

highways or his designated subordinate shall have power to compel the attendance of witnesses at any such hearing and to examine them under oath, and to require the production of books, papers, and other evidence at any such hearing, and for that purpose may issue subpoenas and cause the same to be served and executed in any part of the state. The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf, and to be represented by counsel at such hearing. *If the hearing is conducted by a designated subordinate of the commissioner of highways, such designated subordinate upon completion of the hearing shall forthwith transmit a transcript of the testimony of the hearing, together with his recommendations, to the commissioner.* The commissioner of highways, within 25 days after such hearing, shall render his decision in writing and file the same in his office. If after such hearing he finds that any such charge made against such state employee is true, he may punish the offending party by reprimand, suspension without pay, demotion, or dismissal.

Approved April 19, 1955.

CHAPTER 538—S. F. No. 1282

An act relating to and defining frozen foods, mix, and mix base; providing for issuance, suspension, and revocation of licenses for the manufacture thereof; providing for the establishment of rules and regulations for the control of sanitary conditions of frozen foods, mix, and mix base plants; establishing requirements for pasteurization and cooling of mix and requiring certain records thereof; establishing bacteria standards for frozen foods, mix, and mix base; amending Minnesota Statutes 1953, Section 31.01, Subdivisions 6, 8, 9; Sections 31.10, 31.21, 31.22, 31.24, 31.25, Subdivisions 1, 2; Section 31.26 and Section 31.27.

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

Section 1. Minnesota Statutes 1953, Section 31.01, Subdivision 6, is amended to read:

Subd. 6. **Frozen foods.** "Frozen foods" means ice-cream, frozen custards, ice milk, milk sherbet, fruit ice or ice sherbet, or frozen malted milk, but shall not include frozen vegetables, fruits, meats, poultry, or bakery products.

Sec. 2. Minnesota Statutes 1953, Section 31.01, Subdivision 8, is amended to read:

Subd. 8. **Mix, ice-cream mix.** "*Mix*" means the unfrozen combination of all ingredients of a frozen food with or without fruit, fruit juices, candy, nut meats, flavoring, or coloring. "*Ice-cream mix*" means the mix from which ice-cream is frozen, made from a combination of milk products and one or more of the following ingredients: eggs, sugar, dextrose, corn syrup in liquid or dry form, and honey, with or without flavoring and coloring, and with or without edible gelatin or vegetable stabilizer. *Ice-cream mix* contains not more than one-half of one per cent by weight of edible gelatin or vegetable stabilizer, not less than 12 per cent by weight of milk fat, and not less than 20 per cent by weight of total milk solids. *Ice-cream mix* in concentrated or condensed form shall contain such relative amounts of ingredients that, when diluted according to directions, it shall comply with the above definition of ice-cream mix.

Sec. 3. Minnesota Statutes 1953, Section 31.01, Subdivision 9, is amended to read:

Subd. 9. **Mix base.** "*Mix base*" means mix powder or dry mix and is the product resulting from the removal of water from mix and contains not more than five per cent of moisture.

"*Ice-cream mix base*" means ice-cream powder or dry ice-cream mix and is the product resulting from the removal of water from ice-cream mix and contains, all tolerances allowed for, not less than 30.5 per cent of milk fat and not less than 64.5 per cent of total solids, and not more than five per cent of moisture.

Sec. 4. Minnesota Statutes 1953, Section 31.10, is amended to read:

31.10 Standards, definitions; promulgation. For the purpose of securing uniformity, so far as practicable, between the laws of this state and those of the federal government now enacted to prevent fraud and deception in the manufacture, use, sale, and transportation of food, frozen food, milk products, *mix*, ice-cream mix, *mix base* and ice-cream mix base, and to protect and preserve the public health, it shall be the duty of the commissioner to fix, adopt, and publish, from time to time, by rulings or regulations, in writing, definitions and standards of quality, purity, identity, composition, analysis, content and strength of articles of food, frozen food, milk products, *mix*, ice-cream mix, *mix base*, or ice-cream mix base, for which no definitions and standards are prescribed by law,

and such definitions and standards so fixed, adopted, and published by the commissioner shall be the lawful definitions and standards thereof before all courts; provided that when definitions and standards have been or may be fixed by the secretary of the department of agriculture, or the secretary of the department of health, education and welfare of the United States, except in cases where definitions or standards otherwise are prescribed by law, they may be accepted by the commissioner and if accepted, published as definitions or standards for Minnesota. All definitions and standards promulgated and adopted by the commissioner shall be done in accordance with sections 15.041 and 15.049. Until such definitions and standards are promulgated and adopted in the manner stated, the definitions and standards heretofore prescribed by law or promulgated and adopted by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, package, offer for sale or transportation, or have in possession with the intent to sell, package, repackage, offer for sale or transportation, or use, or transport, any article of food, frozen food, milk products, *mix*, ice-cream mix, *mix base* or ice-cream mix base, which does not conform to such definitions or standards so fixed, adopted, and published, shall be guilty of a violation of this chapter.

Sec. 5. Minnesota Statutes 1953, Section 31.21, is amended to read:

31.21 License for each plant. Any person desiring to manufacture frozen foods, *mix*, ice-cream mix, *mix base*, or ice-cream mix base in the state of Minnesota, shall apply to the department of agriculture, dairy, and food for a license for each plant or establishment, in such form as it may require. The application shall be accompanied by a fee of \$1.00, which shall be paid into the state treasury and credited to the general revenue fund. If the department of agriculture, dairy, and food shall find that the applicant maintains a proper place and sanitary equipment and complies with requirements of section 32.392 and produces a product in conformance with the standards, rules and regulations duly promulgated by the commissioner, it shall issue to the applicant a license therefor.

Sec. 6. Minnesota Statutes 1953, Section 31.22, is amended to read:

31.22 Nonresident manufacturer, license. Any person who manufactures frozen foods, *mix*, ice-cream mix, *mix base*, or ice-cream mix base outside of the state, for sale within the state, shall apply for registration with the department of agriculture, dairy, and food in such form, and furnish such in-

formation, as it may require. Samples of all frozen foods, *mix*, ice-cream mix, *mix base*, or ice-cream mix base, so manufactured for sale and sold within this state, shall be submitted to the department. Each application for registration shall be accompanied by a fee of \$5.00, which shall constitute the registration fee in case certificate of registration is granted. If the department of agriculture, dairy, and food shall find that the samples so submitted are up to the accepted standards, and otherwise comply with the laws of this state, it shall issue to applicant a certificate of registration.

Sec. 7. Minnesota Statutes 1953, Section 31.24, is amended to read:

31.24 License, revocation. The department of agriculture, dairy, and food shall have the power to *suspend* or revoke any license or certificate of registration thus granted, for failure to comply with the provisions of sections 31.19 to 31.27, or rules and regulations made thereunder, as provided in section 32.24.

Sec. 8. Minnesota Statutes 1953, Section 31.25, Subdivision 1, is amended to read:

31.25 Containers, labels. Subdivision 1. **Contents of labels.** All cans or containers used in the sale or distribution of *mix*, ice-cream mix, *mix base*, or ice-cream mix base shall bear a label attached to the same giving the following information:

- (1) Name of product;
- (2) Percentage of milk fat contained in product;
- (3) Percentage of total solids contained in products;
- (4) Statement of net contents; and
- (5) Name and address of manufacturer.

Every package of frozen foods packed by the manufacturer shall bear a label. The label shall give the name of the product, the name and address of the manufacturer or distributor, and a statement of the net contents.

Sec. 9. Minnesota Statutes 1953, Section 31.25, Subdivision 2, is amended to read:

Subd. 2. Frozen foods, restrictions. (1) No person shall sell, advertise or expose for sale, or offer for sale a frozen food, *mix*, ice-cream mix, *mix base*, or ice-cream mix base, if it contains any fat, oils or paraffin, other than milk fat, except such fats or oils as are naturally contained in the flavor used.

(2) When ice milk is sold, offered or exposed for sale in a package or other container, there shall be conspicuously printed thereon the words "ice milk." The words "ice milk" shall appear in ink upon a contrasting background, in type not less than 24-point Gothic capitals. When ice milk is sold at retail to a consumer, the owner, operator or manager of such retail establishment shall have signs conspicuously posted on the inside of such retail establishment with lettering large enough to be distinctly seen and read containing the words "ice milk sold here." Such signs shall remain posted so long as ice milk is sold or offered for sale to consumers. When ice milk is sold to a consumer in a baked cone or a baked cup, such baked cone or cup shall have embossed or impressed on the outside thereof the words "ice milk" in type not less than 24-point Gothic capitals.

(3) No person shall sell, advertise or offer or expose for sale any imitation ice-cream.

(4) No person shall sell, offer for sale or advertise for sale any frozen food, *mix*, ice-cream mix, *mix base* or ice-cream mix base if the brand name of the frozen food, *mix*, ice-cream mix, *mix base* or ice-cream mix base or label upon it, or the advertising accompanying it, shall give a false indication of origin, character, composition, name of manufacturer, or is otherwise false or misleading in any particular.

Sec. 10. Minnesota Statutes 1953, Section 31.26, is amended to read:

31.26 Plants kept sanitary. Any plant or establishment for the manufacture of frozen foods, *mix*, ice-cream mix, *mix base*, or ice-cream mix base operated under the provisions of sections 31.19 to 31.27 shall be so located, constructed, and equipped that it may be kept in a clean and sanitary condition, *in accordance with the rules and regulations promulgated by the commissioner pursuant to section 15.042 Minnesota Statutes.*

Sec. 11. Minnesota Statutes 1953, Section 31.27, is amended to read:

31.27 Milk to be pasteurized. *Subdivision 1.* All mix or ice-cream mix shall be pasteurized. Pasteurization is hereby defined as the process of heating *every particle of mix or ice-cream mix in properly operated equipment approved by the commissioner* to a temperature of not less than 155 degrees Fahrenheit, and holding at that temperature for not less than 30 minutes, *or heating every particle of mix or ice-cream mix in properly operated equipment approved by the commissioner to a temperature of not less than 175 degrees Fahrenheit, and*

holding at such temperature for not less than 25 seconds. Nothing contained in this definition shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

Subd. 2. Immediately after pasteurization such mix or ice-cream mix shall be cooled in properly operated equipment approved by the commissioner to a temperature of 45 degrees Fahrenheit or lower and held at or below that temperature until frozen.

Subd. 3. A recording thermometer record chart, properly dated, of each batch of mix or ice-cream mix pasteurized for use in the manufacture of frozen foods, mix base, or ice-cream mix base, shall be available at the plant of pasteurization at all reasonable times, for inspection by the department of agriculture, dairy, and food.

Subd. 4. At no time after pasteurization shall frozen foods, mix, ice-cream mix, reconstituted mix base, or reconstituted ice-cream mix base have a bacterial count exceeding 50,000 bacteria per gram, standard plate count, in more than one of any four consecutive samples taken on separate days, unless the last individual sample taken is within the standards prescribed herein. Compliance shall be determined in accordance with the latest standard methods of the American Public Health Association. Such tests shall be made of a representative sample of frozen foods, mix, ice-cream mix, mix base, reconstituted mix base, ice-cream mix base, or reconstituted ice-cream mix base taken from an unbroken package in the possession of the manufacturer, but in the event that no unbroken package is available when sample is requested, then it shall be taken from a broken package in the possession of the manufacturer.

Approved April 19, 1955.

CHAPTER 539—S. F. No. 1344

[Not Coded]

An act relating to certain school districts having a population in excess of 10,000 and less than 20,000 and an assessed valuation in excess of \$20,000,000 and authorizing bonds for constructing, rebuilding, or rehabilitating schoolhouses and the levying of taxes therefor.

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