply with the provisions of this section shall be liable to the shipper for all damages sustained by him by reason of such failure, and any judgment recovered for such damages shall include a reasonable attorney's fee.

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

Approved April 15, 1921.

---

#### CHAPTER 312—H. F. No. 954.

*An act to amend Section 2 of Chapter 39, Special Session Laws of 1919, relating to the licensing by the railroad and warehouse commission of all commission merchants, brokers, factors or agents engaged in handling, buying, selling or soliciting consignments of live stock at any public stock yards, and to fix the commission that may be charged by them, providing rules and regulations and providing penalties.*