

CHAPTER 31

FOODS

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31.01 DEFINITIONS. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in this section shall for the purposes of this chapter, have the meanings given to them.

Subd. 2. **Person.** "Person" means any individual, partnership, copartnership, society, association, company, or corporation.

Subd. 3. **Food.** "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of, food, drink, confectionery, or condiment for man, whether simple, mixed, or compound.

Subd. 4. **Sell and sale.** "Sell" and "sale" include the keeping, offering or exposing for sale, use, transportation, or exchange of the restricted, regulated, or prohibited article, the having of any such article in possession with intent to sell, use, transport, or exchange the same, and the storing, carrying, or handling thereof in aid of traffic therein, whether done or permitted in person or through others.

Subd. 5. **Misbranded.** "Misbranded" or "misbranding" applies to all articles of food, or articles which enter into the composition of food, the package or label of which bears any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory, or country in which it is manufactured or produced.

An article shall also be deemed to be misbranded, in the case of food:

(1) If it be an imitation of or offered for sale under the distinctive name of another article;

(2) If it be labeled or branded so as to deceive or mislead the purchaser, or

purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, heroin, or alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any of such substances contained therein;

(3) If in package form the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of net weight, measure, or numerical count; provided, that reasonable variations may be permitted, and tolerances, and also exceptions as to small packages may be established, by rules and regulations made by the commissioner in the manner provided by law; and, provided, further, that the commissioner shall have full authority to determine when food is in package form;

(4) If the package containing it, or its label, shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Subd. 6-17 [Renumbered 32.55, subdivisions 2 to 13]

Subd. 18. **Commissioner.** "Commissioner" means the commissioner of the department of agriculture.

Subd. 19. **Adulterated.** An article shall be deemed to be adulterated:

In the case of confectionery;

If it contains terra alba, barytes, coal tar dye, except those colors certified as harmless for use in foods under the United States food and drug act, or the rules and regulations for its enforcement, or saccharine, except for saccharine used as provided in section 31.75, chrome yellow, or other mineral substance or any other poisonous or injurious coloring or flavoring matter, or any substance or ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug;

In case of food:

(1) If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength;

(2) If any substance has been substituted, wholly or in part, for the article;

(3) If any valuable constituent of the articles has been, wholly or in part, abstracted;

(4) If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed;

(5) If it contain any added boric acid or borates, salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphites, except such nominal percentage of sulphurous acid or sulphites as the process of manufacture may necessitate, hydrofluoric acid or fluorides, coal tar dye or color, except that such coal tar dyes or colors as are certified as harmless for use in foods by the secretary of the United States department of agriculture under the United States food and drug act, or the rules and regulations for its enforcement, may be used in still or carbonated beverages, candies, and such other food products as may be permitted and authorized under the rules and regulations promulgated by the commissioner, saccharine, except for saccharine used as provided in section 31.75 or any added poisonous or other added deleterious ingredient which may render such article unwholesome, injurious, or detrimental to health.

(6) If it consist, in whole or in part, of a filthy, decomposed, or putrid animal or vegetable substance, of any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

[1921 c 495 s 3, 5, 84; 1953 c 518 s 1; 1961 c 113 s 1; 1961 c 128 s 14; 1961 c 144 art 1 s 1-3] (3790, 3791, 3792, 3871)

BASIC REGULATORY LAWS RELATING TO FOOD

31.02 UNLAWFUL TO SELL CERTAIN FOOD. It shall be unlawful for any person to manufacture, sell, use, transport, offer for sale or transportation, or have in possession with intent to use, sell, or transport, any article of food which is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious.

[1921 c 495 s 2; 1961 c 144 art 2 s 1] (3789)

31.023 [Renumbered 31.75]

31.03 [Renumbered 31.01, subd. 19]

31.04 RIGHT OF INSPECTION. For obtaining information regarding suspected violations of law, the commissioner, his assistants, inspectors, appointees, agents and employees, shall have access to all places where any article of food, or other article, the manufacture, sale, use or transportation of which is now or hereafter restricted, regulated, or prohibited by any law of this state, is or may be manufactured, prepared, stored, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell, or transport, or where cows or other animals are pastured or stabled, to cars or other carriages used for transportation of such articles or animals, and to places where food is or may be cooked, prepared, sold, or kept for sale to or for the public or distributed as a part of the compensation of servants or agents, including public and private hospitals, lumber and railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats, and other places where any of these articles may be manufactured, sold, used, offered for sale or transportation, or had in possession with intent to use, sell or transport, and they may inspect any package, receptacle, or container found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture, use, sale, or transportation of which is now or hereafter restricted, regulated, or forbidden by any law of this state, and may take samples therefrom for analysis. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

[1921 c 495 s 9; 1961 c 144 art 2 s 2] (3798)

31.05 SEIZURE, SEARCH WARRANTS. The commissioner may seize all food, the manufacture, transportation, sale, or use of which is now or hereafter prohibited by law, or which is manufactured, sold, used, transported, kept or offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport, in violation of any law, or in violation of any rule, regulation, definition, standard, or ruling made thereunder, in the manner provided by law, and for this purpose he and his several assistants, inspectors, agents, and employees shall have the powers of a constable. Such seizure may be made without a warrant, but in such case, as soon as practicable, he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary, a search warrant may be issued, as in the case of stolen property, the form of the complaint and of the warrant being adapted to the purposes of this section.

[1921 c 495 s 10; 1961 c 144 art 2 s 3] (3799)

31.06 EXECUTION OF WARRANT; DISPOSITION OF FOOD SEIZED. The search warrant shall be directed to the sheriff or any constable of the county, and to the chief of police, or any police officer or marshal of any municipality, and may be executed by the commissioner, or any of his agents or employees. No security for costs shall be required thereon or upon any prosecution for violation of any law now or hereafter enacted relating to food. All food seized, whether with or without warrant, shall be safely kept by the officer or person seizing the same, so long as it may be needed for evidence, and, if found upon trial to have been manufactured, sold, used, transported, kept or offered for sale, use, or transportation, or had in possession with intent to use, sell, or transport in violation of any law now or hereafter enacted, it shall be forfeited to the state and shall be disposed of as directed by the court.

[1921 c 495 s 11; 1961 c 144 art 2 s 4] (3800)

31.07 PRICE NOT COLLECTIBLE. No action shall be maintained for the purchase price or value of any food, the sale of which is now or hereafter prohibited by law or which is manufactured, used, sold, transported, kept or offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport in violation of any law now or hereafter enacted; nor shall any person be liable for the price or value of food or board furnished in violation of any such law.

[1921 c 495 s 12; 1961 c 144 art 2 s 5] (3801)

31.08 ADDITIONAL POWERS AND AUTHORITY; FOOD IN TRANSIT. The commissioner, by himself, or any of his assistants, inspectors, agents, or employees, in addition to the authority and powers otherwise conferred by law, is authorized and empowered to have and to take access to any and all trucks, aeroplanes, airships, vehicles, and railroad cars of every sort and nature transported or being within this state, all railroad stations, storage houses, warehouses, express offices, or other places wherein at any time there may be food transported or shipped into from without this state, whether or not such food has been manu-

factured, sold, or given away without the state; provided, that such food was manufactured, sold, or given away with the intent that it be delivered, had, or used within this state; and the commissioner shall have the same power and authority to open any package, car, or vessel containing food so transported or shipped into from without the state, which contains, or which he has reason to believe contains, any such food; to inspect the contents thereof and to take samples for analysis and examination, all after the same manner and with the same procedure as obtains by law in reference to similar goods manufactured, sold, transported, offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport within this state. If it shall appear that any such food is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious, the commissioner shall have the same rights and remedies and shall enforce the same in the same manner as in the case of food manufactured, sold, transported, offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport within this state. On receiving notice from the commissioner, or any authorized agent or employee, that he desires to inspect the contents of any such package, can, or vessel, it shall be the duty of any common carrier, storage man, warehouseman, or their employees, or other person having the same in his possession or under his control, to withhold the same from delivery within this state for such period of time as may be reasonably necessary for the inspection, examination, and analysis thereof. It is further made the duty of all such persons to render to the commissioner and his agents and employees all the assistance in their power when so required to effectuate the purposes of laws now or hereafter enacted relating to food. In case such inspection, examination, or analysis of any such food shall disclose it to be adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious, such persons shall, on demand, disclose to the commissioner the names and addresses of the consignor and consignee of the package, can, or vessel containing the same, and the commissioner, before proceeding further, shall notify such consignor and consignee, in writing, at their respective addresses, of the result of the inspection, examination, or analysis as so disclosed. Any common carrier, warehouseman, storage man, employee, or other person having such food in his possession or under his control, failing or refusing to comply with any of the provisions of this section shall be guilty of a misdemeanor.

[1921 c 495 s 13; 1961 c 144 art 2 s 6] (3802)

31.09 COMMISSIONER TO RENDER CERTAIN FOOD UNSALABLE. The commissioner, his assistants, inspectors, agents, and employees, shall also have power and authority, in their discretion, to render unsalable for use as food, any food the sale or use of which is now or hereafter prohibited by law, or which is manufactured, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell, or transport in violation of any provision thereof, or in violation of any provision of any rule, regulation, definition, standard, or ruling made, adopted, and published thereunder, and the commissioner and his several assistants, inspectors, agents, and employees shall be exempt from liability for any such action. The test of the condition of any such food shall be its condition at the time of discovery. Any reasonable and necessary means may be adopted for rendering such food unsalable for use as food.

[1921 c 495 s 14; 1961 c 144 art 2 s 7] (3803)

31.10 STANDARDS, DEFINITIONS; PROMULGATION. For the purpose of preventing fraud and deception in the manufacture, use, sale, and transportation of food, or for the purpose of protecting and preserving the public health, it shall be the duty of the commissioner to fix, adopt, and publish, from time to time, by rulings or regulations, in writing, definitions and standards of quality, purity, identity, composition, analysis, content and strength of articles of food, for which no definitions and standards are prescribed by law, and such definitions and standards so fixed, adopted, and published by the commissioner shall be the lawful definitions and standards thereof before all courts; provided that when definitions and standards have been or may be fixed by the secretary of the department of agriculture, or the secretary of the department of health, education and welfare of the United States, except in cases where definitions or standards otherwise are prescribed by law, they may be accepted by the commissioner and if accepted, published as definitions or standards for Minnesota. All definitions and standards promulgated and

adopted by the commissioner shall be done in the manner provided by law. Until such definitions and standards are promulgated and adopted in the manner stated, the definitions and standards heretofore prescribed by law or promulgated and adopted by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, package, offer for sale or transportation, or have in possession with the intent to sell, package, repackage, offer for sale or transportation, or use, or transport, any article of food, which does not conform to such definitions or standards so fixed, adopted, and published, shall be guilty of a misdemeanor.

[1921 c 495 s 15; 1953 c 518 s 2; 1955 c 538 s 4; 1961 c 144 art 2 s 8] (3804)

31.11 RULES AND REGULATIONS. For the purpose of preventing fraud and deception in the manufacture, use, sale, and transportation of food, or for the purpose of protecting and preserving the public health, it shall also be the duty of the commissioner to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of laws now or hereafter enacted relating to food; which rules and regulations shall be made in the manner provided by law. Until such rules and regulations are made and published, the rules and regulations heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for use, sale or transportation, or have in possession with intent to use, sell or transport, any article of food contrary to the provisions of any such rule or regulation, or who shall fail to comply with any such rule or regulation, shall be guilty of a misdemeanor.

[1921 c 495 s 16; 1961 c 144 art 2 s 9] (3805)

31.12 LABELING. For the purpose of preventing fraud and deception in the manufacture, use, sale, and transportation of food, or for the purpose of protecting and preserving the public health, it shall be the duty of the commissioner, by rulings not inconsistent with law, to require that any article of food, or the package, receptacle, or container thereof, before it be sold, transported, used, offered for sale or transportation, or had in possession with intent to use, sell or transport within this state, shall be labeled, stamped, stenciled, marked, or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information: The percentages and true composition of such food article, its quality, strength, quantity, source of its manufacture or production or the person by or for whom the same is manufactured, produced, packed, or shipped. The commissioner shall also have authority to prescribe by such rulings the date on which the same shall take effect and be in force, and also the form, size, style, and wording of, and the place, time, method, means and manner of use of all such labels, stamps, stencils, brands, and markings, which rulings shall be made in the manner provided by law. Until such rulings are made and in effect the rulings heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall fail to comply with such ruling or rulings shall be guilty of a misdemeanor.

[1921 c 495 s 17; 1961 c 144 art 2 s 10] (3806)

31.13 ANALYSIS; EVIDENCE. It shall be the duty of the chief chemist and assistants to make analyses and examinations of such articles as shall be furnished to them by the commissioner, for the purpose of determining from such examination whether such articles are adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious and whether such articles have been manufactured, used, sold, transported, offered for use, sale, or transportation, or had in possession with intent to use, sell, or transport in violation of any law now or hereafter enacted relating to food, or of any definition, standard, rule, regulation, or ruling made and published thereunder, and to certify the result of such analysis and examination to the commissioner. A copy of the result of the examination or analysis of any such article, duly authenticated, by the chemist making such analysis or examination, under oath of such chemist, shall be prima facie evidence in all courts of the matters and facts therein contained.

[1921 c 495 s 18; 1961 c 144 art 2 s 11] (3807)

31.14 DUTY TO PROSECUTE. It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of laws now or hereafter enacted relating to food to cause appropriate proceedings to be commenced and prosecuted in the proper courts, without delay, for the enforcement of the

penalties as in such case therein provided.

[1921 c 495 s 19; 1961 c 144 art 2 s 12] (3808)

31.15 DISPOSAL OF RECEIPTS. In all prosecutions under section 31.14, save as therein specifically provided, the fine or fines collected by and under the same shall be forthwith transmitted by the officer collecting the same to the state treasurer, to the credit of the general revenue fund, and all other fees and payments made to the commissioner, except as aforesaid, shall be accounted for and disposed of in the same manner.

[1921 c 495 s 21; 1961 c 144 art 2 s 13] (3810)

31.16 [Renumbered 31.601]

31.161 FOOD; INSANITARY CONDITIONS PROHIBITED. No person, firm, or corporation shall operate any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, eating house, fruit box, receptacle, fruit stand, or vehicle of any kind, packing or slaughter-house, ice-cream plant, or any place where any fruit or food products are manufactured, packed, stored, deposited, collected, prepared, produced, or served for the purpose of sale or profit, or sold for any purpose whatever, if the same is in a filthy, unclean, or insanitary condition, or is permitted to be in a filthy, unclean, or insanitary condition.

[1921 c. 495 s. 43] (3832)

31.165 REMOVAL OF INSANITARY CONDITIONS. If, in the opinion of the commissioner, his assistants, inspectors or agents, or either of them, after an investigation thereof, any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, or eating house, fruit box, receptacle, fruit stand, or vehicle of any kind, packing or slaughter-house, ice-cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served or sold for any purpose whatever, is operated in violation of section 31.161, the commissioner, his assistants, inspectors, or agents shall notify, in writing, the proprietor, owner, or manager of such bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box or receptacle, fruit stand, or vehicle of any kind, packing or slaughter-house, ice-cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served, or sold for any purpose, to place the same in a clean and sanitary condition within a reasonable time to be stated in the notice, which time so stated shall in no case be less than two days, and failure to comply with such notice within the time so stated shall be deemed a violation of the provisions of sections 31.161 to 31.171.

[1921 c 495 s 44; 1961 c 144 art 2 s 14] (3833)

31.17 [Renumbered 31.611]

31.171 EMPLOYMENT OF DISEASED PERSON. It shall be unlawful for any person to work in or about any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold, whose condition is such that disease may be spread to his associates direct, or through the medium of milk, cream, butter, other food or food products, likely to be eaten without being cooked after handling, whether such condition be due to a contagious, infectious, or venereal disease, in its active or convalescent stage, or to the presence of disease germs, whether accompanied by, or without, any symptoms of the disease itself.

It shall be the duty of the commissioner, his assistants, inspectors, or agents, to report to the state board of health for investigation, any person suspected to be dangerous to the public health, as provided for in this section, and immediately to exclude such person from such employment pending investigation and during the period of infectiousness, if such person is certified by the state board of health, or its authorized agent, to be dangerous to the public health.

[1921 c. 495 s. 45] (3834)

31.18 [Renumbered 31.651]

FROZEN FOOD PROCESSING PLANTS

31.185 FROZEN FOOD PROCESSING PLANTS. Subdivision 1. **Definitions.** The term "food" as used herein includes every article used for, or entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery or condiment for man, whether simple, mixed or compound.

"Frozen food processing plant" means an establishment in which food is processed and frozen for frozen storage.

"Sharp frozen" means freezing of food in a room in which the temperature is zero degrees Fahrenheit or below.

The term "department" as used herein means the department of agriculture.

"Person" means an individual, partnership, corporation or association.

"Processor" means any person who directly or indirectly, for compensation, cuts, wraps and freezes meat or meat products for frozen storage by the ultimate consumer.

Subd. 2. Licenses. Every person engaged in the business of operating a frozen food processing plant, or engaged as a processor, shall apply for a license therefor to the commissioner in such form and shall furnish such information as he may require. Each application shall be accompanied by a fee of \$10. This sum shall constitute the license fee in case license is granted. If the commissioner shall find that the applicant maintains a proper place for the storage of frozen foods, has proper cooling and freezing facilities, maintains a proper place and equipment for processing meats and meat products, and meets all sanitation requirements, the commissioner shall issue to the applicant a license therefor. Such license shall expire on the thirty-first day of December, following its issue and no license shall be issued for a longer term than one year, nor be transferable from one person to another or from the ownership to whom issued to another ownership or from one place to another place or location. If a license is not applied for on or before January 1st of each year or within 30 days after the applicant has operated as a frozen food processing plant or processor a penalty of 10 percent of the license fee shall be imposed for each month thereafter; provided that in no case shall the penalty exceed the amount of the license fee. The provisions of this subdivision shall not apply to any person, place, or establishment operating under or subject to the Federal Meat Inspection Act of March 4, 1907 (34 U.S. Stat. 1260) and Amendments thereto.

Subd. 3. Fees and fines to be paid into State Treasury. All fees collected hereunder by the commissioner, together with all fines paid for the violation of this section, shall be paid into the state treasury and credited to the general revenue fund of the state.

Subd. 4. Commissioner may withhold licenses. The commissioner may withhold a license from any applicant therefor under any provisions of this section 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 of this section, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offense punishable under this section shall be a sufficient ground for such revocation.

Subd. 5. Enforcement. The commissioner, his inspectors, assistants and employees, shall enforce the provisions of this section.

Subd. 6. Must meet requirements of rules and regulations. No article of food shall be stored in any refrigerated locker unless it is in a proper condition for storage and meets all the requirements of law and such rules and regulations as may be established in the manner provided by law by the department of agriculture, with the exception of the labeling requirements.

Subd. 7. Food not intended for human consumption. Food or goods not intended for human consumption shall not be stored in a frozen food processing plant, unless it is kept in a separate room with a separate entrance.

Subd. 8. Must be inspected by plant manager. All food must be inspected by plant manager or butcher and sharp frozen before it may be placed in a refrigerator locker, and shall be kept at a temperature of not more than five degrees Fahrenheit during the period it is kept therein. The date of entry of each package of food into such locker shall be stamped on each package.

Subd. 9. Not applicable to warehousemen. Persons who own or operate frozen food processing plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.

Subd. 10. Lessors' liens. Every lessor owning or operating a frozen food processing plant or plants shall have a lien upon all property therein for the handling, keeping, and storing of the same.

Subd. 11. Enforcement of lien. Such lien may be enforced by any remedy al-

lowed by law for the enforcement of a lien against personal property, and such remedy shall not bar the right to recover so much of the frozen food processing plant's claim as shall not be paid by the proceeds of the sale of the property.

Subd. 12. Violations, prosecutions. It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this section, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case herein provided.

Subd. 13. Violation, a misdemeanor. Any person violating or failing to comply with any of the provisions of this section, or any of the provisions of any of the rules, regulations, or rulings made and published thereunder shall be deemed guilty of a misdemeanor, and save as herein specifically provided, for each first offense shall be punished by a fine of not less than \$15 or by imprisonment for not less than 20 days and for each subsequent offense, by a fine of not less than \$50 or by imprisonment for not less than 60 days.

[1943 c 276 s 1-13; 1955 c 820 s 2; 1957 c 841 s 1-4; 1959 c 19 s 2; 1959 c 224 s 1-6; 1961 c 113 s 1; 1961 c 144 art 2 s 16, 17; 1961 c 144 art 3 s 1]

31.19-31.27 [Renumbered 32.56 to 32.64]

31.28 [Renumbered 31.161]

31.29 [Renumbered 31.165]

31.30 [Renumbered 31.171]

CANNERIES

31.31 COMMERCIAL CANNERIES, REGULATION. All commercial vegetable and fruit canneries, shall be under the supervision and regulation of the commissioner. For the purpose of sections 31.31 to 31.392, a commercial cannery is defined to mean any place or building where vegetables, fruits, fish or other food is received in a raw or partly processed form, except meat products processed in commercial canneries which are inspected by the United States bureau of animal industry, for the purpose of canning in hermetically sealed containers, where sterilization by heat is used, or by freezing the same for sale as and for food in any other type of vessel, bottle, can, bag, container or other type or form of package, and the products placed on the market for general consumption as human food; but shall not include private homes where farmers or others may pack or preserve vegetables, fruits, fish or other food products for their own use. At such times as the commissioner may deem proper, he shall cause all commercial canneries to be inspected, and shall require the correction of all unsanitary conditions or practices found therein, and may search and enter all cupboards, closets, or any other places in such canneries for the purpose of discovering any chemical preservatives or adulterants which he has reason to believe are used or intended to be used in the canning, freezing or preserving of vegetables, fruits, fish or other food products, except meat products processed in commercial canneries which are inspected by the United States bureau of animal industry, and for enforcing the provisions thereof.

[1921 c 495 s 46; 1927 c 177 s 1; 1947 c 558 s 1; 1955 c 499 s 1; 1961 c 144 art 4 s 1] (3835)

31.311 INSPECTION UNDER SUPERVISION OF COMMISSIONER. The inspection of commercial canneries shall be under the supervision of the commissioner of the department of agriculture. The commissioner shall appoint a bacteriologist who shall visit and inspect commercial canneries as often as is necessary and may conduct bacteriological surveys, make sanitary inspections, and assist the canning industry. All commercial canneries shall comply with all food laws, and with all sanitary laws, rules and regulations; shall use only proper raw materials and ingredients in the preparation of food products; and shall apply the requisite sterilization by heat in the packing and preservation of food products. In making inspections of commercial canneries the quality of any raw materials or ingredients used in canning, packing, or preserving food products shall be examined, and any raw materials or other ingredients thereof unfit for use in the packaging, canning, or preservation of food products shall be condemned. The commissioner may employ such assistants, aides, and technicians as are needed by the bacteriologist in making the necessary surveys and conducting special studies while commercial canneries are in operation. No such assistant, aide, or technician shall be employed for a period of more than five months in any year. All such assistants,

aides, and technicians shall be subject to the provisions of Minnesota Statutes, Chapter 43.

[1947 c 558 s 2; 1957 c 114 s 1; 1961 c 113 s 1]

31.32 REPORTS; INFORMATION FURNISHED. The commissioner shall issue public bulletins of information, report and publish the conditions found in canning factories, furnish and disseminate information regarding the canning industry, and for that purpose may arrange for educational exhibits and demonstrations, public meetings, and give instructions to processors and superintendents of canneries; such information shall be available to any person who is a resident of this state, or those now engaged in the business of canning, and to those who may hereafter engage therein who may properly apply therefor.

[1921 c. 495 s. 47] (3836)

31.33 COMMERCIAL CANNERIES LICENSED. No person shall operate a commercial cannery without having a license therefor from the commissioner. Such licenses shall be granted under such reasonable rules and regulations as he may prescribe. Upon filing application for a license he shall issue a temporary permit, to be in effect only until a license shall have been issued or until the applicant shall have been notified of the denial of such application. Upon the filing of the application, the commissioner shall cause an investigation to be made of the conditions of such cannery, for the purpose of determining whether or not a license should be granted. The application shall be in the form prescribed by the commissioner and shall give such information as he may require. Each application shall be accompanied by a license fee of \$1. All licenses shall expire on the thirty-first day of December, next following the date of issue, but may be renewed, without inspection, on or before the first day of May of each year, upon application and payment of the license fee. The commissioner, after reasonable notice and opportunity to be heard, may by order revoke any license when the licensee fails to comply with any of the provisions of the Minnesota dairy and food law, or any rule or regulation promulgated, issued, and published by the commissioner relating to the operation of commercial canneries; and he may reinstate any license when the licensee has fully complied with the provisions of such law, rules, and regulations.

[1921 c. 495 s. 48; 1927 c. 177 s. 2] (3837)

31.34 [Repealed, 1947 c 558 s 6]

31.35 [Repealed, 1947 c 558 s 6]

31.36 RULES AND REGULATIONS FOR CANNERIES. The commissioner, in the manner provided by law, may prescribe rules and regulations for the operations of canneries, and proper labels, standards, and definitions of grades on products of canneries.

[1921 c 495 s 51; 1961 c 144 art 4 s 2] (3840)

31.37 NOTICE OF INTENTION TO OPERATE. Any person owning or operating a canning factory shall, by written notice on or before June first, of each year, notify the commissioner whether or not such factory is to be operated during that season or year, giving kinds and varieties of products to be canned or manufactured that season. At least ten days prior to the beginning of operation of any canning factory, the commissioner shall be notified, in writing, of such intended operation. On or before November fifteenth, of each year, the owner, manager, or superintendent of such factory shall furnish the commissioner, his agent, or inspector, with a report giving such information concerning the factory as he may require.

[1921 c. 495 s. 52] (3841)

31.38 CERTIFICATE OF INSPECTION, COMMERCIAL CANNERIES; LABELS, BRANDS. The commissioner shall furnish to each commercial cannery that shall have fully complied with the provisions of sections 31.31 to 31.392, a certificate of inspection that such cannery has been inspected and has complied with all laws, rules, and regulations applying thereto. The commissioner may authorize the proprietor of such cannery to use the following or similar label or brand on his products: "Packed under regulations of, and in cannery inspected by Minnesota Department of Agriculture," or such other label, trademark, device, brand, or guarantee certificate as the commissioner may designate or adopt.

[1921 c 495 s 53; 1927 c 177 s 4; 1961 c 113 s 1; 1961 c 144 art 4 s 3] (3842)

31.39 ASSESSMENTS; INSPECTIONS, SERVICES; COMMERCIAL CANNERIES ACCOUNT. The commissioner is hereby authorized and directed to collect from each commercial cannery an assessment for inspection and services

furnished, and for maintaining a bacteriological laboratory and employing a bacteriologist and such assistants as he may deem necessary. The assessment to be made on each commercial cannery, for each and every packing season, shall not exceed one-half cent per case on all foods packed, canned, or preserved therein, nor shall the assessment in any one calendar year to any one cannery exceed \$1,000, and the minimum assessment to any cannery in any one calendar year shall be \$50. The commissioner may, when he deems it advisable, graduate and reduce the assessment to such sum as is required to furnish the inspection and laboratory services rendered. The assessment made and the sums so collected shall be deposited in the state treasury, as other departmental receipts are deposited, but shall constitute a separate account to be known as the commercial canneries inspection account, which is hereby created, and together with moneys now remaining in said account, set aside, and appropriated as a revolving fund, to meet the expense of special inspection, laboratory and other services rendered, as provided in sections 31.31 to 31.392. The amount of such assessment shall be due and payable on or before December 31, of each year, and if not paid on or before February 15 following, shall bear interest after that date at the rate of seven percent per annum, and a penalty of ten percent on the amount of the assessment shall also be added and collected.

[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; 1961 c 144 art 4 s 4] (3843)

31.391 CONCRETE FLOORS. All floors of commercial canneries hereafter shall be constructed of concrete or other water-impervious material and shall be so constructed as to permit proper washing and cleansing, and shall have sufficient slope for good drainage and a sufficient number of floor drains or gutters to insure proper and prompt removal of water and waste liquids.

[1947 c. 558 s. 4]

31.392 CANNING IN DWELLING OR BASEMENT. No commercial canning of any food products shall be permitted in a house or dwelling or in the basement of any building.

[1947 c 558 s 5]

31.393 PENALTIES. Whoever shall, without permission of the commissioner, use any brand, label, or device authorized by the commissioner, or who shall fail to furnish reports containing information required or within the time specified, or who shall fail to obey any lawful direction of the commissioner given by him in carrying out the provisions of sections 31.31 to 31.392, or shall use any raw materials, articles, or substances forbidden to be used in canning, packing, or preserving vegetables or fruits, or shall violate, or fail to comply with, any of the provisions of sections 31.31 to 31.392, or the rules or regulations made thereunder, shall be guilty of a misdemeanor.

[1921 c 495 s 54; 1927 c 177 s 6; 1949 c 229 s 3; 1953 c 518 s 4; 1961 c 144 art 4 s 5] (3844)

31.40 [Renumbered 31.90]

CANNING COMPOUNDS

31.401 DEFINITION; PRESERVATIVE COMPOUND. For the purposes of sections 31.402 to 31.404 the term "preservative compound" includes all articles used for preservative purposes, whether simple, mixed, or compound, and any substance used as a constituent in the manufacture thereof.

[1915 c 335 s 3; 1961 c 146 s 4] (3892)

31.402 CANNING COMPOUNDS, SALE FORBIDDEN. It shall be unlawful for any person to manufacture for sale within the state any article to be used as a canning compound or chemical preservative in the canning and preserving of fresh fruits and vegetables which is adulterated within the terms of sections 31.402 to 31.404, nor shall any person add to, apply, or use, in the process of canning fruits or vegetables, any canning compound which is adulterated within the terms of sections 31.402 to 31.404.

No article shall be deemed adulterated within the provisions of sections 31.402 to 31.404 when intended for export to any foreign country or purchaser and prepared and packed according to the specifications or directions of the foreign country to which the article is intended to be shipped; but if the article shall be in fact sold or offered for sale for domestic use or consumption, then the article shall not be excepted from the operation of any of the other provisions of

sections 31.402 to 31.404.

[1915 c 335 s 1] (3890)

31.403 POSSESSION A MISDEMEANOR. The having in possession of any preservative compound which is adulterated, with intent to sell the same, is hereby prohibited, and whoever shall have in his possession with intent to sell, sell or offer for sale any preservative compound which is adulterated within the meaning of sections 31.402 to 31.404, shall be guilty of a misdemeanor; and, on conviction thereof, shall be punished as provided in section 31.405.

Proof that any person, firm, or corporation has or had possession of any preservative compound which is adulterated within the terms of sections 31.402 to 31.404 shall be prima facie evidence that the possession thereof is in violation of this section.

[1915 c 335 s 2] (3891)

31.404 ADULTERATED PRESERVATIVE COMPOUNDS. For the purposes of sections 31.402 to 31.404, a preservative compound shall be deemed to be adulterated if it contains any added poisonous or other added deleterious, unwholesome, and injurious ingredient which may render the article injurious to public health; and formaldehyde, hydrofluoric acid, salicylic acid, sulphurous acid, and all compounds and derivatives thereof, are hereby declared unwholesome and injurious.

[1915 c 335 s 4] (3893)

31.405 PENALTIES. Whoever shall violate any of the provisions of sections 31.402 to 31.404 shall be guilty of a misdemeanor and violation thereof shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail for not less than three months.

[1915 c 335 s 6] (3895)

31.406 ENFORCEMENT. The commissioner shall enforce the provisions of sections 31.401 to 31.405.

[1961 c 146 s 17]

31.41 [Renumbered 31.903]

FOOD HANDLERS

31.411 CITATION; FOOD HANDLERS LICENSE LAW. Sections 31.411 to 31.491 shall be known as the food handlers license law.

[1959 c 606 s 1; 1961 c 144 art 5 s 1]

31.42 [Repealed, 1961 c 144 art 6 s 6]

31.421 DEFINITIONS. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in this section shall, for the purpose of sections 31.411 to 31.491 have the meanings given to them.

Subd. 2. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee, or other similar representative thereof.

Subd. 3. "Commissioner" means the commissioner of agriculture.

Subd. 4. "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for man, whether simple, mixed, or compound.

Subd. 5. "Food handler" means any person in the business of manufacturing, processing, or selling foods at wholesale or retail.

Subd. 6. "Establishment" means every location where food is manufactured, processed, or sold including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

Subd. 7. "Mobile unit" means any vehicle from which food is sold in any form other than as it was produced or grown or which was manufactured, processed, or packaged in a licensed establishment.

Subd. 8. "Manufacturer or processor" means any person who receives food in a raw or partly processed form for the purpose of canning, extracting, fermenting, distilling, pickling, baking, freezing, drying, smoking, grinding, mixing, stuffing, packing, bottling, or otherwise treating or preserving the same for sale.

Subd. 9. "Wholesaler" means any person who buys, sells, or exchanges food at wholesale for purposes of resale.

Subd. 10. "Retailer" means any person who buys, sells, uses, exchanges, or has in possession with intent to buy, sell, use, or exchange, any article of food at retail in any establishment.

Subd. 11. "Sell and sale" includes the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others.

[1959 c 606 s 2; 1961 c 113 s 1; 1961 c 144 art 5 s 2]

31.43 [Renumbered 31.905]

31.431 LICENSING; RULES AND REGULATIONS. Subdivision 1. Every person doing an annual gross business of more than \$400 and engaged in the business of a food handler, except those who handle only pre-packaged food, shall obtain from the commissioner a license for each establishment or mobile unit which is being operated by a food handler, which license shall state the name and address of the food handler, where such business is being engaged in, or the headquarters of the mobile unit, and the category for which he is being licensed. Applications for licenses shall be made to the commissioner upon such forms as provided by the commissioner, which application shall state the name and address of the applicant, the name and address where such business is being conducted or such mobile unit is headquartered, the nature of the business he is engaged in, and such other pertinent information as the commissioner shall require. Each application shall be accompanied by a fee of \$5; except that applications from licensees who are additionally licensed under the provisions of section 157.03 shall be accompanied by a fee of \$1.50. The commissioner and the hotel inspection division under section 157.03, may issue a joint license in a manner to be agreed upon to applicants who are licensed under sections 31.411 to 31.491, and section 157.03. The joint license shall be issued upon the payment of the amount of the two licenses under sections 31.411 to 31.491, and under section 157.03. All licenses shall expire annually and no license shall be issued for a term longer than one year. The commissioner may divide persons required to be licensed under this section into such groups by geographical location, type of operation, or other methods of classification, as he believes will best promote the economical, effective, and convenient execution of this section and shall determine on what day of each year licenses in each group shall expire. He may change such groups or methods of classification from time to time. A licensee, the period of whose group is shortened by such grouping or change thereof, shall pay only such proportion of the annual license fee as the shortened period bears to one year and receive credit on the fee for the next license year for any overpayment, and if the period of a group is lengthened, a licensee shall pay additional fees proportionate to the time by which it is lengthened. Such license shall be posted or displayed in a conspicuous place at the establishment so licensed. If a license is not applied for on or before the expiration date after such applicant has manufactured, processed, sold or offered for sale, exposed for sale or had in possession with intent to sell food within this state, a penalty of ten percent of the license fee shall be imposed for each month thereafter; provided that in no case shall the penalty exceed the amount of the license fee. All such license fees and penalties collected by the commissioner shall be deposited into the state treasury.

Subd. 2. The commissioner may adopt such rules and regulations in conformity with law as he deems necessary to effectively carry out the provisions of sections 31.411 to 31.491.

[1959 c 606 s 3; 1961 c 144 art 5 s 3]

31.435 [Renumbered 31.621]

31.436 [Renumbered 31.631]

31.44 Subdivision 1. [Renumbered 31.91 subdivision 1]

Subd. 2. [Renumbered 32.645, subdivision 1]

Subd. 3. [Renumbered 32.645, subd. 2]

Subd. 4. [Renumbered 31.393]

Subd. 5. [Renumbered 31.91, subd. 2]

31.441 TRANSFER OF BUSINESS. A transfer of a business or a discontinuance of its operation by the licensee at the address covered by the license voids the license and the license certificate shall be surrendered to the commissioner immediately by such licensee.

[1959 c 606 s 4]

31.451 VIOLATIONS. Any person who does not comply with the provisions of sections 31.411 to 31.491, shall be guilty of a misdemeanor.

[1959 c 606 s 5; 1961 c 144 art 5 s 4]

31.461 ENFORCEMENT. It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of sections 31.411 to 31.491, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay, for the enforcement of the penalties as herein provided.

[1959 c 606 s 6; 1961 c 144 art 5 s 5]

31.471 CONVICTIONS OF RELATED OFFENSES. When any person licensed under sections 31.411 to 31.491, shall have been convicted of a violation of any provision of any law of this state relating to manufacture, processing, distribution, handling, or sale of food or of any provision of any rule or regulation made and promulgated by the commissioner under provisions of law, the commissioner shall have the power to suspend or revoke any license issued under provisions of sections 31.411 to 31.491; or the person licensed under sections 31.411 to 31.491, and convicted as herein specified may be restrained by injunction from operating such establishment or category of the business for which he is licensed by the commissioner. No injunction shall be issued until after the defendant has had at least five days notice of application therefor, and the time fixed for hearing thereon.

[1959 c 606 s 7; 1961 c 144 art 5 s 6]

31.481 EXCLUSIONS; FARMERS, EDUCATIONAL, CHARITABLE, OR RELIGIOUS ORGANIZATIONS. The provisions of sections 31.411 to 31.491, shall not apply to a producer selling farm products of his own production, or to educational, charitable, or religious organizations not regularly engaged in the business of manufacturing, processing, or selling food.

[1959 c 606 s 8; 1961 c 144 art 5 s 7]

31.491 EXCLUSIONS; OTHER LICENSEES. Any person licensed under the provisions of sections 19.19, 19.39, 27.04, 28.02, 29.22, subdivision 4, 31.185, 31.33, 31.52, 32.09, 32.58, 32.59, 34.04, and 34.05 is excluded from the requirements of sections 31.411 to 31.491.

[1959 c 606 s 9; 1961 c 144 art 5 s 8]

31.492 EXCLUSIONS FROM FOOD HANDLERS LICENSE LAW; CERTAIN PERSONS SELLING LIQUOR. The provisions of the food handlers license law, sections 31.411 to 31.491, and acts amendatory thereof, shall not apply to persons licensed to sell non-intoxicating malt liquors "on sale" as provided in section 340.02, or to persons licensed to sell intoxicating liquors "on sale" or "off sale" as provided in section 340.11, provided that these persons have no food service other than prepackaged items.

[1961 c 671 s 1]

SLAUGHTER HOUSES; PACKING PLANTS

31.51 DEFINITIONS. Subdivision 1. For the purpose of sections 31.51 to 31.58, the terms defined in this section have the meaning ascribed to them.

Subd. 2. "Slaughter house" means an establishment in which animals other than poultry are slaughtered and dressed for human food.

Subd. 3. "Packing house" means an establishment with or without slaughtering facilities, where animal carcasses or edible products derived therefrom are cured, salted, processed, packaged, or otherwise prepared as food intended for human consumption; provided, however, that packing house does not include: (1) A retail butcher, (2) a purveyor of meals, or (3) a frozen food processing plant licensed under section 31.185 and in which no slaughtering operations are conducted.

Subd. 4. "Sausage plant" means an establishment in which meats are processed into sausages or other similar products and packed for shipment, storage, or for wholesale sales.

Subd. 5. "Poultry packing plant" means an establishment in which poultry is killed, dressed and packed, canned or otherwise processed for sale, storage or shipment.

Subd. 6. "Poultry dressing plant" means an establishment in which poultry is killed and dressed for immediate wholesale or retail sale.

Subd. 7. "Rabbit packing plant" means an establishment in which rabbits are killed, dressed and packed, canned or otherwise processed for sale, storage or shipment.

Subd. 8. "Rabbit dressing plant" means an establishment in which rabbits are killed and dressed for immediate wholesale or retail sale.

Subd. 9. "Animal" means cattle, swine, sheep, goats, horses or other large domesticated animals, and shall not include poultry.

Subd. 10. "Person" includes firm, corporation, partnership, association, trust, joint stock company, or unincorporated organization.

Subd. 11. "Processor" means any person or establishment including jobbers, wholesalers, or slaughter houses who change meat or meat food products in any way by cutting, mixing, blending, canning, curing, or otherwise preparing meat or meat food products for human consumption; provided, however, that processor does not include: (1) a retail butcher, (2) a purveyor of meals, or (3) a frozen food processing plant licensed under section 31.185 and in which no slaughtering operations are conducted.

Subd. 12. "Commissioner" means the commissioner of agriculture.

Subd. 13. "Retail butcher" means any person who sells or offers for sale to the ultimate consumer meat or poultry products from animals or poultry which have been slaughtered or processed in a state licensed establishment, or an establishment holding a state permit or in an establishment which is under the inspection program of the United States department of agriculture.

Subd. 14. "Purveyor of meals" means a person who cooks or otherwise prepares for sale directly to the consumer meat or poultry products from animals or poultry which have been slaughtered or processed in a state licensed establishment, or an establishment holding a state permit or in an establishment which is under the inspection program of the United States department of agriculture.

[1955 c 494 s 1; 1959 c 284 s 1-5; 1961 c 113 s 1; 1961 c 560 s 2, 3]

31.52 LICENSES. No person shall operate or maintain a slaughter house, sausage plant, poultry packing plant, poultry dressing plant, rabbit packing plant, or rabbit dressing plant or operate as a processor unless first licensed by the commissioner. Applications for licenses are made on forms provided by the commissioner, and he may cause the place to be inspected before granting the license. If the commissioner finds that the applicant maintains a proper place and equipment he shall issue a license to him. Licenses expire on June 30, following their issue. Licenses are renewed annually on July 1. The annual fee is \$5, for each slaughter house, packing house, sausage plant, poultry packing plant, poultry dressing plant, rabbit packing plant, rabbit dressing plant. Application for renewal should be filed on or before June 30. If filed after that date a penalty of 50 percent is charged. Processors which shall not include a farmer shall obtain a permit from the commissioner, which permit shall be issued without cost to the applicant. Permits shall be renewed annually on July 1st of each year.

[1955 c 494 s 2; 1957 c 554 s 1; 1959 c 284 s 6]

31.53 INSPECTIONS; CORRECTIVE ORDERS. The commissioner shall at such times as he deems necessary cause any plant processor or place of business where animal or poultry slaughtering, packing or processing occurs, to be inspected and shall make such order as is necessary to correct unsanitary conditions in any such plant. Each order shall specify the time within which it shall be complied with, and such order shall be served in person or by registered mail. The commissioner or any of his representatives or inspectors may enter any plant or any place of business in which such operations are being conducted, at any reasonable hour for inspection purposes. Free access to every part of the premises shall be afforded and aid and assistance necessary to enable the person making the inspection to make a thorough and complete examination shall be given.

[1955 c 494 s 3]

31.54 RULES. The commissioner may, in order to supplement federal regulation and inspection of any plant, processor or place of business, promulgate rules covering the construction and operation of such plants or processor, the water supply, sanitary conditions and disposal of sewage, offal, vapors, odors and gases and all other sanitary conditions and precautions for the purpose of insuring the purity of the products prepared at any such plant or place of business in which such operations will be or are conducted, where such operations are not then federally inspected or licensed.

[1955 c 494 s 4]

31.55 REVOCATION OF LICENSE, NOTICE; REINSTATEMENT. After giving the licensee at least seven days notice of the date and place of hearing and an opportunity to be heard, the commisisoner may by order revoke any license when the licensee fails to comply with any of the provisions of sections 31.51 to 31.58 or any rule or regulation promulgated hereunder. Such notice may be given either by

personal service upon the licensee or by mailing the same to him by registered mail. The commissioner may reinstate any license when the licensee has complied with the provisions of sections 31.51 to 31.58 and the rules promulgated by the commissioner.

[1955 c 494 s 5]

31.56 LIMITATION. Subdivision 1. The provisions of sections 31.51 to 31.58 do not apply to a farmer slaughtering animals, rabbits, or poultry, on his own farm for: (1) His own use, (2) the use of his immediate family, or (3) sale directly to the ultimate consumer.

Subd. 2. No animals, poultry, or rabbits that were in a dying condition when killed, nor animals that have died as a result of accident or of natural causes or disease, shall be accepted, for any purpose whatsoever into any establishment licensed under sections 31.51 to 31.58.

Subd. 3. When it is necessary to slaughter an injured animal at a location other than in an approved establishment, the carcass may be accepted into an approved establishment provided that the carcass with the head and all viscera, except the stomach, bladder and intestines, held by the natural attachments is inspected and approved for further processing by a licensed veterinarian.

Subd. 4. Every animal which is eviscerated in a state licensed establishment must have been killed and bled in the establishment.

Subd. 5. Except as provided in this section, no person shall sell, offer for sale, or have in his possession with intent to sell any meat, poultry, or rabbit product unless said product comes from animals, poultry, or rabbits which have been slaughtered or processed in establishments which are licensed by the state, or which hold a state permit or are under the inspection program of the United States department of agriculture.

[1955 c 494 s 6; 1959 c 284 s 7]

31.57 APPLICATION. Anything herein to the contrary notwithstanding, the provisions of sections 31.51 to 31.58 or regulations promulgated in accordance with the provisions thereof shall not apply to any place or establishment operating under or subject to the Federal Meat Inspection Act of March 4, 1907 (34 U.S.Stat. 1260) and amendments thereto.

[1955 c 494 s 7]

31.58 VIOLATIONS, PENALTIES. Any person violating any of the provisions of sections 31.51 to 31.57 or any regulations made hereunder is guilty of a misdemeanor; and upon conviction, may be punished by a fine of not less than \$25, or by imprisonment in the county jail for not less than 30 days for the first offense, and in the sum of not less than \$50 or by imprisonment in the county jail for not less than 60 days for each subsequent offense.

[1955 c 494 s 8]

MEATS, GENERALLY

31.601 PROTECTION OF MEAT. Every dealer in meats, fish, fowl, or game for human food, at the place of offering or exposing for sale, and in the transportation of such food from place to place to customers, shall protect the same from dust, flies, and other vermin or substance which may injuriously affect it, by securely covering it while being so offered or exposed for sale or transported. Every violation of the foregoing provision shall be a misdemeanor.

[1921 c. 495 s. 36] (3825)

31.611 VEAL. No person shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves killed when less than four weeks old. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than \$50, or by imprisonment for not less than 60 days.

[1921 c. 495 s. 37] (3826)

31.621 SALE OF HORSE MEAT FOR HUMAN CONSUMPTION. Subdivision 1. **Requirements.** It shall be unlawful for any person to sell, offer or expose for sale, or have in possession with intent to sell, horse meat for human consumption:

(a) Unless a sign is posted in a conspicuous place both inside and outside the store, eating establishment, or building in which said meat is sold or offered or exposed for sale, reading "horse meat sold here";

(b) Unless the counter or container in which the same is offered or exposed for sale is plainly and conspicuously marked with the words "horse meat" and no other meat of any kind shall be placed in the same container with horse meat; if

horse meat is placed in the same counter with other cuts of meat each cut shall be plainly labeled "horse meat";

(c) Unless all packages, boxes or containers in which horse meat is delivered to the purchaser shall be plainly and conspicuously marked with the words "horse meat."

Subd. 2. Sales in restaurants and boarding houses. It shall be unlawful for any restaurant, boarding house or other place where food is served to the public to prepare or serve horse meat to any customer or patron unless a sign is posted in a conspicuous place, both inside and outside the building or restaurant in which such meat is prepared and sold reading "horse meat served here," and unless the same words are printed or typed on all menus used therein; but said place preparing and serving horse meat shall not be required to procure the license provided by subdivision 1.

Subd. 3. Mixed meat. In the event that horse meat is mixed with any other kind of meat, the mixture shall be considered as horse meat and its sale, preparation or serving shall be subject to all of the provisions of this section.

Subd. 4. Enforcement. The commissioner shall enforce the provisions of this section.

Subd. 5. Violation a misdemeanor. Any person violating any of the provisions of this section shall be deemed guilty of a gross misdemeanor.

[1943 c 446 s 1-5; 1959 c 606 s 10; 1961 c 144 art 2 s 18]

31.631 HORSE MEAT INTENDED FOR OTHER THAN HUMAN CONSUMPTION. **Subdivision 1. Preparation.** It shall be unlawful for any person to offer or expose for sale, or have in his possession or traffic in, any horse meat with intent to use or sell the same for other than human consumption unless it is denatured or decharacterized so as to make it readily distinguishable from horse meat intended for human consumption, or unless it complies with federal laws and regulations applicable thereto.

Subd. 2. Labels. All packing boxes and containers containing denatured horse meat shall bear thereon in a conspicuous manner in bold face type not less than one-half inch in height the statement "FOR ANIMAL FOOD ONLY." Such statement shall be printed or form a part of the main label affixed to or stamped on such packing boxes or containers, or shall be stamped on the same end or side of such packing boxes or containers that such main label is affixed or stamped thereon.

Subd. 3. Inspection. For obtaining information regarding compliance with law the commissioner of agriculture, dairy, and food, and any of his agents, representatives or employees, shall have access to all places, buildings or premises, and to all wagons, automobiles, vehicles or cars used in the preparation, production, distribution, transportation, exposing for sale or sale of any horse meat not intended for sale or use for human consumption and shall have such other authority as is provided in section 31.04.

Subd. 4. Violation, penalty. Any person violating any provisions of this section shall be guilty of a gross misdemeanor.

[1953 c 583 s 1-4]

KOSHER FOODS

31.651 KOSHER PRODUCTS, UNLAWFUL SALE. **Subdivision 1.** No person shall sell or expose for sale any meat or meat preparations and falsely represent the same to be kosher, whether such meat or meat preparations be raw or prepared for human consumption; nor shall he permit any such products or the contents of any package or container to be labeled or to have inscribed thereon the word "kosher" in any language unless such products shall have been prepared or processed in accordance with orthodox Hebrew religious requirements sanctioned by a recognized rabbinical council.

Subd. 2. Any person who sells or exposes for sale in the same place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, shall indicate on his window signs and all display advertising, in block letters at least four inches in height, "kosher and non kosher meat sold here;" and shall display over each kind of meat or meat preparation so exposed a sign, in block letters at least two inches in height, reading, "kosher meat," or "non kosher meat," as the case may be; provided that subdivision 2 shall not apply to persons selling or offering for sale kosher meats or meat products solely in separate consumer packages, which have been prepackaged and properly labeled "kosher".

Subd. 3. Possession of nonkosher meat or meat preparations in any place of business shall be presumptive evidence that the person in possession thereof exposes the same for sale.

Subd. 4. The absence of a duly sanctioned kosher "plumba," mark, stamp, tag, brand or label from any meat, meat preparation or food product shall be prima facie evidence that such product is non kosher.

[1929 c 398 s 1; 1959 c 563 s 1] (3826-1)

31.661 MARKS, STAMPS, TAGS, BRANDS, OR LABELS. No person shall:

(1) Wilfully mark, stamp, tag, brand, label or in any other way or by any other means of identification, represent or cause to be marked, stamped, tagged, branded, labeled or represented as kosher or as having been prepared in accordance with the orthodox Hebrew religious requirements food or food products not kosher or not so prepared, or

(2) Wilfully remove, deface, obliterate, cover, alter, or destroy or cause to be removed, defaced, obliterated, covered, altered or destroyed the original slaughter-house plumba or any other mark, stamp, tag, brand, label or any other means of identification affixed to foods or food products to indicate that such foods or food products are kosher or have been prepared in accordance with the orthodox Hebrew religious requirements, or

(3) Knowingly sell, dispose of or have in his possession, for the purpose of resale to any person as kosher, any food or food products not having affixed thereto the original slaughter-house plumba or any other mark, stamp, tag, brand, label or other means of identification employed to indicate that such food or food products are kosher or have been prepared in accordance with the orthodox Hebrew religious requirements or any food or food products to which such plumba, mark, stamp, tag, brand, label or other means of identification has or have been fraudulently affixed.

[1959 c 563 s 2]

31.671 RULES AND REGULATIONS. The commissioner of agriculture shall have the power to promulgate rules and regulations for the purpose of carrying out the provisions of sections 31.651 to 31.681.

[1959 c 563 s 3; 1961 c 113 s 1]

31.681 VIOLATIONS. Any person violating the provisions of sections 31.651 to 31.681 or the rules and regulations made pursuant thereto shall be guilty of a misdemeanor.

[1959 c 563 s 4]

HONEY

31.73 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 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 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 shall enforce the provisions of this section, including the standards and grades so adopted.

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; 1961 c 113 s 1; 1961 c 144 art 2 s 15]

DIETARY FOODS

31.75 DIETARY FOODS; ARTIFICIAL SWEETENING; LABELING. It is lawful for any person, firm, or corporation to manufacture and sell, or cause to be sold, within the state any article of food or beverage intended for human consumption as a special dietary product when such food or beverage is sweetened or made palatable with saccharin, sulfamate, or other artificial sweetening product approved by the commissioner of agriculture, when saccharin, sulfamate, or other approved artificial sweetening product is completely substituted for sugar in any statutory defined article of food or beverage. Such special dietary foods or beverages offered for sale at retail shall be segregated from other foods or beverages. The portion of the store, display counter, shelving, or other place where

such special dietetic, artificially sweetened foods or beverages are displayed or offered for sale, shall be clearly and plainly identified by an appropriate sign reading "FOR DIETARY PURPOSES" or "DIETARY FOODS", or "DIETETIC FOODS". The container in which any such food or beverage is sold or offered for sale to the public shall be clearly, legibly, and noticeably labeled. Such label shall contain the following information:

"FOR DIETARY PURPOSES", or "FOR DIETETIC USE", or "ARTIFICIALLY SWEETENED", or substantially similar statements approved by the commissioner, and a statement that the product contains (Saccharin) (Sulfamate) (Name of other approved artificial form of sweetening product), a nonnutritive artificial sweetener, for use by persons who must restrict their intake of ordinary sweets.

[1953 c 323 s 1; 1961 c 112 s 1; 1961 c 113 s 1]

CONSTRUCTION; PENALTIES

31.90 CONSTRUCTION. Any of the provisions of laws relating to food administered by the department of agriculture, inconsistent with the existing code of criminal procedure or penal law shall be effective for the purposes of such food laws only.

[1921 c 495 s 78; 1961 c 113 s 1; 1961 c 144 art 6 s 1] (3865)

31.903 EVIDENCE OF INTENT; ACT OF AGENT THAT OF PRINCIPAL. No person who shall commit or assist in committing any offense defined in the laws relating to food administered by the department of agriculture, shall be exempt from conviction and punishment therefor for the reason that he acted as the agent, employee, or representative of another. When construing and enforcing the provisions thereof, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, copartnership, company, society, or association within the scope of his employment or office, shall, in every case, be also deemed to be the act, omission, or failure of such corporation, copartnership, company, society, or association, as well as that of the person.

The having in possession of any article, the manufacture, sale, use or transportation of which is restricted, regulated, or forbidden thereunder shall be deemed prima facie evidence of intent to sell, manufacture, transport, or use the same in violation of laws.

[1921 c 495 s 84; 1961 c 113 s 1; 1961 c 144 art 6 s 2] (3871)

31.905 CERTAIN LAWS NOT REPEALED. Nothing in the laws relating to food administered by the department of agriculture, shall be construed to affect or repeal sections 616.05 and 616.06.

[1921 c 495 s 81; 1961 c 113 s 1; 1961 c 144 art 6 s 3] (3868)

31.91 PENALTIES. Subdivision 1. Except where otherwise specifically provided, any person violating, or failing to comply with, any of the provisions of this chapter or any act amendatory thereof, or any of the provisions of any of the rules, regulations, definitions, standards, or rulings made and filed with the secretary of state thereunder, shall be guilty of a misdemeanor. Each separate violation of this chapter, or any act amendatory thereof, shall be, unless otherwise specifically provided therein, a separate offense, except that in the case of a violation through continuing failure or neglect to obey the provisions of this chapter, or any act amendatory thereof, each day of continuance of such failure or neglect shall be deemed a separate offense.

Subd. 2. In addition to the remedies herein provided, the commissioner may commence proceedings in the district court of any county in which any violation of this chapter, or any act amendatory thereof, has occurred or is threatening to occur for a temporary or permanent injunction against any person violating or threatening to violate any provision of this chapter, or any act amendatory thereof.

[1921 c 495 s 20; 1949 c 229 s 3; 1953 c 518 s 4; 1961 c 144 art 6 s 4, 5] (3809)