

Appeal.

officer, deputy, or clerk, dissatisfied with *the* amount of salary allowed by the salary board, may appeal from the action of such board to the court of common pleas of the county, which court shall, after hearing, make an order fixing the salaries of such appointees.

APPROVED—The 7th day of May, A. D. 1937.

GEORGE H. EARLE

No. 145

AN ACT

To amend sections two, three, four, five, and six of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred twenty-nine), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale, or exposing for sale, or the having in possession with intent to sell, of adulterated or deleterious butter; defining butter; and prescribing the penalty for the violation thereof," further defining butter and the adulteration of butter; conferring powers on the Department of Agriculture and the courts of quarter sessions; and providing penalties.

Butter.

Sections two, three, four, five and six, act of April 13, 1921 (P. L. 129), amended.

Manufacture or sale of adulterated butter.

Butter defined.

Adulteration defined.

Section 1. Be it enacted, &c., That sections two, three, four, five, and six of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred twenty-nine), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious butter; defining butter; and prescribing the penalty for the violation thereof," are hereby amended to read as follows:

Section 2. Butter, for the purposes of this act, shall be [deemed to be the fatty product obtained from milk or cream by the usual processes of churning and working, with or without the addition of salt] *understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt and with or without additional coloring matter, and which shall contain not less than eighty (80) per centum by weight of milk fat, all tolerances having been allowed for.*

Section 3. Butter shall be deemed to be adulterated within the meaning of this act:

First. If it contains [more than sixteen (16) per centum by weight of water or] less than eighty (80) per centum by weight of [butter fat] *milk fat, all tolerances having been allowed for.*

Second. If it contains any foreign fat, starchy matter, added flavor, except such flavor as is naturally developed during the manufacture of butter by ageing or ripening the milk of cream from which it is churned with or without culture, or [other] any substance which [injurious] affects its quality or purity, and if it fails to conform to the standards of the definition for butter set forth in section two hereof.

Third. If it be rancid, mouldy or decomposed so as to make it unfit for human consumption.

Fourth. If it be made in whole or part from any filthy, putrid or decomposed milk or cream, or from milk or cream that has been contaminated by filth.

Fifth. If it contains artificial coloring matter used to conceal damage or inferiority.

Section 4. That any persons who shall violate any of the foregoing provisions of this act shall, [be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding, [shall] be sentenced for a first offense to pay a fine of [not less than] one hundred (\$100) dollars [nor more than two hundred (\$200) dollars] and the costs of prosecution, or in default of the payment of such fine and costs, to undergo an imprisonment of not [less] more than thirty (30) days; [nor more than sixty (60) days, or both or either, at the discretion of the court] for a second offense shall be sentenced to pay a fine of not less than two hundred (\$200) dollars nor more than three hundred (\$300) dollars and the costs of prosecution, or to undergo an imprisonment of not more than thirty (30) days, or both or either; and for a third or subsequent offense shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars, or to undergo imprisonment for a term not exceeding sixty (60) days, or both or either, in the discretion of the court: Provided, That in any case where the violation consists in the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, butter containing less than eighty (80) per centum by weight of milk fat, and such butter actually contains seventy-nine and five-tenths (79.5) per centum or more by weight of milk fat, the person convicted shall be sentenced to pay a fine not exceeding twenty-five (\$25) dollars only for each such offense.

Penalty.

Section 5. That the [Director of the Bureau of Foods] Department of Agriculture shall be charged with the enforcement of the provisions of this act. The department shall have power to make, adopt, promulgate and enforce rules and regulations for the purpose of carrying into effect the provisions of this act. The de-

Enforcement.

partment by its agents shall have full access, egress and ingress to all places of business, factories, farm buildings, cars, and vehicles used in the manufacture, transportation, and sale of butter.

When any agent of the department shall find any butter which is adulterated, the department shall petition the court of quarter sessions of the county, in which such butter was found, for an order permitting it to seize such butter, and to direct its re-churning, destruction, or such other disposition thereof as the court shall determine. Such petition shall be returnable in ten days, or such other time as the court shall allow. The hearing on such petition shall be given precedence over all other matters and hearings before the court. Until such petition is disposed of, it shall be unlawful for any person to dispose of the butter involved in such petition in any manner whatsoever. The courts of quarter sessions are hereby empowered in all proper cases to order the seizure of any adulterated butter, and to direct its re-churning, destruction, or other disposition thereof: Provided, That such order shall not apply to butter which is adulterated in no other way except that its weight of milk fat is between seventy-nine and five-tenths (79.5) per centum and eighty (80) per centum.

Any person who shall hinder or interfere with any agent of the department engaged in the administration and enforcement of this act, or who shall dispose of any butter after a petition for its seizure has been presented, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution, and in default of the payment of such fine and costs, shall be sentenced to imprisonment for a period of thirty (30) days.

Disposition  
of fines and  
penalties.

Section 6. That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the [Director of the Bureau of Foods or his agent] *Department of Agriculture*, and, when so collected and paid, shall thereafter be, by the [Director of the Bureau of Foods] *department*, paid into the State Treasury, *through the Department of Revenue*, for the use of the Commonwealth.

Section 2. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not \*affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included.

Section 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

\* "effect" in the original.

Section 4. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 7th day of May, A. D. 1937.

GEORGE H. EARLE

No. 146

AN ACT

To amend article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one hundred three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Section 1. Be it enacted, &c., That article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one hundred three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," is hereby amended by adding thereto a new subdivision to read as follows:

Townships of the second class.

Article 15, act of May 1, 1933 (P. L. 103), amended.

(h) *Non-debt Revenue Sewer Bonds*

*Section 1545. Sewer Bonds.—For the purpose of financing the cost or expense, or its share of the cost or expense, of constructing or acquiring a sewer, sewer system or sewage treatment works, either singly or jointly with other municipalities or townships, or both, any township may issue non-debt revenue bonds secured solely by a pledge, in whole or in part, of the annual rentals or charges for the use of such sewer, sewer system or sewage treatment works. Said bonds shall not pledge the credit, nor create any debt, nor be a charge against the general revenues, nor be a lien against any property of the township, but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer, sewer system or sewage treatment works.*

May issue bonds for purpose of financing sewer improvements.

*Whenever any township has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed, and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds, it shall have power to authorize the issue and sale of such non-debt revenue bonds, from time to time, as the work of construction proceeds, and sufficient additional non-debt revenue bonds, as may be necessary, may be issued and sold to provide for the interest and sinking fund charges accruing thereon, un-*