

GENERAL STATUTES

OF

MINNESOTA

1913

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the inspectors shall brand without extra charge one such barrel for each fifty-five gallons thereof. ('09 c. 502 § 10)

50-290, 52+652.

3629. Uncanceled or false brands—Color of barrels—No person shall use as a receptacle for illuminating oils any barrel, tank or other vessel previously used for that purpose and having said inspector's brand thereon, without first cancelling such previous brand; nor shall any person falsely brand, mark or otherwise represent any such vessel as containing oil that has been inspected. Every violation of this section shall be deemed a misdemeanor. All barrels shall be painted blue, yellow or green; gasoline barrels red. ('09 c. 502 § 11)

3630. 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)

3631. 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)

As to repeal of standing appropriations, see §§ 48, 49.

3632. 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

3633. 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 chapter, and

all other laws designed to prevent fraud and deception in the manufacture and sale of human food and drink 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 dairyman; the assistant commissioner, chemist, inspectors and all agents and other persons appointed by the commissioner shall be practical men and especially trained and equipped for their particular lines 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. (1734)

3634. 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 chemist 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 employés, 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, amended '07 c. 236; '09 c. 428 § 1)

Section 8 repeals inconsistent acts, etc. For 1905 c. 300, see §§ 3635-3639.
As to salaries, see § 294.

3635. 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 employé. No removal of any inspector shall be made except for neglect of duty, incompetence, insubordination, or immorality. ('05 c. 300 § 1)

Section 6 repeals inconsistent acts, etc.

3636. 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 com-

missioner 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)

3637. 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)

3638. 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)

3639. 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)

3640. Right of inspection—For obtaining information regarding suspected violations of law, the commissioner and his employees shall have access to all places where any article of food or other article the manufacture or sale of which is restricted, regulated or prohibited by this chapter, is or may be manufactured, prepared, stored, kept for sale or sold, 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 and 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 sold, and they may inspect any package or receptacle found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture or sale of which is restricted, regulated or forbidden by this chapter, 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. (1736)

3641. 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 commodities 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)

3642. Office—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 cream, or operators of creameries and cheese factories, shall on March first (1st) in each year and at such other times as he 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 he may require. (R. L. § 1737, amended '13 c. 229 § 1)

3643. Definitions—Evidence of intent—The word "person" as used in this chapter, shall be construed as including a copartnership, association, or corporation, and no person who shall commit or assist in committing any offence herein defined shall be exempt from punishment therefor for the reason that he acted as the agent, employee, or representative of another. The words "sell" and "sale," as used herein shall be construed as including the offering or exposing for sale or exchange of the prohibited article, the having of any such article in possession with intent to sell 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 term "food" shall be construed as including all articles, single, mixed or compound, and howsoever prepared, which are used, or designed or offered for use by man for or in food, drink or condiment. The having in possession of any article, the sale or use of which is prohibited by this chapter shall be deemed prima facie evidence of intent to sell or use the same in violation of law. (1738)

DAIRY PRODUCTS

3644. Impure 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 preservatives 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, or cream the water and milk solids of which (other than butterfat) contain more than eight-tenths of one per cent of acid, 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 one-fourth per cent of butterfat, or containing less than thirteen per cent of total milk solids, and cream in which there is less than twenty 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 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, amended '09 c. 428 § 2; '11 c. 213 § 1; '13 c. 336 § 1)

66-166, 68+1066, 34 L. R. A. 318, 61 Am. St. Rep. 399; 83-284, 86+107, 54 L. R. A. 466, 85 Am. St. Rep. 464.

1903 c. 155 § 9, forbidding sale of cream that contains less than 20 per cent. of fat, violated neither Const. art. 1 § 7, nor the fourteenth amendment of the federal constitution. That a manufacturer of condensed milk adopted as a trade-name, before the statute, the term "evaporated cream" to designate his product, did not give him the right to sell such product as cream, evaporated or otherwise (98-351, 107+953, 108+470).

3645. Skimmed milk—Notwithstanding the provisions of § 3644, 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 de-

livered to patrons shall first be pasteurized at a temperature of at least one hundred and eighty degrees Fahrenheit. (R. L. § 1740, amended '09 c. 428 § 3)

72-316, 75+225.

3646. 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, amended '07 c. 337 § 1; '09 c. 428 § 4)

66-166, 68+1066, 34 L. R. A. 318, 61 Am. St. Rep. 399; 86-103, 90+309.

3647. License revoked—The commissioner may withhold a license from any applicant therefor whom he may deem unworthy and may revoke any license issued by him to an owner who has violated the terms thereof, or who has failed to comply with any requirement of this chapter, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offence punishable under this chapter shall be a sufficient ground for such revocation. (1742)

3648. 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, amended '09 c. 428 § 5)

Cited (111-429, 127+415).

3649. 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, amended '09 c. 428 § 6)

3650. 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 to the commissioner and his employees and to all persons furnishing milk and cream to such maker. (1745)

3651. Skim cheese—Placards—No person shall manufacture for sale or sell as cheese any substance not the exclusive product of milk. Cheese containing less than forty-five per cent. of fat to total solids therein shall be known as "skim cheese" and no person shall sell the same unless the words "Skim Cheese" be plainly lettered thereon in letters made with bold-face type not less than one and one-half inches long, upon the circumference of the cheese, and the same inscription be placed upon the outside of each package in which it is kept for sale or sold; and every person who sells the same or furnishes it to boarders or others for pay shall cause placards to be kept continuously posted in a conspicuous position upon the walls of the room wherein such skim cheese is sold, or served, upon the face of which placards there shall be distinctly and legibly printed in the English language and in letters of sufficient size to be visible from all parts of the room, the words "Skim cheese sold (or served) here." (1746)

3652. Minnesota brands—Any person manufacturing in this state cheese above the grade of skim cheese or butter which is wholly and exclusively the product of wholesome and unadulterated milk or cream may label and sell the same as "Minnesota Full Cream 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. (1747)

3653. Inspection of dairies—At such times as he may deem proper he 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 may 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 chapter shall be deemed a misdemeanor. (1748)

3654. Local inspection—The governing authority of any municipal corporation may by ordinance provide for the inspection of milk and butter sold within its limits, and of dairies, and dairy herds kept for the production of such milk or butter; and may prescribe the terms upon which such sales may be made and affix 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. (1749)

66-166, 68-1066, 34 L. R. A. 318, 61 Am. St. Rep. 399; 78-497, 81-389, 86-103, 90-309. Ordinance prohibiting sale of milk drawn from cows not subjected to tuberculin test and found free from disease, and authorizing seizure and destruction of milk not conforming to standard, held constitutional (112-16, 127-445, 29 L. R. A. [N. S.] 260).

3655. Dairy and creamery butter—No person shall manufacture for sale or sell any dairy or creamery butter which contains more than sixteen per cent. of water. (1750)

3656. Renovated butter—No person shall sell any butter made by taking original packing stock, or other butter, or both, and melting the same and drawing off, or extracting the butter fat, and mixing such fat with skimmed milk, or cream, or other milk product, and rechurning or reworking such mixture; or any butter produced by any process, commonly known as boiled, process or renovated butter, unless the words "Renovated Butter" shall be plainly branded with bold-face letters, at least three-fourths of an inch in length, 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. (1751)

3657. Process butter—No person shall sell any butter made of part cream and part caseine and other ingredients by what is known as the "Quinness Patent" or process, or that made by other similar process, whereby the caseine of milk and other ingredients are made to imitate and 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 long; 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. (1752)

3658. Imitating yellow butter—The manufacture or sale of oleomargarine, butterine, or similarly constituted butter substitute, which is made or colored to imitate yellow butter is prohibited. Every violation of the provision of this section 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. (1753)

55-183, 56+688.

This section, construed with sections 3659 and 3660, is not unconstitutional (105-359, 117+606).

Sufficiency of evidence to sustain conviction (105-359, 117+606).

3659. Same—Branding—Oleomargarine or butterine or similarly constituted butter substitutes may be sold if not in semblance of yellow butter, and if free from prohibited ingredients and otherwise wholesome, provided each wrapper or receptacle in which the same is kept for sale, or sold, shall be plainly and conspicuously branded by stamp or label with the word "Oleomargarine" or "Butterine," in the English language, in letters not smaller than thirty-six point, bold-face gothic capitals, and provided also, the seller keeps constantly and conspicuously posted on both sides of the room in which the sale is made, a placard, the face of which shall contain plainly printed thereon, in the English language, in black ink, in type not smaller than six inches in length, the words "Oleomargarine (or Butterine) sold here." (1754)

See note under § 3658.

3660. Use of butterine substitutes—Every manager or managing agent of any establishment, either public or private, where guests, boarders or patients are served with food for pay, who shall serve or use as butter, or as a substitute therefor any oleaginous substance or compound other than that produced wholly from unadulterated milk or cream, shall cause to be plainly printed upon every bill of fare, if one be used, in letters not smaller than eight point, bold-face gothic capitals, in the English language, the words "Oleomargarine (or butterine or other substitute) 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 or eating room in a conspicuous position and in letters large enough to be distinctly

seen and read from all parts of the room, placards containing on the face thereof, the words in the English language, "Oleomargarine (or butterine, or other substitute) used in place of butter." And such person shall keep said placards continuously posted as aforesaid, so long as such butter substitute be kept or used. (1755)

See note under § 3658.

3661. Oleomargarine—Imitation butter—Manufacture or sale, etc.—Penalty—No person, firm or corporation, by himself, or by his or their agents or employees, shall produce or manufacture out of or from any animal fats or animal or vegetable oils not produced from adulterated milk or cream from the same, the articles 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 substance or any animal fats or 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 exposing 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.

Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation, who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days; and upon conviction of any subsequent offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days. ('13 c. 475 § 1)

This act appears to supersede 1911 c. 183. See § 3669.

1911 c. 183 held to prohibit manufacture or sale of oleomargarine purposely made of a shade or tint of yellow, though no artificial coloring matter is used, and that "butter of a shade or tint of yellow" means not only "yellow butter," but all butter which has any shade or tint of yellow. So construed, section 1 is unconstitutional, so far as it prohibits manufacture or sale of oleomargarine of a shade or tint of yellow; such shade or tint being produced by natural and essential ingredients which are not deleterious or injurious to health (118-85, 136-412, 40 L. R. A. [N. S.] 865).

3662. Same—Intentional imitation, etc.—Penalty—No person, firm or corporation, or any officer or agent, servant or employee of any person, firm or corporation 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 intentional 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 intentionally selected and used in such proportions as to cause the oleomargarine so manufactured to resemble butter of any shade of yellow, such facts 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.

Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days; and upon conviction of any subsequent

offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days. ('13 c. 475 § 2)

3663. Same—Oleomargarine less than 55 per cent. white—Penalty—No person, firm or corporation, or any officer, agent, servant or employee of any person, firm or corporation, shall manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine the color of which is less than fifty-five (55) per cent of white. The percentage of white shall be determined by the color analysis, methods and measurements used to determine color quantity by the bureau of standards of the United States government.

Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days; and upon conviction of any subsequent offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days. ('13 c. 475 § 3)

3664. Same—Packages, how marked, etc.—It shall be unlawful for any person, firm or corporation 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 substance 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 upon 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. ('13 c. 475 § 4)

3665. Same—Placards, labels, etc.—It shall be unlawful for any person, firm or corporation, or any agent thereof, 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" printed 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. ('13 c. 475 § 5)

3666. **Same—Hotels, dining rooms, etc.**—It shall be unlawful for the proprietor of any hotel, dining room, dining car, drinking place, café, 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 therefor, 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 eighty 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 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 so long as such butter substitute be kept or used. ('13 c. 475 § 6)

3667. **Same—Powers and duties of food commissioner**—The state dairy and food commissioner, his assistant, inspectors, agents and employees shall enforce the provisions of this act, and in so doing shall have all the powers conferred upon them and each of them by the provisions of chapter 21, Revised Laws of 1905. ('13 c. 475 § 7)

The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

3668. **Same—Further powers of commissioner, etc.**—"Sell" and "sale" defined—Evidence—For the purpose of obtaining information regarding suspected violations of this act, the dairy and food commissioner and his several assistants, agent, inspectors and employees shall have access to all places where any of the above mentioned article is manufactured, kept, sold or served, the manufacture, sale or serving of which is regulated, restricted or forbidden by this act. They may inspect any package or receptacle found therein apparently containing any of the aforementioned articles 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, and shall be punished as provided by the laws of this state.

The words "sell" and "sale," as used herein, shall be construed as including the offering or exposing for sale or exchange of the forbidden or regulated article, the having of any such article in possession with intent to sell or exchange the same, and the storing, carrying or handling thereof in aid of traffic therein, whether done in person or permitted to be done through others. ('13 c. 475 § 8)

3669. **Same—Acts repealed, etc.**—All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, but repeal of any such act shall not in any way interfere with or prevent the prosecution to final termination of any actions, civil or criminal, now pending or which may hereafter be commenced for any violation of said acts which has already been committed. ('13 c. 475 § 9)

3670. **Same—In case of partial invalidity**—In event that any section, provision, paragraph, or part of this act, shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated but shall remain in full force and effect. ('13 c. 475 § 10)

3671. **Same—Penalty for violation**—Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation who violates any of the provisions of sections four, five, six, seven and eight [3664-3668] of this act shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days; and upon conviction of any subsequent offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days. ('13 c. 475 § 11)

3672. **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.

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 twenty-five dollars, nor more than fifty dollars, or imprisonment in the county jail for not less than ten nor more than thirty days for the first offense, and for the second offense, a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment in the county jail, for not less than twenty nor more than sixty days for each offense. (R. L. § 1756, amended '09 c. 428; '13 c. 408 § 1)

86-399, 90+1055, 1133.

3673. 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)

3674. 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)

3675. Same—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 [3643]; 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 [3644], 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 [3640, 3745-3748], shall be deemed a part hereof in the enforcement of this act and the accomplishing of its purposes. ('07 c. 124 § 3)

The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

3676. 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)

111-429, 127+415.

3677. 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 demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same. ('09 c. 498 § 2)

3678. 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)

3679. 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)

3680. 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)

3681. Same—False labeling—Penalty—Labeling contrary to this act shall be a misdemeanor. ('09 c. 353 § 2)

3682. Brands for butter and cheese—Any person, firm or corporation manufacturing butter or cheese may use the brand or label therefor as provided in this act when authorized by the dairy and food commissioner. ('13 c. 366 § 1)

3683. Same—Power of commissioner—Minnesota brand, etc.—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 following design and shall be of such size as the dairy and food commissioner shall designate:



and shall contain the following words:

Minnesota brand, A 1, (or "B" as the case may be) made under state rules and regulations.

No.....(insert factory No.) ('13 c. 366 § 2)

3684. Same—Application—License—Revocation—Any person, firm or corporation desiring to use the brand or label described in section 2 [3683] 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 shall be granted by such commissioner to such person, firm or corporation to use such brand or label at the factory described in the application, if the commissioner shall find, on investigation, that all the provisions of this act have been complied with. Such license shall state that the brand or label provided for in section 2 [3683] of this act may be used in connection with the manufacture or sale of butter or cheese from the factory described in such license. Such factory so described shall be given the same number as the serial number of the license.

No person, firm or corporation shall use, in the manufacture or sale of butter or cheese, such brand or label, either A 1 or B, without having first obtained a license therefor. Such license so granted may be revoked by the dairy and food commissioner if any of the conditions required by sections 4, 5, 6 and 8 [3685-3687, 3689] 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 section 4 [3685], 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. ('13 c. 366 § 3)

3685. Same—License for "A1" brand—No license shall be granted for the use of the brand or label A 1 in the manufacture or sale of butter or cheese unless the person, firm or corporation so manufacturing the same shall comply with the following conditions:

1st. 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 commission.

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

3rd. The butter or cheese manufactured in such factories shall grade or score at least 94 points out of a possible hundred, according to the usual and accepted methods of judging and grading butter and cheese. For the purpose of obtaining such license such grade must have been made at least fifteen days prior to such application.

4th. The milk or cream used in the manufacture of A 1 butter or cheese must have been produced in dairies inspected by the dairy and food commission, and which shall have been graded by such commission at least 60 points out of a possible hundred, according to a standard to be adopted by the dairy and food commission 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 at least every two years for tuberculosis.

5th. No butter or cheese bearing this brand can be made from cream that has not been pasteurized according to chapter 353, General Laws 1909 [3680, 3681], nor shall any cream or milk be received at such 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. ('13 c. 366 § 4)

3686. Same—License for "B" brand—No license shall be granted for the use of Minnesota brand or label grade B for the manufacture of butter or cheese unless all the requirements necessary for the manufacture of butter or cheese graded Minnesota A 1, as set forth in section 4 [3685] of this act, shall have been complied with, excepting that the butter or cheese shall score at least 93 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 93 per cent more than three times in any year, and shall never fall below 92 per cent; and the factory in which such butter or cheese is manufactured must score at least 85 points; and the dairies supplying milk or cream to such factories shall score at least 50 points. And, further, cows from which milk or cream is produced need not be tested for tuberculosis. ('13 c. 366 § 5)

3687. Same—Samples, lists and statements—The dairy and food commissioner may require any person, firm or corporation to whom any such license may be granted to furnish from time to time samples of butter or cheese manufactured in any factory described in the license. Any person, firm or corporation 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 A 1, then likewise a statement showing that the cows from which was produced the milk or cream used in the manufacture of such product have been tested for tuberculosis, when required by the dairy and food commissioner. ('13 c. 366 § 6)

3688. Same—Certain brands prohibited—The use of any brand for butter or cheese or butter substitute resembling the above brand, or so near like it that it can be confounded with it, is prohibited. ('13 c. 366 § 7)

3689. Same—Reports—Any person, firm or corporation to which permission has been granted to use such brand must 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 packages only at the factory. ('13 c. 366 § 8)

3690. Same—Penalty for violation—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be subject to a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00) for each offense. ('13 c. 366 § 9)

OTHER FOODS

3691. 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, amended '07 c. 347 § 1)

3692. 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, amended '07 c. 347 § 2)

3693. Liquor—Prohibited ingredients—No person shall make, brew, distil, sell or serve, in any form, any adulterated, spirituous, fermented or distilled liq-

uor, and any such liquor shall be deemed adulterated if it contains any of the following named substances: cocculus indicus, chloride of sodium, copperas, opium, extract of logwood, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, alum, tobacco, salts of zinc, copper or lead, methyl, alcohol or derivatives therefrom, amyl alcohol, coal-tar dye, or any poisonous or injurious ingredient. Every violation of the provisions of this section shall be deemed a misdemeanor, and the first offence hereunder shall be punished by a fine of not less than twenty-five dollars or not less than ten days imprisonment, and any subsequent offence by a fine or imprisonment which shall be not less than double the minimum herein prescribed for the first offence hereunder. (1759)

3694. Baking powder—Any substance or preparation designed or offered for sale or use as baking powder or as a substitute therefor, or in imitation thereof, shall for the purposes of this chapter be deemed included in the term "baking powder." The manufacture or sale of any baking powder, which contains any ingredient injurious to health, is prohibited. No person shall sell any baking powder unless each receptacle or package in which the same is kept for sale or sold, has securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a white or light colored label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than eight point, bold-face, gothic capitals, the words "This baking powder is composed of the following ingredients and none other;" and immediately thereafter upon the same label, in color, style and manner above specified, there shall be printed the name of each ingredient contained in such baking powder, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such baking powder. (1760)

80-446, 83-417, 50 L. R. A. 660, 81 Am. St. Rep. 268; 44-271, 46-410.

3695. Spices and condiments—The words "spice" and "condiment," as used in this chapter, shall be deemed to include every substance known in commerce as a spice or condiment, whether separately or in combination with others, and however prepared, and such words shall also be deemed as including any substance or preparation designed or offered for sale or use as a spice or condiment, or as a substitute for either, or in imitation of either. The manufacture or sale of any spice or condiment which is itself injurious, or which contains any ingredient injurious to health, is prohibited. The manufacture or sale of any condiment containing, or prepared with, or by use of vinegar which is adulterated within the meaning of § 3691 is prohibited; and nothing in this section or § 3696 shall be deemed to permit the sale of vinegar as a separate condiment if such vinegar be adulterated within the meaning of § 3691. (1761)

3696. 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, amended '07 c. 237 § 1)

3697. Jellies, jams and preserves—Pure fruit jelly shall be defined as a preparation consisting wholly of the product obtained by evaporating the natural juice of the fruit specified, with or without the addition of cane sugar, and containing no other ingredients. Pure fruit jam, preserves and marmalade shall

each be defined as a preparation consisting wholly of the fruit specified, preserved in a syrup made of cane sugar and pure water, and containing no other ingredients. If designed or offered for sale or use as, or in place of, or in imitation of either fruit jelly, jam, preserves, or marmalade, any substance or preparation, which is not pure within the meaning of the above definitions, shall for the purposes of this chapter be deemed and known as a substitute. The manufacture or sale of any such substitute which contains coal-tar dye, or any ingredient injurious to health, is prohibited. No person shall sell any such substitute unless each package or receptacle, in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, a separate and distinct white label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than eighteen point, bold-face, gothic capitals, the words "This preparation is mixed and adulterated;" and there shall also appear upon such label the name and address of the manufacturer of such substitute. (1763)

3698. **Maple sugar and syrup**—Pure maple sugar and pure maple syrup shall each be defined as a product obtained wholly by the evaporation of the natural sap of the sugar maple tree: Provided, that maple syrup made by dissolving pure maple sugar in pure water shall for the purposes of this chapter be deemed pure. If designed or offered for sale or use as either maple sugar or maple syrup, or as a substitute for either, or in imitation of either, any substance or preparation which is not pure, within the meaning of the above definition, shall for the purpose of this chapter be deemed and known as "maple sugar substitute" or "maple syrup substitute," as the case may be. The manufacture or sale of any maple sugar substitute or any maple syrup substitute which contains any ingredient injurious to health is prohibited. No person shall sell any such substitute, unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white or light colored label upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than twelve point, bold-face, gothic capitals, the words "This maple sugar substitute (or maple syrup substitute, as the case may be) is composed of;" and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the name of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute. (1764)

3699. **Sorghum syrup**—Sorghum syrup, to be deemed pure, must consist wholly of the product obtained by the evaporation of the natural juice of the sorghum plant. If designed or offered for sale or use as sorghum syrup, or as a substitute therefor, or in imitation thereof, any substance or preparation, which is not pure sorghum syrup within the meaning of the above definition, shall for the purpose of this chapter be deemed and known as "sorghum syrup substitute." The manufacture or sale of any sorghum syrup substitute which contains any ingredient injurious to health is prohibited. No person shall sell any sorghum syrup substitute, unless each receptacle in which the same is kept for sale or sold, shall have securely affixed upon the side thereof a separate and distinct white label, upon the outside face of which label, shall be printed in the English language, with black ink, in type not smaller than thirty-six point, bold-face, gothic capitals, the words "This preparation is sorghum syrup substitute composed of;" and immediately following upon the same label in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute. (1765)

3700. **Honey**—Pure honey is wholly the natural product of honey bees, collected and made by them from the nectars of flowers and saccharine exudations of plants. If made by bees in whole or in part from glucose, sugar, syrup or other material fed to them for the purpose, such product is "fed

honey" and shall, for the designs of this chapter, be deemed and known as "honey substitute." If designed or offered for sale or use as honey or as a substitute therefor, or in imitation thereof, any substance or preparation which is not pure honey, within the meaning of the above definition, shall, for the purposes of this chapter, be deemed and known as "honey substitute." The foregoing definitions and terms shall be deemed to apply both to comb honey and to the extracted or strained products of comb honey. The manufacture or sale of any honey substitute which contains any ingredient injurious to health is prohibited. No person shall sell any honey substitute, unless each receptacle, package or frame in which it is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than ten point, bold-face, gothic capitals, the words "This preparation is honey substitute, composed of;" and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute and if such substitute consists in whole or in part of fed honey, then, there shall also appear upon such label, the name of each substance fed to the bees producing such fed honey together with the name and location of the apiary from which such fed honey came. (1766)

3701. Confectionery—No person shall manufacture or sell adulterated confectionery; and confectionery shall be deemed adulterated if it contain terra alba, barytes, talc, coal-tar dye, or any other poisonous or injurious coloring matter, or any poisonous or injurious flavoring matter, or any substance injurious to health. (1767)

116-221, 133+571.

3702. Lard—Lard, to be deemed pure, must be composed wholly of rendered hog fat and must contain intact every constituent normal to rendered hog fat. If designed or offered for sale or use as lard, or as a substitute therefor, or in imitation thereof, any substance or preparation, which is not pure lard, within the meaning of the above definition, shall for the purpose of this chapter be deemed and known as "lard substitute." The manufacture or sale of any lard substitute which contains any ingredient injurious to health is prohibited. No person shall sell any lard substitute, unless each receptacle in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, a stencil brand or light colored label, upon the outside face of which shall appear in the English language, in letters not smaller than thirty-six point bold-face, gothic capitals, the words "Lard substitute," and immediately following in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer or packer of such substitute; and in addition to the proper labeling of such receptacle, as hereinbefore required, the seller shall furnish to the purchaser, at the time of sale a card upon which is distinctly and legibly printed in English all data and information required to be printed upon the label aforesaid. (1768)

50-5, 52+220, 36 Am. St. Rep. 620; 84-42, 86+768, 54 L. R. A. 468.

3703. Same—Use in food—No person shall sell in any bakery or other place where prepared foods are kept for sale or sold, and no person shall serve to guests, boarders or patients for pay, any food prepared wholly or in part from, with, or by use of lard substitute, unless at the time of such sale or service there be furnished to the purchaser a card or printed notice upon which is distinctly and legibly printed in English the words "This food is prepared with lard substitute;" and such person shall also keep constantly posted upon the walls of the room where sale or service is made, in conspicuous positions, a notice, upon which shall be distinctly and legibly printed in

English, and in letters of sufficient size to be visible from all parts of the room, the words "Lard substitute is used in the preparation of food sold (or served) here." (1769)

3704. Other articles of food—Any article, designed or offered for sale or use as food, which is not expressly included within the terms of any other section of this chapter, shall for the purposes herein, be subjected to the tests for adulteration prescribed for spices and condiments in § 3696; and if such article or preparation be adulterated as therein defined, it shall be unlawful to sell the same. (1770)

3705. All foods—Trichinous meat—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 consists in whole or in part of a filthy or decomposed substance, or 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. Provided however that no dealer, co-partnership or corporation, shall be held responsible for the sale of trichinous meat unless such meat was known by him to be trichinous. (R. L. § 1771, amended '07 c. 258; '11 c. 310 § 1)

Pure food law (§§ 3705, 3742) held to render manufacturer of sweet oil, who did not know it was impure, liable to one injured by its use, who purchased from retail dealer (107-104, 119+428, 131 Am. St. Rep. 441).

3706. 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, sucrose, hominy feeds, ceraline 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)

3707. 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 trade-mark 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)

3708. 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 contain 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)

3709. 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).

3710. 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)

3711. 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)

3712. 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)

3713. 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 [3643], 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 [3640, 3747, 3748], shall be deemed a part hereof in the enforcement of this act and for the accomplishing of its purposes. ('07 c. 384 § 2)

The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

3714. Commercial canneries—Definition—Inspection—Powers of commissioner—All commercial vegetable and fruit canneries located within this state shall be under the supervision and regulations of the dairy and food department. For the purposes of this act a commercial cannery is hereby 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 unsanitary conditions, and practices found therein, and may search and enter all cupboards, closets or any other places in said canning factory for the purposes 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. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 1)

"An act to amend chapter 455, of the General Laws of year 1907, as amended by chapter 337 of General Laws of year 1909, entitled, 'An act to provide for the inspection of canneries, publishing reports of same, and establishing a grade for canned fruits and vegetables.'"

By 1913 c. 97 § 1, 1907 c. 445, "as amended by chapter 337" (sic), is amended, etc.

3715. Same—Commissioner to disseminate information, etc.—The dairy and food commissioner shall issue public bulletins of information, report and publish the conditions found in the 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. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 2)

3716. 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. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 3)

3717. Same—Inspector—Duties—Compensation—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 one who has a thorough knowledge of the canning busi-

ness, 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 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 shall allow the person appointed as such inspector a sum of \$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. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 4)

3718. Same—Inspectors at factories, etc.—The dairy and food commissioner shall whenever he deem it necessary furnish an efficient inspector to be stationed at factory while in operation, whose duties it shall be to see that the factory where stationed shall at all times comply with all food laws, national or state, all sanitary laws and regulations, superintend and see to 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 factory or in their absence the processor or superintendent of the cannery 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 fruit intended for canning shall not be accepted at any factory and shall be condemned as being unfit for such use by inspector or superintendent of factory. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 5)

3719. Same—Other powers of commissioner—Any and all power conferred upon the commissioner under authority of chapter 424, of General Laws of year 1907 [3743, 3744], shall be applicable under this act for the purpose of prescribing proper labels and standards of grades on products of canneries. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 6)

3720. Same—Sale of adulterated or misbranded products prohibited—It shall be unlawful to sell in this state any adulterated or misbranded canned products, such products shall be deemed adulterated if it contains any unfit raw material, or any substance or article prohibited for use in canning by this chapter or if it does not comply with any and all food laws of this state same shall be deemed adulterated or misbranded as the case may be. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 7)

3721. Same—Duties of factory owner—Notices—Reports—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. At least ten days prior to the beginning of operation of any factory for the packing of sweet corn or other products the commissioner shall be notified in writing of such intended operation. 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. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 8)

3722. Same—Certificate of inspection—Labels and brands—The dairy and food 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, brand, trade-mark, or guarantee certificate with the words "Inspected and approved" as such commissioner may from time to time designate by published regulations. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 9)

3723. Same—Commissioner to use available funds—The dairy and food commissioner is hereby authorized to use funds available from the appropriations made for the general use of his department to enable him to carry this act into effect. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 10)

3724. 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, or who shall use any raw material, articles or substances forbidden to be used in canning, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail for not less than fifteen days for each and every offense. ('07 c. 455, amended '09 c. 337; '13 c. 97 § 11)

3725. Preservatives for canning—Sale or use prohibited—No person, firm or corporation by himself or his agents shall manufacture for sale, advertise or sell, any mixture or compound designed or offered for sale or use as a preservative for canning or preserving fresh fruit, corn or vegetables; nor shall any person add to, apply or use, in the process of canning fruits or vegetables, any canning compound, boric acid or other chemical preservative, provided, however, that nothing in this act shall apply to or prohibit the use of pure salt, sugar, corn-syrup, vinegar, water or any spices in canning or preserving fresh fruits, corn or vegetables. Provided, that nothing in this act contained shall be construed so as to repeal any of the provisions of chapter 21, General Laws of 1905. ('13 c. 441 § 1)

"General Laws of 1905" appears to mean "Revised Laws of 1905." The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

3726. Same—Duties of commissioner—The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act. ('13 c. 441 § 2)

3727. Same—Penalty for violation—Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than fifteen days for each and every offense. ('13 c. 441 § 3)

3728. Unsanitary conditions prohibited where food products are manufactured, etc.—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 any 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, where the same is in a filthy, unclean or unsanitary condition, or is permitted to be in a filthy, unclean or unsanitary condition. ('13 c. 47 § 1)

3729. Same—Commissioner to enforce—That state dairy and food commissioner, his assistant and inspectors or agents, 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 of 1905. ('13 c. 47 § 2)

The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

3730. Same—Notice to owners, etc.—If, in the opinion of the state dairy and food commissioner, his assistant, 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 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, is operated in violation of Section one of this act, the dairy and food commissioner, his assistant and 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 (2) days, and failure to comply with such notice shall be deemed a violation of the provisions of this act. ('13 c. 47 § 3)

3731. Same—Employment of certain diseased persons prohibited—It shall be unlawful for any person, firm or corporation where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold, to have in their employ any person or persons afflicted with any contagious, infectious or venereal disease, and the state dairy and food commissioner, his assistant, inspectors or agents, may require the certificate of a graduate physician certifying to the condition of such person or persons so employed covering the said diseases referred to. ('13 c. 47 § 4)

3732. Same—Penalty for violation—Any person violating any of the provisions of this act, after the time stated in the notice provided for in section three [3730] hereof, shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), for the first offense, and for each subsequent offense not less than one hundred dollars (\$100.00) or imprisonment in the county jail not less than thirty (30) days nor more than sixty (60) days, or both such fine and imprisonment. ('13 c. 47 § 5)

MISCELLANEOUS PROVISIONS

3733. Linseed oil—Pure linseed oil shall be defined as the oil obtained wholly from the seeds of the flax plant and containing no added ingredient. Pure "boiled" linseed oil is composed wholly of pure linseed oil with so-called dryers added thereto, to an amount not exceeding three per cent. of the total product. Pure linseed oil as distinguished from pure "boiled" linseed oil shall be known as "raw" linseed oil. If designed or offered for sale or use as either raw or boiled linseed oil, or as a substitute for either, or in imitation of either, any substance or preparation which is not pure, within the meaning of either of the above definitions, shall be deemed adulterated and the manufacture or sale thereof is prohibited. No person shall sell either pure raw linseed oil or pure boiled linseed oil, unless each receptacle in which the same is kept for sale or sold, shall have distinctly, legibly and durably painted, stamped, stenciled or labeled thereon the true name of such oil, setting forth in bold-face capital letters not smaller than one inch in length, whether it be "pure raw linseed oil" or "pure boiled linseed oil;" and there shall also appear upon such receptacle the name and address of the manufacturer of such oil. (1772)

93-155, 100+641; 193 Fed. 207.

3734. Paints—No person shall sell as pure white lead paint any compound containing ingredients other than carbonate of lead and pure linseed oil; or as pure mixed paint any compound containing ingredients other than pure linseed oil, pure carbonate of lead, oxide of zinc, turpentine, japan

dryer, and pure colors. Every person who shall mark or otherwise represent as pure any paint not conforming to the requirements aforesaid, or who shall otherwise violate any provision of this section or § 3733, shall be deemed guilty of a misdemeanor. (1773)

3735. 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)

3736. 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)

3737. 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)

3738. 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)

3739. 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)

3740. 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 containing paints that may be sold, manufactured or exposed for sale in violation of the provisions of this act. ('07 c. 421 § 6)

3741. Misbranding—Any person who either fails to affix or display any brand, marking, label, card or placard in the manner and form required by any section of this chapter, or who fails to fully or truthfully state thereon all things as in such section required, or who places thereon anything other than the specific data or information therein called for; any person who shall remove, erase, efface, obscure or obliterate any such mark, brand, label, card or placard so required by law, and any person who shall place upon any article designed or offered for sale, or use as food or as a beverage, or any article mentioned in this chapter, or upon any receptacle or package containing the same, anything which might deceive or tend to deceive the purchaser as to the substance from which such article is made or which it contains, or in respect to its quality, strength or quantity, or in respect to the source of its manufacture or production, or which conflicts with, confuses or conceals any data or information required by this chapter to be set forth by the aforesaid mark, brand, label, card or placard, shall be deemed guilty of a misdemeanor, which shall be known as misbranding; and the article concerning or upon

which such misbranding is done, shall be deemed a misbranded article. (R. L. § 1774, amended '13 c. 20 § 1)

3742. All violations, misdemeanors—Evidence—The having in possession of any article which is misbranded, within the meaning of § 3741, shall be deemed prima facie evidence that the same is kept in violation of the law. Every violation of any provision of this chapter shall be deemed a misdemeanor and wherever the minimum punishment is not hereinbefore expressly prescribed, such minimum shall be a fine of not less than fifteen dollars or not less than twenty days imprisonment. In all criminal prosecutions under this chapter the doing of any act prohibited thereby or the failure to do any act commanded, shall be prima facie evidence of an intent to violate the law; and in any such prosecution the certificate of the commissioner's chemist making the analysis, when sworn to by him, shall be prima facie evidence of the facts therein stated; and wherever in this chapter the manufacture or sale of any article or preparation is forbidden by the use of the word "prohibited," compliance with any labeling, marking or placarding requirement hereof, shall not be construed as making such manufacture or sale lawful. (1775)

116-221, 133+571.

See note under § 3705.

3743. 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 [3741, 3742], 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)

The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

3744. Same—Enforcement—Application of other sections.—The dairy and food commissioner and his several employes shall enforce the provisions of this act, and to this act shall be adapted and applied the provisions of sections 1736, 1738, 1776, 1777, 1778 and 1779, Revised Laws, 1905 [3640, 3643, 3745-3748], 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)

The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

3745. Seizure—Search warrants.—The commissioner shall seize all goods, the sale of which is prohibited by this chapter, or which are kept or offered for sale in violation of any provision hereof, and for this purpose he and his several employees 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 chapter. (1776)

3746. Execution of warrant—Disposal of goods seized.—The search warrant shall be directed to the sheriff or any constable of the county, and may be executed by the commissioner or any of his employees. No security for costs shall be required thereon, nor upon any prosecution under this chapter. All goods seized, whether with or without warrant, shall be safely kept by the officer so long as they may be needed as evidence; and, if found, upon the trial, to have been kept, offered or sold in violation of law, such goods shall be forfeited to the state, and shall be disposed of as directed by the court. (1777)

3747. Price not collectible.—No action shall be maintained for the purchase price or value of any goods the sale of which is prohibited by this chapter, or which are sold or intended to be sold in a manner forbidden hereby. Nor shall any person be liable for the price or value of food or board furnished in violation of any provision hereof. (1778)

3748. 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, amended '07 c. 426 § 1)

3749. Standing appropriation.—The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated annually for carrying out the purposes of this chapter and for the salaries and expenses of the state dairy and food commissioner, his assistant and employees. (1780)

As to repeal of standing appropriations, see §§ 48, 49.

3750. 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)

3751. 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)

3752. 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 hundred dollars, or by imprisonment in the county jail not exceeding sixty days. ('09 c. 62 § 1)

3753. 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)

3754. 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. ('09 c. 62 § 3, amended '09 c. 100 § 1)

3755. 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)

3756. 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)

3757. 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)

3758. 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)

3759. Agricultural seeds—Definition—The term "agricultural seeds" or "agricultural seed" as used in this act shall include the seeds of red clover, white clover, alsike clover, alfalfa, Kentucky blue grass, timothy, brome grass, orchard grass, reedtop, meadow fescue, oat grass, rye grass and other grasses and forage plants, corn, flax, rape, wheat, oats, barley, rye, buckwheat and other cereals, and when the term "agricultural seed" or "agricultural seeds" is used in this act it shall be construed to mean such seed when sold, or offered or exposed for sale, or had in possession with intent to sell, within this state for purposes of seeding. ('13 c. 141 § 1)

3760. Same—Labels—The owner or person in possession of each and every package, parcel or lot of agricultural seeds as defined in section one (1) [3759] of this act which contains one (1) pound or more of such agricultural seeds, whether in package or in bulk, shall affix thereto in a conspicuous place on the exterior of the container of such agricultural seeds, a written or printed label in the English language in legible type or copy not smaller than eight point heavy Gothic caps, such label containing a statement specifying:

1st. The commonly accepted name of the kind or kinds of such agricultural seed if the name of the special variety or strain of such seed is used, it must be the true name of such special variety or strain.

2nd. The approximate percentage of germination of such agricultural seed together with the date of test of germination.

3rd. The approximate percentage by weight of each of the following seeds: quack grass, (*Agropyron repens*), Canada thistle, (*Carduus arvensis*), perennial sow thistle, (*Sonchus arvensis*) and dodder, species of *Cuscuta* if any such are found in such agricultural seed.

4th. The approximate percentage by weight of pure seed in such agricultural seed.

5th. If grown in this state, the words, "grown in Minnesota" and in the case of corn, the county in which grown; if imported into this state, the name of such state or country from which it was imported.

6th. The full name and address of the seedsman, importer, dealer or agent or other person or persons, firm or corporation selling, offering or exposing the said agricultural seed for sale. ('13 c. 141 § 2)

3761. Same—When not applicable—The provisions concerning agricultural seed contained in this act shall not apply to:

1st. Any person selling agricultural seeds to be cleaned or graded before being offered for sale for the purpose of seeding and plainly marked on the outside of container "not cleaned seed."

2nd. Agricultural seed marked plainly on the outside of container, "not cleaned" and held or sold for export outside the state only.

3rd. Lawn grass mixtures, when so labeled. This shall not exempt however the vender of such mixtures from the provisions of section 2, subdivisions 2nd, 3rd, 4th, 6th [3760]. ('13 c. 141 § 3)

3762. Same—Penalty for violation—Any person, firm or corporation who sells, offers or exposes for sale or distribution in this state any agricultural seeds for seeding purposes without complying with the requirements of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00) and the costs of such prosecution nor more than one hundred dollars (\$100.00) and the costs of such prosecution, and upon the second or any subsequent offense shall be fined not less than one hundred dollars (\$100.00) and the costs of such prosecution, nor more than five hundred dollars (\$500.00) and the costs of such prosecution. ('13 c. 141 § 4)

3763. Same—Construction of certain words—The words "person" and "sell" as used in this act shall be construed as provided in section 1738 of the Revised Laws of Minnesota 1905 [3643]. ('13 c. 141 § 5)

3764. Same—Agricultural experiment station—Powers and duties—The Minnesota agricultural experiment station at St. Anthony Park, Minn., shall inspect, examine and make analyses of and test seeds sold, offered or exposed for sale in the state at such time and places and to such extent as it may determine. The said Minnesota agricultural experiment station may appoint

such agents as may be deemed necessary to carry out the provisions of this act, and said Minnesota agricultural experiment station or agents shall have free access at all reasonable hours upon and into any premises or structures to make examination of any seeds, whether such seeds are upon the premises of the owner of such seeds or on other premises, or in the possession of any warehouse, elevator or railway company; and upon tendering payment therefor at the current value, may take any sample or samples of such seeds. ('13 c. 141 § 6)

3765. Same—Salaries—The salaries of such agents as may be appointed to carry out the provisions of this act, shall be fixed and paid by the Minnesota agricultural experiment station of the University of Minnesota. ('13 c. 141 § 7)

3766. Same—Testing seeds—Any citizen of the state of Minnesota may, in accordance with the regulations prescribed by the Minnesota agricultural experiment station, and by pre-paying the transportation charges, send a sample or samples of seed to said Minnesota agricultural experiment station for examination, analysis and tests, and such examination, analysis or tests, shall be reported upon free of charge. ('13 c. 141 § 8)

3767. Same—Certificates—The certificate of the Minnesota agricultural experiment station giving results of any examinations, analysis or tests of any seed sample made under the authority of said Minnesota agricultural experiment station shall be presumptive evidence of the facts therein stated. ('13 c. 141 § 9)

3768. Same—Violation of act—Attorney general and county attorneys—When said Minnesota agricultural experiment station shall find by its examinations, analysis, or tests, that any person, firm or corporation has violated any of the provisions of this act, it shall transmit the fact so found to the attorney general or to the county attorney of the county in which the offense was committed. ('13 c. 141 § 10)

3769. Same—Duty to prosecute—It shall be the duty of the attorney general and the county attorney to prosecute all persons violating any of the provisions of this act, when evidence thereof has been presented by the Minnesota agricultural experiment station. ('13 c. 141 § 11)

3770. Same—Annual report—The said Minnesota agricultural experiment station shall make an annual report to the governor of the state of Minnesota upon the work done under this act, and shall publish the same in pamphlet form. ('13 c. 141 § 12)

3771. Same—Appropriation—There is hereby appropriated from the state treasury out of any moneys not otherwise appropriated the sum of five thousand (\$5,000) dollars or so much thereof as may be necessary for the fiscal year ending July 31, 1914, and the same amount for the fiscal year ending July 31, 1915, the said money to be expended under the direction of the Minnesota agricultural experiment station in carrying out the provisions of this act. ('13 c. 141 § 13)

CHAPTER 21A

REGULATION OF CERTAIN MANUFACTURES AND SALES

3772. Cotton duck or canvas—Definition—That for the purpose of this act cotton duck or canvas shall be deemed to include all cotton duck or canvas, whether single filling, double filling, army roll or wide duck. ('13 c. 167 § 1)

3773. Same—What constitutes yard—That for the purposes of this act, the equivalent of thirty-six (36) inches in length by twenty-nine (29) inches in width, or seven and one-fourth ($7\frac{1}{4}$) square feet of cotton duck or canvas shall constitute a yard, and an ounce shall be one-sixteenth part of a pound avoirdupois. ('13 c. 167 § 2)

3774. Same—Manufacture and sale—Stamps, brands and marks—Any person, company or corporation who shall manufacture for sale or who may offer or expose for sale any cotton duck or canvas or any article other than clothing and wearing apparel composed or made in whole or in part of cotton duck or canvas, shall distinctly and durably stamp, brand or mark thereon the true and