

CHAPTER 24

AGRICULTURE; INSECTICIDES, ACIDS, PAINTS,  
AND CANNING COMPOUNDS

Secs.		Sec.	
24.01	Citation	24.13	Paints
24.02	Definitions	24.14	Paints; false label; penalty
24.03	Misbranded packages, not to be sold	24.15	Labels
24.04	Seizure of misbranded packages	24.16	Possession as evidence
24.05	Brands and labels, approved and registered	24.17	Powers
24.06	Prosecutions	24.18	Labeling of wood alcohol
24.07	Improperly labeled insecticides not to be sold	24.19	Canning compounds, sale forbidden
24.08	Formulas prescribed	24.20	Possession a misdemeanor
24.09	Statement on label	24.21	Contents of compound
24.10	Possession prima facie evidence	24.22	Enforcement
24.11	Powers of commissioner	24.23	Violations; penalties
24.12	Linseed oil		

**24.01 CITATION.** Sections 24.01 to 24.06 may be cited as the Minnesota caustic alkali or acid act.

[1925 c. 187 s. 7] (3906-7)

**24.02 DEFINITIONS.** Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2 and 3 shall, for the purposes of sections 24.03 to 24.06, be given the meanings subjoined to them; the word defined in subdivision 4 shall, for the purposes of sections 24.07 to 24.11, be given the meaning subjoined to it; the term defined in subdivision 5 shall, for the purposes of sections 24.19 to 24.21, be given the meaning subjoined to it; and the word defined in subdivision 6 shall, for the purposes of sections 24.14 to 24.17, be given the meaning subjoined to it.

Subdivision 2. **Dangerous caustic or corrosive substance.** The term "dangerous caustic or corrosive substance" means each and all of the acids, alkalis, and substances named below:

- (1) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of ten per cent or more;
- (2) Sulphuric acid and any preparation containing free or chemically unneutralized sulphuric acid (H2SO4) in a concentration of ten per cent or more;
- (3) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO3) in a concentration of five per cent or more;
- (4) Carbohic acid (C6H5OH), otherwise known as phenol, and any preparation containing carbohic acid in a concentration of five per cent or more;
- (5) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid (H2C2O4) in a concentration of ten per cent or more;
- (6) Any salt of oxalic acid and any preparation containing any such salt in a concentration of ten per cent or more;
- (7) Acetic acid or any preparation containing free or chemically unneutralized acetic acid (HC2H3O2) in a concentration of 20 per cent or more;
- (8) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield ten per cent or more by weight of available chlorine, excluding calx, chlorinata, bleaching powder, and chloride of lime;
- (9) 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 cent or more;
- (10) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of ten per cent or more;
- (11) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate (AgNO3) in a concentration of five per cent or more; and
- (12) Ammonia water and any preparation yielding free or chemically uncombined ammonia (NH3), including ammonium hydroxide and hartshorn, in a concentration of five per cent or more.

# MINNESOTA STATUTES 1941

## 211 INSECTICIDES, ACIDS, PAINTS, AND CANNING COMPOUNDS 24.07

Subdivision 3. **Misbranded parcel, package, or container.** 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:

(1) The name of the article;

(2) The name and place of business of the manufacturer, packer, seller, or distributor;

(3) The word "POISON," running parallel with the main body of reading matter on such 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 the 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

(4) Directions for treatment in case of accidental personal injury by the dangerous caustic or corrosive substance.

Subdivision 4. **Insecticide.** The term "insecticide" includes 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.

Subdivision 5. **Preservative compound.** The term "preservative compound" includes all articles used for preservative purposes, whether simple, mixed, or compound, and any substance used as a constituent in the manufacture thereof.

Subdivision 6. **Paint.** The term "paint" includes 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.

[1907 c. 421 s. 2; 1909 c. 62 s. 2; 1915 c. 335 s. 3; 1927 c. 187 s. 1] (3892) (3939) (3901) (3906-1)

**24.03 MISBRANDED PACKAGES, NOT TO BE SOLD.** 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, the parcel, package, or container being designed for household use.

[1925 c. 187 s. 2] (3906-2)

**24.04 SEIZURE OF MISBRANDED 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 Laws 1921, Chapter 495, for seizure of and proceedings in case of food, and may be disposed of as therein provided.

[1925 c. 187 s. 3] (3906-3)

**24.05 BRANDS AND LABELS, APPROVED AND REGISTERED.** The commissioner is hereby authorized and empowered to approve and register such brands and labels intended for use under the provisions of sections 24.03 to 24.06 as may be submitted to him for that purpose and as may, in his judgment, conform to those requirements. In any prosecution under sections 24.03 to 24.06 the fact that any brand or label involved in the prosecution has not been submitted to the commissioner for approval or, if submitted, has not been approved by him shall be immaterial.

[1925 c. 187 s. 5] (3906-5)

**24.06 PROSECUTIONS.** Every prosecuting officer to whom there is presented, or who in any way procures, satisfactory evidence of any violation of the provisions of sections 24.03 to 24.05 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 provided.

[1925 c. 187 s. 6] (3906-6)

**24.07 IMPROPERLY LABELED INSECTICIDES NOT TO BE SOLD.** 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 sections 24.07 to 24.11, 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 therein required, shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be punished by a fine of not less than \$25.00, and not more than \$100.00, or by imprisonment in the county jail for not exceeding 60 days.

[1909 c. 62 s. 1] (3900)

**24.08 FORMULAS PRESCRIBED.** Any insecticide labeled, marked, or called "paris green" shall contain at least 50 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. Any insecticide labeled and called lead arsenate or arsenate of lead must contain at least 50 per cent of actual lead arsenate, at least 12½ 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.

[1909 c. 62 s. 3; 1909 c. 100 s. 1] (3902)

**24.09 STATEMENT ON LABEL.** The label required by sections 24.07 to 24.11 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; the label shall be printed in the English language, in plain, legible type.

[1909 c. 62 s. 4] (3903)

**24.10 POSSESSION PRIMA FACIE EVIDENCE.** The having in possession by any person, firm, or corporation dealing in these articles, any article or substance hereinbefore described and not properly labeled, as provided in sections 24.07 to 24.11, shall be considered prima facie evidence that the same is kept by such person, or firm, in violation of their provisions, and punishable thereunder.

[1909 c. 62 s. 5] (3904)

**24.11 POWERS OF COMMISSIONER.** The 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 insecticides. 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 sections 24.07 to 24.11.

[1909 c. 62 s. 7] (3906)

**24.12 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-faced 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 the receptacle the name and address of the manufacturer of the oil.

[R. L. s. 1772] (3936)

**24.13 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 these requirements, or who shall otherwise violate any provision of this section, or of section 24.12, shall be guilty of a misdemeanor.

[R. L. s. 1773] (3937)

**24.14 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 required in sections 24.15 to 24.17 shall be guilty of a misdemeanor and, for each offense, shall, upon conviction thereof, be punished by a fine of not less than \$25.00, and not more than \$100.00, or by imprisonment in the county jail for not exceeding 60 days.

[1907 c. 421 s. 1] (3938)

# MINNESOTA STATUTES 1941

213

## INSECTICIDES, ACIDS, PAINTS, AND CANNING COMPOUNDS 24.20

**24.15 LABELS.** The label required by sections 24.14 to 24.17 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, 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 the description or trade name of such coloring material, and state, with substantial accuracy, its chemical analysis, the label to be printed in the English language, in plain, legible type.

[1907 c. 421 s. 3] (3940)

**24.16 POSSESSION AS EVIDENCE.** The having in possession by any person, firm, or corporation dealing in such articles, any article or substances described in sections 24.14 and 24.15 and not properly labeled, as provided in sections 24.14 to 24.17, shall be considered prima facie evidence that the same is kept by such person or firm in violation of the provisions of sections 24.14 to 24.17, and punishable thereunder.

[1907 c. 421 s. 4] (3941)

**24.17 POWERS.** The 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 sections 24.14 to 24.17.

[1907 c. 421 s. 6] (3943)

**24.18 LABELING OF WOOD ALCOHOL.** No person, by himself, his servant, or agent, or as the servant or agent of another, 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 wood alcohol shall be plainly marked, stamped, branded, or labeled on the outside and face of each 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."

[1905 c. 35 s. 1] (3944)

**24.19 CANNING COMPOUNDS, SALE FORBIDDEN.** It shall be unlawful for any person to manufacture for sale within the state 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 sections 24.19 to 24.21, 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 sections 24.19 to 24.21.

No article shall be deemed adulterated within the provisions of sections 24.19 to 24.21 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 the article is intended to be shipped; but if the article shall be in fact sold or offered for sale for domestic use or consumption, then the article shall not be excepted from the operation of any of the other provisions of sections 24.19 to 24.21.

[1915 c. 335 s. 1] (3890)

**24.20 POSSESSION A MISDEMEANOR.** The having in possession of any preservative compound which is adulterated, 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 sections 24.19 to 24.21, shall be guilty of a misdemeanor; and, on conviction thereof, shall be punished as provided in section 24.23.

Proof that any person, firm, or corporation has or had possession of any preservative compound which is adulterated within the terms of sections 24.19 to 24.21 shall be prima facie evidence that the possession thereof is in violation of this section.

[1915 c. 335 s. 2] (3891)

**24.21 CONTENTS OF COMPOUND.** For the purposes of sections 24.19 to 24.21, 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 the 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.

[1915 c. 335 s. 4] (3893)

**24.22 ENFORCEMENT.** The commissioner is charged with the proper enforcement of all the provisions of this chapter.

[1907 c. 421 s. 5; 1909 c. 62 s. 6; 1915 c. 335 s. 5; 1925 c. 187 s. 5] (3894) (3905) (3906-5) (3942)

**24.23 VIOLATIONS; PENALTIES.** Subdivision 1. Any person violating the provisions of sections 24.03 to 24.06 shall be guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not less than \$25.00, or by imprisonment for not less than 30 days.

Subdivision 2. Any person violating any of the provisions of section 24.18 shall be guilty of a misdemeanor and punished by a fine of not less than \$50.00, and not more than \$100.00, for each and every offense, or by imprisonment in the county jail for not less than 30, nor more than 90, days.

Subdivision 3. Whoever shall violate any of the provisions of sections 24.19 to 24.21 shall be guilty of a misdemeanor and violation thereof shall be punished by a fine of not less than \$25.00, nor more than \$100.00, or by imprisonment in the county jail for not less than three months.

[1905 c. 35 s. 2; 1915 c. 335 s. 6; 1925 c. 187 s. 4] (3895) (3945) (3906-4)