

32.31. **Butterfat content of butter.** *Subdivision 1.* No person shall manufacture for sale, or sell, or have in possession with intent to sell, any dairy or creamery butter which contains less than 80 per cent butterfat by weight, or which has been manufactured from milk or cream which has not been pasteurized in accordance with the provisions of Sections 32.391 and 32.392.

Subd. 2. Any person violating any provision of this act shall be guilty of a misdemeanor and punished by a fine not exceeding \$100, or by imprisonment not exceeding three months.

Approved March 26, 1949.

CHAPTER 194—S. F. No. 664

[Coded as Sections 24.24 to 24.32]

An act relating to the manufacture, sale and distribution of antifreeze; providing for the licensing thereof and payment of fees therefor; granting to the commissioner of agriculture, dairy and food certain powers in connection therewith; and providing penalties for violations thereof.

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

[24.24] Section 1. **Definitions.** *Subdivision 1.* **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following terms, for the purposes of this act, shall be given the meanings subjoined to them.

Subd. 2. **“Antifreeze.”** The term “antifreeze” shall include substances and preparations intended for use as permanent cooling mediums to be added to the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point. Methyl alcohol, ethyl alcohol or other substances whether they be alcohols or other compounds shall not be deemed to be “antifreezes” within the meaning of this act if their entire contents be volatile at 212 degrees Fahrenheit or less.

Subd. 3. **“Person.”** “Person” means any individual, firm, trust, estate, partnership, association, cooperative asso-

ciation, joint stock company, corporation or unincorporated organization.

Subd. 4. **“Commissioner.”** The term “commissioner” as used in this act shall mean the commissioner of the department of agriculture, dairy and food of the state of Minnesota.

Subd. 5. **“Label.”** The term “label” means the written, printed or graphic matter on the immediate container of the article or on the article itself and also on the outside container or wrapper, if any there be, of the individual consumer package of such article. The label shall contain the following mandatory information: (1) the name, brand or trademark of the product; (2) the name and address of the manufacturer or distributor; (3) the net weight or measure, as the case may be, which is contained in the package.

Subd. 6. **“Labeling.”** The term “labeling” means all labels and other written, printed or graphic matter, (1) upon any article or any of its containers or wrappers; (2) accompanying such article; (3) to which reference is made on the label or literature accompanying such article; or (4) which relates or refers to the article for the purpose of inducing the sale thereof.

Subd. 7. **“Adulterated.”** The term “adulterated” shall apply to any antifreeze (1) if it consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user; or (2) if its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is advertised and sold.

Subd. 8. **“Misbranded.”** The term “misbranded” shall apply to any antifreeze (1) if its labeling is false or misleading in any particular; or (2) if in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.

[24.25] Sec. 2. **Registration.** Subdivision 1. Any person, before selling or offering for sale any antifreeze for use within this state, shall file with the commissioner an applica-

tion for registration of such antifreeze, giving the following information, to-wit: (1) the name and address of the manufacturer or distributor; (2) the name and brand of each product for which registration is requested; and (3) the ingredients or component parts of antifreeze sought to be registered, excluding inhibitors when present to an extent of 1% by weight or less.

Subd. 2. Each application for registration shall be accompanied by an inspection fee of \$20.00 for each product for which registration is requested. All such registration fees collected by the commissioner shall be paid into the state treasury and be credited to the general revenue fund. There shall also be attached to each application for registration the label or labels which are to be used upon the antifreeze and each application shall be accompanied by a properly labeled sample of the antifreeze which shall not be less than one gallon. If after examination the commissioner finds that the sample is not adulterated or misbranded, and if it meets with the standards required by this act and the rules and regulations promulgated in relation thereto, the commissioner shall issue a certificate of registration for the product which certificate shall remain in effect so long as the composition of the product remains unchanged. If the application is denied, the product shall not be offered for sale in this state.

Subd. 3. Nothing contained in Section 2 shall be construed so as to apply to any person selling or handling antifreeze which has been registered and the registration fee paid as provided for in this act.

[24.26] Sec. 3. Access to places where used. For obtaining information regarding the suspected violations of law, the commissioner, his assistants, appointees, agents and employees shall have access to all places where any antifreeze 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; and they may inspect any package, receptacle or container found therein apparently containing any antifreeze or ingredients 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.

[24.27] **Sec. 4. Seizure.** The commissioner may seize all antifreeze or similar articles, 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, regulations, definition, standard or ruling made, adopted, published hereunder, and for this purpose he and his several assistants, inspectors, agents and employees shall have the power of a constable. Such seizures 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.

[24.28] **Sec. 5. Violations and penalties.** Subdivision 1. Any person who shall alter or adulterate or change the composition in any way of any brand of antifreeze as registered in accordance with Section 2 of this act shall be guilty of a felony and shall be punished by a fine of not less than \$500 nor more than \$5,000, or by imprisonment of not less than one year nor more than five years.

Subd. 2. Any person violating any of the provisions of this act for which no specific penalty is provided shall be guilty of a misdemeanor.

Subd. 3. Any person violating any rule or regulation promulgated by the commissioner shall be guilty of a misdemeanor.

[24.29] **Sec. 6. Severable.** If any section, subsection, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

[24.30] **Sec. 7. Limitation.** The provisions of this act, except Section 3, shall not apply to (1) finished antifreeze in transit through the state or in storage within the state intended for and sold outside the state; (2) antifreeze ingredient materials in transit or in storage intended for manufacturing, processing, mixing or repacking; (3) common or private carrier and warehousemen while engaged in lawfully transporting and storing antifreeze; (4) public officers while engaged

in the performance of their official duties; (5) any employees of the foregoing while acting in the scope of employment.

[24.31] **Sec. 8. Enforcement; rules and regulations.** The commissioner is charged with the enforcement of all the provisions of this act, and shall have authority to promulgate rules and regulations as provided in section 15.042.

[24.32] **Sec. 9. Not to apply to retailers.** This act is not intended and shall not apply to retailers.

Sec. 10. Effective date. This act shall take effect and be in force from July 1, 1949.

Approved March 26, 1949.

CHAPTER 195—S. F. No. 834

[Coded as Section 35.71]

An act to promote scientific research and instruction in animal and public health by making available to educational and scientific institutions, unclaimed and unredeemed animals impounded by public authority in animal pounds; to provide licenses therefor and penalties for violations thereof.

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

[35.71] **Section 1. Unclaimed and unredeemed animals impounded; scientific use.** Subdivision 1. **Institution defined.** As used in this act, "institution" means any school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific establishment properly concerned with the investigation of, or instruction concerning the structure or functions of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

Sec. 2. Subd. 2. Application by institution for license. Such institutions may apply to the State Live Stock Sanitary Board for a license to obtain animals from establishments maintained by or for municipalities for the impounding, care and disposal of animals seized by lawful authority. If, after investigation, the State Live Stock Sanitary Board finds that