# CHAPTER 30

## VEGETABLES, FRUIT

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**30.01 DEFINITIONS.** Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 4 shall, for the purposes of sections 30.10 to 30.15, be given the meanings subjoined to them; the words, terms, phrases defined in subdivisions 3, 5 and 6, shall, for the purposes of sections 30.16 to 30.20, be given the meanings subjoined to them; and the term defined in subdivision 7 shall, for the purposes of sections 30.02 to 30.09, have the meaning subjoined to it.

Subd. 2. **Person.** "Person" means any grower, dealer, shipper, trucker, society, association, organization, corporation, or their agents or representatives.

Subd. 3. **Person.** "Person" means any grower, dealer, shipper, society, association, organization, corporation, or their agents or representatives.

Subd. 4. **Potatoes.** "Potatoes" means all potatoes offered for sale within the state of Minnesota.

Subd. 5. **Potatoes.** "Potatoes" means all the potatoes produced within the state and all potatoes offered for sale in carlots within the state.

Subd. 6. **Container or package.** "Container" or "package" means cloth, burlap, or fibre sacks, barrels, boxes, crates, cartons, hampers, or baskets.

Subd. 7. **Closed package.** "Closed package" means any container which shall be either sewed, tied, nailed, or otherwise secured.

Subd. 8. **Use of terms in rules and regulations.** The terms defined in subdivisions 2 and 4 shall, for the purposes of rules and regulations promulgated under the provisions of sections 30.10 to 30.15, have the meanings subjoined to them.

*[1931 c. 70 s. 3; 1935 c. 164 s. 2; 1937 c. 282 s. 7] (3945-3, 3945-13, 3945-18k)*

**30.02 POTATOES GRADED AND TAGGED.** Potatoes, when packed for carload shipments or offered for sale by persons other than the growers or producers thereof in carload lots, and potatoes, when packed for truckload shipments or offered for sale in Minnesota in truckload lots, other than by the producer, shall be tagged, labeled, or branded as follows:

GRADES

U. S. No. 1, Minnesota Commercial Grade, U. S. No. 2, Unclassified and Minnesota Certified Seed.

The U. S. grades shall conform in all respects to the requirements laid down by the U. S. department of agriculture.

The Minnesota commercial grade shall conform in all respects to the U. S. No. 1 grade, but in order to allow for variations incident to proper grading and handling, a tolerance of defect of four per cent, in weight, additional on No. 1 grade may be allowed for this grade, but not to exceed one per cent shall be allowed for potatoes affected by soft rot.

The unclassified shall consist of all potatoes not meeting the requirements of the foregoing grades, and shall be sold either as such, or on a certificate of inspection duly made by an authorized inspector of the department of agriculture, dairy, and food.

*[1931 c. 70 s. 1; Ex. 1934 c. 41 s. 1] (3945-1)*

**30.03 PACKAGES LABELED.** Every closed package containing potatoes offered or exposed for sale, at wholesale or at retail, in cities of the first and second classes, by persons other than the growers thereof, shall bear upon the outside of each package, either by brand, tag, or label, in plain letters and figures, the grade of the potatoes therein contained and the minimum weight when packed.

[*1931 c. 70 s. 2*] *(3945-2)*

**30.04 MARKS AND BRANDS.** The marks and brands prescribed in sections 30.02 to 30.09 may be accompanied by additional marks or brands which are not inconsistent with, or more conspicuous than, and which do not in any way obscure, the marks and brands prescribed.

[*1931 c. 70 s. 4*] *(3945-4)*

**30.05 WHO MAY PACK AND SHIP.** No person other than the growers thereof shall pack for sale, ship for sale, offer or consign for sale, or sell potatoes in closed packages in carload lots, not branded in accordance with the provisions of sections 30.02 to 30.09; and no person shall pack for sale, ship for sale, offer or consign for sale, or sell potatoes in closed packages in truckload lots, other than the producer, which are not tagged, labeled, or branded in accordance with the provisions of sections 30.02 to 30.09.

[*1931 c. 70 s. 5*] *(3945-5)*

**30.06 FREEDOM OF CONTRACT NOT IMPAIRED.** Nothing in sections 30.02 to 30.09 shall be construed in any manner to impair the freedom of contract between individuals relative to the sale and disposal of potatoes between the owners thereof and the persons purchasing the same. When any seller or buyer of potatoes shall, by a contract in writing, agree to sell and dispose of to any person potatoes in any lots or quantities of the grades and varieties specified herein, or of any other grade and variety or quality concerning which the persons desire to contract, he shall have the legal right to do so and shall be bound by the terms of such contract so entered into, and in case any seller attempts to tender in fulfillment of any such contract potatoes of a lower standard or quality than those specified in such a contract, the purchaser of the same shall have the legal right to either reject or accept them upon a tolerance basis commensurate in value between the market price of the grade and quality contracted for and the grade and quality of the potatoes tendered in delivery thereon.

[*1931 c. 70 s. 6*] *(3945-6)*

**30.07 DETERMINATION OF CONTROVERSIES.** In determining controversies and standards between the parties as to the quality and condition of potatoes offered for sale or tendered in performance of contracts for sale in this state, the certificates of a duly authorized and commissioned inspector of the department of agriculture, dairy, and food shall be prima facie evidence, both of the grade and quality of the potatoes offered for sale or tendered in performance of any contract, and of the amount of tolerance existing in the designated quantity of the potatoes at the time and place at which the inspection is made.

[*1931 c. 70 s. 7*] *(3945-7)*

**30.08 NOT TO PAY INSPECTORS.** No person shall, directly or indirectly, hire or pay the compensation of any inspector whose duty it is to determine the grade or quality of potatoes offered or exposed for sale in the state, other than the state of Minnesota, whose duly constituted officers shall, in due form and in accordance with law, issue commissions to inspectors duly authorizing and empowering them to act as such.

Nothing herein shall prevent any person paying the proper inspection fees, duly established, to the proper persons duly authorized to receive the same, but the payment or allowance of any gratuity, commission, or allowance in addition thereto shall constitute the crime of bribery and shall be punished by law as such.

[*1931 c. 70 s. 8; 1935 c. 164 s. 7*] *(3945-8) (3945-17a)*

**30.09 CERTAIN ACTS UNLAWFUL.** It shall be unlawful for any dealer or person merchandising potatoes in the state with the intent to deceive, to attach any tag, label, or brand to any closed package or carload of potatoes, any grade, certificate, brand, or tag which does not reasonably represent the true and correct grade, quality, or standard of the grade, quality, or brand of the potatoes contained in the closed package or carload at the time of attaching the same, and the condi-

tion of these carloads and closed packages when these tags, labels, certificates, or brands are found attached to them shall be prima facie evidence of the condition of the same at the time of attaching.

[*1931 c. 70 s. 9; Ex. 1934 c. 41 s. 2*] *(3945-9)*

**30.10 POTATO GRADES.** The intent and purpose of sections 30.10 to 30.15 is to regulate the grade of potatoes when the potatoes are offered for sale by any person, grower, firm, dealer, trucker, association, organization, or corporation, either by wholesale or retail, or in any other manner. The provisions of sections 30.10 to 30.15 shall not apply to the grower when hauling, transporting, delivering, consigning, or selling potatoes of his own production and excepting Minnesota grown potatoes marketed between July first and September fifteenth.

[*1935 c. 164 s. 1*] *(3945-12)*

**30.11 STANDARD GRADES.** The standard grades for Minnesota potatoes shall be the United States potato grades and shall conform to, in all respects and be identical with, the latest standards established by the United States department of agriculture for potatoes, all of which grades and standards are hereby adopted and shall be used in this state in the grading of potatoes for sale. Potatoes not conforming to the established United States potato grades may be sold in this state if labeled, tagged, or branded in the same manner as graded potatoes, except that in place of specifying the grade, the word "unclassified" shall be used. Certified seed potatoes inspected and certified under the authority of the commissioner of agriculture, dairy, and food shall not be affected by sections 30.10 to 30.15, but shall be graded and tagged as required under sections 21.11 to 21.20.

[*1935 c. 164 s. 3*] *(3945-14)*

**30.12 ALL SHIPMENTS MUST BE TAGGED.** It shall be unlawful for any person, firm, trucker, association, organization, or corporation, or any agent, representative, or assistant to any person, firm, trucker, association, organization, or corporation, except those hereinbefore exempted, to sell, transport, deliver, or consign potatoes prepared for market unless each container has been legibly and conspicuously tagged, branded, labeled, and stenciled before being moved from the premises of the person responsible for the grading and packing, and the name of the grade legibly placed thereon, together with the true net contents expressed in weight.

Bulk shipments shall be accompanied by two cards, not less than four by six inches in size, placed in the inside of the car near each door. Likewise cards, in size herein described, shall be prominently placed on all bulk shipments made by truck or other conveyance. Upon each card shall appear the name and address of the consignor, the name of the grade, the name of the loading station, the date of loading, and the name and address of the consignee, if known.

[*1935 c. 164 s. 4*] *(3945-15)*

**30.13 NOT TO BE SOLD OR TRANSPORTED UNLESS TAGGED.** It shall be unlawful for any person to sell, deliver, or consign potatoes which have not been graded and branded or tagged to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of sections 30.10 to 30.15.

It shall be unlawful for any common carrier by railroad, or any person, to transport or deliver in any manner potatoes which have not been tagged or branded, and which tag or brand shall show the claimed grade of the potatoes. This section shall be subject to the conditions of section 30.10.

No person shall transport for sale any potatoes on the highways who is the owner thereof, unless the potatoes are being transported for the purposes set forth in section 30.10, unless the potatoes have been graded and branded to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of sections 30.10 to 30.15.

[*1935 c. 164 s. 5*] *(3945-16)*

**30.14 CERTIFICATE OF INSPECTORS.** In determining controversies and standards between the parties as to the quality and condition of potatoes offered for sale or tendered in performance of contracts for sale in this state, the certificates of a fully authorized and commissioned inspector of the commissioner shall be prima facie evidence both of the grade and quality of the potatoes offered for sale or tendered in performance of any such contract.

[*1935 c. 164 s. 6*] *(3945-17)*

**30.15 COMMISSIONER TO ENFORCE.** The commissioner shall at all times have access to all buildings, yards, warehouses, storage and transportation facilities

in which potatoes are kept, stored, handled, or transported, to inspect the same as to grade, quality, condition, and packs, tagging, branding, and labeling.

[*1935 c. 164 s. 8*] *(3945-18)*

**30.16 POTATOES SHALL BE INSPECTED.** All potatoes shipped by any person, in carload lots from the state shall be inspected by an authorized federal-state inspector to determine the grade, quality, and condition of such shipment. All fees shall be assessed against the firm or individual that bills the shipment. Sections 30.16 to 30.20 shall not apply to Minnesota-grown potatoes between July 1 and October 1 of each year.

[*1937 c 282 s 1; 1941 c 292 s 1*] *(3945-18e)*

**30.17 PLACE OF INSPECTION.** Inspection of carload lots of potatoes shall be made at the point of origin when inspectors are available at such points. In cases where an authorized inspector is not available at such shipping points or adjacent to such shipping points, it shall be the duty of the commissioner to designate points at which cars of potatoes may be inspected.

[*1937 c. 282 s. 2*] *(3945-18f)*

**30.18 STANDARD GRADES.** The standard grades of all Minnesota potatoes shall be limited to the United States grades, except certified seed potatoes produced under the supervision of the seed potato certification division of the university farm, which shall be graded and tagged as required under the seed certification law.

[*1937 c 282 s 3*] *(3945-18g)*

**30.19** [Obsolete]

**30.20 FEES.** Fees for inspection shall be determined by the commissioner.

[*1937 c. 282 s. 6*] *(3945-18j)*

**30.21 SALE OF STRAWBERRIES AND RASPBERRIES REGULATED.** All fresh strawberries and raspberries that are offered for sale, packed for sale, or shipped for sale, by any person other than the grower thereof, in the state shall be handled and sold under rules and regulations made and designated by the commissioner. The grades and the regulations controlling the handling of strawberries and raspberries shall be only determined by the commissioner after due notice and public hearings with the producers of the same have been held.

[*1933 c. 420 s. 1*] *(3945-21)*

**30.22 LICENSE REVOKED.** The commissioner may revoke any license issued under his authority upon proof of violation of the provisions of section 30.21 and any rules and regulations made in pursuance thereof.

[*1933 c. 420 s. 3*] *(3945-23)*

**30.23 ENFORCEMENT.** It shall be the duty of the commissioner to enforce the provisions of this chapter.

[*1931 c. 70 s. 11; 1933 c. 420 s. 2; Ex. 1934 c. 41 s. 4; 1935 c. 164 s. 8; 1937 c. 282 s. 5*] *(3945-11, 3945-18, 3945-18i, 3945-22)*

**30.24 VIOLATIONS; PENALTIES.** Subdivision 1. Any person violating any of the provisions of sections 30.02 to 30.09 shall be guilty of a misdemeanor for the first offense and a gross misdemeanor for each subsequent offense, and such conviction may be proper cause for the suspension or forfeiture or cancelation of any license held by the person so convicted.

Subd. 2. Whoever violates sections 30.10 to 30.15, or any part or provision thereof, by not grading potatoes as therein required, or by not tagging or branding containers as therein required, or by removing or altering any tag or brand placed upon or attached to any containers as therein required, unless ordered to do so by the commissioner, or his duly appointed representative, shall be guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not less than $10 nor more than $100 or by imprisonment in the county jail for not less than 30 days nor more than three months or by both such fine and imprisonment in accordance with the discretion of the court.

Subd. 3. Whoever shall violate any provisions of sections 30.16 to 30.20, or any rules or regulations made or published thereunder by the commissioner, shall be guilty of a misdemeanor.

[*1931 c. 70 s. 9; Ex. 1934, c. 41 s. 3; 1935 c. 164 s. 9; 1937 c. 282 s. 8*] *(3945-10, 3945-18a, 3945-18L)*