

CHAPTER 34

NONALCOHOLIC BEVERAGES

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34.001 DEFINITION.

Subdivision 1. Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of the department of agriculture.

History: 1961 c 113 s 1; 1961 c 128 s 17

SOFT DRINKS, NONALCOHOLIC BEVERAGES**34.01 DEFINITIONS.**

Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 3, for the purposes of sections 34.02 to 34.11, shall have the meanings given them.

Subd. 2. **Soft drinks and other nonalcoholic beverages.** The term "soft drinks and other nonalcoholic beverages" means and includes (1) carbonated or still beverages, (2) natural and mineral waters, carbonated, plain or otherwise, (3) apple or fruit ciders, natural or reconstituted fruit juices, or cereal beverages and other finished beverages.

Subd. 3. **Adulterated soft drinks and nonalcoholic beverages.** In addition to the requirements of other laws relating to adulteration of food which are administered by the department of agriculture, all soft drinks and other nonalcoholic beverages not conforming to the provisions of sections 34.02 to 34.11, or to the rules, definitions, and standards made thereunder, shall be deemed to be adulterated.

Subd. 4. [Renumbered 34.119]

History: (3965-3, 3965-9) 1927 c 42 s 3,9; 1933 c 378 s 1; 1937 c 359 s 1; 1945 c 39 s 1; 1947 c 447 s 1; 1953 c 586 s 1; 1961 c 113 s 1; 1961 c 128 s 18; 1961 c 144 art 2 s 23; 1967 c 92 s 1

34.02 LICENSES; EXCEPTIONS.

No person may manufacture, mix, or compound any soft drinks or other nonalcoholic beverage, to be sold in bottles, barrels, kegs, jars, coolers, cans, glasses or tumblers, or other containers, without first having obtained a license from the commissioner. License fees shall be established in accordance with section 28A.05, clause (c). Sections 34.02 to 34.11 do not apply to beverages manufactured, mixed, or compounded in quantities of one quart or less at one time.

History: (3965-1) 1927 c 42 s 1; 1947 c 447 s 2; 1953 c 586 s 2; 1983 c 293 s 57

34.03 SOFT DRINKS INSPECTED; REGISTRATION.

Soft drinks or other nonalcoholic beverages, that are mixed, compounded, or sold for home consumption are subject to rules established under section 34.09.

History: (3965-2) 1927 c 42 s 2; 1957 c 106 s 1; 1986 c 375 s 3

34.04 [Repealed, 1971 c 339 s 27]

34.05 Subdivision 1. [Repealed, 1986 c 375 s 5]

Subd. 2. [Repealed, 1980 c 411 s 2; 1986 c 375 s]

34.06 [Repealed, 1971 c 339 s 27]

34.07 BEVERAGE INSPECTION FUND.

All fees collected hereunder by the commissioner, together with all fines paid for the violation of the provisions of sections 34.02 to 34.11, shall be paid into the state treasury and credited to the beverage inspection fund, hereby created. The money so derived is hereby appropriated to compensate for and meet the expense of inspection and supervision, as provided for in sections 34.02 to 34.11. The money so collected and appropriated shall be expended by the commissioner for inspection, supervisions, publications, short courses, and such other activities as in the commissioner's judgment may be necessary, not inconsistent with the provisions of sections 34.02 to 34.11.

History: (3965-7) 1927 c 42 s 7; 1986 c 444

34.08 [Repealed, 1971 c 339 s 27]

34.09 SANITATION; RULES.

The commissioner shall promulgate rules covering those persons licensed under section 28A.04, who manufacture, sell, or dispense soft drinks and other nonalcoholic beverages establishing minimum sanitary requirements which are reasonably necessary to protect the public health and interest. The rules must include, but are not limited to, sanitary practices involving beverage manufacturing plants, beverage dispensing equipment, and the use of sterile containers in packaging beverages for home consumption. Rules must be adopted in accordance with chapter 14.

History: (3965-10) 1927 c 42 s 10; 1967 c 92 s 2; 1985 c 248 s 70; 1986 c 375 s 4

34.10 [Repealed, 1967 c 92 s 4]

34.11 RESTRICTIONS ON USE OF TRADE NAMES.

No person shall label or represent soft drinks or nonalcoholic beverages by using any trademark, trade name or proprietary name other than one owned by the person, unless the soft drink or beverage is marketed or sold under franchise, license, permit or contract with the owner or holder of the trademark, trade name or proprietary name.

History: (3965-12) 1927 c 42 s 12; 1947 c 447 s 4; 1969 c 411 s 1; 1986 c 444

34.112 ENFORCEMENT.

The commissioner, and the commissioner's inspectors, assistants, and employees, shall enforce the provisions of sections 34.02 to 34.11.

History: (3965-1, 3965-13) 1927 c 42 s 1,13; 1961 c 144 art 2 s 25; 1986 c 444

34.113 PENALTY.

Any person violating any of the provisions of sections 34.02 to 34.11, or of any rules made thereunder or now in force, shall be guilty of a misdemeanor and 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.

History: (3965-14) 1927 c 42 s 14; 1985 c 248 s 70

FERMENTED MALT BEVERAGES

34.119 DEFINITION.

For the purposes of section 34.12, "fermented malt beverages" means any liquor

or liquid capable of being used for beverage purposes, made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar, containing one-half of one percent or more of alcohol by volume.

History: (3965-16) 1937 c 59 s 1; 1961 c 128 s 19

34.12 BARLEY MALT, PERCENT REQUIRED IN MALT BEVERAGES.

No fermented malt beverages shall be sold in this state unless 66-2/3 percent, or more, of the grain used in its manufacture consists of barley malt.

History: (3965-16) 1937 c 59 s 1

34.13 ENFORCEMENT.

Subdivision 1. [Renumbered 34.112]

Subd. 2. The department of agriculture shall be charged with the enforcement of section 34.12 and it is hereby authorized and directed to procure samples on the open market for chemical analysis.

History: (3965-17) 1937 c 59 s 2; 1961 c 113 s 1

34.14 PENALTY.

Subdivision 1. [Renumbered 34.113]

Subd. 2. Any violation of section 34.12 shall be a misdemeanor and punishable accordingly.

History: (3965-18) 1937 c 59 s 3