

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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cle of oil, gasoline, benzine or naphtha, or who shall cause the changing, altering or defacing in any manner any stamp, seal, brand or device affixed to any cask, barrel or other package or receptacle of oil, gasoline, benzine or naphtha by any deputy inspector, or who shall refill or use any cask, barrel or other package or receptacle having a deputy inspector's seal, mark, stamp or brand thereon without cancelling or defacing said seal, mark, stamp or brand and having the oil, gasoline, benzine or naphtha in such a cask, barrel or other package or receptacle properly examined or tested and stamped or marked under the provisions of this chapter, or who shall offer for sale, or who shall sell any such oil, gasoline, benzine or naphtha representing it to be in any respect other and different in quality or kind than as represented to the person so purchasing same, shall be liable to a fine of not less than five dollars nor more than five hundred dollars, or to imprisonment in the county jail for not more than six months, or to both such fine and imprisonment; and who shall sell or in any way dispose of any empty cask, barrel or other package or receptacle bearing a deputy inspector's seal, brand or stamp, without first thoroughly cancelling, defacing or removing such seal, brand, stamp, mark or any combination thereof, shall be liable to a fine of not less than five dollars nor more than five hundred dollars, or to imprisonment in the county jail not exceeding six months, or to both such fine and imprisonment.

Any person who shall violate any of the provisions of this act, not specifically mentioned in this section, shall be guilty of a gross misdemeanor. ('09 c. 502 § 14, amended '15 c. 271 § 6) [3632]

3786. Violations—Penalties—The provisions of Section 3632, General Statutes of Minnesota 1913, as amended by Chapter 271, Session Laws 1915, are hereby extended and made applicable to this act; provided, however, any person selling "blended" gasoline for "straight run" gasoline, shall be guilty of a gross misdemeanor and upon conviction shall be punished accordingly.

And provided further, any oil company or any agent or representative thereof who fails to notify deputy inspectors of the arrival of tank cars as provided in Section 13 of Chapter 520, Session Laws of Minnesota 1919, as amended hereby, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or in default of payment of such fine, by imprisonment for not more than ninety days. ('09 c. 502 § 14, amended '15 c. 271 § 6; '19 c. 520 § 16; '21 c. 483 § 8)

Explanatory note—For G. S. 1913, § 3632, as amended by Laws 1915, c. 271, see § 3785, herein.

For Laws 1919, c. 520, § 13, see § 3781, herein.

3787. Inconsistent acts repealed—All acts and parts of acts inconsistent herewith are hereby repealed. ('19 c. 520 § 17)

3787
Sec. 1-2
Added
29 — 425
33 — 365

CHAPTER 21

INSPECTION OF FOOD AND OTHER ARTICLES

Minnesota Dairy and Food Law	3788	Ice Cream	3827
Unlawful to sell certain food	3789	Pasteurized milk and cream	3828
Definition of food	3790	License for testing apparatus	3829
When food is deemed to be adulterated	3791	Application for license	3830
When food is deemed to be misbranded	3792	License fee and term	3831
Appointment of dairy and food commissioner	3793	Sanitary food law	3832
Salaries of dairy and food commissioner and employees	3794	Removal of insanitary conditions	3833
Expenses	3795	Employment of diseased person	3834
Inconsistent acts repealed	3796	Commercial canneries	3835
Offices and reports	3797	Reports—Information furnished	3836
Right of inspection	3798	Minnesota standard	3837
Seizure, search, warrants	3799	Inspector of canneries	3838
Execution of warrants—Disposition of food seized	3800	Special inspectors	3839
Price not collectible	3801	Rules and regulations for canneries	3840
Additional power and authority	3802	Notice of intention to operate	3841
Authority of the commissioner to render certain food unsalable	3803	Certificate of inspection	3842
Definitions and standards	3804	Penalties	3843
Rules and regulations	3805	Inspection of canneries	3844
Labeling	3806	Butter and cheese brands	3845
Analysis—Evidence	3807	Minnesota brands	3846
Duty to prosecute	3808	Dairy and food commissioner may authorize brands in certain cases	3847
Penalties	3809	Application for license and penalty	3848
Disposition of receipts	3810	Complaint—Investigations—Licenses revoked	3849
Milk and cream	3811	Violation and penalties	3850
Skimmed milk	3812	Manufacture of oleomargarine	3851
Milk and cream—Sales licensed	3813	Sale, etc., of oleomargarine with intent to deceive	3852
Licenses revoked	3814	Oleomargarine, labeling of	3853
Standard measure—Tests	3815	Labeling	3854
Cans to be cleaned	3816	Oleomargarine—Serving as butter	3855
Custom factories—Records	3817	Cold storage eggs to be labeled	3856
Minnesota brands	3818	Sale, etc., of eggs unfit for human food	3857
Inspection of dairies	3819	Eggs, dockage of—Candling—Reports	3858
Local inspection	3820	Eggs, Candling certificate	3859
Dairy and creamery butter	3821	Eggs, License for selling	3860
Manufacture of butter over-run—What constitutes	3821-1	Civil service—Office of dairy and food commissioner	3861
Same—Over-run permitted	3821-2	Civil service—Board of examiners	3862
Same—Penalty	3821-3	Civil service—Duty of board of examiners	3863
Same—Prosecutions—Evidence	3821-4	Examiners	3864
Renovated butter	3822	Constitution of act	3865
Process butter	3823	Provisions severable	3866
Dairy products—Preservatives	3824	Not to affect the feeding stuff control law	3867
Protection of meat	3825	Certain other laws not repealed	3868
Veal	3826	Implied repeals—Saving clause	3869

Repeals	3870
Definitions—Evidence of intent	3871
Tenure of office preserved	3872
Effect of repeal	3873
Records and reports of persons purchasing, milk, cream, cheese, etc.	3873-1
Same—Records required—Contents	3873-2
Same—Reports required—Contents	3873-3
Same—Inspection of books and records of persons, etc.	3873-4
Same—Failure to keep records or make reports—Penalty	3873-5
Miscellaneous Animal Feed, §§ 3874-3889.	
Statement of concentrated feeding stuff to be filed with dairy and food commissioner	3874
Statement to be affixed to package and samples	3875
Registration by dairy and food commissioner and tags and labels to be supplied—Fees	3876
Sworn statement to be filed annually	3877
Fees to be paid to cover expenses of department	3878
Certain adulterations prohibited from commercial feeding stuffs	3879
Powers granted state dairy and food commissioner	3880
Standard and definitions authorized to be promulgated	3881
County attorneys to prosecute for violations	3882
Articles included within terms	3883
Violations a misdemeanor	3884
Chapter 383, General Laws 1907 repealed	3885
Sale of certain feeds prohibited	3886
Sale of screenings prohibited—Exceptions	3887
Penalties for violation	3888
Duty of commissioner	3889
Canned Goods, §§ 3890-3895.	
Manufacture and sale of canning compounds prohibited	3890
Possession a misdemeanor	3891
Definition of term	3892
Contents of compound	3893
Dairy and food commissioner to enforce provisions	3894
Violation a misdemeanor	3895
Fertilizers, §§ 3896-3899-12	
Ingredients of fertilizer to be stated on label	3896
Certified copy of certificate to be filed with dairy and food commissioner	3897
Dairy and food commissioner to enforce provisions	3898
Violation a misdemeanor	3899
Adulterated or Misbranded Drugs.	
Manufacture, sale, etc., of adulterated, mislabeled or misbranded drugs prohibited—Penalty	3899-1
Drug defined	3899-2
Standards of purity of drugs—Regulations by state Board of Pharmacy	3899-3
Drugs deemed adulterated	3899-4
Misbranded defined	3899-5
Drugs deemed mislabeled or misbranded	3899-6
Package defined	3899-7
Sale or offer for sale prima facie evidence of violation of law	3899-8
Refusal to sell samples prima facie evidence of violation of law	3899-9
Duties of State Board of Pharmacy	3899-10
Penalties for violation of law—Disposition of	3899-11
Application of law	3899-12
Insecticides, §§ 3900-3906-8.	
Paris green and insecticides, sale of inaccurately labeled, etc.—Penalty	3900
"Insecticide" defined	3901
Formulas prescribed	3902
Statement on label	3903
Possession prima facie evidence	3904
Duty of commission	3905
Powers of commission	3906
Minnesota Caustic Alkali or Acid Act.	
Definitions	3906-1
Sale, etc., of misbranded, etc., package prohibited	3906-2
Seizure of misbranded, etc., packages	3906-3
Violations of law—Penalty	3906-4
Enforcement of law by Dairy and food commissioner	3906-5
Prosecutions to be instituted by prosecuting officers	3906-6
Short title of law	3906-7
Laws repealed—Pending prosecutions	3906-8
Milk, Cheese and Butter, §§ 3907-3935-6.	
Discriminations	3907
Higher price	3908
Dairy commissioner to enforce provisions	3909

Repeal	3910
Common carriers to provide storage room	3911
Storage rooms for milk, etc., must be cool	3912
Cans must be cleaned	3913
Violations—Penalties	3914
Duties of dairy and food commissioners	3915
Inconsistent acts repealed	3916
Refrigeration shipment of cream	3916-1
Same—Violation of law—Penalty	3916-2
Use of "butter" in advertising unlawful	3917
Violation a misdemeanor	3918
Dairy and food commissioner to enforce provisions of act	3919
Butter fat not to be used in substitutes	3920
Oleomargarine not to be used in state institutions	3921
Violations—Penalties	3922
Manufacture of butter substitute not to use certain words in advertising	3923
Violation a misdemeanor	3924
Dairy and food commissioner to enforce act	3925
Sale of filled milk prohibited	3926
Violations and penalties	3927
Dairy and food commissioner to enforce law	3928
Milk and cream cans must be sterilized	3929
Violation a misdemeanor	3930
Dairy and food commissioner to enforce provisions of act	3931
Effective January 1st, 1924	3932
Certain butter compounds must be labeled	3933
Violation a misdemeanor	3934
Dairy and food commissioner to enforce act	3935
Licensing creameries, etc.—Licenses required—Fees	3935-1
Same—Violations of law—Penalty	3935-2
Same—Suspension or revocation of licenses	3935-3
Same—Enforcement of law by commissioner—Laws applicable	3935-4
Same—Prosecutions instituted by prosecuting officers	3935-5
Same—Laws repealed	3935-6
Paints, §§ 3936-3945.	
Linseed oil	3936
Paints	3937
Paints—False label—Penalty	3938
Paint defined	3939
Labels—Shall state, what	3940
Possession as evidence	3941
Commissioner to enforce	3942
Powers of commissioner	3943
Labeling wood alcohol	3944
Penalty for violation	3945
Agricultural Seeds, §§ 3946-3957-12.	
Definitions	3957-1
Powers of commissioner of agriculture—Investigations—Procedure—Fees, etc.,	3957-2
Labels for packages—Contents—Weed seed tolerance	3957-3
Mixtures—Labels—Special mixtures	3957-4
Exceptions from operation of law	3957-5
Imported seeds—Labels	3957-6
Transportation companies—Duties	3957-7
Seizures	3957-8
Same—Disposition of seized seeds	3957-9
Violations of laws—Penalties	3957-10
Reports of commissioner of agriculture	3957-11
Laws repealed	3957-12
Soft Drinks, §§ 3958-3965-15.	
Licenses required for manufacture of soft drinks, etc.—Exception	3965-1
Inspection by and registration of soft drinks	3965-2
Definitions	3965-3
Applications for license—Fee—Issue of license	3965-4
Registration by non-resident manufacturers—Fees	3965-5
Fee for license or registration—Penalty for delay in application	3965-6
Beverage inspection fund—Expenditures from	3965-7
Suspension or revocation of license or certificate—Hearings	3965-8
Carbonated or still beverages—Adulteration	3965-9
Sanitary condition of factories, etc.	3965-10
Cleaning of containers	3965-11
Markings of containers	3965-12
Enforcement of law by dairy and food commissioner—Laws applicable	3965-13
Violations of law—Penalty	3965-14
Laws repealed	3965-15
Inspection of food products by hotel inspector and other agents and inspectors of Health Department on order by Department of Administration and Finance. See § 53-34, herein.	

3788. Minnesota Dairy and Food Law—That the laws of Minnesota relating to dairy and food products be and the same hereby are amended, supplemented, revised, consolidated, rearranged and codified in the order and form following, which revision and codification may be known as the "Minnesota Dairy and Food Law." ('21 c. 495 § 1)

(See '19 c. 406, providing commission for codification of dairy and food laws.)

3789. Unlawful to sell certain food—It shall be unlawful for any person to manufacture, sell, use, transport, offer for sale or transportation, or have in possession with intent to use, sell or transport any article of food which is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act. ('21 c. 495 § 2)

3790. Definition of food—The term "food" as used herein shall include every article used for, or entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery or condiment for man, whether simple, mixed or compound. ('21 c. 495 § 3)

3791. Where food deemed to be adulterated—For the purposes of this act an article shall be deemed to be adulterated—

In the case of confectionery:

If it contains terra alba, barytes, coal tar dye, except those colors certified as harmless for use in foods under the United States Foods and Drugs Act, or the rules and regulations for its enforcement, or saccharine, chrome yellow, or other mineral substance or any other poisonous or injurious coloring or flavoring matter, or any substance or ingredient deleterious or detrimental to health or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

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

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

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

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

Fifth: If it contain any added boric acid or borates salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphites, except such nominal percentage of sulphurous acid or sulphites as the process of manufacture may necessitate, hydrofluoric acid or fluorides, coal tar dye or color, except that such coal tar dyes or colors as are certified as harmless for use in foods by the Secretary of the United States Department of Agriculture under the United States Food and Drugs Act, or the rules and regulations for its enforcement may be used in still or carbonated beverages, candies, and such other food products as may be permitted and authorized under the rules and regulations promulgated by the Dairy and Food Commissioner, saccharine or any added poisonous or other added deleterious ingredient which may render such article unwholesome, injurious or detrimental to health.

Sixth: If it consist in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. ('21, c. 495, § 4; amended '25, c. 167, § 1)

Explanatory note—Laws 1925, c. 167, § 2, repeals all conflicting laws.

3792. When food is deemed to be misbranded—The term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

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

In the case of food:

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

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

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

Fourth: If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular. ('21 c. 495 § 5)

Sections 15, 16, 17 are §§ 3804 to 3806, herein.

3793. Appointment of dairy and food commissioner—The governor shall appoint a dairy and food commissioner, whose term of office shall extend to the first Monday in January of the odd numbered year next after his appointment and until his successor qualifies; but the governor may supersede such commissioner at pleasure. He shall cause to be enforced all the provisions of this act and all other laws designed to prevent fraud and deception in the manufacture and sale of food and the several ingredients thereof, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food products. All appointees hereunder shall be qualified electors of this state. The commissioner shall be a practical dairyman; the assistant commissioner, chief chemist, chemists, inspectors and all agents and other persons appointed or employed by the commissioner shall be practical men and especially trained and equipped for their particular line of work. He shall report on or before the fifteenth day of each session of the legislature concerning his official acts, showing receipts and disbursements of his office, and may issue public bulletins of information from time to time. ('21 c. 495 § 6)

Office of dairy and food commissioner abolished. Department of Dairy and Food, with dairy and food commissioner. See § 53-25, herein.

3794. Salaries of dairy and food commissioner and employes—The annual salary of the dairy and food commissioner and the position, number and annual salary of the subordinates to be appointed by him in his department are hereby fixed as follows:

The commissioner, four thousand dollars; assistant commissioner, three thousand dollars; secretary, two thousand dollars; chief chemist, three thousand five hundred dollars; chief clerk, thirteen hundred and twenty dollars; statistician, fifteen hundred dollars; laboratory clerk and stenographer, twelve hundred dollars; one stenographer, twelve hundred dollars; general clerks as in his judgment may be necessary, not to exceed two at twelve hundred dollars each; two stenographers, not to exceed twelve hundred dollars each; three assistant chemists and twenty-two inspectors at a minimum annual salary of fifteen hundred dollars each; but the commissioner may, in consideration of faithful and continuous service, increase the salary of any assistant chemist or inspector not more than two hundred dollars for each year such assistant chemist or inspector has been employed by the department until such salary reaches two thousand dollars, which shall be the maximum; provided, that the provisions of this act shall not apply to chapter 97, Laws of 1913, and amendments thereto. ('21 c. 495 § 7, amended '21 c. 520 § 1; '23 c. 183 § 1)

Laws 1913, c. 97, referred to, was repealed by Laws 1921, c. 495, § 83. See § 3870 herein.

3795. Expenses—The expenses of the commissioner and his subordinates necessary and actually incurred in the discharge of his official duties shall be paid in addition to salary, upon itemized vouchers approved by the commissioner or assistant commissioner. ('19 c. 316 § 2, amended '21 c. 520 § 2)

3796. Inconsistent acts repealed—All acts and parts of acts inconsistent herewith are hereby repealed; provided, that this act shall not be construed as repealing or affecting the provisions of Chapter 300 of the Laws of 1905. ('19 c. 316 § 3, amended '21 c. 520 § 3)

3797. Offices and reports—Rooms shall be provided in the capitol for the office and laboratory of the commissioner. He may require reports from persons engaged in the purchase, manufacture or sale of dairy products and all owners or operators of skimming stations or other places engaged in the business of purchasing milk or cream, and operators of condenseries, dry milk factories, creameries and cheese factories shall on March 1st in each year, and at such other times as the commissioner may fix, send to him a full and accurate report of the amount of business done during the year preceding, together with such other statistical information as the commissioner may require. ('21 c. 495 § 8)

3798. Right of inspection—For obtaining information regarding suspected violations of law, the commissioner, his assistants, inspectors, appointees, agents and employes shall have access to all places where any article of food, or other article, the manufacture, sale, use or transportation of which is restricted, regulated or prohibited by this act, or by any law of this state, is or may be manufactured, prepared, stored, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell or transport, or where cows or other animals are pastured or stabled, to cars or other carriages used for transportation of such articles or animals, and to places where food is or may be cooked, prepared, sold or kept for sale to or for the public or distributed as a part of the compensation of servants or agents, including pub-

lic and private hospitals, lumber and railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats and other places where any of said articles may be manufactured, sold, used, offered for sale or transportation, or had in possession with intent to use, sell or transport, and they may inspect any package, receptacle or container found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture, use, sale or transportation of which is restricted, regulated or forbidden by this act or by any law of this state, and may take samples therefrom for analysis. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor. ('21 c. 495 § 9)

3799. Seizure, search, warrants—The commissioner may seize all food, the manufacture, transportation, sale or use of which is prohibited by this act, or which is manufactured, sold, used, transported, kept or offered for sale, use or transportation, or had in possession with intent to sell, use or transport in violation of any provision of this act, or in violation of any rule, regulation, definition, standard or ruling made, adopted and published hereunder, and for this purpose he and his several assistants, inspectors, agents and employes shall have the powers of a constable. Such seizure may be made without a warrant, but in such case, as soon as practicable, he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary, a search warrant may be issued, as in the case of stolen property, the form of the complaint and of the warrant being adapted to the purpose of this act. ('21 c. 495 § 10)

3800. Execution of warrant—Disposition of food seized—The search warrant shall be directed to the sheriff or any constable of the county, and to the chief of police, or any police officer or marshal of any municipality, and may be executed by the commissioner or any of his agents or employes. No security for costs shall be required thereon nor upon any prosecution under this act. All food seized, whether with or without warrant, shall be safely kept by the officer or person seizing the same, so long as it may be needed for evidence; and if found upon trial to have been manufactured, sold, used, transported, kept or offered for sale, use or transportation or had in possession with intent to use, sell or transport in violation of law, it shall be forfeited to the state, and shall be disposed of as directed by the court. ('21 c. 495 § 11)

3801. Price not collectible—No action shall be maintained for the purchase price or value of any food, the sale of which is prohibited by this act, or which is manufactured, used, sold, transported, kept or offered for sale, use or transportation, or had in possession, with intent to sell, use or transport in violation of law; nor shall any person be liable for the price or value of food or board furnished in violation of this act. ('21 c. 495 § 12)

3802. Additional powers and authority—The dairy and food commissioner, by himself or any of his assistants, inspectors, agents or employes, in addition to the authority and powers otherwise conferred by law, is authorized and empowered to have and to take access to any and all trucks, aeroplanes, airships, vehicles and railroad cars of every sort and nature transported or being within this state, all railroad stations, storage houses, warehouses, express offices or other places wherein at any time there may be food transported or shipped into from without this state, whether or not such food has been manufactured, sold or given away

without the state, provided, that such food was manufactured, sold or given away with the intent that it be delivered, had or used within this state; and the dairy and food commissioner shall have the same power and authority to open any package, car or vessel containing food so transported or shipped into from without the state, which contains or which he has reason to believe contains any such food; to inspect the contents thereof and to take samples for analysis and examination, all after the same manner and with the same procedure as obtains by law in reference to similar goods manufactured, sold, transported, offered for sale, use or transportation, or had in possession with intent to sell, use or transport within this state. If it shall appear that any such food is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious, the dairy and food commissioner shall have the same rights and remedies and shall enforce the same in the same manner as in the case of food manufactured, sold, transported, offered for sale, use or transportation, or had in possession with intent to sell, use or transport within this state. On receiving notice from the commissioner or any authorized agent or employe that he desires to inspect the contents of any such package, can or vessel, it shall be the duty of any common carrier, storage man, warehouseman or their employes, or other person having the same in his possession or under his control, to withhold the same from delivery within this state for such period of time as may be reasonably necessary for the inspection, examination and analysis thereof. It is further made the duty of all such persons to render to the commissioner and his agents and employes all the assistance in their power when so required to effectuate the purposes of this act. In case such inspection, examination or analysis of any such food shall disclose it to be adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act, such persons shall on demand disclose to the commissioner the names and addresses of the consignor and consignee of the package, can or vessel containing the same, and the commissioner, before proceeding further, shall notify such consignor and consignee in writing at their respective addresses of the result of such inspection, examination or analysis as so disclosed. Any common carrier, warehouseman, storageman, employe or other person having such food in his possession or under his control, failing or refusing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor. ('21 c. 495 § 13)

3803. Authority of the commissioner to render certain food unsalable—The dairy and food commissioner, his assistants, inspectors, agents and employes, shall also have power and authority in their discretion to render unsalable for use as food, any food, the sale or use of which is prohibited by this act, or which is manufactured, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell or transport in violation of any provision of which act, or in violation of any provision of any rule, regulation, definition, standard or ruling made, adopted and published hereunder, and the said commissioner and his several assistants, inspectors, agents and employes shall be exempt from liability for any such action. The test of the condition of any such food shall be its condition at the time of discovery. Any reasonable and necessary means may be adopted for rendering such food unsalable for use as food. ('21 c. 495 § 14)

3804. Definitions and standards—For the purpose

of securing uniformity, so far as practicable, between the laws of this state and those of the federal government enacted to prevent fraud and deception in the manufacture, use, sale and transportation of food, and to protect and preserve the public health, it shall be the duty of the dairy and food commissioner to fix, adopt and publish, from time to time, by ruling or rulings, in writing, definitions and standards of quality, purity and strength of articles of food for which no definitions and standards are prescribed by law, and such definitions and standards so fixed, adopted and published shall be the lawful definitions and standards thereof before all courts; provided, that when definitions and standards have been or may be fixed by the secretary of the Department of Agriculture of the United States, except in cases where definitions or standards otherwise are prescribed by law, they shall be accepted by the dairy and food commissioner and published as definitions or standards for Minnesota. Before any such definitions or standards shall be deemed to be fixed and adopted the ruling or rulings fixing and adopting the same shall be published twice in a legal newspaper of general circulation published at the capital of this state and from and after the tenth day succeeding the date of the last such publication, such ruling or rulings shall have the force and effect of law. An affidavit of such publication, setting forth the said ruling or rulings in full and the dates of such publication thereof, shall be made by the publisher of such newspaper or by the manager or agent of such publisher, and shall be kept on file by the commissioner in his office with the original of such ruling or rulings. Such affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained and of the due fixing, adopting and publishing of the said ruling or rulings, therein set forth. Until such definitions and standards are fixed, adopted and published, the definitions and standards heretofore fixed and adopted by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for sale or transportation or have in possession with intent to sell, use or transport any article of food which does not conform to such definition and standard so fixed, adopted and published, shall be deemed guilty of a violation of this act. ('21 c. 495 § 15)

3805. Rules and regulations—For the purposes aforesaid it shall also be the duty of the dairy and food commissioner to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of this act, which rules and regulations shall be approved by the attorney general as to form and legality and shall be made and published and affidavits of publication made and filed in the manner specified in Section 15 of this act. From and after the tenth day succeeding the date of the last such publication, such rules and regulations shall have the force and effect of law. The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained, and of the due making and publishing of the rules and regulations therein set forth. Until such rules and regulations are made and published, the rules and regulations heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for use, sale or transportation, or have in possession with intent to use, sell or transport, any article of food contrary to the provisions of any such rule or regulation, or who shall fail

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to comply with any such rule or regulation, shall be deemed guilty of a violation of this act. ('21 c. 495 § 16)

Explanatory note—Section 15 is § 3804, herein.

3806. Labeling—For the purposes aforesaid, it shall also be the duty of the dairy and food commissioner by ruling or rulings not inconsistent with law, to require that any article of food or the package, receptacle or container thereof, before it be sold, transported, used, offered for sale or transportation, or had in possession with intent to use, sell or transport within this state, shall be labeled, stamped, stenciled, marked or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information, to-wit: The percentages and true composition of such food article, its quality, strength, quantity, source of its manufacture or production or the person by or for whom the same is manufactured, produced, packed or shipped; and the said commissioner shall also have authority to prescribe by such ruling or rulings, the date on which the same shall take effect and be in force, and also the form, size, style and wording of and the place, time, method, means and manner of use of all such labels, stamps, stencils, brands and markings, which ruling or rulings shall be made and published and affidavits of publication made and filed, in the manner specified in Section 15 of this act. From and after the tenth day succeeding the date of the last such publication, unless a later date be fixed in the ruling for the taking effect thereof, and in such case from and after such date so fixed, such ruling or rulings shall have the force and effect of law.

The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained, and of the due making and publishing of the ruling or rulings therein set forth. Until such rulings are made and published and in effect as aforesaid, the rulings heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall fail to comply with such ruling or rulings shall be deemed guilty of a violation of this act. ('21 c. 495 § 17)

3807. Analysis—Evidence—It shall be the duty of the chief chemist and assistants to make analysis and examinations of such articles as shall be furnished to them by the commissioner for the purpose of determining from such examination whether such articles are adulterated, misbranded, insufficiently labeled, unwholesome, poisonous or deleterious within the meaning of this act, and whether such articles have been manufactured, used, sold, transported, offered for use, sale or transportation or had in possession with intent to use, sell, or transport in violation of any provision of this act or of any definition, standard, rule, regulation or ruling made and published thereunder, and to certify the result of such analysis and examination to the commissioner. A copy of the result of the examination or analysis of any such article, duly authenticated, by the chemist making such analysis or examination, under oath of such chemist shall be prima facie evidence in all courts of the matters and facts therein contained. ('21 c. 495 § 18)

3808. Duty to prosecute—It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case herein provided. ('21 c. 495 § 19)

3809. Penalties—Any person violating or failing to comply with any of the provisions of this act, or any of the provisions of any of the rules, regulations, definitions, standards, or rulings made and published thereunder shall be deemed guilty of a misdemeanor, and, save as herein otherwise specifically provided, for each first offense shall be punished by a fine of not less than fifteen dollars, or by imprisonment for not less than twenty days, and for each subsequent offense, by a fine of not less than fifty dollars or by imprisonment for not less than sixty days. ('21 c. 495 § 20)

3810. Disposition of receipts—In all prosecutions under this act, save as herein otherwise specifically provided, the fine or fines collected by and under the same shall be forthwith transmitted by the officer collecting the same to the state treasurer, to the credit of the general revenue fund, and all other fees and payments made to the dairy and food commissioner, except as aforesaid, shall be accounted for and disposed of in the same manner. ('21 c. 495 § 21)

3811. Milk and cream—No person shall sell or knowingly buy unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated, or to which a preservative has been added; milk drawn from cows kept in crowded conditions or in places not well ventilated or lighted, or which from any cause are filthy or insanitary, or from unclean or diseased cows, or those fed with garbage or any filthy, decayed, putrid or unwholesome animal or vegetable substance; milk drawn from cows within fifteen days before or five days after calving; and milk or cream which has been kept in any place where bad air exists, and cream taken from unwholesome or adulterated milk, shall be deemed unwholesome and adulterated within the meaning of this act. Milk from which any normal ingredient has been abstracted, or milk containing any substance not a normal constituent thereof, or containing less than three and one-fourth per cent of butterfat, and cream in which there is less than 20 per cent of butterfat, or which contains any foreign thickening or coloring substance, or any abnormal ingredient whatsoever, shall be deemed adulterated; nor shall any article of food be manufactured from unwholesome or adulterated milk or cream except as in the next following section hereof provided. ('21 c. 495 § 22)

3812. Skimmed milk—Notwithstanding the provisions of Section 22, milk from which the cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skimmed milk cheese, and by licensed dealers; but in the latter case only from vessels legibly marked "skimmed milk" in plain, common black letters upon a light colored background, each letter being at least one inch high and one-half inch wide, and said words being placed on the top or side of such vessel. These requirements, however, shall not apply to skimmed or separated milk delivered to any patron of a creamery who furnishes milk thereto, but all skimmed milk from creameries and all whey from cheese factories so delivered to patrons shall first be pasteurized at a minimum temperature of 145 degrees Fahrenheit for not less than thirty minutes, or at a minimum temperature of 180 degrees Fahrenheit for continuous flow pasteurization. ('21 c. 495 § 23)

Section 22 is § 3811, herein.

3813. Milk and cream—Sales licensed—No person shall sell milk or cream without being licensed by the dairy and food commissioner, and the fee for such license shall be \$1.00 for each place or vehicle from

which sale is made. Every such license shall expire May 1st, next after its issue; shall be given only to a person owning or leasing the vehicle or place from which sales are to be made, and shall not be transferred. Each license shall be numbered and shall contain the name, residence and place of business of the licensee, the names of all employees authorized to act thereunder, and the number of vehicles and places to be used. The name and number of the license shall be plainly inscribed on both sides of each vehicle in use for the purpose aforesaid, and the license shall be conspicuously posted in each place where such milk or cream is sold, and the making of every sale from a vehicle not so inscribed or from a place where such license is not so posted, shall be deemed the commission of a misdemeanor. Provided that any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor. ('21 c. 495 § 24)

3814. Licenses revoked—The commissioner may withhold a license from any applicant therefor under any provision of this act whom he may deem unworthy, and may revoke any license issued by him to any licensee who has violated the terms thereof, or who has failed to comply with any requirement of this act, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offense punishable under this act shall be a sufficient ground for such revocation. ('21 c. 495 § 25)

3815. Milk and cream sold and purchased by weight and paid for on basis of milk fat—Babcock tests—Unlawful acts—Penalty—All milk and cream sold or purchased for the purpose of manufacture into butter or cheese, or for the purpose of condensing or drying the same, shall be sold and purchased by weight and payment shall be made therefor upon the basis of milk-fat therein contained and not otherwise. The percentage of milk-fat in such milk and cream shall be determined by the Babcock test and by employing a standard official method for operating said test, which method shall be that adopted, prescribed and set forth with specifications in detail, in the rules and regulations from time to time made and published by the commissioner under and pursuant to authority therefor conferred by the Minnesota Dairy and Food Law for the purpose of carrying out and enforcing the provisions thereof, which authority hereby expressly is declared to be applicable in the premises.

All glassware, test-bottles, pipettes, acid measures, chemicals, scales and other apparatus used in the operation of said test shall conform to the specifications set forth in said method.

Any person who shall use any appliances other than the Standard Babcock glassware for measuring or testing milk or cream sold or purchased at prices determined upon the basis of milk-fat therein contained, or who shall manufacture or sell Babcock glassware which is not constructed and/or graduated in accordance with said specifications, or who shall employ any test other than the Babcock test or any method other than the said Standard official method for determining the milk-fat content of milk or cream or who shall underread or otherwise falsify or manipulate the reading of the 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. ('21, c. 495, § 26; amended '27, c. 154, § 1)

3816. Cans to be cleaned—Every person delivering milk, cream or ice cream to any other person, in cans or other vessels shall have such cans or vessels free from any deleterious substance, filth or rust, and in a wholesome condition for containing such milk, cream or ice cream. Every person receiving milk, cream or ice cream in cans or vessels which are to be returned to the sender or seller, shall cause such vessels to be promptly emptied, thoroughly cleansed and immediately returned. ('21 c. 495 § 27)

3817. Custom factories—Records—No person engaged in making butter or cheese for others out of cream or milk furnished by them, shall withhold or permit to be withheld, any part of the cream or milk so furnished, or any product thereof without the knowledge and consent of the owner. Every maker shall keep a record of all quantities of milk and cream received each day and from whom received and the disposition thereof, also of the weight of all cheese and butter made each day and of the number and aggregate weight of all packages of cheese and butter delivered to those furnishing milk and cream for manufacture or otherwise disposed of. Such records shall be exhibited on request of the commissioner and his employes and to all persons furnishing milk and cream to such maker. ('21 c. 495 § 28)

3818. Minnesota brands—Any person manufacturing in this state, cheese which is wholly and exclusively the product of wholesome and unadulterated milk, or butter which is wholly and exclusively the product of wholesome and unadulterated milk and cream, may label and sell the same as "Minnesota Full Milk Cheese" or "Minnesota Pure Dairy (or Creamery) Butter," as the case may be, and may add to such brand or label the name of the county wherein such cheese or butter is made, using for the purpose a numbered stencil brand furnished by the dairy and food commissioner. Such commissioner shall issue to such manufacturer under such regulation as to the custody and use thereof as the commissioner may prescribe, uniform stencil brands for such marking, keeping a register of the number of each and of the name and place of residence of the manufacturer receiving the same.

Any person who shall, without authority of the commissioner, as aforesaid, use any such brand or label, or any person who shall use such brand or label upon cheese or butter below the grade aforesaid, shall be guilty of a misdemeanor. ('21 c. 495 § 29)

3819. Inspection of dairies—At such times as he may deem proper the commissioner shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk or cream, and shall require the correction of all unsanitary conditions and practices found therein.

Every refusal or neglect to obey any lawful direction of the commissioner or his agent given in carrying out the provisions of this section shall be deemed a misdemeanor. ('21 c. 495 § 30)

3820. Local inspection—The governing authority of any municipal corporation may by ordinance provide for the inspection of milk, cream and butter sold within its limits, and of dairies and dairy herds kept for the production of such milk, cream or butter and may prescribe the terms upon which such sales may be made and fix penalties for violation thereof; but no such ordinance shall conflict with any law of this state, or interfere with any power or duty of the dairy and food commissioner or his official subordinates. ('21 c. 495 § 31)

3821. Dairy and creamery butter—No person shall manufacture, for sale, or sell any dairy or creamery butter which contains more than 16 per cent of water by weight or less than 80 per cent of butter fat by weight. ('21 c. 495 § 32)

3821-1. Manufacture of butter—Overrun—What constitutes—For the purposes of this act "overrun" is the difference between the weight of any given amount of pure butter fat and the weight of the butter manufactured therefrom, and this difference, ascertained in any case, divided by the given amount of pure butter fat in such case and multiplied by 100, is the "percentage of overrun," in the manufacture of butter. ('27, c. 162, § 1)

3821-2. Same—Overrun permitted—It shall be and hereby is declared to be unlawful for any person to have or permit a percentage of overrun in excess of 24 per cent in butter manufactured by him. ('27, c. 162, § 2)

3821-3. Same—Penalty—Any person violating any provision of this act shall be deemed guilty of a misdemeanor, the minimum punishment for which shall be a fine of \$25 or imprisonment for 20 days. ('27, c. 162, § 3)

3821-4. Same—Prosecutions—Evidence—The reports required by law to be made and which are made to the commissioner of dairy and food by persons engaged in the manufacture of butter shall be competent evidence in any prosecution under this act against the person making the same, and whenever such reports, received in evidence upon the trial, show that during a period of one month or more the person on trial and charged with a violation of this act, alleged to have been committed on a certain date within said period, has had or permitted an average percentage of overrun in excess of 24 per cent in the butter manufactured by him during said period, such showing shall be prima facie evidence of a violation of this act by the person so charged, committed as of the date alleged. ('27, c. 162, § 4)

3822. Renovated butter—No person shall sell any butter made by taking original packing stock, or other butter, or both, and malting the same and drawing off, or extracting butterfat and mixing such fat with skimmed milk or cream, or other milk product and rechurning or reworking such mixture; or any butter product produced by any process, commonly known as boiled process or renovated butter, unless the words "Renovated Butter" shall be plainly branded with bold-face letters, at least three-fourths of an inch in height, on the top and sides of each receptacle, package, or wrapper in which it is kept for sale or sold. And if such butter is exposed for sale uncovered or not in a receptacle, package or wrapper, then a placard containing the words "Renovated Butter" printed in style and manner as aforesaid shall be attached to the mass of butter in such manner as to be easily seen and read by purchasers. ('21 c. 495 § 33)

3823. Process butter—No person shall sell any butter made of part cream and part casein and other ingredients by what is known as the "Quinness Patent" or process, or that made by other similar process, whereby the casein of milk and other ingredients are made to imitate or resemble genuine butter made from cream, unless each package or receptacle in which the same is kept for sale or sold shall be stamped or marked "patent butter" on the top and sides thereof, with lamp black and oil, in letters at least one-fourth of an inch wide, and one-half of an inch high; and in addition to such marking the seller at the time of the sale shall give to the purchaser a printed card, stating

distinctly and correctly the different ingredients contained in said compound. ('21 c. 495 § 34)

3824. 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. ('21 c. 495 § 35)

3825. Protection of meat—Every dealer in meats, fish, fowl, or game for human food, at the place of offering or exposing for sale, and in the transportation of such food from place to place to customers, shall protect the same from dust, flies and other vermin or substance which may injuriously affect it, by securely covering it while being so offered or exposed for sale or transported. Every violation of the foregoing provision shall be a misdemeanor. ('21 c. 495 § 36)

3826. Veal—No person shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves killed when less than four weeks old. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than fifty dollars or by imprisonment for not less than sixty days. ('21 c. 495 § 37)

3827. Ice cream—For the purposes of this act, ice cream is defined as a frozen product made from cream and sugar with or without a natural flavoring and containing not less than twelve per cent by weight of butterfat; fruit ice cream is defined as a frozen product made from cream, sugar, and sound, clean, mature fruits, and containing not less than ten per cent by weight of butterfat; and nut ice cream is a frozen product made from cream, sugar and sound, non-rancid nuts and containing not less than ten per cent by weight of butterfat. It shall be unlawful for any person to manufacture, sell, transport, offer for sale, use or transportation, or have in possession with intent to sell or transport, ice cream containing less than twelve per cent by weight of butterfat, or fruit ice cream containing less than ten per cent by weight of butterfat, or nut ice cream containing less than ten per cent by weight of butterfat. ('21 c. 495 § 38)

3828. Pasteurized milk and cream—Any creamery equipped with machinery and appliances for pasteurizing the milk and cream which it receives, may apply to the state dairy and food commissioner for an inspection by him of such machinery and appliances; and upon such application made showing such fact and the wish of the creamery to use such process in the manufacture of butter, the state dairy and food commissioner shall cause such inspection to be made.

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

may label its products, so long as it continues to so pasteurize all its milk and cream used in the manufacture of such product. Labeling contrary to this section shall be a misdemeanor. ('21 c. 495 § 39)

3829. License for testing apparatus—No person shall operate a milk or cream testing apparatus to determine the percentage of butterfat in milk or cream for the purpose of purchasing the same either for himself or another without first securing a license from the dairy and food commissioner of this state, or from one of his duly appointed assistants, or inspectors, authorizing such person to so operate such tester. ('21 c. 495 § 40)

3830. Application for license—Nonresidents—Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant, before such license may be issued, shall pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same. Provided, however, that no person who is not a resident of the United States shall be licensed under the provisions of this act. ('21, c. 495, § 41; amended '25, c. 164)

3831. License fee and term—Such license shall be issued for a period ending on the thirty-first day of December following, and a fee of \$1.00 shall be paid for such license by the licensee upon the issuance thereof.

The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offense except in case such unlicensed person shall have valid reasons to appoint a substitute for a period of not to exceed three days, subject to the approval of the dairy and food commissioner. ('21 c. 495 § 42)

3832. Sanitary food law—No person, firm or corporation shall operate any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box, or receptacle, fruit stand or vehicle of any kind, packing or slaughter house, ice cream plant or any place where any fruit or food products are manufactured, packed, stored, deposited, collected, prepared, produced or served for the purpose of sale or profit, or sold for any purpose whatever, if the same is in a filthy, unclean or unsanitary condition, or is permitted to be in a filthy, unclean or unsanitary condition. ('21 c. 495 § 43)

3833. Removal of insanitary conditions—If, in the opinion of the state dairy and food commissioner, his assistants, inspectors or agents, or either of them, after an investigation thereof, any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, or eating house, fruit box, receptacle, fruit stand or vehicle of any kind, packing or slaughter house, ice cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served or sold for any purpose whatever, is operated in violation of section 43 of this act, the dairy and food commissioner, his assistants, inspectors, or agents shall notify in writing the proprietor or proprietors, owner or owners, manager or managers of such bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box or receptacle, fruit stand or vehicle of any kind, packing or slaughter house, ice cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced,

served, or sold for any purpose whatever, to place the same in a clean and sanitary condition within a reasonable time to be stated in said notice, which time so stated shall in no case be less than two days, and failure to comply with such notice within the time so stated shall be deemed a violation of the provisions of this act. ('21 c. 495 § 44)

3834. Employment of diseased person—It shall be unlawful for any person to work in or about any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold, any person or persons whose condition is such that disease may be spread to his associates direct, or through the medium of milk, cream, butter, other food or food products, likely to be eaten without being cooked after handling, whether such condition be due to a contagious, infectious, or venereal disease, in its active or convalescent stages, or to the presence of disease germs, whether accompanied by, or without, any symptoms of the disease itself.

It shall be the duty of the State Dairy and Food Commissioner, his assistants, inspectors or agents, to report to the State Board of Health for investigation, any person suspected to be dangerous to the public health as provided for in this Section, and immediately to exclude such person from such employment pending investigation and during the period of infectiousness, if such person is certified by the State Board of Health or its authorized agent, to be dangerous to the public health. ('21 c. 495 § 45)

3835. Commercial canneries—Supervision and regulation by commissioner—Inspection—Sanitary conditions—All commercial vegetable and fruit canneries, located within this state, shall be under the supervision and regulation of the commissioner. For the purpose of this act, a commercial cannery is defined to be a place or buildings where vegetables and/or fruits are packed in hermetically sealed cans, where sterilization by heat is used, and the products placed on the market for general consumption as human food: but shall not include private homes where farmers and/or others or state or county institutions may pack or preserve vegetables and/or fruits for their own use and make occasional sales of the surplus thereof. At such times as the commissioner may deem proper, he shall cause to be inspected all commercial canneries where vegetables and/or fruits are packed and/or preserved, and shall require the correction of all insanitary conditions or practices found therein, and may search and enter all cupboards, closets, or any other places in such canneries for the purpose of discovering any chemical preservative or adulterants which he has reason to believe are used or intended to be used in the canning or preserving of vegetables and/or fruits, and for enforcing the provisions of this act. ('21, c. 495, § 46; amended '27, c. 177, § 1)

3836. Reports—Information furnished—The dairy and food commissioner shall issue public bulletins of information, report and publish the conditions found in canning factories, furnish and disseminate information regarding the canning industry, and for that purpose may arrange for educational exhibits and demonstrations, public meetings, and give instructions to processors and superintendents of canneries; such information shall be available to any person who is a resident of this state, or those now engaged in the business of canning and to those who may hereafter engage therein who may properly apply therefor. ('21 c. 495 § 47)

3837. Licenses for operation of commercial canneries—No person shall operate a commercial cannery

without having a license therefor from the commissioner, as hereinafter provided. Such license shall be granted under such reasonable rules and regulations as the commissioner may prescribe. Upon filing application for a license the commissioner shall issue a temporary permit, to be in effect only until a license shall have been issued or until the applicant shall have been notified of the denial of such application. Upon the filing of such application the commissioner shall cause an investigation to be made of the conditions of such cannery, for the purpose of determining whether or not a license should be granted. The application shall be in the form prescribed by the commissioner and shall give such information as he may require. Each application shall be accompanied by a license fee of one dollar. All licenses shall expire on the 31st day of December, next following the date of issue but may be renewed without inspection; on or before the first day of May of each year, upon application and payment of the license fee. The commissioner after reasonable notice and opportunity to be heard may by order revoke any license when the licensee fails to comply with any of the provisions of the Minnesota Dairy and Food Law, or any rule or regulation promulgated, issued and published by the commissioner relating to the operation of commercial canneries; and he may reinstate any license when the licensee has fully complied with all the provisions of said law, rules and regulations. ('21, c. 495, § 48; amended '27, c. 177, § 2)

3838. Inspector of canneries—The dairy and food commissioner shall appoint and assign, upon the passage of this act, an efficient and experienced food inspector who has passed required examinations, national or state, and who has a thorough knowledge of the canning business, either as processor, superintendent or as an inspector of food manufacturing factories, whose duties it shall be, in addition to his general work as food inspector, to have this inspection of canneries in charge, as required in this act; to visit and inspect canneries, as often as may be required, superintend the work of and instruct inspectors stationed at canneries and make reports thereof to the commissioner. The commissioner may allow the person appointed as such inspector, a sum of not to exceed \$600.00 annually as additional compensation for his services, and may whenever he in his judgment deems it proper for the good of the canning industry, arrange for annual scoring prize contests, on products of Minnesota canneries and for such purpose expend not to exceed \$200.00 annually. ('21 c. 495 § 49)

3839. Inspectors at commercial canneries—The commissioner shall, whenever he deems it necessary, furnish efficient inspectors at canneries while in operation, whose duties shall be to see that the canneries where assigned shall at all times comply with all food laws, national and state and all sanitary laws, rules and regulations; to superintend and see that nothing but proper raw materials, articles or substances are used with the necessary sterilization by heat in the packing and preservation of food. The commissioner, his inspector in charge of canneries or any local inspector assigned at such canneries shall be the judge of the quality of any raw material, articles or other substances used in canning, packing or preserving vegetables and/or fruits, and may, whenever they deem it necessary, condemn any such raw materials, articles or substances, as being unfit for use in the packing, canning or preservation of foods. ('21, c. 495, § 50; amended '27, c. 177, § 3)

3840. Rules and regulations for canneries—Any and all power and authority in this act conferred upon the commissioner shall be applicable for the purpose of prescribing rules and regulations for the operation of canneries, and proper labels, standards and definitions of grades on products of canneries. ('21 c. 495 § 51)

3841. Notice of intention to operate—Any person owning or operating a canning factory shall, by written notice on or before June 1st of each year, notify the commissioner whether or not such factory is to be operated during that season or year, giving kinds and varieties of products to be canned or manufactured that season. At least ten days prior to the beginning of operation of any canning factory, the commissioner shall be notified in writing of such intended operation. On or before November 15 of each year the owner, manager or superintendent of such factory shall furnish the commissioner, his agent, or inspector with a report giving such information concerning the factory as the commissioner may require. ('21 c. 495 § 52)

3842. Certificates of inspection of commercial canneries—Labels and brands—The commissioner shall furnish to each commercial cannery that shall have fully complied with the provisions of this act, a certificate of inspection that such cannery has been inspected and has complied with all laws, rules and regulations applying thereto. The commissioner may authorize the proprietor of such cannery to use the following or similar label or brand on his products: "Packed under regulations of, and in cannery inspected by Minnesota Dairy and Food Department" or such other label, trademark, device, brand or guarantee certificate, as the commissioner may designate or adopt. ('21, c. 495, § 53; amended '27, c. 177, § 4)

3843. Assessments on commercial canneries for inspections and services—Commercial canneries inspection account—Penalty for non-payment—The commissioner is hereby authorized and directed to collect from each commercial cannery, as herein defined, an assessment for inspection and services furnished, and for maintaining a bacteriological laboratory and employing a bacteriologist and such assistants as he may deem necessary, and a sufficient number of special inspectors to be assigned to canneries. The assessment to be made on each commercial cannery, for each and every packing season, shall not exceed one-half cent per case on all foods packed, canned or preserved therein, nor shall the assessment in any one calendar year to any one cannery exceed \$1,000. The commissioner may, whenever he deems it advisable, graduate and reduce the assessment to such sum as is required to furnish the inspection and laboratory services rendered. The assessment made and the sums so collected shall be deposited in the State Treasury, as other departmental receipts are deposited, but shall constitute a separate account to be known as the "Commercial Canneries Inspection Account," which is hereby created, and together with moneys now remaining in said account, is hereby set aside and appropriated as a revolving fund, to meet the expense of special inspection, laboratory and other services rendered, as herein provided. The amount of such assessment shall be due and payable on or before December 31, of each year and shall bear interest after that date at the rate of 7 per cent per annum, and if not paid on or before January 15, following, a penalty of 10 per cent on the amount of the assessment shall also be added and collected. ('21, c. 495, § 54; amended '27, c. 177, § 5)

3844. Violations of law in regard to commercial canneries—Penalty—Whoever shall, without permission of the commissioner, use any brand, label or device authorized by the commissioner, or who shall fail to furnish reports containing information required or within the time specified, or who shall fail to obey any lawful direction of the commissioner given by him in carrying out the provisions of this act, or shall use any raw materials, articles or substances, forbidden to be used in canning, packing or preserving vegetables and/or fruits, or shall violate or fail to comply with any of the provisions of this act or the rules or regulations made hereunder, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than 30 days nor more than three months for each offense. ('21, c. 495, § 55; amended '23, c. 379, § 1; '25, c. 385, § 1; '27, c. 177, § 6)

3845. Butter and cheese brands—Any person manufacturing butter in the State of Minnesota may use the stamp, brand or label hereinafter provided when authorized by the dairy and food commissioner. ('23 c. 172 § 1)

Explanatory note—Sections 56, 57, 58, 59, 60, 61, 62 and 63 of Laws 1921, c. 495 were repealed by Laws 1923, c. 172, § 1, and other sections having the same numbers were enacted in lieu thereof by said Laws 1923, c. 172, except §§ 62, 63. See § 3848.

3846. Minnesota brands—The dairy and food commissioner may authorize the use of the following stamp, brand or label for butter manufactured in the State of Minnesota. Such stamp, brand or label shall have the design and shall be of such size as the dairy and food commissioner shall adopt and designate, and shall contain the following words: "Minnesota Fancy Creamery Butter, 92 points. If not up to grade, notify Minnesota Dairy & Food Commission. No. ——— (Insert factory Number)" ('23 c. 172 § 1)

3847. Minnesota butter brands—Use of authorized, when—The commissioner may authorize the use of such stamp, brand or label only by such persons manufacturing butter who comply with the following rules:

(a) Cream must be received from all patrons at least three times per week from the 1st day of May up to and including the 30th day of September in each year, and not less than two times per week from the 1st day of October to and including April 30th thereafter.

(b) Cream must be delivered in good condition, in individual producer's cans, and when delivered must not show an acid-test above 3/10 of 1%.

(c) After such cream has been delivered to the creamery or factory it shall be pasteurized at a temperature of at least 145 degrees Fahrenheit, vat pasteurization for at least thirty minutes, and in the flash system pasteurization at a temperature of at least 180 degrees Fahrenheit.

(d) Butter made from such cream at such factory or creamery shall score at least 92% at the time of manufacture and within 15 days thereafter. ('23, c. 172, § 1; amended '25, c. 49, § 1)

3848. Application for license to use Minnesota butter brands—Fees—Samples of butter for examination—Any person desiring to use the stamp, brand or label described in this act, in the manufacture or sale of butter shall make written application for a license therefor to the commissioner which application shall describe the creamery or factory by location and name in which such butter is to be manufactured, and give such other information as the commissioner may re-

quire. A license may be granted by such commissioner to such person to use such stamp, brand or label at the creamery or factory described in the application, if the commissioner shall find, on investigation, that all the provisions of law have been complied with. Such license shall state that the stamp, brand or label provided for in this act may be used in connection with the manufacture or sale of butter from the creamery or factory described in such license. Such creamery or factory so described shall be given the same number as the serial number of the license.

No person shall use, in the manufacture or sale of butter, such stamp, brand or label without first having obtained a license therefor. Such license so granted may be revoked by the commissioner if any of the provisions of this act are not complied with. All licenses shall be numbered in serial order. All applications for license shall be accompanied by a fee of five dollars, which fee shall be returned to the applicant in the event no license is granted.

The commissioner may require any person to whom any such license may be granted to furnish from time to time for examination, samples of butter manufactured in any factory described in the license. ('23, c. 172, § 1; amended '25, c. 49, § 2)

3849. Complaint—Investigations—Licenses revoked—Whenever complaint is made in writing to the dairy and food commissioner as to the quality of any butter sold bearing the stamp, brand or label described in this act, the dairy and food commissioner shall upon receipt of such complaint immediately make investigation, and if such persons licensed to use such stamp, brand or label have not complied with, or refuses to comply with, the rules and regulations of the dairy and food commissioner and with the laws relative thereto and if such butter is found to be of an inferior quality to that prescribed by such laws, rules and regulations, the license to use such official stamp, brand or label shall be revoked and such official stamp, branch or label shall be surrendered to and taken by dairy and food commissioner. ('23 c. 172 § 1)

3850. Violation and penalties—Any person, firm, corporation or co-partnership who shall use the official stamp, brand or label mentioned in this act or any similar stamp, brand or label on any package of manufactured butter without first having obtained a license therefor from the state dairy and food commissioner shall be guilty of a gross misdemeanor. ('23 c. 172 § 1)

3851. Manufacture of oleomargarine—No person shall produce or manufacture out of or from any animal fats or vegetable oils not produced from unadulterated milk or cream from the same, the article known as oleomargarine or any article or product in imitation or semblance of natural butter produced from pure unadulterated milk or cream of the same; or mix, compound with or add to milk, cream or butter any acids or other deleterious substances or any animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or in semblance of natural butter, nor sell, keep for sale, or offer for sale any article, substance or compound, made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any person manufacturing, selling, offering or 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. ('21 c. 495 § 64)

3852. Sale, etc., of oleomargarine, with intent to deceive—No person shall manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine which shall be manufactured in imitation of, or in semblance of butter of any shade of yellow, with an intent to deceive or defraud the consumer or purchaser thereof.

If, in the manufacture of any oleomargarine, fats, oils, or other ingredients are selected and used in such proportions as to cause the oleomargarine so manufactured to resemble butter of any shade of yellow, such fats shall be prima facie evidence in any prosecution under this section that such oleomargarine was manufactured with an intent to deceive or defraud the consumer or purchaser thereof. ('21 c. 495 § 65)

3853. Oleomargarine, labeling of—It shall be unlawful for any person to manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine made wholly or partly out of fats, oils or oleaginous substances or compound thereof unless each receptacle and package in which the same is kept for sale or sold has securely affixed upon the side thereof, a white or light colored label which shall be printed in the English language with black ink in type not smaller than 36-point bold-faced gothic capitals the word "oleomargarine" and immediately thereafter under the same label in the same colors there shall be printed in the English language, in 8-point bold-faced gothic capitals, the name and, with substantial accuracy, the percentage of each ingredient contained in such oleomargarine, giving the name of each animal or vegetable from which such fats or oils are derived. ('21 c. 495 § 66)

3854. Labeling—It shall be unlawful for any person to sell or offer or expose for sale, or have in possession with intent to sell, any oleomargarine which is not marked and distinguished on the outside of each tub, package, or parcel, thereof in a conspicuous place, by a placard with the word "oleomargarine" printed in English thereon; such placard to be placed in a conspicuous position in full view of the purchaser; and the said word "oleomargarine" on such placard shall be printed in plain uncondensed gothic letters, each letter not less than one inch in height, and such placard shall contain no other words thereon; and there shall also be displayed upon each tub, package or parcel containing such oleomargarine in the same manner and in a conspicuous position, a placard with the word "oleomargarine" 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 un-

lawful 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. ('21 c. 495 § 67)

3855. Oleomargarine—Serving as butter—It shall be unlawful for the proprietor of any hotel, dining room, dining car, drinking place, cafe, bakery, boat, lumber camp, mining camp, railroad camp, boarding house, or hospital, or any place where guests, boarders or patients are served with food for pay, or for any managing agent or servant of such proprietor, to serve as or for butter, or as a substitute thereof, any oleaginous substance or compound other than that produced wholly from pure, unadulterated milk or cream, unless he or they shall cause to be plainly printed in English upon every bill of fare, if one be used, and in letters not smaller than eight-point bold faced gothic capitals, the words "oleomargarine used in place of butter" and in case no bill of fare be used, the manager or person in charge of such establishment shall cause to be posted upon each side of the dining car or eating room, in a conspicuous position and in letters large enough to be distinctly seen and read from all parts of said room, placards containing on the face thereof the words in the English language "oleomargarine used in place of butter," and such person shall keep said placards continuously posted as aforesaid as long as such butter substitute be kept or used. ('21 c. 495 § 68)

3856. Cold storage eggs to be labeled—No person shall sell, agree to sell, or advertise for sale any cold storage eggs without making it known to the purchaser or prospective purchaser that the eggs are cold storage eggs, and all boxes or other receptacles in which cold storage eggs are sold or delivered at wholesale or retail, shall be stamped in a conspicuous manner with the words "cold storage eggs." ('21 c. 495 § 69)

3857. Sale, etc., of eggs unfit for human food—No person shall sell, offer or expose for sale, or have in his possession, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food. For the purpose of this act, an egg shall be deemed unfit for human food if it be added or mouldy, a black rot, a white rot, or a blood ring; or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood ring stage; or if it consists in whole or in part of a filthy, decomposed or putrid substance. ('21 c. 495 § 70)

3858. Eggs, dockage of—Candling—Reports—No person, firm or corporation shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section 70 of this act than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the dairy and food commissioner. All such records shall be open at all reasonable times for examination by the dairy and food commissioner, or his assistants, agents, inspectors or employes. Every person engaged in the business of buying eggs for exchange or consignment in this state, shall, within ten days after receipt of any shipment or consignment of eggs, render a detailed and accurate

statement to the person by whom such shipment or consignment of eggs was shipped or consigned. The return statement shall truthfully and accurately classify the grade of eggs received according to the general commercial standard and shall include the following information: The number of cases of eggs received, the number of No. 1 eggs, the number of No. 2's, or seconds, the number of cracked, the number of leakers, and the number of rots, as defined in section 70 of this act. The term "candling" as used herein shall be construed to mean the careful examination, in a partially dark room or place of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the dairy and food commissioner. Every person engaged in the business of buying eggs in this state for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs which are intended to be used for human food. ('21 c. 495 § 71)

3859. Eggs—Candling certificate—There shall be placed on the top layer under the top flap of every case of candled eggs, by the person candling the same a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than 2½ by 4¼ inches and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials or number of the person candling the eggs, and the name of this state and the license number of the person for whom the eggs were candled. ('21 c. 495 § 72)

3860. Eggs—License for selling—No person shall engage in the business of buying, selling, dealing in or trading in eggs, except those retailers who do not buy direct from the producers and who do not sell in lots greater than one case, without first obtaining from the dairy and food commissioner a license to conduct such business. Such officer upon receipt of a proper application upon forms such as he may prescribe, accompanied by an annual license fee of \$1.00, shall thereupon issue to such person an annual license to engage in such business. Each license shall expire on the first day of March next after its issue.

The dairy and food commissioner shall determine the conditions under which eggs previously candled shall be recandled before sale in order to safeguard the purchaser against buying as a part of a lot, eggs unfit for human food. ('21 c. 495 § 73)

3861. Civil service—Office of dairy and food commissioner—Before any person shall be eligible to appointment as an inspector in the dairy and food department, except special inspectors to be stationed at canneries while operating, he shall be required to pass a competitive examination touching his general qualifications and proficiency and such general knowledge of the trade and technical phases of the work required in such position as may be deemed necessary by a board of examiners to the proper discharge of the duties of such position. And no person shall be eligible to such appointment unless in addition to the examination requirements herein specified, he shall satisfy the board as to his moral, mental and physical fitness to hold such position. All applicants must be citizens of the United States and must have resided in the state of Minnesota at least one year before receiving an appointment under the provisions of this act. All appointments and removals under the provisions of this act shall be made by the officer now authorized by law to make such appointments and removals. In case of the removal of any such inspector, a statement in writing giving the reasons for such re-

moval shall be filed by the person making such removal with the secretary of state, which shall be open to public inspection, but the inspector against whom such statement has been filed shall, on written request, be given a hearing before the board of examiners within fifteen days from the filing of such request. The failure to make and file such statement within five days after such removal shall operate to reinstate such official or employe. No removal of any inspector shall be made except for neglect of duty, incompetence, insubordination or immorality. ('21 c. 495 § 74)

Appointment of dairy and food and oil inspectors, see § 53-38, herein.

3862. Civil service—Board of examiners—To carry out the provisions of the preceding section of this act, a board of examiners is hereby created consisting of the state dairy and food commissioner, the dean of the agricultural college and the attorney general. In case of death or inability to act as one of three persons herein designated, the governor of the state shall appoint some person temporarily to act in his place. The state dairy and food commissioner shall be secretary of such board and shall keep all the records which shall contain all the proceedings of the board in reference to examinations and of its actions in carrying out the provisions of this act. The secretary of the board shall likewise keep and have open to the inspection of the public, a list of the names of the persons who are eligible to appointment. Two members of the board shall constitute a quorum for the transaction of business. A chairman shall be elected by the board from its number. None of the members of the board shall receive any compensation for their services herein required, except their reasonable and necessary expenses, which shall be paid out of the fund appropriated for the maintenance of the state dairy and food department in the same manner as other charges against such fund are paid. ('21 c. 495 § 75)

3863. Civil service—Duty of board of examiners—The board of examiners shall provide for such examinations, suitable lists of questions, which shall be submitted to the applicants in such manner as the board may determine; and a list shall be made of the successful applicants, and from which list the state dairy and food commissioner shall make selections for the positions above named. ('21 c. 495 § 76)

3864. Examiners—The board of examiners shall convene for the purpose of holding the first examination the second Monday in January, 1921, and annually thereafter. Special examinations may be called by the board upon written request of the commissioner, provided that, except for extraordinary reasons, it shall not be necessary to call special examinations if there be a sufficient number of eligibles remaining from previous examinations. Any person who shall pass such examination shall be eligible to appointment at any time within one year from the date of his examination, provided he shall remain morally, mentally and physically fit. Thirty days' notice, signed by the secretary of the board, of any examination held hereunder shall be given by one publication in two St. Paul daily newspapers of opposite political faith, such notice to state the time and place thereof and in general terms the subject matter upon which applicants will be examined. All examinations shall be held in the city of St. Paul at some suitable place therein to be fixed by the board. If more applicants than are necessary to fill vacancies shall have passed such examination, or series of examinations, the commissioner shall have authority to select from such entire list, but without

3862
29 — 164

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. ('21 c. 495 § 77)

3865. Construction of act—This act is intended to be a restatement of existing laws, with such changes as appear, and its provisions, so far as they are the same as those of existing statutes, shall be construed as continuations thereof, and not as new enactments. Any of the provisions of this act inconsistent with the existing code of criminal procedure or penal law shall be effective for the purposes of this act only. ('21 c. 495 § 78)

3866. Provisions severable—The provisions of this act, and each part thereof, and its sections and each part thereof, are independent and severable, and if any provisions or part thereof, or section or part thereof, be held unconstitutional or invalid, no other provision or part thereof or section or part thereof shall thereby be impaired or rendered unconstitutional or invalid. ('21 c. 495 § 79)

3867. Not to affect the feeding stuff control law—Nothing in this act shall be construed to change, modify, amend, or in any manner affect any of the provisions of chapter 260, Session Laws 1919, approved April 15, 1919, entitled: "An act to prevent fraud and deception in the manufacture and sale of concentrated commercial feeding stuffs and providing for registration and labeling thereof and repealing chapter 383, General Laws of Minnesota 1907, and all other acts or parts of acts inconsistent herewith." And said chapter 260, Session Laws 1919, shall continue in full force and effect. ('21 c. 495 § 80)

Explanatory note—For Laws 1919, c. 260, see § 3874 to 3885, herein.

Laws 1907, c. 383, was repealed. See § 3885, herein.

3868. Certain other laws not repealed—Nothing in this act shall be construed to affect or repeal Session Laws 1901, Chapter 117, being R. L. 1905, Section 4993, Session Laws 1895, Chapters 200, 201, being R. L. 1905, Sections 4994, 4995, nor Sessions Laws 1905, Chapter 323, nor Session Laws 1915, Chapter 335. ('21 c. 495 § 81)

3869. Implied repeals—Saving clause—Save as aforesaid, all acts and parts of acts inconsistent with the provisions of this act and not herein expressly repealed, are hereby repealed. ('21 c. 495 § 82)

3870. Repeals—The said laws hereafter enumerated shall be expressly repealed from and after the taking effect of this act.

Session Laws 1905, Chapters 158 and 300.

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

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

Session Laws 1909, chapters 353, 428 and 498.

Session Laws 1911, chapters 183, 213 and 310.

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

Session Laws 1915, chapters 18 and 368.

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

Extra Session Laws 1919, chapter 16.

Nothing herein shall be construed as a legislative declaration that any law so enumerated has not heretofore been expressly or impliedly repealed. ('21 c. 495 § 83)

3871. Definitions—Evidence of intent—The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, co-partnerships, companies, societies and associations. The word "men" shall include "women." No person who shall commit or assist in committing any offense herein defined shall be exempt from conviction and punishment therefor for the reason that he acted as the agent, employe, or representative of another. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, co-partnership, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, co-partnership, company, society or association, as well as that of the person.

The words "sell" and "sale" as used herein shall be construed as including the keeping, offering or exposing for sale, use, transportation or exchange of the restricted, regulated or prohibited article, the having of any such article in possession with intent to sell, use, transport or exchange the same, and the storing, carrying or handling thereof in aid of traffic therein, whether done or permitted in person or through others. The having in possession of any article, the manufacture, sale, use or transportation of which is restricted, regulated or forbidden by this act, shall be deemed prima facie evidence of intent to sell, manufacture, transport or use the same in violation of law. ('21 c. 495 § 84)

3872. Tenure of office preserved—Whoever, when this act takes effect, holds an office under any of the laws thereby repealed, shall continue to hold it according to the tenure thereof, unless it is abolished or unless a different provision relative thereto is made by this act. ('21 c. 495 § 85.)

3873. Effect of repeal—Whenever a law is repealed by this act, which repealed a former law, the former law shall not thereby be revived, unless it is so specially provided; nor shall such repeal affect any right accrued, any duty imposed, any penalty incurred, or any proceeding commenced or to be commenced, under or by virtue of the law repealed. ('21 c. 495 § 86)

3873-1. Records and reports of persons purchasing, manufacturing or selling dairy products, and owners of skimming stations or places engaged in business of purchasing milk or cream, and operators of condenseries, creameries, milk factories and cheese factories—Person defined—The word "person" as used in this act shall mean persons, firms, corporations, co-partnerships and associations. ('27, c. 169, § 1)

3873-2. Same—Records required—Contents—Every person engaged in the purchase, manufacture or sale of dairy products, and all owners of skimming stations or other places engaged in the business of purchasing milk or cream, and operators of condenseries, creameries, milk factories and cheese factories, shall keep in proper books true and full records of all milk, cream, butterfat and other dairy products purchased, received, shipped, stored or handled by them, the amounts paid therefor the names of patrons, as well as the amounts received for butter sold, the number of pounds of butter shipped out of the state and the names of persons to whom shipped, the pounds of butter sold within the state, the total pounds of butter or cheese manufactured, the total pounds of butterfat, the net price received for all butter sold, the cost per pound for making butter or cheese, the amount of overrun of butter manufactured from butterfat and

cream, the average test of cream and of milk and butterfat handled, and the operating expense of such person, owner or operator, including the salaries of employees, boards of directors and others. ('27, c. 169, § 2)

3873-3. Same—Reports required—Contents—Every such person, owner or operator shall on or before the first day of March in each year and at such other times as the dairy and food commissioner, hereinafter called the commissioner, may fix or require, render to the commissioner on blank forms prepared by him, itemized and verified reports of all business transacted by him as set out in Section 2 hereof during the preceding calendar year. Such reports shall state the name of the creamery or other business engaged in within the requirements of this act, the village or city and county in which the same is located, the number of patrons, the receipts for butter sold, the number of pounds of butter shipped out of the state and the names of the persons to whom shipped, the number of pounds of butter sold in the state, the total pounds of butter manufactured, the net price received for all butter sold, the cost per pound for making butter, the overrun of butter manufactured over the number of pounds of butterfat handled, purchased or used in the manufacture of butter, the average test of cream and butterfat and of milk, the amount paid patrons for butterfat, the amount of expenses and salaries paid during the year, the name of the butter maker or person in charge of such business, and the name of the president and secretary, if the business is conducted by any one except an individual; such reports shall also contain such further information as from time to time may be required by the commissioner, and a duplicate copy thereof shall be retained by such persons, owner or operator in his files, which shall be subject to examination by the commissioner at any time. ('27, c. 169, § 3)

3873-4. Same—Inspection of books and records of persons, etc.—The books and records of all persons, owners and operators coming within the provisions of Section 2 of this act shall be open for the inspection of the commissioner and his deputies or employes at all times, who shall make such examination thereof as is desired or deemed necessary by the commissioner. ('27, c. 169, § 4)

3873-5. Same—Failure to keep records or make reports—Penalty—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('27, c. 169, § 5)

MISCELLANEOUS

ANIMAL FEED

3874. Statement of concentrated feeding stuff to be filed with dairy and food commissioner—That before any concentrated commercial feeding stuff is sold, offered or exposed for sale in Minnesota, the manufacturer, importer, dealer, agent or person who causes it to be sold or offered for sale, by sample or otherwise, within this state, shall file with the dairy and food commissioner of the state of Minnesota, a statement that such manufacturer, importer, dealer, agent or person desires to offer for sale such concentrated commercial feeding stuff, in this state, and also a certificate, the execution of which shall be sworn to before a notary public, or other proper official, for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, the name, brand or trade-mark under which the concentrated commercial feeding stuffs will be sold, the ingredients from which the concentrated commercial

feeding stuffs are compounded, and the minimum percentage of crude fat and crude protein, allowing one per cent of nitrogen to equal 6.25 per cent of protein, and the maximum percentage of crude fiber which the manufacturer or person offering the concentrated commercial feeding stuff for sale guarantees it to contain. ('19 c. 260 § 1)

3875. Statement to be affixed to packages and samples—Any person, company, corporation or agent who shall sell, offer or expose for sale or distribution in this state, any concentrated commercial feeding stuffs shall affix, or cause to be affixed, to every package or sample of such concentrated commercial feeding stuffs, in a conspicuous place on the outside thereof, a tag or label which shall be accepted as a guarantee of the manufacturer, importer, dealer or agent, and which shall have plainly printed thereon in the English language, the number of net pounds of concentrated commercial feeding stuffs in the package, the name, brand or trade-mark under which the concentrated commercial feeding stuffs are sold, the name of the manufacturer, the location of the principal office of the manufacturer, and the guaranteed analysis, stating minimum percentage of crude fat and crude protein, and the maximum percentage of crude fiber, determined as provided in the provisions of this act, and the ingredients from which the concentrated commercial feeding stuff is compounded. For each one hundred pounds, or fraction thereof, the person, company, corporation or agent shall also affix the tag or label purchased from the dairy and food commissioner of the state of Minnesota, showing that the concentrated commercial feeding stuff has been registered as required by the provisions of this act, and that the inspection tax has been paid. When the concentrated commercial feeding stuff is sold in bulk, a tag, as hereinbefore described, shall be delivered to the consumer with each 100 pounds or fraction thereof, provided, that the state dairy and food commissioner's tags and labels shall be issued to cover twenty-five, fifty and one hundred pounds; provided further, that the state dairy and food commissioner is authorized to issue tags or labels of other denominations. ('19 c. 260 § 2)

3876. Registration by dairy and food commissioner and tags and labels to be supplied—Fees—The state dairy and food commissioner shall register the facts set forth in the certificate required by section 1 of this act in a permanent record, and shall furnish tags or labels showing the registration of such certificate to manufacturers or agents desiring to sell the concentrated commercial feeding stuff so registered at such times and in such numbers as the manufacturers or agents may desire; provided, that the state dairy and food commissioner shall not be required to sell tags or labels in less amount than to the value of five dollars (\$5.00) or multiple of five dollars, for any one concentrated commercial feeding stuff; provided further, that the state dairy and food commissioner shall not be required to register any certificates unless accompanied by an order and fees for tags or labels to the value of five dollars (\$5.00) or some multiple of five dollars; provided further, that such tags or labels shall be printed in such form as the state dairy and food commissioner may prescribe; provided, however, that each package or container of a concentrated commercial feeding stuff offered for sale in the state of Minnesota, containing one or more of the materials of low feeding value enumerated in section six of this act, in which the maximum crude fiber content of such concentrated commercial feeding stuff is twelve and one-half per cent or more, or the minimum crude protein

of such concentrated commercial feeding stuff is nine per cent or less, shall have attached to it a yellow tag or label, identical with the official tag as prescribed by the state dairy and food commissioner, except in color, and that there should be printed on this tag, in red ink, the per cent present of each material enumerated in section six, or the names and total per cent of all such materials or the names and maximum per cent thereof; provided further, that such tags or labels shall be good until used. ('19 c. 260 § 3)

3877. Sworn statement to be filed annually—On or before January 31st of each year, each and every manufacturer, importer, dealer, agent or person, who causes any concentrated commercial feeding stuff to be sold or offered or exposed for sale in the state of Minnesota, shall file with the state dairy and food commissioner of the state of Minnesota a sworn statement, giving the number of net pounds of each brand of concentrated commercial feeding stuff that such manufacturer, importer, dealer, agent, persons or person has sold or caused to be offered for sale in the state, for the previous year, ending with December 31; provided, that when the manufacturer, jobber or importer of any concentrated commercial feeding stuff shall have filed the statement aforesaid, any persons or person acting as agent for such manufacturer, importer or jobber, shall not be required to file such statement. ('19 c. 260 § 4)

3878. Fees for registering, inspecting and analyzing concentrated commercial feeding stuffs—Disposition of—Reports to Governor as to fees received and expenditures made, etc.—For the expenses incurred in registering, inspecting and analyzing concentrated commercial feeding stuffs, the state dairy and food commissioner shall receive for tags or labels furnished, to cover one hundred pounds, 80 cents for each one hundred tags or labels; to cover fifty pounds, 50 cents for each one hundred tags or labels; to cover twenty-five pounds 30 cents for each one hundred tags or labels; provided, that if the state dairy and food commissioner should, at his discretion, issue tags or labels to cover more than one hundred pounds or less than twenty-five pounds, as is provided in the provisions of this act, he shall receive for all tags or labels in excess of one hundred pounds, a proportional rate on the basis of a one hundred pound tag, and for all tags or labels issued in denominations of less than twenty-five pounds, he shall receive not less than 20 cents for each one hundred tags or labels. The money for said tags or labels shall be forwarded to the state dairy and food commissioner, who shall pay all such fees received by him to the treasurer of the state of Minnesota, who shall expend the same, on proper vouchers, to be filed with the auditor of the state in meeting all necessary expenses in carrying out the provisions of the act, including the employment of inspectors, chemists, expenses in procuring samples, printing bulletins giving the results of the work in feeding stuff inspection, as provided for by this act, and for any other expenses deemed necessary by the state dairy and food commissioner for carrying out the provisions of this act. The state dairy and food commissioner shall make to the governor on or before the first day of January of each year, a classified report showing the total receipts and expenditures of all fees received under the provisions of this act, as well as a statement showing the number of samples procured, the number of analyses made, and the names of manufacturers, importers, agents or dealers who have failed to comply with the provisions of this act, or whose concentrated commercial feed-

ing stuffs were found upon analysis to be below that guaranteed upon the tag or label. ('19, c. 260, § 5; amended '25, c. 179, § 1)

3879. Certain adulterations prohibited from commercial feeding stuffs—No person, company, corporation or agent shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuffs which is adulterated with any foreign mineral matter or damaged feeding materials which have been reduced in feeding value to an extent as to be rendered unwholesome, or any foreign substance of low feeding value, such as mill, elevator, boat or other sweepings or dust; buckwheat hulls, cottonseed hulls, peanut hulls, peanut shells, rice hulls, oat hulls, corn cobs ground, cocoa shells, clipped oat by-products, ground or unground hulls, chaff, dust or other inferior cleanings derived from the preparation, cleaning or milling of any seed or grain when separated from the standard product, humus, peat, sphagnum moss, ivory nut turnings, ground corn stalks, flax plant by-products, sorghum pulp, ground or shredded straw or hay (excepting alfalfa meal or similar leguminous meals), sawdust, tree bark, cellulose or dirt, coffee hulls or chaff, or any other materials of equally low feeding value, without plainly stating on the tags or labels hereinbefore described, the components of such mixture, using the names by which each ingredient is commonly known. Provided, that if any concentrated commercial feeding stuff is adulterated with humus, peat or sphagnum moss, the maximum percentage of such humus, peat or sphagnum moss present in the concentrated commercial feeding stuff must also be stated upon the tag or label.

Provided further, that no concentrated commercial feeding stuffs shall be adulterated with any substance injurious to the health of domestic animals. ('19 c. 260 § 6)

3880. Powers granted state dairy and food commissioner—The state dairy and food commissioner or any person deputized by him is hereby empowered to procure from any lot, parcel or package of any concentrated commercial feeding stuff offered for sale or found in the state of Minnesota; and upon tender and full payment of the selling price of said sample take therefrom a quantity of commercial feeding stuff of not less than two pounds; provided, that such sample shall be obtained during reasonable business hours, or in the presence of the owner of the concentrated commercial feeding stuff, or in the presence of some person claiming to represent the owner. ('19 c. 260 § 7)

3881. Standards and definitions authorized to be promulgated—The state dairy and food commissioner is hereby empowered to promulgate standards and definitions for concentrated commercial feeding stuffs, and to subscribe and enforce such rules and regulations, relating to concentrated commercial feeding stuff as he may deem necessary to carry into effect the full intent and meaning of this act, and to refuse the registration of any concentrated commercial feeding stuff under a name which would be misleading as to the materials of which it is made or when the percentage of crude fiber is above or the percentage of crude fat or crude protein below the standards adopted by the state dairy and food commissioner for concentrated commercial feeding stuffs. The state dairy and food commissioner is further empowered to refuse to issue tags or labels to any manufacturer, importer, dealer, agent or person who shall sell or offer or expose for sale any concentrated commercial feeding stuff in the state of Minnesota and refuse to submit a

sworn statement as required by the provisions of this act. ('19 c. 260 § 8)

3882. County attorneys to prosecute for violations—It shall be the duty of every prosecuting attorney to whom the state dairy and food commissioner shall report any violation of this act to cause proceedings to commence against the person or persons so violating this act, and the same prosecuted in the manner required by law. ('19 c. 260 § 9)

3883. Articles included within terms—The term "concentrated commercial feeding stuffs" as used in this act shall include linseed meals, cocoanut meals, gluten feeds, gluten meals, germ feeds, corn feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, dried distiller's grains, dried beet refuse, hominy feeds, cerealine feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, wheat bran, wheat middlings, wheat shorts and other mill by-products not excluded in this section, ground beef or fish scraps, dried blood, blood meals, bone meals, tankage, meat meals, slaughter house waste products, mixed feeds, clover meals, alfalfa meals and feeds, pea vine meal, cottonseed meal, sunflower oil cake, velvet bean meal or any other leguminous meal, mixed feeds and mixed meals made from seeds or grains and all materials of similar nature used for food for domestic animals, condimental feeds, poultry feeds, stock feeds, patented proprietary or trade and market stock and poultry feeds; but it shall not include straws, hays, whole seeds, unmixed meals, made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn, nor wheat flours or other cereal flours. ('19 c. 260 § 10)

3884. Violations a misdemeanor—Any person, company, corporation or agent that shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuff which has not been registered with the state dairy and food commissioner as required by the provisions of this act, or which does not have affixed to it a tag or label required by the provisions of this act, or which is found by an analysis made by or under the direction of the state dairy and food commissioner to contain a smaller percentage of crude fat or crude protein than the minimum guarantee, or a greater percentage of crude fiber than the maximum guarantee or which shall be labeled with a false or inaccurate guarantee, or who shall alter the tags or labels of the state dairy and food commissioner, or who shall use the name and title of the state dairy and food commissioner, or who shall use the tags or labels of the state dairy and food commissioner a second time, or who shall refuse or fail to make the sworn statement required under the provisions of this act, or who shall prevent or strive to prevent the state dairy and food commissioner, or any person or persons deputed by him, from inspecting and obtaining samples of concentrated commercial feeding stuffs, as provided for in this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of fifty dollars for the first offense, and in the sum of one hundred dollars for each subsequent offense. In all litigation arising from the purchase or sale of any concentrated commercial feeding stuff in which the composition of the same may be involved a certified copy of the official analysis signed by the state dairy and food commissioner or the chemist authorized by the state dairy and food commissioner to make such analysis, shall be accepted as prima facie evidence of the composition of such concentrated commercial feed stuff; provided,

that nothing in this act shall be construed to restrict or prohibit the sale of concentrated commercial feed stuff in bulk to each other by importers, manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, or as preventing the free, unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, or to prevent the state dairy and food commissioner or any person or persons deputed by the state dairy and food commissioner, or the Minnesota agricultural experiment station, or any person or persons in the employ of the Minnesota agricultural experiment station, making experiments with concentrated commercial feeding stuffs for the advancement of the science of agriculture. ('19 c. 260 § 11)

3885. Chapter 383, General Laws 1907 repealed—Chapter 383, General Laws of Minnesota for the year 1907 is hereby repealed and all other acts and parts of acts inconsistent herewith are hereby repealed. ('19 c. 260 § 12)

3886. Sale of certain feeds prohibited—That it shall be unlawful for any manufacturer, company or person to sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff as defined in Section 10, Chapter 260, Laws of 1919, used for feeding farm live stock, which shall contain any weed seeds in which the germ and life has not been destroyed; provided, that this section shall not be deemed to make unlawful any sale by a retailer, who was not able, by reasonable diligence, to ascertain before such sale, the presence in any such concentrated commercial feeding stuff sold of such noxious seeds. ('23 c. 117 § 1)

Explanatory note—For Laws 1919, c. 260, § 10, see § 3883, herein.

3887. Sale of screenings prohibited—Exceptions—It shall be unlawful for any manufacturer, company or person to sell, offer or expose for sale, any screenings taken from any grain or seeds which shall contain any noxious or poisonous weed seeds the viability of which has not been destroyed; provided, that nothing in this section shall be construed to restrict or prohibit the sale of screenings to each other by jobbers, manufacturers or manipulators who mix or grind concentrated commercial feeding stuff for sale; provided further, that nothing in this section shall prohibit the sale of screenings in closely woven and securely tied sacks to purchasers who feed same to sheep which are kept and fed within enclosures. ('23 c. 117 § 2)

3888. Penalties for violation—Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 and not more than \$100.00 or by imprisonment for not less than thirty days nor more than ninety days. ('23 c. 117 § 3)

3889. Duty of commissioner—The state dairy and food commissioner, his inspectors, 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 260, Laws of 1919, and Chapter 495, Laws of 1921. ('23 c. 117 § 4)

Explanatory note—For Laws 1919, c. 260, see §§ 3874 to 3885, herein.

For Laws 1921, c. 495, see §§ 3788 to 3873, herein.

CANNED GOODS

3890. Manufacture and sale of canning compounds prohibited—It shall be unlawful for any person to

manufacture for sale within the State of Minnesota any article to be used as a canning compound or chemical preservative in the canning and preserving of fresh fruits and vegetables which is adulterated within the terms of this act, nor shall any person add to, apply or use, in the process of canning fruits or vegetables, any canning compound which is adulterated within the terms of this act.

Provided, that no article shall be deemed adulterated within the provisions of this act when intended for export to any foreign country or purchaser, and prepared and packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not except said article from the operation of any of the other provisions of this act. ('15 c. 335 § 1)

3891. Possession a misdemeanor—The having in possession of any preservative compound which is adulterated as herein defined, with intent to sell the same, is hereby prohibited, and whoever shall have in his possession with intent to sell, sell or offer for sale any preservative compound, which is adulterated within the meaning of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as hereinafter provided.

Proof that any person, firm or corporation has or had possession of any preservative compound which is adulterated within the terms of this act shall be prima facie evidence that the possession thereof is in violation of this section. ('15 c. 335 § 2)

3892. Definition of term—The term "Preservative Compound," as used herein, shall include all articles used for preservative purposes, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof. ('15 c. 335 § 3)

3893. Contents of compound—That for the purposes of this act a preservative compound shall be deemed to be adulterated if it contain any added poisonous or other added deleterious, unwholesome and injurious ingredient which may render said article injurious to public health; and formaldehyde, hydrofluoric acid, salicylic acid, sulphurous acid, and all compounds and derivatives thereof, are hereby declared unwholesome and injurious. ('15 c. 335 § 4)

3894. Dairy and food commissioner to enforce provisions—The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act. ('15 c. 335 § 5)

3895. Violation a misdemeanor—Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and violation thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100), or by imprisonment in the county jail for not more than three (3) months. ('15 c. 335 § 6)

Explanatory note—Laws '15, c. 335, § 6 repeals Laws '12, c. 441 (G. S. '13, §§ 3725 to 3727).

FERTILIZERS

3896. Ingredients of fertilizer to be stated on label—That any person, firm or corporation who shall offer, sell or expose for sale, in the State of Minnesota, any commercial fertilizer the price of which exceeds five dollars (\$5.00) per ton, shall affix to every package, in a conspicuous place on the outside thereof, or furnish to the purchasers of goods sold in bulk, a plainly printed certificate, naming the materials, including the filler, if any, of which the fertilizer is

made, stating the number of pounds in the package sold, the name or trade-mark under which the article is sold, the name of the manufacturer and the place of manufacture; and a chemical analysis, stating the minimum percentage of nitrogen in available form, of potassium soluble in water, of phosphorus in available form (soluble or reverted) and of insoluble phosphorus. ('15 c. 251 § 1)

3897. Certified copy of certificate to be filed with dairy and food commissioner—Before any commercial fertilizer is sold, or offered for sale, the manufacturer, importer or party who causes it to be sold, or offered for sale, within the State of Minnesota, shall file in the office of the dairy and food commissioner a certified copy of the certificate referred to in Section 1 of this act and shall pay to the dairy and food commissioner on or before May 1st of each year a license fee of ten dollars (\$10.00) for each brand of fertilizer offered for sale or sold within the state. Provided, that whenever the manufacturer or importer shall have paid the license fee herein required for any year, no other person shall be required to pay such license fee for that brand. ('15 c. 251 § 2)

3898. Dairy and food commissioner to enforce provisions—The state dairy and food commissioner and his assistants shall enforce the provisions of this act, and he may publish annually a report of all analysis made and certificates filed. The inspectors and assistants of the dairy and food commissioner shall exercise, in the enforcement of this act, all the authority and powers now granted such assistants under the food and dairy laws of the State of Minnesota. The state dairy and food commissioner is hereby authorized, in person or by deputy, to take for analysis a sample from any lot or package of commercial fertilizer in this state, not exceeding two pounds in weight. ('15 c. 251 § 3)

3899. Violation a misdemeanor—Any person, firm or corporation who shall offer or expose for sale or sell any commercial fertilizer in the State of Minnesota without complying with the provisions of this act, or who shall use an analysis regarding any commercial fertilizer, which shall be false as to the constituents named in Section 1 of this act, or who shall obstruct or interfere with the dairy and food commissioner, or any of his assistants, in the discharge of their duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. ('15 c. 251 § 4)

Section 1 is § 3896, herein.

ADULTERATED OR MISBRANDED DRUGS.

3899-1. Manufacture, sale, etc., of adulterated, mislabeled or misbranded drugs prohibited—Penalty—The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale, within the state of Minnesota, of any drug which is adulterated, mislabeled or misbranded, within the meaning of this act, is hereby prohibited. Any person, firm, company, or corporation who shall manufacture or produce, prepare or compound, pack or sell, offer for sale or keep for sale, within the state of Minnesota, any such adulterated, mislabeled or misbranded drug, shall be guilty of a misdemeanor. ('21, c. 190, § 1)

Explanatory note—Section 14 of Laws 1921, c. 190, repeals all inconsistent acts or parts of acts.

3899-2. Drug defined—That the term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharma-

copoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. ('21, c. 190, § 2)

3899-3. Standards of purity of drugs—Regulations by State Board of Pharmacy—The standard of purity of drugs shall be the United States Pharmacopoeia or National Formulary. The regulations and definitions adopted for the enforcement of the National Food and Drugs Act of June 30, 1906, and any amendments thereof, may be adopted by the State Board of Pharmacy so far as applicable to the provisions of this act and the Board may adopt such other rules and regulations as may be necessary for the enforcement of this act. ('21, c. 190, § 3)

3899-4. Drugs deemed adulterated—Drugs shall be deemed adulterated within the meaning of this act in any of the following cases.

First: If, when a drug is sold under or by a name used in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time. Provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the package thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second: If the strength or purity fall below the professed standard or quality under which it is sold. ('21, c. 190, § 4)

3899-5. Misbranded defined—That the term "misbranded" as used herein shall apply to all drugs, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug which is falsely branded or labeled as to the county, city and county, city, town, state, territory, District of Columbia or foreign country in which it is manufactured or produced. ('21, c. 190, § 5)

3899-6. Drugs deemed mislabeled or misbranded—Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases:

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

Second: If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package as offered for sale at retail or wholesale, fail to bear a statement on the label of the percent by volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, canabis indica, chloral hydrate, acetanilide or any derivative or preparation of any such substances contained therein, except when prescribed by a physician, dentist, or veterinarian duly licensed to practice under the laws of this state.

Third: If its package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false and fraudulent. ('21, c. 190, § 6)

3899-7. Package defined—The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or

barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, packer or dealer, for enclosing any drug but shall not include any shipping container in which properly marked packages are contained. ('21, c. 190, § 7)

3899-8. Sale or offer for sale prima facie evidence of violation of law—The sale or offering for sale, within this state, of any adulterated, mislabeled or misbranded drug by any manufacturer, producer, jobber, packer or dealer in drugs, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer, shall be prima facie evidence of the violation of this act. ('21, c. 190, § 8)

3899-9. Refusal to sell samples prima facie evidence of violation of law—It shall be prima facie evidence of the violation of this act for any person to refuse to sell to any agent of the state board of pharmacy, any sample of drug upon tender of the market price therefor, or to conceal any such drug from such officer, or to withhold from him information where such drug is kept or stored. ('21, c. 190, § 9)

3899-10. Duties of State Board of Pharmacy—It shall be the duty of the State Board of Pharmacy to enforce the provisions of this act and the power and authority of the said Board as now defined by the laws of this state are hereby extended so as to be commensurate with the duties hereby imposed. ('21, c. 190, § 10)

3899-11. Penalties for violations of law—Disposition of—That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, for each offense, upon conviction thereof, be fined not to exceed fifty dollars; and upon conviction for any second or subsequent offense, shall be fined not to exceed one hundred dollars, and upon each conviction the person so convicted shall, in addition to the fine herein mentioned, pay all the cost of prosecution, including the expense incurred in examining and analyzing the article found to have been adulterated or misbranded; and all fines paid and collected for violations of this act shall be paid to the State Board of Pharmacy forthwith, the provisions of any statute, ordinance or charter to the contrary notwithstanding. The fines so collected shall be kept in a separate fund by the said Board, to be used in the enforcement of the provisions of this act. But the Board may use so far as they deem necessary other moneys in its hands for this purpose. ('21, c. 190, § 11)

3899-12. Application of law—The provision of this act relating to misbranding shall not apply to the distribution or sale, or to the possession with intent to distribute or sell by any dealer, of such drugs as may be in such dealer's stock, in this state, on October first, one thousand nine hundred and twenty-one; Provided, That the package or other container in which said drugs shall be contained shall be plainly and conspicuously marked with the words and figures: "On hand October first, one thousand nine hundred and twenty-one." ('21, c. 190, § 12)

INSECTICIDES

3900. 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) [3752]

3901. "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) [3753]

3902. 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) [3754]

3903. 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) [3755]

3904. 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) [3756]

3905. Duty of commissioner—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) [3757]

3906. 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) [3758]

MINNESOTA CAUSTIC ALKALI OR ACID ACT.

3906-1. Definitions—That in this act, unless the context or subject-matter otherwise requires,

A. The term "dangerous caustic or corrosive substance" means each and all of the acids, alkalis, and substances named below: (a) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of ten per centum or more; (b) Sulphuric acid and any preparation containing free or chemically unneu-

tralized sulphuric acid (H₂SO₄) in a concentration of ten per centum or more; (c) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO₃) in a concentration of five per centum or more; (d) Carboic acid (C₆H₅OH), otherwise known as phenol, and any preparation containing carboic acid in a concentration of five per centum or more; (e) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid (H₂C₂O₄) in a concentration of ten per centum or more; (f) Any salt of oxalic acid and any preparation containing any such salt in a concentration of ten per centum or more; (g) Acetic acid or any preparation containing free or chemically unneutralized acetic acid (HC₂H₃O₂) in a concentration of twenty per centum or more; (h) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield ten per centum or more by weight of available chlorine, excluding calx chlorinata, bleaching powder, and chloride of lime; (i) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and Vienna paste, in a concentration of ten per centum or more; (j) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of ten per centum or more; (k) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate (AgNO₃) in a concentration of five per centum or more, and (l) Ammonia water and any preparation yielding free or chemically uncombined ammonia (NH₃), including ammonium hydroxide and "hartshorn," in a concentration of five per centum or more.

B. The term "misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous caustic or corrosive substance for household use, not bearing a conspicuous, easily legible label or sticker, containing (a) the name of the article; (b) the name and place of business of the manufacturer, packer, seller, or distributor; (c) the word "POISON," running parallel with the main body of reading matter on said label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than 24 point size, unless there is on said label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker, and (d) directions for treatment in case of accidental personal injury by the dangerous caustic or corrosive substance. ('27, c. 187, § 1)

3906-2. Sale, etc., of misbranded, etc., packages prohibited—No person shall sell, barter, or exchange, or receive, hold, pack, display, or offer for sale, barter, or exchange any dangerous caustic or corrosive substance in a misbranded parcel, package, or container, said parcel, package, or container being designed for household use. ('25, c. 187, § 2)

3906-3. Seizure of misbranded, etc., packages—Any dangerous caustic or corrosive substance in a misbranded parcel, package, or container suitable for household use, that is being sold, bartered or exchanged, or held, displayed, or offered for sale, barter, or exchange, shall be liable to be seized and to be proceeded against in any court within the jurisdiction of which the same is found in manner and form as provided in the Minnesota Dairy and Food Law for seizure of and proceedings in case of food, and may be disposed of as therein provided. ('25, c. 187, § 3)

3906-4. Violation of law—Penalty—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than \$25.00, or by imprisonment for not less than 30 days. ('25, c. 187, § 4)

3906-5. Enforcement of law by dairy and food commissioner—The dairy and food commissioner shall enforce the provisions of this act, and he is hereby authorized and empowered to approve and register such brands and labels intended for use under the provisions of this act as may be submitted to him for that purpose and as may in his judgment conform to the requirements of this statute: Provided, however, that in any prosecution under this act the fact that any brand or label involved in said prosecution has not been submitted to said commissioner for approval, or if submitted, has not been approved by him, shall be immaterial. ('25, c. 187, § 5)

3906-6. Prosecutions to be instituted by prosecuting officers—Every prosecuting officer to whom there is presented, or who in any way procures, satisfactory evidence of any violation of the provisions of this act shall cause appropriate proceedings to be commenced and prosecuted in the proper courts, without delay, for the enforcement of the penalties as in such cases herein provided. ('25, c. 187, § 6)

3906-7. Short title of law—This act may be cited as the "Minnesota Caustic Alkali or Acid Act." ('25, c. 187, § 7)

3906-8. Laws repealed—Pending prosecutions—That from and after the date when this act takes effect, all acts and parts of acts contrary to and inconsistent with the provisions of this act be and the same hereby are repealed, but nothing herein contained shall be construed as modifying or interfering with the institution or continuance of any prosecution based upon any violation of law committed before the passage of this act, nor with the enforcement of the penalties provided for any such violation by any act hereby repealed. ('25, c. 187, § 9)

31 ³⁹⁰⁷ 97 MILK, CHEESE AND BUTTER

3907. Discriminations—Any person, firm, co-partnership or corporation engaged in the business of buying milk, cream or butterfat for manufacture or for sale of such milk, cream or butterfat, who shall discriminate between different sections, localities, communities or cities of this state, by purchasing such commodity at a higher price or rate in one locality than is paid for the same commodity by said person, firm, co-partnership or corporation in another locality, after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture or locality of sale of such milk, cream or butterfat, shall be deemed guilty of unfair discrimination, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not exceeding 90 days. ('21 c. 305 § 1, amended '23 c. 120 § 1)

This section was amended by Laws 1923, c. 120, by eliminating therefrom the provision making the discrimination dependent upon the "purpose of creating a monopoly, or to restrain trade, or to prevent or limit competition, or to destroy the business of a competitor." As so amended the section was held not to violate, the equality provision of the federal or state Constitution, nor to violate the commerce clause of the federal Constitution, nor to violate the liberty of contract provision of the federal or state Constitution in 162-146, 202+714, which decision was followed in 210+163, and in 210+168. On writ of error to the Supreme Court of the United States, from the last cited decision of the state supreme

court it was held that the section was unconstitutional as impairing the private right of freedom of contract guaranteed by the 14th amendment to the Federal Constitution. See Fairmount Creamery Co. v. State of Minn., — U. S. —, 47 S. C. R. 506, L. Ed. Ad. Op. 599, reversing 210 N. W. 608.

The venue in a prosecution under this section, may be laid in the county where the lower price is paid. 162-146, 202+714.

3908. Higher price—Proof that any person, firm, co-partnership or corporation has paid a higher price for milk or cream in one locality than in another, after due allowance for the cost of transportation has been made, shall be prima facie evidence of the violation of this act. ('21 c. 305 § 2)

3909. Dairy commissioner to enforce provisions—The state dairy and food commissioner, his assistant, inspectors, agents and employes 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. ('21 c. 305 § 3)

Explanatory note—Ch. 21, R. L. 1905, mentioned above, is set forth in this chapter in its amended form.

3910. Repeal—The following laws are hereby expressly repealed, to-wit:

Chapter 468 of the General Laws of 1909.

Chapter 230 of the General Laws of 1913.

Chapter 337 of the General Laws of 1917.

Provided, however, that the express or implied repeal by the provisions of this act of any law not in force shall not affect any action or proceeding now pending in any court. ('21 c. 305 § 4)

3911. Storage rooms for reception of milk and cream intended for shipment by common carriers—**Construction and sanitary condition of rooms**—Every person, firm or corporation, engaged in the business of buying and shipping milk or cream by common carrier, or operating a milk station where milk or cream is purchased and prepared for shipment by common carrier, shall provide, equip and maintain at every station where milk or cream is so received for shipment, a clean and sanitary room for the receiving, handling and storing thereof pending shipment. Said room shall be isolated and protected from contaminating surroundings, shall be constructed in a sanitary manner, and provided with screens on all doors and windows, and shall be well lighted and ventilated. The floor thereof shall be constructed of sanitary material, and shall be kept in a sanitary condition. Said room shall be equipped so as to maintain a supply of hot water of not less than five gallons and/or with live steam under pressure in sufficient quantity to meet all requirements. Said room shall be used exclusively for the receiving, handling, testing, and preparing for shipment of milk and cream. ('21, c. 306, § 1; amended '27, c. 282, § 1)

3912. Same—Rooms to be kept cool—Milk or cream stored or kept in any such receiving station awaiting shipment by common carrier shall be kept in a cool condition either by use of ice or a tank cistern or other device using cold water, to be approved by the dairy and food commissioner. ('21, c. 306, § 2; amended '27, c. 282, § 1)

3913. Same—Cans or receptacles to be cleaned—Milk or cream cans or receptacles returned to such receiving stations after use, shall be scalded, washed and cleaned before used again. ('21, c. 306, § 3; amended '27, c. 282, § 1)

3914. Same—Violations of law—Penalty—Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon

conviction shall be punished by a fine of not less than \$25.00 nor more than \$100.00 or in lieu thereof by imprisonment for not less than 30 nor more than 90 days. Each period of 24 hours, or part thereof, during which a receiving station is maintained in an insanitary condition shall be deemed a separate offense. ('21, c. 306, § 4; amended '27, c. 282, § 1)

3915. Same—Inspection of rooms by dairy and food commissioner—Complaints of insanitary conditions—Testing licenses revoked—It shall be the duty of the dairy and food commissioner to inspect such milk and cream stations, and whenever he deems that any such station is not maintained in a sanitary condition to go before a magistrate and make proper complaint. Upon the conviction of any person of a second offense under this act, the testing license of such person shall automatically become null and void, and no further testing license shall be issued to such person until the period of two years shall have elapsed from the date of conviction of the second offense. ('21, c. 306, § 5; amended '27, c. 282, § 1)

3916. Same—Laws repealed—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. ('21, c. 306, § 6; amended '27, c. 282, § 1)

3916-1. Refrigeration shipment of cream—The shipment of cream for a distance of more than sixty-five (65) miles, over any railroad line in this state, except when such shipment is made in a refrigerator car, which car shall be kept at all times effectively iced and in a thoroughly sanitary condition, unless said cream shall have previously undergone an effective process of pasteurization, is hereby prohibited. ('13, c. 433, § 1) [4385]

124-239, 144+764; 125+334, 147+109.

3916-2. Same—Violation of law—Penalty—Any agent of any railroad company who shall ship or receive for shipment any cream except as provided in section 1 of this act, or any person who shall make any false statement or make or offer any certificate containing any false statement or make or offer any certificate containing any false statement in regard to the pasteurization of cream with the intent to secure shipment of said cream, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifteen (15) dollars nor more than seventy-five (75) dollars, and the shipment of each lot of cream prohibited by section 1 of this act shall constitute a separate offense. ('13, c. 433, § 2) [4386]

3917. Use of "butter" in advertising unlawful—It shall be unlawful for any person to make, publish, disseminate, circulate or place before the public, or directly or indirectly cause to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in any book, notice, handbill, poster, bill, label, circular, pamphlet or letter, or in any other way, any publication advertising in any manner any food product or article of food produced or manufactured in whole or in part out of or from animal fats or vegetable oils, or any article or product manufactured or produced in imitation or semblance of natural butter, not produced wholly from pure, unadulterated milk or cream, in or as a part of or connected with which publication the word "butter" is used or appears; provided, that the word "butter" may be used in designating the food article known to the trade as "plum butter," "apple butter," "peanut butter," when used in connection with the name of article manufactured from; and, provided further, that nothing herein contained shall repeal or

modify any of the provisions now in force for the labeling of the food product known as "oleomargarine." ('21 c. 309 § 1)

3918. Violation a misdemeanor—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. ('21 c. 309 § 2)

3919. Dairy and food commissioner to enforce provisions of act—It shall be the duty of the state dairy and food commissioner to enforce the provisions of this act, and of all county attorneys, upon complaint made, to prosecute all persons violating any of the provisions hereof within their respective counties. ('21 c. 309 § 3)

3920. Butter fat not to be used in substitutes—No person, firm or corporation shall mix, compound or use any butter fat with or to any oleomargarine or any article or product containing animal or vegetable oils and intended for use as a butter substitute, except that skimmed milk or buttermilk may be used in the churning or manufacture of oleomargarine or other similar product. Violations of this act shall be a misdemeanor and shall be punished accordingly. ('23 c. 10 § 1)

3921. Oleomargarine not to be used in state institutions—The service of oleomargarine or any other butter substitute to the inmates of any state institution as a substitute for table butter is hereby prohibited. ('21 c. 438 § 1, amended '23 c. 24 § 1)

3922. Violations—Penalties—Any officer in charge of any state institution affected by this act who shall knowingly violate the provisions of this act shall be dismissed from the service of the state immediately by the officer or board by whom he is appointed. ('21 c. 438 § 2, amended '23 c. 24 § 2)

3923. Manufacturers of butter substitutes not to use certain words in advertising—No person shall use in any way in connection or association with the sale or offering or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery" or "dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter. ('23 c. 116 § 1)

3924. Violation a misdemeanor—Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor. ('23 c. 116 § 2)

3925. Dairy and food commissioner to enforce act—The dairy and food commissioner shall cause the provisions of this act to be enforced, and to that end he shall exercise all power and authority conferred upon him by the provisions of Chapter 495, Laws 1921, known as the "Minnesota Dairy and Food Law." It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act, to cause appropriate proceedings to be instituted in the proper courts and prosecuted without delay for enforcement of the penalties herein specified. ('23 c. 116 § 3)

Explanatory note—For Laws 1921, c. 495, see §§ 3788 to 3873, herein.

3926. Sale, etc., of adulterated milk, cream, condensed or evaporated cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or butter or cheese prohibited—It shall be unlawful for any person, firm or corporation, by himself, his employee or agent, or as the employee or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, condensed or evaporated cream, skim milk, buttermilk, condensed or evaporated milk, pow-

dered milk, condensed skim milk, or any of the fluid derivatives of any of them, or any butter or cheese, to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof, or under any fictitious or trade name whatsoever. ('23, c. 126, § 1; amended '25, c. 203)

3927. Violations and penalties—Any violation of any of the provisions of this act is hereby declared to be a misdemeanor, and any person, whether individually or as a member of a partnership, or as a responsible agent or officer of a corporation who shall be convicted of such violation, either on his own behalf or in the interests of a corporation, shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days or by a fine of not less than fifty dollars nor more than one hundred dollars. ('23 c. 126 § 2)

3928. Dairy and food commissioner to enforce laws—The dairy and food commissioner, by himself or by his assistants, chemists, inspectors or agents, shall be charged with the enforcement of the provisions of this act. ('23 c. 126 § 3)

3929. Milk and cream cans must be sterilized—All persons receiving, buying or handling cream for use, either locally or after shipment, in the manufacture of butter or cheese, in cans or other receptacles which are to be returned to the senders or sellers, shall thoroughly sterilize all such cans and receptacles with live steam under pressure, before returning them to the senders or sellers. ('23 c. 173 § 1)

3930. Violation a misdemeanor—Every person who shall violate or fail or refuse to comply with any provision of this act shall be deemed guilty of a misdemeanor. ('23 c. 173 § 2)

3931. Dairy and food commissioner to enforce provisions of act—The dairy and food commissioner shall cause the provisions of this act to be enforced, and it hereby is made the duty of every prosecuting officer to whom the commissioner shall report any violation of or failure or refusal to comply with any of its provisions to institute and prosecute without delay appropriate proceedings in the proper courts for enforcement of the penalties herein prescribed therefor. ('23 c. 173 § 3)

3932. Effective January 1st, 1924—This act shall take effect and be in force from and after January 1, 1924. ('23 c. 173 § 4)

3933. Certain butter compounds must be labeled—No person shall sell or offer or expose for sale or have in possession with intent to sell or offer or expose for sale, any butter in whole or in part made from neutralized cream or milk unless the words "made from neutralized cream (or milk)" shall be printed, marked or stamped on each receptacle, package or wrapper in which such butter is offered or exposed for sale or is sold, in letters at least one-fourth of an inch wide and one-half of an inch high; and if such butter is offered or exposed for sale, uncovered or not in a receptacle, package or wrapper, then a placard containing the words "made from neutralized cream (or milk)" printed, stamped or marked thereon in style and manner aforesaid, shall be attached to the mass or butter in such manner as to be easily seen and read by the purchaser. ('23 c. 175 § 1)

3934. Violation a misdemeanor—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. ('23 c. 175 § 2)

3935. Dairy and food commissioner to enforce act—The dairy and food commissioner shall cause the provisions of this act to be enforced, and it hereby is

made the duty of every prosecuting attorney to whom the commissioner shall report any violation of this act to cause appropriate proceedings to be commenced and prosecuted without delay in the proper courts for enforcement of the penalties hereof. ('23 c. 175 § 3)

3935-1. Licensing and regulating creameries, cheese factories, condenseries, milk plants, and cream stations—Licenses required—Applications for—Fees—Issue by commissioner—No creamery, cheese factory, condensery or milk plant for the manufacture of butter or other dairy products, or any cream station maintained for the purpose of purchasing, collecting or storing cream or milk to be used in the manufacture of butter or cheese or other dairy products or for transportation, shall be operated in this state unless a license therefor shall be issued and be in force as herein provided. The owner, operator or lessee of any such creamery, cheese factory, condensery, milk plant or cream station shall apply to the dairy and food commissioner for such license upon such form and shall furnish such information as the commissioner may require. The application shall be accompanied by a fee of \$1.00 for each place to be licensed, which shall be paid into the state treasury. If the commissioner finds that such applicant maintains a proper place with sufficient and proper machinery and equipment for the manufacture of butter or cheese or other dairy products, or for maintaining a cream station as required by law in this state and the rules and regulations of the commissioner, he shall issue the license so applied for. All such licenses shall expire on June 30th of each year, unless sooner revoked as herein provided. A separate license shall be required and the prescribed fee shall be paid for each such creamery, cheese factory, condensery, milk plant or cream station. ('27, c. 187, § 1)

3935-2. Same—Violations of law—Penalty—Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 or by imprisonment for not less than 30 days, and each subsequent offense by a fine of not less than \$50.00 or imprisonment for not less than 60 days. ('27, c. 187, § 2)

3935-3. Same—Suspension or revocation of licenses—Whenever any person licensed hereunder shall have been convicted of a violation of any provision of this act, or any provision of the Minnesota Dairy and Food Laws, or any provision of any other law of this state relating to the manufacture or sale of butter or cheese or other dairy products, or the operation of creameries, cheese factories, condenseries, milk plants, or cream stations maintained for the purchasing, collecting or storing of milk and/or cream to be manufactured into butter or cheese or other dairy products, or for transportation, or of any provision of any rule or regulation of the commissioner made and promulgated under the provisions of law, his license may be suspended for the time stated in order of suspension, or may be revoked or cancelled by the dairy and food commissioner upon 10 days' written notice with opportunity to be heard; upon conviction of a second or any subsequent offense the commissioner may revoke and cancel such license with or without notice of hearing in his discretion, and in such case said commissioner shall not issue another license for the operation of such creamery, or cheese factory, or condensery, or milk plant, or cream station for a term of one year from the date of such cancellation or revocation. ('27, c. 187, § 3)

3935-4. Same—Enforcement of law by commissioner—Laws applicable—The dairy and food commission-

er shall enforce the provisions of this act and in so doing shall have all the power and authority with relation thereto that is conferred upon him by Chapter 495, Laws 1921, known as the Minnesota Dairy and Food Law, and the provisions of Section 43 of said chapter shall be deemed a part thereof in the enforcement of this act and the accomplishment of its purposes. ('27, c. 187, § 4)

Explanatory note—For Laws 1921, c. 495, see § 3788, et seq., herein. For § 43 of said Laws 1921, see § 3832, herein.

3935-5. Same—Prosecutions instituted by prosecuting officers—It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act to cause appropriate proceedings to be instituted and to be prosecuted in the proper courts without delay for the enforcement as in such cases herein provided. All fines imposed and paid hereunder shall be paid into the state treasury. ('27, c. 187, § 5)

3935-6. Same—Laws repealed—Chapter 271, Laws 1925, is hereby repealed. ('27, c. 187, § 6)

Explanatory note—Laws 1925, c. 271, repealed by this section is an act entitled: "An act providing for licensing creameries for the manufacture of butter, for suspending, cancelling or revoking the licenses thereof, and prescribing penalties."

PAINTS

3936. 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) [3733]

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

3937. 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 § 3936, shall be deemed guilty of a misdemeanor. (1773) [3734]

3938. 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 herein-after 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. ('07 c. 421 § 1) [3735]

3939. 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) [3736]

3940. 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) [3737]

3941. 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) [3738]

3942. 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) [3739]

3943. 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) [3740]

3944. 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) [3750]

3945. 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

3936-40
174m 49r
219nw 70d

in the county jail for not less than thirty days, or more than ninety days. ('05 c. 35 § 2) [3751]

AGRICULTURAL SEEDS.

3946 to 3957. [Repealed.]

These sections (Laws 1913, c. 141, as amended by Laws 1921, c. 480; G. S. 1913, §§ 3759 to 3770) are repealed by Laws 1927, c. 387, § 12. See § 3957-12, herein.

3957-1. Definitions—The term "agricultural seeds" or "agricultural seed" as used in this Act shall include the seeds of corn, wheat, oats, barley, rye, emmer, flax, sudan grass, sorghum, buckwheat, sweet clover, medium and mammoth red clover, alsike clover, white clover, alfalfa, soybeans, field peas, beans, vetches, rape, timothy, bromus, redtop, Kentucky blue grass, Canada blue grass, rye grass, sweet vernal grass, fescue, millet, oat grass, orchard grass, wheat grass and all other seeds used for planting or sowing for agricultural and lawn purposes and shall be construed to mean such seed when sold, offered or exposed for sale or had in possession with intent to sell or as a sample representing any lot of seed elsewhere stored and for sale within this state for purposes of sowing or planting.

The word "kind" shall mean variety, sort or species, indicating the commonly accepted name of such seed.

The word "approximate" when referring to amounts relating to purity of agricultural seeds or percentages shall mean within the range of tolerance of inert matter and of other agricultural seeds and of all weed seeds contained with the agricultural seed in question and obtained on the basis of a 0.2 per cent fixed figure plus 20 per cent of the lesser part.

The word "person" shall be construed to import both the plural and the singular, as the case demands and shall include corporations, co-partnerships, companies, societies, firms and associations.

The word "Commissioner" means the Commissioner of Agriculture of the State of Minnesota.

The word "weed seed" shall be construed to mean the seeds and the bulblets of any and all weeds designated in Section 2 of Chapter 377, Session Laws of 1925, and such other annual, biennial and perennial plants that grow with crops raised in the field, the garden, the lawn and waste areas throughout this state, causing either damage to crops or interference with travel or other public inconvenience or injurious to public health.

The word "sell" 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 word "germination" shall mean a seed showing growth of a plumule (stem) or a radicle (root) or both these growths which are commonly accepted as evidence that under normal environment would produce a mature plant.

The word "Gothic caps" means the type of copy with letters the size and character as the following: "TYPE."

The words "pure seed" shall mean agricultural seed exclusive of inert matter and all other seeds not of the kind of seed being considered.

The word "mixture" or "mixtures" shall mean two or more agricultural seeds intermingled in the same container, when each is in excess of five (5) per cent by weight of the whole. Except that in the case of

lawn grass the exact percentage by weight of each shall be given. ('27, c. 387, § 1, effective July 1, 1927)

3957-2. Powers of commissioner of agriculture—Rules and regulations—Investigations—Access to premises, etc.—Complaints of violations—Hearings—Procedure—Contempts—State seed laboratory—Samples for examination, etc.—Reports of examinations, etc.—Fees—Violations of law—Hearings—Prosecutions—The commissioner of agriculture is hereby authorized and it shall be his duty to execute this law and to that end he may make and enforce such rules and regulations as in his judgment shall be necessary. He shall investigate the subject of weed seeds and other matters pertaining to seeds and to that end may require information from county agents, dealers in agricultural seeds, transportation companies, local weed inspectors and experiment stations as to the presence of inert matter and of weed seeds or any other foul seeds and their control in the localities where such officials or persons reside or have jurisdiction. He or his agents or assistants may enter and 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 or other transportation company and upon the tendering of payment therefor at the current value thereof, may take any sample or samples of such seed.

(b) For the purpose of enforcing the provisions of this Act, the commissioner shall have the authority either on his initiative or upon complaint being filed with him for any alleged violation of the provisions of this Act or any rule or regulation issued there-under, or upon information furnished by an inspector of the Department of Agriculture, to hold hearings and conduct such investigations as he may deem advisable. He shall have and is hereby granted full authority to issue subpoenas requiring the attendance of witnesses before him of books, papers and other documents, articles or instruments and to compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation. He shall have full authority to administer oaths and to take testimony; and may make a report thereon, which report shall be prima facie evidence of the matters therein contained. All parties disobeying the orders or subpoenas issued hereunder by the commissioner shall be guilty of contempt as in proceedings in district courts of the state and may be punished in like manner.

(c) No action or claim for damages shall be allowed or shall be sustainable against the commissioner or any one acting for him or by his authority in respect to the enforcement of this section.

(d) A State Seed Laboratory shall be maintained for the purpose of examining seeds for specific purity, kinds and amounts of inert matter and of [weed] seeds and for making germination tests and any other seed studies deemed by the commissioner as advisable.

(e) (1) Any person of this state may, in accordance with the rules and regulations of the commissioner and by prepaying the transportation charges and such fees as hereinafter mentioned, send a sample or samples of seed to the State Seed Laboratory or to the commissioner for examination, analysis and determination and receive a report of such examination, analysis or determination when completed. Said report shall constitute and be a certificate of the State Seed Laboratory giving results of such examination, analysis or determination of said seed sample and said

3945
Potatoes
81 — 70
34 — 41

certificate shall be presumptive evidence of the facts therein stated.

(2) (a) The commissioner is authorized and it is hereby made his duty to collect a fee or fees as herein provided for making tests, analysis or determinations of seeds and the amount of such fee or fees shall be received by him before any report of seeds examined shall be given to the person sending the same. Except that any person may send as many as ten (10) such samples during any one year and receive report of same after examination has been made, without paying the required fee. All fees and moneys collected shall be deposited in the State Treasury, as other departmental receipts are deposited, but shall constitute a separate account known as the "Seed Act Account" which is hereby created, set aside and appropriated as a revolving fund to assist in meeting the expense of inspection, laboratory and other services rendered as herein provided.

(b) The fee or fees to be paid as herein referred to shall be twenty-five (.25) cents for each and every germination test.

For pure-seed analysis and determination the fee or fees shall be:

(1) Twenty-five (.25) cents each for wheat, oats, barley, rye, emmer, vetch, buckwheat, sudan grass.

(2) Fifty (.50) cents each for timothy, rye grass, fescues, slender wheat grass, millet, bromus, red clover, alfalfa, alsike, clover, sweet clover.

(3) One (\$1.00) dollar each for white clover, all mixtures of clovers, redtop, orchard grass, bent grass.

(4) Two (\$2.00) dollars each for Kentucky blue grass and other blue grasses, all lawn grass mixtures.

For the purpose of carrying out the provisions of this section, the commissioner shall designate the proper charge to be made for seeds not herein mentioned and sent him for test, analysis and determination.

(f) When by analysis or otherwise it shall be made to appear that any person has violated any of the provisions of this Act or any rule or regulation issued thereunder, it shall be the duty of the commissioner to notify said person in whose possession the seed in question was found or the owner thereof, if known, and designate a time and place for a hearing for receiving evidence as to such alleged violation. After such hearing or upon failure of said person to appear at the time and place fixed therefor, the commissioner may transmit the facts so found to the Attorney General and it shall be the duty of the Attorney General, or in the discretion of the commissioner, he may act through the county attorney of the county in which said violation was committed, whose duty it shall then be to forthwith institute proceedings and prosecute the same against the person charged with such violation. It is hereby made the duty of the county attorney to prosecute any and all such cases submitted to him by the commissioner or the Attorney General. ('27, c. 387, § 2, effective July 1, 1927)

3957-3. Labels for packages—Contents—Weed seed tolerance—The owner or person in possession of each and every package, parcel or lot of agricultural seed as herein defined, which contains one (1) pound or more of such agricultural seed, whether in package or in bulk, shall affix thereto in a conspicuous place on the exterior of the container of such agricultural seed a written or printed label in the English language in legible type or copy not smaller than eight point heavy

Gothic caps; such label shall contain a statement specifying:

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

(b) The approximate percentage germination test made of such agricultural seed together with the date of said test of germination.

(c) The approximate total percentage by weight of weed seeds of all species and the approximate number in a pound in excess of twenty-four in grass, clover and alfalfa seed and in excess of ten in all other agricultural seeds of each of the following weed seeds: Quack Grass (*Agropyron repens*), Canada Thistle (*Carduus arvensis*), Perennial Sow Thistle (*Sonchus arvensis*), Dodders (*Cuscuta* spp.), Leafy Spurge (*Euphorbia esuia*), Ox-Eye Daisy (*Chrysanthemum leucanthemum*), and Buckhorn Plantain (*Plantago lanceolata*).

(d) The approximate percentage by weight of the agricultural seed exclusive of inert matter, weed seeds and of other agricultural seeds, which are distinguishable by their appearances.

(e) If such agricultural seed is grown in this state, the words "grown in Minnesota" and in the case of corn, the name of the county in which grown, and if not grown in this state, the name of the state or country in which such corn was grown, and in the case of clovers and alfalfa seeds, when any portions thereof are from countries other than the United States, the name of the country where grown, and such seeds shall bear the coloring designated by the "Federal Seed Act" of 1912 as amended April 26, 1926.

(f) The full name and address of the seedsman, importer, dealer or agent or other person selling, offering or exposing for sale said agricultural seed. It shall be unlawful for any person to expose seed for sale or any sample representing seed for sale for which ownership or responsibility is not acknowledged.

(g) It shall be unlawful for any person to sell, offer or expose for sale or distribution in this state or to have in possession with intent to sow, any agricultural seed or mixtures of agricultural seeds for seeding purposes when:

(1) Such agricultural seed contains any one or all of the noxious weed seeds named in Section 3 (c) of this act, in excess of ninety such weed seeds per pound.

(2) Such agricultural seed contains two or more per cent by weight of all other weed seeds.

(h) The commissioner may fix the weed seed content allowable in the case of any agricultural seeds, when in his judgment the character of such seeds preclude the removal of certain weed seeds to a two per cent basis as defined in (2) of this section. ('27, c. 387, § 3, effective July 1, 1927)

3957-4. Mixtures — Labels — Special mixtures —
(A) Whenever mixtures of seeds of timothy with alsike clover, with medium red or mammoth clover, with redtop or mixtures of other agricultural seeds are sold, offered or exposed for sale in quantities of one pound or more, such seeds shall be subject to the requirements of this act and the rules and regulations of the commissioner governing, unless otherwise provided, and shall in addition thereto have printed or copied on the label in eight point Gothic caps, in the English language, stating:

(a) That such seed is a mixture.

(b) The name and approximate percentage by

weight of each kind of agricultural seed in such mixture.

(c) The per cent of germination of each kind of agricultural seed, together with the date of such germinations.

(B) Special mixtures of agricultural seed except as specified in Sec. 4 (A) of this act, when sold, offered or exposed for sale as mixtures, in bulk, packages or other containers of eight ounces or more shall have fixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly printed or written tag or label in the English language in legible type or copy not smaller than eight point Gothic caps stating:

(a) That such seed is a mixture.

(b) The name of each kind of agricultural seed contained therein and the approximate percentage germination.

(c) The approximate total percentage by weight of all weed seeds and, except in lawn mixtures, the approximate number of seeds per pound of the noxious weed's seeds listed in Sec. 3 (c) of this act.

(d) The approximate percentage by weight of inert matter.

(e) The full name and address of the vendor or agent of such seed. ('27, c. 387, § 4, effective July 1, 1927)

3957-5. Exceptions from operation of law—Except as herein otherwise provided in Section 3 (g), the provisions of this act shall not apply:

(a) To any person selling, offering or exposing for sale or in possession of agricultural seeds for the purpose of seeding, except to the ultimate user, when such seed is plainly marked on the label or outside of the container "not cleaned seed" or "uncleaned seed."

(b) To agricultural seeds marked plainly on the label or on the outside of the container, "not cleaned" and held or sold for shipment for recleaning and for shipment outside the state only.

(c) To agricultural seeds when possessed or exposed for sale, as provided by this act, for food purposes only. ('27, c. 387, § 5, effective July 1, 1927)

3957-6. Imported seeds—Labels—Except as herein otherwise provided it shall be unlawful for any person to import or bring into this state or transport within this state any agricultural seeds unless each and every container of such seeds shall bear a label attached in a conspicuous place on said containers and having written or printed thereon in the English language in legible type or copy not smaller than eight point Gothic caps, specifying: The kind and varietal name of the seed; the per cent of pure seed; the per cent and date of germination; the state from which said seed is shipped and in the case of corn, the county in which said seed was grown; the full name and address of the person shipping such seed and in all other respects such agricultural seed shall conform to the provisions of this act and the rules and regulations of the commissioner. ('27, c. 387, § 6, effective July 1, 1927)

3957-7. Transportation companies—Duties—In any case of violation of the preceding section, the transportation company, bus company, moving company, corporation or agent thereof, or public carrier of any name or nature shall at once notify the commissioner of such violation, citing the circumstances and full particulars thereof, and shall unload or hold at the first station within the borders of this state where adequate storage facilities may be had and hold same subject to the instructions of the commissioner. ('27, c. 387, § 7, effective July 1, 1927)

3957-8. Seizures—The commissioner is authorized and it is hereby made his duty to seize or cause to be seized and held any lot, parcel, package or bulk of agricultural seeds or mixtures of same found in violation of any of the provisions of this act or any rule or regulation hereunder until the law or such rules and regulations have been complied with or said violation otherwise disposed of as herein otherwise provided, and no action or claim for damage shall be allowed or shall be sustainable against the commissioner or any one acting under his direction or authority in respect thereto. ('27, c. 387, § 8, effective July 1, 1927)

3957-9. Same—Disposition of seized seeds—The commissioner upon seizing agricultural seeds as in this act provided and authorized, shall at once notify the person who was in possession of such seeds or the owner thereof or his agent in charge thereof, of such fact and return said seed to the consignor upon receipt of the expenses as herein set forth and presented to him. Such consignor shall be responsible for all transportation charges and other necessary expenses in handling, storing or caring for said seed and shall return to the purchaser the value of such seed if the purchaser has advanced the payment therefor, provided however, the commissioner shall receive all such costs before such seed is billed for return shipment or delivery thereof. After a period of ten days from the date of notice by the commissioner as herein provided, if said costs are not paid the commissioner may confiscate said seed and destroy or otherwise dispose of it to prevent its use for seeding purposes within this state and the net proceeds, if any, from the sale of such seeds by the commissioner shall be transmitted to the State Treasurer to the credit of the State Seed Act fund. ('27, c. 387, § 9, effective July 1, 1927)

3957-10. Violations of law—Penalties—Any person who sells, offers or exposes for sale or distribution in this state any agricultural seeds for sowing or planting purposes without complying with the provisions of this act shall be guilty of a misdemeanor for the first offense and upon conviction shall be fined not less than ten (\$10.00) dollars and the costs of such prosecution, nor more than one hundred (\$100.00) dollars and the costs of such prosecution, or in default in payment thereof shall be imprisoned in the county jail for not less than ten nor more than ninety days.

(b) Upon the second or any subsequent conviction such person shall be guilty of a gross misdemeanor and shall be fined not less than twenty-five (\$25.00) dollars and the costs of such prosecution, nor more than five hundred (\$500.00) dollars and the costs of such prosecution, or in default in payment thereof shall be imprisoned in the county jail for a period not less than thirty nor more than one hundred fifty days. ('27, c. 387, § 10, effective July 1, 1927)

3957-11. Reports of commissioner of agriculture—The commissioner shall make a biennial report to the Governor of this state upon the work performed under this act and shall (make public) publish at least once each year the results of investigations and the examination, analysis and tests of any samples of agricultural seeds or mixtures of same which do not comply with this act, together with any other information regarding any agricultural seed that he may deem advisable. ('27, c. 387, § 11, effective July 1, 1927)

3957-12. Laws repealed—Chapter 141, General Laws 1913, is hereby repealed. ('27, c. 387, § 12, effective July 1, 1927)

Explanatory note—For Laws 1913, c. 141, repealed by this section, see §§ 3946 to 3957, herein.

SOFT DRINKS AND OTHER NON-ALCOHOLIC BEVERAGES.

3958 to 3965... [Repealed.]

These sections (Laws 1921, c. 432) are repealed by Laws 1927, c. 42, § 15. See §§ 3965-1 to 3965-15, herein.

3965-1. Licenses required for manufacture, etc., of soft drinks and other non-alcoholic beverages—Exception—No person shall manufacture, mix or compound any soft drinks or other non-alcoholic beverage, except apple or fruit ciders, natural fruit juices or cereal beverages to be sold in bottles, barrels, kegs, jars, coolers, or other containers without first having obtained a license therefor from the Dairy and Food Commissioner, who is charged with the duty and power of administering and enforcing the provisions of this Act: provided that this Act shall not apply to beverages manufactured, mixed or compounded in quantities of less than one quart at one time. ('27, c. 42, § 1)

3965-2. Inspection by and registration with dairy and food commissioner of soft drinks, etc.—No soft drinks or other non-alcoholic beverages except apple or fruit ciders, natural fruit juices or cereal beverages, not manufactured in this State, shall be sold, offered, exposed, exchanged, or held in possession with intent to sell within this State, unless the same are first inspected and registered with the Commissioner. ('27, c. 42, § 2)

3965-3. Definitions—Wherever used in this Act, the terms "Soft drinks or other non-alcoholic beverages" shall mean and include (a) carbonated or still beverages, (b) natural and mineral waters, carbonated, plain or otherwise, but shall not include apple or fruit ciders, or natural fruit juices, or cereal beverages. ('27, c. 42, § 3)

3965-4. Applications for license—Fee—Issue of license—Any person desiring to manufacture, mix and compound soft drinks or other non-alcoholic beverages, as described in Section 1, hereof, shall apply for a license therefor to the Commissioner in such form and furnish such information as he may require. Each application shall be accompanied by a fee of \$24.00, which shall constitute the license fee in case license is granted, and one-half of which shall be retained to reimburse the State for inspection in case license is refused. If the Commissioner shall find that the applicant maintains a proper place and the equipment and containers necessary for the manufacture of soft drinks and other non-alcoholic beverages, as required by this Act, and otherwise complies therewith, the Commissioner shall issue to the applicant a license therefor. ('27, c. 42, § 4)

3965-5. Registration by non-resident manufacturers—Fee—Certificates of registration—Any person who manufactures soft drinks or other non-alcoholic beverages outside of this State for sale within this State, shall apply for registration with the Commissioner in such form and furnish such information as he may require. Samples of all soft drinks or other non-alcoholic beverages so manufactured for sale and sold within this State shall be submitted. Each application shall be accompanied by a registration fee of \$24.00, which shall constitute the registration fee in case registration is granted, and one-half of which may be retained to reimburse the State for inspection should registration be refused. If the Commissioner shall find that the samples so submitted are up to accepted standards, and otherwise comply with the laws of this state,

then he shall issue to the applicant a certificate of registration. ('27, c. 42, § 5)

3965-6. Fee for license or registration—Life of license or certificate of registration—Penalty for delay in applications—The fee for such license, or certificate of registration shall be \$24.00, and shall expire on the 31st day of March following its issue, and no license or certificate of registration shall be issued for a longer term than one year, and shall not be transferable from one person to another or from the ownership to whom issued to another ownership or from one place to another place or location. Provided, that no manufacturer now licensed under Chapter 432, General Laws of Minnesota for the year 1921, shall be required to apply for a new license until his present license shall expire. And provided further, that a license or certificate of registration issued for a less term than one year, the fee for same shall be computed at the rate of two dollars for each calendar month or fractional part of such month. A penalty of 50 per cent of the license or registration fee shall be imposed if license or certificate of registration is not applied for on or before April 1 of each year, or within the same month such beverages are first manufactured or sold within this State. ('27, c. 42, § 6)

3965-7. Beverage inspection fund—Expenditures from—All fees collected hereunder by the Commissioner, together with all fines paid for the violation of this Act, shall be paid into the State Treasury and credited to the Beverage Inspection Fund, hereby created. The moneys so derived is hereby appropriated to compensate for and meet the expense of inspection and supervision as provided for in this Act. The money so collected and appropriated, known as the Beverage Inspection Fund, shall be expended by the Commissioner for inspection, supervision, publications, short courses, and such other activities as in his judgment may be necessary, not inconsistent with the provisions of this Act. ('27, c. 42, § 7)

3965-8. Suspension or revocation of license or certificate—Hearings—The Commissioner shall have power to suspend or revoke any such license or certificate of registration for failure to comply with the provisions of this Act, or rules and regulations made hereunder, either temporary or permanent, but before any such permanent revocation of license or certificate of registration shall be made, the Commissioner shall serve upon the licensee or certificate holder, by registered letter containing a copy thereof, an order to show cause why the license or certificate of registration should not be permanently revoked, stating the grounds thereof and the time and place of hearing, which time shall not be less than 15 days after the mailing of the order.

At the appointed time and place, and at such times as the matter may be adjourned to, the Commissioner shall hear all proper evidence relating to the cause of the proposed revocation, and within a reasonable time thereafter he shall make and file his decision of the matter, and forthwith mail to the licensee or certificate holder a copy thereof.

The Commissioner may temporarily suspend the license of any licensee for violations of this Act, regulations made hereunder, or the "Minnesota Dairy and Food Law," but no such temporary suspension shall exceed 30 days in which time steps may be taken by the Commissioner for permanent revocation as above provided.

Any person, whose license or certificate of registration has been so suspended or revoked shall discon-

tinue the manufacture of, or sale within this State, of any soft drinks or other non-alcoholic beverages, until the suspension is removed or a new license or certificate is granted. ('27, c. 42, § 8)

3965-9
33 - 378

3965-9. Carbonated or still beverages—Adulteration—A carbonated or still beverage within the meaning of this Act, shall be a beverage made of pure cane or beet sugar, with pure water, and pure flavoring materials, with or without fruit acids and harmless coloring materials, and the finished product shall contain not less than seven per centum of sugar and less than 1/2 of one per centum of alcohol by volume. All carbonated or still beverages not conforming to the above requirements, this Act, the Minnesota Dairy and Food Law, or the rules, regulations, definitions and standards made thereunder, shall be deemed to be adulterated. ('27, c. 42, § 9)

3965-10. Sanitary condition of factories, etc.—All factories, rooms and places where soft drinks or other non-alcoholic beverages are manufactured, mixed, compounded and placed in containers shall be well lighted and kept in a clean and sanitary condition; and all machinery, apparatus and utensils used in the manufacture of such beverages shall be kept clean and sanitary and in a clean and sanitary place. ('27, c. 42, § 10)

3965-11. Cleansing of containers—Containers prohibited—Before being filled with such beverages, all bottles, jars and coolers shall be sterilized by soaking for a period of not less than five minutes in a solution of not less than four per centum of caustic soda or alkali, expressed in terms of sodium hydrate, heated to not less than 110 degrees Fahrenheit, and then thoroughly rinsed in pure water until freed from alkali. Jars and coolers, before being re-filled, shall be cleansed and washed as in the manner above prescribed for bottles. When such beverages are marketed in second hand or used barrels, kegs, or other wooden containers, such containers shall be thoroughly cleansed and coated

on the inside with parafin, pitch or other suitable material. No beverages shall be placed in containers known as the "Hutchinson Plunger Bottle," or any container of similar type. ('27, c. 42, § 11)

3965-12. Markings of containers—It shall be unlawful for any person to place his products in bottles or containers bearing any name blown in the glass or appearing thereon other than the true name of the manufacturer. ('27, c. 42, § 12)

3965-13. Enforcement of law by dairy and food commissioner—Laws applicable—The Commissioner, his inspectors, 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 is conferred upon them and each of them by Chapter 495, General Laws for the year 1921, known as the Minnesota Dairy and Food Law, and the provisions of Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of said chapter shall be deemed a part thereof in the enforcement of this Act and accomplishments of its purposes. ('27, c. 42, § 13)

Explanatory note—For Laws 1921, c. 495, see § 3788, et seq., herein. For sections 8 to 18 thereof see §§ 3797 to 3807, herein.

3965-14. Violations of law—Penalty—Any person violating any of the provisions of this Act or of any regulations made hereunder or now in force, shall be guilty of a misdemeanor and be punished by a fine of not less than \$25.00, or by imprisonment in the County Jail for not less than 30 days for the first offense, and in the sum of not less than \$50.00 or by imprisonment in the County Jail for not less than 60 days for each subsequent offense. ('27, c. 42, § 14)

3965-15. Laws repealed—Chapter 432, General Laws of Minnesota for the year 1921, is hereby repealed. ('27, c. 42, § 15)

Explanatory note—For Laws 1921, c. 432, repealed by this section, see §§ 3958 to 3965, herein.

CHAPTER 21A

REGULATION OF CERTAIN MANUFACTURES AND SALES

Cotton duck or canvas—Definition	3966
What constitutes yard	3967
Manufacture and sale—Stamps, brands and marks	3968
Certain sales unlawful—Misstatements, etc.	3969
Concealing or mistaking size unlawful	3970
Unlawful to deface mark, etc.	3971
Penalty for violation	3972
Mattresses—Manufacture and sale—Brands and labels—Penalty	3973
Contents of brand or label	3974
What included—Construction of term "mattress"	3975
Duties of commissioner of labor, attorney general, etc.	3976

3966
29 - 138
29 - 300
29 - 368

3966. 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) [3772]

3967. 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 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) [3773]

3968. 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 correct weight of such cotton duck or canvas, by ounces per yard, together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture. ('13 c. 167 § 3) [3774]

3969. Certain sales unlawful—Misstatements, etc.—It shall be unlawful for any person or corporation either individually or in any representative capacity, to carry for sale, sell or endeavor to sell any cotton duck or canvas as herein defined, or any articles other than clothing and wearing apparel, composed or made in