

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 32A.09 DAIRY INDUSTRY UNFAIR TRADE PRACTICES

Whenever the commissioner has reason to believe that the person has violated the act and it appears that a proceeding should be held to determine whether a penalty should be imposed the commissioner shall serve notice on such person in writing by certified mail of the charges and grounds on which a penalty is sought to be imposed and of the time and place, not less than ten days after the mailing of a notice, at which a hearing shall be held to determine whether to impose a penalty. Any person upon whom a penalty is sought to be imposed shall have full right to counsel and to produce witnesses in his behalf at the hearing. After full investigation and hearing the commissioner may upon proof of a first violation impose a penalty of not less than \$50 nor more than \$100 for each act in violation. However, in no event shall the penalty exceed \$1,000. Upon proof of a second violation the commissioner may impose a penalty of not less than \$100 or more than \$500 for each act in violation. However, the maximum penalty imposed shall not exceed \$5,000. Upon proof of a third violation the penalty provisions applicable upon proof of a second violation shall apply.

The commissioner shall by certified mail or by personal service notify the person upon whom a penalty has been imposed, setting forth the reasons for the decision. The imposition of penalty shall become effective 30 days after the mailing or service in person of the notification unless that person complies with the provisions of section 15.0424, providing for a procedure for judicial review of the determination in the district court. In addition to the provisions contained therein, the person may petition to the district court that the review procedure shall be by trial de novo.

Imposition of any penalties under this section shall be construed as civil and not criminal in nature.

Any amounts received by the commissioner as a result of the imposition of penalties under this provision shall be deposited with the state treasurer and shall be placed in the "dairy industry unfair trade practices account."

[1975 c 220 s 4]

## CHAPTER 33. BUTTER SUBSTITUTES

Sec.  
33.095 Repealed.  
33.096 Repealed.

Sec.  
33.111 Identification of oleomargarine served in public places.  
33.17 Repealed.

**33.095** [Repealed, 1975 c 222 s 2]

**33.096** [Repealed, 1975 c 222 s 2]

**33.111 Identification of oleomargarine served in public places.**

No person shall serve oleomargarine at a public eating place, whether or not any charge is made therefor, unless each separate serving is covered by a sanitary paper or parchment covering or patty divider upon which is printed, in ten point bold-face capital, plain Gothic letters, the word "margarine".

[1975 c 222 s 1]

**33.17** [Repealed, 1975 c 204 s 106]

## CHAPTER 34. NON-ALCOHOLIC BEVERAGES

Sec.  
34.05 Registration by nonresident manufacturers and distributors; exception.

**34.05 Registration by nonresident manufacturers and distributors; exception.**

Subdivision 1. Except as provided in subdivision 2, any person who dis-

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## LIVESTOCK SANITATION 35.826

tributes soft drinks or other non-alcoholic beverages manufactured outside of this state, for sale within this state, shall apply for registration with the commissioner in such form and furnish such information as he may require. Samples of all soft drinks or other non-alcoholic beverages so manufactured for sale and sold within this state shall be submitted. Each application shall be accompanied by a registration fee of \$100, which shall constitute the registration fee in case registration is granted, and one-half of which may be retained to reimburse the state for inspection should registration be refused. If the commissioner shall find that the samples so submitted are up to accepted standards, and otherwise comply with the laws of this state, he shall issue to the applicant a certificate of registration.

Subd. 2. A distributor need not register if the label of the non-alcoholic beverage offered for sale bears, in addition to all other required information, the identity of a licensed manufacturer. By identity is meant:

(a) The actual name and address including the zip code of said manufacturer, or

(b) An identification code or number consisting of the number for the IBM Numerical Code of States representing the state of origin followed by the plant number corresponding to a permanent list of numbers assigned by the state regulatory agency having jurisdiction. Such number may be printed, embossed, stamped, or perforated on the container label. If the manufacturer cannot be identified because of misuse of the identity code, the product shall be deemed to be misbranded.

[1975 c 412 s 25,26]

## CHAPTER 35. LIVESTOCK SANITATION

|                                                                   |                                                                  |
|-------------------------------------------------------------------|------------------------------------------------------------------|
| Sec.                                                              | Sec.                                                             |
| 35.823 Repealed.                                                  | 35.827 Sale of brand books.                                      |
| 35.824 Application for registration; penalties, duplicate brands. | 35.828 Evidence.                                                 |
| 35.826 State brand books; reregistration of marks, brands.        | 35.829 Transfer of brands.                                       |
|                                                                   | 35.830 Sale of branded livestock; written bill of sale; penalty. |

**35.823** [Repealed, 1975 c 228 s 7]

**35.824 Application for registration; penalties, duplicate brands.**

The board shall prepare standard forms and shall supply these forms for distribution to those who desire to apply for a brand. The application shall show a left and right side view of the animals upon which a mark or brand will be eligible for registry. The mark or brand location shall be designated to the following body regions: Head, bregma, and right and left jaw, neck, shoulder, rib, hip, and breech. The applicant shall select not less than three distinct marks or brands and list them in preferred order and he shall likewise select three locations on the animal and list them in preferred order. The application shall be properly signed and notarized and accompanied by a fee of \$10. The mark or brand, if approved and accepted by the board, shall be of good standing during the ten year period in which it is recorded. Any person who knowingly places upon any animal a mark or brand which has not been registered with the board and which is in duplication of a mark or brand that is registered with the board is guilty of a felony. "Duplication" constitutes the use of a similar mark or brand, used in any position on the animal designated for the use of a registered mark or brand, such as the head, bregma, jaw, neck, shoulder, rib, hip, or breech. Any person who alters or defaces a brand or mark on any animal to prevent its identification by its owner, is guilty of a felony.

[1975 c 228 s 1]

**35.826 State brand books; reregistration of marks, brands.**

All mark or brand applications approved shall be sorted in a systematic manner and published in the state brand book. Supplements and revised brand books shall be published at the discretion of the board. At least six months be-