
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No.

747

Session of

1961

MESSRS. YATRON, SESLER AND STAISEY, IN PLACE,
JUNE 6, 1961.

MR. SESLER, COMMITTEE ON AGRICULTURE,
AS AMENDED, JUNE 20, 1961.

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

- 1 Section 1 Definitions As used in this act
- 2 (1) "Milk" is the natural lacteal secretion free from colostrum

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 obtained by the complete milking of one or more healthy cows or
2 goats The term "milk" unqualified means cow's milk If derived from
3 goats is shall be labeled as such

4 (2) "Raw milk" shall be milk FROM COWS OR GOATS de-
5 termined to be free from communicable disease by physical examination
6 and tuberculin tests conducted in accordance with rules regulations and
7 practices of the State Department of Agriculture pertaining to the in-
8 dividual accredited herd plan ~~or the modified accredited area plan~~ and
9 brucellosis tests conducted in accordance with the rules regulations and
10 practices of the Department of Agriculture pertaining to the individual
11 ~~accredited~~ CERTIFIED herd plan AND IN ADDITION THERETO
12 A BRUCELLOSIS RING TEST SHALL BE CONDUCTED AT
13 LEAST ONCE EVERY YEAR SIX MONTHS AFTER THE BLOOD
14 TEST AT THE EXPENSE OF THE OWNER AND IF THE RE-
15 SULTS OF SUCH TEST ARE SUSPICIOUS SUCH COW OR COWS
16 SHALL IMMEDIATELY BE RE-TESTED BY BLOOD TESTING
17 and such milk must contain not less than three and twenty-five one-
18 hundredths per cent of butterfat nor more than five per cent of butter-
19 fat and not less than twelve per cent total solids If derived from goats
20 it shall be labeled as such

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

4 (4) "Pasteurized cream" is cream heated to such a temperature
5 and for such a length of time that all harmful organisms are destroyed
6 and contains not less than eighteen per cent of milkfat

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

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

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

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

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

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

19 (11) "Flavored drink" is any fluid derivative of milk containing
20 less than three and twenty-five one-hundredths per cent butterfat and

1 which meets the requirements of act of July 5 1957 (P L 485) com-
2 monly known as the "Pennsylvania Non-Alcoholic Drinks Law"

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

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

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

18 (15) "Sweetened condensed whole milk" is the product resulting
19 from the removal of a considerable portion of the water from whole

1 milk to which sugar has been added and contains not less than eight
2 and five-tenths per cent milkfat and not less than twenty-eight per
3 cent total milk solids

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

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

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

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

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

1 Section 3 Standardization Any of the products defined in section
2 1 may be standardized by the processor by the addition or deletion of
3 natural components

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

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

14 **LOWING DESIGN AND OPERATION REQUIREMENTS**

15 (1) ALL PARTS OF SUCH DISPENSING MACHINES WITH
16 WHICH MILK OR MILK PRODUCTS COME IN CONTACT
17 SHALL BE CONSTRUCTED IN SUCH MANNER AS TO BE EAS-
18 ILY CLEANED AND SHALL BE KEPT IN GOOD REPAIR THE
19 MANUFACTURE PACKING TRANSPORTATION AND HAN-

1 DLING OF BULK MILK CONTAINERS SHALL BE CONDUCTED
2 IN A SANITARY MANNER

3 (2) NO SURFACES WITH WHICH MILK OR MILK PROD-
4 UCTS COME IN CONTACT SHALL WHILE IN USE BE ACCES-
5 SIBLE TO MANUAL CONTACT

6 (3) ALL PARTS OF THE DISPENSING DEVICE WITH
7 WHICH MILK COMES IN CONTACT SHALL BE CLEANED AND
8 STERILIZED AT THE MILK PLANT

9 (4) THE DISPENSING DEVICE SHALL BE FILLED AND
10 SEALED WITH TWO SEALS AT THE MILK PLANT IN SUCH
11 MANNER AS TO MAKE IT IMPOSSIBLE TO WITHDRAW ANY
12 PART OF ITS CONTENTS WITHOUT BREAKING ONE SEAL
13 AND IMPOSSIBLE TO INTRODUCE ANY SUBSTANCE WITH-
14 OUT BREAKING THE OTHER

15 (5) SWEET MILK FOR DRINKING PURPOSES SERVED
16 FROM SUCH DISPENSING MACHINES MUST BE MILK WHICH
17 HAS BEEN HOMOGENIZED

18 (6) ALL SUCH DISPENSING MACHINES MUST BE CON-
19 SPICUOUSLY LABELED IN A LARGE PRINT EASILY READ-
20 ABLE TO THE PUBLIC TO INDICATE THE TYPE MILK OR

1 MILK PRODUCT BEING SERVED FROM THE DISPENSER

2 (7) ALL SUCH DISPENSING MACHINES MUST BE OP-
3 ERATED IN THE SAME ROOM WHERE MILK IS SERVED TO
4 THE PUBLIC

5 (8) MILK SERVED FROM THESE DISPENSERS MUST BE
6 SERVED IN A GLASS OR CONTAINER NO SMALLER THAN
7 EIGHT OUNCES

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

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

18 Section 7 Duties of the Department of Agriculture The Depart-
19 ment of Agriculture shall be charged with the enforcement of the

1 provisions of this act and shall make rules and regulations after public
2 hearing for the proper enforcement thereof and shall cause such rules
3 and regulations to be published

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

17 Section 9 Disposition of Fines and Penalties All fines and penalties
18 imposed and recovered for the violation of any of the provisions of
19 this act shall be paid into the State Treasury through the Department
20 of Revenue and credited to the General Fund

1 Section 10 Specific Repeals The following acts and part of acts
2 are repealed.

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

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

12 (3) Act of March 21 1923 (P L 28) entitled "An act for the pre-
13 vention of fraud and the protection of the public health relating to
14 milk cream or skimmed milk whether or not condensed evaporated
15 concentrated dried powdered or desiccated prohibiting the introduction
16 of foreign fats into them regulating the sale of and defining condensed
17 concentrated and evaporated milk stipulating penalties for the infraction
18 thereof and providing for the enforcement thereof"

19 (4) Act of June 29 1923 (P L 929) entitled "A supplement to an
20 act approved the twenty-first day of March one thousand nine hundred

1 twenty-three entitled 'An act for the prevention of fraud and the pro-
2 tection of the public health relating to milk cream or skimmed milk
3 whether or not condensed evaporated concentrated dried powdered or
4 desiccated prohibiting the introduction of foreign fats into them regu-
5 lating the sale of and defining condensed concentrated and evaporated
6 milk stipulating penalties for the infraction thereof and providing for
7 the enforcement thereof' defining condensed concentrated and evapor-
8 ated skimmed milk and compounds thereof regulating the manufacture
9 sale and exchange thereof and providing penalties"

10 (5) Act of March 26 1925 (P L 83) entitled "An act for the pro-
11 tection of public health by regulating the serving of milk for drinking
12 purposes to patrons of hotels restaurants lunch rooms fountains and
13 dining cars and providing penalties"

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

16 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