

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **773** Session of
1919.

INTRODUCED BY MR. HEYBURN, MARCH 4, 1919.

REFERRED TO COMMITTEE ON AGRICULTURE,
MARCH 5, 1919.

AN ACT

Providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *every creamery shipping station milk factory cheese factory*
5 *ice cream factory or milk condensary or person receiving*
6 *buying paying for and selling milk or cream on the*
7 *basis of or with reference to the amount of butterfat*
8 *contained therein shall be required to hold a permit The*
9 *permit shall be issued to such creamery shipping station*
10 *milk factory cheese factory ice cream factory condensary*
11 *or person by the Secretary of Agriculture The permit*

1 shall be valid for a term of one calendar year and
2 shall be revoked by the Secretary of Agriculture for viola-
3 tion of the provisions of this act This provision shall
4 not apply to individuals buying milk or cream for private
5 use or to hotels restaurants boarding houses railroad din-
6 ing cars or drug stores

7 Section 2 It shall be unlawful for any person asso-
8 ciation co-partnership or corporation their agents or ser-
9 vants engaged in the business of buying milk or cream
10 on the basis of or in any manner with reference to
11 the amount or percentage of butterfat contained therein to
12 under-read over-read or otherwise fraudulently manipulate the
13 test commonly known as the "Babcock test" used for de-
14 termining the percentage of such fat in said milk or
15 cream or to falsify the record thereof or to make the
16 "Babcock" reading except when the fat has a temperature
17 of one hundred thirty degrees to one hundred forty-five
18 degrees Fahrenheit or to use for such test quantities
19 other than seventeen and six-tenths (17.6) cubic centimeters
20 in the case of milk and nine (9) grams or eighteen
21 (18) grams in the case of cream In all tests of cream
22 the cream shall be weighed and not measured into the
23 test bottle

24 Section 3 No person association co-partnership or cor-
25 poration purchasing milk or cream and paying for the
26 same on the basis of the percentage of butterfat con-
27 tained therein shall if the percentage of butterfat is as-
28 certained by the said "Babcock test" use any test glass-
29 ware except Standard Babcock Test Glassware which has

1 been previously inspected and approved by the Bureau of
2 Standards If the proportion of butterfat is determined by
3 any method other than the "Babcock test" no utensil or
4 instrument shall be used in such determination until the
5 same has been inspected and approved by the Secretary
6 of Agriculture

7 Section 4 Every person association co-partnership corpora-
8 tion or agent or servant thereof engaged in the business
9 of, receiving or buying milk or cream on the basis of
10 or in any way with reference to the amount of butter-
11 fat contained therein as determined by the "Babcock
12 test" shall have the samples taken and said test or
13 tests made only by a certified tester who shall supervise
14 and be responsible for the same For the purpose of
15 this act a "certified tester" is any person who having
16 furnished satisfactory evidence of good character and hav-
17 ing passed a satisfactory examination in milk and cream
18 testing conducted by the Dairy Husbandry Department of
19 the Pennsylvania State College shall have received a certi-
20 cate of proficiency from the said Department Each appli-
21 cant for such certificate shall pay a fee of three dol-
22 lars (\$3.00) to said Department in such manner as its
23 regulations may prescribe to defray the cost of the re-
24 quired examination and of the certificate The said De-
25 partment shall make an annual report to the State
26 Treasurer of all moneys received and expended and any
27 unexpended balance shall be by the said Department paid
28 into the State Treasury for the use of the Common-
29 wealth The said Department shall issue such certificate of

1 proficiency in the name of the approved applicant and
2 under serial number and shall maintain a correspondingly
3 numbered register of all such certificates issued under this
4 act. This certificate shall be forwarded by the said De-
5 partment to the Secretary of Agriculture who shall issue
6 a license to said applicant good for one calendar year
7 on the payment of a fee of two dollars (\$2.00) to the
8 Secretary of Agriculture. This license shall be renewed
9 annually without further examination at the discretion of
10 the Secretary of Agriculture upon the payment of two
11 dollars. All moneys so collected shall be used to meet
12 the expenses of the Department of Agriculture. Each
13 certified tester shall post his license in plain view in
14 the testing room in which he is employed. The Secretary
15 of Agriculture shall revoke said license for failure to post
16 it as above required or for any other just cause.

17 Section 5 Any person, association, co-partnership or cor-
18 poration engaged in the business of buying milk or cream
19 on the basis of or in any way with reference to the
20 amount or percentage of butterfat contained therein as de-
21 termined by the "Babcock test" shall make such test
22 of milk or cream bought from each person at least once
23 every sixteen days. The milk or cream purchased from
24 each person shall be represented by a composite sample
25 taken from each of the several lots of milk or cream
26 bought from said person and shall cover a period of
27 not more than sixteen days. The composite samples to
28 which a suitable preservative has been added shall be

1 made up of aliquot parts taken from each of the sev-
2 eral lots of milk or cream bought from each person con-
3 cerned and composite samples of all persons concerned
4 shall cover the same period of time Each composite
5 sample shall be plainly labeled with the name of the
6 person whose milk or cream the composite sample repre-
7 sents and with the date of the first and last day of
8 the period of time covered by the said composite sample
9 After such samples have been tested their residues shall
10 be kept intact on the premises for a further period of
11 not less than ten days in order to make possible a
12 check test. The Secretary of Agriculture is hereby authorized
13 to make check tests whenever in his judgment such tests
14 are for the public welfare

15 Section 6 No percentage of fat ascertained from a
16 sample containing milk or cream that has been so treated
17 as to cause it to test lower or higher than the test
18 of the milk or cream from which it was taken shall
19 be used as a basis of payment for milk or cream pur-
20 chased or sold No composite sample shall be tested for
21 use as a basis for payment of milk which has been
22 kept more than fifteen days after such composite sample
23 has been completely taken

24 Section 7 No person association co-partnership or cor-
25 poration purchasing or selling milk or cream or both by
26 weight and no agent or servant of any such person as-
27 sociation co-partnership or corporation shall fraudulently use

1 as the basis of payment for such purchase any weight
2 other than the true weight of the milk or cream so
3 purchased or sold

4 Section 8 The Secretary of Agriculture and his agents
5 are hereby authorized to enter the premises and to ex-
6 amine the books and records and testing apparatus of
7 any person association co-partnership or corporation for the
8 purpose of carrying out the provisions of this act

9 Section 9 The Secretary of Agriculture shall be charged
10 with the enforcement of the provisions of this act Noth-
11 ing contained in this section shall be construed to pre-
12 vent any individual from prosecuting any one violating any
13 of the provisions of this act

14 Section 10 Any person violating any of the provisions
15 of this act shall be guilty of a misdemeanor and up-
16 on conviction thereof shall be sentenced to pay a fine
17 of not less than twenty-five dollars (\$25.00) nor more
18 than one hundred dollars (\$100.00) or imprisonment in the
19 county jail for not more than thirty days or both in
20 the discretion of the court

21 Section 11 All fines and penalties imposed and received
22 for the violation of any of the provisions of this act
23 shall be paid to the Secretary of Agriculture or his
24 agent and shall thereafter be paid into the State Treas-
25 ury for the use of the Commonwealth

26 Section 12 This act shall take effect January first one
27 thousand nine hundred and twenty but all necessary ex-
28 aminations shall have been held and all licenses and per-

1 mits issued a suitable length of time previous to the
2 above date

3 Section 13 All acts and parts of acts inconsistent
4 with this act are hereby repealed