

CHAPTER 213.

[S. B. 186.]

DAIRYING AND DAIRY PRODUCTS.

AN ACT relating to dairying, and products thereof, amending Sections 6164, 6165, 6178, 6186, 6193, 6203, 6206, 6210, 6211, 6215, 6222, 6232, 6267, 6268 and 6282 of Remington's Compiled Statutes, and repealing sections 6269, 6270, 6271, 6272, 6273, 6274, 6279 and 6281 of Remington's Compiled Statutes.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 6164 of Remington's Amends § 6164 Rem. Comp. Stat. Compiled Statutes be amended to read as follows:

Section 6164. That for the purpose of this act Definitions. certain words, terms and expressions therein contained shall be construed as follows:

The term "dairy" shall mean any place where Dairy. milk from one or more cows or goats is produced for sale.

The term "creamery" shall mean any place, Creamery. building or structure wherein milk or cream is manufactured into butter for sale.

The term "milk plant" shall mean any place, Milk plant. building or structure wherein milk is received for bottling, pasteurizing, clarifying or otherwise processing.

The term "cheese factory" shall mean any place, Cheese factory. building or structure wherein milk is manufactured into cheese.

The term "factory of milk products" shall mean Factory of milk products. any place, building or structure, other than a creamery, milk plant, cheese factory, or milk condensing plant, wherein milk or any of its products is manufactured, altered, changed or compounded into any article, compound or product designed and intended for human consumption.

The term "milk" shall mean the fresh, clean, Milk. lacteal secretion obtained by the complete milking

of one or more healthy cows or goats, properly fed and kept, and not obtained or taken within ten days preceding the parturition of such cow or cows, goat or goats, nor within five days thereafter, and which contains not less than eight and fifty one-hundredths per cent of milk solids, exclusive of fat, and not less than three and twenty-five one-hundredths per cent of milk fat: *Provided, however,* That nothing in this act shall prohibit the sale to creameries, cheese factories, milk plants or factories of milk products of the whole unadulterated milk from any cow or goats whose milk tests below the butter fat standard herein fixed.

Skimmed
milk.

The term "skimmed milk" shall mean any milk from which the cream has been removed, or which contains less than three and twenty-five one-hundredths per cent of butter fat, and not less than eight and eight-tenths per cent of milk solids exclusive of fat.

Sterilized
milk.

The term "sterilized milk" shall mean milk that has been heated under six pounds of steam pressure and maintained at such temperature not less than twenty minutes, which shall be sufficient to kill all organisms present in such milk.

Blended
milk.

The term "blended milk" shall mean milk which is modified in its composition so as to have a definite and stated percentage of all its constituents and not less than eight and eight-tenths per cent of milk solids exclusive of fat.

Condensed
milk, evapo-
rated milk,
concentrated
milk.

The term "condensed milk," "evaporated milk" and "concentrated milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the milking of one or more healthy cows or goats, and not obtained within ten days before nor within five days after parturition, and which contains, all tolerances being allowed for, not less

than twenty-five and five-tenths per cent of total solids and not less than seven and eight-tenths per cent of milk fat.

The words "condensed milk" when used in this act, not in connection with "sweetened condensed milk" shall include condensed milk to which sucrose has been added.

Condensed milk.

The term "condensed skimmed milk," "evaporated skimmed milk" and "concentrated skimmed milk," and each or either of them shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and which contains, all tolerances being allowed for, not less than eighteen per cent of milk solids.

Condensed skimmed milk, evaporated skimmed milk, concentrated skimmed milk.

The term "sweetened condensed milk," "sweetened evaporated milk" and "sweetened concentrated milk," and each or either of them, shall mean condensed milk conforming to the standards and definitions of this act, to which sugar (sucrose) has been added.

Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk.

The term "sweetened condensed skimmed milk," "sweetened evaporated skimmed milk" and "sweetened concentrated skimmed milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, to which sugar (sucrose) has been added, and which contains, all tolerances being allowed for, not less than twenty-eight per cent of milk solids.

Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated milk.

The term "dried milk" shall mean the product resulting from the removal of water from milk, and which contains, all tolerances being allowed for, not less than twenty-six per cent of milk fat and not more than five per cent of moisture.

Dried milk.

The term "dried skimmed milk" shall mean the product resulting from the removal of water from skimmed milk and which contains, all tolerances

Dried skimmed milk.

being allowed for, not more than five per cent of moisture.

Malted milk.

The term "malted milk" shall mean the product made by combining whole milk with the liquids separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, or potassium bicarbonate, in such manner as to secure the full enzymic action of the malt extract, and by removing water, and which contains not less than seven and one-half per cent of butter fat and not more than three and one-half per cent of moisture.

Buttermilk,
cultured
buttermilk.

The term "buttermilk" or "cultured buttermilk" shall mean that portion of the milk which remains after the separation and removal therefrom of the butter fat and may contain not to exceed one-half of one per cent of gelatine.

Creamed
buttermilk,
cream
buttermilk.

The term "creamed buttermilk" or "cream buttermilk" shall be the same as above defined and to which enough butter fat has been added so as to contain not less than three and twenty-five one-hundredths per cent.

Ice-cream.

The term "ice-cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and which contains not less than ten per cent of milk fats, and not less than twenty per cent of milk fats and milk solids, not fat, combined.

Fruit
ice-cream.

The term "fruit ice-cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and mature fruits and which contains not less than ten per cent of milk

fat, and not less than twenty per cent of milk fats and milk solids, not fat, combined.

The term "nut ice-cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and non-rancid nuts, and which contains not less than ten per cent of milk fat and not less than twenty per cent of milk fat and milk solids, not fat, combined.

Nut
ice-cream.

The term "ice milk" shall mean the frozen product made from the combination of pure, sweet milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than three and twenty-five one-hundredths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatine.

Ice milk.

The term "milk fat" and "butter fat," and each or either of them, shall mean the fat of milk having a Reichert-Meissel number not less than twenty-four, and a specific gravity not less than .905 at a temperature of forty degrees centigrade.

Milk fat,
butter fat.

The term "cream" shall mean that portion of milk rich in butter fat which rises to the surface on standing, or is separated from it by centrifugal force, and which is fresh and clean and contains not less than eighteen per cent of milk fat.

Cream.

The term "butter" shall mean the clear, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass containing not less than eighty per cent of milk fat, and which also contains a small portion of other milk constituents with or without harmless coloring matter.

Butter.

The term "renovated butter" shall mean butter that has been reduced to a liquid state by melting and drawing off such liquid or butter oil, and has

Renovated
butter.

thereafter been churned or manipulated in connection with milk, cream or other product of milk.

Reworked
butter.

The term "re-worked butter" shall mean the product obtained by mixing, rechurning or re-working butter manufactured on different dates or at different places: *Provided, however,* That the mixing of the clean, fresh trimmings or remnants from one day's churning or cutting with butter from the churning of the same creamery on the day next following shall not make the product re-worked butter within the meaning of this act.

Milk
products.

The term "milk products" shall mean and include each, every and any article, substance, product or compound manufactured, produced or compounded from milk, whether such milk conform to the standard and definitions set forth in this section or not.

Milk
by-products.

The term "milk by-product" shall mean any and all products of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and shall include skimmed milk, buttermilk, whey, casein and milk powder.

Cheese.

The term "cheese" shall mean the sound, solid, and ripened product made from milk or cream by coagulating the casein therein with rennet, lactic acid or pepsin with or without the addition of ripening ferments and seasoning, and with or without salt or harmless coloring matter.

Full cream
cheese, full
milk cheese.

The term "full cream cheese" or "full milk cheese", and each or either of them, shall mean cheese which contains in the water-free substance thereof not less than fifty per cent of milk fat.

Half skim
cheese.

The term "half skim cheese" shall mean cheese which contains in the water-free substance thereof less than fifty per cent and not less than twenty-five per cent of milk fat.

The term "skim cheese" shall mean cheese which contains in the water-free substance thereof less than twelve per cent of milk fat. Skim cheese.

The term "quarter skim cheese" shall mean cheese which contains in the water-free substance thereof less than twenty-five per cent and not less than twelve per cent of milk fat. Quarter skim cheese.

The term "imitation cheese" shall mean any article, substance or compound, other than that produced from pure milk or from the cream from pure milk, which shall be made in the semblance of cheese, and designed to be sold or used as a substitute for cheese made from pure milk or cream: *Provided, however,* That the use of salt, rennet, lactic acid, or pepsin, and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation, and *Provided further,* That nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese. Imitation cheese.

The term "whey" shall mean the product remaining after the removal of fat and casein from milk in the process of cheese making. Whey.

The term "oleomargarine" shall mean all manufactured substances, extracts, mixtures or compounds, including mixtures or compounds with butter, heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and shall include all lard and tallow extracts and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter, or calculated or intended to be sold as butter or for butter. Oleo-margarine.

The term "substitute butter" shall mean and include all compounds of vegetable oils with milk fats or milk solids, and all compounds of milk fats or milk solids with butter, when such compound contains less than eighty per cent of milk fat. Substitute butter.

Person.

The term "person" shall import both and singular and plural as the case may demand, or as shall be applicable, and shall include individuals, co-partnerships, corporations and unincorporated societies and associations.

Amends
§ 6165 Rem.
Comp. Stat.

SEC. 2. That section 6165 of Remington's Compiled Statutes be amended to read as follows:

Dairy,
insanitary.

Section 6165. A dairy shall be deemed insanitary in the following cases:

Drinking
water.

(a) If the drinking water provided for the cows or goats therein be stagnant, polluted with manure, urine, drainage, or decaying vegetable or animal matter.

Yards filthy.

(b) If the yards or enclosures in which the cows or goats are confined or kept be filthy or insanitary.

Manure
in yard.

(c) If any part of the yards or enclosures in which the cows or goats are confined or kept, other than pastures, be made depositories of manure in heaps, or otherwise, where it is allowed to ferment and decay.

Suitable
milk house,
milk room.

(d) If a suitable milk house or milk room is not provided and maintained, properly screened to exclude flies and insects, for the purpose of cooling, mixing, bottling, canning, keeping or separating the milk or cream. Such milk house or milk room shall not be located in, or be a part of, any barn or poultry house, and shall not be used for any other purpose whatsoever, and if contained in any building or structure in which any business, occupation or trade, other than handling, bottling or processing milk is conducted or carried on, such milk room shall be separated from the portion or portions of such building or structure in which such business, trade or occupation is conducted or carried on, by a tightly ceiled or plastered partition constructed in such manner as to meet with the approval of and comply

with any regulations issued by the department of agriculture.

(e) If milk or cream shall be cooled, stored, mixed, bottled, canned or kept in any room or place occupied by any person as a sleeping or living apartment, or occupied by horses, cows, hogs or other animals, or by fowl of any kind.

Milk stored
in sleeping
room.

(f) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure, or other filth shall be permitted within one hundred feet of such milk house, or milk room or within fifty feet of any cow stalls or stanchions, or other place where milking is done.

Privy vault,
urinal.

(g) If the walls or floor of such milk house or milk room shall become soiled with manure, urine, dirt or other filth.

Walls and
floors of milk
house.

(h) If an application of lime whitewash or paint to the interior of any cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, shall not be made as often as once in one year, and if three (3) square feet of window light per cow or goat are not provided.

Whitewash,
paint.

(j) If the milking machines, pails, cans or other containers of milk, or the strainers or coolers coming in contact [contact] with the milk are not thoroughly cleansed and sterilized with boiling water or live steam each and every time the same are used. Such washing and sterilizing shall be done in the milk room.

Milking
machines,
containers,
sterilized.

(k) If the person or wearing apparel of the dairyman, or his employees, or other persons coming in contact [contact] with milk and its products, are allowed to become soiled, or are not washed from time to time with reasonable frequency.

Wearing
apparel of
dairyman,
soiled.

(l) If the milking stools are not kept clean.

(m) If there shall be permitted to exist any

Conditions rendering milk unclean, impure, etc.

other cause or thing calculated or tending to render the milk or its products in such dairy unclean, impure and unhealthy.

Water under floors.

(n) If the floor of such cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, is so constructed, or in such condition, as to permit the flowing or soaking of water, milk or other liquids underneath such floor, or among the interstices of such floor in such manner as to permit fermentation or decay to take place.

Dairy closed.

For failure to comply with the above regulations a dairy may be closed until such time as the regulations have been complied with, and it shall be unlawful to sell milk or dairy products from a closed or insanitary dairy.

Amends § 6178 Rem. Comp. Stat.

SEC. 3. That section 6178 of Remington's Compiled Statutes be amended to read as follows:

Pasteurizing plant.

Section 6178. Every pasteurizing plant or apparatus by which the process of pasteurizing is applied to any milk, skimmed milk or cream, shall be equipped with a registering thermometer device which will accurately indicate and record the temperature and the time of holding at such temperature of such milk, skimmed milk or cream.

Registering thermometer device.

Amends § 6186 Rem. Comp. Stat.

SEC. 4. That section 6186 of Remington's Compiled Statutes be amended to read as follows:

Sampler's license—fraudulent sample.

Section 6186. No person holding a sampler's license shall take, extract or return to any creamery, milk plant, cheese factory or factory of milk products, any unfair, fraudulent or manipulated sample of any cream or milk purchased, received, hauled, sold or delivered.

Amends § 6193 Rem. Comp. Stat.

SEC. 5. That section 6193 of Remington's Compiled Statutes be amended to read as follows:

Section 6193. No person, firm or corporation shall convey, transport or carry any milk, skimmed

milk, buttermilk or cream in any manner for the purpose of selling or vending the same within the state or sell or vend any milk, skimmed milk, buttermilk or cream in any such manner within the state, unless such person, firm or corporation shall have first obtained a milk vendor's license therefor.

Vendor's
license.

SEC. 6. That section 6203 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 6203 Rem.
Comp. Stat.

Section 6203. The department of agriculture shall provide blanks for reporting statistics of the production of milk and milk products. The department shall when it deems necessary, but at least annually, on or before the first day of January of each year cause to be mailed to the owners or operators of all creameries, cheese factories, milk plants, milk condensing factories, factories of milk products, and to all milk vendors and milk dealers, one or more of such blanks. All such persons shall during the thirty days next following transmit to said department such blanks properly filled out and signed by such person and showing a full and accurate report of the amount of milk, cream, butter, cheese, ice-cream, ice milk, buttermilk, skimmed milk, or other milk produce received, produced, manufactured or distributed during the required period as set forth by the department. The words "milk vendor" or "milk dealer" shall mean any person, firm or corporation who sells, vends, furnishes or delivers milk, skimmed milk, buttermilk or cream in any manner.

Statistics,
report.

Forms
provided.

SEC. 7. That section 6206 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 6206 Rem.
Comp. Stat.

Section 6206. No oleomargarine, substitute butter, renovated butter, or any other substance designed as an imitation of or substitute for butter or any condensed milk from which the butter fat has been removed and a vegetable or other oil has been substituted therefor shall be used in any of the

Oleo-
margarine,
substitute
butter,
renovated
butter.

educational, charitable hospital, medical, reformatory or penal institutions maintained by the state or which receives from the state any money, appropriation or financial assistance whatsoever.

Amends
§ 6210 Rem.
Comp. Stat.

SEC. 8. That section 6210 of Remington's Compiled Statutes be amended to read as follows:

Section 6210. No person, firm or corporation shall sell, expose or offer for sale, or exchange with, present or deliver to any creamery, milk plant, cheese factory, milk condensing factory, factory of milk products, or other buyer or consumer of milk or milk products, any unclean, unwholesome, adulterated, stale or impure milk, cream, butter or other milk product: *Provided*, That milk, cream or milk products when found to be rancid or in such condition as to be unfit for human consumption may be condemned, destroyed or rendered unfit for human food.

Unclean,
unwholesome,
adulterated,
stale, or im-
pure milk—
not to be
sold.

Condemned.

Amends
§ 6211 Rem.
Comp. Stat.

SEC. 9. That section 6211 of Remington's Compiled Statutes be amended to read as follows:

Section 6211. No person, firm or corporation shall knowingly sell, expose or offer for sale, present, exchange with or deliver to any creamery, consumer, milk plant, cheese factory, milk condensing factory, factory of milk products, or any other buyer or consumer of milk or milk products, any milk, or any cream, skimmed milk, buttermilk, butter, ice-cream, ice milk, cheese, condensed milk or other milk product made or manufactured from milk produced from cows or goats affected with any disease, or herds of cows or goats the owners of which have refused officials the right to examine or test for diseased conditions, or that was produced within ten days preceding parturition or within five days thereafter.

Diseased
cows or
goats.

Amends
§ 6215 Rem.
Comp. Stat.

SEC. 10. That section 6215 of Remington's Compiled Statutes be amended to read as follows:

Section 6215. All milk and sweet cream shall be cooled in the dairy where it is produced to a tem-

Milk and
sweet cream
to be cooled.

perature of not more than fifty-five degrees Fahrenheit within thirty minutes after the same is drawn from the cows or goats, or separated, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized or manufactured be permitted to reach a temperature above sixty degrees Fahrenheit, and all such milk and cream shall thereafter be maintained at a temperature not to exceed fifty degrees Fahrenheit until delivered to the consumer: *Provided*, Nothing in this section shall be deemed applicable to milk or cream while being pasteurized.

Temperature.

SEC. 11. That section 6222 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 6222 Rem.
Comp. Stat.

Section 6222. No person, firm or corporation shall fill any bottle or other commercial container with milk, skimmed milk, buttermilk, cream, ice-cream, or ice milk until such bottle or other container has been cleansed and sterilized with live steam or boiling water for twenty minutes.

Container
cleaned
and
sterilized.

SEC. 12. That section 6232 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 6232 Rem.
Comp. Stat.

Section 6232. Any milk or sweet cream which shall not be free from foreign substances, coloring matter or preservatives, pus cells or blood cells, or which contains more than 100,000 bacteria or germs of all kinds to the cubic centimeter or which has been infected by or exposed to any contagious or infectious disease, or which has not been cooled to a temperature of fifty-five degrees Fahrenheit within thirty minutes after drawn from the cow or goat, or separated, shall be deemed to be impure, unwholesome and adulterated within the meaning of this act.

Impure and
infected milk
or sweet
cream.

Any pasteurized milk shall be considered unlawful that contains in excess of 25,000 bacteria per cubic centimeter in the finished product.

Pasteurized
milk, when
unlawful.

Amends
§ 6267 Rem.
Comp. Stat.

SEC. 13. That section 6267 of Remington's Compiled Statutes be amended to read as follows:

Inspectors.

Section 6267. The state department of agriculture, any board of any county or legal municipal subdivision may appoint one or more inspectors of milk, dairies and dairy products. All inspectors hereafter appointed shall be graduates of a recognized dairy school or shall have completed a course in dairying in a college where such instruction is given.

Graduates.

Amends
§ 6268 Rem.
Comp. Stat.

SEC. 14. That section 6268 of Remington's Compiled Statutes be amended to read as follows:

Powers of
inspectors.

Section 6268. Such inspectors may enter all places in which milk or its products are stored and kept for sale and all carriages used for the conveyance of milk or cream and may take therefrom samples for analysis: *Provided, however,* That this shall not apply to samples of milk or cream taken for bacteriological examination.

Milk in 1st
and 2nd
class cities—
sold in
bottles only.

SEC. 15. It shall be unlawful for any person to sell, serve, offer for sale or expose for sale in cities of the first and second class any milk for human consumption unless the same is bottled in glass bottles: *Provided, however,* That this section shall not apply to milk purchased in bulk to be used exclusively for cooking or manufacturing purposes.

Statutes
repealed.

SEC. 16. That sections 6269, 6270, 6271, 6272, 6273, 6274, 6279 and 6281 of Remington's Compiled Statutes be and the same are hereby repealed.

Amends
§ 6282 Rem.
Comp. Stat.

SEC. 17. That section 6282 of Remington's Compiled Statutes be amended to read as follows:

Bottle caps
to have
names on.

Section 6282. Hereafter no bottled milk or bottled cream shall be offered for sale, sold or otherwise disposed of in the State of Washington, unless the caps on all such bottles containing the milk or cream indicate and have inscribed thereon the name of the dairy, person, firm or corporation offering the same for sale, and nothing shall be on the cap indi-

cating quality which cannot be determined by laboratory, chemical or bacteriological examination.

Passed the Senate February 8, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 214.

[S. B. 210.]

CLOSING OF STREETS AND HIGHWAYS.

AN Act providing for the closing of certain city or town street, or township roads, county and state roads, or parts thereof, and amending Section 1 of Chapter 21 of the Laws of 1921, as amended by Chapter 232 of the Laws of 1927.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 21 of the Laws of 1921, page 87, as amended by chapter 232 of the Laws of 1927, pages 359 to 360, (section 6839 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6839 Rem.
Comp. Stat.

Section 1. Whenever the condition of any city or town street, or township road, state or county road, either newly constructed, repaired or improved, or of prior construction, or any part thereof, is such that its use or continued use by vehicles will greatly damage such road, the state highway engineer, if it be a state road, or the board of county commissioners, if it be a county road, or the governing body of any city or town, or township, if it be a city or town street, or township road, is authorized to close such road to travel by all vehicles, or to any class of vehicles for such period as they shall determine.

Passed the Senate February 19, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 22, 1929.