

CHAPTER 32

BUTTER, CHEESE, CREAM, MILK

32.01 DEFINITIONS

HISTORY. 1921 c 495 s 84; 1927 c 162 s 1; 1927 c 169 s 1; 1935 c 61 s 1; 1949 c 196 s 1.

Remedies of buyer; right to reject for fraud; effect of perishable agricultural commodities act of 1930 as amended. 34 MLR 369.

Under the provisions of the sections relating to cream and butterfat the commissioner of agriculture is authorized to adopt reasonable rules and regulations. OAG Nov. 13, 1947 (135-B-6-F).

32.02-32.06 Repealed, 1949 c 196 s 3.

32.07 Repealed, 1949 c 176 s 10; 1949 c 196 s 3.

32.071 MILK AND CREAM BUYER AND TESTER; LICENSE

HISTORY. 1949 c 176 s 1.

Under the provisions of the sections relating to cream and butterfat the commissioner of agriculture is authorized to adopt reasonable rules and regulations. OAG Nov. 13, 1947 (135-B-6-F).

32.072 APPLICATION FOR LICENSE

HISTORY. 1949 c 176 s 2.

32.073 LICENSE, QUALIFICATIONS

HISTORY. 1949 c 176 s 3.

32.074 LICENSED DAIRY PLANT; LICENSED PERSON TO GRADE AND TEST

HISTORY. 1949 c 176 s 4; 1953 c 679 s 1.

32.075 LICENSE; TERM; FEE; NOT TRANSFERABLE

HISTORY. 1949 c 176 s 5.

32.076. OFFENSES

HISTORY. 1949 c 176 s 6.

32.077 PENALTY

HISTORY. 1949 c 176 s 7.

32.078 SUSPENSION OR CANCELTION

HISTORY. 1949 c 176 s 8.

MINNESOTA STATUTES 1953 ANNOTATIONS

32.09 BUTTER, CHEESE, CREAM, MILK

104

32.09 CREAMERIES, CHEESE FACTORIES, CONDENSERIES, MILK PLANTS, CREAM STATIONS

Licenses issued under sections 32.09 and 32.23 do not lapse upon the death of the licensee but pass to the legally appointed representative who continues to operate the business. OAG Sept. 30, 1946 (292-C).

32.11 DISCRIMINATION IN BUYING

Non-discriminatory state prohibition of exports, a state may not curtail the movement of goods in interstate commerce for the purpose of protecting a local economic interest. 34 MLR 60.

32.17 Unconstitutional, 125 M 332, 147 NW 109.

32.21 MILK AND CREAM

The fact that a farmer processes the raw milk produced on his farm does not preclude it being a farm and dairy product within the meaning of the above section; and the product may be transported for sale or delivery in a truck under a "T" license, and irrespective of zoning provisions. OAG Feb. 10, 1948 (622-E-35).

Fines collected under section 32.21 are payable to the county treasurer and not to the state treasurer. OAG May 10, 1951 (135-A-4).

32.23 SALES LICENSED

Licenses issued under sections 32.09 and 32.23 do not lapse upon the death of the licensee but pass to the legally appointed representative who continues to operate the business. OAG Sept. 30, 1946 (292-C).

Licenses under sections 33.23 and 33.05 are not transferable from one place to another. OAG June 3, 1953 (826-A).

32.25 MILK AND CREAM SOLD BY WEIGHT

Laws 1945, Chapter 164, revises the law relating to the sale of milk and cream. 32 MLR 368.

32.28 MINNESOTA BRANDS

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

32.30 LOCAL INSPECTION

The council of the city of Pipestone has authority to enact an ordinance requiring a license from vendors of milk; but would have no authority to prohibit the sale of milk by dairies because they had no retail establishment in the city nor could they refuse to grant a license for such reason. If the product of the outside dairy meets the requirements of the state board of health, they are permitted to sell within the city even though their place of business is outside the city limits. OAG June 6, 1950 (292-C).

32.31 BUTTERFAT CONTENT OF BUTTER

HISTORY. Amended, 1949 c 193 s 1.

32.35 Repealed, 1947 c 55 s 1.

32.381 CHEESE

HISTORY. 1947 c 184 s 1.

32.382 MANDATORY PROCESS PROVISIONS

HISTORY. 1947 c 184 s 2.

32.383 STATEMENT BY MANUFACTURER

HISTORY. 1947 c 184 s 3.

32.384 ENFORCEMENT

HISTORY. 1947 c 184 s 4.

32.385 VIOLATIONS; PENALTIES

HISTORY. 1947 c 184 s 5.

32.39 Repealed, 1947 c 104 s 2.

32.391 DEFINITIONS; COOLING AFTER PASTEURIZATION

HISTORY. 1945 c 384 s 1, 2; 1953 c 536 s 1.

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

An ordinance providing that all milk sold in the city must be pasteurized within the city limits is unconstitutional. OAG Jan. 14, 1948 (292-C).

The department of health has authority to employ milk sanitarian for the purpose of cooperating with the department of agriculture in certifying to other states the quality of export milk. OAG March 22, 1950 (292-F).

32.392 APPROVAL OF PLANT

HISTORY. 1945 c 384 s 3; 1949 c 403 s 1; 1953 c 536 s 2.

32.393 LIMITATION ON SALE

HISTORY. 1945 c 384 s 4; 1949 c 403 s 1; 1953 c 536 s 3.

32.394 GRADE A PASTEURIZED MILK

HISTORY. 1945 c 384 c 5; 1949 c 403 s 1; 1953 c 536 s 4; 1953 c 752 s 1.

32.395 MILK OTHER THAN GRADE A

HISTORY. 1945 c 384 s 6; 1953 c 536 s 5.

32.396 Repealed, 1953 c 526 s 1.

32.397 MINIMUM STANDARDS

HISTORY. 1945 c 384 s 9.

32.398 ENFORCEMENT AND VIOLATION

HISTORY. 1945 c 384 s 10.

32.40-32.42 Repealed, 1949 c 176 s 10.

32.48 Repealed, 1947 c 275 s 1.

32.49 FILLED DAIRY PRODUCTS; RESTRICTIONS AS TO MANUFACTURE, SALE, OR EXCHANGE

HISTORY. 1923 c 126 s 1; 1925 c 203 s 1; 1953 c 157 s 4.

32.491 MILK, CREAM; STANDARDS; ENFORCEMENT

HISTORY. 1947 c 396 s 1-4; 1949 c 196 s 2; 1953 c 197 s 1.

Under the provisions relating to standards for milk purchased for manufacturing purposes a processor must adhere to the grades established by the commissioner. He has the right to require higher standards and specifications and to pay a premium price for the same. OAG Aug. 30, 1949 (292).

Fines collected under section 32.491 shall be paid to the treasurer of the county where incurred, and not to the state treasurer. OAG Aug. 15, 1950 (199-B-4).

When a resident of Minnesota purchases cream in Iowa, he is not required to follow the provisions of section 32.491 or regulations of the department of agriculture adopted pursuant thereto. OAG Nov. 19, 1952 (135-A-3).

32.50 VIOLATIONS; PENALTIES

HISTORY. 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; 1949 c 192 s 1; 1949 c 196 s 3; 1953 c 157 s 5.

32.51 ENFORCEMENT

HISTORY. 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; 1949 c 196 s 3.

Nondiscriminatory state prohibition of exports, a state may not curtail the movement of goods in interstate commerce for the purpose of protecting a local economic interest. 34 MLR 60.

32.511 ENFORCEMENT, POWERS AND AUTHORITY

HISTORY. 1949 c 192 s 2.

FILLED DAIRY PRODUCTS**32.53 DECLARATION OF POLICY**

HISTORY. 1953 c 157 s 2.

32.531 DEFINITIONS

HISTORY. 1953 c 157 s 3.

32.532 ENFORCEMENT

HISTORY. 1953 c 157 s 6.

32.533 OPERATION AND EFFECT

HISTORY. 1953 c 157 s 8.