

No. 451

AN ACT

Amending the act of May 22, 1933 (P. L. 912), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties," changing certain definitions, further regulating marking and labeling, conferring additional powers and duties on the Department of Agriculture, and further regulating the sale and importation of bakery products.

Bakeries and bakery products.

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

Sections 1 and 3, act of May 22, 1933, P. L. 912, amended July 28, 1941, P. L. 575, further amended.

Section 1. Sections 1 and 3, act of May 22, 1933 (P. L. 912), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties," amended July 28, 1941 (P. L. 575), are amended to read:

Definitions.

Section 1. Be it enacted, &c., That—Definitions.—The following words and terms, as used in this act, shall be construed as follows:

"Bakery."

"Bakery" means and includes all buildings, and parts of buildings, cellars and basements, *or vehicles*, used for the manufacture [and handling] of bakery products intended for sale, [and for the mixing and other preparation of ingredients and materials entering into the manufacture of bakery products,] where more than fifty pounds of flour, flour substitute, flour mixture or potatoes are used each week in the preparation of such products.

"Bakery products."

"Bakery products" means and includes bread, rolls, cakes, cookies, crackers, ice cream cones, crullers, doughnuts, biscuits, pies, macaroni, spaghetti, noodles, alimentary pastes, pretzels, potato chips, *dough*, and all other products whatever manufactured in a bakery and intended for human consumption [as well as the ingredients and materials entering into their manufacture], *whether such products are baked, partly baked, or unbaked, dried, fried, canned or frozen.*

"Person" means an individual, copartnership, association, and corporation.

"Department" means the Department of Agriculture of the Commonwealth of Pennsylvania.

License and fee.

Section 3. Annual License and License Fee.—It shall be the duty of every person, whether a resident or non-

resident of this Commonwealth, operating a bakery, to apply to the Department of Agriculture for a license to do so, and to register with the department all bakery products [baked, prepared,] manufactured [or compounded] in such bakeries, before the first day of January, one thousand nine hundred thirty-four, and annually thereafter before the first day of January of each succeeding year, and pay to the Department of Agriculture, at the time said application for registration and license is filed, an annual fee as follows: For bakeries using less than [one hundred barrels] *twenty thousand pounds* of flour, *flour mixture or potatoes*, per week, five dollars (\$5.00); for bakeries using [one hundred barrels and less than two hundred barrels] *twenty thousand pounds and less than forty thousand pounds* of flour, *flour mixture or potatoes*, per week, ten dollars (\$10.00); and bakeries using [two hundred barrels] *forty thousand pounds of flour, flour mixture or potatoes* or more, per week, twenty dollars (\$20.00).

Application.

The application for a license and registration shall be made on a form to be supplied by the department, and shall show trade names of all products *and principal address of bakery. The application shall have attached thereto the affidavit of the person applying for the license that the facts set forth therein are true and correct.

Violation.

From and after the first day of January, one thousand nine hundred and thirty-four, it shall be unlawful for any person to operate a bakery for the manufacture of bakery products unless said bakery is duly licensed in accordance with the provisions of this act.

Upon approval of application for registration and license and payment of required license fee, and also upon approval of sanitary conditions in a bakery and every store or shop connected therewith, the Department of Agriculture shall issue to each applicant a license or certificate of registration, which shall expire at the end of each calendar year, and which will authorize the operation of said bakery and the baking, compounding, manufacturing, and sale of said bakery products for the calendar year, or portion thereof, for which a license or certificate of registration shall be issued.

Issuance of license.

All bakery products sold by a bakery shall be wrapped or packaged in clean sanitary wrappers, bags, liners, boxes, caddies, cans, or other suitable containers, except where the size or shape of the bakery product makes wrapping impractical, in which case the product shall be protected in such a manner as to avoid possible contamination.

Sanitary wrappings.

All wrappers, caddies, boxes, packages or containers of any kind whatsoever, in which bakery products shall

Printed wrappings.

* "and" not in original.

be wrapped, packaged, boxed or contained, shall be printed or marked in a clear and legible manner with the trade name or kind of bakery product which it purports to be, and with the name *and address* of the bakery manufacturing such bakery product, or with the name and address of the distributor or wholesale dealer distributing such bakery product, preceded by the words "distributed by," or followed by the word "distributor," as the case may be, and in all cases the words "Registered with Pennsylvania Department of Agriculture" or any abbreviation thereof, approved by the department: Provided, That when transparent wrappers are employed, such printed or legible statement may be inserted in a conspicuous position between such transparent wrapper and the top of the loaf or other bakery product, or by printed band or wrapper around the top of the loaf or other bakery product.

Departmental powers.

Upon request to the department and upon its findings of fact after a hearing that certain requirements of this section are not necessary for the protection of the consumer, the department may grant exemptions from the requirements of labeling and marking provided in this section to (1) products that are sold at retail by the bakery directly to the consumer in a store or market stand operated by the bakery, if the products are the bakery's own and if they are guaranteed by the bakery to be in compliance with the pure food laws, and (2) deliveries by a baker to restaurants, hotels and all other public eating places as well as hospitals, publicly or privately owned or operated institutions, and military installations where bakery products are served for consumption on the premises, if the products are guaranteed by the bakery to be in compliance with all pure food laws.

Section 5 of the act, amended.

Section 2. Section 5 of the act is amended to read:

Section 5. Rules and Regulations.—The [Department of Agriculture] *department* shall make, adopt, and promulgate rules and regulations for the purpose of carrying into effect the provisions of this act, and of [fixing] *establishing* and defining the standards for the maintenance and operation of bakeries in accordance with the requirements of this act, *and of providing standards of identity for such bakery products as are necessary for the protection of the public health.*

APPROVED—The 18th day of August, A. D. 1961.

DAVID L. LAWRENCE