

CHAPTER 31

FOODS; FOODS AND FROZEN FOODS

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31.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the word defined in subdivision 2 shall, for the purposes of this chapter, be given the meaning subjoined to it; the words, terms, and phrases defined in subdivisions 3 to 5 shall, for the purposes of sections 31.02 to 31.17 and sections 31.28 to 31.43, be given the meanings subjoined to them; and the words, terms, and phrases defined in subdivisions 6 to 17 shall, for the purposes of sections 31.19 to 31.27, be given the meanings subjoined to them.

Subdivision 2. **Person.** "Person" means any individual, partnership, copartnership, society, association, company, or corporation.

Subdivision 3. **Food.** "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of, food, drink, confectionery, or condiment for man, whether simple, mixed, or compound.

Subdivision 4. **Sell and sale.** "Sell" and "sale" include the keeping, offering or exposing for sale, use, transportation, or exchange of the restricted, regulated, or prohibited article, the having of any such article in possession with intent to sell, use, transport, or exchange the same, and the storing, carrying, or handling thereof in aid of traffic therein, whether done or permitted in person or through others.

Subdivision 5. **Misbranded.** "Misbranded" applies to all articles of food, or articles which enter into the composition of food, the package or label of which bears any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory, or country in which it is manufactured or produced.

An article shall also be deemed to be misbranded, in the case of food:

(1) If it be an imitation of or offered for sale under the distinctive name of another article;

(2) If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any of such substances contained therein;

(3) If in package form the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of net weight, measure,

or numerical count; provided, that reasonable variations may be permitted, and tolerances, and also exceptions as to small packages may be established, by rules and regulations made in accordance with the provisions of sections 31.10 to 31.12; and, provided, further, that the commissioner shall have full authority to determine when food is in package form;

(4) If the package containing it, or its label, shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Subdivision 6. Frozen foods. "Frozen foods" means ice-cream, frozen custards, ice milk, milk sherbet, fruit ice or ice sherbet, or frozen malted milk.

Subdivision 7. Milk products. "Milk products" means pure, clean, and wholesome cream, pure milk fat, butter, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk, dried skimmed milk.

Subdivision 8. Mix or ice-cream mix. "Mix" or "ice-cream mix" means the mixture from which ice-cream is frozen, made from a combination of milk products and one or more of the following ingredients: eggs, sugar, dextrose, corn syrup in liquid or dry form, and honey, with or without flavoring and coloring, and with or without edible gelatin or vegetable stabilizer. It contains not more than one-half of one per cent by weight of edible gelatin or vegetable stabilizer, not less than 12 per cent by weight of milk fat, and not less than 20 per cent by weight of total milk solids. Ice-cream mix in concentrated or condensed form shall contain such relative amounts of ingredients that, when diluted according to directions, it shall comply with the above definition of ice-cream mix.

Subdivision 9. Ice-cream mix base. "Ice-cream mix base" means ice-cream powder or dry ice-cream mix and is the product resulting from the removal of water from ice-cream mix and contains, all tolerances allowed for, not less than 30.5 per cent of milk fat and not less than 64.5 per cent of total solids, and not more than five per cent of moisture.

Subdivision 10. Ice-cream. "Ice-cream" means the pure, clean, frozen product made from a combination of milk products and one or more of the following ingredients: eggs, sugar, dextrose, corn syrup in liquid or dry form, and honey, with or without flavoring and coloring, and with or without edible gelatin or vegetable stabilizer; and in the manufacture of which freezing has been accompanied by agitation of the ingredients. It contains not more than one-half of one per cent by weight of edible gelatin or vegetable stabilizer, not less than 12 per cent by weight of milk fat, and not less than 20 per cent by weight of total milk solids; except when fruits, nuts, cocoa or chocolate, maple syrup, cakes or confections are used for the purpose of flavoring, then it shall contain not less than 12 per cent by weight of milk fat and not less than 20 per cent by weight of total milk solids, except for such reduction in milk fat and in total milk solids as is due to the addition of such flavoring, but in no such case shall it contain less than ten per cent by weight of milk fat or less than 16 per cent by weight of total milk solids. In no case shall any ice-cream contain less than one and six-tenths pounds of total food solids per gallon or weigh less than four and one-half pounds per gallon.

Subdivision 11. Frozen custard. "Frozen custard" means French ice-cream, French custard ice-cream, ice custard, parfaits, and similar frozen products. Frozen custard is a pure, clean, frozen product made from a combination of milk products and one or more of the following ingredients: egg yolk, sugar, dextrose, corn syrup in liquid or dry form, and honey, with or without flavoring and coloring, and with or without edible gelatin or vegetable stabilizer; and in the manufacture of which freezing has been accompanied by agitation of the ingredients. It contains not more than one-half of one per cent by weight of edible gelatin or vegetable stabilizer, not less than 12 per cent by weight of milk fat, not less than 20 per cent by weight of total milk solids, not less than five egg yolks or their equivalent in egg powder or egg yolk powder in each gallon of finished product. In no case shall any frozen custard contain less than one and six-tenths pounds of total food solids per gallon or weigh less than four and one-half pounds per gallon.

Subdivision 12. Ice milk. "Ice milk" means the pure, clean, frozen product made from a combination of milk products and one or more of the following ingredients: sugar, dextrose, corn syrup in liquid or dry form, and honey, with flavoring but without coloring, and with or without edible gelatin or vegetable stabilizer; and in the manufacture of which freezing has been accompanied by agitation of the ingredi-

ents. It contains not more than one-half of one per cent by weight of edible gelatin or vegetable stabilizer, but less than two per cent and not more than 12 per cent by weight of milk fat, and not less than 14 per cent by weight of total milk solids. In no case shall any ice milk contain less than one and three-tenths pounds of total food solids per gallon or weigh less than five pounds per gallon.

Subdivision 13. Milk sherbet. "Milk sherbet" means the pure, clean, frozen product made from a combination of milk products and one or more of the following ingredients: eggs, sugar, dextrose, corn syrup in liquid or dry form, and honey, with fruit or fruit juice flavoring and coloring, with not less than four-tenths of one per cent of acid, as determined by the Mann acid test, and with or without added edible gelatin or vegetable stabilizer; and in the manufacture of which freezing has been accompanied by agitation of the ingredients. It contains not less than two per cent by weight of milk fat and not less than four per cent by weight of milk solids and weighs not less than five and one-half pounds per gallon.

Subdivision 14. Fruit ice or ice sherbet. "Fruit ice" or "ice sherbet" means the pure, clean, frozen product made from water, sugar, dextrose, corn syrup in liquid or dry form, and honey, with fruit or fruit juice flavoring and coloring, with not less than four-tenths of one per cent of acid, as determined by the Mann acid test, and with or without added edible gelatin or vegetable stabilizer; and in the manufacture of which freezing has been accompanied by agitation of the ingredients. It contains no milk solids and weighs not less than five and one-half pounds per gallon.

Subdivision 15. Frozen malted milk. "Frozen malted milk" means the pure, clean, semi-frozen product made from the combination of milk products, malted milk, and one or more of the following ingredients: eggs, sugar, dextrose, corn syrup in liquid or dry form, and honey, with or without flavoring and coloring, and with or without edible gelatin or vegetable stabilizer; and in the manufacture of which freezing has been accompanied by agitation of the ingredients. It contains not more than one-half of one per cent by weight of edible gelatin or vegetable stabilizer, not less than seven per cent by weight of milk fat, not less than 14 per cent by weight of total milk solids, and not less than three per cent by weight of malted milk. In no case shall frozen malted milk contain less than one and three-tenths pounds of total food solids per gallon or weigh less than four and one-half pounds per gallon.

Subdivision 16. Imitation ice-cream. "Imitation ice-cream" means any frozen substance, mixture or compound, regardless of the name under which it is represented, which is made in imitation or semblance of ice-cream, or is prepared or frozen as ice-cream is customarily prepared or frozen and which is not ice-cream, frozen custard, ice milk, milk sherbet, fruit ice or ice sherbet, or frozen malted milk, as defined in this section.

Subdivision 17. Manufacture. "Manufacture" means processing or freezing, or both.

[1921 c. 495 ss. 3, 5, 84; 1937 c. 101 s. 1; 1941 c. 62 s. 1] (3790) (3792) (3827-6) (3871)

31.02 UNLAWFUL TO SELL CERTAIN FOOD. It shall be unlawful for any person to manufacture, sell, use, transport, offer for sale or transportation, or have in possession with intent to use, sell, or transport, any article of food which is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious within the meanings of sections 31.02 to 31.17 and 31.28 to 31.43.

[1921 c. 495 s. 2] (3789)

31.03 FOOD, WHEN DEEMED ADULTERATED. For the purposes of sections 31.02 to 31.17 and 31.28 to 31.43, an article shall be deemed to be adulterated:

In the case of confectionery;

If it contains terra alba, barytes, coal tar dye, except those colors certified as harmless for use in foods under the United States food and drug act, or the rules and regulations for its enforcement, or saccharine, chrome yellow, or other mineral substance or any other poisonous or injurious coloring or flavoring matter, or any substance or ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug;

In case of food:

- (1) If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength;
- (2) If any substance has been substituted, wholly or in part, for the article;
- (3) If any valuable constituent of the articles has been, wholly or in part, abstracted;

(4) If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed;

(5) If it contain any added boric acid or borates, salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphites, except such nominal percentage of sulphurous acid or sulphites as the process of manufacture may necessitate, hydrofluoric acid or fluorides, coal tar dye or color, except that such coal tar dyes or colors as are certified as harmless for use in foods by the secretary of the United States department of agriculture under the United States food and drug act, or the rules and regulations for its enforcement, may be used in still or carbonated beverages, candies, and such other food products as may be permitted and authorized under the rules and regulations promulgated by the commissioner, saccharine or any added poisonous or other added deleterious ingredient which may render such article unwholesome, injurious, or detrimental to health.

(6) If it consist, in whole or in part, of a filthy, decomposed, or putrid animal or vegetable substance, of any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

[1921 c. 495 s. 4; 1925 c. 167 s. 1] (3791)

31.04 RIGHT OF INSPECTION. For obtaining information regarding suspected violations of law, the commissioner, his assistants, inspectors, appointees, agents and employees, shall have access to all places where any article of food, or other article, the manufacture, sale, use or transportation of which is restricted, regulated, or prohibited by any law of this state, is or may be manufactured, prepared, stored, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell, or transport, or where cows or other animals are pastured or stabled, to cars or other carriages used for transportation of such articles or animals, and to places where food is or may be cooked, prepared, sold, or kept for sale to or for the public or distributed as a part of the compensation of servants or agents, including public and private hospitals, lumber and railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats, and other places where any of these articles may be manufactured, sold, used, offered for sale or transportation, or had in possession with intent to use, sell, or transport, and they may inspect any package, receptacle, or container found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture, use, sale, or transportation of which is restricted, regulated, or forbidden by any law of this state, and may take samples therefrom for analysis. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

[1921 c. 495 s. 9] (3798)

31.05 SEIZURE, SEARCH WARRANTS. The commissioner may seize all food, the manufacture, transportation, sale, or use of which is prohibited by sections 31.02 to 31.17 and 31.28 to 31.43, or which is manufactured, sold, used, transported, kept or offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport, in violation of any provision of sections 31.02 to 31.17 and 31.28 to 31.43, or in violation of any rule, regulation, definition, standard, or ruling made, adopted, and published under sections 31.02 to 31.17 and 31.28 to 31.43, and for this purpose he and his several assistants, inspectors, agents, and employees shall have the powers of a constable. Such seizure may be made without a warrant, but in such case, as soon as practicable, he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary, a search warrant may be issued, as in the case of stolen property, the form of the complaint and of the warrant being adapted to the purposes of sections 31.02 to 31.17 and 31.28 to 31.43.

[1921 c. 495 s. 10] (3799)

31.06 EXECUTION OF WARRANT; DISPOSITION OF FOOD SEIZED. The search warrant shall be directed to the sheriff or any constable of the county, and to the chief of police, or any police officer or marshal of any municipality, and may be executed by the commissioner, or any of his agents or employees. No security for costs shall be required thereon or upon any prosecution under sections 31.02 to 31.17 and 31.28 to 31.43. All food seized, whether with or without warrant, shall be safely kept by the officer or person seizing the same, so long as it may be needed for evidence; and, if found upon trial to have been manufactured, sold, used, transported, kept or offered for sale, use, or transportation, or had in possession with

intent to use, sell, or transport in violation of law, it shall be forfeited to the state and shall be disposed of as directed by the court.

[1921 c. 495 s. 11] (3800)

31.07 PRICE NOT COLLECTIBLE. No action shall be maintained for the purchase price or value of any food, the sale of which is prohibited by sections 31.02 to 31.17 and 31.28 to 31.43, or which is manufactured, used, sold, transported, kept or offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport, in violation of law; nor shall any person be liable for the price or value of food or board furnished in violation of sections 31.02 to 31.17 and 31.28 to 31.43.

[1921 c. 495 s. 12] (3801)

31.08 ADDITIONAL POWERS AND AUTHORITY. The commissioner, by himself, or any of his assistants, inspectors, agents, or employees, in addition to the authority and powers otherwise conferred by law, is authorized and empowered to have and to take access to any and all trucks, aeroplanes, airships, vehicles, and railroad cars of every sort and nature transported or being within this state, all railroad stations, storage houses, warehouses, express offices, or other places wherein at any time there may be food transported or shipped into from without this state, whether or not such food has been manufactured, sold, or given away without the state; provided, that such food was manufactured, sold, or given away with the intent that it be delivered, had, or used within this state; and the commissioner shall have the same power and authority to open any package, car, or vessel containing food so transported or shipped into from without the state, which contains, or which he has reason to believe contains, any such food; to inspect the contents thereof and to take samples for analysis and examination, all after the same manner and with the same procedure as obtains by law in reference to similar goods manufactured, sold, transported, offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport within this state. If it shall appear that any such food is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious, the commissioner shall have the same rights and remedies and shall enforce the same in the same manner as in the case of food manufactured, sold, transported, offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport within this state. On receiving notice from the commissioner, or any authorized agent or employee, that he desires to inspect the contents of any such package, can, or vessel, it shall be the duty of any common carrier, storage man, warehouseman, or their employees, or other person having the same in his possession or under his control, to withhold the same from delivery within this state for such period of time as may be reasonably necessary for the inspection, examination, and analysis thereof. It is further made the duty of all such persons to render to the commissioner and his agents and employees all the assistance in their power when so required to effectuate the purposes of sections 31.02 to 31.17 and 31.28 to 31.43. In case such inspection, examination, or analysis of any such food shall disclose it to be adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious within the meaning of sections 31.02 to 31.17 and 31.28 to 31.43, such persons shall, on demand, disclose to the commissioner the names and addresses of the consignor and consignee of the package, can, or vessel containing the same, and the commissioner, before proceeding further, shall notify such consignor and consignee, in writing, at their respective addresses, of the result of the inspection, examination, or analysis as so disclosed. Any common carrier, warehouseman, storage man, employee, or other person having such food in his possession or under his control, failing or refusing to comply with any of the provisions of sections 31.02 to 31.17 and 31.28 to 31.43 shall be guilty of a misdemeanor.

[1921 c. 495 s. 13] (3802)

31.09 COMMISSIONER TO RENDER CERTAIN FOOD UNSALABLE. The commissioner, his assistants, inspectors, agents, and employees, shall also have power and authority, in their discretion, to render unsalable for use as food, any food the sale or use of which is prohibited by sections 31.02 to 31.17 and 31.28 to 31.43, or which is manufactured, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell, or transport in violation of any provision thereof, or in violation of any provision of any rule, regulation, definition, standard, or ruling made, adopted, and published thereunder, and the commissioner and his several assistants, inspectors, agents, and employees shall be

exempt from liability for any such action. The test of the condition of any such food shall be its condition at the time of discovery. Any reasonable and necessary means may be adopted for rendering such food unsalable for use as food.

[1921 c. 495 s. 14] (3803)

31.10 OTHER DEFINITIONS AND STANDARDS PROMULGATED. For the purpose of securing uniformity, so far as practicable, between the laws of this state and those of the federal government enacted to prevent fraud and deception in the manufacture, use, sale, and transportation of food, and to protect and preserve the public health, it shall be the duty of the commissioner to fix, adopt, and publish, from time to time, by ruling or rulings, in writing, definitions and standards of quality, purity, and strength of articles of food for which no definitions and standards are prescribed by law, and such definitions and standards so fixed, adopted, and published shall be the lawful definitions and standards thereof before all courts; provided, that when definitions and standards have been or may be fixed by the secretary of the department of agriculture of the United States, except in cases where definitions or standards otherwise are prescribed by law, they shall be accepted by the commissioner and published as definitions or standards for Minnesota. Before any such definitions or standards shall be fixed and adopted, the ruling or rulings fixing and adopting the same shall be published twice in a legal newspaper of general circulation published at the capital of this state, and from and after the tenth day succeeding the date of the last such publication, such ruling or rulings shall have the force and effect of law. An affidavit of such publication, setting forth the ruling or rulings in full and the dates of such publication thereof, shall be made by the publisher of such newspaper or by the manager or agent of such publisher, and shall be kept on file by the commissioner in his office with the original of the ruling or rulings. The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained and of the due fixing, adopting, and publishing of the rulings therein set forth. Until such definitions and standards are fixed, adopted, and published, the definitions and standards heretofore fixed and adopted by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for sale or transportation, or have in possession with intent to sell, use, or transport, any article of food which does not conform to such definition or standards so fixed, adopted, and published, shall be guilty of a violation of sections 31.02 to 31.17 and 31.28 to 31.43.

[1921 c. 495 s. 15] (3804)

31.11 RULES AND REGULATIONS. For the purposes of section 31.10 it shall also be the duty of the commissioner to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of sections 31.02 to 31.17 and 31.28 to 31.43; which rules and regulations shall be approved by the attorney general as to form and legality and shall be made and published and affidavits of publication made and filed in the manner specified in section 31.10. From and after the tenth day succeeding the date of the last such publication, such rules and regulations shall have the force and effect of law. The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained and of the due making and publishing of the rules and regulations therein set forth. Until such rules and regulations are made and published, the rules and regulations heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for use, sale or transportation, or have in possession with intent to use, sell, or transport, any article of food contrary to the provisions of any such rule or regulation, or who shall fail to comply with any such rule or regulation, shall be guilty of a violation of sections 31.02 to 31.17 and 31.28 to 31.43.

[1921 c. 495 s. 16] (3805)

31.12 LABELING. For the purposes of section 31.10, it shall be the duty of the commissioner, by rulings not inconsistent with law, to require that any article of food, or the package, receptacle, or container thereof, before it be sold, transported, used, offered for sale or transportation, or had in possession with intent to use, sell, or transport within this state, shall be labeled, stamped, stenciled, marked, or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information: The percentages and true composition of such food article, its quality, strength, quantity, source of its manufacture or pro-

duction or the person by or for whom the same is manufactured, produced, packed, or shipped. The commissioner shall also have authority to prescribe by such rulings the date on which the same shall take effect and be in force, and also the form, size, style, and wording of, and the place, time, method, means and manner of use of all such labels, stamps, stencils, brands, and markings, which rulings shall be made and published, and affidavits of publication made and filed, in the manner specified in section 31.10. From and after the tenth day succeeding the date of the last such publication, unless a later date be fixed in the ruling for the taking effect thereof, and in such case from and after such date so fixed, the rulings shall have the force and effect of law.

The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained, and of the due making and publishing of the ruling or rulings therein set forth. Until such rulings are made and published and in effect as aforesaid, the rulings heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall fail to comply with such ruling or rulings shall be guilty of a violation of sections 31.02 to 31.17 and 31.28 to 31.43.

[1921 c. 495 s. 17] (3806)

31.13 ANALYSIS; EVIDENCE. It shall be the duty of the chief chemist and assistants to make analyses and examinations of such articles as shall be furnished to them by the commissioner, for the purpose of determining from such examination whether such articles are adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious within the meaning of sections 31.02 to 31.17 and 31.28 to 31.43, and whether such articles have been manufactured, used, sold, transported, offered for use, sale, or transportation, or had in possession with intent to use, sell, or transport in violation of any provision thereof, or of any definition, standard, rule, regulation, or ruling made and published thereunder, and to certify the result of such analysis and examination to the commissioner. A copy of the result of the examination or analysis of any such article, duly authenticated, by the chemist making such analysis or examination, under oath of such chemist, shall be prima facie evidence in all courts of the matters and facts therein contained.

[1921 c. 495 s. 18] (3807)

31.14 DUTY TO PROSECUTE. It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of sections 31.02 to 31.17 and 31.28 to 31.43, to cause appropriate proceedings to be commenced and prosecuted in the proper courts, without delay, for the enforcement of the penalties as in such case therein provided.

[1921 c. 495 s. 19] (3808)

31.15 DISPOSAL OF RECEIPTS. In all prosecutions under sections 31.02 to 31.17 and 31.28 to 31.43, save as therein specifically provided, the fine or fines collected by and under the same shall be forthwith transmitted by the officer collecting the same to the state treasurer, to the credit of the general revenue fund, and all other fees and payments made to the commissioner, except as aforesaid, shall be accounted for and disposed of in the same manner.

[1921 c. 495 s. 21] (3810)

31.16 PROTECTION OF MEAT. Every dealer in meats, fish, fowl, or game for human food, at the place of offering or exposing for sale, and in the transportation of such food from place to place to customers, shall protect the same from dust, flies, and other vermin or substance which may injuriously affect it, by securely covering it while being so offered or exposed for sale or transported. Every violation of the foregoing provision shall be a misdemeanor.

[1921 c. 495 s. 36] (3825)

31.17 VEAL. No person shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves killed when less than four weeks old. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than \$50.00, or by imprisonment for not less than 60 days.

[1921 c. 495 s. 37] (3826)

31.18 KOSHER AND NON KOSHER NOT TO BE USED WRONGFULLY. A person who, with intent to defraud, sells or exposes for sale any meat or meat preparation and falsely represents the same to be kosher, whether such meat or meat preparation be raw or prepared for human consumption, or as having been

prepared under, and of a product or products sanctioned by, the orthodox Hebrew religious requirements; or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and non kosher meat or meat preparations, either raw or prepared for human consumption, who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, "kosher and non kosher meat sold here;" or who exposes for sale in any show window or place of business both kosher and non kosher meat or meat preparations, either raw or prepared for human consumption, who fails to display over each kind of meat or meat preparation so exposed a sign, in block letters at least four inches in height, reading, "kosher meat," or "non kosher meat," as the case may be, is guilty of a misdemeanor and shall be punished accordingly.

[1929 c. 398 s. 1] (3826-1)

31.19 MANUFACTURERS OF FROZEN FOODS TO OBTAIN LICENSE. No person shall manufacture frozen foods, ice-cream mix, or ice-cream mix base for re-sale, without first having obtained a license therefor from the department of agriculture, dairy, and food, which is charged with the duty and power of administering and enforcing the provisions of sections 31.19 to 31.27, and which in so doing shall have all the powers and authority with relation thereto that are conferred upon it by sections 17.04 to 17.06, 17.08, 17.10, 29.08 to 29.12, 32.21 to 32.47, and 32.50. Nothing in sections 31.19 to 31.27 shall apply to educational institutions or to charitable, fraternal, or religious organizations not regularly engaged in the manufacture of frozen foods, ice-cream mix, or ice-cream mix base or to private homes manufacturing for their own use.

[1937 c. 101 s. 2] (3827-7)

31.20 INSPECTION OF FROZEN FOODS. No frozen foods not manufactured in this state shall be sold, offered, exposed, exchanged, or held in possession with intent to sell within this state, unless the same are first inspected and registered with the department of agriculture, dairy, and food, as provided in section 31.22.

[1937 c. 101 s. 3] (3827-8)

31.21 LICENSE FOR EACH PLANT. Any person desiring to manufacture frozen foods, ice-cream mix, or ice-cream mix base, shall apply to the department of agriculture, dairy, and food for a license for each plant or establishment, in such form as it may require. The application shall be accompanied by a fee of \$1.00, which shall be paid into the state treasury and credited to the general revenue fund. If the department of agriculture, dairy, and food shall find that the applicant maintains a proper place and sanitary equipment, it shall issue to the applicant a license therefor.

[1937 c. 101 s. 4] (3827-9)

31.22 NON-RESIDENT MANUFACTURERS TO OBTAIN LICENSE. Any person who manufactures frozen foods, ice-cream mix, or ice-cream mix base outside of the state, for sale within the state, shall apply for registration with the department of agriculture, dairy, and food in such form, and furnish such information, as it may require. Samples of all frozen foods, ice-cream mix, or ice-cream mix base, so manufactured for sale and sold within this state, shall be submitted. Each application shall be accompanied by a fee of \$5.00, which shall constitute the registration fee in case certificate of registration is granted. If the department of agriculture, dairy, and food shall find that the samples so submitted are up to the accepted standards, and otherwise comply with the laws of this state, it shall issue to applicant a certificate of registration.

[1937 c. 101 s. 5] (3827-10)

31.23 EXPIRATION OF LICENSES. Such license or certificate of registration shall expire on the thirty-first day of December following its issue, and no license or certificate of registration shall be issued for a longer term than one year, and shall not be transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location.

[1937 c. 101 s. 6] (3827-11)

31.24 LICENSES MAY BE REVOKED. The department of agriculture, dairy, and food shall have the power to revoke any license or certificate of registration thus granted, for failure to comply with the provisions of sections 31.19 to 31.27, or rules and regulations made thereunder, as provided in section 32.24.

[1937 c. 101 s. 7] (3827-12)

31.25 ALL CONTAINERS SHALL BE LABELED. Subdivision 1. **Contents of labels.** All cans or containers used in the sale or distribution of ice-cream mix, or ice-cream mix base shall bear a label attached to the same giving the following information:

- (1) Name of product;
- (2) Percentage of milk fat contained in product;
- (3) Percentage of total solids contained in product;
- (4) Statement of net contents; and
- (5) Name and address of manufacturer.

Every package of frozen foods packed by the manufacturer shall bear a label. The label shall give the name of the product, the name and address of the manufacturer or distributor, and a statement of the net contents.

Subdivision 2. **Sale of certain frozen foods forbidden.** No person shall sell, advertise, or expose for sale, or offer for sale a frozen food, ice-cream mix, or ice-cream mix base, if it contains any fat, oils or paraffin, other than milk fat, except such fats or oils as are naturally contained in the flavor used.

No person shall sell or offer or expose for sale ice milk, unless contained in a package, upon which package shall be conspicuously printed the words "ice milk." The words "ice milk" shall appear in dark ink upon a light background, in type not less than 24-point Gothic capitals.

No person shall sell, advertise or offer or expose for sale any imitation ice-cream.

No person shall sell, offer for sale or advertise for sale any frozen food, ice-cream mix, or ice-cream mix base if the brand name of the frozen food, ice-cream mix, or ice-cream mix base or label upon it, or the advertising accompanying it, shall give a false indication of origin, character, composition, name of manufacturer, or is otherwise false or misleading in any particular.

[1937 c. 101 s. 8] (3827-13)

31.26 PLANTS KEPT SANITARY. Any plant or establishment for the manufacture of frozen foods, ice-cream mix, or ice-cream mix base operated under the provisions of sections 31.19 to 31.27 shall be so located, constructed, and equipped that it may be kept in a clean and sanitary condition.

[1937 c. 101 s. 9] (3827-14)

31.27 MILK MUST BE PASTEURIZED. All milk or milk products used as constituents of frozen foods, ice-cream mix, or ice-cream mix base shall be pasteurized. Pasteurization is hereby defined as the process of heating milk or milk products to a temperature of not less than 145 degrees Fahrenheit, and holding at that temperature for not less than 30 minutes. After pasteurization such milk or milk products shall be immediately cooled to at least 50 degrees Fahrenheit and held at or below that temperature until frozen.

A recording thermometer record chart, properly dated, of each batch of milk or milk products pasteurized for use in the manufacture of frozen foods, ice-cream mix, or ice-cream mix base, shall be available at the plant of pasteurization at all reasonable times, for inspection by the department of agriculture, dairy, and food.

The bacterial count of frozen foods, ice-cream mix, or ice-cream mix base shall not exceed 150,000 per milliliter, as determined by the agar plate method in accordance with the latest standard methods of the American public health association. Such test shall be made of a representative sample of frozen foods, ice-cream mix, or ice-cream mix base taken from an unbroken package in the possession of the manufacturer, but in the event that no unbroken package is available when sample is requested, then it shall be taken from a broken package in the possession of the manufacturer.

[1937 c. 101 s. 10] (3827-15)

31.28 SANITARY FOOD LAW. No person, firm, or corporation shall operate any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, eating house, fruit box, receptacle, fruit stand, or vehicle of any kind, packing or slaughter-house, ice-cream plant, or any place where any fruit or food products are manufactured, packed, stored, deposited, collected, prepared, produced, or served for the purpose of sale or profit, or sold for any purpose whatever, if the same is in a filthy, unclean, or insanitary condition, or is permitted to be in a filthy, unclean, or insanitary condition.

[1921 c. 495 s. 43] (3832)

31.29 REMOVAL OF INSANITARY CONDITIONS. If, in the opinion of the commissioner, his assistants, inspectors or agents, or either of them, after an investi-

gation thereof, any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, or eating house, fruit box, receptacle, fruit stand, or vehicle of any kind, packing or slaughter-house, ice-cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served or sold for any purpose whatever, is operated in violation of section 31.28, the commissioner, his assistants, inspectors, or agents shall notify, in writing, the proprietor, owner, or manager of such bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box or receptacle, fruit stand, or vehicle of any kind, packing or slaughter-house, ice-cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served, or sold for any purpose, to place the same in a clean and sanitary condition within a reasonable time to be stated in the notice, which time so stated shall in no case be less than two days, and failure to comply with such notice within the time so stated shall be deemed a violation of the provisions of sections 31.02 to 31.17 and 31.28 to 31.43.

[1921 c. 495 s. 44] (3833)

31.30 EMPLOYMENT OF DISEASED PERSON. It shall be unlawful for any person to work in or about any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold, whose condition is such that disease may be spread to his associates direct, or through the medium of milk, cream, butter, other food or food products, likely to be eaten without being cooked after handling, whether such condition be due to a contagious, infectious, or venereal disease, in its active or convalescent stage, or to the presence of disease germs, whether accompanied by, or without, any symptoms of the disease itself.

It shall be the duty of the commissioner, his assistants, inspectors, or agents, to report to the state board of health for investigation, any person suspected to be dangerous to the public health, as provided for in this section, and immediately to exclude such person from such employment pending investigation and during the period of infectiousness, if such person is certified by the state board of health, or its authorized agent, to be dangerous to the public health.

[1921 c. 495 s. 45] (3834)

31.31 COMMERCIAL CANNERIES; SUPERVISION; SANITARY CONDITIONS. All commercial vegetable and fruit canneries, located within this state, shall be under the supervision and regulation of the commissioner. For the purposes of sections 31.02 to 31.17 and 31.28 to 31.43, a commercial cannery is defined to be a place or building where vegetables or fruits are placed in hermetically sealed cans, where sterilization by heat is used, and the products placed on the market for general consumption as human food; but shall not include private homes where farmers or others, or state or county institutions, may pack or preserve vegetables or fruits for their own use and make occasional sales of the surplus thereof. At such times as the commissioner may deem proper, he shall cause to be inspected all commercial canneries where vegetables or fruits are packed or preserved, and shall require the correction of all insanitary conditions or practices found therein, and may search and enter all cupboards, closets, or any other places in such canneries for the purpose of discovering any chemical preservatives or adulterants which he has reason to believe are used or intended to be used in the canning or preserving of vegetables or fruits, and for enforcing the provisions thereof.

[1921 c. 495 s. 46; 1927 c. 177 s. 1] (3835)

31.32 REPORTS; INFORMATION FURNISHED. The commissioner shall issue public bulletins of information, report and publish the conditions found in canning factories, furnish and disseminate information regarding the canning industry, and for that purpose may arrange for educational exhibits and demonstrations, public meetings, and give instructions to processors and superintendents of canneries; such information shall be available to any person who is a resident of this state, or those now engaged in the business of canning, and to those who may hereafter engage therein who may properly apply therefor.

[1921 c. 495 s. 47] (3836)

31.33 COMMERCIAL CANNERIES LICENSED. No person shall operate a commercial cannery without having a license therefor from the commissioner. Such licenses shall be granted under such reasonable rules and regulations as he may prescribe. Upon filing application for a license he shall issue a temporary

permit, to be in effect only until a license shall have been issued or until the applicant shall have been notified of the denial of such application. Upon the filing of the application, the commissioner shall cause an investigation to be made of the conditions of such cannery, for the purpose of determining whether or not a license should be granted. The application shall be in the form prescribed by the commissioner and shall give such information as he may require. Each application shall be accompanied by a license fee of \$1.00. All licenses shall expire on the thirty-first day of December, next following the date of issue, but may be renewed, without inspection, on or before the first day of May of each year, upon application and payment of the license fee. The commissioner, after reasonable notice and opportunity to be heard, may by order revoke any license when the licensee fails to comply with any of the provisions of the Minnesota dairy and food law, or any rule or regulation promulgated, issued, and published by the commissioner relating to the operation of commercial canneries; and he may reinstate any license when the licensee has fully complied with the provisions of such law, rules, and regulations.

[1921 c. 495 s. 48; 1927 c. 177 s. 2] (3837)

31.34 INSPECTOR OF CANNERIES. The commissioner shall appoint and assign an efficient and experienced food inspector who has passed required examinations, national or state, and who has a thorough knowledge of the canning business, either as processor, superintendent, or as an inspector of food manufacturing factories, whose duties it shall be, in addition to his general work as food inspector, to have this inspection of canneries in charge; to visit and inspect canneries, as often as may be required, superintend the work of and instruct inspectors stationed at canneries, and make reports thereof to the commissioner. The commissioner may allow the person appointed as such inspector a sum of not to exceed \$600.00 annually as additional compensation for his services, and may, when in his judgment he deems it proper for the good of the canning industry, arrange for annual scoring prize contests on products of Minnesota canneries; and, for such purpose, expend not to exceed \$200.00 annually.

[1921 c. 495 s. 49] (3838)

31.35 INSPECTORS AT COMMERCIAL CANNERIES. The commissioner shall, when he deems it necessary, furnish efficient inspectors at canneries while in operation, whose duties it shall be to see that the canneries where assigned shall at all times comply with all food laws, national and state, and all sanitary laws, rules, and regulations; to superintend and see that nothing but proper raw materials, articles, or substances are used, with the necessary sterilization by heat, in the packing and preservation of food. The commissioner, his inspector in charge of canneries, or any local inspector assigned at such canneries, shall be the judge of the quality of any raw materials, articles, or other substances used in canning, packing, or preserving vegetables or fruits, and may, when deemed necessary, condemn any such raw materials, articles, or substances as being unfit for use in the packing, canning, or preservation of foods.

[1921 c. 495 s. 50; 1927 c. 177 s. 3] (3839)

31.36 RULES AND REGULATIONS FOR CANNERIES. Any and all power and authority in sections 31.02 to 31.17 and 31.28 to 31.43 conferred upon the commissioner shall be applicable for the purpose of prescribing rules and regulations for the operation of canneries, and proper labels, standards, and definitions of grades on products of canneries.

[1921 c. 495 s. 51] (3840)

31.37 NOTICE OF INTENTION TO OPERATE. Any person owning or operating a canning factory shall, by written notice on or before June first, of each year, notify the commissioner whether or not such factory is to be operated during that season or year, giving kinds and varieties of products to be canned or manufactured that season. At least ten days prior to the beginning of operation of any canning factory, the commissioner shall be notified, in writing, of such intended operation. On or before November fifteenth, of each year, the owner, manager, or superintendent of such factory shall furnish the commissioner, his agent, or inspector, with a report giving such information concerning the factory as he may require.

[1921 c. 495 s. 52] (3841)

31.38 CERTIFICATE OF INSPECTION, COMMERCIAL CANNERIES; LABELS, BRANDS. The commissioner shall furnish to each commercial cannery that shall have fully complied with the provisions of sections 31.02 to 31.17 and 31.28 to 31.43 a certificate of inspection that such cannery has been inspected and has

complied with all laws, rules, and regulations applying thereto. The commissioner may authorize the proprietor of such cannery to use the following or similar label or brand on his products: "Packed under regulations of, and in cannery inspected by, Minnesota Department of Agriculture, Dairy, and Food," or such other label, trade-mark, device, brand, or guarantee certificate as the commissioner may designate or adopt.

[1921 c. 495 s. 53; 1927 c. 177 s. 4] (3842)

31.39 ASSESSMENTS FOR INSPECTIONS AND SERVICES; COMMERCIAL CANNERIES INSPECTION ACCOUNT; PENALTY FOR NON-PAYMENT. The commissioner is hereby authorized and directed to collect from each commercial cannery an assessment for inspection and services furnished, and for maintaining a bacteriological laboratory and employing a bacteriologist and such assistants as he may deem necessary, and a sufficient number of special inspectors to be assigned to canneries. The assessment to be made on each commercial cannery, for each and every packing season, shall not exceed one-half cent per case on all foods packed, canned, or preserved therein, nor shall the assessment in any one calendar year to any one cannery exceed \$1,000. The commissioner may, when he deems it advisable, graduate and reduce the assessment to such sum as is required to furnish the inspection and laboratory services rendered. The assessment made and the sums so collected shall be deposited in the state treasury, as other departmental receipts are deposited, but shall constitute a separate account to be known as the commercial canneries inspection account, which is hereby created, set aside, and appropriated as a revolving fund, to meet the expense of special inspection, laboratory and other services rendered, as provided in sections 31.02 to 31.17 and 31.28 to 31.43. The amount of such assessment shall be due and payable on or before December thirty-first, of each year, and shall bear interest after that date at the rate of seven per cent per annum, and, if not paid on or before January fifteenth following, a penalty of ten per cent on the amount of the assessment shall also be added and collected.

[1921 c. 495 s. 54; 1927 c. 177 s. 5] (3843)

31.40 CONSTRUCTION. Any of the provisions of sections 31.02 to 31.17 and 31.28 to 31.43 inconsistent with the existing code of criminal procedure or penal law shall be effective for the purposes of sections 31.02 to 31.17 and 31.28 to 31.43 only.

[1921 c. 495 s. 78] (3865)

31.41 EVIDENCE OF INTENT; ACT OF AGENT THAT OF PRINCIPAL. No person who shall commit or assist in committing any offense defined in sections 31.02 to 31.17 and 31.28 to 31.43 shall be exempt from conviction and punishment therefor for the reason that he acted as the agent, employee, or representative of another. When construing and enforcing the provisions thereof, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, copartnership, company, society, or association within the scope of his employment or office, shall, in every case, be also deemed to be the act, omission, or failure of such corporation, copartnership, company, society, or association, as well as that of the person.

The having in possession of any article, the manufacture, sale, use, or transportation of which is restricted, regulated, or forbidden thereunder shall be deemed prima facie evidence of intent to sell, manufacture, transport, or use the same in violation of law.

[1921 c. 495 s. 84] (3871)

31.42 NOT TO AFFECT THE FEEDING STUFF CONTROL LAW. Nothing in sections 31.02 to 31.17 and 31.28 to 31.43 shall be construed to change, modify, amend, or in any manner affect any of the provisions of sections 25.01 to 25.10, and 25.14.

[1921 c. 495 s. 80] (3867)

31.43 CERTAIN LAWS NOT REPEALED. Nothing in sections 31.02 to 31.17 and 31.28 to 31.43 shall be construed to affect or repeal sections 616.05 to 616.08 or Laws 1915, Chapter 335.

[1921 c. 495 s. 81] (3868)

31.44 VIOLATIONS; PENALTIES. Subdivision 1. Any person violating, or failing to comply with, any of the provisions of sections 31.02 to 31.17 and 31.28 to 31.43, or any of the provisions of any of the rules, regulations, definitions, standards, or rulings made and published thereunder, shall be guilty of a misdemeanor and, save as therein otherwise specifically provided, for each first offense shall be

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punished by a fine of not less than \$15.00, or by imprisonment for not less than 20 days, and for each subsequent offense, by a fine of not less than \$50.00, or by imprisonment for not less than 60 days.

Subdivision 2. Any person violating any of the provisions of sections 31.19 to 31.27, or any regulations made thereunder or now in force, shall be guilty of a misdemeanor and be punished by a fine of not less than \$15.00, or by imprisonment in the county jail for not less than ten days for the first offense, and in the sum of not less than \$30.00, or by imprisonment in the county jail for not less than 20 days, for each subsequent offense.

Subdivision 3. Whoever shall, without permission of the commissioner, use any brand, label, or device authorized by the commissioner, or who shall fail to furnish reports containing information required or within the time specified, or who shall fail to obey any lawful direction of the commissioner given by him in carrying out the provisions of sections 31.02 to 31.17 and 31.28 to 31.43, or shall use any raw materials, articles, or substances forbidden to be used in canning, packing, or preserving vegetables or fruits, or shall violate, or fail to comply with, any of the provisions of sections 31.02 to 31.17 and 31.28 to 31.43, or the rules or regulations made thereunder, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$25.00, nor more than \$100.00, or by imprisonment for not less than 30 days, nor more than three months, for each offense.

[1921 c. 495 ss. 20, 55; 1923 c. 379 s. 1; 1925 c. 385 s. 1; 1927 c. 177 s. 6; 1937 c. 101 s. 11] (3809) (3827-16) (3844)