

CHAPTER 24

INSECTICIDES, ACIDS, PAINTS, AND CANNING COMPOUNDS

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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 term defined in subdivision 4 shall, for the purposes of sections 24.19 to 24.21, be given the meaning subjoined to it; and the word defined in subdivision 5 shall, for the purposes of sections 24.14 to 24.17, be given the meaning subjoined to it; and the terms defined in subdivisions 6 to 16 shall, for the purposes of sections 24.071 to 24.077, be given the meanings subjoined to them.

Subd. 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) Carbolic acid (C₆H₅OH), otherwise known as phenol, and any preparation containing carbolic 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.

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Subd. 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.

Subd. 4. 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.

Subd. 5. 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.

Subd. 6. Economic poison. The term "economic poison" shall include any substance or mixture of substances intended for use in preventing, destroying, repelling, or mitigating any and all insects, rodents, fungi (including bacteria), and other forms of plant or animal life which the Commissioner of Agriculture, Dairy and Food shall declare to be a pest.

Subd. 7. Device. The term "device" shall include any instrument or contrivance intended for trapping, destroying, or repelling insects, or destroying fungi or other pests designated by the Commissioner of Agriculture, Dairy and Food, except rodent traps.

Subd. 8. Ingredient statement. The term "ingredient statement" shall mean (1) a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in an economic poison, or, (2) a statement of the name and percentage of each inert ingredient, or, (3) a statement "active ingredients 100%" when the economic poison consists of ingredients each of which will prevent, destroy, repel or mitigate insects, fungi, rodents, or other pests; provided, however, that Option 1 shall apply if the economic poison is highly toxic to man.

Subd. 9. Insecticide. The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever.

Subd. 10. Fungicide. The term "fungicide" means any substance, or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi which may be present in any environment whatsoever except on or in living man or other animals.

Subd. 11. Rodenticide. The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating rodents.

Subd. 12. Person. The term "person" shall include any individual, firm, corporation, partnership, association, trust, joint stock company, or unincorporated organization.

Subd. 13. Label. The term "label" means the written, printed or graphic matter on the immediate container of the article or on the article itself and also on the outside container or wrapper, if any there be, of the individual consumer package of such article. The label shall contain the following mandatory information: (1) the name, brand, or trademark of the product; (2) the name and address of the manufacturer or distributor; (3) the net weight or measure, as the case may be, which is contained in the package; (4) a complete ingredient statement as outlined in section 1 (c).

Subd. 14. Labelling. The term "labelling" means all labels and other written, printed or graphic matter, (1) upon any article or any of its containers or wrappers, (2) accompanying such article, (3) to which reference is made on the label or literature accompanying such article, or (4) which relates or refers to the article for the purpose of inducing the sale thereof.

Subd. 15. **Adulterated.** The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standards or quality under which it is sold, if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted; in the case of an insecticide or fungicide, if it is intended for use on vegetation or animals and shall cause injury of economic importance to such vegetation or animals when used as directed; and, in the case of a rodenticide if its strength is less than the minimum standard set by regulation promulgated by the Commissioner of Agriculture, Dairy and Food.

Subd. 16. **Misbranded.** The term "misbranded" shall apply to any economic poison or device if its labeling bears any statement, design, or graphic representation relative to the article or its ingredients which is false or misleading in any particular or if the labeling accompanying the article does not contain adequate instructions for use; and to any economic poison if it be an imitation or offered for sale under the name of another article or if its label fails to bear the ingredient statement plainly and correctly on the principal panel of the individual container and on the carton or outer container label if there be one.

[1907 c. 421 s. 2; 1909 c. 62 s. 2; 1915 c. 335 s. 3; 1925 c. 187 s. 1; 1945 c. 427 s. 1 (a) (b) (c) (d) (e) (f) (g) (i) (j) (k) (l)] (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)

24.07-24.11 [Repealed, 1945 c. 427 s. 11]

24.071 DISCOLORATION; LABELS. Subdivision 1. **Discoloring white powder economic poisons.** No white powder economic poison highly toxic to man as placed on the market for use in homes, buildings, ships and other enclosed places for human occupancy may be sold for insecticidal use unless distinctly discolored or colored to such an extent that confusion of the same with a harmless or non-toxic article is unlikely to occur. The commissioner may make regulations for the enforcement hereof, giving due consideration to uniformity with color requirements promulgated by the federal government, after investigation and public hearing on the question of the necessity of said regulations in the public interest.

Subd. 2. **Labels.** Any economic poison determined by the commissioner to be highly toxic to man shall bear upon the label in plain, legible type, (1) the word "poison" on a background of distinctly contrasting color, and, (2) an antidote, if known, for the poison or poisons contained therein and, (3) the skull and crossbones.

[1945 c. 427 s. 1 (m); 1945 c. 427 s. 6]

24.072 REGISTRATION; FEES. Subdivision 1. Any person, before selling or offering for sale any economic poison for use as an insecticide or fungicide within this state, shall annually file with the commissioner, an application for registration of such economic poison giving the following information: (1) the name and address of each manufacturer or distributor; (2) the name and brand, if any, of each product registered, together with an ingredient statement of each product registered in accordance with section 24.02, subdivision 8, and accompanying each registration application there shall be filed with the commissioner, a label of each product so registered. If the commissioner finds that the application conforms to law he shall issue to the applicant a certificate of registration of the product. If the application is denied the product shall not be offered for sale.

Subd. 2. Each application for registration shall be accompanied by an inspection fee of \$5 for each product registered; however, the total registration fees for any one person shall not exceed the sum of \$25. But in cases where the registration fees have been paid by the manufacturer, jobber, or any person, as required by this section, then in that event nothing in this section shall be construed as applying to retail dealers selling economic poisons. All such registration fees collected by the commissioner shall be paid into the state treasury and be credited to the general revenue fund.

Subd. 3. Each registration fee of \$5 or \$25, if more than four products are registered by one registrant, shall expire on the 30th day of June following its issue and no certificate of registration shall be issued for a term longer 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. 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 July 1st of each year, or within the same month such economic poisons are first manufactured or sold within this state.

[1945 c. 427 s. 2]

24.073 INSPECTION AND SEIZURE. Subdivision 1. **Right of inspection.** For obtaining information regarding the suspected violations of law, the commissioner, his assistants, appointees, agents, and employees, shall have access to all places where any economic poison or other articles, the manufacture, sale, use or transportation of which is restricted, regulated or prohibited by Laws 1945, Chapter 427, or by any law of this state; and they may inspect any package, receptacle or container found therein apparently containing any economic poisons or ingredients thereof, or any other article, the manufacture, use, sale or transportation of which is restricted, regulated or forbidden by Laws 1945, Chapter 427, 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.

Subd. 2. **Seizure; search; warrants.** The commissioner may seize all economic poisons or similar articles, the manufacture, transportation, sale or use of which is prohibited by Laws 1945, Chapter 427, 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 Laws 1945, Chapter 427, or in violation of any rule, regulations, definition, standard or ruling made, adopted, published hereunder and for this purpose he and his several assistants, inspectors, agents, and employees shall have the power of a constable. Such seizures 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 adopted to the purpose of Laws 1945, Chapter 427.

[1945 c. 427 s. 3, 4]

24.074 RULES AND REGULATIONS. For the purposes aforesaid, it shall also be the duty of the commissioner to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of Laws 1945, Chapter 427, which rules and regulations shall be approved by the attorney general as to form and legality. Before any such rules and regulations 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 said ruling or rulings therein set forth. 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 economic poison or similar article contrary to the provisions of any such rule or regulation or who shall fail to comply with any such rule or regulation, shall be guilty of a violation of Laws 1945, Chapter 427.

[1945 c. 427 s. 5]

24.075 WHEN LAWS 1945, CHAPTER 427, NOT APPLICABLE. The provisions of Laws 1945, Chapter 427, except section 3, shall not apply to (1) finished economic poisons in transit through the state or in storage within the state intended for and sold outside of the state; (2) economic poison ingredient materials in transit or in storage intended for manufacturing, processing, mixing or repackaging; (3) common or private carriers and warehousemen while engaged in lawfully transporting and storing economic poisons; (4) public officers while engaged in the performance of their official duties; or (5) any employee of the foregoing while acting in the scope of employment.

[1945 c. 427 s. 9]

24.076 ENFORCEMENT. The commissioner is charged with the proper enforcement of all the provisions of Laws 1945, Chapter 427.

[1945 c. 427 s. 10]

24.077 PENALTIES. Any person violating any of the provisions of Laws 1945, Chapter 427, or 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 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 or by imprisonment in the county jail for not less than 60 days for each subsequent offense.

[1945 c. 427 s. 7]

24.12 LINSEED OIL. Subdivision 1. Pure linseed oil shall be defined as the oil obtained wholly from the seeds of the flax plant and containing no added ingredient. Boiled linseed oil shall be defined as 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 boiled linseed oil, shall be known as raw linseed oil. Linseed replacement oil shall be defined as oil complying with the specifications for linseed replacement oil as provided by specifications of the United States dated May 1, 1943, approved for use of all departments and establishments of the Federal Government, and as the same may be written from time to time hereafter. If designed or offered for sale or use as either pure linseed oil, boiled linseed oil or linseed replacement oil, or as a substitute for any of them, or in imitation of any of them, any substance or preparation which is not included in the respective definitions, thereof shall be deemed adulterated, and the manufacture thereof for sale within the state or the sale thereof within the state is prohibited. No person shall sell pure linseed oil, boiled linseed oil or linseed replacement 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 linseed oil, boiled linseed oil, or linseed replacement oil; and there shall also appear upon the receptacle the name and address of the manufacturer of the oil.

Subd. 2. No person shall sell in this state after October 1, 1947, linseed replacement oil as defined in this act. If, in the opinion of the commissioner of agriculture, dairy, and food, the shortage of flax seed justifies an extension of time beyond the limitation set forth in this section for the sale of linseed replacement oil, he may extend such limitation of time, but such extension shall not extend beyond October 1, 1948.

[R. L. s. 1772; 1947 c. 102 s. 1, 2] (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 and not more than \$100 or by imprisonment in the county jail for not exceeding 60 days.

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

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

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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 or by imprisonment for not less than 30 days.

Subd. 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 and not more than \$100 for each and every offense or by imprisonment in the county jail for not less than 30 nor more than 90 days.

Subd. 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 nor more than \$100 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)