

CHAPTER 424—S. F. No. 511.

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An Act entitled An act to prevent fraud and deception in the manufacture and sale of food and to preserve the public health, and for that purpose to confer upon the dairy and food commissioner authority to prescribe proper labels, stamps, stencils, brands and markings upon articles of food and the packages, receptacles and containers thereof.

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

Label.—Section 1. That for the purpose of securing uniformity, as far as practicable, between the laws of this state and those of the federal government, enacted to prevent fraud and deception in the manufacture and sale of articles of food, and to preserve the public health, the dairy and food commissioner of this state shall have authority by ruling or rulings to require, whenever in his discretion he deems it advisable, that any article of food or the package, receptacle or container thereof, before it be sold or offered or exposed for sale or had in possession with intent to sell in this state, shall be labeled, stamped, stenciled, marked or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information, to-wit: The true composition of such food article, its quality, strength, quantity, source of its manufacture or production, and the person by or for whom the same is manufactured, produced, packed or shipped; and the said commissioner shall also have authority to prescribe by such ruling or rulings the date at which the same shall take effect and be in force, and also the form, size, style and wording of and the place, time, method, means and manner of use of all such labels, stamps, stencils, brands and markings. *Provided*, that each of such rulings shall be in writing signed by the said commissioner, and shall be kept on file in his office and be open to inspection on request; and before any such ruling shall take effect it shall be published twice in a newspaper of general circulation published in this state, and when so made and published shall, from and after the tenth day succeeding the date of the last such publication, have the force and effect of law, and an affidavit of such publication, setting forth the said ruling in full and the dates of such publication thereof, shall be made by the publisher of such newspaper, or by the agent of such publisher, and shall be kept on file by the said commissioner in his office with the original of such ruling or rulings;

and such affidavit of publication shall be prima facie evidence of the facts therein contained and of the said ruling and rulings therein set forth; and whenever in his discretion such action is advisable, the said commissioner shall have authority to modify, change or abrogate any and all such rulings, and to issue new rulings, but always in the manner hereinabove prescribed.

When so made and promulgated such ruling or rulings shall have the force and effect of law and to any and all such rulings sections 1774 and 1775, Revised Laws, 1905, shall be adapted and applied, and any person who shall fail to comply with such ruling or rulings of said commissioner, the test for such compliance being the provisions of section 1774, Revised Laws, 1905, adapted and applied as aforesaid, shall be deemed guilty of a misdemeanor; and the having in possession of any article which is misbranded with reference to any such ruling or rulings and within the meaning of section 1774, Revised Laws, 1905, as applied and adapted to such rulings, shall be deemed prima facie evidence that the same is kept in violation of the law; and any violation of the provisions of this act shall be deemed a misdemeanor, the punishment whereof shall be a fine of not less than fifteen dollars or imprisonment for not less than twenty days.

Provided, however, that if a person shall fully comply with the provisions of chapter 21, Revised Laws, 1905, with reference to the labeling, marking, stenciling, stamping and branding of an article of food, but shall fail to comply with the said ruling or rulings of the commissioner which may be made with respect to such article, such person shall be exempt from prosecution hereunder.

Provisions applicable.—Sec. 2. The dairy and food commissioner and his several employes shall enforce the provisions of this act, and to this act shall be adapted and applied the provisions of sections 1736, 1738, 1776, 1777, 1778 and 1779, Revised Laws, 1905, as the said sections and each of them now exist and as they may be hereafter amended; nor shall this act be construed as repealing any section or provision of chapter 21, Revised Laws, 1905. *Provided, always,* that any and all rulings by the said commissioner shall be subjected to the test of its reasonableness and utility in accomplishing the purposes of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 25, 1907.

CHAPTER 425—S. F. No. 581.

An Act to provide for the abatement of a nuisance, source of filth or cause of sickness.

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

Notice.—Section 1. Whenever any nuisance, source of filth, or cause of sickness is found on any property, the health officer of the city, village or township shall order the owner or occupant thereof to remove the same at his expense within a time not to exceed ten (10) days, the exact time to be specified in the notice. Said notice shall be served by the sheriff, marshal or other peace officer, by delivering a copy thereof to the owner, occupant or agent of such property. If the owner of the property is unknown or absent, with no known representative or agent upon whom notice can be served, then the sheriff, marshal or other peace officer shall post a written or printed notice upon the property or premises, setting forth that unless the nuisance, source of filth, or cause of sickness is abated or removed within ten (10) days, the sheriff, marshal or other peace officer will abate or remove, or cause to be abated or removed, at the expense of the owner, the nuisance, source of filth, or cause of sickness complained of and found to exist; *provided*, that in carrying out the provisions of this act no debt or claim against any individual owner, or any one piece of real property, shall exceed the sum of twenty-five (25) dollars, that in all cities in this state now or hereafter having a population of over 50,000 inhabitants, the collection and disposal of night soil from privy vaults and contents of cesspools shall be under the charge and supervision of, and shall be done by the department of health of such cities.

Duty of city clerk.—Sec. 2. If the owner, occupant or agent shall fail or neglect to comply with the requirement of said notice, then said health officer shall proceed to have the nuisance, source of filth, or cause of sickness, described in said notice, removed or abated from said lot or parcel of