

Proviso.

or by his, her, its or their agents, servants, or employes, to use eggs that are either wholly or partly decayed or decomposed, in the preparation of food products: And provided further, That there shall be no delivery, sale, purchase, or acceptance of wholly or partly decayed or decomposed eggs in or at any establishment where food products are prepared or manufactured.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 164

AN ACT

To amend sections one, two, and three of the act, approved the twentieth day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, twenty-five), entitled "An act for the protection of the public health, and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, including coated ice cream and the coating thereof; fixing a standard of butter-fat for ice cream; providing penalties for the violation thereof, and providing for the enforcement thereof," by extending the provisions of said act to sherbets and ices, and prohibiting the unlawful use of certain equipment, cabinets, cans, and containers, and the removal and erasing of owners and manufacturers' marks therefrom or their concealment.

Ice cream, sherbets and ices.

Section 1, act of March 20, 1923 (P. L. 25), amended.

Sale of adulterations prohibited.

"Sherbet," defined.

Section 1. Be it enacted, &c., That section one of the act, approved the twentieth day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, twenty-five), entitled "An act for the protection of the public health, and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, including coated ice cream and the coating thereof; fixing a standard of butter-fat for ice cream; providing penalties for the violation thereof, and providing for the enforcement thereof," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That it is unlawful for any person, association, partnership, or corporation, by himself, herself, itself or themselves, or by his, her or their agents, servants or employes, to sell, offer for sale, expose for sale, or have in possession with intent to sell ice cream, including coated ice cream and the coating thereof, or *sherbet* or *ice*, which is adulterated within the meaning of this act.

*For the purpose of this act, the word "sherbet" is hereby defined to be the product made from milk or milk products and including ice cream mix, approved*

sweetening material, and fruit flavoring material, with or without stabilizers, frozen to the consistency of ice cream.

For the purpose of this act, the word "ice" is hereby defined to be a product made from water, approved sweetening material, and fruit flavoring material, with or without stabilizers, frozen to the consistency of ice cream.

"Ice," defined.

Section 2. That section two of said act is hereby amended to read as follows:

Section 2 amended.

Section 2. Ice cream, including coated ice cream and the coating thereof, *sherbet and ice* shall be deemed to be adulterated within the meaning of this act—

Adulterants.

First. If it contains boric acid, formaldehyde, saccharin, or any other added substance or compound that is deleterious to health.

Second. If it contains salts of copper, iron oxide ochres, or any coloring substance deleterious to health: Provided, That this paragraph shall not be construed to prohibit the use of harmless coloring matter [in the ice cream] when not used for fraudulent purposes.

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Third. If it contains any deleterious flavoring matter or flavoring matter not true to name.

Fourth. If it contains any fats, oils, or paraffin, other than milk fats, added to or blended or compounded with it: Provided, however, That chocolate ice cream and the coating of coated ice cream may contain cocoa butter.

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Fifth. If a product is manufactured, which is an imitation of or substitute for ice cream, *sherbet or ice*, and is offered for sale under any coined or trade name.

Sixth. If it is offered for sale from any container, compartment, or cabinet, which contains any article other than ice cream, *coated ice cream, sherbet or ice*.

Seventh. If it contains, *in the case of ice cream*, less than [eight (8)] *ten (10)* per centum butter-fat, except when fruit or nuts are used for the purpose of flavoring, then it shall not contain less than [six (6)] *eight (8)* per centum butter-fat; *if it contains, in the case of sherbet, more than five (5) per centum of milk solids; and if it contains, in the case of ice, any milk solids whatever.*

Section 3. That section three of said act is hereby amended to read as follows:

Section 3 amended.

Section 3. It is unlawful for any person, association, partnership, or corporation to sell, offer for sale, expose for sale, or have in possession with intent to sell, any ice cream, including coated ice cream and the coating thereof, *or sherbets or ices*, in any container which is falsely labeled or branded as to the name of the manufacturer thereof; or to misrepresent, in any way, the place of manufacture of ice cream, including coated ice

Sales in containers falsely labeled prohibited.

cream and the coating thereof, *sherbets or ices*, or the manufacture thereof.

Use of equipment belonging to another.

*It is unlawful for any person to use, or cause or allow to be used, any equipment, cabinet, can, or other container belonging to one manufacturer for the purpose of preserving or holding any ice cream, coated ice cream, sherbet or ice manufactured by another manufacturer; or for any person, manufacturer, or employe or agent of any manufacturer to knowingly supply or place or deposit ice cream, coated ice cream, sherbet or ice of one manufacturer in any equipment, cabinet, can, or other container belonging to another manufacturer. It is unlawful for any person, other than the owner, to remove, erase, obliterate, cover, or conceal any manufacturer's or owner's name, insignia, device, or distinguishing mark, which may appear or be placed on any ice cream equipment, cabinet, can, or other container.*

Obliteration or concealment of name, etc.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 165

AN ACT

Providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties.

Private nursing homes and hospitals.

Licensure and regulations.

Section 1. Be it enacted, &c., That after the effective date of this act, it shall be unlawful for any person, copartnership, association, or corporation to operate for profit, within this Commonwealth, a private nursing home or private hospital, for persons requiring care, treatment, or nursing by reason of sickness, injury, infirmity, or other disability, without a license as herein-after required, but this act shall not be construed to apply to any State or State-aided institution or any institution licensed by the Department of Welfare under other statutes.

Application for license.

Form.

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Section 2. Every person, copartnership, association, or corporation, desiring to operate for profit such a private nursing home or private hospital, shall file an application for a license with the Department of Welfare. The application shall be on a form prescribed, prepared, and furnished by the Department of Welfare, and, together with such other information as the department shall require, shall state:

(a) The name and address of the applicant and the person to be in charge of said home or hospital. If