

# MINNESOTA STATUTES 1953 ANNOTATIONS

29.048 EGGS

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## 29.048. LICENSE; SUSPENSION; CANCELLATION

HISTORY. 1949 c 211 s 9.

## 29.07 LICENSE FEES AND FINES PLACED IN INSPECTION FUND

Eggs requiring candling should be candled by the first licensed buyer; eggs should be candled or graded before the purchase price is paid so that eggs unfit for human food may be eliminated and proper dockage given. Eggs sold or offered for sale in this state are subject to Minnesota Statutes; but eggs purchased in Minnesota in interstate commerce are not subject to the provisions of Sections 29.01 to 29.07. OAG Nov. 1, 1948 (135-B-6-E).

## 29.08 COLD STORAGE EGGS LABELED

Truthful labeling under the Pure Food, Drug and Cosmetic Act; adulteration of food. 32 MLR 831.

29.09-29.12 Repealed, 1949 c 211 s 11.

## 29.13 VIOLATIONS

HISTORY. 1937 c 471 s 8; 1949 c 211 s 10.

## CHAPTER 30

### VEGETABLES, FRUIT

#### 30.01 DEFINITIONS

Sales, remedies of buyer, right to reject for fraud, effect of the perishable agricultural commodities act. 34 MLR 369.

#### 30.04 MARKS AND BRANDS

Truthful labeling under the Pure Food, Drug and Cosmetic Act; adulteration of food. 32 MLR 831.

30.19 Obsolete.

## CHAPTER 31

### FOODS AND FROZEN FOODS

#### 31.01 DEFINITIONS

HISTORY. 1921 c 495 s 3, 5, 84; 1937 c 101 s 1; 1941 c 62 s 1; 1949 c 658 s 1; 1953 c 518 s 1.

Labeling of sub-standard foods under the Federal Food, Drug and Cosmetic Act. 36 MLR 106.

A certain dairy product resembling ice cream but not containing ingredients which conform to the requirements for either ice cream or ice milk, may be sold

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under trade name where such product is not otherwise objectionable, and the package containing the same has printed or otherwise indicated thereon the ingredients thereof in such a way as not to constitute misbranding. OAG March 11, 1949 (135-B-6-F).

There are no mandatory provisions in respect to labeling soft drinks which require the manufacturer in Minnesota to state the place of manufacture or which forbid the manufacturer from placing on the label its principal place of business, which is outside of the state. OAG May 13, 1949 (135-B-5).

## 31.02 UNLAWFUL TO SELL CERTAIN FOOD

Truthful labeling of a food deemed adulterated within the provisions of the Federal Pure Food, Drug and Cosmetic Act. 32 MLR 831.

In a libel by the federal government against certain jars of preserved fruit, the procedure must conform to the admiralty rules, and under those rules the right to bring in a party jointly liable does not justify an attempt in a libel to condemn allegedly misbranded food, which follows admiralty procedure, to engraft on such proceeding in rem, a common law proceeding in personam; so that, where the jobber and the manufacturer were made defendants in order to obtain possession of the res and to determine the ownership thereof, the court would have no jurisdiction to consider a motion by the distributor to file a cross-complaint against the manufacturer for breach of warranty. United States v 74 Cases, 73 F. Supp. 1009.

Products raised on a farm may be canned and sold by the occupant and cultivator of the farm, but if for public consumption, the sale is subject to the law regulating commercial canneries. OAG Oct. 26, 1948 (136-D).

Under Laws 1947, Chapter 558, a person who cans products raised upon his farm for sale to the public for consumption as human food is deemed to be a commercial canner. Chapter 558 is a sanitary and health measure to give protection to the consuming public and is not controlled by Article I, Section 18, of the Constitution. OAG Oct. 26, 1948 (136-D).

## 31.023 DIETARY FOODS; ARTIFICIAL SWEETENING; LABELING

HISTORY. 1953 c 323 s 1.

## 31.05 SEIZURE, SEARCH WARRANTS

In a libel by the federal government against certain jars of preserved fruit, the procedure must conform to the admiralty rules, and under those rules the right to bring in a party jointly liable does not justify an attempt in a libel to condemn allegedly misbranded food, which follows admiralty procedure, to engraft on such proceeding in rem, a common law proceeding in personam; so that, where the jobber and the manufacturer were made defendants in order to obtain possession of the res and to determine the ownership thereof, the court would have no jurisdiction to consider a motion by the distributor for breach of warranty. United States v 74 Cases, 73 F. Supp. 1009.

## 31.10 STANDARDS, DEFINITION; PROMULGATIONS

HISTORY. 1921 c 495 s 15; 1953 c 51 s 3.

## 31.12 LABELING

Truthful labeling under the Pure Food, Drug and Cosmetic Act; adulteration of food. 32 MLR 831.

## 31.14 DUTY TO PROSECUTE

Sales, implied warranties, liability of restaurateur for defective food. 34 MLR 156.

### 31.25 CONTAINERS LABELED

HISTORY. 1937 c 101 s 8; 1949 c 229 s 2; 1953 c 518 s 3.

### 31.27 MILK MUST BE PASTEURIZED

City ordinance prohibiting sale of milk not pasteurized within five miles of the city as a discriminatory burden on interstate commerce. 35 MLR 489.

### 31.28 SANITARY FOOD LAW

Under Laws 1947, Chapter 558, a person who cans products raised upon his farm for sale to the public for consumption as human food is deemed to be a commercial canner. Chapter 558 is a sanitary and health measure to give protection to the consuming public and is not controlled by Article I, Section 18, of the Constitution. OAG Oct. 26, 1948 (136-D).

Products raised on a farm may be canned and sold by the occupant and cultivator of the farm, but if for public consumption, the sale is subject to the law regulating commercial canneries. OAG Oct. 26, 1948 (136-D).

Inspections under the Sanitary Food Law by the department of agriculture while overlapping the duties of inspection conferred upon the department of health, are not necessarily in conflict therewith. OAG Nov. 28, 1948 (135-A-6).

### 31.29 REMOVAL OF INSANITARY CONDITIONS

Inspections made of food offered or sold under Chapter 31 and of places enumerated in sections 31.28 and 31.29, while overlapping duties conferred upon the department of health under sections 157.01 to 157.14, are not necessarily in conflict. There is no conflict in the performance of the duties committed to each of the administrative agencies which would impair the conscientious performance thereof by either. OAG Nov. 29, 1948 (135-A-6).

### 31.311 INSPECTION UNDER SUPERVISION OF BACTERIOLOGIST

HISTORY. 1947 c 558 s 2.

Under Laws 1947, Chapter 558, a person who cans products raised upon his farm for sale to the public for consumption as human food is deemed to be a commercial canner. Chapter 558 is a sanitary and health measure to give protection to the consuming public and is not controlled by Article I, Section 18, of the Constitution. OAG Oct. 26, 1948 (136-D).

31.34, 31.35 Repealed, 1947 c 558 s 6.

### 31.39 ASSESSMENTS, INSPECTIONS, SERVICES; COMMERCIAL CANNERIES ACCOUNT

HISTORY. 1921 c 495 s 55; 1923 c 379 s 1; 1925 c 385 s 1; 1927 c 177 s 5; 1947 c 558 s 3.

Under Laws 1947, Chapter 558, a person who cans products raised upon his farm for sale to the public for consumption as human food is deemed to be a commercial canner. Chapter 558 is a sanitary and health measure to give protection to the consuming public and is not controlled by Article I, Section 18, of the Constitution. OAG Oct. 26, 1948 (136-D).

### 31.436 HORSEMEAT INTENDED FOR OTHER THAN HUMAN CONSUMPTION

HISTORY. 1953 c 583 s 1-4.

### 31.44 VIOLATIONS, PENALTIES

HISTORY. 1921 c 495 s 20, 55; 1923 c 379 s 1; 1925 c 385 s 1; 1927 c 177 s 6; 1937 c 101 s 11; 1949 c 229 s 1, 3; 1953 c 518 s 4.