

## No. 290.

## AN ACT

Providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing, testing, buying, and selling of milk and cream; providing for the examination and appointment of certified testers and the issuing of licenses and making of tests; and providing penalties.

Section 1. Be it enacted, &c., That every creamery, shipping station, milk factory, cheese factory, ice cream factory, or milk condensary, or person receiving, buying and paying for milk or cream, regardless of the method of settlement, shall be required to hold a permit for each and every place where milk or cream is received by weight or measure: Provided, however, That nothing in this act shall apply to individuals buying milk or cream for private use, or to producers buying milk in emergencies to make up their regular supply, or to hotels, restaurants, boarding houses, railroad dining cars, or drug-stores. The permit shall be issued by the Secretary of Agriculture to such creamery, shipping station, milk factory, cheese factory, ice cream factory, or milk condensary, or person, upon the payment of a fee of five dollars (\$5.00) and after filing of such information as may be required by the Secretary of Agriculture. All moneys so collected shall be used to meet the expenses of the Department of Agriculture in the enforcement of this act. The permit shall be valid for a term of one calendar year and may be revoked by the Secretary of Agriculture for any violation of the provisions of this act. This permit issued hereunder shall be posted in plain view in the station for which it is issued.

Section 2. It shall be unlawful for any person, association, copartnership, or corporation, their agents or servants engaged in the business of buying milk or cream on the basis of or in any manner with reference to the amount or percentage of butterfat contained therein, to under-read, over-read, or otherwise fraudulently manipulate the test commonly known as the "Babcock test" used for determining the percentage of such fat in said milk or cream, or to falsify the record thereof, or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty degrees to one hundred forty-five degrees Fahrenheit, or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream. In all

Public health.

Purchase of milk or cream.

Permit required.

Proviso.

Fee and filing of information for permit.

Use of moneys.

Term of permit.

Permit must be posted.

Unlawful to manipulate test for butterfat.

tests of cream the cream shall be weighed and not measured into the test bottle.

Tests to be made with standard approved test glassware.

Section 3. No person, association, copartnership, or corporation purchasing milk or cream and paying for the same on the basis of the percentage of butterfat contained therein shall, if the percentage of butterfat is ascertained by the said "Babcock test," use any test glassware except standard Babcock test glassware which has been previously inspected and approved by the Bureau of Standards of the Department of Internal Affairs. If the proportion of butterfat is determined by any method other than the "Babcock test" no utensil or instrument shall be used in such determination until the same has been inspected and approved by the Secretary of Agriculture or his agents.

Tests to be made only by licensed tester.

Section 4. Every person, association, copartnership, corporation, or agent or servant thereof engaged in the business of receiving or buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein, as determined by the "Babcock test," shall have the test or tests made only by a licensed tester, who shall be responsible for the same. For the purpose of this act a licensed tester is any person who, having furnished satisfactory evidence of good character and having passed a satisfactory examination in milk and cream testing conducted by the Dairy Husbandry Department of the Pennsylvania State College, shall have received a certificate of proficiency from the said department. Each applicant for such certificate shall pay a fee of three dollars (\$3.00) to said department in such manner as its regulations may prescribe to defray the cost of the required examination and of the certificate. The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number and shall maintain a correspondingly numbered register of all such certificates issued under this act. This certificate shall be forwarded by the said department to the Secretary of Agriculture, who shall issue a license to said applicant good for one calendar year on the payment of a fee of three dollars (\$3.00) to the Secretary of Agriculture. This license shall be renewed annually without further examination at the discretion of the Secretary of Agriculture upon the payment of three dollars. All moneys so collected shall be used to meet the expenses of the Department of Agriculture for the enforcement of this act. Each certified tester shall post his license in plain view in the testing room in which he is employed. The Secretary of Agriculture shall revoke said license for failure to post it, as above required, or for any other just cause.

Who is licensed tester.

Qualifications.

Fee.

Certificate.

License.

Tester shall post license.

Revocation.

Section 5. Every person, association, copartnership, or corporation engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein shall have the samples taken either by a licensed tester or by a person licensed or certified to weigh and sample milk and cream. For the purpose of this act a person certified to weigh and sample milk or cream is any person who, having furnished satisfactory evidence of good character and having passed a satisfactory examination in weighing and sampling milk and cream conducted by the Dairy Husbandry Department of the Pennsylvania State College, shall have received a certificate of proficiency from said department. Each applicant for such certificate shall pay a fee of one dollar and fifty cents (\$1.50) to said department in such manner as its regulations may prescribe, to defray the costs of the required examination and of the certificate. The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number and shall maintain a correspondingly numbered register of all such certificates issued under this act. This certificate shall be forwarded by the said department to the Secretary of Agriculture, who shall issue a license to said applicant good for one calendar year on the payment of a fee of three dollars (\$3.00) to the Secretary of Agriculture. This license shall be renewed annually without further examination at the discretion of the Secretary of Agriculture, upon the payment of three dollars. All moneys so collected shall be used to meet the expenses of the Department of Agriculture in the enforcement of this act. Each licensed weigher and sampler shall post his or her license in plain view in the plant in which he or she is employed. The Secretary of Agriculture may revoke said license for failure to post it, as above mentioned, or any other just cause.

Section 6. Any person, association, copartnership, corporation, or agents or servants thereof engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount or percentage of butterfat contained therein, as determined by the "Babcock test," shall make such test at least once every sixteen days. The milk or cream purchased from each person shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk or cream bought from said person and shall cover a period of not more than sixteen days. The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk or cream bought from each person concerned,

Samples to be taken by licensed tester or by person licensed to weigh and sample milk or cream.

Person certified to weigh and sample milk and cream.

Fee.

Certificate.

License and fee.

Annual renewal.

Disposition of moneys.

License to be posted.

Revocation

Test to be taken once every sixteen days.

Composite samples.

and composite samples of all persons concerned shall cover the same period of time. Each composite sample shall be held in an air-tight bottle—such bottle being plainly labeled showing the name or number of the person whose milk or cream the composite sample represents—and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples. The Secretary of Agriculture may require that the composite samples be tested on the premises where they are taken whenever in his judgment such action is for the public welfare. After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten days in order to make possible a check test. The Secretary of Agriculture, or his agents, is hereby authorized to make such tests whenever in his judgment such tests are advisable for the public welfare. Every person, firm, or corporation affected by the provisions of this act shall, within two days after the day on which the test herein provided for has been made, notify the seller of such milk or cream or his agent of the result of such test, stating the period of time during which said composite samples were taken. Notice under this section may be given by posting of the results of said tests continuously for ten days in a conspicuous place in receiving stations or in writing. Where a daily test is made on milk or cream and the average of these several tests used as a basis of settlement there shall also be a composite sample taken covering a period of first and last half of month and shall be held intact on the premises for a period of not less than ten days, in order that the Secretary of Agriculture, or his agents, may make check tests whenever in his judgment such tests are advisable for the public welfare.

Section 7. No percentage of fat ascertained from a sample containing milk or cream that has been so treated as to cause it to test lower or higher than the test of the milk or cream from which it was taken shall be used as a basis of payment for milk or cream purchased or sold.

Section 8. No person, association, copartnership, or corporation purchasing or selling milk or cream or both by weight or measure, and no agent or servant of any such person, association, copartnership, or corporation shall fraudulently use as a basis of payment for such purchase any weight or measure other than the true weight or measure of the milk or cream purchased or sold.

Residues to be held intact.

Check test.

Notice of result of test.

Where daily test made.

Treated samples not to be used as basis of payment.

Fraudulent use of other weights or measures.

Section 9. Every person, association, copartnership, corporation, or agent or servant purchasing or receiving milk or cream from the producer thereof for manufacturing purposes or for re-selling the same shall, at each time of payment to such producer for such milk or cream, or where the producer of such milk or cream is selling the same to such purchaser or receiver by or through co-operative association or other agency and the payment thereof is being made by such purchaser or receiver to such co-operative association or other agency shall, at the time such purchaser or receiver makes each payment to such co-operative association or other agency, give each such producer so delivering milk a statement showing the amount delivered daily during the time for which payment is made and the average per centum butterfat test of same, provided payment is made on the basis of the butterfat content—such statement to contain the name or number of the producer or seller of such milk or cream, the date of delivery thereof, and the amount so delivered; such statement to be given in the terms of the unit used as a basis for determining the value thereof: Provided, however, That such purchaser or receiver may in lieu of said monthly statement give daily to such producer or to his agent at the time of delivery of such milk or cream to such purchaser or receiver a written statement of the amount of milk or cream so received or purchased.

Purchaser or receiver from producer to give producer a statement.

Contents of statement

Proviso.

May give daily statement.

Section 10. The Secretary of Agriculture and his agents are hereby authorized to enter the premises and to examine the books, the records, and testing apparatus of any person, association, copartnership, or corporation, for the purpose of carrying out the provisions of this act.

Power to enter premises and to examine books and apparatus

Section 11. The Secretary of Agriculture or his agents shall be charged with the enforcement of the provisions of this act.

Enforcement of act.

Section 12. For violation of any of the provisions of this act proceedings may be instituted against the owner or manager who is responsible for the business transacted, together with the certified tester or the person weighing and sampling either or all.

Violations.

Section 13. Any person or persons violating any of the provisions of this act except section two shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00), or imprisonment in the county jail for not less than ten days or more than thirty days, or both, at the discretion of the court. Any person or persons found guilty of violation of section two of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one

Misdemeanor.

Penalties.

Violation of section 2 a misdemeanor.

Penalty.	hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00), or imprisonment in the county jail for not more than nine months.
Disposition of fines and penalties.	Section 14. All fines and penalties imposed and received for the violation of any of the provisions of this act shall be paid to the Secretary of Agriculture or his agents and shall thereafter be paid into the State Treasury for the use of the Commonwealth.
Effective date.	Section 15. This act shall take effect ninety days after its approval.
Repeal.	Section 16. All act and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 6th day of May, A. D. 1925.

GIFFORD PINCHOT.

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No. 291.

AN ACT.

To repeal an act, approved the tenth day of April, one thousand eight hundred and seventy-three (Pamphlet Laws, six hundred), entitled "An act in relation to legal advertisements in the county of Lycoming."

Repeal.

Act of April 10,  
1873 (P. L. 600).

Section 1. Be it enacted, &c., That the act, approved the tenth day of April, one thousand eight hundred and seventy-three (Pamphlet Laws, six hundred), entitled "An act in relation to legal advertisements in the county of Lycoming," is hereby repealed.

APPROVED—The 6th day of May, A. D. 1925.

GIFFORD PINCHOT.

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No. 292.

AN ACT.

To amend section one of the act, approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred fifty-eight), entitled "An act to authorize counties, cities, boroughs, towns, townships, school districts, and poor districts to require a bond to protect labor and material-men, and providing for suits thereon by laborers and material-men furnishing labor and material in and about the erection, alteration, addition, and repair of public buildings."

Municipalities.

Bond to protect  
labor or material-  
men.

Section 1. Be it enacted, &c., That section one of an act, approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one