

who is bedridden or hospitalized due to illness or physical disability contracted or suffered in connection with, or as a result of, his military service, may vote under the provisions of this act in any election held in this Commonwealth, if he is (1) unavoidably absent from the State or county of his residence, regardless of whether he is registered or enrolled, or (2) *in the county of residence and is registered or enrolled.*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 23rd day of February, A. D. 1956.

GEORGE M. LEADER

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No. 354

AN ACT

Amerging the act of May twenty, one thousand nine hundred forty-nine (Pamphlet Laws 1594), 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 possessing with intent to sell, of adulterated or deleterious ice cream, french ice cream, french custard, frozen custard, frozen ice confections, frozen sherbet confections, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, including sherbet, frozen ice confections, frozen sherbet confections, frozen dairy confections, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing for licensing; conferring powers and imposing duties upon the Department of Agriculture; prescribing penalties; and providing for the enforcement thereof," authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

Ice cream and other similar frozen products.

Section 1, act of May 20, 1949, P. L. 1594, amended.

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

Section 1. The definition of "ice cream" in section one, act of May twenty, one thousand nine hundred forty-nine (Pamphlet Laws 1594), 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 possessing with intent to sell, of adulterated or deleterious ice cream, french ice cream, french custard, frozen custard, frozen ice confections, frozen sherbet confections, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, including sherbet, frozen ice confections, frozen sherbet confections, frozen dairy con-

fections, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing for licensing; conferring powers and imposing duties upon the Department of Agriculture; prescribing penalties; and providing for the enforcement thereof," is amended to read:

Section 1. For the purpose of this act, "ice cream" is defined as any frozen sweetened milk product which is agitated during the process of freezing; and includes every such frozen milk product which contains more than five per centum (5%) by weight of milk fat, milk solids not fat, or milk fat and milk solids not fat, and which in any manner simulates the texture or characteristic of ice cream, no matter under what coined or trade name it may be sold. Ice cream shall be made from a combination of one or more of the following ingredients, viz., any clean and wholesome cream, milk and all forms of milk fat and any clean and wholesome form of milk solids not fat, with one or more of the following ingredients—sucrose, dextrose, corn syrup, invert sugar, any of which may be in dry or syrup form, water, flavor, stabilizer, emulsifier, egg or egg products, harmless color which does not conceal either damage or inferiority, each of which ingredients shall be wholesome edible material. The finished product may contain not more than one-half of one per centum ( $\frac{1}{2}$  of 1%) by weight of stabilizer and may contain not more than one-fifth of one per centum ( $\frac{1}{5}$  of 1%) by weight of emulsifier: Provided, however, That the stabilizer and/or emulsifier has been approved by the Department of Agriculture. The finished product shall contain not less than ten per centum (10%) of milk fat by weight except when fruit, nuts, cocoa or chocolate, cakes or confections are added for the purpose of flavoring, then it shall contain not less than ten per centum (10%) by weight of milk fat except for such reduction in milk fat as is due to the addition of such flavoring, but in no such case shall it contain less than eight per centum (8%) by weight of milk fat, and chocolate and cocoa flavored ice cream shall in no event contain less than ten per centum (10%) of total fat. *Ice cream manufactured, prepared or processed for consumption by diabetics shall contain only those ingredients prescribed by this section, but shall be sweetened with an artificial sweetening agent and contain edible carbohydrates other than sugar. The artificial sweetening agent and the edible carbohydrates must be approved by the Department of Agriculture and no sugars other than those naturally present in the milk solids or fruit agent shall be added thereto.*

"Ice cream" defined.

Ice cream made for diabetics.

Section 3, act of  
May 20, 1949,  
P. L. 1594,  
amended.

Section 2. The first clause of section three of the act is amended to read:

Section 3. Any frozen sweetened product referred to in this act shall be deemed to be adulterated within the meaning of this act—

Adulteration.

First. [If] *Except as provided in section 3.1 of this act, if it contains any added preservative, any artificial sweetener, including saccharin, dulcin, or any other substance or compound that is deleterious to health.*

Section 3. The act is amended by adding, after section three, a new section to read:

Ice cream made  
for diabetics to be  
conspicuously  
labeled.

*Section 3.1 (a) Subject to the standards provided by law or prescribed by the Department of Agriculture pursuant thereto, any person may manufacture or prepare ice cream containing an artificial sweetening agent approved by the Department of Agriculture to make the ice cream suitable diet for diabetics. The manufacturer shall place the ice cream in packages or containers which shall be conspicuously labeled "artificially sweetened," immediately preceding the words "ice cream," in similar type at least one-half the size of the type used for the words "ice cream" and on the same contrasting background, and in addition shall label thereon any other warning statement which the Department of Agriculture may prescribe. The label shall also contain a statement in terms of percentage by weight of protein fat and carbohydrates, the total number of calories per ounce, the number of calories contributed by carbohydrates and any carbohydrate other than lactose, and the name of each ingredient entering into the composition other than flavors. The artificially sweetened ice cream shall not be sold in any quantity or in any manner other than in sealed or unbroken packages or containers from one or more separate compartments of a refrigerated container or cabinet.*

Penalties.

*(b) Any person violating any of the provisions of this section shall, for the first or second offense, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and costs of prosecution, or, in default of payment thereof, shall undergo an imprisonment for not less than thirty (30) days nor more than sixty (60) days; and for a third or subsequent offense, shall be guilty of a misdemeanor, and sentenced to pay a fine not exceeding one thousand dollars (\$1000), or undergo imprisonment not exceeding one year, or both, in the discretion of the court.*

APPROVED—The 27th day of February, A. D. 1956.

GEORGE M. LEADER