

*decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.*

*Section 510.20. Definitions.—The words “amend,” “amendment,” “amendments” or “amended,” in this act, shall be deemed to include any modification of the text or phraseology of any provision of any zoning ordinance, or amendment thereof, or any repeal or elimination of any such provision, or part thereof, or any addition to the ordinance, or to an amendment thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any map forming part of, or referred to, in any zoning ordinance or any part of such map, any addition to such map, any new map or maps, or any other change in the maps or any map.*

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 436

AN ACT

To amend the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred thirty), entitled “An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties,” as amended, by further regulating the manufacture and sale of carbonated beverages and still drinks; changing the penalties prescribed; and providing for injunctions in certain cases.

Section 1,  
act of May 14,  
1925 (P. L.  
730), as  
amended by  
act of May 6,  
1927 (P. L.  
851), further  
amended.

Section 1. Be it enacted, &c., That section one of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred thirty), entitled “An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties,” as amended by section one of the act, approved the sixth day of May, one thousand nine hundred and twenty-seven

(Pamphlet Laws, eight hundred fifty-one), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That the term "carbonated beverages" or "still drinks," as used in this act, shall include all carbonated beverages or still drinks, fruit juices, and mineral waters when ready for use as a beverage, whether still or carbonated, and whether simple, mixed, or compounded. The term shall not include natural apple cider, unfermented grape juice, cereal beverages, or carbonated beverages or still drinks made in imitation of beer, bitter drinks, or other similar beverages.

Definitions.

*The term "fruit juices" shall mean the natural juices of fruits, sweetened or unsweetened, which are marketed in bottles, cans or other containers.*

The word "person" shall include individuals, associations, copartnerships, and corporations.

The singular shall include the plural; the masculine shall include the feminine and neuter.

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

Section 2, amended.

Section 2. It is unlawful for any person to sell, offer, or expose for sale or exchange or give away, *or have in possession with intent to sell*, any carbonated beverage or still drink, except such as is manufactured, prepared, mixed, or compounded by [himself] *such person in his own home for consumption by himself, his family or his guests*, unless the same has been registered with the Department of Agriculture. *The possession of any such nonregistered beverage shall be deemed prima facie evidence of an intent to sell the same.*

Unlawful to sell or give away unless registered.

*It is unlawful for any person to import into this Commonwealth for sale any carbonated beverage or still drink which is not registered with the Department of Agriculture.*

Section 3. That section five of said act, as amended by the act, approved the sixth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, eight hundred fifty-one), is hereby further amended to read as follows:

Section 5, as amended by act of May 6, 1927 (P. L. 851), further amended.

Section 5. No carbonated beverages or still drinks shall be made except from syrup containing *pure honey or pure refined cane or beet sugar or pure refined dextrose* and pure flavoring materials with or without added fruit acids and with or without added color. Such carbonated beverages or still drinks shall contain not less than eight per centum [sugar] *sugars* by weight. The provisions of this section with respect to the amount of [sugar] *sugars* required shall not apply to ginger ale or to nonalcoholic fruit juices. This section does not prohibit the use of caramel colors or any other harmless ingredient, and nothing but harmless, certified, ap-

Composition of carbonated beverages or still drinks.

Exceptions.

proved, artificial, coal tar dye products and colors shall be used: *Provided, That no color shall be used in orange-ade or orange drinks which may tend to mislead the public by imitating or simulating the appearance of the natural juice of the orange.*

Adulterations.

All carbonated beverages or still drinks shall be deemed to be adulterated which are not in compliance with the provisions of this section, or which contain any of the ingredients prohibited by section three of the act, approved the eleventh day of March, one thousand nine hundred and nine (Pamphlet Laws, fifteen), entitled "An act relating to nonalcoholic drinks; defining the same, and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded non-alcoholic drinks; and providing penalties for the violation thereof; and providing for the enforcement thereof"; or which contain hydrogen peroxide, or peroxides, or perborates, or benzoate of soda, or benzoates, or any other substance deleterious to health: *Provided, That carbonated beverages and still drinks may contain not in excess of one-tenth (1/10) of one per centum of benzoate of soda or benzoates, provided the bottles or other containers are labeled, or, in the case of bulk drinks, suitable display cards are printed to show that the said drinks contain not in excess of one-tenth (1/10) of one per centum of benzoate of soda or benzoates.*

The Secretary of Agriculture is hereby authorized to adopt and issue rules and regulations for the proper enforcement of this act and for the protection of the public health.

Sections 8, 10, 13 and 20, amended.

Section 4. That sections eight, ten, thirteen and twenty of said act are hereby amended to read as follows:

Bottle to show true name.

Section 8. Every bottle filled with carbonated beverages or still drinks shall be distinctly marked, labeled, or capped so as to show the true name of the carbonated beverages or still drinks contained therein, *and the name and address of the manufacturer or bottler.*

Certain bottles not to be used.

Section 10. No bottles shall be used in the manufacturing or bottling of carbonated beverages or still drinks in which the metal or rubber parts of the stopper come in contact with the beverage or drink. The provisions of this section shall not apply to carbonated water put in syphons, *nor to aluminum bottle caps or caps made of other metals found by the Department of Agriculture not to be injurious to health.*

Carbonated beverages and still drinks sold at fairs, etc.

Section 13. All carbonated beverages or still drinks manufactured, sold, or offered for sale at or tributary to fair grounds, carnivals, circus grounds, parks, resorts, and all other places within the State, shall be made from pure *honey or pure refined cane or beet sugar or pure*

*refined dextrose* and in compliance with the provisions of the non-alcoholic drink laws of Pennsylvania.

Section 20. (a) Any person violating any of the provisions of this act, except section four thereof, or interfering with, or refusing to give access to, the Secretary of Agriculture or any of his agents or assistants, shall [be guilty of a misdemeanor, and, upon conviction thereof, shall] *for the first or second offense, upon conviction thereof in a summary proceeding*, be sentenced to pay a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars [or] *and the costs of prosecution, and, in default of payment of such fine and costs, shall be sentenced to undergo imprisonment in the county jail of not less than thirty (30) days nor more than ninety (90) days, [or both] and for a third or subsequent offense, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred (\$500) dollars nor more than one thousand (\$1000) dollars, or to undergo imprisonment not exceeding one year, or both, in the discretion of the court.*

Violations.

Penalties.

(b) *The Attorney General, at the request of the Department of Agriculture, may, in the name of the Commonwealth, institute proceedings in equity in the court of common pleas of Dauphin County for the purpose of enjoining the manufacture and sale of carbonated beverages and still drinks in this Commonwealth contrary to the provisions of this act, and, for such purpose, jurisdiction is hereby conferred upon said court. In such case, the Attorney General shall not be required to give bond.*

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 437

AN ACT

To amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred ninety-four), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Section 1. Be it enacted, &c., That the following routes established by the act, approved the twenty-second

The act of June 22, 1931 (P. L. 594), amended.