CHAPTER 34

NONALCOHOLIC BEVERAGES

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34.001 DEFINITION.

Subdivision 1. **Scope.** 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.** "Commissioner" means the commissioner of the Department of Agriculture.

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

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.08, subdivision 3. 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; 2020 c 83 art 1 s 5; 2026 c 88 art 1 s 7*

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 MS 1969 [Repealed, 1971 c 339 s 27]

34.05 Subdivision 1. MS 1984 [Repealed, 1986 c 375 s 5]

Subd. 2. MS 1978 [Repealed, 1980 c 411 s 2; 1986 c 375 s 5]

34.06 MS 1969 [Repealed, 1971 c 339 s 27]

34.07 MS 2022 [Repealed, 2024 c 126 art 2 s 73; 2024 c 127 art 38 s 73]

34.08 MS 1969 [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 MS 1965 [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 MS 2011 Supp [Repealed, 2012 c 244 art 2 s 36]

34.119 MS 1986 [Repealed, 1987 c 310 s 14; 1987 c 381 s 6]

34.12 MS 1986 [Repealed, 1987 c 310 s 14; 1987 c 381 s 6]

34.13 MS 1986 [Repealed, 1987 c 310 s 14; 1987 c 381 s 6]

34.14 MS 1986 [Repealed, 1987 c 310 s 14; 1987 c 381 s 6]