

1940, Sections 3976-38 and 3976-43 knowingly assists or aids, directly or indirectly, in such violation, shall be responsible therefor equally with the person, firm or corporation for whom or which he acts."

Sec. 5. Law amended.—Mason's Supplement 1940, Section 3976-47, is hereby amended so as to read as follows:

"3976-47. Courts may restrain violations of act.—(a) In addition to the penalties provided in this act, the courts of this state are hereby vested with jurisdiction to prevent and restrain violations of this act. Any person, partnership, corporation or association damaged or who is threatened with loss or injury by reason of a violation of this act shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation of this act and for the amount of the actual damages to him if any. In order to obtain such injunctive relief it shall not be necessary to allege or prove that an adequate remedy at law does not exist.

(b) *No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and documents, in any case or proceedings instituted or brought under the provisions of Mason's Supplement 1940, Sections 3976-37, 3976-38, 3976-39, 3976-40, 3976-43, 3976-48 and 3976-49, and Mason's Supplement 1940, Sections 3976-41, 3976-42, 3976-45, 3976-46, and 3976-47, as amended by this act, or in obedience to a subpoena, in any such case or proceedings, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify, or produce evidence, documentary or otherwise, in any such case or proceedings, or in obedience to a subpoena, in any such case or proceedings.*

Approved April 21, 1941.

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CHAPTER 327—S. F. No. 240

*An act relating to the sale of milk and cream, amending Mason's Minnesota Statutes of 1927, Section 3815.*

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 3815, is hereby amended to read as follows:

“3815. **Milk and cream sold and purchased by weight, etc.**  
—*Subdivision 1.* All milk and cream sold or purchased for the purpose of manufacture into butter or cheese, or for the purpose of condensing or drying the same, shall be sold and purchased by weight and payment shall be made therefor upon the basis of milk fat therein contained and not otherwise; *provided, that in purchasing whole milk from which the milk fat or cream is to be separated and the skimmed milk sold or processed separately, the purchaser shall pay for such skimmed milk by weight in addition to the amount paid for milk fat as herein prescribed, computing the skimmed milk at eighty per cent of the weight of the whole milk.* The percentage of milk-fat in such milk and cream shall be determined by the Babcock test and by employing a standard official method for operating said test, which method shall be that adopted, prescribed and set forth with specifications in detail, in the rules and regulations from time to time made and published by the commissioner under and pursuant to authority therefor conferred by the Minnesota Dairy and Food Law for the purpose of carrying out and enforcing the provisions thereof, which authority hereby expressly is declared to be applicable in the premises.

*Subdivision 2.* All glassware, test-bottles, pipettes, acid measures, chemicals, scales and other apparatus used in the operation of said test shall conform to the specifications set forth in said method.

*Subdivision 3.* Any person who shall use any appliances other than the Standard Babcock glassware for measuring or testing milk or cream sold or purchased at prices determined upon the basis of milk-fat therein contained, or who shall manufacture or sell Babcock glassware which is not constructed and/or graduated in accordance with said specifications, or who shall employ any test other than the Babcock test or any method other than said Standard official method for determining the milk-fat content of milk or cream or who shall underread or otherwise falsify or manipulate the reading of the test, or who shall falsely state, certify or use in the purchase or sale of milk or cream a misreading of such test, whether the test or actual reading shall have been made by such person or by any other person, shall be deemed guilty of a misdemeanor.

Approved April 21, 1941.