

REVISED LAWS OF MINNESOTA *94*

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
FRANCIS B. TIFFANY

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1910

§ [1733—]12

INSPECTION OF FOOD.

(Ch. 21

barrels shall be painted blue, yellow or green; gasoline barrels red. ('09 c. 502 § 11)

[1733—]12. **Fees.**—The fees for inspecting and branding shall be as follows:

1. For a single barrel or other receptacle containing not more than fifty-five gallons, forty cents.

2. If more than one and not more than ten such receptacles be inspected at one time and place, twenty-five cents for each.

3. If more than ten, fifteen cents for each additional barrel or receptacle, except as hereinafter provided.

4. Oil or gasoline in tanks or tank cars containing more than fifty barrels, ten cents per barrel.

If the quantity in any one receptacle exceeds one barrel, excepting where the same is in tanks or tank cars containing fifty barrels or more, ten cents shall be charged for each fifty-five gallons thereof. Such fees shall be payable at the time of the inspection: Provided, that when oil is shipped outside of the state after inspection fees have been paid, the firm shipping same shall be given credit by the inspector for such fees. And provided, further, that all kerosene oil and gasoline inspected in other states, where the inspection requirements are as high as those required herein may be admitted without additional inspection on payment of the fees required by this act. ('09 c. 502 § 12)

[1733—]13. **Fees, how collected—Report—Annual appropriation—Expenses.**—It shall be the duty of the inspector on or before the tenth day of each month to certify to the state auditor the money due from any corporation, firm or individual as inspection fees, and it is hereby made the duty of the state auditor to collect such fees and pay them into the state treasury. At the end of each fiscal year the inspector shall make an annual report to the governor. All moneys collected hereunder shall be credited to the "Oil Inspection Fund." For the payment of salaries of the state inspector, his deputies and office force, and the expenses provided for in this chapter, the sum of forty thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated out of the oil inspection fund herein provided for. On or before the fifteenth day of each month the inspector shall certify to the state auditor the amount due to each of his deputies as compensation and mileage for the preceding month, also the items and amounts of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage, travel and instruments furnished for testing and branding oils, and such salaries, mileage and expenses being duly audited shall be paid by the state. ('09 c. 502 § 13)

[1733—]14. **Violation a misdemeanor.**—Any person, firm, or corporation wilfully violating any of the terms of this act is hereby declared guilty of a misdemeanor. ('09 c. 502 § 14)

CHAPTER 21.

INSPECTION OF FOOD AND OTHER ARTICLES.

1735. **Assistant—Employés—Salaries.**—He shall receive a salary of \$2,600 per annum and shall be allowed the expenses necessarily incurred by him in the discharge of his duties. He may appoint an assistant examiner at a salary of \$1,800 per annum; a secretary at a salary of \$1,500 per annum; one chief chemist at a salary of \$2,400 per annum; and, when needed, an assistant chem-

ist or chemists each at a salary of not to exceed \$100 per month; and such number of inspectors as may be necessary at not to exceed \$100 per month. The expenses necessarily incurred by such subordinates shall be allowed and paid in addition to salary. He may employ necessary legal counsel. The expenses properly incurred by him and his appointees shall be paid by warrant of the state auditor upon itemized accounts thereof, approved by him or his assistant. The total expenses of the office, including salaries and compensation of all employes, shall not exceed in any fiscal year the appropriation made therefor plus the amount allowed by law to the commission from moneys received from licenses, fines and articles confiscated and sold under this chapter. The provisions of this section shall not be construed in any way to repeal the provisions of chapter 300, of the Laws of 1905. (R. L. § 1735, as amended by Laws 1907, c. 236, and Laws 1909, c. 428, § 1.)

Historical.—"An act to amend sections 1735, 1739, 1740, 1741, 1743, 1744 and 1756 of the Revised Laws of 1905, and the several acts amendatory thereof, relating to the dairy and food department." Approved April 22, 1909.

Section 8 repeals inconsistent acts. For Laws 1905, c. 300, see sections [1735—]1 to [1735—]5.

[1735—]1. Qualifications of inspectors—Appointment and removal.—Before any person shall be eligible to appointment as an inspector in the dairy and food department, 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 inspector shall be made except for neglect of duty, incompetence, insubordination, or immorality. ('05 c. 300 § 1)

Historical.—"An act relating to appointments of inspectors under the state dairy and food commission, fixing the qualifications of appointees and relating to their tenure of and removal from office." Approved April 19, 1905.

Section 6 repeals inconsistent acts.

[1735—]2. Board of examiners, how constituted—Expenses.—To carry out the provisions 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 the 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. ('05 c. 300 § 2)

[1735—]3. Examinations.—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. ('05 c. 300 § 3)

[1735—]4. Same, when held—Notice—Selection.—The board of examiners shall convene for the purpose of holding the first examination the second Monday in January, 1907, 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, and 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. ('05 c. 300 § 4)

[1735—]5. Present incumbents.—All persons now holding positions in said department shall be deemed as having been appointed under the provisions of this act and shall hold office until their terms expire by operation of the laws as they exist prior to the passage of this act. ('05 c. 300 § 5)

[1736—]1. Access to railroad cars, warehouses, etc.—Powers of commissioner—Duty of carriers and warehousemen.—For the proper enforcement of the laws of this state, already or hereafter enacted, which may be designed to prevent, regulate or punish the sale or use of commodities for human consumption which are deleterious to health and not true in name, the dairy and food commissioner, by himself, or employes of his department in addition to having the authority and powers otherwise conferred by law is authorized and empowered to have and take access to any and all railroad cars of every sort or nature transported or being within this state, all railroad stations, storage houses, warehouses or express offices, or other places wherein there may at any time be com-

modities shipped within this state from without designed for human consumption whether such commodities have been sold or given away without the state, provided such sale or gift was or is with the intent that such commodities be delivered, had or used within the state, and the dairy and food commissioner by himself or the employes of his department shall have the same power and authority to open any package, can or vessel, so shipped within this state from without, which contains or which he has reason to believe contains any such commodity to inspect the contents thereof and to take samples therefrom for analysis, all after the same manner and with the same procedure as obtains by law in reference to similar commodities manufactured, sold or exposed for sale within the state. If it shall appear that any such commodity or commodities so shipped within this state from without is of a character or composition, the manufacture, sale or exposing for sale of which within the state is forbidden by any laws then in force as deleterious to health and not true in name, the dairy and food commissioner shall have the same rights and remedies, and shall enforce such rights and remedies against such commodity or commodities in the same manner as in the cases of similar commodities when manufactured, sold or exposed for sale within the state. On receiving notice from the commissioner, or any authorized employe of his department that he desires to inspect the contents of any such package, can or vessel, containing, as he believes, any such commodity, it shall be the duty of any common carrier, or 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 such time as may be reasonably necessary for the inspection and analysis thereof. It is further made the duty of all common carriers and warehousemen and employes thereof to render the commissioner and his employes all the assistance in their power when so required to effectuate the purpose of this act. In case such inspection or analysis of any such commodity shall disclose therein ingredients deleterious to health and not true in name, as defined by any law of this state, such common carrier or warehousemen, or employes thereof, 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 shall, before proceeding further, as against such commodity, notify such consignor and consignee in writing at their respective addresses as so disclosed of the results of such inspection and analysis. Any failure on the part of any common carrier, warehouseman, storage man, or employe thereof, to do or observe the provisions hereof shall be a misdemeanor. ('05 c. 158 § 1)

Historical.—"An act to provide for the better enforcement of the laws forbidding, regulating and punishing the sale and use of commodities designed for human consumption which are deleterious to health and not true in name." Approved April 12, 1905.

DAIRY PRODUCTS.

1739. Impure milk and cream.—No person shall sell unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated, or to which preservatives of any kind have been added; milk drawn from cows kept in a crowded condition or in places not well ventilated or lighted, or which from any cause are filthy or unsanitary, or from unclean or diseased cows, or those fed with distillery waste, brewers' grains, waste of vinegar or sugar factories, garbage or decayed substances in any form, except ensilage from silos properly managed; milk drawn from cows within fifteen days before, or five days after giving birth to a calf;

and milk or cream which has been kept in or near stables where any animal is housed, or in any building attached to such stable, or 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 chapter. Milk from which any normal ingredient has been abstracted, or milk containing any substance not a normal constituent thereof, or containing more than eighty-seven per cent of water, or containing less than three and five-tenths per cent of butter fat, or containing less than thirteen per cent of total milk solids, and cream in which there is less than twenty per cent of butter fat, 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 hereinafter provided. No person producing milk or cream for market or exchange, or for manufacturing the same into articles of food shall feed milch cattle any distillery waste or brewers' grains or the waste of vinegar or sugar factories, or garbage, or any substance which is decayed and unhealthy. (R. L. § 1739, as amended by Laws 1909, c. 428, § 2.)

Constitutionality.—Laws 1903, c. 155, § 9, forbidding the sale of any cream that contains less than 20 per cent. of fat, violated neither Const. art. 1, § 7, nor the fourteenth amendment of the federal Constitution. The fact that a manufacturer of condensed milk adopted as a trade-name, before the enactment of the statute, the term "Evaporated Cream" to designate his product, does not give him the right to sell such product as cream, evaporated or otherwise. State v. Tetu, 98 Minn. 351, 107 N. W. 953, 108 N. W. 470.

1740. Skimmed milk.—Notwithstanding the provisions of section 1739, milk from which the cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skim cheese, as hereinafter defined, 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 temperature of at least one hundred and eighty degrees Fahrenheit. (R. L. § 1740, as amended by Laws 1909, c. 428, § 3.)

1741. Sales licensed.—No person shall sell milk or cream in, or to be used in any municipal corporation, except for the purpose of supplying the same to a butter or cheese factory, without being licensed by the dairy and food commissioner, and the fee for such license shall be one dollar 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 employees 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 purposes aforesaid, and every sale from a vehicle not so inscribed, shall be deemed a misdemeanor. Every licensee shall report to the commissioner any change of driver or person employed by him in connection with such sales which may occur during the term of his license. (R. L. § 1741, as amended by Laws 1907, c. 337, § 1, and Laws 1909, c. 428, § 4.)

1743. Standard measures and tests.—All milk or cream received or purchased for the purpose of manufacturing the same into butter or cheese shall be received or purchased by weight, and payment therefor shall be upon the basis of the butter fat contained therein. The standard pipette for measurement of milk shall have a capacity of seventeen and six-tenths cubic centimeters, and the standard pipette for the measurement of cream shall have a capacity of eighteen grams by weight. The standard test tube or bottle for 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 sixty degrees Fahrenheit, and for cream 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 measure or test for milk or cream sold or purchased at prices determined by the proportion of butter fat contained therein; any person who shall manufacture or sell a cream or milk pipette or measure 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 butter fat 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. (R. L. § 1743, as amended by Laws 1909, c. 428, § 5.)

1744. Cans to be cleansed.—Every person delivering milk, cream or ice cream to creameries, cheese factories, common carriers or any other person, persons, firms, companies or corporations, 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 from a common carrier in cans or other vessels which are to be returned to the shipper, shall cause such vessels to be promptly emptied and, before returning same, be thoroughly cleansed. No person shall ship or deliver to any manufacturer or dealer any milk or cream that has become sour, unless it be so labeled. (R. L. § 1744, as amended by Laws 1909, c. 428, § 6.)

1753. Imitating yellow butter.

Constitutionality and validity.—This section, construed in connection with sections 1754 and 1756, is not unconstitutional, as prohibiting a branch of industry not injurious to the community and not fraudulently conducted. This enactment is valid, as one designed to prohibit the manufacture and sale of a product intended to imitate yellow butter in a form and manner likely and intended to deceive and defraud. It seeks to suppress false pretenses and to promote fair dealing in the manufacture and sale of an article of food. *State v. Hammond Packing Co.*, 105 Minn. 359, 117 N. W. 606.

Prosecution—Evidence.—To sustain a conviction, it is not sufficient to prove that by the use of wholesome, necessary, and recognized ingredients there resulted between yellow butter and the article manufactured and sold as oleomargarine a resemblance in qualities inherent in the articles and common to both. *State v. Hammond Packing Co.*, 105 Minn. 359, 117 N. W. 606.

1754. Same—Branding.

See note under section 1753.

1755. Use of butterine substitutes.

Cited in *State v. Hammond Packing Co.*, 105 Minn. 359, 117 N. W. 606.

1756. 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 of, or preservative of milk, butter or cheese; nor shall any person add or apply to

milk, butter or cheese, any borax, boric acid, salicylic acid, formaldehyde, formalin or other anti-ferment or preservative; Provided, however, that this section shall not apply to pure salt added to butter or cheese. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine of not less than fifteen dollars nor more than twenty-five dollars for each offense. (R. L. § 1756, as amended by Laws 1909, c. 428, § 7.)

See note under section 1753.

[1756—]1. Ice cream—Adulteration.—No person shall manufacture or sell adulterated ice cream, and ice cream shall be deemed adulterated:

(1) If it be made from or contain impure milk or impure cream or any unwholesome substance or any coal-tar dye or saccharin or any substance injurious to health; or

(2) If it contains less than 12 per cent, by weight, of butter fat, or

(3) If it be colored, powdered or treated in any manner whereby damage or inferiority is or may be concealed. ('07 c. 124 § 1)

Historical.—“An act entitled an act to prevent fraud and deception in the manufacture and sale of ice cream.” Approved April 6, 1907.

[1756—]2. Same—Penalty.—Every violation of the provisions of this act shall be deemed a misdemeanor the punishment whereof shall be a fine of not less than fifteen dollars or imprisonment for not less than 20 days. ('07 c. 124 § 2)

[1756—]3. Duties and powers of commissioner—Application of other sections.—The State Dairy and Food Commissioner, his assistants and employes, shall enforce the provisions of this act and in so doing shall have all the powers and authority with relation thereto that are conferred upon them and each of them by Chapter 21, Revised Laws, 1905; and the words “person” and “sell” as used in this act shall be construed as provided in sections 1738, Revised Laws, 1905; and having in possession of any article or commodity, the manufacture or sale of which is prohibited by this act, shall be deemed prima facie evidence of an intent to violate the law; and impure milk and impure cream shall for the purposes of this act be defined as in section 1739, Revised Laws, 1905; or in subsequent laws defining the same; and in any prosecution hereunder the certificate of the Dairy and Food Commissioner's chemist, when sworn to by such chemist, shall be prima facie evidence of the facts therein stated; and the provisions of sections 1736, 1776, 1777, 1778 and 1779, Revised Laws, 1905, shall be deemed a part hereof in the enforcement of this act and the accomplishing of its purposes. ('07 c. 124 § 3)

[1756—]4. Testing apparatus—License.—No person shall operate a milk or cream testing apparatus duly approved by the dairy and food commissioners to determine the percentage of butter fat 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. ('09 c. 498 § 1)

Historical.—“An act providing for the licensing of operators of testing apparatus and prescribing a penalty for its violation.” Approved April 24, 1909. By section 5 the act is in effect from January 1, 1910.

[1756—]5. Same—Application—Examination.—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 being issued such license shall pass a satisfactory examination in person and prove by actual dem-

onstration that he is competent and qualified to properly use such tester and make an accurate test with the same. ('09 c. 498 § 2)

[1756—]6. **Same—Fees—Revocation of license.**—Such license shall be issued for a period of two years from and after the date of its issuance, and a fee of one dollar shall be paid for such license by the licensee upon the issuance thereof. The dairy and food commissioner for just cause shall have authority to revoke any license issued under the provisions of this act. The fees collected under the provisions of this act shall be paid into the state treasury monthly by the dairy and food commissioner, and credited to the state road and bridge fund. ('09 c. 498 § 3)

[1756—]7. **Same—Violation a misdemeanor.**—Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than fifty dollars, or by imprisonment for not less than thirty days or more than sixty days; and such testing of each lot of milk or cream by such unlicensed person shall constitute a separate offense unless where such licensed person shall have valid reasons to appoint a substitute, not to exceed three days subject to the approval of the dairy and food commission. ('09 c. 498 § 4)

[1756—]8. **Pasteurized milk—Inspection—Labels.**—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 shall 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 minimum temperatures of 140 deg. Fahrenheit for intermittent and 180 deg. Fahrenheit for continuous pasteurization, to label its products, "This product is from pasteurized milk and cream," and such creamery may so label its products so long as it continues to so pasteurize all its milk and cream used in the manufacture of such product. ('09 c. 353 § 1).

Historical.—"An act regulating the labeling of the products of pasteurized milk and cream." Approved April 21, 1909.

[1756—]9. **Same—False labeling—Penalty.**—Labeling contrary to this act shall be a misdemeanor. ('09 c. 353 § 2)

OTHER FOODS.

1757. **Vinegar.**—The term "vinegar" as used herein, shall be deemed to include any article or preparation designed or offered for sale or used as vinegar, or as a substitute therefor, or imitation thereof. No person shall sell as cider vinegar any article or preparation not wholly from pure apple juice. The manufacture or sale of adulterated vinegar for use in any form in food is prohibited, and any vinegar shall be deemed adulterated—

1. If one hundred cubic centimeters, at a temperature of twenty degrees centigrade, shall contain less than four grams of acetic acid.
2. If it contain any artificial coloring matter; or
3. If it contain any mineral acid, or any acid or product originating from the distillation of wood, or any poisonous metallic impurities, or any substance injurious to health; or

4. If it be cider vinegar and contains less than one and six-tenths per centum of cider vinegar solids upon full evaporation at the temperature of boiling water. (R. L. § 1757, as amended by Laws 1907, c. 347, § 1.)

Historical.—"An act to amend sections 1757 and 1758, chapter 21, Revised Laws of 1903, relating to pure food." Approved April 23, 1907.

This section and section next following are sections 1 and 2 of said act.

1758. Same—Branding.—No person shall sell vinegar, unless the receptacle in which it is kept for sale or sold, be plainly and conspicuously marked, in the English language, upon the head thereof by stencil, brand, or label, with the name of the kind of vinegar therein contained, its percentage of acetic acid, the name of the substances from which it is made, the name of the maker and the place of manufacture. The size of the letters, and the figures in the marking herein required shall be not less than one inch in length when a barrel or larger size container be used, and when a keg or any wooden receptacle of less than barrel size be used the size of the letters and figures shall not be less than one-half inch in length; and if the receptacle consists of a bottle, jug or similar container, the data and information herein required shall be plainly printed, in English, with black ink, with type not smaller than eighteen point bold-face Gothic capitals, upon a white label which shall be securely affixed upon the side of such receptacle. (R. L. § 1758, as amended by Laws 1907, c. 347, § 2.)

See note under section next preceding.

1762. Spices and Condiments—Adulteration.—The sale of adulterated spices and condiments is prohibited and for the purpose of this chapter a spice or condiment shall be deemed adulterated:

- (1) If it be mixed or packed with other articles as to decrease its strength or purity; or
- (2) If any normal constituent thereof has been either in whole or in part abstracted; or
- (3) If it be an imitation of the article named upon the label; or
- (4) If it be colored, powdered or treated in any manner whereby damage or inferiority is concealed, or whereby the quality, quantity or value is misrepresented.

No person shall sell any spice or condiment unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed upon the side thereof, a label, upon the outside face of which shall be printed in plain, conspicuous, legible type, the net weight of the contents of such receptacle or package; and such labels shall also contain the name and address of the manufacturer or packer of such spice or condiment. (R. L. § 1762, as amended by Laws 1907, c. 237, § 1.)

1771. Applicable to all foods.—The manufacture or sale of any article, designed or offered for sale or use as food, is prohibited, if it contain or is mixed with, or by use of any substance or preparation the manufacture or sale of which is specifically prohibited by any section of this chapter; or if it be in itself injurious, or if it contain any ingredient injurious to health; or if it contains coal-tar dye or saccharin; or if it consist in whole or in part of a filthy or decomposed substance, or of any portion of any animal unfit for food, or of the product of a diseased animal, or one that has died otherwise than by slaughter. And it shall be unlawful to add or apply to any article designed for sale or use as food, any preservative which conceals or tends to conceal the taste, odor, or other evidence of putrefaction, taint or filth existing in such article, or which conceals or tends to conceal inferiority in any form. (R. L. § 1771, as amended by Laws 1907, c. 258, § 1.)

Operation of pure food law.—The pure food law (sections 1771, 1775) held to render a manufacturer of sweet oil, who did not know that it was impure,

liable to one injured by its use, who purchased it from a retail dealer. *Mesh-besher v. Channellene Oil & Mfg. Co.*, 119 N. W. 428.

[1771—]1. **Concentrated commercial feeding stuffs—Definition.**—The term “concentrated commercial feeding stuffs,” as used in this act, shall include linseed meals, cottonseed meals, pea-meals, cocoanut meals, gluten meal, oil meals of all kinds, gluten feeds, maize feeds, starch feeds, sugar feeds, sucrene, hominy feeds, cerarine corn and oat feeds, ground beef or fish scraps, mixed feeds of all kinds, also all condimental stock foods, patented and proprietary stock foods claimed to possess nutritive as well as medicinal properties, and all other materials intended for feeding to domestic animals; but shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, dried brewers’ grains, wet brewers’ grains, malt sprouts, sorghum and broom corn. Neither shall it include wheat, rye and buckwheat brans or middlings not mixed with other substances, but sold separately, as distinct articles of commerce, nor pure grains ground together. ('07 c. 383 § 1)

Historical.—“An act to prevent fraud and deception in the manufacture and sale of concentrated commercial feeding stuffs.” Approved April 24, 1907.

By section 8 it is provided that “all goods now in the hands of retailers may be sold until November 1st, 1907.” By section 9 the act took effect June 1, 1909.

[1771—]2. **Same—Labels—Shall state, what.**—Every manufacturer, individual, association, co-partnership, corporation, agent or employé (all hereinafter included in the term “person”), who shall sell, offer or expose for sale or distribution in this state any concentrated commercial feeding stuff, used for feeding live stock, shall furnish with each car or other amount shipped in bulk, and shall affix to every package or receptacle containing such feeding stuff, in a conspicuous place on the outside thereof, a distinct and plainly printed label clearly and truly certifying the net weight in pounds of feeding stuff in such car or receptacle, the name or trademark under which the article is sold, the name of the manufacturer, jobber or shipper, the place of manufacture or address of jobber or shipper, and also the percentage it contains of crude fat and crude protein, allowing one per centum of nitrogen to equal six and one-fourth per centum of protein, both constituents to be determined by the methods prescribed by the association of official agricultural chemists of the United States; and whenever any feeding stuff is sold at retail in bulk or in packages belonging to the purchaser, the agent or dealer, upon request of the purchaser, shall furnish to the purchaser a certified copy of the statement contained upon the label aforesaid. ('07 c. 383 § 2)

[1771—]3. **Same—Sale in violation—Penalty.**—Any person who shall sell, offer or expose for sale or distribution in this state any concentrated feeding stuffs without complying with the requirements of this act, or any feeding stuffs which contains substantially a small percentage of constituents than are certified to be contained in such feeding stuffs shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment not less than ten days nor more than ninety days. ('07 c. 383 § 3)

[1771—]4. **Same—Duties and powers of commissioner.**—The state dairy and food commissioner shall enforce the provisions of this act, and for the purpose of obtaining information regarding suspected violations of this act they shall have access to all cars and other carriages used for the transportation of any commercial

concentrated feeding stuffs, the manufacture and sale of which is restricted, regulated and prohibited hereby, and to all places where any of such commodities is or may be manufactured, prepared, stored, kept for sale or sold; and may inspect any package or receptacle which they may have good reason to believe containing any such commodity and may take samples therefrom for analysis, and any person wilfully obstructing or hindering such entry or inspection or failing, upon request, to assist therein, where such assistance is actually needed, shall be guilty of a misdemeanor. ('07 c. 383 § 4)

[1771—]5. **Same—Misbranding—Evidence.**—Any concentrated commercial feeding stuffs within the meaning of this act which is not labeled as hereinbefore required shall be deemed a misbranded article and the having in possession in any store, warehouse or factory ready for market, such misbranded articles shall be deemed prima facie evidence that the same is intended for sale or distribution, and in violation of this act, and in any prosecution under this act, a certificate of the official chemist of the dairy and food department of the State of Minnesota having made the analysis, when sworn to by such chemist, shall be prima facie evidence of the facts therein stated. ('07 c. 383 § 6)

[1771—]6. **Same—Fines, how disposed of.**—In all prosecutions under this act the fines and costs collected thereunder shall be paid into the state treasury, but shall be credited to the fund set apart for the use and support of the department of the dairy and food commissioner of this state. ('07 c. 383 § 7)

[1771—]7. **Unwholesome food—Seizure, etc.—Penalty.**—No person shall deal in or sell for use as food any filthy, decomposed, diseased or otherwise unwholesome food or dairy products, either in a natural state or in any manufactured, mixed or prepared condition; and if any of the aforesaid unwholesome articles or substances be found offered or exposed for sale, or had in possession with intent to sell, for use as food, the dairy and food commissioner, his assistant and employes shall have power and authority to seize the same, or in his or their discretion to render the same unsaleable for use as food; and the said commissioner and his several employes shall be exempt from liability for any such action; and the test as to the unwholesomeness for use as food of any of the aforesaid articles or substances shall be the condition at the time of such discovery. Every violation of the provisions of this act shall be deemed a misdemeanor the punishment whereof shall be a fine of not less than fifty dollars or imprisonment for not less than sixty days. ('07 c. 384 § 1)

Historical.—"An act entitled 'An act to prevent the sale of unwholesome substances for use as food.'" Approved April 24, 1907.

[1771—]8. **Same—Powers of commissioner—Application of other sections—Search warrants.**—The said dairy and food commissioner, and his several employes, shall enforce the provisions of this act and in so doing shall have the powers and authority which are conferred upon them and each of them by chapter 21, Revised Laws, 1905; and the words "person," "sell" and "food," as used in this act, shall be construed as provided in section 1738, Revised Laws 1905, and laws subsequent thereto; and the having in possession of any article or substance the sale of which is prohibited by this act shall be deemed prima facie evidence of an intent to violate the law. In the enforcement of this act the said commissioner and his several employes shall, in addition to those hereby conferred, have the powers of a constable, and seizures may be made hereunder without a warrant, but as soon as practicable after

discovery of such unwholesome article or substance the official making such discovery shall cause the arrest and prosecution of the person in whose possession such article or substance be found. When necessary a search warrant may be issued as in the case of stolen property, the form of complaint and warrant being adapted to the purposes of this act. The search warrant shall be directed to the sheriff or any constable of the county, and no security for costs shall be required thereon or upon any prosecution under this act. Articles or substances seized hereunder, if found upon the trial to have been kept, exposed, offered or sold in violation of law may be forfeited to the state and be disposed of as directed by the court; and the dairy and food commissioner and his several employes, in rendering as aforesaid any unwholesome article or substance unsaleable for use as food, may adopt any reasonable and necessary means in so doing; and the provisions of sections 1736, 1778 and 1779, Revised Laws 1905, shall be deemed a part hereof in the enforcement of this act and for the accomplishing of its purposes. ('07 c. 384 § 2)

[1771—]9. Canneries—Inspection—Powers of commissioner.—

At such times as the dairy and food commissioner may deem proper and at least annually, 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 may require the correction of all unsanitary conditions, and practices found therein, and may search and enter all cupboards, closets or any other places in said 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. (Laws 1907, c. 455, § 1, as amended by Laws 1909, c. 337, § 1.)

Historical.—"An act to amend chapter 455, of the General Laws of year 1907, entitled 'An act to provide for the inspection of canneries, publishing reports of same, and establishing a grade for canned fruits and vegetables.'" Approved April 21, 1909.

Sections 2 to 4 of Laws 1907, c. 455, are not in terms amended or repealed; but they appear to be superseded by sections 2 to 9 (sections [1771—]10 to [1771—]17, post) of Laws 1909, c. 337.

[1771—]10. Same—Bulletins.—The dairy and food commissioner shall issue public bulletins of information, report and publish the conditions found in the canning factories, furnish and disseminate such information to those now engaged in the business and to those who may hereafter engage therein who may properly apply therefor. ('09 c. 337 § 2)

[1771—]11. Same—Labels—Minnesota standard.—Any person, firm or corporation owning or operating a canning factory where fruits or vegetables are put up and preserved in tin or glass cans or jars, to be sold as food, may label and sell the same as "Minnesota standard," provided, the person, firm or corporation 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. ('09 c. 337 § 3)

[1771—]12. Same—Food inspector—Duties—Compensation—Scoring prize contest.—The commissioner shall appoint and assign an efficient and experienced food inspector who has passed required examinations, national or state, and one 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; visit and inspect the canneries at least twice annually, or as often

as may be required and make reports thereof to the commissioner. The commissioner may, in his discretion, allow the person appointed as such inspector a sum not to exceed \$600 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 contest on products of Minnesota canneries and for such purpose expend not to exceed \$200 annually. ('09 c. 337 § 4)

[1771—]13. Same—Inspectors at factories—Duties—Compensation, etc.—The commissioner shall upon the request of the owner or operator of any canning factory furnish an efficient inspector or agent to be stationed at the factory, such local inspector when appointed shall give a bond to the commissioner for the faithful performance of his duties in such sum as he may require based upon the output of the factory, and at all times follow any lawful rule and regulation made by the commissioner or his authorized agent or inspector assigned under this chapter. Such local inspector shall be required to be daily at the canning factory during the canning season, to test and inspect the fruits or vegetables as they are in process of being put up and canned, and shall be required to stencil, mark or brand all cans or jars containing the canned product which he has inspected and passed upon as of first-class grade and quality and entitled to be labeled and sold as "Minnesota standard" with the words "Inspected and Approved," and also the name of the deputy or agent making such inspection, provided, said owner or operator pay to the commissioner the sum of at least \$100 in advance for such examination and inspection, but the expense to the owner or operator of any canning factory shall not be more than \$5.00 per day during the time that the local deputy or agent is in attendance at said factory for such examination and inspection. ('09 c. 337 § 5)

[1771—]14. Same—Powers of commissioner.—Any and all power conferred upon the commissioner under authority of chapter 424, of General Laws of year 1907, shall be applicable under this act for the purpose of prescribing proper labels and standards of grades on products of canneries under his supervision. ('09 c. 337 § 6)

For Laws 1907, c. 424, see sections [1775—]1 and [1775—]12, post.

[1771—]15. Same—Duties of factory owner.—Any person, firm or corporation owning or operating a canning factory shall, by written notice on or before June first 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. On or before November fifteenth of each year the owner, manager or superintendent of such factory shall furnish the commissioner, his agent, or the inspector appointed under the provisions of this chapter with a report giving such information concerning such factory as the commissioner may require. ('09 c. 337 § 7)

[1771—]16. Same—Certificate of inspection—Labels and brands.—The commissioner shall furnish to each 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 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 or brand as said commissioner may by published regulation from time to time designate. ('09 c. 337 § 8)

[1771—]17. **Same—Penalty for violation.**—Whoever shall without inspection and 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 deputy or agent, given in carrying out the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$15, nor more than \$100, or by imprisonment in the county jail for not less than fifteen days for each and every offence. ('09 c. 337 § 9)

MISCELLANEOUS PROVISIONS.

[1773—]1. **Paints—False label—Penalty.**—Whoever shall expose for sale or sell within this state, any paint which is labeled or marked in any manner so as to tend to deceive the purchaser as to its nature or composition, or which is not accurately labeled as hereinafter required, shall be guilty of a misdemeanor, and for each offence shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, and not more than one hundred dollars, or by imprisonment in the county jail not exceeding sixty days. ('07 c. 421 § 1)

Historical.—“An act to prevent deception in the sales of paint.” Approved April 25, 1907.

By section 7 the act took effect August 1, 1907.

[1773—]2. **Same—Paint defined.**—The term “paint” as used in this act shall include white lead in any kind of oil, or any compound intended for the same use, paste or semi-paste, and liquid or mixed paint ready for use. ('07 c. 421 § 2)

[1773—]3. **Same—Labels—Shall state, what.**—The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, or the distributor thereof, or of the party for whom the same is manufactured and show the name, and with substantial accuracy, the percentage of each ingredient, both solid and liquid, contained therein; provided, however, that in case of paint other than white paint, the ingredients other than the coloring material may be treated as 100 per cent. In which case, it shall be necessary to state not only the name and percentage of each ingredient other than the coloring matter, but also the description or trade name of such coloring material, and state with substantial accuracy, its chemical analysis, said label shall be printed in the English language in plain, legible type. ('07 c. 421 § 3)

[1773—]4. **Same—Possession as evidence.**—The having in possession by any person, firm or corporation dealing in said articles, any article or substances hereinbefore described and not properly labeled, as provided in this act, shall be considered prima facie evidence that the same is kept by such person, or firm, in violation of the provisions of this act and punishable under it. ('07 c. 421 § 4)

[1773—]5. **Same—Commissioner to enforce.**—The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act. ('07 c. 421 § 5)

[1773—]6. **Same—Powers of commissioner.**—The said commissioner and the assistants, experts, chemists and agents, shall be duly authorized for the purpose and shall have access and ingress to all the places of business, factories, stores and buildings used for the manufacture or sale of paints. They shall also have power and authority to open any package, can, tub, or other receptacle con-

taining paints, that may be sold, manufactured or exposed for sale in violation of the provisions of this act. ('07 c. 421 § 6)

1775. All violations, misdemeanors—Evidence.

See *Meshbesh v. Channellene Oil & Mfg. Co.*, 119 N. W. 428, cited in note under section 1771.

[1775—]1. **Labels, stamps, etc., upon articles of food—Power of commissioner to prescribe—Rulings—Publication—Application of other sections—Penalty.**—That for the purpose of securing uniformity, as far as practicable, between the laws of this state and those of the federal government, enacted to prevent fraud and deception in the manufacture and sale of articles of food, and to preserve the public health, the dairy and food commissioner of this state shall have authority by ruling or rulings to require, whenever in his discretion he deems it advisable, that any article of food or the package, receptacle or container thereof, before it be sold or offered or exposed for sale or had in possession with intent to sell in this state, shall be labeled, stamped, stenciled, marked or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information, to-wit: The true composition of such food article, its quality, strength, quantity, source of its manufacture or production, and the person by or for whom the same is manufactured, produced, packed or shipped; and the said commissioner shall also have authority to prescribe by such ruling or rulings the date at which the same shall take effect and be in force, and also the form, size, style and wording of and the place, time, method, means and manner of use of all such labels, stamps, stencils, brands and markings. Provided, that each of such rulings shall be in writing signed by the said commissioner, and shall be kept on file in his office and be open to inspection on request; and before any such ruling shall take effect it shall be published twice in a newspaper of general circulation published in this state, and when so made and published shall, from and after the tenth day succeeding the date of the last such publication, have the force and effect of law, and an affidavit of such publication, setting forth the said ruling in full and the dates of such publication thereof, shall be made by the publisher of such newspaper, or by the agent of such publisher, and shall be kept on file by the said commissioner in his office with the original of such ruling or rulings; and such affidavit of publication shall be prima facie evidence of the facts therein contained and of the said ruling and rulings therein set forth; and whenever in his discretion such action is advisable, the said commissioner shall have authority to modify, change or abrogate any and all such rulings, and to issue new rulings, but always in the manner hereinabove prescribed. When so made and promulgated such ruling or rulings shall have the force and effect of law and to any and all such rulings sections 1774 and 1775, Revised Laws, 1905, shall be adapted and applied, and any person who shall fail to comply with such ruling or rulings of said commissioner, the test for such compliance being the provisions of section 1774, Revised Laws, 1905, adapted and applied as aforesaid, shall be deemed guilty of a misdemeanor; and the having in possession of any article which is misbranded with reference to any such ruling or rulings and within the meaning of section 1774, Revised Laws, 1905, as applied and adapted to such rulings, shall be deemed prima facie evidence that the same is kept in violation of the law; and any violation of the provisions of this act shall be deemed a misdemeanor, the punishment whereof shall be a fine of not less than fifteen dollars or imprisonment for not less than twenty days. Provided, however, that if a person shall fully comply with the provisions of chapter 21, Revised Laws, 1905, with reference to

the labeling, marking, stenciling, stamping and branding of an article of food, but shall fail to comply with the said ruling or rulings of the commissioner which may be made with respect to such article, such person shall be exempt from prosecution hereunder. ('07 c. 424 § 1)

Historical.—"An act to prevent fraud and deception in the manufacture and sale of food and to preserve the public health, and for that purpose to confer upon the dairy and food commissioner authority to prescribe proper labels, stamps, stencils, brands and markings upon articles of food and the packages, receptacles and containers thereof." Approved April 25, 1907.

[1775—]2. **Same—Enforcement—Application of other sections.**—The dairy and food commissioner and his several employés shall enforce the provisions of this act, and to this act shall be adapted and applied the provisions of sections 1736, 1738, 1776, 1777, 1778 and 1779, Revised Laws, 1905, as the said sections and each of them now exist and as they may be hereafter amended; nor shall this act be construed as repealing any section or provision of chapter 21, Revised Laws, 1905. Provided, always, that any and all rulings by the said commissioner shall be subjected to the test of its reasonableness and utility in accomplishing the purposes of this act. ('07 c. 424 § 2)

1779. **Costs—Fines—Receipts.**—In all prosecutions under this chapter, and in all prosecutions under other laws which the dairy and food commissioner is authorized to enforce, the costs thereof shall be paid and collected as in other criminal cases; but all fines collected shall be paid into the state treasury, and be added, together with all fees and other receipts of the commissioner, to the appropriation made for the support of his office for the current year. (R. L. § 1779, as amended by Laws 1907, c. 426, § 1.)

[1780—]1. **Labeling of wood alcohol.**—No person, by himself, his servant or agent, or as the servant or agent of another person or persons, shall sell, exchange, deliver or have in his custody or possession with intent to sell, exchange or deliver, or expose or offer for sale, exchange or delivery, any wood alcohol, or substance commonly known as wood alcohol, unless each package, bottle, cask, can or receptacle containing the said wood alcohol shall be plainly marked, stamped, branded or labeled on the outside and face of each said package, bottle, cask, can or receptacle of the capacity of less than one gallon, in legible type not smaller than large primer, and on the outside and face of each package, bottle, cask, can or receptacle of the capacity of one gallon or more, in legible letters of not less than one inch in length, the letters and words "wood naphtha," "poison." ('05 c. 35 § 1)

Historical.—"An act to govern the sale of wood alcohol and prescribe penalties for the violation thereof." Approved March 10, 1905.

[1780—]2. **Same—Penalty for violation.**—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than fifty dollars and not more than one hundred dollars, for each and every offense, or by imprisonment in the county jail for not less than thirty days, or more than ninety days. ('05 c. 35 § 2)

[1780—]3. **Paris green and insecticides, sale of inaccurately labeled, etc.—Penalty.**—Whoever shall expose for sale or sell within this state any "paris green" or other insecticide which does not conform to all the requirements of this act, or which is labeled or marked in any manner so as to tend to deceive the purchaser as to its nature or composition, or which is not accurately labeled as hereinafter required shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, and not more than one hun-

dred dollars, or by imprisonment in the county jail not exceeding sixty days. ('09 c. 62 § 1)

Historical.—"An act to prevent deception in the sale of 'paris green' and other insecticides." Approved March 12, 1909.

By section 8 the act took effect August 1, 1909.

[1780—]4. **Same—"Insecticide" defined.**—The term insecticide as used in this act shall include "paris green" and any other substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all insects which may infest vegetation. ('09 c. 62 § 2)

[1780—]5. **Same—Formulas prescribed.**—Any insecticide labeled, marked or called "paris green" shall contain at least fifty per cent of arsenious oxide in combination with copper, not more of water-soluble arsenic than the equivalent of three and one-half per cent arsenious oxide, and no substance that would injuriously affect its strength or quality. And any insecticide labeled and called lead arsenate or arsenate of lead must contain at least fifty per cent of actual lead arsenate, at least twelve and one-half per cent of arsenious oxide, no more water-soluble arsenic than the equivalent of one per cent of arsenic oxide and no added substances that would injuriously affect the quality or strength. (Laws 1909, c. 62, § 3, as amended by Laws 1909, c. 100, § 1.)

[1780—]6. **Same—Statement on label.**—The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the "paris green" or other insecticide, or the distributor thereof, or of the party for whom the same is manufactured and show the name, and with substantial accuracy, the percentage of each ingredient, both solid and liquid, contained therein; said label shall be printed in the English language in plain, legible type. ('09 c. 62 § 4)

[1780—]7. **Same—Possession prima facie evidence.**—The having in possession by any person, firm or corporation dealing in said articles, any article or substance hereinbefore described and not properly labeled, as provided in this act, shall be considered prima facie evidence that the same is kept by such person, or firm, in violation of the provisions of this act, and punishable under it. ('09 c. 62 § 5)

[1780—]8. **Same—Duty of commission.**—The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act. ('09 c. 62 § 6)

[1780—]9. **Same—Powers of commission.**—The said commissioner and the assistants, experts, chemists and agents shall be duly authorized for the purpose and shall have access and ingress to all the places of business, factories, stores and buildings used for the manufacture or sale of such "paris green" or other insecticide. They shall also have power and authority to open any package, can or other receptacle containing such "paris green" or other insecticide, that may be sold, manufactured or exposed for sale in violation of the provisions of this act. ('09 c. 62 § 7)

CHAPTER 22.

FORESTRY AND FIRE WARDENS.

1781. [Repealed in part.]

See section next following, and note thereunder.

[1781—]1. **Salary of chief fire warden.**—The chief fire warden of the State of Minnesota shall receive a salary of fifteen hundred