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# DAIRY PRODUCTS

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## CHAPTER 106

(S. B. No. 137—Liederbach.)

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### REGISTRATION OF BRANDS ON DAIRY PRODUCT CONTAINERS

An Act Providing for the Registration of Brands on Dairy Product Containers.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. REGISTRATION OF BRANDS ON DAIRY PRODUCT CONTAINERS.) Whoever operates a creamery, cheese factory, ice-cream factory, or cream buying station, or if upon the farm or elsewhere produces milk or cream or any dairy product to be sold for human consumption or to be manufactured into any product or kind of human food, or any dealer in dairy products having in his possession any cans, ice-cream containers or other receptacles, shall at all times keep all buildings on the premises surrounding or adjacent thereto and all cans, pails and other receptacles, cream separators and other mechanical contrivances used in handling such dairy products or used in the production of such on the farm, in a clean, hygienic and sanitary condition, and shall not consign for transportation by common carrier, empty cans or ice-cream containers in an unsanitary condition. That all persons, companies and corporations engaged in the purchase of milk or cream or in the manufacture of ice-cream shall adopt a mark or marks of ownership to be stamped or marked on any can, cask, keg, barrel or other receptacle, used in the handling and transportation of any said products, and shall file in the office of the Dairy Commissioner, without charge, a description of the name or mark so used by them or either of them, and the use to be made of any such can, cask, keg, barrel or other receptacle. The brand or mark so selected and adopted as herein provided may consist of a name, design, mark or marks, or some particular color of paint or enamel used upon the can, cask, keg, barrel or other receptacle, or any part thereof. It shall be unlawful for any person, company or corporation to adopt or use any brand or mark, which has already been designated, appropriated or obtained under the provisions of this Act. It shall be unlawful for any persons other than the rightful owner thereof, or his lawful agent, to use any can, cask, keg, barrel or other receptacle, marked or branded as herein provided. Any person other than the owner, or his lawful agent, having in his possession any such can, cask, keg, barrel or other receptacle marked or branded as herein provided shall be deemed guilty of having violated the provisions of this law. Provided, nothing in the Section shall apply to transporta-

tion companies or their agents during the time that such can, cask, keg, barrel or other receptacle marked or branded as herein provided, is being transported to or from the owner or his lawful agent. It shall be unlawful for any other person than the rightful owner or his lawful agent to deface or remove any such brand, mark or stamp put upon any such can, cask, keg, barrel or other receptacle as herein provided. Any person or persons who shall violate any provision of this Act shall be deemed guilty of misdemeanor, and upon conviction thereof before a court having jurisdiction in such cases, shall be fined for each and every offense in a sum not less than Five or more than One Hundred Dollars. For the purpose of preventing the use of said cans, casks, kegs, barrels or other receptacles by other than the owner, or for any purpose other than that herein provided, and to insure the wholesomeness and high quality of said products and the sanitary condition of the receptacles in which the same are transported, it shall be the duty of the State Dairy Commissioner to enforce the provisions of this Act.

Sec. 2. ACT CONFLICTING.) All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. EMERGENCY.) Whereas it is necessary for the preservation of the public peace, health and safety, this Act shall take effect and be in force immediately after its passage by reason of the necessity of properly and duly enforcing the laws on the statute books concerning dairy products and for the due administration of the duties of the Dairy Commissioner, therefore, this Act shall take effect and be in force immediately after its passage and approval by the Governor.

Approved March 13, 1919.

#### CHAPTER 107.

(S. B. No. 136—Cahill.)

#### DAIRY PRODUCTS.

An Act to Amend and Re-enact Section 2844 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 105 of the Session Laws of 1917 Relating to License Covering Dairy Products.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. AMENDMENT.) That Section 2844 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 105 of the Session Laws of 1917 is hereby amended and re-enacted to read as follows:

Sec. 2844. LICENSE REQUIRED. FEES AND REVOCATION.) Every person, firm or corporation owning or operating a creamery, cheese factory, renovating or process butter factory, ice-cream factory, or cream station in this state, shall be required before be-

ginning business to obtain from the Dairy Commissioner a license for each and every creamery, cheese factory, renovating or process butter factory, ice-cream factory or cream station owned or operated by said person, firm or corporation, which shall be good for one year. The fee for such license shall be ten dollars, and no license shall be transferable. Each license shall record the name of the person, firm or corporation owning or operating the creamery, cheese factory, renovating or process butter factory, ice-cream factory, or cream station licensed, its place of business, the location thereof, the name of the manager thereof and the number of the same. Each license so issued shall constitute a license to the manager or agent of the place of business named therein. It shall be the duty of every person, partnership, firm or corporation, or association holding a license to operate any plant in which dairy products are handled commercially, to post in a conspicuous place such license under which they are operating, together with a summary of the Dairy Laws, which shall be prepared and sent out from the office of the Dairy Commissioner. The Dairy Commissioner may withhold a license from any applicant who has previously violated or refused to comply with any of the existing dairy laws or lawful requests issued by said Dairy Commissioner, or his authorized assistants. The Dairy Commissioner, may, at any time, revoke a license on evidence that licensee has violated any of the existing dairy statutes, or has refused to comply with all lawful requests of the Dairy Commissioner or his authorized agents.

Approved February 26, 1919.

## CHAPTER 108.

(S. B. No. 139—Cahill.)

### MILK AND CREAM SAMPLING.

An Act to Provide for the Sampling and the Care of Samples of Milk and Cream, for Obtaining Official Tests of the Percentage of Butter Fat Contained Therein and Making Appropriation for the Enforcement of the Provisions of this Act.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1 SAMPLING AND CARE OF SAMPLES.) All persons, partnerships, firms or corporations operating creameries, cream stations, cheese factories, ice-cream factories, renovating or process butter factories, or condensories in this state buying or receiving milk or cream on the basis of the amount of butterfat contained therein, shall, before emptying each container or a number of containers, delivered by same person, partnership, association, firm or corporation, of any part of the milk or cream received therein and before adding any other substance thereto, thoroughly mix the entire contents thereof and procure therefrom,

by the use of a thoroughly cleaned and dried sampling device, a representative sample of which not less than two ounces shall be immediately transferred to a thoroughly cleaned and dried sample jar or bottle properly and securely fitted with such a cover as will prevent the escape of any of the contents thereof. All samples of milk or cream so taken shall be indelibly labeled, marked or numbered to correspond with a record kept of the net weight of milk or cream, the percentage and amount of butterfat credited as being present in each container received, and the amount of money paid for same. Except that in case more than one container is used by the owner or owners in the delivery of a quantity of milk or cream, the entire contents, but only the original contents, of such containers may be emptied into a tank or vat free from other substance where it shall be thoroughly mixed and a representative sample of not less than two ounces procured, transferred to a sample jar or bottle, and labeled to correspond with a record kept as herein provided shall be protected from extremes of temperature and shall be retained for a period of not less than 24 hours, except that all samples taken on Saturday shall be retained until 5 o'clock of the afternoon of the following Monday during which time the receptacles containing such samples shall not be opened except by the State Dairy Commissioner, his deputy, or legal agent who may officially inspect the same for the purpose of determining the percentage of butterfat contained therein according to Section 2853 of the Compiled Laws of 1913. The Dairy Commissioner, his deputy or legal agent shall at all times have access to the records kept in compliance with the provisions of this Act.

Sec. 2. OBTAINING OFFICIAL BUTTERFAT TEST.) In case dispute, controversy, or disagreement arises between the owner and buyer or protective buyer, or the legal representatives of both or either, over the percentage of butterfat contained in any quantity of milk or cream sold or offered for sale, a sample of such milk or cream obtained as provided in Section 1 and mutually agreed upon by the interested parties as being representative of the percentage of butterfat contained in the entire quantity of milk or cream in question, shall at the request of the owner, and in his presence, be satisfactorily sealed, prepared for shipment and mailed by the buyer or prospective buyer to the office of the State Dairy Commissioner. There shall accompany all such samples a statement prepared by the buyer or the prospective buyer giving the name and address of the owner of the milk or cream in question, the net weight of such milk or cream, the percentage and amount of butterfat contained therein, the price per pound for butterfat, and the amount of money paid or offered in payment for same. Such statement shall bear the signatures of the owner and the buyer or prospective buyer to indicate that the samples so forwarded is representative of the entire amount of milk or cream in question. The State Dairy Commissioner, his deputy or agent shall officially determine the percentage of butterfat contained in such

sample according to the provisions of Section 2853 of the Compiled Laws of 1913, and shall make a report thereon in triplicate, the original to be filed in his office, one copy to be sent to the owner, and one to the buyer or prospective buyer of the milk or cream. The percentage of butterfat so determined and reported shall constitute the "official butterfat test" of the milk or cream, and shall be the basis on which final settlement shall be made for the milk or cream in question.

Sec. 3 DISAGREEMENT, PROCEEDURE AND SETTLEMENT.) Whenever it shall be impossible to secure and mutually agree upon a sample of milk or cream as provided in Section 2 of this Act, by reason of its having been mixed with other milk or cream or any other substance which might alter its percentage of butterfat content, or when for any reason, the original quantity of milk or cream is not available for sampling, then the party selling or offering for sale such milk or cream may within 24 hours of the time of delivery require that the buyer or prospective buyer shall forward to the office of the State Dairy Commissioner the sample taken in compliance with Section 1 of this Act. There shall accompany each sample so forwarded a statement from the buyer or prospective buyer, in the form of an affidavit that such sample was taken in compliance with all provisions of Section 1. This statement shall also give all information as specified in Section 2, except that such statement need not bear the signature of the previous owner of the cream. Each sample so forwarded to and received at the office of the State Dairy Commissioner shall be tested and reported on as prescribed in Section 2, and the percentage of butterfat so determined and reported shall constitute the "official butterfat test" and shall be the basis on which final settlement shall be made for the entire amount of milk or cream in question.

Sec. 4. COMPLAINTS, HOW MADE AND ACTION TAKEN RELATIVE TO.) The Dairy Commissioner upon receipt of a complaint from any buyer of milk or cream, as described in Section 1, regarding methods, weights, measures, scales or any apparatus used by any other buyer in determining the percentage and amount of butterfat present in any quantity of milk or cream may require that any sample or samples taken in compliance with Section 1 together with the record corresponding to such sample or samples shall be forwarded to his office for official test, provided, however, that the Dairy Commissioner shall give notice to that effect within 24 hours of the time when such sample or samples in question are taken.

Sec. 5. DEFECTIVE APPARATUS AND UNREASONABLE VARIATION IN TESTS.) Any weights, measures, scales or any apparatus whatever used in determining the amount of butterfat in a quantity of milk or cream which shall be found defective or inaccurate in the enforcement of this Act may be ordered repaired or the use there-

of discontinued. Any unreasonable variation between the official test made by the Dairy Commissioner, his deputy or his agent and any test made by any licensed milk or cream tester in the State may be cause for the revocation of or refusal to re-issue a license to any milk or cream buyer in the State.

Sec. 6. ENFORCEMENT ) The provisions of this Act shall be enforced by the State Dairy Commissioner and he shall have authority to make such rules and regulations, not in conflict herewith, as he shall find necessary to carry into effect all the provisions of this Act. Violations of or refusal to comply with this Act, any part thereof, or any legal rules or regulations prescribed by the Dairy Commissioner in enforcing this Act shall be cause for the revocation of the license of any cream buyer or cream tester in this State.

Sec. 7. APPROPRIATION.) There is hereby appropriated out of the general fund of the State not otherwise appropriated the amount of \$4,000 annually to be expended under the direction of the State Dairy Commissioner for the salary of competent assistants, postage, printing, supplies or material necessary in carrying into effect all provisions of this Act.

Approved March 13, 1919.

## DENTISTRY

### CHAPTER 109.

(S. B. No. 58—Wenstrom.)

#### PRACTICE OF DENTISTRY.

An Act to Amend and Re-enact Section 510 of the Compiled Laws of the State of North Dakota for 1913, as Amended by Chapter 119, Laws of North Dakota for the Year 1915, Relating to the Practice of Dentistry.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. AMENDMENT.) That Section 510 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 119 of the Laws of North Dakota for the year 1915, is hereby amended and re-enacted so as to read as follows:

Sec. 510. EXAMINATION LICENSE. REVOCATION. ASSUMED NAME.) Any person not already a licensed dentist in this state at the time of going into effect of this article, desiring to practice dentistry therein, shall apply to the secretary of the board for examination, and pay fee of twenty-five dollars for the first examination and ten dollars for each subsequent examination, which fees shall in no case be refunded. At next regular meeting of the board held after such application is made, the applicant shall present himself for examination and produce a diploma issued him by some