

CHAPTER 371—S. F. No. 1173

An act to regulate the labeling and fixing of standard grades for apples in the State of Minnesota.

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

Section 1. Commissioner of agriculture to fix standard grades for apples.—The commissioner of agriculture shall annually, after due notice and public hearing of all parties affected, fix and promulgate official standards for grading and classifying all apples offered for sale in Minnesota; provided, that such grades and classes shall not conflict with any such grades or standards promulgated by the United States department of agriculture, except as producer and marketing conditions in Minnesota shall require the establishment of fewer grades than the United States department of agriculture grades.

Sec. 2. Packages shall be plainly marked.—All apples offered for sale and each closed package of apples offered or exposed or packed for sale shall be plainly and conspicuously marked with a sign bearing the name and address of the grower or packer, the name of the variety, the minimum size and the grade, except that apples not in closed packages, offered for sale at retail, may be marked with a sign bearing only the name of the variety and the grade. All apples which fail to meet the requirements of any of the established Minnesota grades shall be plainly and conspicuously marked with a sign bearing the word "culls" in well proportioned letters, at least two inches in height, except that on closed packages of cull apples the sign bearing the word "culls" may be three-quarter inch in height and shall be placed on the top and side of each package. The commissioner shall exempt from the provisions of this act apples which are marked with and meet the requirements of grades of the United States department of agriculture, or well established grades promulgated by other states meeting the Minnesota requirements.

Sec. 3. Commissioner to enforce act.—The commissioner shall be charged with the enforcement of the provisions of this act and for that purpose shall have the power:

(a) To enter and inspect personally, or through any authorized representative, any place within the state of Minnesota where apples are sold, offered or exposed or packed for sale, and to inspect such places and all apples and apple containers found in any such place.

(b) To make, publish and enforce such uniform rules and regulations as are necessary for carrying out the provisions of this act.

Sec. 4. Provisions severable.—If any clause, sentence or section of this act shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or void, such decision shall not effect the validity of the remaining portion of this act but shall be confined in its operation to the section or sentence or clause of this act thereof directly involved in the controversy in which such decision shall have taken place.

Sec. 5. Application of act.—Provided however that this act shall not apply to any grower or producer when selling apples of his own production grown in Minnesota.

Sec. 6. Violation—penalty.—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. In addition, any apples found to be offered or exposed or packed for sale in violation of this section may be ordered temporarily withdrawn from sale by the commissioner, pending either (a) informal adjustment according to law between the commissioner or his duly authorized representative, and the person in charge of the apples in question, or (b) by the filing of a formal complaint, without undue delay, with the attorney general or prosecuting attorney.

Sec. 7. Effective June 1, 1941.—This act shall be in full force and effect from and after June 1, 1941.

Approved April 22, 1941.

CHAPTER 372—S. F. No. 1279

An act repealing Laws 1939, Chapter 96, and providing for disposition of money heretofore collected under the provisions thereof.

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

Section 1. Law repealed.—Laws 1939, Chapter 96, is hereby repealed.

Sec. 2. Money heretofore collected to be paid county treasurer.—The money heretofore collected under the provisions of Laws 1939, Chapter 96, for law library purposes shall be paid to the county treasurer and shall be held by him with