

dollars and does not exceed ten million dollars, two thousand dollars.

4. In counties where such valuation is more than ten million dollars *and does not exceed twenty six million dollars*, twenty five hundred dollars.

5. *In counties where such valuation is more than twenty six million dollars and does not exceed forty million dollars, three thousand dollars.*

The county auditor shall be allowed for clerk hire one-fifth of one mill on each dollar of assessed valuation, not exceeding five million dollars; and on all sums in excess of five million dollars, one-tenth of one mill on each dollar; to be paid monthly out of the county treasury upon the order of the county auditor, accompanied by his certificate that the service has been rendered and no allowance for such clerk hire shall be made or received in any case except for services actually rendered: Provided, that this section shall not apply to counties having a population of more than forty thousand, nor to any county where such salary or clerk hire is now fixed by special law."

This act shall not be construed as expressly or impliedly repealing any act previously enacted at the 1921 session of the legislature of the state of Minnesota, which deals with the subject matter herein referred to.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1921.

CHAPTER 495— S. F. No. 694.

An act to amend, supplement, revise, consolidate, rearrange, and codify the laws of this state relating to dairy and food products, to define certain offenses in connection therewith, to prescribe penalties for violations thereof, to provide for enforcement of the provisions thereof, and to repeal certain laws relating thereto.

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

Section 1. **Minnesota Dairy and Food Law.**—That the laws of Minnesota relating to dairy and food products be and the same hereby are amended, supplemented, revised, consolidated, rearranged, and codified in the order and form following, which revision and codification may be known as the "Minnesota Dairy and Food Law."

Sec. 2. **Unlawful to sell certain food.**—It shall be unlawful for any person to manufacture, sell, use, transport, offer for sale or transportation, or have in possession with intent to use, sell or transport any article of food which is adulterated, misbranded, in-

sufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act.

Sec. 3. Definition of food.—The term "food" as used herein shall include every article used for, or entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery or condiment for man, whether simple, mixed or compound.

Sec. 4. When food is deemed to be adulterated.—For the purposes of this act an article shall be deemed to be adulterated—

In the case of confectionery:

If it contains terra alba, barytes, coal tar dye or saccharin, chrome yellow, or other mineral substance or any other poisonous or injurious coloring or flavoring matter, or any substance or ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

First: If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second: If any substance has been substituted wholly or in part for the article.

Third: If any valuable constituent of the article has been wholly or in part abstracted.

Fourth: If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth: If it contain any added boric acid or borates salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphites, except such nominal percentage of sulphurous acid or sulphites as the process of manufacture may necessitate, hydrofluoric acid or fluorides, coal tar dye or color, saccharin or any added poisonous or other added deleterious ingredient which may render such article unwholesome, injurious or detrimental to health.

Sixth: If it consist in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sec. 5. When food is deemed to be misbranded.—The term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

For the purposes of this act an article shall also be deemed to be misbranded—

In the case of Food:

First: If it be an imitation of or offered for sale under the distinctive name of another article.

Second: If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide or any derivative or preparation of any of such substances contained therein.

Third: If in package form the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of net weight, measure, or numerical count; provided, however, that reasonable variations may be permitted, and tolerances and also exemptions as to small packages may be established, by rules and regulations made in accordance with the provisions of sections 15, 16 and 17 of this act; and provided further, that the dairy and food commissioner shall have full authority to determine when food is in package form.

Fourth: If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular.

Sec. 6. Appointment of dairy and food commissioner.—The governor shall appoint a dairy and food commissioner whose term of office shall extend to the first Monday in January of the odd numbered year next after his appointment and until his successor qualifies; but the governor may supersede such commissioner at pleasure. He shall cause to be enforced all the provisions of this act and all other laws designed to prevent fraud and deception in the manufacture and sale of food and the several ingredients thereof, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food products. All appointees hereunder shall be qualified electors of this state. The commissioner shall be a practical dairy-man; the assistant commissioner, chief chemist, chemists, inspectors and all agents and other persons appointed or employed by the commissioner shall be practical men and especially trained and equipped for their particular line of work. He shall report on or before the fifteenth day of each session of the legislature concerning his official acts, showing receipts and disbursements of his office, and may issue public bulletins of information from time to time.

Sec. 7. Salaries.—The annual salary of the dairy and food commissioner and the position, number and annual salary of the subordinates to be appointed by him in his office are hereby fixed as follows:

The commissioner, \$3,500.00; assistant commissioner, \$2,400.00; secretary \$2000.00; chief chemist, \$3000.00; chief clerk \$1,320.00; statistician, \$1200.00; laboratory clerk and stenographer, \$1200.00; general clerks as in his judgment may be necessary, not to exceed two at \$1200.00 each; two stenographers not to exceed \$1200.00 each; three assistant chemists and twenty four inspectors at a minimum annual salary of \$1200.00 each, but the commissioner may, in consideration of faithful and continuous service, increase the salary of any assistant chemist or inspector not more than \$100.00 for each year that such assistant chemist or inspector has been employed by the department, until such salary reaches \$2000.00, which shall be the maximum; provided that the provisions of this section shall not be construed to modify the provisions of sections 46 to 55, both inclusive, of this act.

The expenses of the commissioner and of his subordinates necessarily and actually incurred in the discharge of official duties shall be paid in addition to salary, upon itemized vouchers approved by the commissioner or assistant commissioner.

Sec. 8. Offices and reports.—Rooms shall be provided in the Capitol for the office and laboratory of the commissioner. He may require reports from persons engaged in the purchase, manufacture or sale of dairy products and all owners or operators of skimming stations or other places engaged in the business of purchasing milk or cream, and operators of condenseries, dry milk factories, creameries and cheese factories shall on March 1st in each year, and at such other times as the commissioner may fix, send to him a full and accurate report of the amount of business done during the year preceding, together with such other statistical information as the commissioner may require.

Sec. 9. Right of inspection.—For obtaining information regarding suspected violations of law, the commissioner, his assistants, inspectors, appointees, agents and employes shall have access to all places where any article of food or other article, the manufacture, sale, use or transportation of which is restricted, regulated or prohibited by this act, or by any law of this state, is or may be manufactured, prepared, stored, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell or transport, or where cows or other animals are pastured or stabled, to cars or other carriages used for transportation of such articles or animals, and to places where food is or may be cooked, prepared, sold or kept for sale to or for the public or distributed as a part of the compensation of servants or agents, including public and private hospitals, lumber and railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats and other places where any of said articles may be manufactured, sold, used, offered for sale or transportation, or had in possession with intent to use, sell or transport, and they may inspect any package, receptacle or

container found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture, use, sale or transportation of which is restricted, regulated or forbidden by this act or by any law of this state, and may take samples therefrom for analysis. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

Sec. 10. Seizure, search, warrants.—The commissioner may seize all food, the manufacture, transportation, sale or use of which is prohibited by this act, or which is manufactured, sold, used, transported; kept or offered for sale, use, or transportation, or had in possession with intent to sell, use or transport in violation of any provision of this act, or in violation of any rule, regulation, definition, standard or ruling made, adopted and published hereunder, and for this purpose he and his several assistants, inspectors, agents, and employes shall have the powers of a constable. Such seizure may be made without a warrant, but in such case, as soon as practicable, he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary, a search warrant may be issued, as in the case of stolen property, the form of the complaint and of the warrant being adapted to the purpose of this act.

Sec. 11. Execution of warrant—Disposition of food seized.—The search warrant shall be directed to the sheriff or any constable of the county, and to the chief of police, or any police officer or marshal of any municipality, and may be executed by the commissioner or any of his agents or employes. No security for costs shall be required thereon nor upon any prosecution under this act. All food seized, whether with or without warrant, shall be safely kept by the officer or person seizing the same, so long as it may be needed for evidence; and if found upon trial to have been manufactured, sold, used, transported, kept or offered for sale, use, or transportation or had in possession with intent to use, sell or transport in violation of law, it shall be forfeited to the state, and shall be disposed of as directed by the court.

Sec. 12. Price not collectible.—No action shall be maintained for the purchase price or value of any food, the sale of which is prohibited by this act, or which is manufactured, used, sold, transported, kept or offered for sale, use or transportation, or had in possession, with intent to sell, use or transport in violation of law; nor shall any person be liable for the price or value of food or board furnished in violation of this act.

Sec. 13. Additional powers and authority.—The dairy and food commissioner, by himself or any of his assistants, inspectors, agents or employes, in addition to the authority and powers otherwise conferred by law, is authorized and empowered to have and to take access to any and all trucks, aeroplanes, airships, vehicles

and railroad cars of every sort and nature transported or being within this state, all railroad stations, storage houses, warehouses, express offices or other places wherein at any time there may be food transported or shipped into from without this state, whether or not such food has been manufactured, sold or given away without the state, provided that such food was manufactured, sold or given away with the intent that it be delivered, had or used within this state; and the dairy and food commissioner shall have the same power and authority to open any package, car or vessel containing food so transported or shipped into from without the state, which contains or which he has reason to believe contains any such food; to inspect the contents thereof and to take samples for analysis and examination, all after the same manner and with the same procedure as obtains by law in reference to similar goods manufactured, sold, transported, offered for sale, use or transportation, or had in possession with intent to sell, use or transport within this state. If it shall appear that any such food is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious, the dairy and food commissioner shall have the same rights and remedies and shall enforce the same in the same manner as in the case of food manufactured, sold, transported, offered for sale, use or transportation, or had in possession with intent to sell, use or transport within this state. On receiving notice from the commissioner or any authorized agent or employe that he desires to inspect the contents of any such package, can, or vessel, it shall be the duty of any common carrier, storage man warehouseman or their employes, or other person having the same in his possession or under his control, to withhold the same from delivery within this state for such period of time as may be reasonably necessary for the inspection, examination and analysis thereof. It is further made the duty of all such persons to render to the commissioner and his agents and employes all the assistance in their power when so required to effectuate the purposes of this act. In case such inspection, examination or analysis of any such food shall disclose it to be adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act, such persons shall on demand disclose to the commissioner the names and addresses of the consignor and consignee of the package, can or vessel containing the same, and the commissioner before proceeding further shall notify such consignor and consignee in writing at their respective addresses of the result of such inspection, examination or analysis as so disclosed. Any common carrier, warehouseman, storageman, employe, or other person having such food in his possession or under his control, failing or refusing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor.

Sec. 14. Authority of the commissioner to render certain food unsalable.—The dairy and food commissioner, his assistants,

inspectors, agents and employes, shall also have power and authority in their discretion to render unsalable for use as food, any food, the sale or use of which is prohibited by this act, or which is manufactured, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell or transport in violation of any provision of which act, or in violation of any provision of any rule, regulation, definition, standard or ruling made, adopted and published hereunder, and the said commissioner and his several assistants, inspectors, agents and employes shall be exempt from liability for any such action. The test of the condition of any such food shall be its condition at the time of discovery. Any reasonable and necessary means may be adopted for rendering such food unsalable for use as food.

Sec. 15. Definitions and standards.—For the purpose of securing uniformity, so far as practicable, between the laws of this state and those of the federal government enacted to prevent fraud and deception in the manufacture, use, sale and transportation of food, and to protect and preserve the public health, it shall be the duty of the dairy and food commissioner to fix, adopt and publish, from time to time, by ruling or rulings, in writing, definitions and standards of quality, purity and strength of articles of food for which no definitions and standards are prescribed by law and such definitions and standards so fixed, adopted and published 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 of the United States, except in cases where definitions or standards otherwise are prescribed by law, they shall be accepted by the dairy and food commissioner and published as definitions or standards for Minnesota. Before any such definitions or standards shall be deemed to be fixed and adopted the ruling or rulings fixing and adopting the same shall be published twice in a legal newspaper of general circulation published at the capital of this state, and from and after the tenth day succeeding the date of the last such publication, such ruling or rulings shall have the force and effect of law. An affidavit of such publication, setting forth the said ruling or rulings in full and the dates of such publication thereof, shall be made by the publisher of such newspaper or by the manager or agent of such publisher, and shall be kept on file by the commissioner in his office with the original of such ruling or rulings. Such affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained and of the due fixing, adopting and publishing of the said ruling or rulings, therein set forth. Until such definitions and standards are fixed, adopted and published, the definitions and standards heretofore fixed 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, trans-

port, offer for sale or transportation or have in possession with intent to sell, use, or transport, any article of food which does not conform to such definition and standard so fixed, adopted and published, shall be deemed guilty of a violation of this act.

Sec. 16. Rules and regulations.—For the purposes aforesaid it shall also be the duty of the dairy and food commissioner to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of this act, which rules and regulations shall be approved by the attorney general as to form and legality and shall be made and published and affidavits of publication made and filed in the manner specified in Section 15 of this act. From and after the tenth day succeeding the date of the last such publication, such rules and regulations shall have the force and effect of law. The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained, and of the due making and publishing of the rules and regulations therein set forth. Until such rules and regulations are made and published, the rules and regulations heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for use, sale, or transportation, or have in possession with intent to use, sell or transport, any article of food contrary to the provisions of any such rule or regulation, or who shall fail to comply with any such rule or regulation, shall be deemed guilty of a violation of this act.

Sec. 17. Labeling.—For the purposes aforesaid, it shall also be the duty of the dairy and food commissioner by ruling or rulings not inconsistent with law, to require that any article of food or the package, receptacle or container thereof, before it be sold, transported, used, offered for sale or transportation, or had in possession with intent to use, sell or transport within 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 percentages and true composition of such food article, its quality, strength, quantity, source of its manufacture or production or 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 on 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; which ruling or rulings shall be made and published and affidavits of publication made and filed, in the manner specified in Section 15 of this act. From and after the tenth day succeeding the date of the last such publication, unless a later date be fixed in the ruling for the taking effect thereof, and in such case from and

after such date so fixed, such ruling or rulings shall have the force and effect of law.

The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained, and of the due making and publishing of the ruling or rulings therein set forth. Until such rulings are made and published and in effect as aforesaid, the rulings heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall fail to comply with such ruling or rulings shall be deemed guilty of a violation of this Act.

Sec. 18. Analysis—Evidence.—It shall be the duty of the chief chemist and assistants to make analysis and examinations of such articles as shall be furnished to them by the commissioner for the purpose of determining from such examination whether such articles are adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act, and whether such articles have been manufactured, used, sold, transported, offered for use, sale or transportation or had in possession with intent to use, sell, or transport in violation of any provision of this act or of any definition, standard, rule, regulation or ruling made and published thereunder, and to certify the result of such analysis and examination to the commissioner. A copy of the result of the examination or analysis of any such article, duly authenticated, by the chemist making such analysis or examination, under oath of such chemist shall be prima facie evidence in all courts of the matters and facts therein contained.

Sec. 19. Duty to prosecute.—It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case herein provided.

Sec. 20. Penalties.—Any person violating or failing to comply with any of the provisions of this act, or any of the provisions of any of the rules, regulations, definitions, standards, or rulings made and published thereunder shall be deemed guilty of a misdemeanor, and, save as herein otherwise specifically provided, for each first offense shall be punished by a fine of not less than fifteen dollars, or by imprisonment for not less than twenty days, and for each subsequent offense, by a fine of not less than fifty dollars or by imprisonment for not less than sixty days.

Sec. 21. Disposition of receipts.—In all prosecutions under this act, save as herein otherwise specifically provided, the fine or fines collected by and under the same shall be forthwith transmitted by the officer collecting the same to the state treasurer, to the credit of the general revenue fund, and all other fees and payments made to the dairy and food commissioner, except as aforesaid, shall be accounted for and disposed of in the same manner.

Sec. 22. Milk and cream.—No person shall sell or knowingly buy unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated, or to which a preservative has been added; milk drawn from cows kept in crowded conditions or in places not well ventilated or lighted, or which from any cause are filthy or insanitary, or from unclean or diseased cows, or those fed with garbage or any filthy, decayed, putrid or unwholesome animal or vegetable substance; milk drawn from cows within fifteen days before or five days after calving; and milk or cream which has been kept in any place where bad air exists, and cream taken from unwholesome or adulterated milk, shall be deemed unwholesome and adulterated within the meaning of this act. Milk from which any normal ingredient has been abstracted, or milk containing any substance not a normal constituent thereof, or containing less than three and one-fourth per cent of butterfat, and cream in which there is less than 20 per cent of butterfat, or which contains any foreign thickening or coloring substance, or any abnormal ingredient whatsoever, shall be deemed adulterated; nor shall any article of food be manufactured from unwholesome or adulterated milk or cream except as in the next following section hereof provided.

Sec. 23. Skimmed milk.—Notwithstanding the provisions of Section 22, milk from which the cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skimmed milk cheese, and by licensed dealers; but in the latter case only from vessels legibly marked "skimmed milk" *in plain, common black letters upon a light colored background*, each letter being at least one inch high and one-half inch wide, and said words being placed on the top or side of such vessel. These requirements, however, shall not apply to skimmed or separated milk delivered to any patron of a creamery who furnishes milk thereto, but all skimmed milk from creameries and all whey from cheese factories so delivered to patrons shall first be pasteurized at a minimum temperature of 145 degrees Fahrenheit for not less than thirty minutes, or at a minimum temperature of 180 degrees Fahrenheit for continuous flow pasteurization.

Sec. 24. Milk and cream—Sales licensed.—No person shall sell milk or cream without being licensed by the dairy and food commissioner, and the fee for such license shall be \$1.00 for each place or vehicle from which sale is made. Every such license shall expire May 1st, next after its issue; shall be given only to a person owning or leasing the vehicle or place from which sales are to be made, and shall not be transferred. Each license shall be numbered and shall contain the name, residence and place of business of the licensee, the names of all employes authorized to act thereunder, and the number of vehicles and places to be used. The name and number of the license shall be plainly inscribed on both sides of

each vehicle in use for the purpose aforesaid, and the license shall be conspicuously posted in each place where such milk or cream is sold, and the making of every sale from a vehicle not so inscribed or from a place where such license is not so posted, shall be deemed the commission of a misdemeanor. Provided that any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.

Sec. 25. Licenses revoked.—The commissioner may withhold a license from any applicant therefor under any provision of this act whom he may deem unworthy, and may revoke any license issued by him to any licensee who has violated the terms thereof, or who has failed to comply with any requirement of this act, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offense punishable under this act shall be a sufficient ground for such revocation.

Sec. 26. Standard measure—Tests.—All milk or cream received or purchased for the purpose of manufacturing the same into butter or cheese, or condensing or drying the same, shall be received or purchased by weight, and payment therefor shall be upon the basis of the butterfat contained therein. The standard pipette for measurement of milk shall have a capacity of seventeen and six-tenths cubic centimeters and the standard for the measurement of cream shall be eighteen grams by weight. The standard test tube or bottle for testing milk shall have a capacity between zero and ten on the graduated scale, marked on the neck thereof, of two cubic centimeters of mercury, at a temperature of 60 degrees Fahrenheit, and the standard test tube or bottle for testing cream shall have a capacity of six cubic centimeters of mercury, at the same temperature, between zero and thirty on the scale. Any person who shall use any other measuring pipette, test tube or bottle for measuring or testing milk or cream sold or purchased at prices determined by the portion of butterfat contained therein; any person who shall manufacture or sell a cream or milk pipette, test tube or bottle which is not correctly marked or graduated as herein provided; any person who shall use or employ any other appliance than the Babcock test for ascertaining the butterfat content of milk or cream; any person who shall underread, overread, or otherwise falsify or manipulate the reading of such 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.

Sec. 27. Cans to be cleaned.—Every person delivering milk, cream or ice cream to any other person, in cans or other vessels shall have such cans or vessels free from any deleterious substance filth or rust, and in a wholesome condition for containing such milk, cream or ice cream. Every person receiving milk, cream or ice

cream in cans or vessels which are to be returned to the sender or seller, shall cause such vessels to be promptly emptied, thoroughly cleansed and immediately returned.

Sec. 28. Custom factories—Records.—No person engaged in making butter or cheese for others out of cream or milk furnished by them, shall withhold or permit to be withheld, any part of the cream or milk so furnished, or any product thereof without the knowledge and consent of the owner. Every maker shall keep a record of all quantities of milk and cream received each day and from whom received and the disposition thereof, also of the weight of all cheese and butter made each day and of the number and aggregate weight of all packages of cheese and butter delivered to those furnishing milk and cream for manufacture or otherwise disposed of. Such records shall be exhibited on request of the commissioner and his employes and to all persons furnishing milk and cream to such maker.

Sec. 29. Minnesota brands.—Any person manufacturing in this state, cheese which is wholly and exclusively the product of wholesome and unadulterated milk, or butter which is wholly and exclusively the product of wholesome and unadulterated milk and cream, may label and sell the same as "Minnesota Full Milk Cheese" or "Minnesota Pure Dairy (or Creamery) Butter," as the case may be, and may add to such brand or label the name of the county wherein such cheese or butter is made, using for the purpose a numbered stencil brand furnished by the dairy and food commissioner. Such commissioner shall issue to such manufacturer under such regulation as to the custody and use thereof as the commissioner may prescribe, uniform stencil brands for such marking, keeping a register of the number of each and of the name and place of residence of the manufacturer receiving the same.

Any person who shall, without authority of the commissioner, as aforesaid, use any such brand or label, or any person who shall use such brand or label upon cheese or butter below the grade aforesaid, shall be guilty of a misdemeanor.

Sec. 30. Inspection of dairies.—At such times as he may deem proper the commissioner shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk or cream, and shall require the correction of all unsanitary conditions and practices found therein.

Every refusal or neglect to obey any lawful direction of the commissioner or his agent given in carrying out the provisions of this section shall be deemed a misdemeanor.

Sec. 31. Local inspection.—The governing authority of any municipal corporation may by ordinance provide for the inspection of milk, cream and butter sold within its limits, and of dairies and dairy herds kept for the production of such milk, cream or butter

and may prescribe the terms upon which such sales may be made and fix penalties for violation thereof; but no such ordinance shall conflict with any law of this state, or interfere with any power or duty of the dairy and food commissioner or his official subordinates.

Sec. 32. Dairy and creamery butter.—No person shall manufacture, for sale, or sell any dairy or creamery butter which contains more than 16 per cent of water by weight or less than 80 per cent of butter fat by weight.

Sec. 33. Renovated butter.—No person shall sell any butter made by taking original packing stock, or other butter, or both, and malting the same and drawing off, or extracting butterfat and mixing such fat with skimmed milk or cream, or other milk product and rechurning or reworking such mixture; or any butter product produced by any process, commonly known as boiled process or renovated butter, unless the words "Renovated Butter" shall be plainly branded with boldface letters, at least three-fourths of an inch in height, on the top and sides of each receptacle, package, or wrapper in which it is kept for sale or sold. And if such butter is exposed for sale uncovered or not in a receptacle, package or wrapper, then a placard containing the words "Renovated Butter" printed in style and manner as aforesaid shall be attached to the mass of butter in such manner as to be easily seen and read by purchasers.

Sec. 34. Process butter.—No person shall sell any butter made of part cream and part casein and other ingredients by what is known as the "Quinness Patent" or process, or that made by other similar process, whereby the casein of milk and other ingredients are made to imitate or resemble genuine butter made from cream, unless each package or receptacle in which the same is kept for sale or sold shall be stamped or marked "patent butter" on the top and sides thereof, with lamp black and oil, in letters at least one-fourth of an inch wide, and one-half of an inch high; and in addition to such marking the seller at the time of the sale shall give to the purchaser a printed card, stating distinctly and correctly the different ingredients contained in said compound.

Sec. 35. Dairy products—Preservatives.—No person shall manufacture for sale, advertise or sell any mixture or compound designed, or offered for sale or use, as an adulterant, preservative or renovator of milk, cream, butter or cheese; or as a neutralizer of the acidity of milk, cream, butter or cheese; nor shall any person add or apply to milk, cream, butter or cheese, any borax, boric acid, salicylic acid, formaldehyde, formalin, or other antiferment or preservative, nor any alcohol, viscogen, lime, saltpeter, sal-soda, soda ash or other neutralizer; provided, however, that this section shall not apply to pure salt added to butter or cheese.

Sec. 36. Protection of meat.—Every dealer in meats, fish, fowl, or game for human food, at the place of offering or exposing for sale, and in the transportation of such food from place to place

to customers, shall protect the same from dust, flies and other vermin or substance which may injuriously affect it, by securely covering it while being so offered or exposed for sale or transported. Every violation of the foregoing provision shall be a misdemeanor.

Sec. 37. Veal.—No person shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves killed when less than four weeks old. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than fifty dollars or by imprisonment for not less than sixty days.

Sec. 38. Ice cream.—For the purposes of this act, ice cream is defined as a frozen product made from cream and sugar with or without a natural flavoring and containing not less than twelve per cent by weight of butterfat; fruit ice cream is defined as a frozen product made from cream, sugar, and sound, clean, mature fruits, and containing not less than ten per cent by weight of butterfat; and nut ice cream is a frozen product made from cream, sugar and sound, non-rancid nuts and containing not less than ten per cent by weight of butterfat. It shall be unlawful for any person to manufacture, sell, transport, offer for sale, use or transportation, or have in possession with intent to sell or transport, ice cream containing less than twelve per cent by weight of butterfat, or fruit ice cream containing less than ten per cent by weight of butterfat, or nut ice cream containing less than ten per cent by weight of butterfat.

Sec. 39. Pasteurized milk and cream.—Any creamery equipped with machinery and appliances for pasteurizing the milk and cream which it receives, may apply to the state dairy and food commissioner for an inspection by him of such machinery and appliances; and upon such application made showing such fact and the wish of the creamery to use such process in the manufacture of butter, the state dairy and food commissioner shall cause such inspection to be made.

If such machinery and appliances are sufficient for effective use in so pasteurizing the milk and cream received, the said dairy and food commissioner may issue a certificate to such creamery, authorizing it so long as it shall keep such machinery and appliances in use and shall pasteurize such milk and cream at a minimum temperature of 145 degrees Fahrenheit for not less than thirty minutes, or at a minimum temperature of 180 degrees Fahrenheit for continuous flow pasteurization, to label its products "This product is from pasteurized milk and cream," and such creamery may label its products, so long as it continues to so pasteurize all its milk and cream used in the manufacture of such product. Labeling contrary to this section shall be a misdemeanor.

Sec. 40. License for testing apparatus.—No person shall operate a milk or cream testing apparatus to determine the per-

centage of butterfat in milk or cream for the purpose of purchasing the same either for himself or another without first securing a license from the dairy and food commissioner of this state, or from one of his duly appointed assistants, or inspectors, authorizing such person to so operate such tester.

Sec. 41. Application for license.—Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant, before such license may be issued, shall pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same.

Sec. 42. License fee and term.—Such license shall be issued for a period ending on the thirty-first day of December following, and a fee of \$1.00 shall be paid for such license by the licensee upon the issuance thereof.

The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offense except in case such unlicensed person shall have valid reasons to appoint a substitute for a period of not to exceed three days, subject to the approval of the dairy and food commissioner.

Sec. 43. Sanitary food law.—No person, firm or corporation shall operate any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box, or receptacle, fruit stand or vehicle of any kind, packing or slaughter house, ice cream plant or any place where any fruit or food products are manufactured, packed, stored, deposited, collected, prepared, produced or served for the purpose of sale or profit, or sold for any purpose whatever, if the same is in a filthy, unclean or unsanitary condition, or is permitted to be in a filthy, unclean or unsanitary condition.

Sec. 44. Removal of insanitary conditions.—If, in the opinion of the state dairy and food commissioner, his assistants, inspectors or agents, or either of them, after an investigation thereof, any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, or eating house, fruit box, receptacle, fruit stand or vehicle of any kind, packing or slaughter house, ice cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served or sold for any purpose whatever, is operated in violation of section 43 of this act, the dairy and food commissioner, his assistants, inspectors, or agents shall notify in writing the proprietor or proprietors, owner or owners, manager or managers of such bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box, or receptacle, fruit stand or vehicle of any kind, packing or slaughter

house, ice cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served, or sold for any purpose whatever, to place the same in a clean and sanitary condition within a reasonable time to be stated in said notice, which time so stated shall in no case be less than two days, and failure to comply with such notice within the time so stated shall be deemed a violation of the provisions of this act.

Sec. 45. Employment of diseased person.—It shall be unlawful for any person to work in or about any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold, any person or persons whose condition is such that disease may be spread to his associates direct, or through the medium of milk, cream, butter, other food or food products, likely to be eaten without being cooked after handling, whether such condition be due to a contagious, infectious, or venereal disease, in its active or convalescent stages, or to the presence of disease germs, whether accompanied by, or without, any symptoms of the disease itself.

It shall be the duty of the State Dairy and Food Commissioner, his assistants, inspectors or agents, to report to the State Board of Health for investigation, any person suspected to be dangerous to the public health as provided for in this Section, and immediately to exclude such person from such employment pending investigation and during the period of infectiousness, if such person is certified by the State Board of Health or its authorized agent, to be dangerous to the public health.

Sec. 46. Commercial canneries.—All commercial vegetable and fruit canneries located within this state shall be under the supervision and regulation of the dairy and food commissioner. For the purposes of this act, a commercial cannery is defined to be a factory where fruits or vegetables are packed in hermetically sealed cans, where sterilization by heat is used, and its products placed on the market for general consumption. At such times as the dairy and food commissioner may deem proper he shall cause to be inspected all canning factories where fruits or vegetables are put up and preserved in tin or glass cans or jars, to be sold as food, and shall require the correction of all insanitary conditions or practices found therein, and may search and enter all cupboards, closets or any other places in such canning factories for the purpose of discovering any chemical preservatives or adulterants which he believes are in use or intended to be used in the canning or preserving of fruits or vegetables, and for enforcing the provisions of this act.

Sec. 47. Reports—Information furnished.—The dairy and food commissioner shall issue public bulletins of information, report and publish the conditions found in canning factories, furnish and

disseminate information regarding the canning industry, and for that purpose may arrange for educational exhibits and demonstrations, public meetings, and give instructions to processors and superintendents of canneries; such information shall be available to any person who is a resident of this state, or those now engaged in the business of canning and to those who may hereafter engage therein who may properly apply therefor.

Sec. 48. Minnesota standard.—Any person owning or operating any such cannery may label and sell the product thereof as "Minnesota Standard"; provided such person puts up, cans and preserves fruits and vegetables which are absolutely free from chemical coloring matter and adulterants of any kind, and which have been inspected and passed upon as of first class grade and quality by the dairy and food commissioner.

Sec. 49. Inspector of canneries.—The dairy and food commissioner shall appoint and assign, upon the passage of this act, an efficient and experienced food inspector who has passed required examinations, national or state, and who has a thorough knowledge of the canning business, either as processor, superintendent, or as an inspector of food manufacturing factories, whose duties it shall be, in addition to his general work as food inspector, to have this inspection of canneries in charge, as required in this act; to visit and inspect canneries, as often as may be required, superintend the work of and instruct inspectors stationed at canneries and make reports thereof to the commissioner. The commissioner may allow the person appointed as such inspector, a sum of not to exceed \$600.00 annually as additional compensation for his services, and may whenever he in his judgment deems it proper for the good of the canning industry, arrange for annual scoring prize contests, on products of Minnesota canneries and for such purpose expend not to exceed \$200.00 annually.

Sec. 50. Special inspectors.—The dairy and food commissioner shall, whenever he deems it necessary, furnish an efficient inspector to be stationed at a cannery while in operation whose duties it shall be to see that the cannery where stationed shall at all times comply with all food laws, national and state, and all sanitary laws and regulations; to superintend and see that nothing but proper raw material is used with the necessary sterilization by heat, with only pure salt, sugar and water for the preservation of foods packed. The dairy and food commissioner, his inspector in charge of canneries, or any local inspector stationed at canneries shall be the judge of the quality of any raw material or articles used in canning and as to the canning of sweet corn, such corn shall be labeled when packed, as sweet or sugar corn only when packed in the stage of milk; if matured beyond this stage, it shall be considered to be over-ripe for canning as or for sweet or sugar corn. Immature, over-ripe, containing an admixture of

field corn or frosted sweet corn, or other unfit vegetables or fruits intended for canning shall not be accepted at any factory and shall be condemned as being unfit for such use by such commissioner or inspector.

Sec. 51. Rules and regulations for canneries.—Any and all power and authority in this act conferred upon the commissioner shall be applicable for the purpose of prescribing rules and regulations for the operation of canneries, and proper labels, standards and definitions of grades on products of canneries.

Sec. 52. Notice of intention to operate.—Any person owning or operating a canning factory shall, by written notice on or before June 1st of each year, notify the commissioner whether or not such factory is to be operated during that season or year, giving kinds and varieties of products to be canned or manufactured that season. At least ten days prior to the beginning of operation of any canning factory, the commissioner shall be notified in writing of such intended operation. On or before November 15 of each year the owner, manager or superintendent of such factory shall furnish the commissioner his agent, or inspector with a report giving such information concerning the factory as the commissioner may require.

Sec. 53. Certificate of inspection.—The dairy and food commissioner shall furnish to each canning factory that shall have fully complied with the provisions of this act, a certificate of inspection that such factory has been inspected and has complied with all laws and regulations applying thereto. The commissioner may authorize the owner of such factory to use the following or similar label or brand on his products to read substantially as follows: "Packed under regulations of, and in factory inspected by Minnesota dairy and food department," or such other label, device, brand, trade mark, or guarantee certificate with the words "inspected and approved" as such commissioner may from time to time designate by published regulations.

Sec. 54. Penalties.—Whoever shall without inspection or without permission of the commissioner use the brand or label "Minnesota standard," or any brand, label, or device authorized by the commissioner, or who, shall fail to furnish reports within the time specified, or who shall neglect to obey any lawful direction of the commissioner, his assistants, inspectors or agents, given in carrying out the provisions of this act, or who shall use any raw material, articles or substances forbidden to be used in canning, or who shall violate or fail to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor.

Sec. 55. Expenditure for inspection—Assessment.—The commissioner is hereby authorized to expend such sum or sums not exceeding fifteen thousand dollars annually, for the purpose of establishing, equipping, and maintaining a bacteriological lab-

oratory and employing a bacteriologist and one assistant bacteriologist, and a sufficient number of special inspectors to be stationed at canneries while operating, for the purpose of inspecting and grading canned products, packed, 'to see that proper raw materials are used, and to enforce sanitary regulations. The dairy and food commissioner is hereby further authorized and directed to collect from the various canneries in operation in this state, an assessment for inspection to be provided for by the dairy and food commissioner, the sum of one cent per case, for each and every case of hermetically sealed and sterilized canned foods manufactured by such canneries, each year hereafter, including the year 1921, and the sum so collected shall be paid into the state treasury and credited to the commercial canneries inspection fund, to compensate for and meet the expense of special inspection as provided for in this section.

Sec. 56. Butter and cheese brands.—Any person manufacturing butter or cheese may use the brand or label therefor as hereinafter provided when authorized by the dairy and food commissioner.

Sec. 57. Minnesota brands.—The dairy and food commissioner may authorize the use of the following brand or label for butter or cheese manufactured in the state of Minnesota. Such brand or label shall have the design and shall be of such size as the dairy and food commissioner shall adopt and designate, and shall contain the following words:

Minnesota Brand A1 (or B as the case may be), made under state rules and regulations.

No. (insert factory number)

Sec. 58. Application for license—Penalty.—Any person desiring to use the brand or label described in the preceding section of this act, in the manufacture or sale of butter or cheese, shall make written application for a license therefor to the dairy and food commissioner, which application shall describe the creamery or factory by location and name in which such butter or cheese is to be manufactured, and give such other information as the dairy and food commissioner may require. A license may be granted by such commissioner to such person to use such brand or label at the creamery or factory described in the application, if the commissioner shall find, on investigation, that all the provisions of law have been complied with. Such license shall state that the brand or label provided for in the preceding section of this act may be used in connection with the manufacture or sale of butter or cheese from the creamery or factory described in such license. Such creamery or factory so described shall be given the same number as the serial number of the license.

No person shall use, in the manufacture or sale of butter or cheese, such brand or label, either A1 or B, without first having

obtained a license therefor. Such license so granted may be revoked by the dairy and food commissioner if any of the provisions of this act are not complied with. No license granted hereunder shall be revoked on account of the grade or score being less than 94 per cent, as provided in paragraph 3 of the next succeeding section, unless such grade or score shall have fallen below 94 per cent more than three times in one year; but such grade or score shall never be less than 93 per cent. Such license so granted shall not be transferable. All licenses shall be numbered in serial order.

Sec. 59. **Minnesota brand A1.**—No license shall be granted for the use of the brand or label A1 in the manufacture or sale of butter or cheese unless the person so manufacturing the same shall comply with the following conditions:

1. The factory in which such butter or cheese is made shall score 90 points or over out of a possible hundred, according to factory inspection score system to be adopted by the dairy and food commissioner.

2. The factory shall use sanitary machinery, piping, and equipment of all kinds.

3. The butter or cheese manufactured in such factories shall grade or score at least 93 points out of a possible hundred, according to the usual and accepted methods of judging and grading butter and cheese. For the purposes of obtaining such license such grade must have been made at least fifteen days prior to such application.

4. The milk or cream used in the manufacture of A1 butter or cheese must have been produced in dairies inspected by the dairy and food commissioner, and which shall have been graded by such commissioner at least 60 points out of a possible hundred, according to a standard to be adopted by the dairy and food commissioner for the inspection and grading of dairies. Such milk must likewise be produced from cows that have been tested and found to be free from tuberculosis, such tests to have been made within six months prior to the application for license. All cows from which such milk is obtained must be tested for tuberculosis at least once in every two year period.

5. No butter or cheese bearing such brand shall be made from cream that has not been pasteurized in compliance with the provisions of this act, nor shall any cream or milk be received at such creamery or factory in which the water and solids not fat contain over two-tenths of one per cent lactic acid. The use of neutralizer or any form of preservative except salt is prohibited. This shall not be construed to apply to starters made out of pure lactic acid culture.

Sec. 60. **Minnesota brand "B."**—No license shall be granted for the use of Minnesota brand or label grade B for the manufac-

ture of butter or cheese unless all the requirements necessary for the manufacture of butter or cheese graded Minnesota A1, as hereinbefore set forth, shall have been complied with, except that the butter or cheese shall score at least 92 points out of a possible hundred, according to the usual and accepted methods of judging and grading butter and cheese, and shall not have fallen below 92 per cent more than three times in any year; the creamery or factory in which such butter or cheese is manufactured must score at least 85 points; the dairies supplying milk or cream to such creamery or factory shall score at least 50 points, and the cows from which the milk or cream is produced need not be tested for tuberculosis.

Sec. 61. Samples required—Tests.—The dairy and food commission may require any person to whom any such license may be granted to furnish from time to time samples of butter or cheese manufactured in any creamery or factory described in the license. Any person holding license hereunder shall furnish a list of the persons from whom milk or cream is purchased, with the address of such persons, and if the license permits the use of the label or brand A1, then likewise proof showing that the cows from which was produced the milk or cream used in the manufacture of such product have been tested for tuberculosis, whenever required by the dairy and food commissioner.

Sec. 62. Like brands prohibited.—The use of any brand for butter or cheese or butter substitute resembling either of the above brands, or so near like it that it may possibly be confounded with it, is prohibited.

Sec. 63. Reports.—Any person to whom permission has been granted to use such brand shall report to the dairy and food commissioner the number of pounds branded each month. Such brand or label shall be used in marking the butter or cheese or package only at the creamery or factory.

Sec. 64. Manufacture of oleomargarine.—No person shall produce or manufacture out of or from any animal fats or vegetable oils not produced from unadulterated milk or cream from the same, the article known as oleomargarine or any article or product in imitation or semblance of natural butter produced from pure unadulterated milk or cream of the same; or mix, compound with or add to milk, cream or butter any acids or other deleterious substances or any animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or in semblance of natural butter, nor sell, keep for sale, or offer for sale any article, substance or compound, made manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any person manufacturing, selling, offering or ex-

posing for sale any commodity or substance in imitation or semblance of butter, the product of the dairy, shall be deemed guilty of a violation of this section, whether he sells such commodity or substance as butter, oleomargarine or under any other name or designation whatsoever and irrespective of any representations he may make relative to such commodity or substance.

Sec. 65. Sale, etc., of oleomargarine, with intent to deceive.—No person shall manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine which shall be manufactured in imitation of, or in semblance of butter of any shade of yellow, with an intent to deceive or defraud the consumer or purchaser thereof.

If, in the manufacture of any oleomargarine, fats, oils, or other ingredients are selected and used in such proportions as to cause the oleomargarine so manufactured to resemble butter of any shade of yellow, such fats shall be prima facie evidence in any prosecution under this section that such oleomargarine was manufactured with an intent to deceive or defraud the consumer or purchaser thereof.

Sec. 66. Oleomargarine, labeling of.—It shall be unlawful for any person to manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine made wholly or partly out of fats, oils or oleaginous substances or compound thereof unless each receptacle and package in which the same is kept for sale or sold has securely affixed upon the side thereof, a white or light colored label which shall be printed in the English language with black ink in type not smaller than 36-point bold-faced gothic capitals the word "oleomargarine" and immediately thereafter under the same label in the same colors there shall be printed in the English language, in 8-point bold-faced gothic capitals, the name and, with substantial accuracy, the percentage of each ingredient contained in such oleomargarine, giving the name of each animal or vegetable from which such fats or oils are derived.

Sec. 67. Same.—It shall be unlawful for any person to sell or offer or expose for sale, or have in possession with intent to sell, any oleomargarine which is not marked and distinguished on the outside of each tub, package, or parcel, thereof in a conspicuous place, by a placard with the word "oleomargarine" printed in English thereon; such placard to be placed in a conspicuous position in full view of the purchaser; and the said word "oleomargarine" on such placard shall be printed in plain uncondensed gothic letters, each letter not less than one inch in height, and such placard shall contain no other words thereon; and there shall also be displayed upon each tub, package or parcel containing such oleomargarine in the same manner and in a conspicuous position, a placard with the word "oleomargarine" print-

ed thereon in the same form as above described in this section; and when oleomargarine is sold from such package or tub, or otherwise at retail, in print, roll, or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the word "oleomargarine" printed or stamped thereon in English in letters one-fourth inch square; and said wrapper shall also contain the name and address of the seller and the quantity sold, and immediately following there shall appear upon the wrapper the name and address of the manufacturer.

Descriptive matter upon the label shall be free from any statement, design or device that is in itself misleading or that conveys or tends to convey information that the product is derived from other than the ingredients of which it is composed; and it shall be unlawful to label oleomargarine "dairy rolls" "country rolls," "Guernsey," "Jersey," "Holstein" or other labeling that would indicate that said product is of dairy or creamery origin.

The use of any false or misleading statement, design, or device shall not be justified by any statement given as the opinion of an expert or other person appearing on the label, nor by any descriptive matter explaining the use of the false or misleading statement, design or device.

Sec. 68. Oleomargarine—Serving as butter.—It shall be unlawful for the proprietor of any hotel, dining room, dining car, drinking place, cafe, bakery, boat, lumber camp, mining camp, railroad camp, boarding house, or hospital, or any place where guests, boarders or patients are served with food for pay, or for any managing agent or servant of such proprietor, to serve as or for butter, or as a substitute thereof, any oleaginous substance or compound other than that produced wholly from pure, unadulterated milk or cream, unless he or they shall cause to be plainly printed in English upon every bill of fare, if one be used, and in letters not smaller than eight-point bold faced gothic capitals, the words "oleomargarine used in place of butter" and in case no bill of fare be used, the manager or person in charge of such establishment shall cause to be posted upon each side of the dining car or eating room, in a conspicuous position and in letters large enough to be distinctly seen and read from all parts of said room, placards containing on the face thereof the words in the English language "oleomargarine used in place of butter," and such person shall keep said placards continuously posted as aforesaid as long as such butter substitute be kept or used.

Sec. 69. Cold storage eggs to be labeled.—No person shall sell, agree to sell, or advertise for sale any cold storage eggs without making it known to the purchaser or prospective purchaser that the eggs are cold storage eggs, and all boxes or

other receptacles in which cold storage eggs are sold or delivered at wholesale or retail, shall be stamped in a conspicuous manner with the words "cold storage eggs."

Sec. 70. Sale, etc., of eggs unfit for human food.—No person shall sell, offer or expose for sale, or have in his possession, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food. For the purpose of this act, an egg shall be deemed unfit for human food if it be addled or mouldy, a black rot, a white rot, or a blood ring; or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood ring stage; or if it consists in whole or in part of a filthy, decomposed or putrid substance.

Sec. 71. Eggs, dockage of—Candling—Reports.—No person, firm or corporation shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section 70 of this act than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the dairy and food commissioner. All such records shall be open at all reasonable times for examination by the dairy and food commissioner, or his assistants, agents, inspectors or employes. Every person engaged in the business of buying eggs for exchange or consignment in this state, shall, within ten days after receipt of any shipment or consignment of eggs, render a detailed and accurate statement to the person by whom such shipment or consignment of eggs was shipped or consigned. The return statement shall truthfully and accurately classify the grade of eggs received according to the general commercial standard and shall include the following information: The number of cases of eggs received, the number of No. 1 eggs, the number of No. 2's, or seconds, the number of cracked, the number of leakers, and the number of rots, as defined in section 70 of this act. The term "candling" as used herein shall be construed to mean the careful examination, in a partially dark room or place of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the dairy and food commissioner. Every person engaged in the business of buying eggs in this state for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs which are intended to be used for human food.

Sec. 72. Eggs—Candling certificate.—There shall be placed on the top layer under the top flap of every case of candled eggs, by the person candling the same a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than $2\frac{3}{8}$ by $4\frac{1}{4}$ inches and shall give

the date of candling the eggs contained in the case in which it is placed, the name, initials or number of the person candling the eggs, and the name of this state and the license number of the person for whom the eggs were candled.

Sec. 73. Eggs—License for selling.—No person shall engage in the business of buying, selling, dealing in or trading in eggs, except those retailers who do not buy direct from the producers and who do not sell in lots greater than one case, without first obtaining from the dairy and food commissioner a license to conduct such business. Such officer upon receipt of a proper application upon forms such as he may prescribe, accompanied by an annual license fee of \$1.00, shall thereupon issue to such person an annual license to engage in such business. Each license shall expire on the first day of March next after its issue.

The dairy and food commissioner shall determine the conditions under which eggs previously candled shall be recandled before sale in order to safeguard the purchaser against buying as a part of a lot, eggs unfit for human food.

Sec. 74. Civil service—Office of dairy and food commissioner.—Before any person shall be eligible to appointment as an inspector in the dairy and food department, except special inspectors to be stationed at canneries while operating, he shall be required to pass a competitive examination touching his general qualifications and proficiency and such general knowledge of the trade and technical phases of the work required in such position as may be deemed necessary by a board of examiners to the proper discharge of the duties of such position. And no person shall be eligible to such appointment unless in addition to the examination requirements herein specified, he shall satisfy the board as to his moral, mental and physical fitness to hold such position. All applicants must be citizens of the United States and must have resided in the state of Minnesota at least one year before receiving an appointment under the provisions of this act. All appointments and removals under the provisions of this act shall be made by the officer now authorized by law to make such appointments and removals. In case of the removal of any such inspector, a statement in writing giving the reasons for such removal shall be filed by the person making such removal with the secretary of state, which shall be open to public inspection, but the inspector against whom such statement has been filed shall, on written request, be given a hearing before the board of examiners within fifteen days from the filing of such request. The failure to make and file such statement within five days after such removal shall operate to reinstate such official or employe. No removal of any in-

spector shall be made except for neglect of duty, incompetence, insubordination or immorality.

Sec. 75. Civil service—Board of examiners.—To carry out the provisions of the preceding section of this act, a board of examiners is hereby created consisting of the state dairy and food commissioner, the dean of the agricultural college and the attorney general. In case of death or inability to act as one of three persons herein designated, the governor of the state shall appoint some person temporarily to act in his place. The state dairy and food commissioner shall be secretary of such board and shall keep all the records which shall contain all the proceedings of the board in reference to examinations and of its actions in carrying out the provisions of this act. The secretary of the board shall likewise keep and have open to the inspection of the public, a list of the names of the persons who are eligible to appointment. Two members of the board shall constitute a quorum for the transaction of business. A chairman shall be elected by the board from its number. None of the members of the board shall receive any compensation for their services herein required, except their reasonable and necessary expenses, which shall be paid out of the fund appropriated for the maintenance of the state dairy and food department in the same manner as other charges against such fund are paid.

Sec. 76. Civil service—Duty of board of examiners.—The board of examiners shall provide for such examinations, suitable lists of questions, which shall be submitted to the applicants in such manner as the board may determine; and a list shall be made of the successful applicants, and from which list the state dairy and food commissioner shall make selections for the positions above named.

Sec. 77. Same.—The board of examiners shall convene for the purpose of holding the first examination the second Monday in January, 1921, and annually thereafter. Special examinations may be called by the board upon written request of the commissioner, provided that, except for extraordinary reasons, it shall not be necessary to call special examinations if there be a sufficient number of eligibles remaining from previous examinations. Any person who shall pass such examination shall be eligible to appointment at any time within one year from the date of his examination, provided he shall remain morally, mentally and physically fit. Thirty days' notice, signed by the secretary of the board, of any examination held hereunder shall be given by one publication in two St. Paul daily newspapers of opposite political faith, such notice to state the time and place thereof and in general terms the subject matter upon which applicants will be examined. All examinations shall be held in the city of St. Paul at some suitable place therein to be

fixed by the board. If more applicants than are necessary to fill vacancies shall have passed such examination, or series of examinations, the commissioner shall have authority to select from such entire list, but without reference to any political affiliation or belief, those persons who in his judgment are best fitted to perform the duties of the position; and if at any time there be an insufficient number of eligibles, the commissioner shall have authority to temporarily fill a vacancy, such appointment to hold until such list of eligibles has been sufficiently replenished.

Sec. 78. Construction of act.—This act is intended to be a re-statement of existing laws, with such changes as appear, and its provisions, so far as they are the same as those of existing statutes, shall be construed as continuations thereof, and not as new enactments. Any of the provisions of this act inconsistent with the existing code of criminal procedure or penal law shall be effective for the purposes of this act only.

Sec. 79. Provisions severable.—The provisions of this act, and each part thereof, and its sections and each part thereof, are independent and severable, and if any provisions or part thereof, or section or part thereof, be held unconstitutional or invalid, no other provision or part thereof or section or part thereof shall thereby be impaired or rendered unconstitutional or invalid.

Sec. 80. Not to affect the feeding stuff control law.—Nothing in this act shall be construed to change, modify, amend, or in any manner affect any of the provisions of chapter 260, Session Laws 1919, approved April 15, 1919, entitled: "An act to prevent fraud and deception in the manufacture and sale of concentrated commercial feeding stuffs and providing for registration and labeling thereof and repealing chapter 383, General Laws of Minnesota 1907, and all other acts or parts of acts inconsistent herewith." And said chapter 260, Session Laws 1919, shall continue in full force and effect.

Sec. 81. Certain other laws not repealed.—Nothing in this act shall be construed to affect or repeal Session Laws 1901, Chapter 117, being R. L. 1905, Section 4993, Session Laws 1895, Chapters 200, 201, being R. L. 1905, Sections 4994, 4995, nor Session Laws 1905, Chapter 323, nor Session Laws 1915, Chapter 335.

Sec. 82. Implied repeals—Saving clause.—Save as aforesaid, all acts and parts of acts inconsistent with the provisions of this act and not herein expressly repealed, are hereby repealed.

Sec. 83. Repeals.—The said laws hereafter enumerated shall be expressly repealed from and after the taking effect of this act. Session Laws 1905, Chapters 158, and 300.

Revised Laws 1905, sections 1734 to 1771, both inclusive, and sections 1774 to 1780, both inclusive.

Session Laws 1907, chapters 124, 237, 337, 384 and 424.

Session Laws 1909, chapters 353, 428 and 498.

Session Laws 1911, chapters 183, 213 and 310.

Session Laws 1913, chapters 47, 97, 229, 336, 366, and 475.

Session Laws 1915, chapters 18 and 368.

Session Laws 1919, chapters 316, 351, 352, 353 and 495.

• Extra Session Laws 1919, chapter 16.

Nothing herein shall be construed as a legislative declaration that any law so enumerated has not heretofore been expressly or impliedly repealed.

Sec. 84. Definitions—Evidence of intent.—The word “person” as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, co-partnerships, companies, societies and associations. The word “men” shall include “women.” No person who shall commit or assist in committing any offense herein defined shall be exempt from conviction and punishment therefor for the reason that he acted as the agent, employe, or representative of another. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, co-partnership, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, co-partnership, company, society or association, as well as that of the person.

The words “sell” and “sale” as used herein shall be construed as including the keeping, offering or exposing for sale, use, transportation or exchange of the restricted, regulated or prohibited article, the having of any such article in possession with intent to sell, use, transport or exchange the same, and the storing, carrying or handling thereof in aid of traffic therein, whether done or permitted in person or through others. The having in possession of any article, the manufacture, sale, use or transportation of which is restricted, regulated or forbidden by this act, shall be deemed prima facie evidence of intent to sell, manufacture, transport or use the same in violation of law.

Sec. 85. Tenure of office preserved.—Whoever, when this act takes effect, holds an office under any of the laws thereby repealed, shall continue to hold it according to the tenure thereof, unless it is abolished or unless a different provision relative thereto is made by this act.

Sec. 86. Effect of repeal.—Whenever a law is repealed by this act, which repealed a former law, the former law shall not thereby be revived, unless it is so specially provided; nor shall such repeal affect any right accrued, any duty imposed, any penalty in-

curred, or any proceeding commenced or to be commenced, under or by virtue of the law repealed.

Sec. 87. This act shall take effect and be in force from and after July 1, 1921:

Approved April 23, 1921.

CHAPTER 496—S. F. No. 698.

An act to amend title to and Sections 2, 3, 4 and 7 of Chapter 284, Laws 1919, which chapter is entitled: "An act establishing the Minnesota War Records Commission; providing for the compilation of records and the collection of materials relating to the participation of the state and its citizens in the world war, and for the preparation, publication, and distribution of a memorial record and history of Minnesota's part in the war; and appropriating money for carrying out the provisions of this act."

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

Section 1. Title amended.—That the title to Chapter 284, Laws 1919 be and the same is amended to read as follows:

An act establishing the Minnesota War Records Commission; providing for the compilation of records and the collection of materials relating to the participation of the state and its citizens in *the Spanish-American War, the Phillipino Rebellion and the world war*, and for the preparation, publication, and distribution of a memorial record and history of Minnesota's part in *said wars*.

Sec. 2. Duties of war records commission.—That Section 2 of Chapter 284, Laws 1919 be and the same is amended to read as follows:

Section 2. It shall be the duty of the said Minnesota war records commission to provide for the collection and preservation in state and local war records collections of all available material relating to Minnesota's participation in *the Spanish-American War the Phillipino Rebellion and the world war*; to procure, in co-operation with the adjutant general of the state, transcripts or abstracts of all available records of the United States war and navy departments relating to the services of citizens or residents of Minnesota or to the history of military or naval units composed largely of Minnesota men; and to provide for the compilation and preservation in the state war records collection of individual records of the service during *said wars* of all citizens or residents of Minnesota in the military or naval forces of the state or of the United States or of any of the governments associated with the United States in *said wars*, also of all citizens or residents of Minnesota engaged in non-military forms of war service with the armed forces of the United States or of the associated nations or conspicuously engaged in civilian war work.