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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No.

**747**

Session of

1961

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INTRODUCED BY MESSRS. YATRON, SESLER AND STAISEY,  
JUNE 6, 1961.

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REFERRED TO COMMITTEE ON AGRICULTURE, JUNE 6, 1961.

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**AN ACT**

Defining milk and its derivatives prohibiting its adulteration regulating  
its labeling sale and serving imposing powers and duties on the  
Department of Agriculture providing penalties and making re-  
peals

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

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

1 Section 1 Definitions As used in this act

2 (1) "Milk" is the natural lacteal secretion free from colostrum  
3 obtained by the complete milking of one or more healthy cows or  
4 goats The term "milk" unqualified means cow's milk If derived from  
5 goats is shall be labeled as such

6 (2) "Raw milk" shall be milk determined to be free from com-  
7 municable disease by physical examination and tuberculin tests con-  
8 ducted in accordance with rules regulations and practices of the State  
9 Department of Agriculture pertaining to the individual accredited herd  
10 plan or the modified accredited area plan and brucellosis tests conducted  
11 in accordance with the rules regulations and practices of the Depart-  
12 ment of Agriculture pertaining to the individual accredited herd plan  
13 and such milk must contain not less than three and twenty-five one-  
14 hundredths per cent of butterfat nor more than five per cent of butter-  
15 fat and not less than twelve per cent total solids If derived from goats  
16 it shall be labeled as such

17 (3) "Cream" is that portion of milk rich in fat which rises to  
18 the surface of milk when it stands or is separated from it by centrifugal  
19 force and contains not less than eighteen per cent of milkfat

20 (4) "Pasteurized cream" is cream heated to such a temperature

1 and for such a length of time that all harmful organisms are destroyed  
2 and contains not less than eighteen per cent of milkfat

3 (5) "Pasteurized milk" is milk heated to such a temperature and  
4 for such a length of time that all harmful organisms are destroyed  
5 and contains not less than three and twenty-five one-hundredths per  
6 cent butterfat nor more than five per cent of butterfat and not less  
7 than twelve per cent total solids

8 (6) "Homogenized milk" or "homogenized cream" is milk or cream  
9 that has been mechanically treated in such a manner as to alter its  
10 physical properties with particular reference to the condition and ap-  
11 pearance of fat globules

12 (7) "Skim milk" is a milk which contains less than five-tenth per  
13 cent milkfat

14 (8) "Fluid derivatives of milk" shall contain not less than five-  
15 tenths per cent nor more than three and twenty-five one-hundredths  
16 per cent butterfat

17 (9) "Fluid derivatives of cream" shall be any combination of milk  
18 and cream containing more than five per cent butterfat but not more  
19 than eighteen per cent butterfat

1 (10) "Flavored milk" is milk flavored by the addition of one or  
2 more suitable natural flavoring materials which may be sweetened with  
3 honey cane or beet sugar dextrose or their syrups or a mixture of their  
4 syrups and which may contain a suspension stabilizer acceptable to the  
5 Secretary of Agriculture It shall contain not less than three and twenty-  
6 five one-hundredths per cent butterfat nor more than five per cent  
7 butterfat and not less than twelve per cent total milk solids except for  
8 such reduction in total milk solids as is due to the addition of the flavor-  
9 ing and sweeteners but in no case shall it contain less than ten per  
10 cent total milk solids If artificial color is used the label shall declare  
11 "Artificially Colored" If artificial flavoring is used the label shall  
12 declare "Artificially Flavored" and the word "Imitation" shall appear  
13 immediately preceding the name of the natural product imitated in  
14 similar type at least one-half the size of the name of the product imitated  
15 and on the same contrasting background

16 (11) "Flavored drink" is any fluid derivative of milk containing  
17 less than three and twenty-five one-hundredths per cent butterfat and  
18 which meets the requirements of act of July 5 1957 (P L 485) com-  
19 monly known as the "Pennsylvania Non-Alcoholic Drinks Law"

20 (12) "Reconstituted or recombined milk" is the product resulting

1 from the recombining of concentrated milk constituents with water and  
2 which complies with the standards for milk as defined elsewhere in  
3 this act

4 (13) "Reconstituted or recombined cream" is a product resulting  
5 from the recombining of concentrated milk constituents with water  
6 and which complies with the standards for cream as defined elsewhere in  
7 this act

8 (14) "Evaporated or condensed milk" is the product resulting from  
9 the removal of a considerable portion of the water from milk by  
10 evaporation or condensation and such product shall contain not less  
11 than seven and eight-tenths per cent of milkfat nor less than twenty-  
12 five and five-tenths per cent of total milk solids The sum of the per-  
13 centages of the milkfat and total milk solids shall not be less than  
14 thirty-three and seven-tenths per cent

15 (15) "Sweetened condensed whole milk" is the product resulting  
16 from the removal of a considerable portion of the water from whole  
17 milk to which sugar has been added and contains not less than eight  
18 and five-tenths per cent milkfat and not less than twenty-eight per  
19 cent total milk solids

1 (16) "Evaporated or condensed skim milk" is skim milk from  
2 which a considerable portion of the water has been removed by evap-  
3 oration and which contains not less than twenty-seven per cent milk  
4 solids

5 (17) "Sterilized cream" is cream in hermetically sealed containers  
6 which has been so treated that it will keep without refrigeration

7 (18) "Sterilized milk" is milk in hermetically sealed containers  
8 which has been so treated that it will keep without refrigeration

9 (19) "Milk products" means ice cream ice cream mix custard ice  
10 cream French ice cream frozen custard and other similar frozen and  
11 semi-frozen products and all dairy products used in the manufacture  
12 thereof

13 Section 2 Unlawful Sales It shall be unlawful to sell any of the  
14 products defined in section 1 unless they are produced to comply with  
15 the definitions and processed under approved conditions in accordance  
16 with the provisions of this act and the rules and regulations adopted  
17 thereunder or any other pertinent acts rules and regulations

18 Section 3 Standardization Any of the products defined in section  
19 1 may be standardized by the processor by the addition or deletion of  
20 natural components

1 Section 4 Adulteration No products defined in section 1 may be  
2 adulterated in any manner by the addition of substances not normally  
3 found therein nor by the addition of any fats or oils except those derived  
4 from chocolate as a flavor

5 Section 5 Unlawful Serving It shall be unlawful for any eating  
6 place to serve milk chocolate milk skimmed milk fluid derivatives of  
7 milk fluid derivatives of cream or cream which is not in its original  
8 container except that they may be served in individual portions pro-  
9 vided it is served from automatic dispensing machines which meet the  
10 rules and regulations established by the Secretary of Agriculture

11 Section 6 Labeling (a) The labeling of any product defined in  
12 section 1 except raw milk for processing shall include the designation  
13 of the product the name and address of the processor or distributor  
14 and the code of the processor if the distributor's name and address is  
15 used and a declaration of the net contents Brand names may be ap-  
16 proved by the Secretary of Agriculture provided that they do not  
17 detract from the proper designation of the product

18 (b) The labeling of fluid derivatives of milk and cream and cream  
19 itself in addition to the above shall include a declaration of the per-  
20 centage of butterfat

1 Section 7 Duties of the Department of Agriculture The Depart-  
2 ment of Agriculture shall be charged with the enforcement of the  
3 provisions of this act and shall make rules and regulations after public  
4 hearing for the proper enforcement thereof and shall cause such rules  
5 and regulations to be published

6 Section 8 Penalties Any person who shall violate any of the pro-  
7 visions of this act or any rule regulation or order made pursuant to  
8 this act shall for the first or second offense upon conviction thereof in  
9 a summary proceeding be sentenced to pay a fine of not less than  
10 twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and  
11 costs of prosecution and in default of payment of such fines and costs  
12 shall be sentenced to undergo imprisonment in the county jail for not  
13 more than thirty days and for a third or subsequent offense within one  
14 year shall be guilty of a misdemeanor and shall upon conviction thereof  
15 be sentenced to pay a fine of not less than five hundred dollars (\$500)  
16 nor more than one thousand dollars (\$1000) or to undergo imprison-  
17 ment in the county jail not exceeding one year or both in the dis-  
18 cretion of the court

19 Section 9 Disposition of Fines and Penalties All fines and penalties  
20 imposed and recovered for the violation of any of the provisions of

1 this act shall be paid into the State Treasury through the Department  
2 of Revenue and credited to the General Fund

3 Section 10 Specific Repeals The following acts and part of acts  
4 are repealed

5 (1) Act of June 10 1897 (P L 142) entitled "An act to prohibit  
6 the adulteration or coloring of milk or cream by the addition of so  
7 called preservatives or coloring matter and to provide for the enforce-  
8 ment of the same"

9 (2) Act of June 8 1911 (P L 712) entitled "An act relating to  
10 milk providing for the protection of the public health and the prevention  
11 of fraud and deception by regulating the sale of milk skimmed milk and  
12 cream providing penalties for the violation thereof and providing for  
13 the enforcement thereof"

14 (3) Act of March 21 1923 (P L 28) entitled "An act for the pre-  
15 vention of fraud and the protection of the public health relating to  
16 milk cream or skimmed milk whether or not condensed evaporated  
17 concentrated dried powdered or desiccated prohibiting the introduction

1 of foreign fats into them regulating the sale of and defining condensed  
2 concentrated and evaporated milk stipulating penalties for the infraction  
3 thereof and providing for the enforcement thereof”

4 (4) Act of June 29 1923 (P L 929) entitled “A supplement to an  
5 act approved the twenty-first day of March one thousand nine hundred  
6 twenty-three entitled ‘An act for the prevention of fraud and the pro-  
7 tection of the public health relating to milk cream or skimmed milk  
8 whether or not condensed evaporated concentrated dried powdered or  
9 desiccated prohibiting the introduction of foreign fats into them regu-  
10 lating the sale of and defining condensed concentrated and evaporated  
11 milk stipulating penalties for the infraction thereof and providing for  
12 the enforcement thereof’ defining condensed concentrated and evapor-  
13 ated skimmed milk and compounds thereof regulating the manufacture  
14 sale and exchange thereof and providing penalties”

15 (5) Act of March 26 1925 (P L 83) entitled “An act for the pro-  
16 tection of public health by regulating the serving of milk for drinking  
17 purposes to patrons of hotels restaurants lunch rooms fountains and  
18 dining cars and providing penalties”

19 Section 11 General Repeal All other acts and parts of acts are  
20 repealed insofar as they are inconsistent herewith

1 Section 12 Effective Date This act shall take effect January 1 1962

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