

# FOODS, DRUGS, OILS, AND COMPOUNDS

## CHAPTER 192

S. B. No. 196

(Murphy)

(By request)

### IMITATION ICE CREAM

#### AN ACT

To amend and reenact chapter 19-06 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to imitation ice cream, and fixing the effective date thereof.

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

§ 1. **Amendment.**) Section 19-0601 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**19-0601. Definitions.)** In this chapter unless the context or subject matter otherwise requires:

1. "Ice milk and ice milk mix" shall mean and include any frozen, or unfrozen substance, mixture, or compound which is not ice cream, milk sherbet, ice, or frozen or frosted malted milk as the same are defined by the department, regardless of the name under which it is sold or offered for sale:
  - a. If the freezing of such substance, mixture or compound is accompanied by agitation of the ingredients thereof;
  - b. If such substance, mixture or compound is made in imitation or semblance of ice cream;
  - c. If such substance, mixture, or compound is prepared or frozen in the same manner as ice cream is customarily prepared or frozen; or
  - d. Ice milk shall contain a minimum of four percent milk fat and shall weigh at least four and one-half pounds avoirdupois per gallon and shall contain a minimum of twelve percent milk solids not fat.
2. "Retail dealer" is any person, firm, or corporation operating a store, stand, or other place where ice milk is sold to consumers;
3. "Peddler" is any person selling or vending ice milk directly to the consumer at any place other than at a store, stand or other fixed place of business.

4. "Department" shall mean the department of agriculture and labor.
5. "Manufacturer" shall mean and include any person, firm or corporation who makes, produces or processes any ice milk for sale to retailers or consumers.

§ 2. **Amendment.**) Section 19-0602 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**19-0602. Unlawful to Sell Ice Milk at Wholesale or Retail Without License.**) No manufacturer, retail dealer or peddler shall sell, exchange or offer for sale at wholesale or retail or have in his possession with intent to sell, offer for sale or for exchange at wholesale or retail in this state, any ice milk without first having obtained a license therefor from the department.

§ 3. **Amendment.**) Section 19-0603 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**19-0603. Application for License.**) Any manufacturer, retail dealer or peddler making application for a license to sell at wholesale or retail, or peddle ice milk shall make the same upon a form prescribed by the department, and shall show the name of the county in which the applicant seeks to do business and the location of his place of business if he is a retailer.

§ 4. **Amendment.**) Section 19-0604 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**19-0604. Licenses; Term; Revocation.**) A license for the manufacturing, retailing or peddling of ice milk shall be issued by the department for a period of one year beginning on the first day of January of the year of issue and terminating on the thirty-first day of December following the date of issuance thereof. Each license shall cover but one manufacturer, retail dealer, or peddler. If issued to a retail dealer it shall cover but one place of business, and if issued to a peddler, it shall cover but one county, if issued to a manufacturer it shall cover the entire state. A license issued under this chapter shall not be transferable, and the department may revoke any such license for a violation of any provision of this chapter.

§ 5. **Amendment.**) Section 19-0605 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**19-0605. License Fees.)** The fees for licenses to manufacture, sell or peddle ice milk shall be as follows:

1. Retail dealers ten dollars;
2. Peddlers ten dollars;
3. Manufacturer fifty dollars, provided, however, that only one license shall be required of a manufacturer in this state for the place where he manufactures ice milk or ice milk mix, whether said products are sold at wholesale, retail or both at such place.

**§ 6. Amendment.)** Section 19-0606 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**19-0606. Notice to Purchasers.)** Any manufacturer, retail dealer or peddler selling ice milk to consumers shall display a sign so placed or carried as to be easily read by purchasers bearing the words "ice milk" in letters at least two inches in height and one inch in width.

**§ 7. Effective Date.)** This Act shall not become effective until January 1st, 1960.

Approved March 14, 1959.

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## CHAPTER 193

S. B. No. 198  
(Freed and Foss)

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### LICENSE FEES FOR BEVERAGES

#### AN ACT

To amend and reenact section 19-0805 of the North Dakota Revised Code of 1943, relating to license fees for beverages.

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

**§ 1. Amendment.)** Section 19-0805 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**19-0805. License Fees.)** The license fees for beverages licensed for sale by the department shall be as follows:

1. Soda water, ginger ale, root beer, and pop,  
each brand or class ..... \$20.00
2. Concentrated extracts, fountain syrups,  
beverage bases, each brand ..... 20.00

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3. True fruit juices, imitation or compound fruit beverages, each brand .....	20.00
4. Mineral and spring water, each brand .....	20.00
5. Cereal beverages and malts, each brand .....	50.00
6. Wines, each brand .....	25.00
7. Whiskey, rum, brandy, liquors and other distilled liquors:	
a. First brand .....	150.00
b. Each additional brand .....	50.00

Approved March 14, 1959.