

No. 10

AN ACT

HB 218

Amending the act of August 8, 1961 (P.L.975, No.436), entitled "An act defining milk and its derivatives, prohibiting its adulteration, regulating its labeling, sale and serving; imposing powers and duties on the Department of Agriculture; providing penalties and making repeals," further providing for definitions; and providing for the establishment of standards for milk and dairy products.

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

Section 1. Section 1, act of August 8, 1961 (P.L.975, No.436), entitled "An act defining milk and its derivatives, prohibiting its adulteration, regulating its labeling, sale and serving; imposing powers and duties on the Department of Agriculture; providing penalties and making repeals," is repealed.

Section 2. The act is amended by adding a section to read:

Section 1.1. Definitions.—As used in this act—

"Cream" is the sweet, fatty liquid separated from milk, with or without the addition of milk or skim milk, which contains not less than eighteen per cent milk fat.

"Milk" is the natural lacteal secretion, practically free from colostrum obtained by the complete milking of one or more healthy cows or goats. The term "milk," unqualified, means cow's milk. If derived from goats, it shall be labeled as such. Milk that is in final package form for beverage use shall contain not less than eight and one-quarter per cent milk solids not fat and not less than three and one-quarter per cent milk fat.

"Milk products" means ice cream, ice cream mix, custard ice cream, French ice cream, frozen custard, ice milk sherbet and other similar frozen and semi-frozen products, and all dairy products used in the manufacture thereof.

"Person" includes singular and plural, masculine and feminine, and any individual, firm, copartnership, institution, association, or corporation thereof.

"Secretary" means the Secretary of Agriculture of the Commonwealth, or his authorized representative.

"Sold," "to sell," or "for sale," and similar terms means the selling, exchanging, delivering, or having in possession, care, control, or custody with intent to sell, exchange, or deliver, or to offer or to expose for sale.

Section 3. Section 2 of the act is amended to read:

Section 2. Unlawful Sales.—It shall be unlawful to sell any of the products defined in [section 1] *this act or in the rules and regulations*

adopted thereunder unless they are produced to comply with the definitions, and processed under approved conditions, in accordance with the provisions of this act and the rules and regulations adopted thereunder, or any other pertinent acts, rules and regulations.

Section 4. Section 3 of the act is amended to read:

Section 3. Standardization.—Any of the products defined in **[section 1] this act or the rules and regulations adopted thereunder** may be standardized by the processor by the addition or deletion of natural components.

Section 5. Section 4 of the act is amended to read:

Section 4. Adulteration.—No products defined in **[section 1] this act or in the rules and regulations adopted thereunder** may be adulterated in any manner by the addition of substances not normally found therein, except those approved by the Secretary of Agriculture.

Section 6. Section 6 of the act, subsection (a) amended August 14, 1963, (P.L.868, No.417), is amended to read:

Section 6. Labeling.—**[(a)]** The labeling of any product defined in **[section 1] this act or in the rules and regulations adopted thereunder**, except raw milk for processing, shall include the designation of the product, the name and address of the processor or distributor, and a declaration of the net contents *and such other declarations as established by the secretary by rule or regulation*. When the name and address of the distributor appear in lieu of that of the processor, such words as “manufactured for,” “distributed by,” or “packed for,” shall also appear on the package as well as a code approved by the Secretary of Agriculture indicating the actual processor’s name and address. Brand names may be approved by the Secretary of Agriculture provided that they do not detract from the proper designation of the product.

[(b) The labeling of fluid derivatives of milk and cream and cream itself, in addition to the above, shall include a declaration of the percentage of butterfat with such tolerances as may be established by the Secretary of Agriculture.]

Section 7. Section 7 of the act is amended to read:

Section 7. Duties of the Department of Agriculture.—The Department of Agriculture shall be charged with the enforcement of the provisions of this act and shall make rules and regulations, after public hearing, for the proper enforcement thereof. **[and shall cause such rules and regulations to be published] and for the establishment of standards for milk and dairy products.**

Section 8. This act shall take effect immediately.

APPROVED—The 19th day of June, A. D. 1975.

MILTON J. SHAPP