

**DAIRY AND FOOD COMMISSIONER (EXCERPT)**  
**Act 211 of 1893**

**289.36 Dairy, food and drink products; inspection, analysis; commencement of proceedings; right of entry; warning notice; failure to obey, penalty.**

Sec. 6.

It shall be the duty of the dairy and food commissioner to carefully inquire into the dairy and food and drink products and the several articles which are foods or drinks, or the necessary constituents of foods or drinks, which are manufactured or sold or exposed or offered for sale in this state, and he may, in a lawful manner, procure samples of the same and direct the state analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis of all and any of such food and drink products or dairy products as are adulterated, impure or unwholesome in contravention of the laws of this state; and it shall be the duty of the commissioner to make a complaint against the manufacturer or vendor thereof in the proper county and furnish all evidence thereof, to obtain a conviction of the offense charged. The dairy and food commissioner, or his deputy, or any person appointed by him for that purpose may make complaint and cause proceedings to be commenced against any person for the enforcement of any of the laws relative to adulterated, impure or unwholesome food or drink, and in such case he shall not be obliged to furnish security for costs and shall have power, in the performance of their duties, to enter into any creamery, factory, store, salesroom, drug store, or laboratory, or place where they have reason to believe food or drink are made, stored, sold or offered for sale and open any cask, tub, jar, bottle or package containing, or supposed to contain, any article of food or drink and examine or cause to be examined the contents thereof, and take therefrom samples for analysis. The person making such inspection shall take such sample of such article or product in the presence of at least 1 witness, and he shall, in the presence of said witness, mark or seal such sample and shall tender at the time of taking to the manufacturer or vendor of such product, or to the person having the custody of the same, the value thereof, and a statement in writing for the taking of such sample. Whenever it is determined by the dairy and food commissioner, his deputy or inspectors, that filthy or unsanitary conditions exist or are permitted to exist in the operation of any bakery, confectionary, or ice cream plant, or in any place where any food or drink products are manufactured, stored, deposited or sold for any purpose whatever, the proprietor or proprietors, owner or owners, of such bakery, confectionary or ice cream plant, or any person or persons owning or operating any plant where any food or drink products are manufactured, stored, deposited or sold, shall be first notified and warned by the commissioner, his deputy or inspectors to place such bakery, confectionary or ice cream plant, or any place where any food or drink products are manufactured, stored, deposited or sold in a sanitary condition within a reasonable length of time; and any person or persons owning and operating any bakery, confectionary or ice cream plant or any place where any food or drink products are manufactured, stored, deposited or sold, failing to obey such notice and warning, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than 25 dollars nor more than 300 dollars and costs of prosecution, or imprisonment in the county jail not to exceed 90 days, or until such fine and costs are paid, or both fine and imprisonment in the discretion of the court.

**History:** 1893, Act 211, Eff. Aug. 28, 1893 ;-- Am. 1895, Act 245, Imd. Eff. June 1, 1895 ;-- Am. 1897, Act 154, Imd. Eff. May 24, 1897 ;-- CL 1897, 4978 ;-- Am. 1899, Act 268, Eff. Sept. 23, 1899 ;-- Am. 1905, Act 12, Imd. Eff. Mar. 9, 1905 ;-- CL 1915, 6365 ;-- CL 1929, 5408 ;-- CL 1948, 289.36