

AGRICULTURE

CHAPTER 17

DEPARTMENT OF AGRICULTURE, DAIRY, AND FOOD

NOTE: Early laws relating to dairy and food products and drugs are found in the laws relating to offenses against the public health. R.S. Ter. 1851, c. 108, P.S. 1858, c. 97, G.S. 1866, c. 101, and G.S. 1878, c. 101.

L. 1881, c. 133, evidences the first attempt to regulate the sale of imitation butter. L. 1885, c. 149, created the office of state dairy commissioner. L. 1891, c. 119, changed the designation to state dairy and food commissioner. Various amendments to the pure food laws are compiled in G.S. 1894, ss. 6985 to 7044.

The pure food laws were revised and amended by L. 1899, c. 295, and again by L. 1903, c. 155, and together with other amendments are found in R.L. 1905, c. 21, ss. 1734 to 1780, being made a part of the political code. L. 1919, c. 406, created a commission of seven members to revise and codify the laws relating to dairy and food products. L. 1921, c. 495, repealed earlier laws and enacted a complete revision of laws relating to dairy and food products. This was compiled in G.S. 1923, as sections 3789 to 3865.

A department of agriculture in charge of a commissioner of agriculture was created by L. 1919, c. 444, certain duties being transferred from the railroad and warehouse commission. The laws relating to the new department are codified in G.S. 1923 as sections 6023 to 6029.

Departments of agriculture and dairy and food were, by L. 1929, c. 387, consolidated into a single department designated the department of agriculture, dairy and food, to be under the supervision and control of a single commissioner, and subject to the provisions of the reorganization act, L. 1925, c. 426.

17.15 DISCRIMINATION PROHIBITED.

Section 17.15, making it unlawful to discriminate by purchasing farm products at a higher price in one locality than in another after allowing for differences in cost of transportation is valid as against the challenge of lack of due process on the ground that the section omits the element of interest to destroy competition from the definition of the crime of unfair discrimination. *State v Lanesboro Produce*, 221 M 246, 21NW(2d) 794.

The constitutionality of unfair practices acts. 30 MLR 580.

17.18 PROSECUTIONS INSTITUTED BY OTHERS.

Tort liability of manufacturers. 10 MLR 1, 19 MLR 752.

17.23 CONSERVATION OF CERTAIN WILD FLOWERS.

The owner of property may pick flowers or remove plants growing upon his own property. OAG June 14, 1938 (605-B-39).

17.24 ENFORCEMENT.

NOTE: Apparently L. 1947, c. 587, transfers some of the duties of the commissioner to the enforcement division of the department of Business Research and Development.

17.35 FARMS FOR RAISING DOMESTIC FUR-BEARING ANIMALS.

HISTORY: L. 1947, c. 226, ss. 1 to 9.