

Agriculture

CHAPTER 17

DEPARTMENT OF AGRICULTURE, DAIRY, AND FOOD

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17.01 CREATION. There is hereby created a department of agriculture, dairy, and food, which shall be in charge of a commissioner to be known as the commissioner of agriculture, dairy, and food, in chapters 17 to 41 called the commissioner, who shall be appointed by the governor for the term of four years. Before entering upon the duties of his office, he shall take and subscribe the oath required of state officials and give his bond to the State of Minnesota, to be approved by, and filed with, the secretary of state, for the sum of \$5,000, conditioned for the faithful performance of his duties. He shall be provided with a suitable office and equipment at the seat of government, and have authority to appoint a deputy, and such other assistants, clerks, and employees as occasion may require, and fix their compensation.

[1919 c 444 s 1; 1921 c 78 s 1; 1923 c 261 s 1; 1929 c 387; 1951 c 713 s 4] (6023, 53-27½)

17.02 TRANSFER OF POWERS, DUTIES, AND AUTHORITY. The powers, duties, and authority which, prior to the enactment of Laws 1925, Chapter 426, were vested in the inspector of apiaries are hereby transferred to and vested in the department of agriculture, dairy, and food.

All the rights, powers, and duties which, prior to the enactment of Laws 1925, Chapter 426, were vested in and imposed by law upon the commissioner of agriculture and all duties imposed by law upon the commissioner of dairy and food are hereby transferred to and vested in the commissioner of agriculture, dairy, and food, subject to the provisions and limitations of Laws 1925, Chapter 426.

[1925 c 426 art 7 s 1; 1929 c 387] (53-26, 53-27½)

17.03 POWERS AND DUTIES. Subdivision 1. **Development of agricultural industries.** The commissioner shall encourage and promote the development of agricultural industries, investigate marketing conditions affecting the marketing of farm products, and assist farmers, producers, and consumers in the organization and management of cooperative enterprises and the cooperative marketing of farm products; advise and assist in the location and establishment of local markets when he determines that the public necessity or the welfare of the community requires such markets, provided he be satisfied that such markets will be successfully operated by a cooperative company or municipality. It shall be the duty of the depart-

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ment of agriculture, dairy, and food and the department of agriculture of the University of Minnesota to cooperate in all ways that may be beneficial to the agricultural interests of the state. It is intended that police and organizational powers in reference to agriculture shall be exercised by the state department of agriculture and that the department of agriculture of the University of Minnesota shall retain its present powers and duties relating to obtaining and disseminating agricultural information and conducting agricultural research, and shall retain custody of scientific collections.

Subd. 2. Statistics and information. The commissioner shall collect, compile, and supply statistics and information in regard to the agricultural products of the state and agricultural industries and, to attain this result, he shall cause to be made a complete farm census at least once in two years, and may do so annually if deemed advisable. He is authorized to have made and supplied to the auditors of the several counties suitable blanks to be used by the assessor in each precinct upon which to make the returns required by the commissioner; and, in cases where a county assessor is employed, these blanks may be supplied to such assessor, and the county and local assessors are hereby required, as a part of their duties, to fill out such blanks according to instructions. When these blanks, so filled out, are returned to the county assessor or to the county auditor they shall then be forwarded to the commissioner to be used by him to compile for distribution in suitable form to persons engaged in agriculture.

Subd. 3. Cooperation with federal agencies. The commissioner shall cooperate with the government of the United States, with financial agencies created to assist in the development of the agricultural resources of this state, and so far as practicable may use the facilities provided by the existing state departments and the various state and local organizations. This subdivision is intended to relate to every function and duty which devolves upon the commissioner.

[1919 c 444 s 2; 1921 c 78 s 2; 1923 c 261 s 2; 1945 c 27 s 1] (6024)

17.04 ENFORCEMENT OF LAWS; APPOINTEES. The commissioner shall cause to be enforced all the provisions of all laws designed to prevent fraud and deception in the manufacture and sale of food and the several ingredients thereof, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food products. All appointees shall be qualified electors of this state. The commissioner shall be a practical dairyman; the assistant commissioner, chief chemist, chemists, inspectors, and all agents and other persons appointed or employed by him shall be practical men and specially trained and equipped for their particular lines of work.

[1921 c. 495 s. 6] (3793)

17.05 SALARIES. The position, number, and annual salary of the subordinates to be appointed by the commissioner in the division of dairy and food are hereby fixed as follows: director, \$3,800; secretary, \$2,000; chief chemist, \$3,500; chief clerk, \$1,320; statistician, \$1,500; laboratory clerk and stenographer, \$1,200; one stenographer, \$1,200; general clerks as in his judgment may be necessary, not to exceed two, at \$1,200 each; two stenographers, not to exceed \$1,200 each; three assistant chemists and 22 inspectors, at a minimum salary of \$1,500 each; but he may, in consideration of faithful and continuous service, increase the salary of any assistant chemist or inspector not more than \$200 for each year such assistant chemist or inspector has been employed by the department until such salary reaches \$2,000, which shall be the maximum.

[1921 c. 495 s. 7; 1921 c. 520 s. 1; 1923 c. 183 s. 1] (3794)

17.06 EXPENSES. The expenses of the commissioner and his subordinates necessarily and actually incurred in the discharge of their official duties shall be paid in addition to salary, upon itemized vouchers approved by the commissioner or the deputy commissioner.

[1919 c. 316 s. 2; 1921 c. 520 s. 2] (3795)

17.07 APPROVAL OF EXPENDITURES. No expenditure of money for any purpose shall be made from any state appropriation to any agricultural, horticultural, florist, dairymen's crop improvement, poultry, live stock, or live stock breeders' association, society, or corporation, or to any other association, society, or corporation of a similar nature not a part of or connected with the state government, except upon the written approval of the commissioner. This section shall not apply

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to the state agricultural society or to county agricultural associations or other societies or associations whose books and records are required by law to be audited by any state official as a prerequisite to such payment:

[1925 c. 426 art. 7 s. 2] (53-27)

17.08 LABORATORY; REPORTS. Rooms shall be provided in the capitol for the laboratory of the commissioner. He may require reports from persons engaged in the purchase, manufacture, or sale of dairy products and all owners or operators of skimming stations or other places engaged in the business of purchasing milk or cream, and operators of condenseries, dry milk factories, creameries, and cheese factories shall, on March first, in each year, and at such other times as he may fix, send to him a full and accurate report of the amount of business done during the year preceding, together with such other statistical information as he may require.

[1921 c. 495 s. 8] (3797)

17.09 INFORMATION PUBLISHED. The commissioner is authorized to publish, from time to time, such marketing or other information as may be deemed necessary to the welfare of agriculture, and to that end he shall have authority to investigate marketing or other conditions relating to agriculture in this and in other states, and to make these investigations public in such manner as shall in his judgment be most effective.

[1919 c. 444 s. 6; 1921 c. 78 s. 5; 1923 c. 261 s. 5] (6027)

17.10 BIENNIAL REPORTS. The commissioner shall, biennially, on or before the second Tuesday in December, in each even-numbered year, submit to the governor and the legislature a report of his department, with such recommendations and suggestions as the interests of agriculture and foods and marketing conditions require. He shall report, on or before the fifteenth day of each session of the legislature, concerning his official acts, showing receipts and disbursements of his office, and may issue public bulletins of information from time to time.

[1919 c. 444 s. 8; 1921 c. 78 s. 7; 1923 c. 261 s. 6] (6028)

17.11 INVESTIGATIONS. The commissioner is hereby empowered to investigate the prices of kerosene, gasoline, electricity, and other things used for light, heat, and power, and all common necessities of life, including food stuffs, clothing, shoes, building material, tools and implements, automobiles and repairs for same, coal and other fuel, paints, oils, and farm machinery and automobile parts, and other commodities ordinarily regarded as essential to living, and to that end he may exercise the powers now conferred upon him by law with reference to the holding of hearings, compelling the attendance of witnesses, the production of books and papers, and administering oaths and taking testimony.

[Ex. 1919 c. 47 s. 1] (6241)

17.12 PUBLICATION OF REPORTS AND INFORMATION. The commissioner may, from time to time, prepare and publish reports, apportioning in detail the cost of production and the wholesale and retail cost of necessities of life investigated by him, so as to disclose the cost of production, the cost of distribution, and the profits to each manufacturer, producer, dealer, wholesaler, or retailer, of such necessities so investigated by him, and may at the same time prepare and publish prices deemed by him to be fair retail prices in any given locality, in order that the public may know whether or not excessive profits are being exacted by any person, firm, association, or corporation producing or dealing in such necessities. He may, from time to time, at his discretion, publish any other information obtained by him relative to the prices of the necessities of life, as enumerated in section 17.10. These reports shall be issued, from time to time as he shall determine and a limited number shall be available for general distribution.

[Ex. 1919 c. 47 ss. 2, 3] (6242, 6243)

17.13 COOPERATE WITH FEDERAL AUTHORITIES. It shall be the duty of the commissioner to cooperate with and furnish to all federal authorities engaged in similar work all information which he attains from time to time, provided that the furnishing of such information will not materially interfere with the work being carried on by him.

[Ex. 1919 c. 47 s. 5] (6245)

17.14 DEFINITIONS. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2, 3, and 4 shall, for the purposes of sections 17.15 to 17.19, and 17.24, be given the meanings subjoined to them.

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Subd. 2. **Person.** "Person" means an individual, firm, copartnership, corporation, or association.

Subd. 3. **Farm products.** The term "farm products" means and includes butter, milk, cream, butterfat, cheese, other dairy products, honey, eggs, poultry, and all live stock and products of live stock such as wool, mohair, hides, and meats.

Subd. 4. **Bona fide competitor.** The term "bona fide competitor" means a duly licensed dealer in farm products maintaining a place of business in the same trade territory.

[1927 c. 252 s. 2; 1935 c. 100 s. 1; 1937 c. 420 s. 1] (6248-2, 10522-4)

17.15 DISCRIMINATION. Any person engaged in the business of buying any farm products for manufacture or sale thereof, who shall discriminate between different sections, localities, communities, cities, or villages, or between persons in the same community, in this state, by purchasing any farm products at a higher price or rate in one locality or from one person than is paid for farm products of the same kind, quality, and grade by such person in another section, locality, community, city, or village, or than is paid to another person of the same community, after making due allowance for the difference, if any, in the reasonable cost of transportation from the locality of purchase to the locality of manufacture or sale, or who shall fail to deduct reasonable transportation costs from the purchase price paid, or who shall fail to deduct the reasonable costs of hauling when such products are gathered by wagon or truck, or who shall pay or offer to pay in trade or in exchange for goods, wares or merchandise a higher price for such farm products than the cash price paid or offered to be paid for such farm products, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful. Wherever the transportation costs actually charged for hauling cream shall be two cents or more per pound for butterfat therein contained, and 15 cents per 100 pounds for transportation of whole milk, such charge shall be deemed a compliance with the terms of sections 17.14 to 17.19. It shall not be unfair discrimination for any person to pay, in any section, locality, community, city, or village, a price equal to that actually paid on the same day by any bona fide competitor in such place for farm products of the same kind and grade, provided such price is paid in good faith effort to meet such competition, and the burden of proving such facts shall be upon the defendant.

[1927 c. 252 s. 3; 1937 c. 420 s. 2; 1945 c. 122 s. 1] (6248-3)

17.16 PRIMA FACIE EVIDENCE OF DISCRIMINATION. Proof that any person has paid a higher price for any such farm products in one section, locality, community, village, or city than in another, after due allowance for the cost of transportation has been made, shall be prima facie evidence of a violation of sections 17.14 to 17.19.

[1927 c. 252 s. 4] (6248-4)

17.17 COMPLAINTS; INVESTIGATIONS; PROSECUTIONS; FORFEITURES; INJUNCTIONS. If complaint be made to the commissioner that any person is guilty of unfair discrimination defined by section 17.15, he shall investigate such complaint and he may, upon his own initiative, investigate whether or not section 17.15 has been violated; and, in either event, for that purpose, he may subpoena witnesses, administer oaths, take testimony, and if, in his opinion, sufficient ground exists therefor, he may prosecute an action, in the name of the state, in the proper court, to annul the act of incorporation or the existence of a corporation engaged in such business practice. If any corporation is adjudged by any court guilty of unfair discrimination as defined by section 17.15, such court may vacate the charter or revoke the authority of such corporation to do business in this state and may permanently enjoin it from transacting business in this state.

[1927 c. 252 s. 6] (6248-6)

17.18 PROSECUTIONS INSTITUTED BY OTHERS. The authority hereby extended to the commissioner shall be considered as duties only and shall not be construed to preclude any prosecuting officer or any party interested from instituting proceedings, civil or criminal, for the enforcement of any of the provisions of sections 17.14 to 17.19.

[1927 c. 252 s. 8] (6248-8)

17.19 CONSTRUCTION. Nothing in sections 17.14 to 17.19 shall be construed as repealing any other act or part of any other act, unless inconsistent herewith,

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but the remedies therein provided shall be cumulative to all other remedies provided by law.

[1927 c. 252 s. 9; 1937 c. 420 s. 3] (6248-9)

17.20 [Repealed, 1949 c 559 s 20]

17.201 [Unnecessary]

17.202 ADMINISTRATION. Sections 17.202 to 17.209, 17.211 to 17.218, and section 17.29, subdivision 4, shall be administered by the commissioner of agriculture, dairy, and food of the State of Minnesota, hereinafter referred to as the commissioner.

[1949 c 559 s 2]

17.203 DEFINITIONS. When used in sections 17.202 to 17.209, 17.211 to 17.218, and section 17.29, subdivision 4:

(a) The term "person" includes individuals, partnerships, associations, firms and corporations.

(b) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

(c) The term "commercial fertilizer" includes both mixed fertilizer or fertilizer materials.

(d) The term "fertilizer material" means any substance containing nitrogen, phosphoric acid, potash, or any recognized plant food element or compound which is used primarily for its plant food content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

(e) The term "mixed fertilizer" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth, with or without inert materials.

(f) The term "distributor" means any person who offers for sale, sells, barter, or otherwise supplies commercial fertilizers.

(g) The term "sell" or "sale" includes exchange.

(h) The term "grade" means the minimum percentages of total nitrogen, available phosphoric acid, and soluble potash stated in the order given in this paragraph and, when applied to mixed fertilizers, shall be in whole numbers only.

(i) The term "brand" means the name, and other designations under which a commercial fertilizer is distributed in this state.

(j) The term "official sample" means any sample of commercial fertilizer taken by the commissioner or his agent according to methods prescribed by sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4.

(k) The term "ton" means a net ton of two thousand pounds avoirdupois.

(l) The term "percent" or "percentage" means the percentage by weight.

(m) The term "specialty fertilizer" means any fertilizer distributed solely for use on crops grown for noncommercial purposes such as gardens, lawns, shrubs, and flowers; and may include fertilizers used for research or experimental purposes.

[1949 c 559 s 3]

17.204 BRANDS, REGISTRATION. (a) Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold, or distributed in this state. The application for registration shall be submitted in duplicate to the commissioner on forms furnished by the commissioner, and shall be accompanied by a remittance of \$1 per brand and grade for a registration fee. Upon approval by the commissioner a copy of the registration shall be furnished to the applicant. All registrations expire on June 30 of each year. The application shall include the following information in the following order:

(1) The name and address of the company or person guaranteeing registration.

(2) The brand and grade.

(3) The guaranteed analysis showing the minimum percentage of plant food in the following order and form:

Total Nitrogen	percent
Available Phosphoric Acid.....	percent
Soluble Potash	percent

In the case of bone, tankage, and other natural organic phosphate materials, the total phosphoric acid, but not the available, shall be guaranteed. Unacidulated mineral phosphatic materials and basic slag shall be guaranteed and labeled as to available phosphoric acid only, and as to the degree of fineness.

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(4) The sources from which the nitrogen, phosphoric acid, and potash are derived.

(5) Additional plant food elements, determinable by chemical control methods, may be guaranteed only by permission of the commissioner with the advice of the director of the experiment station. When any such additional plant food elements are included in the guarantee, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the commissioner.

(6) The commissioner may permit or require the potential basicity or acidity (expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton) to be registered and guaranteed.

(b) The distributor of any brand and grade of commercial fertilizer shall not be required to register the same if it has already been registered under this act by a person entitled to do so and such registration is then in effect.

(c) The plant food content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

[1949 c 559 s 4]

17.205 LABELS. (a) Any commercial fertilizer offered for sale or sold or distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container the net weight and the data, in written or printed form, required by items: 1, 2, 3, 5, and 6, of paragraph (a) of section 4 printed either (1) on tags to be affixed to the end of the package midway between the ears or sewed on the end or (2) directly on the package in which case for bags containing 50 pounds or more the grade shall appear also on the end of the package in type that is plainly legible.

(b) If transported in bulk, the net weight and the data, in written or printed form, as required by paragraph (a) of this section shall accompany delivery and be supplied to each and every purchaser.

[1949 c 559 s 5]

17.206 INSPECTION FEE. (a) There shall be paid to the commissioner for all commercial fertilizers offered for sale, sold, or distributed in this state an inspection fee at the rate of five cents per ton; provided, that products sold to manufacturers or exchange between them are hereby exempted when used exclusively for manufacturing purposes. Fees so collected shall constitute a fund for the payment of the costs of inspection, sampling, and analysis, and other expenses necessary for putting into effect sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4.

(b) Payment of the inspection fee levied by paragraph (a) of this section shall be made on the basis of semiannual tonnage reports subscribed and sworn to before a notary, or witnessed by a duly authorized agent of the department of agriculture, dairy, and food, and filed with the commissioner by the person to whom fertilizer registration is issued. The tonnage reports shall cover the semiannual periods ending June 30th and December 31st of each year and shall be filed with the commissioner not later than 30 days (which may be extended on valid reason therefor an additional 30 days, on written request to the commissioner) after the close of each semiannual period. Remittance to cover the inspection fee at the rate prescribed in (a) of this section shall accompany each tonnage report; provided also that each tonnage report shall grant to the commissioner or his authorized agent permission to verify the records upon which such statement of tonnage is based.

[1949 c 559 s 6]

17.207 COMMISSIONER, DUTIES. (a) It shall be the duty of the commissioner, who may act through his authorized agent, to sample, inspect, make analyses of, and test commercial fertilizers offered for sale, sold, or distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4, and the commissioner shall have the further authority to obtain such additional information as he may deem advisable. The commissioner, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4, and the rules and regulations thereto.

(b) An official fertilizer sample shall be one drawn from a lot or shipment of fertilizer sold or exposed for sale in this state in the manner prescribed by the commissioner. In sampling a lot of commercial fertilizer packaged in small containers (less than ten pounds each) a single package may constitute the official sample.

(c) The methods of analysis shall be those adopted by the commissioner from published sources such as those of the association of official agricultural chemists.

[1949 c 559 s 7]

17.208 PHOSPHORIC ACID, SOLUBLE POTASH. No superphosphate containing less than 18 percent available phosphoric acid nor any mixed fertilizer in which the sum of the guarantees for the nitrogen, available phosphoric acid, and soluble potash totals less than 27 percent shall be offered for sale, sold or distributed in this state except for complete fertilizers containing one-fourth or more of their nitrogen in water-insoluble form or plant or animal origin, in which case the total nitrogen, available phosphoric acid, and soluble potash need not total more than 24 percent. If an acute fertilizer shortage should occur the commissioner shall have the authority to reduce the minimum requirement for mixed fertilizers for the duration of such shortage; provided that the provisions of this section shall not apply to specialty fertilizer which is clearly labeled for noncommercial use.

[1949 c 559 s 8]

17.209 HEARINGS. The commissioner may, in his discretion, hold a public hearing open to all interested parties, and with the cooperation of the director of the agricultural experiment station, prior to June 30th of each year or as nearly as practicable, thereafter, promulgate a list of grades of mixed and specialty fertilizers adequate to meet the agricultural needs of the state. After this list of grades has been established, the commissioner may, with or without a public hearing, authorize the registration of additional grades.

[1949 c 559 s 9]

17.21 (Repealed, 1949 c 559 s 20)

17.211 MISBRANDED COMMERCIAL FERTILIZER. A commercial fertilizer is misbranded if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container or in any printed advertising matter issued by the distributor that registered said fertilizer. It shall be unlawful to sell, offer for sale or distribute a misbranded commercial fertilizer in this state.

[1949 c 559 s 10]

17.212 SALES, REPORT. Each person registering commercial fertilizers under sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4, shall furnish the commissioner with a confidential written statement of the tonnage of each grade of fertilizer sold by him in this state. Said statement shall include all sales for the periods of July 1st to and including December 31st and of January 1st to and including June 30th of each year. The commissioner may, in his discretion, cancel the registration of any person failing to comply with this section if above statement is not made within 30 days from date of the close of each period. The commissioner, however, in his discretion, may grant a reasonable extension of time. No information furnished under this section shall be disclosed in such a way as to divulge the operations of any person.

[1949 c 559 s 11]

17.213 INFORMATION, PUBLICATION. The commissioner shall publish at least annually, in such forms as he may deem proper, information concerning the sales of commercial fertilizers, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses based on official samples of commercial fertilizers sold within the state as compared with the analyses guaranteed under sections 17.204 and 17.205. The information concerning production and use of commercial fertilizers shall be shown separately for the periods July 1st to December 31st and January 1st to June 30th of each year, and that no disclosure shall be made of the operations of any person.

[1949 c 559 s 12]

17.214 RULES. (a) The commissioner is authorized to prescribe and, after public hearing following due public notice, adopt such rules and regulations relating to the manufacture, sale, and distribution of commercial fertilizers as he may deem necessary to carry into effect the full intent and meaning of sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4.

(b) The commissioner may invoke regulations governing the labeling and distribution of such liming materials as are sold for agricultural purposes, including: limestones (carbonates), slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products are not to be deemed fertilizers subject to the registration and tonnage fees stated in sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4.

(c) The commissioner is further authorized to require the registration by manufacturers or jobbers of soil inoculants or products which are sold or distributed for such purposes. The commissioner may also invoke regulations concerning the labeling of these products for specific use with the various legumes.

[1949 c 559 s 13]

17.215 REFUSAL TO REGISTER. The commissioner is authorized and empowered to cancel the registration of any commercial fertilizer or to refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4, or any rules and regulations promulgated thereunder; but no registration shall be revoked or refused until the registrant shall have been given a hearing by the commissioner.

[1949 c 559 s 14]

17.216 ENFORCEMENT. It shall be the duty of the commissioner to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the commissioner finds said commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4, or any regulation issued thereunder, until the law has been complied with and said commercial fertilizer is released in writing by the commissioner or said violation has been otherwise legally disposed of by written authority.

[1949 c 559 s 15]

17.217 SEIZURE OF PROPERTY. Any lot of commercial fertilizer not in compliance with the provisions of sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4, shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4, and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the character of the commercial fertilizer and the laws of this state. In no instance shall the disposition of said commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or for permission to process or relabel said commercial fertilizer under supervision of the commissioner to bring it into compliance with sections 17.202 to 17.209, 17.211 to 17.218 and 17.29, subdivision 4.

[1949 c 559 s 16]

17.218 EXCHANGES. Nothing in sections 17.202 to 17.209, and 17.211 to 17.218 shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers or manipulators who have registered their brands as required by the provisions of sections 17.202 to 17.209, 17.211 to 17.218, and section 17.29, subdivision 4.

[1949 c 559 s 18]

17.22 [Repealed, 1949 c 559 s 20]

17.23 CONSERVATION OF CERTAIN WILD FLOWERS. Subdivision 1. **Prohibition.** No person within the state shall buy, sell, offer or expose for sale, the state flower (*Cyripedium reginae*), or any species of lady slipper (*Cyripedieae*), or any member of the orchid family, trillium of any species, lotus (*Nelumbolutea*), gentian (*Gentiana*), arbutus (*Epigaea repens*), or any species of lilies (*Lillium*), or any thereof, dug, cut, plucked, pulled, or gathered in any manner from any public land or from the land of any private owner without the written consent of such owner or other occupant of such land, and then only upon written permission of the commissioner, and for scientific and herbarium purposes; except, that any persons may upon their own lands cultivate for sale and sell these flowers by registering the purpose to do the same with the commissioner.

Subd. 2. **Prosecution.** The commissioner is hereby authorized, and it shall be his duty, to administer this section, and when, by investigation, complaint or otherwise, it shall be made to appear that any person has violated any of the provisions of subdivision 1, it shall be his duty to assemble the facts and transmit the same to the attorney general, or, in the discretion of the commissioner, he may act through the county attorney of the county in which the violation was committed, whose duty it shall be to forthwith institute proceedings and prosecute the same against any person or persons charged with such violation. It is hereby made the duty of the county attorney to prosecute any and all cases submitted to him by the commissioner or the attorney general.

Subd. 3. **Punishment.** Any person who violates any of the provisions of subdivision 1 shall be guilty of a misdemeanor; and, upon conviction, shall be fined not less than \$10 and the costs of such prosecution nor more than \$50 and the costs of such prosecution, or in default of payment thereof shall be imprisoned in the county jail for not less than ten nor more than 30 days for each and every such conviction. All fines and moneys thus collected shall be deposited in the state treasury.

[1925 c 409 s 1-3; 1935 c 100 s 1] (10522-1, 10522-2, 10522-3)

17.24 ENFORCEMENT. Subdivision 1. **Forfeiture of license; annulment of corporate existence.** The commissioner is authorized, if upon investigation he is satisfied that the laws of the state, relative to any laws placed within his jurisdiction, have been violated, to cause to be instituted, in his own name as commissioner or in the name of the state, actions in the proper court, to secure punishment of the guilty party; and, if the party complained against is a corporation, to secure the cancelation of its authority and the annulment of its corporate existence, if a domestic corporation; or, if a foreign corporation, the forfeiture of its license to do business in this state.

Subd. 2. **Reports to prosecuting officers.** If, after an investigation, it appears to the commissioner that the laws of this state have been violated in any respect, he shall present all available information bearing upon such apparent violation to the proper law enforcing or prosecuting officer of the state or of the United States.

Subd. 3. **Who may enforce.** The commissioner, his deputy, assistants, inspectors, agents, and employees shall enforce the provisions of sections 17.14 to 17.19; and, in so doing, shall have all the powers conferred upon them, and each of them, by the provisions of all laws heretofore enacted.

[1919 c. 444 s. 3; Ex. 1919 c. 47 s. 4; 1921 c. 78 s. 3; 1923 c. 261 s. 3; 1927 c. 252 s. 5] (6025, 6244, 6248-5)

17.25 ATTORNEY GENERAL TO ADVISE COMMISSIONER. The attorney general is hereby required to assign a deputy to act as adviser for the commissioner and to institute and maintain the actions herein provided for, when sufficient evidence is available to warrant the institution of such proceedings.

[1919 c. 444 s. 4; 1921 c. 78 s. 4; 1923 c. 261 s. 4] (6026)

17.26 ANNUAL REPORT TO COMMISSIONER. Every creamery association, on or before December thirtieth, in each year, shall make a report to the commissioner, or such officer as may at any time, by law, be given the supervision of dairy products. Such report shall contain the name of the corporation, its principal place of business, the location of its creamery, and the number of pounds of butter or other dairy product manufactured by it during the preceding year.

[R. L. s. 3078] (7829)

17.27 ANNUAL REPORT BY CERTAIN CORPORATIONS. Every corporation organized under the terms of sections 308.29 and 308.30 shall, on or before December thirtieth, in each year, make a report to the commissioner; which shall contain the name of the corporation, its principal place of business in this state, and generally a statement as to its business, showing the total amount of business transacted, its profits and losses.

[1907 c. 293 s. 2, last sentence] (7831)

17.28 ANNUAL REPORT BY CERTAIN ASSOCIATIONS. Every association organized under any corporation laws of this state, or under the laws of any other state and doing business in this state, or which represents itself to be a cooperative association, shall be required to file with the department of agriculture, dairy, and food each year a report of its business for its last fiscal year, which report shall be made within 60 days after the close of the fiscal year. Such report shall contain the name of the association, the amount of its authorized and paid-in capital, the

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names of its officers and directors, a statement of its resources and liabilities and such other information as may be required by the commissioner.

[1919 c. 382 s. 10; 1921 c. 23 s. 10; 1923 c. 326 s. 9] (7842)

17.29 VIOLATIONS; PENALTIES. Subdivision 1. Any person violating the provisions of section 17.15 shall, upon conviction thereof, be fined not less than \$50 for each offense; or in default of the payment of such fine by imprisonment in the county jail for not less than three months nor more than one year.

Subd. 2. [Repealed, 1949 c 559 s 20]

Subd. 3. Any person violating any of the provisions of sections 17.30 to 17.33 shall be guilty of a misdemeanor. In addition, any apples found to be offered or exposed or packed for sale in violation of sections 17.30 to 17.33 may be ordered temporarily withdrawn from sale by the commissioner pending either (1) informal adjustment according to law between the commissioner, or his duly authorized representative, and the person in charge of the apples in question, or (2) by the filing of a formal complaint, without undue delay, with the attorney general or prosecuting attorney.

Subd. 4. (a) Any person convicted of violating any of the provisions of sections 17.201 to 17.209 and 17.211 to 17.218, or any rule or regulation issued thereunder shall be adjudged guilty of a misdemeanor.

(b) It shall be the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

[1915 c 251 s 4; 1927 c 252 s 7; 1941 c 371 s 6; 1949 c 559 s 17] (3899, 6248-7)

17.30 APPLES, STANDARD GRADES. The commissioner shall by rule and regulation establish official standards for grading and classifying all apples offered for sale in Minnesota. These grades and classes shall not conflict with any such grades or standards promulgated by the United States department of agriculture, except as producer and marketing conditions in Minnesota shall require the establishment of fewer grades than the United States department of agriculture grades.

[1941 c 371 s 1; 1953 c 94 s 1]

17.31 PACKAGES OF APPLES PLAINLY MARKED. All apples offered for sale and each closed package of apples offered or exposed or packed for sale shall be plainly and conspicuously marked with a sign bearing the name and address of the grower or packer, the name of the variety, the minimum size and the grade, except that apples not in closed packages, offered for sale at retail, may be marked with a sign bearing only the name of the variety and the grade. All apples which fail to meet the requirements of any of the established Minnesota grades shall be plainly and conspicuously marked with a sign bearing the word "culls" in well proportioned letters, at least two inches in height, except that on closed packages of cull apples the sign bearing the word "culls" may be three-quarter inch in height and shall be placed on the top and side of each package. The commissioner shall exempt from the provisions of sections 17.30 to 17.33 apples which are marked with and meet the requirements of grades of the United States department of agriculture, or well established grades promulgated by other states meeting the Minnesota requirements.

[1941 c. 371 s. 2]

17.32 ENFORCEMENT OF SECTIONS 17.30 TO 17.33. The commissioner shall be charged with the enforcement of the provisions of sections 17.30 to 17.33 and for that purpose shall have the power:

(1) To enter and inspect personally, or through any authorized representative, any place within the state where apples are sold, offered or exposed or packed for sale, and to inspect such places and all apples and apple containers found in any such place.

(2) To make, publish, and enforce such uniform rules and regulations as are necessary for carrying out the provisions of sections 17.30 to 17.33.

[1941 c. 371 s. 3]

17.33 APPLICATION. Sections 17.30 to 17.33 shall not apply to any grower or producer when selling apples of his own production grown in Minnesota.

[1941 c. 371 s. 5]

17.34 COMMON CARRIERS, SALE OF CIGARETTES ON CARS. Subdivision 1. **Issuance.** The commissioner of agriculture, dairy, and food may issue a license or permit to any railroad company, dining car company, or sleeping car company, or

other common carrier, operating in this state, to sell cigarettes upon any club, parlor, dining, buffet, observation, cafe, lounge, or passenger car. Each such company applying for such license shall pay to the commissioner of agriculture, dairy, and food a fee of \$25 per annum. A duplicate of such license shall be posted in each such car in which cigarettes are sold. The license so granted shall govern and permit the sale of cigarettes in the state, or in any political subdivision thereof, in any club, parlor, dining, buffet, observation, cafe, lounge, or passenger car which is part of a train or which is about to become a part of a train then being operated or to be operated in this state. Such cigarettes are to be sold only to bona fide passengers or persons actually being transported.

Subd. 2. **License required.** It shall be unlawful to sell, exchange, barter, dispose of, or give away, or keep for sale any cigarettes on any such car without first having obtained the license herein provided.

Subd. 3. **Enforcement.** The commissioner of agriculture, dairy, and food, his inspectors, assistants, and employees shall enforce the provisions of this section, and the fees collected shall be paid into the state treasury by the dairy and food commissioner.

Subd. 4. **Violation a misdemeanor.** Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

[1941 c. 242 s. 6; 1941 c. 405 s. 6]

17.35 RAISING DOMESTIC FUR-BEARING ANIMALS. 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, 3, and 4, for the purposes of this section, shall be given the meaning subjoined to them.

Subd. 2. **Domestic animal.** "Domestic animal or animals" means fox, mink, chinchilla, karakul, marten, or fisher raised in captivity for two or more generations for breeding or commercial purposes;

Subd. 3. **Fur farmer.** "Fur farmer" means anyone engaged in breeding, raising, selling, or disposing of domesticated fur-bearing animals;

Subd. 4. **Person.** "Person" means individual, firm, copartnership, association or corporation.

Subd. 5. **Agricultural products and pursuits.** Such domestic animals, the pelts and products thereof, shall be deemed agricultural products, and the breeding, raising, producing and marketing thereof shall be deemed to be an agricultural pursuit.

Subd. 6. **Licenses.** Before any person shall engage in the business as a fur farmer he shall obtain a license therefor from the commissioner. An application for such license shall be made to the commissioner in writing, accompanied with a fee of \$5, stating the name of the applicant, the description of the premises upon which such business is to be conducted, the species of the domestic animals to be maintained and handled thereon, and such further information as the commissioner may require. The commissioner shall grant the application and issue a license after he has determined that the application is made in good faith and with intent to carry on the business described in the application, and that the facilities are adequate therefor. All licenses issued pursuant to this section shall expire on the 31st day of December of the year for which the same is issued. Any person to whom a license has been issued, may, upon application, obtain a renewal license upon payment of the annual fee of \$5, which application for renewal shall be made on or before the 15th day of December of each year. All moneys received in payment of license fees under this section shall be paid into the general revenue fund.

Subd. 7. **Tags.** Every fur farmer transporting or selling any pelts of domestic animals shall attach to every package of pelts a tag identifying the pelts therein. Such tags shall be obtained from the commissioner.

Subd. 8. **Annual reports of pelts sold.** On or before January 31 of each year every fur farmer shall file with the commissioner a verified report of the number of pelts of each species sold during the preceding calendar year.

Subd. 9. **Enforcement.** The commissioner shall enforce the provisions of this section and for such purposes is authorized to make and adopt such rules and regulations as he may deem necessary, not inconsistent with the provisions of this section.

Subd. 10. **Violation.** Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Subd. 11. **Application.** This section shall not be construed so as to modify, amend, or repeal any provision of law relating to wild game or birds, or wild fur-bearing animals.

Subd. 12. **Prior license fees.** The license fee of \$5 heretofore paid to the department of game and fish, as of January 1, for the calendar year of 1947, shall carry over to December 31, 1947, when renewals shall be made with the commissioner as provided in subdivision 6.

[1947 c 226 s 1-9]

17.36 STANDARDS AND GRADES FOR HONEY. Subdivision 1. **Adoption of standards and grades.** In order to protect the public health and welfare, to promote the bee industry in Minnesota, and to secure uniformity, the commissioner of agriculture, dairy, and food may adopt standards and grades for honey which is sold, offered for sale, or kept for sale. Before adopting any standards or grades therefor said commissioner of agriculture, dairy, and food shall hold a public hearing thereon as provided by law.

Subd. 2. **Honey to conform to standards and grades.** All honey sold or kept for sale shall conform to the standards and grades so adopted.

Subd. 3. **Enforcement.** The commissioner of agriculture, dairy, and food shall enforce the provisions of this section, including the standards and grades so adopted, and for such purposes shall have all the power and authority granted him under Laws 1921, Chapter 495, and any amendments thereto.

Subd. 4. **Violation a misdemeanor.** Any person, firm, or corporation violating any of the provisions of this section or the standards and grades adopted by authority thereof shall be guilty of a misdemeanor.

[1953 c 210 s 1-4]

17.37 DEPUTY COMMISSIONER; SALARY PROVISIONS. Notwithstanding any other provision of law to the contrary, the basic rate of the salary of the deputy commissioner of agriculture, dairy, and food, is hereby fixed at \$6,600 per annum, and the annual adjustment increment thereof is hereby fixed at \$200. Such deputy commissioner shall be entitled to receive annual adjustment increments in the manner provided in Laws 1951, Chapter 713, Section 2, or any amendment thereof, for other state officers therein named. The salary of such deputy commissioner shall be increased or decreased in the manner provided by Laws 1951, Chapter 713, Section 2, or any amendment thereof, for the increase or decrease of the salaries of other state officers therein named. The salary of such deputy commissioner shall be paid as provided by Laws 1951, Chapter 713, Section 2, Subdivision 4, or any amendment thereof.

[1953 c 714 s 1]