

CHAPTER 157—H. F. No. 431

[Coded in Part]

An act to prevent confusion, fraud and deception of the public in connection with the sale of dairy products; to make unlawful the manufacture, sale, exchange, transportation, possession, or offer for sale or exchange of "filled dairy products" as defined herein; to provide for the enforcement and administration of this act; and to prescribe penalties for its violation; amending Minnesota Statutes 1949, Sections 32.49 and 32.50, Subdivision 7.

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

Section 1. Citation. *This act may be cited as the Minnesota Filled Dairy Products Act.*

Sec. 2. [32.53] Declaration of policy. *Filled dairy products resemble genuine dairy products so closely that they lend themselves readily to substitution for or confusion with such dairy products, and in many cases cannot be distinguished from genuine dairy products by the ordinary consumer. The manufacture, sale, exchange, transportation, possession, or offering for sale or exchange of filled dairy products creates a condition conducive to substitution, confusion, deception, and fraud, and one which if permitted to exist tends to interfere with the orderly and fair marketing of foods essential to the well being of the people of this state.*

It is hereby declared to be the purpose of this act to correct and eliminate the condition above referred to; to protect the public from confusion, fraud, and deception; to prohibit practices inimical to the general welfare; and to promote the orderly and fair marketing of essential foods.

Sec. 3. [32.531] Definitions. *Whenever used in this act:*

(a) *The term "person" includes individuals, firms, partnerships, associations, trusts, estates, corporations, and any and all other business units, devices, or arrangements.*

(b) *The term "filled dairy product" means any milk, cream, or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or dessicated, or any food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat so that the resulting product is in imitation or semblance of any dairy product, including but not limited to, milk, cream, sour cream, butter cream, skimmed milk, ice cream, whipped cream, flavored milk or skim milk drink, dried or powdered milk,*

cheese, cream cheese, cottage cheese, creamed cottage cheese, ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk; provided, however, that this term shall not be construed to mean or include: (1) any distinctive proprietary food compound not readily mistaken for a dairy product, where such compound is customarily used on the order or advice of a physician and is prepared and designed for medicinal or special dietary use and prominently so labeled; (2) any dairy product flavored with chocolate or cocoa, or the vitamin content of which has been increased, or both, where the fats or oils other than milk fat contained in such product do not exceed the amount of cocoa fat naturally present in the chocolate or cocoa used and the food oil, not in excess of .01 per cent of the weight of the finished product, used as a carrier of such vitamins; or (3) oleomargarine.

(c) *The term "commissioner" means the commissioner of agriculture, dairy and food.*

Sec. 4. Minnesota Statutes 1949, Section 32.49, is amended to read:

32.49 Dairy products, adulteration prohibited. *It shall be unlawful for any person, firm or corporation, by himself or itself, his or its employee or agent, or as the employee or agent of another, to manufacture, sell, or exchange, or to have in possession a filled dairy product knowing the same to be a filled dairy product and with intent to sell or exchange, any filled dairy product either under the name of any dairy product, including but not limited to, milk, cream, sour cream, butter cream, skimmed milk, ice cream, whipped cream, flavored milk or skim milk drink, dried or powdered milk, cheese, cream cheese, cottage cheese, creamed cottage cheese, ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk, or as a labeled imitation thereof, or under any fictitious or trade name.*

Sec. 5. Minnesota Statutes 1949, Section 32.50, Subdivision 7, is amended to read:

Subd. 7. *Any person, whether individually or as a member or employee of a partnership, or as an officer, agent, or employee of a corporation who directs or knowingly permits any violation of any of the provisions of this act, or who aids or assists therein, either on his own behalf or in the interests of his employer or principal shall, upon the first conviction thereof, be subject to a fine of not more than \$100, or to imprisonment in the county jail for not more than 30 days, or both; and upon each subsequent conviction thereof, shall be subject to a fine of not less than \$1,000 nor more than \$5,000,*

or to imprisonment in the county jail for not less than six months nor more than one year, or both.

Sec. 6. . . [32.532] **Enforcement.** *The commissioner is authorized and directed to administer and supervise the enforcement of this act; to provide for such periodic inspections and investigations as he may deem necessary to disclose violations; to receive and provide for the investigation of complaints; and to provide for the institution and prosecution of civil or criminal actions or both. The provisions of this act may be enforced by injunction in any court having jurisdiction to grant injunctive relief, and filled dairy products illegally held or otherwise involved in a violation of this act shall be subject to seizure and disposition in accordance with an appropriate court order or any applicable regulation adopted by the commissioner.*

Sec. 7. **Severable. Separability Section.** *If any provision of this act, or any part or section thereof, is declared unconstitutional, or the applicability thereof to any person, circumstance, or product is held invalid, the validity of the remainder of this act and the applicability thereof to other persons, circumstances; or products shall not be affected thereby.*

Sec. 8. [32.533] **Supplemental.** *This act is supplemental to all other laws relating to filled dairy products not expressly referred to herein, and to all laws relating to the manufacture, sale, exchange or transportation of filled dairy products, or the manufacture or possession thereof, with the intent to sell, exchange or transport the same, either within or without the State of Minnesota, and shall not be construed to modify, repeal or in any wise affect any part or provisions of any such laws not expressly repealed herein.*

Approved March 26, 1953.

CHAPTER 158—S. F. No. 58

An act providing compensation for attorneys appointed in hearings for the commitment of dependent, neglected or delinquent children; amending Minnesota Statutes 1949, Section 260.08, as amended.

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

Section 1. Minnesota Statutes 1949, Section 260.08, as amended by Laws 1951, Chapter 224, Section 1, is amended to read:

260.08 **Custody, proceedings.** Upon the presentation of