

CHAPTER 28

FOODS; COLD STORAGE

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*Am 4/3-232* **28.01 DEFINITIONS.** Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purposes of this chapter, be given the meanings subjoined to them.

Subdivision 2. **Cold storage.** The term "cold storage" means the storage or keeping of articles of food at or below a temperature above zero of 45 degrees Fahrenheit in a cold storage warehouse.

Subdivision 3. **Cold storage warehouse.** The term "cold storage warehouse" means and includes every place, whether a single room or enclosed space or a group of rooms, that is cooled mechanically or by any artificial means, including the cooling by use of ice, to or below a temperature of 45 degrees Fahrenheit above zero, and in which articles of food are placed and held for 30 days or more. Any room in a cold storage warehouse leased, controlled, and operated apart from the general storage business of the warehouse and to which the general public has not access for storage purposes, is hereby declared a separate cold storage warehouse, subject to licensing and supervision under this chapter. Refrigerator cars and ships when used solely for the transportation, as distinguished from the storage, of foods shall not be regarded as cold storage warehouses nor shall the ice-boxes of retail food establishments and chill-rooms used only for the holding of food for a period of less than 30 days be so regarded. The commissioner shall, for the proper enforcement of this chapter, have the right of inspection of such chill-rooms and of the food held therein.

Subdivision 4. **Articles of food.** The term "articles of food" means fresh meat and fresh meat products and all fish, game, poultry, eggs, butter, butter substitutes, and lard substitutes. For the purpose of enforcing sanitation and public health and in order to make public all current tariff rates and the total amount of cold storage holdings, all other articles of food not hereinbefore specifically mentioned shall be included and come under the provisions of this chapter and, for these purposes, shall be subject to such inspection, rules, and regulations as may be prescribed by the commissioner.

[1921 c. 310 s. 1; 1923 c. 233 s. 1] (6207)

**28.02 LICENSES; FEES.** No person, firm, or corporation shall maintain or operate a cold storage warehouse without a license so to do issued by the commissioner. Any person, firm, or corporation desiring such license shall make written application to the commissioner for that purpose, stating the location of the warehouse. The commissioner shall cause an examination to be made of the warehouse and, if it be found by him to be in proper sanitary condition and otherwise properly equipped for its intended use, he shall issue a license authorizing the applicant to operate the same as a cold storage warehouse during one year. The license shall be issued upon payment by the applicant of a license fee of \$50.00 to the commissioner.

[1921 c. 310 s. 2; 1923 c. 233 s. 2] (6208)

**28.03 LICENSES SUSPENDED OR REVOKED.** The commissioner shall suspend or revoke the license of any cold storage warehouseman or dealer in cold storage products when it shall be made to appear to him by satisfactory evidence that any such licensee has violated any of the terms or provisions of this chapter. This suspension or revocation shall be made only after notice to the licensee and an opportunity to be heard with reference to the grounds for suspension or revoca-

tion, and this action by the commissioner shall in no way exempt such licensee from the penalties otherwise provided for in this chapter.

[1921 c. 310 s. 3; 1923 c. 233 s. 3] (6209)

**28.04 RECORDS; REPORTS.** Every licensee operating under section 28.02 shall keep accurate records of the articles of food received in, and of the articles of food withdrawn from, his cold storage warehouse and the commissioner shall have free access to such records at any time. Every licensee shall submit a monthly report to the commissioner setting forth its itemized particulars and the quantity and kinds of articles of food in his cold storage warehouse. These monthly reports shall be filed on or before the fifth day of each month and the reports so rendered shall show the conditions existing on the last day of the preceding month reported. A summary of these reports shall be prepared by the commissioner and be open to public inspection on or before the tenth day of each month.

[1921 c. 310 s. 4; 1923 c. 233 s. 4] (6210)

**28.05 INSPECTION.** The commissioner shall inspect and supervise all cold storage warehouses and make such inspection of articles of food therein as he may deem necessary to secure the proper enforcement of this chapter, and he shall have access to all cold storage warehouses, together with all related offices, toilet, wash and locker rooms, egg-candling rooms, power houses or rooms, loading and unloading platforms, passage-ways, approaches, and other spaces, the state of sanitation of which may affect the sanitary conditions of the cold storage foods, or which may require visitation or inspection for the enforcement of any of the provisions of this chapter, at all reasonable times. The commissioner may appoint such persons as he deems qualified to make any inspection under this chapter.

[1921 c. 310 s. 5; 1923 c. 233 s. 5] (6211)

**28.06 FOOD WHICH MAY BE PLACED IN COLD STORAGE.** No article of food intended for human consumption shall be placed, received, or kept in any cold storage warehouse unless the same is in an apparently pure and wholesome condition. A food will be deemed "wholesome" only when it is in all respects fit for human consumption. The commissioner may seize and condemn any articles of food in cold storage warehouses which are found to be unfit for human consumption, and these articles of food shall be destroyed or otherwise disposed of under such conditions as the commissioner shall prescribe.

[1921 c. 310 s. 6; 1923 c. 233 s. 6] (6212)

**28.07 MARKING ARTICLES OF FOOD.** No person, firm, or corporation shall place, receive, or keep in any cold storage warehouse in this state articles of food unless the same shall be plainly marked, stamped, or tagged, either upon the container in which they are packed or upon the article of food itself, with the date when placed therein; and no person, firm, or corporation shall remove, or allow to be removed, such articles of food from any cold storage warehouse unless the same shall be plainly marked, stamped, or tagged, either on the container in which it is enclosed or upon the article of food itself, with the date of such removal, and such marks, stamps, and tags shall be prima facie evidence of such receipt, and removal, and of the date thereof. It shall be unlawful to remove, deface, add to, alter, or change any mark placed upon the container, wrapper, or upon the article of food itself, or upon the label or tag attached thereto, which marks are required under the provisions of this chapter, or in compliance with the regulations adopted by the commissioner, or under the provisions of the cold storage act of any other state, without permission of the commissioner or under his direction.

If the articles of food are stored by the lessee of a room or rooms in a cold storage warehouse, the lessee shall be responsible for the goods placed by him or his employees in the leased space, and also for the placing upon them of the required marks. Articles of food entered for periods of less than 30 days in a chill-room located in cold storage warehouses, but used solely for the storage of articles of food for less than 30 days, shall have affixed their respective lot numbers, but require no "time of entry" marks. Cold storage products may be removed from one container to another for the purpose of grading or repacking into more convenient commercial form either during cold storage or at the time of withdrawal therefrom, providing that the old container was properly marked; the lot numbers and all other distinguishing marks shall be marked also upon the new container.

An invoice or bill shall be rendered and delivered by the seller to the purchaser for each sale or consignment, in wholesale quantities, of articles of food which have been in cold storage for a period of 30 days or more and a copy of the invoice or

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bill shall be kept on file at the place where the sale was made; this invoice or bill and copy thereof shall clearly describe the articles of food sold and, in addition, shall describe the articles of food as being "cold storage," by using the words "cold storage" in connection with such description, as, for example, "cold storage meat," "cold storage fish," "cold storage poultry," "cold storage butter," "cold storage eggs," "cold storage tallow," "cold storage lard substitutes," etc., the description to be plainly contained on the invoice or bill on a separate line, printed or stamped in type not smaller than ten-point bold face, which line shall contain no other words than as above indicated. When such goods are bought for re-sale or on consignment, the purchaser shall keep such invoice or bill on file for at least 30 days after all of the goods covered by the invoice or bill are sold.

[1921 c. 310 s. 7; 1923 c. 233 s. 7] (6213)

**28.08 LENGTH OF STORAGE PERIOD.** No person, firm, or corporation shall keep, or permit to remain, in any cold storage warehouse any article of food which has been held in cold storage, either within or without the state, for a longer aggregate period than 12 months, except with the consent of the commissioner, as herein provided.

The commissioner, upon written application made and presented during the 12 months' period, may extend the allowable storage period for any particular article of food; provided, the same, upon examination, is found to be in proper condition for further cold storage. If the commissioner shall grant the application for such further cold storage period, he shall enter an order specifying the period for which such additional storage may be permitted. The commissioner shall make written report on each case in which the extension of storage is granted, including therein the information relating to the reason for the action taken, specifying the kinds and amounts of the articles of food covered by the extension order and the length of time for which the extension is granted, and this report and the order based thereon shall be kept on file in the office of the commissioner at all times open to the public. No extension shall be granted for a longer period than 60 days, but a second extension of not more than 60 days may be granted upon reinvestigation and reexamination; provided, the entire extension period shall in no event exceed more than 120 days.

In case the owner of any article of food in storage in a cold storage warehouse fails or refuses to remove the same before the expiration of the period of time within which the storage may be lawfully continued, then and in such case the warehouseman may sell the same at public auction and for the best price obtainable, first giving ten days' published notice of his intention so to do, and account for and pay over to the owner of the articles of food so sold the amount for which the same is sold, after deducting the reasonable expense of the sale and his charges, if any, for the storage of the articles of food. In such case it shall be lawful to retain the articles of food in cold storage for a period of time, not exceeding 15 days, after the expiration of time during which the articles of food could otherwise be kept in cold storage.

[1921 c. 310 s. 8; 1923 c. 233 s. 8] (6214)

**28.09 SHORTENING STORAGE PERIOD.** When, in the opinion of the commissioner, the market condition of food articles, resulting from hoarding or deterioration is such as to require the release for immediate sale of food stuffs held in cold storage, so that there is immediate market therefor at fair and reasonable prices, the commissioner, by order, may shorten the 12 months' storage period herein provided for as to any particular article of food and may, by his order, fix and establish a shorter storage period for the article of food, and thereupon the article covered by the order shall, upon the expiration of the shortened period, be released from storage and removed from the storage warehouse.

[1921 c. 310 s. 9; 1923 c. 233 s. 9] (6215)

**28.10 DISPLAY OF PLACARDS.** It shall be unlawful to sell, or to offer for sale, either at wholesale or retail, fresh meat or fresh meat products, fish, game, poultry, eggs, butter, butter substitutes, and lard substitutes which have been held for a period of 30 days or over in cold storage, either within or without the state, without notifying persons purchasing or intending to purchase the same that it has been so held, by the display of a placard, which shall indicate the kind of cold storage products offered for sale by the dealer, which placard shall be furnished

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at cost by the department of agriculture, dairy, and food, and prominently displayed within the principal salesroom of the place of business.

[1921 c. 310 s. 10; 1923 c. 233 s. 10] (6216)

**28.11 DEALERS' PENALTIES.** Any place of business, or warehouse, or out-building connected therewith, wherein cold storage products are sold or held subject to sale, and all books and records shall be open at all reasonable times to inspection by the commissioner and, for the purpose of examination of these foods, he may cause any food container to be opened and examined as to its suitability for human consumption.

Any dealer in cold storage products violating section 28.10, or who shall fail to comply with the rules and regulations of the commissioner in the enforcement thereof, shall be guilty of a misdemeanor and shall, upon conviction, be punished for the first offense by a fine of not to exceed \$25.00, and for a second offense by a fine of not to exceed \$100.00, or by imprisonment, or by both such fine and imprisonment.

[1921 c. 310 s. 11; 1923 c. 233 s. 11] (6217)

**28.12 RETURNING FOOD TO COLD STORAGE; TRANSFER.** After food has been withdrawn from a cold storage warehouse, for the purpose of placing it on the market for sale, it shall be unlawful for any person, firm, or corporation to return such food, or any portion thereof, to that cold storage warehouse, or to any similar warehouse. Subject to such regulations as may be prescribed by the commissioner, food may be transferred from one cold storage warehouse or refrigerating plant to another. The total length of time this food shall remain in such cold storage for the purpose of sale shall not exceed the time specified in section 28.08.

[1921 c. 310 s. 12; 1923 c. 233 s. 12] (6218)

**28.13 RULES AND REGULATIONS.** The commissioner shall have power, and it shall be his duty, from time to time, to make and publish uniform rules and regulations, not inconsistent with law, to carry out and enforce the provisions of this chapter, which rules and regulations shall be filed in the office of the commissioner, and published twice in a legal newspaper of general circulation published at the capital of the state; and, from and after the tenth day succeeding the date of the last such publication, the rules and regulations shall have the force and effect of law. An affidavit of the publication shall be kept on file in the office of the commissioner. A copy of the rules and regulations, certified by the commissioner, shall be prima facie evidence of the facts therein contained and of the due making and publication of the rules and regulations.

[1921 c. 310 s. 13; 1923 c. 233 s. 13] (6219)

**28.14 FEES AND FINES PAID INTO STATE TREASURY.** All license fees and fines accruing through the enforcement of the provisions of this chapter shall be paid into the state treasury and credited to the state revenue fund.

[1921 c. 310 s. 15; 1923 c. 233 s. 15] (6221)

**28.15 PENALTIES.** Any person, firm, or corporation violating any provision of this chapter relating to cold storage warehousing shall be guilty of a gross misdemeanor and, upon conviction, punished for the first offense by a fine of not to exceed \$500.00, or by imprisonment in the jail of the proper county for a period of not more than three months, or by both such fine and imprisonment, and for the second or subsequent offense, by a fine of not to exceed \$1,000, or by imprisonment in the jail of the proper county for a period of not to exceed one year, or by both such fine and imprisonment.

[1921 c. 310 s. 14; 1923 c. 233 s. 14] (6220)

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