

CHAPTER 25

FOODS; ANIMAL FOODS

<p>Sec. 25.01 Definitions 25.02 Statement of concentrated feeding stuff registered and filed. 25.03 Statement affixed to packages and samples 25.04 Registration; tags and labels; fees 25.05 Annual statement filed 25.06 Fees paid into state treasury; reports 25.07 Certain adulterations prohibited</p>	<p>Sec. 25.08 Powers of commissioner 25.09 Standards and definitions promulgated 25.10 Prosecutions for violations 25.11 Certain feed sales prohibited 25.12 Unlawful to sell certain seeds as screenings 25.13 Duty of commissioner 25.14 Violations; penalties</p>
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25.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the term defined in subdivision 2 shall, for the purposes of sections 25.01 to 25.10, be given the meaning subjoined to it.

Subdivision 2. **Concentrated commercial feeding stuffs.** The term "concentrated commercial feeding stuffs" includes linseed meals, cocoanut meals, gluten feeds, gluten meals, germ feeds, corn feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, dried distiller's grains, dried beet refuse, hominy feeds, cerealine feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, wheat bran, wheat middlings, wheat shorts, and other mill by-products not excluded in this section, ground beef or fish scraps, dried blood, blood meals, bone meals, tankage, meat meals, slaughter-house waste products, mixed feeds, clover meals, alfalfa meals and feeds, pea vine meal, cottonseed meal, sunflower oil cake, velvet bean meal or any other leguminous meal, mixed feeds and mixed meals made from seeds or grains and all materials of similar nature used for food for domestic animals, condimental feeds, poultry feeds, stock feeds, canned and dry dog foods, patented proprietary or trade and market stock and poultry feeds; but it shall not include straws, hays, whole seeds, unmixed meals, made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn, nor wheat flours or other cereal flours.

[1919 c. 260 s. 10; 1941 c. 354] (3883)

25.02 STATEMENT OF CONCENTRATED FEEDING STUFF REGISTERED AND FILED. Before any concentrated commercial feeding stuff is sold, offered or exposed for sale in Minnesota, the manufacturer, importer, dealer, agent, or person who causes it to be sold or offered for sale, by sample or otherwise, within this state, shall file with the commissioner a statement that such manufacturer, importer, dealer, agent, or person desires to offer for sale such concentrated commercial feeding stuff in this state and also a certificate, the execution of which shall be sworn to before a notary public, or other proper official, for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, the name, brand, or trade-mark under which the concentrated commercial feeding stuffs will be sold, the ingredients from which the concentrated commercial feeding stuffs are compounded, and the minimum percentage of crude fat and crude protein, allowing one per cent of nitrogen to equal 6.25 per cent of protein, and the maximum percentage of crude fiber which the manufacturer or person offering the concentrated commercial feeding stuff for sale guarantees it to contain.

[1919 c. 260 s. 1] (3874)

25.03 STATEMENT AFFIXED TO PACKAGES AND SAMPLES. Any person, company, corporation, or agent who shall sell, offer or expose for sale or distribution in this state any concentrated commercial feeding stuffs shall affix, or cause to be affixed, to every package or sample of such concentrated commercial feeding stuffs, in a conspicuous place on the outside thereof, a tag or label, which shall be accepted as a guarantee of the manufacturer, importer, dealer, or agent, and which shall have plainly printed thereon, in the English language, the number of net pounds of concentrated commercial feeding stuffs in the package, the name, brand, or trade-mark under which the concentrated commercial feeding stuffs are sold, the name of the manufacturer, the location of the principal office of the manufacturer, and the guaranteed analysis, stating minimum percentage of crude fat and crude protein, and

the maximum percentage of crude fiber, determined as provided in sections 25.02 to 25.10, and the ingredients from which the concentrated commercial feeding stuff is compounded. For each 100 pounds, or fraction thereof, the person, company, corporation, or agent shall also affix the tag or label purchased from the commissioner, showing that the concentrated commercial feeding stuff has been registered, as required by the provisions of sections 25.02 to 25.10, and that the inspection tax has been paid. When the concentrated commercial feeding stuff is sold in bulk, a tag, as hereinbefore described, shall be delivered to the consumer with each 100 pounds, or fraction thereof. The tags and labels shall be issued to cover 25, 50, and 100 pounds. The commissioner is authorized to issue tags or labels of other denominations.

[1919 c. 260 s. 2] (3875)

25.04 REGISTRATION; TAGS AND LABELS; FEES. The commissioner shall register the facts set forth in the certificate required in section 25.02 in a permanent record, and shall furnish tags or labels showing the registration of such certificate to manufacturers or agents desiring to sell concentrated commercial feeding stuff so registered, at such times and in such numbers as the manufacturers or agents may desire. The commissioner shall not be required to sell tags or labels in less amount than to the value of \$5.00, or multiple thereof, for any one concentrated commercial feeding stuff. He shall not be required to register any certificates unless accompanied by an order and fees for tags or labels to the value of \$5.00, or some multiple thereof; and these tags or labels shall be printed in such form as the commissioner may prescribe. Each package or container of a concentrated commercial feeding stuff offered for sale in the state containing one or more of the materials of low feeding value enumerated in section 25.07, in which the maximum crude fiber content of the concentrated commercial feeding stuff is 12½ per cent or more, or the minimum crude protein of the concentrated commercial feeding stuff is nine per cent or less, shall have attached to it a yellow tag or label, identical with the official tag as prescribed by the commissioner, except in color, and that there should be printed on this tag, in red ink, the per cent present in each material enumerated in section 25.07, or the names and total per cent of all such materials or the names and maximum per cent thereof; and these tags or labels shall be good until used.

[1919 c. 260 s. 3] (3876)

25.05 ANNUAL STATEMENT FILED. On or before January thirty-first, of each year, each manufacturer, importer, dealer, agent, or person who causes any concentrated commercial feeding stuff to be sold or offered or exposed for sale in the state shall file with the commissioner a sworn statement giving the number of net pounds of each brand of concentrated commercial feeding stuff that the manufacturer, importer, dealer, agent, or person has sold or caused to be offered for sale in the state, for the previous year, ending with December thirty-first. When the manufacturer, jobber, or importer of any concentrated commercial feeding stuff shall have filed this statement, any person acting as agent for the manufacturer, importer, or jobber shall not be required to file such a statement.

[1919 c. 260 s. 4] (3877)

25.06 FEES PAID INTO STATE TREASURY; REPORTS. For the expenses incurred in registering, inspecting, and analyzing concentrated commercial feeding stuffs, the commissioner shall receive for tags or labels furnished, to cover 100 pounds, 80 cents for each 100 tags or labels; to cover 50 pounds, 50 cents for each 100 tags or labels; to cover 25 pounds, 30 cents for each 100 tags or labels. If the commissioner should, at his discretion, issue tags or labels to cover more than 100, or less than 25, pounds, as is provided in sections 25.02 to 25.10, he shall receive, for all tags or labels in excess of 100 pounds, a proportional rate on the basis of a 100-pound tag, and for all tags or labels issued in denominations of less than 25 pounds, he shall receive not less than 20 cents for each 100 tags or labels. The money for these tags or labels shall be forwarded to the commissioner, who shall pay all such fees received by him to the state treasurer, who shall expend the same, on proper vouchers, to be filed with the state auditor, in meeting all necessary expenses in carrying out the provisions of sections 25.02 to 25.10, including the employment of inspectors, chemists, expenses in procuring samples, printing bulletins giving the results of the work in feeding stuff inspection, as provided for by sections 25.02 to 25.10, and for any other expenses deemed necessary by the commissioner for carrying out the provisions of sections 25.02 to 25.10.

The commissioner shall make to the governor, on or before the first day of January, of each year, a classified report showing the total receipts and expenditures of all fees received under the provisions of sections 25.02 to 25.10, as well as a statement showing the number of samples procured, the number of analyses made, and the names of manufacturers, importers, agents, or dealers who have failed to comply with the provisions of sections 25.02 to 25.10, or whose concentrated commercial feeding stuffs were found upon analysis to be below that guaranteed upon the tag or label.

[1919 c. 260 s. 5; 1925 c. 179 s. 1] (3878)

25.07 CERTAIN ADULTERATIONS PROHIBITED. No person, company, corporation, or agent shall offer for sale, sell or expose for sale, any package or sample or any quantity of any concentrated commercial feeding stuffs which is adulterated with any foreign mineral matter, or damaged feeding materials which have been reduced in feeding value to an extent as to be rendered unwholesome, or any foreign substance of low-feeding value, such as mill, elevator, boat, or other sweepings or dust; buckwheat hulls, cottonseed hulls, peanut hulls, peanut shells, rice hulls, oat hulls, corn cobs ground, cocoa shells, clipped oat by-products, ground or unground hulls, chaff, dust or other inferior cleanings derived from the preparation, cleaning or milling of any seed or grain when separated from the standard product, humus, peat, sphagnum moss, ivory nut turnings, ground corn stalks, flax plant by-products, sorghum pulp, ground or shredded straw or hay (excepting alfalfa meal or similar leguminous meals), sawdust, tree bark, cellulose or dirt, coffee hulls or chaff, or any other materials of equally low feeding value, without plainly stating on the tags or labels, hereinbefore described, the components of such mixture, using the names by which each ingredient is commonly known. If any concentrated commercial feeding stuff is adulterated with humus, peat, or sphagnum moss, the maximum percentage of such humus, peat, or sphagnum moss present in the concentrated commercial feeding stuff must also be stated upon the tag or label.

No concentrated commercial feeding stuffs shall be adulterated with any substance injurious to the health of domestic animals.

[1919 c. 260 s. 6] (3879)

25.08 POWERS OF COMMISSIONER. The commissioner, or any person deputized by him, is hereby empowered to procure from any lot, parcel, or package of any concentrated commercial feeding stuff offered for sale or found in the state, and upon tender and full payment of the selling price of the sample, take therefrom a quantity of commercial feeding stuff of not less than two pounds; provided, that the sample shall be obtained during reasonable business hours, or in the presence of the owner of the concentrated commercial feeding stuff, or in the presence of some person claiming to represent the owner.

[1919 c. 260 s. 7] (3880)

25.09 STANDARDS AND DEFINITIONS PROMULGATED. The commissioner is hereby empowered to promulgate standards and definitions for concentrated commercial feeding stuffs, and to prescribe and enforce such rules and regulations relating to concentrated commercial feeding stuff as he may deem necessary to carry into effect the full intent and meaning of sections 25.02 to 25.10, and to refuse the registration of any concentrated commercial feeding stuff under a name which would be misleading as to the materials of which it is made or when the percentage of crude fiber is above, or the percentage of crude fat or crude protein below, the standards adopted by the commissioner for concentrated commercial feeding stuffs. The commissioner is further empowered to refuse to issue tags or labels to any manufacturer, importer, dealer, agent, or person who shall sell or offer or expose for sale any concentrated commercial feeding stuff in the state and refuse to submit a sworn statement, as required by the provisions of sections 25.02 to 25.10.

[1919 c. 260 s. 8] (3881)

25.10 PROSECUTIONS FOR VIOLATIONS. It shall be the duty of every prosecuting attorney to whom the commissioner shall report any violation of sections 25.02 to 25.09 to cause proceedings to commence against the persons so violating sections 25.02 to 25.09, and the same prosecuted in the manner required by law.

[1919 c. 260 s. 9] (3882)

25.11 CERTAIN FEED SALES PROHIBITED. It shall be unlawful for any manufacturer, company, or person to sell, offer or expose for sale, or for distribu-

tion in this state any concentrated commercial feeding stuff, as defined in section 25.01, subdivision 2, used for feeding farm live stock, which shall contain any weed seeds in which the germ and life have not been destroyed. This section shall not be deemed to make unlawful any sale by a retailer who was not able, by reasonable diligence, to ascertain, before such sale, the presence of any such concentrated commercial feeding stuff sold of such noxious seeds.

[1923 c. 117 s. 1] (3886)

25.12 UNLAWFUL TO SELL CERTAIN SEEDS AS SCREENINGS. It shall be unlawful for any manufacturer, company, or person to sell, offer or expose for sale any screenings taken from any grain or seeds which shall contain any noxious or poisonous weed seeds the viability of which has not been destroyed. Nothing in this section shall be construed to restrict or prohibit the sale of screenings to each other by jobbers, manufacturers, or manipulators who mix or grind concentrated commercial feeding stuff for sale.

[1923 c. 117 s. 2; 1941 c. 116] (3887)

25.13 DUTY OF COMMISSIONER. The commissioner, his inspectors, assistants, and employees, shall enforce the provisions of sections 25.11 to 25.14; and, in so doing, shall have all the powers and authority with relation thereto that are conferred upon them, and each of them, by sections 25.01 to 25.10 and by Laws 1921, Chapter 495.

[1923 c. 117 s. 4] (3889)

25.14 VIOLATIONS; PENALTIES. Subdivision 1. Any person, company, corporation, or agent, who shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuff which has not been registered with the commissioner, as required by the provisions of sections 25.02 to 25.10, or which does not have affixed to it a tag or label required by the provisions of sections 25.02 to 25.10, or which is found by an analysis made by or under the direction of the commissioner, to contain a smaller percentage of crude fat or crude protein than the minimum guarantee, or a greater percentage of crude fiber than the maximum guarantee, or which shall be labeled with a false or inaccurate guarantee, or who shall alter the tags or labels of the commissioner, or who shall use the name and title of the commissioner, or who shall use the tags or labels of the commissioner a second time, or who shall refuse or fail to make the sworn statement required under the provisions of sections 25.02 to 25.10, or who shall prevent or strive to prevent the commissioner, or any person deputized by him, from inspecting and obtaining samples of concentrated commercial feeding stuffs, as provided for in sections 25.02 to 25.10, shall be guilty of a misdemeanor; and, upon conviction thereof, fined in the sum of \$50.00 for the first offense, and in the sum of \$100.00 for each subsequent offense. In all litigation arising from the purchase or sale of any concentrated commercial feeding stuff, in which the composition of the same may be involved, a certified copy of the official analysis, signed by the commissioner, or the chemist authorized by the commissioner to make the analysis, shall be accepted as prima facie evidence of the composition of such concentrated commercial feeding stuff.

Nothing in sections 25.02 to 25.10 shall be construed to restrict or prohibit the sale of concentrated commercial feeding stuff in bulk to each other by importers, manufacturers, or manipulators who mix concentrated commercial feeding stuff for sale, or as preventing the free, unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, or to prevent the commissioner, or any person deputized by him, or the Minnesota agricultural experiment station, or any person in the employ of the Minnesota agricultural experiment station, making experiments with concentrated commercial feeding stuffs for the advancement of the science of agriculture.

Subdivision 2. Any person violating any of the provisions of sections 25.11 to 25.13 shall be guilty of a misdemeanor, and punished by a fine of not less than \$50.00, and not more than \$100.00, or by imprisonment for not less than 30, nor more than 90, days.

[1919 c. 260 s. 11; 1923 c. 117 s. 3] (3884) (3888)