

CHAPTER 31

FOODS

Sec.		Sec.	
31.01	Definitions		FOOD SALVAGE
	BASIC REGULATORY LAWS RELATING TO FOOD	31.495	Regulation of food salvage operations
31.02	Unlawful to sell certain food		SLAUGHTER HOUSES; PACKING PLANTS
31.04	Right of inspection	31.51	Definitions
31.05	Seizure, search warrants	31.53	Inspections; corrective orders
31.07	Price not collectible	31.54	Rules
31.08	Additional powers and authority; food in transit	31.56	Limitation
31.09	Commissioner to render certain food unsalable	31.58	Violations, penalties
31.10	Standards, definitions; promulgation		SLAUGHTER OF LIVESTOCK
31.11	Rules and regulations	31.59	Humane slaughter of livestock; definitions
31.12	Labeling	31.591	Slaughter must be humane
31.13	Analysis; evidence	31.592	Penalty
31.14	Duty to prosecute		MEATS, GENERALLY
31.15	Disposal of receipts	31.60	Meat industry division
31.161	Food; insanitary conditions prohibited	31.601	Protection of meat
31.165	Removal of insanitary conditions	31.602	Sale of unwholesome poultry or game
31.171	Employment of diseased person	31.611	Veal
	FROZEN FOOD PROCESSING PLANTS	31.621	Sale of horse meat for human consumption
31.185	Frozen food processing plants	31.631	Horse meat intended for other than human consumption
	CANNERIES	31.632	Minnesota approved meats; use of label
31.31	Commercial canneries, regulation		KOSHER FOODS
31.311	Inspection under supervision of commissioner	31.651	Kosher products, unlawful sale
31.32	Reports; information furnished	31.661	Marks, stamps, tags, brands, or labels
31.36	Rules and regulations for canneries	31.671	Rules and regulations
31.37	Notice of intention to operate	31.681	Violations
31.38	Certificate of inspection, commercial canneries; labels, brands		HONEY
31.39	Assessments; inspections, services; commercial canneries account	31.73	Standards and grades for honey
31.392	Canning in dwelling or basement		DIETARY FOODS
31.393	Penalties	31.75	Artificial sweetening; labeling; rules and regulations
	CANNING COMPOUNDS		BAKERIES
31.401	Definition; preservative compound	31.77	Sanitation and products standards
31.402	Canning compounds, sale forbidden		CONSTRUCTION; PENALTIES
31.403	Possession a misdemeanor	31.903	Evidence of intent; act of agent that of principal
31.404	Adulterated preservative compounds	31.91	Penalties
31.405	Penalties		
31.406	Enforcement		

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;

(5) If it is served as an article of food which is defined or for which a standard of identity has been adopted by law or regulation and fails to conform with said definition or standard of identity.

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 or the commissioner of food and drugs 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, artificial sweeteners, except for artificial sweeteners 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; 1967 c 672 s 1; 1969 c 90 s 1] (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 [Repealed, 1963 c 849 s 17]

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 manufactured, 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 del-

eterious, 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 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; 1969 c 399 s 1] (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 slaughterhouse, 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 slaughterhouse, 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 slaughterhouse, 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 under section 28A.04, and 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.

NOTE: Laws 1971, Chapter 339, Section 28, reads in part as follows: "... provided, that all licenses for food processors or manufacturers shall be renewable on January 1, 1972, and annually thereafter, and all licenses for retail and wholesale food handlers shall be renewable on July 1, 1972, and annually thereafter."

Subd. 3. [Repealed, 1971 c 339 s 27]

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 allowed 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; 1963 c 123 s 2; 1969 c 399 s 1; 1969 c 1148 s 7; 1971 c 339 s 20]

31.19 [Renumbered 32.56]

31.20 [Renumbered 32.57]

31.21 [Renumbered 32.58]

31.22 [Renumbered 32.59]

- 31.23 [Renumbered 32.60]
- 31.24 [Renumbered 32.61]
- 31.25 [Renumbered 32.62]
- 31.26 [Renumbered 32.63]
- 31.27 [Renumbered 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 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 food is received in a raw or partly processed form, except for meats and meat products frozen in retail stores for sale directly to the consumer, for the purpose of canning in hermetically sealed containers and where sterilization by heat is used, or where preservation of vegetable products is accomplished by the use of approved chemical preservatives, sugar, salt or acidity factors introduced as ingredients or additives, or by freezing food 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 enforcing the provisions of laws, rules and regulations provided therefor.

[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; 1967 c 673 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 trained and qualified sanitarians who shall inspect commercial canneries as often as is necessary, conduct bacteriological surveys, make sanitary inspections, and assist the canning industry. All commercial canneries shall comply with all food and sanitary laws and related rules and regulations; shall use only proper raw materials and ingredients in the preparation of food products; and shall utilize approved processing techniques 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. All such trained and qualified sanitarians and bacteriologists employed under the provisions of Laws 1967, Chapter 673, shall be subject to the provisions of chapter 43. All analyses, examinations, and assays of food samples and specimens either obtained during inspections or submitted to the laboratories of the Minnesota department of agriculture pursuant to law, or rules and regulations shall be examined, analyzed, or assayed under the supervision of a bacteriologist of the department of agriculture.

[1947 c 558 s 2; 1957 c 114 s 1; 1961 c 113 s 1; 1967 c 673 s 2]

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 [Repealed, 1971 c 339 s 27]

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 such bacteriologists and trained and qualified sanitarians 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 \$1,500, and the minimum assessment to any cannery in any one calendar year shall be \$50: provided, that the amount of the annual license fee collected under section 28A.08 shall be used to reduce the annual assessment for that year. The commissioner shall provide appropriate deductions from assessments for the net weight of meat, chicken, or turkey ingredients which have been inspected and passed for wholesomeness by the United States department of agriculture. 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 license fees, penalties, and other 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.

NOTE: Laws 1971, Chapter 339, Section 28, reads in part as follows: "... provided, that all licenses for food processors or manufacturers shall be renewable on January 1, 1972, and annually thereafter, and all licenses for retail and wholesale food handlers shall be renewable on July 1, 1972, and annually thereafter."

[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; 1967 c 673 s 3; 1971 c 339 s 21] (3843)

31.391 [Repealed, 1967 c 673 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 commis-

sioner, 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]

31.411 [Repealed, 1971 c 339 s 27]

- 31.42 [Repealed, 1961 c 144 art 6 s 6]
- 31.421 [Repealed, 1971 c 339 s 27]
- 31.43 [Renumbered 31.905]
- 31.431 [Repealed, 1971 c 339 s 27]
- 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 [Repealed, 1971 c 339 s 27]
- 31.451 [Repealed, 1971 c 339 s 27]
- 31.461 [Repealed, 1971 c 339 s 27]
- 31.471 [Repealed, 1971 c 339 s 27]
- 31.481 [Repealed, 1971 c 339 s 27]
- 31.491 [Repealed, 1971 c 339 s 27]
- 31.492 [Repealed, 1971 c 339 s 27]

FOOD SALVAGE

31.495 REGULATION OF FOOD SALVAGE OPERATIONS. Subdivision 1. For the purposes of this section, the terms defined in this subdivision have the meanings given them:

(a) "Distressed food" means any food, the label of which has been lost, defaced, or obliterated, or food which has been subjected to possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or food which is suspected of having been rendered unsafe or unsuitable for food use.

(b) "Reconditionable or salvageable food" is distressed food which it is possible to reclaim for food, feed, or seed use as determined by examination by the commissioner or his representatives.

(c) "Reconditioned or salvaged food" is reconditionable or salvageable food which has been reconditioned or salvaged under supervision of the commissioner so as to comply with the standards established under this section.

(d) "Reconditioning" or "salvaging" is the act of cleaning, culling, sorting, scouring, labeling, relabeling, or in any way treating "distressed food" so that it may be deemed to be "reconditioned" or "salvaged food" and therefore is acceptable for sale or use as human food, animal feed, or seed as provided therefor by the commissioner.

(e) "Salvage food processor" is a person who holds a license under section 28A.04 to operate as a salvage food processor and who receives supervision of his salvaging operations from the commissioner.

(f) "Labeling" means any legend or descriptive matter or design appearing upon an article of food or its container, and includes circulars, pamphlets and the like, which are packed and go with the article to the purchaser, and placards which may be allowed to be used to describe the food.

Subd. 2. (a) It is unlawful for any person either to represent himself to be a salvage food processor, or to engage in the activities of reconditioning or salvaging distressed food, or both, unless he has been issued a license under section 28A.04 authorizing that person to operate as a salvage food processor, which license may not be issued until he has complied with all the provisions of this section and all rules and regulations promulgated under this section.

(b) Before issuing a license, the commissioner shall determine that the applicant's salvage establishment meets at least the minimum requirements adopted by rule and regulation for such an establishment which shall include but not be limited to adequacy of buildings, location, water supply, waste disposal, equipment, hand washing and toilet facilities, and sanitation practices, as the same relate to the protection of the public health and welfare.

NOTE: Laws 1971, Chapter 339, Section 28, reads in part as follows: "... provided, that all licenses for food processors or manufacturers shall be renewable on January 1, 1972, and annually thereafter, and all licenses for retail and wholesale food handlers shall be renewable on July 1, 1972, and annually thereafter."

Subd. 3. To assure payment of the fees charged by the commissioner for the supervision of food salvage operations, the applicant shall execute and file with

the commissioner a corporate surety bond to the state of Minnesota to be approved by the commissioner, the amount and form thereof to be fixed by the commissioner subject to the following conditions: (a) The amount of such bond shall be not less than \$1,000; and (b) no additional bond shall be required of an applicant who is bonded pursuant to Minnesota Statutes, Section 27.04, if the amount of the bond filed pursuant to section 27.04 is at least equal to the amount required by the commissioner for the supervision of the food salvage operation and is not less than \$1,000.

Subd. 4. (a) No salvage food processor shall sell distressed food for human food, animal feed, or seed unless he first has notified the commissioner who shall inspect and examine the distressed food and determine if it needs to be salvaged. If he determines that the distressed food is reconditionable or salvageable, he shall issue a stop sale order which shall require the distressed food to be held inviolate pending supervision of the reconditioning or salvaging of the distressed food by the commissioner. If distressed food is found to be in need of salvage and is salvageable, the commissioner shall direct it to be salvaged by any salvage food processor who holds a valid permit and is duly authorized by the owner of the food or his agent to salvage it, after which the salvaged food shall be released by the commissioner for sale. If it is found not to be salvageable for human food, it may be salvaged for animal feed or seed, unless it is not suitable for animal feed or seed, in which case the commissioner shall render such distressed food unsalable for use as human food, animal feed, or seed and order it disposed of under his supervision.

(b) No person shall offer for sale as human food any distressed food which has been diverted to animal feed or seed use or has been rendered unsalable as human food by the commissioner or his assistants.

Subd. 5. This section does not apply to: (a) Any food manufacturer, distributor, or processor who in the normal course of his business of manufacturing, processing, or distributing of food engages in the activities of reconditioning and salvaging distressed food manufactured, distributed or processed by or for him and not purchased by him solely for the purpose of reconditioning, salvaging, and sale; or (b) Any person who reassembles or disposes of undamaged food which is from lots in which food or packaging materials or containers are damaged in the normal course of commerce or while in his possession and which is not purchased by him solely for the purpose of reconditioning, salvaging, and sale, or any common carrier or his agent who disposes of or otherwise transfers undamaged or distressed food to a person exempt under this section or to a salvage food processor who holds a valid permit under this section; or (c) Any person who stores, handles or processes grain or oil seeds in the normal course of his business except when such person purchases for the purpose of reconditioning, salvaging, and sale as human food grain or oil seeds contaminated by bird, rodent or animal excreta or by chemicals poisonous, injurious or detrimental to human life or health.

[1967 c 635 s 1; 1969 c 399 s 1; 1971 c 339 s 22, 23]

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. "Retail meat market" or "wholesale meat processing establishment" means an establishment with or without slaughtering facilities, where animal carcasses or edible products derived therefrom are cured, salted, processed, packaged, or otherwise prepared for sale as food intended for human consumption; provided, however, that retail meat market or wholesale meat processing establishment does not include: (1) a purveyor of meals, or (2) 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. [Repealed, 1969 c 87 s 7]

Subd. 6. "Poultry dressing plant" means an establishment in which poultry is killed and dressed for human food.

Subd. 7. [Repealed, 1969 c 87 s 7]

Subd. 8. "Rabbit dressing plant" means an establishment in which rabbits are killed and dressed for human food.

Subd. 9. "Animal" means cattle, swine, sheep, goats, horses, mules or other equines.

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

Subd. 11. [Repealed, 1963 c 598 s 4]

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

Subd. 13. [Repealed, 1969 c 87 s 7]

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; 1963 c 598 s 1; 1969 c 87 s 1-4]

31.52 [Repealed, 1971 c 339 s 27]

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. Failure to comply with such orders within the time stated shall be deemed a violation of this section. 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; 1969 c 87 s 6]

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 [Repealed, 1971 c 339 s 27]

31.56 LIMITATION. Subdivision 1. The provisions of sections 31.51 to 31.58 do not apply to a farmer slaughtering his own 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 28A.04 to 28A.10.

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 are under the inspection program of the United States department of agriculture.

[1955 c 494 s 6; 1959 c 284 s 7; 1963 c 598 s 3; 1971 c 25 s 14; 1971 c 339 s 24]

31.57 [Repealed, 1971 c 339 s 27]

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]

SLAUGHTER OF LIVESTOCK

31.59 HUMANE SLAUGHTER OF LIVESTOCK; DEFINITIONS. Subdivision 1. For the purposes of sections 31.59 to 31.592 the following terms have the meanings given them.

Subd. 2. "Slaughterer" means any person, partnership, corporation, or association regularly engaged in the commercial slaughtering of livestock.

Subd. 3. "Livestock" means cattle, horses, swine, sheep and goats.

Subd. 4. "Humane methods" means:

(1) Any method of slaughtering livestock which normally causes animals to be rendered insensible to pain by a single blow of a mechanical instrument or shot of a firearm or by chemical, or other means that are rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(2) The methods of preparation necessary to safe handling of the animals for Jewish ritual slaughter and of slaughtering required by the ritual of the Jewish faith, whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

Subd. 5. The use of a manually operated hammer or sledge is declared an inhumane method of slaughter.

[1959 c 670 s 1]

31.591 SLAUGHTER MUST BE HUMANE. After July 1, 1961, no slaughterer may slaughter livestock or handle livestock in connection with slaughter except by humane method.

[1959 c 670 s 2]

31.592 PENALTY. Any slaughterer who by act or failure to act violates section 31.591 is guilty of a misdemeanor and shall be punished accordingly.

[1959 c 670 s 3]

MEATS, GENERALLY

31.60 MEAT INDUSTRY DIVISION. Subdivision 1. **Division duties; director; personnel.** A meat industry division is created in the department of agriculture which shall enforce and administer laws enforced and administered by the commissioner of agriculture relating to meat, fish, and dressed poultry, except laws enforced and administered by the division of poultry industries. The meat industry division is under the supervision of a director. The commissioner shall appoint the director from the register as certified by the Minnesota department of civil service, who shall be experienced and knowledgeable in the meat industry.

Subd. 2. **Meat industry; advisory board.** Except to the extent that the following functions are under the jurisdiction of the division of poultry industries or the Minnesota poultry improvement board, there is created a Minnesota meat improvement board for the purpose of advising the commissioner of agriculture and the director of the meat industry division in the development of the meat industry of the state. The board consists of not more than ten members appointed by the governor. The board shall include, but not be limited to, one representative from each of the following: (1) Retail meat dealers, (2) frozen food processing plants licensed by this state, (3) slaughter houses licensed by this state, (4) wholesale sausage manufacturers licensed by this state, (5) federally inspected meat packers, (6) livestock producers, (7) consumers, (8) public health officials, and (9) veterinarians. Members of the board shall serve for a term of three years and until their successors are qualified. Except for the terms of members first appointed to the board, no member shall serve more than two successive terms. Members shall be appointed to the first board as follows: Two members appointed for terms of one year each; two members appointed for terms of two years each; and the balance of the members appointed for terms of three years each. Members of the board serve without compensation but shall be allowed and paid their actual traveling and

other expenses necessarily incurred in the performance of their duties pursuant to rules governing reimbursement of expenses for state employees.

Subd. 3. Meetings of the advisory board; commissioner's duties. The commissioner or his duly appointed representative shall call the first meeting of the advisory board. At this first meeting the board shall elect from their members a chairman, vice chairman, and secretary who shall each serve for one year and until their successors are elected and qualified. The advisory board shall meet at the call of the chairman, but not less than once a year. The commissioner or his duly appointed representative shall attend meetings called by the chairman. A meeting may be called upon written request of a majority of all of the members of the board, to be held at a time convenient to both the board and the commissioner. The commissioner or his duly appointed representative shall attend meetings called by written request of the members. The commissioner shall make available to the board such information as it may request regarding the policies and programs of the department.

[*Ex1967 c 36 s 1*]

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*)

31.602 SALE OF UNWHOLESOME POULTRY OR GAME. Every person who shall offer or expose for sale at retail, for human food, at any public market, store, shop, or house, or in or about any street or other public place, any domestic or wild fowls, or any slaughtered rabbits, squirrels, or other small animals, wild or tame, unless the entrails, crops, or other offensive parts are properly drawn and removed shall be guilty of a misdemeanor.

[*R L s 4994*] (*10251*)

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.

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; 1965 c 45 s 3]

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, 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; 1961 c 113 s 1]

31.632 MINNESOTA APPROVED MEATS; USE OF LABEL. The commissioner may authorize, pursuant to rules and regulations promulgated in the manner provided by law, the use of the label "Minnesota Approved" on meats and meat products processed by persons licensed under sections 31.51 to 31.58, or by establishments under the inspection program of the United States department of agriculture, if the ingredients of such meats and meat products are meat, meat by-products, or meat food products which have been inspected and passed by the United States department of agriculture, or the Minnesota department of agriculture and further if such meats and meat products, after such processing, are sound, healthful, wholesome, and fit for human food. A person or establishment desiring to label meats and meat products as provided in this section shall apply to the commissioner for authority to do so. The commissioner shall grant this authority to the applicant if the applicant complies with the provisions of this section and rules and regulations promulgated pursuant to this section. A person using the label "Minnesota Approved" on meat and meat products contrary to law is guilty of a misdemeanor.

[1963 c 187 s 1; 1969 c 663 s 1]

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 nonkosher 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 "nonkosher 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 nonkosher.

[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 ARTIFICIAL SWEETENING; LABELING; RULES AND REGULATIONS. Subdivision 1. 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 or other nutritive sweetener in any defined article of food or beverage. 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 (Name of approved artificial form of sweetening product), and a statement to the effect that the food contains a nonnutritive artificial sweetener, for use by persons who desire to restrict their intake of ordinary sweets.

Subd. 2. For the purpose of protecting the public interest in the manufacture, use, sale and transportation of food and promoting the free flow of approved foods in interstate commerce, and cooperation with the secretary of the United States department of agriculture and the commissioner of food and drugs of the United States food and drug administration, the commissioner may prescribe, according to law, rules and regulations for the use of nutritive sweeteners and approved artificial, nonnutritive sweeteners separately or in combination in food, which are consistent as is practicable with the rules and regulations established under federal laws.

[1953 c 323 s 1; 1961 c 112 s 1; 1961 c 113 s 1; 1969 c 91 s 1; 1969 c 1067 s 1]

BAKERIES

31.77 SANITATION AND PRODUCTS STANDARDS. No city, village, borough, or other lawful authority may require sanitary requirements for bakeries, appurtenances, distribution vehicles, and bakery products, or standards of identity or labeling requirements for bakery products, which are not consistent with laws of this state administered by the state department of agriculture or rules or regulations promulgated by the commissioner of agriculture. Within 90 days after May 18, 1967, the commissioner shall promulgate rules and regulations relating to sanitary requirements for bakeries, appurtenances, distribution vehicles, bakery products, standards of identity and labeling requirements for bakery products which are at least equal to and no lower than those fixed by the food and drug administration of the United States department of health, education, and welfare.

[1967 c 522 s 1]

CONSTRUCTION; PENALTIES

31.90 [Repealed, 1965 c 45 s 73]

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 [Repealed, 1965 c 45 s 73]

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] (§809)