

CHAPTER 32

BUTTER, CHEESE, CREAM, AND MILK

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32.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the word defined in subdivision 2 shall, for the purposes of this chapter, be given the meaning subjoined to it; the words, terms, and phrases defined in subdivision 3 and subdivisions 5 to 7 shall, for the purposes of sections 32.02 to 32.07, be given the meanings subjoined to them; the word defined in subdivision 4 shall, for the purposes of sections 32.21 to 32.31, and 32.36 to 32.42, be given the meaning subjoined to it; and the word defined in subdivision 8 shall, for the purposes of sections 32.18 to 32.20, be given the meaning subjoined to it.

Subd. 2. **Department.** "Department" means the department of agriculture, dairy, and food.

Subd. 3. **Person.** "Person" means an individual, firm, partnership, co-partnership, association, or corporation.

Subd. 4. **Person.** "Person" means and includes corporations, copartnerships, companies, societies, and associations.

Subd. 5. **Cream-buying station.** "Cream-buying station" means any place other than a creamery where deliveries of cream are weighed, sampled, or tested for purchase on a butterfat basis.

Subd. 6. **Creamery.** "Creamery" means any place where cream, delivered by two or more persons, is churned into butter for commercial purposes.

Subd. 7. **Babcock test.** "Babcock test" means the official Babcock test for milk and cream as set forth in section 32.25.

Subd. 8. **Overrun.** "Overrun" is the difference between the weight of any given amount of pure butterfat and the weight of the butter manufactured therefrom; and this difference, ascertained in any case, divided by the given amount of pure butterfat in such case and multiplied by 100, is the "percentage of overrun" in the manufacture of butter.

[1921 c. 495 s. 84; 1927 c. 162 s. 1; 1927 c. 169 s. 1; 1935 c. 61 s. 1] (3821-1, 3871, 3873-1, 3928-4)

32.02 GRADES OF CREAM AND BUTTERFAT. All cream or butterfat sold or purchased shall be graded and paid for on the basis of the following established grades:

Sweet cream grade shall consist of fresh, clean, fine-flavored cream, the acidity of which calculated as lactic acid shall at no time have exceeded one-fifth of one per cent in cream.

Grade one shall consist of cream that is clean, free from undesirable odors and flavors, the acidity of which calculated as lactic acid shall at no time have exceeded three-fifths of one per cent at the time and place of purchase.

Grade two shall consist of cream that is too acid to grade as grade one or contains undesirable odors and flavors in a moderate degree.

Unlawful cream shall consist of cream which contains dirt, filth, or other foreign matter which makes it unfit for human consumption.

[1935 c. 61 s. 2] (3928-5)

32.03 CONDEMNATION TAGS. All licensed cream buyers shall affix to the container of condemned unlawful cream condemnation tags provided by the department, and shall also place in such unlawful cream a harmless, permanent coloring matter so as to prevent the unlawful cream from being sold for human consumption.

[1935 c. 61 s. 3] (3928-6)

32.04 CREAM SHIPPED DAILY. The cream buyer shall ship all cream purchased by him within 24 hours of the time of purchase of cream, except where acts of Providence beyond his control prevent compliance with this provision.

[1935 c. 61 s. 4] (3928-7)

32.05 PURCHASES ON BASIS OF GRADES. All purchases of cream shall be on the basis of the grades defined in section 32.02. All purchasers of cream or butterfat shall maintain a reasonable price differential for such grades and at no time shall this differential be less than one cent per pound butterfat between grades. The daily current price being paid for each grade shall be posted in a prominent place in each cream-buying station or creamery; provided, that this requirement as to the posting of the daily current price shall not be applied to those creameries or cream-buying stations that do not make daily cash purchases.

[1935 c. 61 s. 5] (3928-8)

32.06 MONTHLY TEST. A minimum of one sediment test per month must be made of the cream of each producer patron of a creamery or of any cream buyer. If such sediment test is unsatisfactory, then successive tests on future deliveries of cream marketed must be made and must conform to the definition for sweet cream, grade one or grade two cream before the marketer of the cream shall be entitled to receive the price being paid for the grade of cream offered.

[1935 c. 61 s. 6] (3928-9)

32.07 LICENSED CREAM BUYER NECESSARY. A licensed cream buyer, duly qualified to grade and test cream, shall be maintained in each creamery and in each cream-buying station where cream is purchased. A grading and testing license shall be issued by the department to such person who shall have passed a satisfactory examination in person and shall have proved by actual demonstration before an inspector or authorized agent of the department that he is competent and qualified to grade and test cream and that he is fully conversant with all the requirements of sections 32.02 to 32.07. Every such license shall be issued for a period ending on the thirty-first day of December, following, and shall not be transferable. The fee for each such annual license shall be \$1.00 and shall be paid to the department or its agent before the license, or renewal thereof, is issued.

[1935 c. 61 s. 7] (3928-10)

32.08 MILK AND CREAM CANS 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.

[1923 c. 173 s. 1] (3929)

32.09 CREAMERIES, CHEESE FACTORIES, CONDENSERIES, MILK PLANTS, CREAM STATIONS. 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 trans-

portation, shall be operated in this state unless a license therefor shall be issued and be in force, as provided in sections 32.09 and 32.10. The owner, operator, or lessee of any such creamery, cheese factory, condensery, milk plant, or cream station shall apply to the commissioner for such license upon such form and shall furnish such information as he 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 thirtieth, of each year, unless sooner revoked as provided in section 32.10. 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.

[1927 c. 187 s. 1] (3935-1)

32.10 LICENSES SUSPENDED OR REVOKED. When any person licensed under sections 32.09 and 32.10 shall have been convicted of a violation of any provision of any 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 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 canceled by the commissioner upon ten 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 the 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.

[1927 c. 187 s. 3] (3935-3)

32.11 DISCRIMINATION IN BUYING PROHIBITED. Any person, firm, copartnership, 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 such person, firm, copartnership, 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 \$100 or by imprisonment in the county jail for not exceeding 90 days.

[1921 c. 305 s. 1; 1923 c. 120 s. 1] (3907)

32.12 HIGHER PRICE. Proof that any person, firm, copartnership, 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 section 32.11.

[1921 c. 305 s. 2] (3908)

32.13 STORAGE ROOMS FOR MILK AND CREAM, CONSTRUCTION AND CONDITION; SHIPPED BY COMMON CARRIERS. 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. This 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. This room shall be equipped so as to maintain a supply of hot water of not less than five gallons or with live steam under pressure in sufficient quantity to meet all requirements, and shall be

used exclusively for the receiving, handling, testing, and preparing for shipment of milk and cream.

[1921 c. 306 s. 1; 1927 c. 282 s. 1] (3911)

32.14 STORAGE ROOMS 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 commissioner.

[1921 c. 306 s. 2; 1927 c. 282 s. 1] (3912)

32.15 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 being used again.

[1921 c. 306 s. 3; 1927 c. 282 s. 1] (3913)

32.16 STORAGE ROOMS, INSPECTION, COMPLAINTS; TESTING LICENSES REVOKED. It shall be the duty of the commissioner to inspect such milk and cream stations and, when 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 sections 32.13 to 32.16, 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.

[1921 c. 306 s. 5; 1927 c. 282 s. 1] (3915)

32.17 REFRIGERATION SHIPMENT OF CREAM. The shipment of cream for a distance of more than 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 the cream shall have previously undergone an effective process of pasteurization, is hereby prohibited.

[1913 c. 433 s. 1] (3916-1)

32.18 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.

[1927 c. 169 s. 2] (3873-2)

32.19 REPORTS REQUIRED; CONTENTS. Every person, owner, or operator shall, within 90 days following the close of each fiscal year and at such other times as 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 32.18, during the preceding fiscal year. These reports shall state the name of the creamery or other business engaged in within the requirements of sections 32.18 to 32.20, 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 buttermaker or person in charge of such business, and the names 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 person, owner, or operator in his files, which shall be subject to examination by the commissioner at any time.

[1927 c. 169 s. 3; 1947 c. 290 s. 1] (3873-3)

32.20 INSPECTION OF BOOKS AND RECORDS. The books and records of all persons, owners, and operators coming within the provisions of section 32.18 shall be open for the inspection of the commissioner and his deputies and employees at all times, who shall make such examination thereof as is desired or deemed necessary by the commissioner.

[1927 c. 169 s. 4] (3873-4)

32.21 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 15 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 sections 32.21 to 32.31 and 32.36 to 32.42. 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 provided in section 32.22.

[1921 c. 495 s. 22] (3811)

32.211 STANDARDS OF MILK AND MILK PRODUCTS. In so far as it is necessary to comply with standards and regulations established by the government of the United States during the present war, and until 60 days following the cessation of hostilities when declared by competent authority, the power is vested in the commissioner to fix the standards of composition of milk and milk products produced and marketed in this state. The commissioner shall not permit the sale of ice cream containing less than nine per cent butterfat.

[1943 c. 509 s. 1]

32.22 SKIMMED MILK. Notwithstanding the provisions of section 32.21, 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 these words being placed on the top or side of such vessel. These requirements 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 30 minutes, or at a minimum temperature of 180 degrees Fahrenheit for continuous flow pasteurization.

[1921 c. 495 s. 23] (3812)

32.23 SALES LICENSED. No person shall sell milk or cream without being licensed by the 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 first 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 these purposes, 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. Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor. No permit,

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inspection, or other authorization shall be required of such person unless the cost thereof is paid by the municipality, agency, or board requiring the same.

[1921 c. 495 s. 24; 1935 c. 217] (3813)

32.24 LICENSES REVOKED. The commissioner may withhold a license from any applicant therefor, under any provision of sections 32.21 to 32.31 and 32.36 to 32.42, 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 thereof, or refused or failed to obey his lawful request or direction; and every conviction of the licensee for an offense punishable thereunder shall be a sufficient ground for such revocation.

[1921 c. 495 s. 25] (3814)

32.25 MILK AND CREAM SOLD BY WEIGHT. Subdivision 1. **Payment upon basis of milk fat.** All milk and cream purchased from two or more producers for the purpose of manufacture into butter or cheese, or for the purpose of condensing or drying the same, or for the purpose of resale, shall be purchased by weight and payment shall be made therefrom upon the basis of milk-fat therein contained and not otherwise; provided, that in purchasing whole milk from which the milk-fat or cream is to be separated and the skimmed milk sold or processed separately, the purchaser shall pay for such skimmed milk by weight in addition to the amount paid for milk fat as herein prescribed, computing the skimmed milk at 80 per cent of the weight of the whole milk, or the purchaser of such whole milk may pay for same on the basis of the fat and the non-fat solids contained therein.

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 this 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

Subd. 2. **Apparatus to conform to specifications.** All glassware, test-bottles, pipettes, acid measures, chemicals, scales, and other apparatus used in the operation of this test shall conform to the specifications set forth in that method.

Subd. 3. **Penalties for violations.** 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 or graduated in accordance with these specifications, or who shall employ any test other than the Babcock test, or any method other than the 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 guilty of a misdemeanor.

[1921 c. 495 s. 26; 1927 c. 154 s. 1; 1941 c. 327; 1945 c. 164 s. 1; 1947 c. 461 s. 1] (3815)

32.26 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.

[1921 c. 495 s. 27] (3816)

32.27 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, 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 furnished milk and cream for manufacture or otherwise disposed

of. These records shall be exhibited on request of the commissioner and his employees and to all persons furnishing milk and cream to such maker.

[1921 c. 495 s. 28] (3817)

32.28 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 commissioner. The 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, 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.

[1921 c. 495 s. 29] (3818)

32.29 INSPECTION OF DAIRIES. At such time 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 insanitary 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.

[1921 c. 495 s. 30] (3819)

32.30 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 commissioner or his official subordinates.

[1921 c. 495 s. 31] (3820)

32.31 BUTTERFAT CONTENT OF BUTTER. No person shall manufacture for sale, or sell, or have in possession with intent to sell, any dairy or creamery butter which contains less than 80 per cent butterfat by weight, or which has been manufactured from milk or cream which has not been pasteurized in accordance with the provisions of sections 32.391 and 32.392.

[1921 c. 495 s. 32; 1937 c. 55 s. 1; 1947 c. 104 s. 1] (3821)

32.32 OVERRUN IN EXCESS OF 24 PER CENT UNLAWFUL. It shall be, and it is hereby 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.

[1927 c. 162 s. 2] (3821-2)

32.33 EVIDENCE FOR PROSECUTIONS. The reports required by law to be made and which are made to the commissioner by persons engaged in the manufacture of butter shall be competent evidence in any prosecution under sections 32.32 and 32.33 against the person making the same, and when 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 thereof alleged to have been committed on a certain date within that period, has had or permitted an average percentage of overrun in excess of 24 per cent in the butter manufactured by him during that period, such showing shall be prima facie evidence of a violation thereof by the person so charged, committed as of the date alleged.

[1927 c. 162 s. 4] (3821-4)

32.34 AUDIT OF BOOKS BY COMMISSIONER. When complaint shall be made to the commissioner that any person, firm, or corporation is violating the provisions of 32.32 and 32.33, or when the commissioner shall have reason to believe that any person, firm, or corporation is violating the provisions thereof, he may cause the books and records of the person, firm, or corporation alleged to be violating sections 32.32 and 32.33 to be examined and audited by a competent accountant familiar with

creamery practices and the handling of books and accounts of creameries. This audit shall be made for the purpose of aiding in determining whether or not there has been such a violation.

[1931 c. 414 s. 1] (3821-5)

32.35 ACCOUNTANT EMPLOYED. The investigation herein provided for shall be made by accountants employed by the commissioner pursuant to the terms and provisions of sections 22.36 to 22.39, but any such investigation shall be made at the sole cost and expense of the state.

[1931 c. 414 s. 2] (3821-6)

32.36 RENOVATED BUTTER. No person shall sell any butter made by taking original packing stock, or other butter, or both, and melting 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-faced 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. 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.

[1921 c. 495 s. 33] (3822)

32.37 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 the compound.

[1921 c. 495 s. 34] (3823)

32.38 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, that this section shall not apply to pure salt added to butter or cheese.

[1921 c. 495 s. 35] (3824)

32.381 "CHEESE" DEFINED. The term "cheese" as used in sections 32.381 to 32.385, shall include all varieties of cheese, cheese spreads, cheese foods, cheese compounds, or processed cheese, made or manufactured in whole or in part from cow's, goat's, or sheep's milk.

[1947 c. 184 s. 1]

32.382 MANDATORY PROCESS PROVISIONS. No person, firm, or corporation shall manufacture, transport, sell, offer, or expose for sale or have in possession with intent to sell, at retail to a consumer any cheese which has not been (a) manufactured from milk or milk products which have been pasteurized in accordance with Minnesota Statutes 1945, Sections 32.391 and 32.392, or (b) subjected to a heat treatment equivalent to pasteurization during the process of manufacture or processing, or (c) subjected to an aging process whereby it has been kept for at least 60 days after manufacture at a temperature not lower than 35 degrees Fahrenheit; provided, however, the aging process under provisions of sections 32.381 to 32.384, required for limburger and limburger brick cheese, shall be a minimum of 25 days.

[1947 c. 184 s. 2]

32.383 STATEMENT BY MANUFACTURER. Each cheese or packaged cheese sold, offered, or exposed for sale or held in possession with intent to sell at either retail or wholesale, within this state, shall have affixed thereto by the manufacturer a statement clearly setting forth:

(a) The factory number where manufactured, or in states where official factory numbers are not assigned, the name of the manufacturer and address of the plant where manufactured; provided, however, that in case of process cheese, cheese spreads, cheese foods and cheese compounds, the name and address of the jobber or distributor may be substituted for the name of the manufacturer and address of the plant where manufactured;

(b) The name of the variety or the distinctive name of the product and the word "Pasteurized" if made from pasteurized milk;

(c) The name of the variety or the distinctive name of the product and the date of manufacture if made from unpasteurized milk;

(d) The name of the variety or the distinctive name of the product and the word "Pasteurized" if made from milk which is pasteurized in the curd form during the making process.

When a cheese is repackaged or divided into wholesale cuts, the distributor shall affix to each package or cut a label containing the information required in (b) or (c) of this section, which appears on the original cheese, together with the name and address of the distributor. When selling cheese to the consumer, that portion to which the label is affixed shall be sold last.

[1947 c. 184 s. 3]

32.384 ENFORCEMENT. The commissioner of agriculture, dairy and food shall be charged with the enforcement of sections 32.381 to 32.383 and shall have authority to promulgate all such rules and regulations as are necessary to the enforcement thereof. In so doing he shall have all the power and authority granted him under Laws 1921, Chapter 495, as amended.

[1947 c. 184 s. 4]

32.385 VIOLATIONS; PENALTIES. Any person violating any of the provisions of sections 32.381 to 32.384 shall be deemed guilty of a misdemeanor.

[1947 c. 184 s. 5]

32.39 [Repealed, 1947 c. 104 s. 2]

32.391 MILK; PASTEURIZATION. Subdivision 1. **Milk defined.** Milk is defined as the whole, fresh, clean lacteal secretion obtained by the complete milking or one or more healthy cows, excluding that obtained within 15 days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free, and which contains not less than 3.25 per cent of milk fat. The name "milk" unqualifiedly means cow's milk.

Subd. 2. **Pasteurized defined.** The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer (a) to the process of heating every particle of milk or milk products to a temperature of at least 143 degrees Fahrenheit and holding such temperature for at least 30 minutes and then immediately cooling to a temperature of at least 50 degrees Fahrenheit in properly operated equipment approved by the commissioner, or (b) to the process of heating every particle of milk or milk products to a temperature of at least 160 degrees Fahrenheit and holding such temperature for at least 15 seconds and then immediately cooling to a temperature of at least 50 degrees Fahrenheit in properly operated equipment approved by the commissioner. Nothing contained in this definition shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

[1945 c. 384 s. 1, 2]

32.392 APPROVAL OF PLANT REQUIRED. No pasteurized milk, cream or liquid milk products may be sold, advertised, offered, or exposed for sale or held in possession for sale in this state unless the plant, equipment, water supply and plumbing system connected with such plant shall have been approved by the commissioner and a permit issued to operate such plant. All construction or alteration of such plants shall be made only with the approval of the commissioner and duplicate plans for such construction or alteration shall be submitted to him for approval.

[1945 c. 384 s. 3]

32.393 LIMITATIONS ON SALE. Subdivision 1. **Pasteurization required.** No milk, cream or liquid milk products labeled or otherwise designated as pasteurized or as having been treated by any heating process shall be sold, advertised, offered

or exposed for sale or held in possession for sale in this state unless the same has been pasteurized as defined in section 32.391.

Subd. 2. **Labels required.** All milk, cream or liquid milk products not pasteurized as defined herein shall be labeled or otherwise designated as raw milk, raw cream or other raw liquid milk products.

[1945 c. 384 s. 4]

32.394 GRADE A PASTEURIZED MILK. Subdivision 1. Grade A pasteurized milk is milk which has been pasteurized, cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery exceeds 30,000 bacteria per milliliter, standard plate count, as determined by the logarithmic averages of four consecutive tests of milk samples taken on separate days.

Subd. 2. Grade A raw milk is milk the bacterial count of which does not exceed 50,000 bacteria per milliliter, standard plate count, as determined by the logarithmic averages of four consecutive tests of milk samples taken on separate days.

Subd. 3. The commissioner shall by regulation promulgate production standards for Grade A pasteurized milk and Grade A raw milk.

Subd. 4. Nothing in this section shall be construed to mean compulsory grading of milk; such grades shall apply only to pasteurized and raw milk on which the grade is declared on the label.

[1945 c. 384 s. 5]

32.395 OTHER THAN GRADE A. Pasteurized milk, other than Grade A, is milk which has been pasteurized, cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery, exceeds 50,000 bacteria per milliliter, standard plate count, as determined by the logarithmic averages of four consecutive tests of milk samples taken on separate days.

[1945 c. 384 s. 6]

32.396 GRADE A RAW MILK. Subdivision 1. Grade A raw milk for pasteurization purposes is raw milk the bacterial count of which does not exceed 200,000 bacteria per milliliter, standard plate count or direct microscopic count, as determined by the logarithmic averages of four consecutive tests of milk samples taken on separate days.

Subd. 2. Raw milk for pasteurization purposes, other than Grade A, is raw milk, the bacterial count of which does not exceed 500,000 bacteria per milliliter, standard plate count or direct microscopic count, as determined by the logarithmic averages of four consecutive tests of milk samples taken on separate days.

[1945 c. 384 s. 7]

32.397 MINIMUM STANDARDS. The standards set forth in Laws 1945, Chapter 384, shall be considered as minimum standards only. Nothing in Laws 1945, Chapter 384, shall be construed to prevent any municipality from providing by ordinance more stringent or comprehensive standards than are contained herein.

[1945 c. 384 s. 9]

32.398 ENFORCEMENT AND VIOLATIONS. Subdivision 1. **Enforcement.** The commissioner shall enforce the provisions of sections 32.391 to 32.398 and in so doing shall have all the power and authority granted him under Laws 1921, Chapter 495, as amended.

Subd. 2. **Violations and penalties.** Any person violating any of the provisions of sections 32.391 to 32.398 shall be deemed guilty of a misdemeanor.

[1945 c. 384 s. 8, 10]

32.40 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 commissioner, or from one of his duly appointed assistants or inspectors, authorizing such person to so operate the tester.

[1921 c. 495 s. 40] (3829)

32.41 APPLICANTS FOR LICENSE RESIDENTS OF UNITED STATES. Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the commissioner; and such applicant, before the 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 it. No person who is not a resident of the United States shall be licensed under the provisions of Laws 1921, Chapter 495. [1921 c. 495 s. 41; 1925 c. 164] (3830)

32.42 LICENSE FEE, 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 commissioner.

[1921 c. 495 s. 42] (3831)

32.43 BUTTER AND CHEESE BRANDS. Any person manufacturing butter in the state may use the stamp, brand, or label, provided in sections 32.44 to 32.47 when authorized by the commissioner.

[1923 c. 172 s. 1] (3845)

32.44 MINNESOTA BRANDS. The commissioner may authorize the use of the following stamp, brand, or label for butter manufactured in the state. Such stamp, brand, or label shall have the design and shall be of such size as the commissioner shall adopt and designate, and shall contain the following words: "Minnesota fancy creamery butter, 92 points. If not up to grade, notify the Minnesota department of agriculture, dairy, and food. No..... (insert factory number)."

[1923 c. 172 s. 1] (3846)

32.45 USE OF MINNESOTA BUTTER BRANDS. The commissioner may authorize the use of such stamp, brand, or label only by such persons manufacturing butter who comply with the following rules:

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

(2) Cream must be delivered in good condition, in individual producer's cans, and when delivered must not show an acid test above three-tenths of one per cent;

(3) 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 30 minutes, and in the flash system pasteurization at a temperature of at least 180 degrees Fahrenheit; and

(4) Butter made from such cream at such factory or creamery shall score at least 92 per cent at the time of manufacture and within 15 days thereafter.

[1923 c. 172 s. 1; 1925 c. 49 s. 1] (3847)

32.46 MINNESOTA BUTTER BRANDS, APPLICATION FOR LICENSE TO USE. Any person desiring to use the stamp, brand, or label described in section 32.44, 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 the butter is to be manufactured, and give such other information as the commissioner may require. A license may be granted by the 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. The license shall state that the stamp, brand, or label so provided for may be used in connection with the manufacture or sale of butter from the creamery or factory described in the license. The 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. The license so granted may be revoked by the commissioner if any of the provisions of sections 32.43 to 32.47 are not complied with. All licenses shall be numbered in serial order. All applications for license shall be accompanied by a fee of \$5.00, 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.

[1923 c. 172 s. 1; 1925 c. 49 s. 2] (3848)

32.47 COMPLAINT; INVESTIGATIONS; LICENSES REVOKED. When complaint is made, in writing, to the commissioner as to the quality of any butter sold bearing the stamp, brand, or label described in sections 32.43 to 32.47, he shall, upon receipt of such complaint, immediately make investigation; and, if the persons licensed to use such stamp, brand, or label have not complied with, or refuse to comply with, the rules and regulations of the 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, brand, or label shall be surrendered to and taken by the commissioner.

[1923 c. 172 s. 1] (3849)

32.48 [Repealed, 1947 c. 275 s. 1]

32.49 SALES OF ADULTERATED DAIRY PRODUCTS PROHIBITED. It shall be unlawful for any person, firm, or corporation, by himself or itself, his or its employee or agent, or as the employee or agent of another, to manufacture, sell, or exchange, or to have in possession with intent to sell or exchange, any milk, cream, condensed or evaporated cream, skimmed milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skimmed 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 milkfat, either under the name of these products or articles, or the derivatives thereof, or under any fictitious or trade-name.

[1923 c. 126 s. 1; 1925 c. 203] (3926)

32.491 STANDARDS AND GRADES FOR DAIRY PRODUCTS. Subdivision 1. **Milk standards; enforcement.** In order to protect the public health and welfare, to promote the interests of the dairy industry in Minnesota, and to secure uniformity, the commissioner shall adopt standards and grades for milk purchased for manufacturing purposes. Before adopting any standards or grades for milk, the commissioner shall hold a public hearing thereon, as provided by law.

Subd. 2. **Purchases based on grades.** All milk purchased for manufacturing purposes shall be purchased on the basis of the standards and grades so adopted.

Subd. 3. **Enforcement.** The commissioner shall enforce the provisions of this section and shall have all the power and authority granted him under Laws 1921, Chapter 495, as amended.

Subd. 4. **Penalties.** Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor.

[1947 c. 396]

32.50 VIOLATIONS; PENALTIES. Subdivision 1. Every person who shall violate or fail or refuse to comply with any provisions of section 32.08 shall be guilty of a misdemeanor.

Subd. 2. Any person violating any of the provisions of sections 32.18 to 32.20 shall be guilty of a misdemeanor.

Subd. 3. Any person violating any of the provisions of section 32.48 shall be guilty of a misdemeanor.

Subd. 4. Any violation of any of the provisions of sections 32.02 to 32.07 is hereby declared to be a misdemeanor, and any person, whether individually or as a member of a partnership, or as an agent or officer of a corporation, or any corporation, who shall be convicted of such violation, either on his or its own behalf or in the interest of any other individual or corporation, association, or partnership, shall be fined not less than \$25 nor more than \$100 and such person's or corporation's license may be revoked on second offense.

Subd. 5. Any person violating any provisions of sections 32.32 and 32.33 shall be guilty of a misdemeanor, the minimum punishment for which shall be a fine of \$25 or imprisonment for 20 days.

Subd. 6. Any person who shall violate any of the provisions of sections 32.09 and 32.10 shall be guilty of a misdemeanor; and upon conviction punished by a fine of not less than \$25 or by imprisonment for not less than 30 days; and for each subsequent offense by a fine of not less than \$50 or by imprisonment for not less than 60 days.

Subd. 7. Any violation of any of the provisions of section 32.49 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 30 nor more than 60 days or by a fine of not less than \$50 nor more than \$100.

Subd. 8. Any person, firm, or corporation violating any of the provisions of sections 32.13 to 32.16 shall be guilty of a misdemeanor; and upon conviction punished by a fine of not less than \$25 or more than \$100 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.

Subd. 9. Any agent of any railroad company who shall ship, or receive for shipment, any cream, except as provided in section 32.17, or any person who shall make 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 the cream, shall be guilty of a misdemeanor; and upon conviction thereof punished by a fine of not less than \$15, nor more than \$75, and the shipment of each lot of cream prohibited by section 32.17 shall constitute a separate offense.

Subd. 10. Any person, firm, corporation, or copartnership who shall use the official stamp, brand, or label mentioned in sections 32.43 to 32.47, or any similar stamp, brand, or label, on any package of manufactured butter, without first having obtained a license therefor from the commissioner, shall be guilty of a gross misdemeanor.

[1913 c. 433 s. 2; 1921 c. 306 s. 4; 1923 c. 126 s. 2; 1923 c. 172 s. 1; 1923 c. 173 s. 2; 1923 c. 175 s. 2; 1927 c. 162 s. 3; 1927 c. 169 s. 5; 1927 c. 187 s. 2; 1927 c. 282 s. 1; 1935 c. 61 s. 9] (3821-3, 3850, 3873-5, 3914, 3916-2, 3927, 3928-12, 3930, 3934, 3935-2)

32.51 ENFORCEMENT. Subdivision 1. The department shall be charged with the enforcement of the provisions of this chapter.

Subd. 2. The commissioner, by himself or by his assistants, chemists, inspectors, or agents, shall be charged with the enforcement of the provisions of section 32.49.

Subd. 3. The department shall be charged with the enforcement of the provisions of sections 32.02 to 32.07, and shall have the authority to promulgate such rules and regulations as are necessary to the enforcement thereof.

Subd. 4. The commissioner, his assistants, inspectors, agents, and employees, shall enforce the provisions of sections 32.11 and 32.12; and, in so doing, shall have all the powers conferred upon them, and each of them, by the provisions of Revised Laws 1905, Chapter 21.

Subd. 5. The commissioner shall cause the provisions of section 32.08 to be enforced.

Subd. 6. The commissioner shall cause the provisions of section 32.48 to be enforced.

Subd. 7. The commissioner shall enforce the provisions of sections 32.09 and 32.10; and, in so doing, shall have all the power and authority with relation thereto that is conferred upon him by Laws 1921, Chapter 495, and the provisions of section 31.28 shall be deemed a part thereof in the enforcement of sections 32.09 and 32.10 and the accomplishment of the purposes thereof.

[1921 c. 305 s. 3; 1923 c. 126 s. 3; 1923 c. 173 s. 3; 1923 c. 175 s. 3; 1927 c. 187 s. 4; 1935 c. 61 s. 8] (3909, 3928, 3928-11, 3931, 3935, 3935-4)

32.52 PROSECUTIONS. Subdivision 1. 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 the provisions of section 32.08 to institute and prosecute, without delay, appropriate proceedings in the proper courts for enforcement of the penalties prescribed therefor.

Subd. 2. It hereby is made the duty of every prosecuting attorney to whom the commissioner shall report any violation of section 32.48 to cause appropriate proceedings to be commenced and prosecuted, without delay, in the proper courts for enforcement of the penalties hereof.

Subd. 3. It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of sections 32.09 and 32.10 to cause appropriate proceedings to be instituted and to be prosecuted in the proper courts, without delay, for the enforcement as in such cases therein provided. All fines imposed and paid thereunder shall be paid into the state treasury.

[1923 c. 173 s. 3; 1923 c. 175 s. 3; 1927 c. 187 s. 5] (3931, 3935, 3935-5)