

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

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35.823 [Repealed, 1975 c 228 s 7]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-

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fore expiration, all registered mark or brand owners and assignees shall be notified in writing that their mark or brand will terminate in six months and that the mark or brand must be renewed. A reregistration fee of \$10 shall be charged for the ensuing ten year period or fraction thereof. Failure to renew a mark or brand on or before the time specified, in accordance with the provisions of sections 35.821 to 35.831, is considered an absolute abandonment to the state of the mark or brand. The board may not reissue a mark or brand so abandoned except to the original owner or, after a period of two years, to another applicant upon proper application.

[1975 c 228 s 2]

35.827 Sale of brand books.

The state brand book, and all supplements thereto for the ten year period, shall be sold to the public at a price which shall include the costs of printing, handling and mailing. The board shall distribute to the sheriff of each county all brand books and supplements thereto without cost.

[1975 c 228 s 3]

35.828 Evidence.

Marks or brands appearing in the current edition of the state brand book, supplements thereto, or registered with the board, shall be prima facie evidence of ownership and take precedence over marks or brands of like kind, should the question of ownership arise. The owner whose mark or brand does not appear in the state brand book, supplement thereto, or is not registered with the board, shall produce evidence to establish his title to the property in the event of controversy.

[1975 c 228 s 4]

35.829 Transfer of brands.

Only brands registered with the board or appearing in the current edition of the state brand book or a supplement thereto shall be subject to sale, assignment, transfer, devise, or bequest, the same as other personal property. The board shall prescribe forms for the sale or assignment of a brand. A transferred brand shall be recorded with the board and the fee for recording the same shall be \$10.

[1975 c 228 s 5]

35.830 Sale of branded livestock; written bill of sale; penalty.

All persons selling animals marked or branded with their mark or brand recorded in a current state brand book, supplement thereto, or registered with the board, shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of animals sold, a description of each animal sold as to sex and kind, and all registered brands. The bill of sale shall be kept by the purchaser for two years and for as long thereafter as he owns any of the animals described in the bill of sale. A copy of the bill of sale shall be given to each hauler of such animals, other than railroads, and shall accompany the shipment of animals while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any peace officer or inspector of the state livestock sanitary board. The bill of sale is prima facie evidence of the sale of the animals described by the bill of sale. A person who violates this section is guilty of a misdemeanor.

[1975 c 228 s 6]