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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

No. **589** Session of  
1961

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INTRODUCED BY MESSRS. YATRON, ROONEY, HAYS,  
SESLER, WADE AND MADIGAN, MAY 1, 1961.

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REFERRED TO COMMITTEE ON AGRICULTURE, MAY 1, 1961.

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## AN ACT

Amending the act of May 22 1933 (P L 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" changing certain definitions further regulating marking and labeling con-

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**EXPLANATION**—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill.  
Underlining indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

ferring additional powers and duties on the Department of Agriculture and further regulating the sale and importation of bakery products

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 Sections 1 and 3 act of May 22 1933 (P L 912) entitled  
2 "An act to protect the public health defining and providing for the  
3 licensing of bakeries and regulating the inspection maintenance and  
4 operation of bakeries and premises stores and shops connected there-  
5 with defining and regulating the manufacture sale and offering for  
6 sale of bakery products conferring powers on the Department of Agricul-  
7 ture and providing penalties" amended July 28 1941 (P L 575) are  
8 amended to read

9 Section 1 Be it enacted &c That Definitions The following words  
10 and terms as used in this act shall be construed as follows

11 "Bakery" means and includes all buildings and parts of buildings  
12 cellars and basements or vehicles used for the manufacture [and han-  
13 dling] of bakery products intended for sale [and for the mixing and  
14 other preparation of ingredients and materials entering into the manu-  
15 facture of bakery products] where more than fifty pounds of flour flour

1 substitute flour mixture or potatoes are used each week in the prepara-  
2 tion of such products

3 "Bakery products" means and includes bread rolls cakes cookies  
4 crackers ice cream cones crullers doughnuts biscuits pies macaroni  
5 spaghetti noodles alimentary pastes pretzels potato chips dough and  
6 all other products whatever manufactured in a bakery and intended for  
7 human consumption [as well as the ingredients and materials entering  
8 into their manufacture] whether such products are baked partly baked  
9 or unbaked dried fried canned or frozen

10 "Person" means an individual copartnership association and cor-  
11 poration

12 "Department" means the Department of Agriculture of the Com-  
13 monwealth of Pennsylvania

14 Section 3 Annual License and License Fee It shall be the duty of  
15 every person whether a resident or nonresident of this Commonwealth  
16 operating a bakery to apply to the Department of Agriculture for a  
17 license to do so and to register with the department all bakery products  
18 [baked prepared] manufactured [or compounded] in such bakeries be-  
19 fore the first day of January one thousand nine hundred thirty-four and  
20 annually thereafter before the first day of January of each succeeding

1 year and pay to the Department of Agriculture at the time said applica-  
2 tion for registration and license is filed an annual fee as follows For  
3 bakeries using less than [one hundred barrels] twenty thousand pounds  
4 of flour flour mixture or potatoes per week five dollars (\$5.00) for  
5 bakeries using [one hundred barrels and less than two hundred barrels]  
6 twenty thousand pounds and less than forty thousand pounds of flour  
7 flour mixture or potatoes per week ten dollars (\$10.00) and bakeries  
8 using [two hundred barrels] forty thousand pounds of flour flour mix-  
9 ture or potatoes or more per week twenty dollars (\$20.00)

10 The application for a license and registration shall be made on a  
11 form to be supplied by the department and shall show trade names of  
12 all products principal address of bakery The application shall have at-  
13 tached thereto the affidavit of the person applying for the license that  
14 the facts set forth therein are true and correct

15 From and after the first day of January one thousand nine hun-  
16 dred and thirty-four it shall be unlawful for any person to operate a  
17 bakery for the manufacture of bakery products unless said bakery is  
18 duly licensed in accordance with the provisions of this act

1        Upon approval of application for registration and license and  
2        payment of required license fee and also upon approval of sanitary  
3        conditions in a bakery and every store or shop connected therewith the  
4        Department of Agriculture shall issue to each applicant a license or  
5        certificate of registration which shall expire at the end of each calendar  
6        year and which will authorize the operation of said bakery and the  
7        baking compounding manufacturing and sale of said bakery products  
8        for the calendar year or portion thereof for which a license or cer-  
9        tificate of registration shall be issued

10        All bakery products sold by a bakery shall be wrapped or packaged  
11        in clean unused wrappers bags boxes cans or other suitable sanitary  
12        containers except where the size or shape of the bakery product makes  
13        wrapping impractical in which case the product shall be protected in  
14        such a manner as to avoid possible contamination

15        All wrappers caddies boxes packages or containers of any kind  
16        whatsoever in which bakery products shall be wrapped packaged boxed  
17        or contained shall be printed or marked in a clear and legible manner  
18        with the trade name or kind of bakery product which it purports to  
19        be and with the name and address of the bakery manufacturing such  
20        bakery product or with the name and address of the distributor or

1 wholesale dealer distributing such bakery product preceded by the  
2 words "distributed by" or followed by the word "distributor" as the  
3 case may be and in all cases the words "Registered with Pennsylvania  
4 Department of Agriculture" or any abbreviation thereof approved by  
5 the department Provided That when transparent wrappers are employed  
6 such printed or legible statement may be inserted in a conspicuous  
7 position between such transparent wrapper and the top of the loaf or  
8 other bakery product or by printed band or wrapper around the top  
9 of the loaf or other bakery product

10 Upon request to the department and upon its finding of fact after  
11 a hearing that certain requirements of this section are not necessary  
12 for the protection of the consumer the department may grant exemptions  
13 from the requirements of labeling and marking provided in this section  
14 to (1) products that are sold at retail by the bakery directly to the con-  
15 sumer in a store or market stand operated by the bakery if the products  
16 are the bakery's own and if they are guaranteed by the bakery to be  
17 in compliance with the pure food laws and (2) deliveries by a baker  
18 to restaurants hotels and all other public eating places as well as hos-  
19 pitals publicly or privately owned or operated institutions and mili-  
20 tary installations where bakery products are served for consumption

1 on the premises if the products are guaranteed by the bakery to be  
2 in compliance with all pure food laws

3 Section 2 Section 5 of the act is amended to read

4 Section 5 Rules and Regulations The [Department of Agriculture]  
5 department shall make adopt and promulgate rules and regulations for  
6 the purpose of carrying into effect the provisions of this act and of  
7 [fixing] establishing and defining the standards for the maintenance  
8 and operation of bakeries in accordance with the requirements of this  
9 act and of providing standards of identity for such bakery products as  
10 are necessary for the protection of the public health

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

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Governor