

CHAPTER 192.

[S. B. 156.]

MANUFACTURE AND SALE OF DAIRY PRODUCTS.

AN ACT relating to dairying, and products thereof, amending Sections 6164, 6165, 6174, 6180, 6184, 6185, 6188, 6189, 6190, 6191, 6192, 6193, 6199, 6200, 6201, 6203, 6226, 6227, 6232, 6235, 6259, 6264, 6272 and 6274 of Remington's Compiled Statutes, repealing Sections 6236 and 6254 of Remington's Compiled Statutes and providing penalties.

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

SECTION 1. That section 6164 of Remington's Compiled Statutes be amended to read as follows:

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

§ 1855-1,
Pierce's
Code; § 1,
ch. 192, L.
1919.

Terms
defined.

Dairy.

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

Creamery.

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

Milk plant.

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

Cheese
factory.

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

Factory of
milk
products.

The term "factory of milk products" shall mean 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.

Milk.

The term "milk" shall mean the fresh, clean, lacteal secretion obtained by milking one or more

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

Sale of whole milk permitted.

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 butterfat, and not less than eight and eight-tenths per cent of milk solids exclusive of fat.

Skimmed milk.

The term "sterilized milk" shall mean milk that has been heated to the temperature of boiling water, or to a higher temperature, and maintained at such temperature for a length of time which shall be sufficient to kill all organisms present in such milk.

Sterilized milk.

The term "blended milk" shall mean milk which is modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

Blended 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, 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.

Condensed milk.

Evaporated milk.

Concentrated milk.

Condensed milk.

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.

Sweetened condensed milk.

Condensed, evaporated and concentrated skimmed milks.

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.

Sweetened milks.

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 skimmed milks.

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.

Dried 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 skimmed milk.

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

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.

Malted milk.

The term "buttermilk" shall mean that portion of the cream which remains after the separation and removal therefrom of the butter fat without the addition of water.

Buttermilk.

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.

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.

Fruit ice cream.

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

Nut ice cream.

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.

Ice milk.

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 two and four-tenths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatine.

Milk fat;
butter fat.

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.

Cream.

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.

Butter.

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.

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

Re-worked
butter.

The term "re-worked butter" shall mean the product obtained by mixing, re-churning 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.

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 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.

Milk by-product.

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.

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.

Full cream cheese.

Full milk 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.

Half skim cheese.

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.

Imitation
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.

Whey.

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

Oleomarga-
rine.

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.

Substitute
butter.

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.

Person.

The term "person" shall import both the 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.

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

§ 1855-2,
 Pierce's
 Code; § 2, ch.
 175, L. 1919.

Section 6165. Insanitary Dairy—What Con-
 stitutes.

What con-
 stitutes
 insanitary
 dairy.

A dairy shall be deemed insanitary in the follow-
 ing cases:

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

Polluted
 drinking
 water.

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

Filthy yards.

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

Manure
 deposits.

(d) If a suitable milk house or milk room is not
 provided and maintained, properly screened to ex-
 clude 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 build-
 ing 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.

Milk room
 not screened.

Milk room to
 be separated
 from barn,
 etc.

(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 apart-
 ment, or occupied by horses, cows, hogs or other
 animals, or by fowl of any kind.

Storage in
 sleeping
 room or
 place occu-
 pied by
 animals.

Not distant from urinal, etc.

(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.

Unclean walls or floors.

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

Failure to lime whitewash.

(h) If an application of lime whitewash to the interior of any cattle stable, barn or milking shed in which cows 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.

Sterilization of container.

(j) If the pails, cans or other containers of milk, or the strainers or coolers coming in contact with the milk are not thoroughly sterilized with boiling water or live steam each and every time the same are used.

Person and wearing apparel of employees to be clean.

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

Clean equipment.

(l) If the milking stools, milking machines and equipment therein are not kept clean.

Any other causes rendering impure.

(m) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products in such dairy unclean, impure and unhealthy.

Unlawful to sell.

It shall be unlawful to sell milk or dairy products from a closed or insanitary dairy.

§ 1855-11, Pierce's Code; § 11, ch. 192, L. 1919.

SEC. 3. That section 6174 of Remington's Compiled Statutes be amended to read as follows:

Section 6174. That process of pasteurization as applied to milk, skimmed milk, cream and milk prod-

ucts is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty-two and one-half degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty degrees Fahrenheit in a separate tank or container other than that in which it is pasteurized. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty-two and one-half degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, or of heating the same to a temperature of one hundred and seventy-six degrees Fahrenheit, without holding: *Provided, however,* That whenever milk or cream shall be subjected to such process before being used in the manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *And provided, further,* That the heating of milk to above one hundred and ten degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk.

Pasteurization process.

SEC. 4. That section 6180 of Remington's Compiled Statutes be amended to read as follows:

Section 6180. All bottles and pipettes used in measuring milk or milk products for making determination of the per cent of fat in or quality of said

§ 1855-17,
Pierce's
Code; § 17,
ch. 192, L.
1919.

Measuring
bottles.

Identifying information on all bottles.

milk or milk products shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word "sealed" and in the side of the pipette or the side or bottom of the bottle the name, initials, or trade mark of the manufacturer and his designating number, which designating number shall be different for each manufacturer and may be used in identifying bottles. The designating number shall be furnished by the commissioner of agriculture upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum of one thousand dollars (\$1,000.00) with sureties to be approved by the attorney-general, conditioned upon conformance with the requirements of this section. A record of the bonds furnished, the designating number, and to whom furnished, shall be kept in the office of the department of agriculture.

Designating number.

Bond by manufacturer.

Record of bonds in Dept. of Agriculture.

Penalty for non-compliance.

Any manufacturer who sells Babcock or other milk, cream or butter test bottles or milk pipettes, to be used in this state, that do not comply with the provisions of this section shall suffer the penalty of five hundred dollars (\$500.00) to be recovered by the attorney-general in an action against the offender's bondsmen, to be brought in the name of the people of the state. Any dealer who uses, for the purpose of determining the per cent of milk fat in milk or milk products, any bottles or pipettes purchased after this law takes effect that do not comply with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor.

Specifications prescribed by Comm'r. of Agriculture.

The commissioner of agriculture shall prescribe specifications with which the glassware mentioned in this section shall comply. The unit of graduation for all Babcock or other glassware shall be the true cubic centimeter or the weight of one gram of distilled water at four degrees Centigrade.

Inspectors of the department of agriculture are not required to seal Babcock milk, cream or butter

test bottles or milk pipettes marked as in this section provided, but they shall from time to time make tests of individual bottles used by the various firms in the territory over which they have jurisdiction in order to ascertain whether the above provisions are being complied with and they shall report immediately to the commissioner of agriculture violations found.

Tests and reports by inspectors.

SEC. 5. That section 6184 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-21.
Pierce's
Code; § 21,
ch. 192, L.
1919.

Section 6184. Each and every person whose duty it shall be to take, or who shall take or make any test, measure or grade or take or extract any sample of milk or cream sold or purchased, or to be sold or purchased, by weight, test, measure or grade, shall weigh, test, measure or grade the milk or cream sold or purchased by or from each individual separately. He shall before making any test or grade, or taking or extracting any such sample, thoroughly mix the milk and cream of the entire shipment or delivery from which a sample is to be taken, or extracted, by pouring or stirring until such milk and cream is of uniform and homogeneous consistency and richness, or shall take a sample from each can or other container of the entire shipment to be sampled and tested.

Test.

Samples.

How samples taken.

SEC. 6. That section 6185 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-22.
Pierce's
Code; § 22,
ch. 192, L.
1919.

Section 6185. Deceit in Weight, Grade, Measure or Test.

No person, firm or corporation selling, delivering or hauling milk or cream, and no person, firm or corporation receiving or purchasing milk or cream by weight, grade or test, or either, or by measure, grade or test, or either, shall with intent to deceive, defraud or mislead as to the weight, grade, measure or test thereof, manipulate, change or alter such measure, test, grade or weight, or make or return to any person

Deceiving as to weight, grade, measure or test.

any false, deceitful, inaccurate or untrue statement of such weight, grade, test or measure, or use any measure, grading or testing apparatus which does not comply with the standards defined therefor in this act or which has been condemned as inaccurate by the department of agriculture.

§ 1855-25,
Pierce's
Code.

SEC. 7. That section 6188 of Remington's Compiled Statutes, as amended by section 6, chapter 27, Laws of 1923, be amended to read as follows:

Milk tests
by a Bab-
cock
licensed
tester.

Section 6188. All tests, samples, weights or grades of milk or cream sold, purchased or delivered on the basis of the grade and amount of milk fat or butter fat contained therein, or by weight, shall be performed by a Babcock licensed tester, sampler, weigher or grader. Such Babcock tester, sampler, weigher or grader shall personally operate and conduct each test, taking of sample, determination of weight or grade, and shall be personally responsible to any person injured by any careless, negligent or unskillful operation thereof, and for any fraudulent, intentionally inaccurate or manipulated report or return of any such test, sample, weight or grade thereof: *Provided*, That it shall be the duty of each and every licensed Babcock tester, sampler, weigher or grader to make and keep for a period of four months in a locked container to which only the director of agriculture or his duly authorized agent shall have access, one or more legible carbon copies of the original report of each and every test, weight and grade made by him or her, and that the record or records of any and all tests, weights and grades shall be subject to examination at any and all times by the director of agriculture or his duly authorized agent or agents. Whoever violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined for each and every offense not less than twenty-five dollars (\$25.00) nor more

Duty of
tester.

Violation.

Penalty.

than one hundred dollars (\$100.00), and the license of the Babcock tester, sampler, weigher or grader revoked. Any person, firm or corporation who shall employ anyone to operate the Babcock test or to weigh, sample or grade milk or cream who does not have a Washington State Babcock license or Cream Grader's license, or a Washington state permit in lieu of such license, or who refuses to allow, or fails to assist in such examination of records by an authorized representative of the department of agriculture may be enjoined in such complaint and punished by a like fine.

Employment of one without license or permit, or who obstructs department—penalty.

SEC. 8. That section 6189 of Remington's Compiled Statutes, as amended by section 7, chapter 27, Laws of 1923, be amended to read as follows:

§ 1855-26, Pierce's Code.

Section 6189. Any person may receive from the department of agriculture a license as a Babcock licensed tester, sampler, weigher or grader upon application therefor and upon the payment to said department of a license fee of two dollars (\$2.00) therefor. Before issuing such license the department of agriculture shall inquire into the qualifications of the applicant, and shall require such applicant to submit to examination as to his qualifications, and may require the applicant to submit to it satisfactory proof that he is of good moral character.

License as Babcock tester, etc.

Fee.

Qualifications of applicant.

SEC. 9. That section 6190 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-27, Pierce's Code; § 27, ch. 192, L. 1919.

Section 6190. Applications for licenses as a Babcock licensed tester, sampler, weigher or grader shall be made upon an application blank to be provided and furnished by the department of agriculture, and shall be filed with the department. Upon receipt of any such application the department of agriculture may, if the commissioner shall so direct, issue a permit to the applicant to act as a Babcock licensed

Application for Babcock tester license.

tester, sampler, weigher or grader, for such period as may be prescribed and stated in said permit, not to exceed sixty days, but such permit shall not be renewed so as to extend the period beyond sixty days from the filing of the application.

§ 1855-28,
Pierce's
Code; § 28,
ch. 192, L.
1919.

SEC. 10. That section 6191 of Remington's Compiled Statutes be amended to read as follows:

Duration of
license.

Section 6191. Every license as a Babcock licensed tester, sampler, weigher or grader shall be valid and in force during the life of the person to whom it is issued unless it shall be sooner revoked. Any license as a Babcock licensed tester, sampler, weigher or grader may at any time be revoked by the department of agriculture, upon due notice to the person to whom it is issued, if such person shall fail to comply with the provisions of this act, or shall exhibit in the discharge of his functions any gross carelessness or lack of qualification, or shall fail to comply with the rules and regulations issued and promulgated by the department of agriculture under the authority of this act.

Cause for
revocation.

§ 1855-29,
Pierce's
Code.

SEC. 11. That section 6192 of Remington's Compiled Statutes, as amended by section 8, chapter 27, Laws of 1923, be amended to read as follows:

Creameries,
factories,
etc., to ob-
tain annual
license.

Section 6192. Every creamery, milk plant, shipping station, milk condensing plant, ice cream factory or factory of milk products, or other person receiving or purchasing milk or cream in bulk and not bottled, and by weight or measure or upon the basis of the amount of milk fat contained therein, shall annually obtain a license therefor. Such license shall be issued by the department of agriculture upon being satisfied that the building, structure, place or premises where such milk is to be received or purchased is maintained in a sanitary condition in accordance with the provisions of this act; and upon the payment to the department of a license fee of ten dollars (\$10.00)

License fee.

therefor. Such license shall be for the period of one year and shall expire on the 30th day of June subsequent to the date of its issue, and may be sooner revoked by the department of agriculture, upon reasonable notice to the licensee, if such licensee shall fail to comply with the provisions of this act and the rules and regulations issued and promulgated by the department of agriculture under the authority of this act: *Provided, however,* That the provisions of this section shall not apply to individuals purchasing milk or cream for consumption by themselves or their families, nor to the owners or keepers of hotels, restaurants, boarding houses and eating houses purchasing milk or cream to be served or consumed therein, nor to bakeries and candy manufacturing plants.

Period of license.

License not required of individual, hotel and other purchasers.

SEC. 12. That section 6193 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-31, Pierce's Code; § 31, ch. 192, L. 1919.

Section 6193. No person, firm or corporation shall convey, transport or carry any milk, skimmed milk, buttermilk or cream in any wagon, automobile, cart or other vehicle, for the purpose of selling or vending the same within the state or sell or vend any milk, skimmed milk, buttermilk or cream from any such wagon, cart, automobile or other vehicle, within the state, unless such person, firm or corporation shall have first obtained a milk vendor's license therefor.

Milk vendor's license.

SEC. 13. That section 6199 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-37, Pierce's Code; § 37, ch. 192, L. 1919.

Section 6199. The department of agriculture shall conduct tests at any creamery, milk plant, cheese factory, milk condensing plant or factory of milk products where there is reason to believe that milk or cream purchased or sold upon any basis of test, weight, grade or measure is not being tested, weighed, graded or measured accurately.

Accuracy of tests questioned.

Revisory tests by department.

§ 1855-38,
Pierce's
Code; § 38,
ch. 192, L.
1919.

Testing
apparatus
to be
inspected.

Defective
apparatus
condemned.

§ 1855-39,
Pierce's
Code; § 39,
ch. 192, L.
1919.

Inspection
duties; by
whom
performed.

§ 1855-41,
Pierce's
Code; § 41,
ch. 192, L.
1919.

Statistical
reports;
preparation.

SEC. 14. That section 6200 of Remington's Compiled Statutes be amended to read as follows:

Section 6200. All apparatus used for the purpose of testing or grading milk or cream sold, purchased or delivered upon the basis of the amount of milk fat contained therein, or grade thereof, shall be inspected and tested from time to time by the department of agriculture and any such apparatus, or any portion thereof, found defective or faulty shall be condemned and be replaced through the department at cost to the dealer.

SEC. 15. That section 6201 of Remington's Compiled Statutes be amended to read as follows:

Section 6201. The duties of inspection imposed by this act on the department of agriculture, and all powers and authorities conferred upon said department in connection with any test, sample, weight or grade, or inspection of any creamery, dairy, plant, factory, store, depot, booth, market, wagon, automobile, cart, vehicle or place, or of any milk or milk product or any substitute therefor, or imitation thereof may be exercised by any commissioner, assistant commissioner, or inspector thereof.

SEC. 16. That section 6203 of Remington's Compiled Statutes be amended to read as follows:

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 from any wagon, automobile, cart or other vehicle.

Milk vendor.

Milk dealer.

SEC. 17. That section 6226 of Remington's Compiled Statutes be amended to read as follows:

§ 1855-64,
Pierce's
Code.

Section 6226. Every person, firm or corporation who shall manufacture any cheese shall at the place of manufacture, and before selling or removing such cheese therefrom, distinctly and durably brand such cheese on the bandage of every such cheese and on the box, package or container in which every such cheese shall be packed or contained, with the name and address of the manufacturer and with the words "Full Cream Cheese", "Half Skim Cheese", "Quarter Skim Cheese" or "Skim Cheese", according to the percentage of milk fats and milk solids contained in any such cheese and the definitions and standards established by this act. Such name and address and such words shall be printed in letters of plain uncondensed gothic type and not less than one half inch in height and in such a manner that such brand cannot be readily obliterated or erased. Failure to brand any cheese and the selling of any such cheese not so branded, as provided in this section, shall constitute a violation of this act upon the part of the manufacturer and on the part of every person selling, furnishing, exchanging or delivering the same: *Provided, however,* That the provisions of this section shall not be construed to apply to cheeses commonly known as "Edam", "Pineapple", "Brickstein", "Lim-

Imitation
cheese to be
branded.

Information
on container.

Penalty for
non-
compliance.

Cheeses
excluded
from Act.

burger", "Swiss" or to other hand-made cheeses not made by ordinary cheddar process.

§ 1855-65,
Pierce's
Code; § 65,
ch. 192,
L. 1919.

Vending of
unbranded
cheese.

SEC. 18. That section 6227 of Remington's Compiled Statutes be amended to read as follows:

Section 6227. The vending, exposing or offering for sale, or sale, furnishing or exchange of any cheese not branded according to the provisions of section 6226 of this act shall constitute a violation of this act on the part of the person vending, exposing, selling, furnishing, exchanging or offering such article or product.

§ 1855-70,
Pierce's
Code; § 70,
ch. 192,
L. 1919.

What
constitutes
impure milk.

SEC. 19. That section 6232 of Remington's Compiled Statutes be amended to read as follows:

Section 6232. Any milk 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, shall be deemed to be impure, unwholesome and adulterated within the meaning of this act.

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

§ 1855-73,
Pierce's
Code; § 73,
ch. 192,
L. 1919.

Bottling
regulations.

SEC. 20. That section 6235 of Remington's Compiled Statutes be amended to read as follows:

Section 6235. Bottling Regulations.

No person, firm or corporation shall bottle any milk, skimmed milk or cream, designed or intended for sale within the state, or transfer such milk, skimmed milk or cream, from any can, bottle or container to any other can, bottle or container, in any place, building or structure not a milk-room, milk plant, creamery or other place used exclusively for bottling, handling, storing or processing milk. Such milk-room, milk plant, creamery or other place shall be a room or place used exclusively for bottling, hand-

ling, storing or processing milk, cream or other milk products and shall not be used for any other purpose whatsoever, and shall not be located in or be a part of any residence, dwelling house, barn or poultry house, and if contained in any building or structure in which any trade, business or occupation other than that of bottling, handling, storing or processing milk is conducted or carried on, such milk-room, milk plant, creamery or other place shall be separated from the portion or portions of such building or structure in which such other trade, occupation or business is carried on, by a tightly sealed or plastered partition constructed in such a manner as to meet with the approval of and comply with the regulations of the department of agriculture. Every such milk-room, milk plant, creamery or place shall be provided with suitable windows or other openings permitting the entrance of light and air from outside such building or structure without passing through any other portion thereof, and such milk-room or other place shall be otherwise constructed, kept and maintained in a sanitary condition and manner within the intent and meaning of section 6166.

SEC. 21. That sections 6236 and 6254 of Remington's Compiled Statutes be and the same are hereby repealed.

SEC. 22. That section 6259 of Remington's Compiled Statutes, as amended by section 12, chapter 27, Laws of 1923, be amended to read as follows :

Section 6259. Any person, firm or corporation engaged in the manufacture, sale or transportation of milk, cream, ice cream or any other dairy product may adopt a mark or marks of ownership to be stamped, marked or otherwise affixed to any can, tub or case used in the manufacture, sale or transportation of any such product and may upon the payment of a fee of fifteen dollars (\$15.00) file an application

§§ 1855-74,
1879,
Pierce's
Code; § 74,
ch. 192.
L. 1919; § 7,
ch. 92.
L. 1905.
§ 1902,
Pierce's
Code.

Ownership
marks for
containers
adopted.

Fee.

Exclusive
use of mark.

for the exclusive right to use such mark or marks, in the office of the department of agriculture, which application shall contain the name and address of the applicant, a description of the mark or marks proposed and the use to be made of the cans, tubs or cases by such applicant. The department of agriculture shall refuse such application if such mark or marks of ownership shall be the same or so nearly similar to any mark or marks of ownership theretofore registered as to be misleading. Otherwise such application shall be granted and such fact, together with a description of the mark or marks of ownership, shall be entered in a register to be kept by said department of agriculture: *Provided*, That a mark or marks of ownership must be stamped, embossed or affixed by means of a metal plate, or in the case of wooden containers must be burned therein, and that upon the sale of any cans, tubs or containers so registered the mark or marks of ownership of said person, firm or corporation shall become void: *And provided, further*, That it shall be unlawful for any person, other than the registered owner thereof, to have or keep in his possession for the purposes of sale, barter or use, any such branded, stamped or marked can, tub or container, and the possession of any such branded, stamped or marked cans, tubs or containers by any junk dealer or vendor, shall be *prima facie* evidence of possession for the purpose of sale, barter or use, and in violation of this act, and when it shall come to the knowledge of the director of agriculture or his duly authorized agent that any such branded, stamped or marked can, tub or container is in the possession of any person, firm or corporation other than the registered owner thereof, the said director of agriculture or his authorized agent shall have the power to immediately seize and hold all such cans, tubs and containers until it shall be

How mark
affixed or
attached to
containers.

Sale of
marked
containers.

Unlawful
to retain
marked
containers.

Registered
owner may
retake
property.

established to the satisfaction of the said director of agriculture or his duly authorized agent that such possession is in accordance with the provisions of this act. The said director of agriculture or his authorized agent shall upon the establishment of the right of possession of such cans, tubs or containers release the same to the person, firm or corporation entitled to the possession thereof.

SEC. 22-a. That section 6262 of Remington's Compiled Statutes be amended to read as follows:

§ 1905,
Pierce's
Code; § 4,
ch. 101,
L. 1915.

Section 6262. No person shall use any can, tub or case marked as herein provided, for any other purpose than the transportation of the products herein mentioned to or from the rightful owner of said cans, tubs or cases.

Marked
containers
to be used
only for
transportation
of
products.

SEC. 22-b. That section 6263 of Remington's Compiled Statutes be amended to read as follows:

§ 1906,
Pierce's
Code; § 5,
ch. 101,
L. 1915.

Section 6263. No person other than the owner thereof shall deface any registered mark upon any can, tub or case nor remove the same.

Defacing
registered
mark.

SEC. 23. That section 6264 of Remington's Compiled Statutes be amended to read as follows:

§ 1907,
Pierce's
Code; § 87,
ch. 192,
L. 1919.

Section 6264. It shall be the duty of any person, firm or corporation receiving milk, cream or other dairy products in cans, tubs or cases, bearing marks which have been registered with the department of agriculture, from a shipper or other source, to return such cans, tubs or cases to the rightful owners. Failure to do so shall be considered a violation of this act. The inspectors of the department of agriculture shall seize cans, tubs and cases not rightfully used and return them to the person, firm or corporation in whose name they are registered. Any expense in transporting such seized cans, tubs or cases shall be paid by the owner of the cans, tubs or cases: *Provided*, That the department of agriculture, or any person, firm or corporation who shall return such

Marked
containers
to be
returned to
owner.

Penalty for
violation.

Seizure of
containers
and return
by department.

Owner to
pay expense
of return.

registered cans, tubs or cases shall not be liable for any loss of cans, tubs or cases lost in transportation.

§ 1889,
Pierce's
Code § 6,
ch. 234,
L. 1907.

SEC. 24. That section 6272 of Remington's Compiled Statutes be amended to read as follows:

Sale of im-
pure milk.

Section 6272. In prosecutions under the provisions of sections 6270 and 6271 of this chapter, milk, normal and of standard quality, is defined as milk, pure, healthy, wholesome and uninfected, free from any foreign substance whatsoever, including coloring matter or preservatives, free from all pus cells, or blood cells, and which does not contain more than 100,000 bacteria or germs of all kinds to the cubic centimeter, and which has not been infected by or exposed to the infections of any contagious or infectious disease and which comes from cows healthy and free from all kinds of disease and kept in a healthy, sanitary condition and fed upon wholesome feed and which contains not less than 11.75 per cent of milk solids and not less than 8.50 per cent of solids exclusive of fat, or not less than 3.25 per cent of fat. Any dealer therein who shall sell milk not normal and up to said standard shall be subject to prosecution and fine as provided in section 6271 of this act.

Penalty.

§ 1891,
Pierce's
Code; § 8,
ch. 234,
L. 1907.

SEC. 25. That section 6274 of Remington's Compiled Statutes be amended to read as follows:

Selling
cream not of
standard
quality.

Section 6274. No sweet cream shall be sold, offered for sale, exchanged, delivered or shipped, transported or carried for purposes of sale, exchange or delivery, that contains less than eighteen per cent of butter fat, or which contains any puss cells, blood cells or more than 100,000 bacteria or germs of all kinds to the cubic centimeter, and any person who shall adulterate cream or reduce or change it in any respect by the addition of water or any foreign substance with the intention of selling or offering the same for sale or exchange, shall be punished by a fine of not less than \$50.00 nor more than \$100.00, or

Adulteration.

Penalty.

imprisonment for not less than thirty nor more than sixty days.

Passed the Senate February 25, 1927.

Passed the House February 23, 1927.

Approved by the Governor March 3, 1927.

CHAPTER 193.

[H. B. 15.]

HOMESTEADS.

AN ACT relating to homesteads, amending Sections 1 and 4 of Chapter LXIV of the Laws of 1895, and repealing Sections 342, 343, 344, 345, 346 and 2415 of the Code of Washington Territory of 1881, and Chapter LXXXVIII of the Laws of 1887-8.

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

SECTION 1. That section 1 of chapter LXIV (64) of the Laws of 1895, page 109, (section 528 of Remington's Compiled Statutes; section 7860 of Pierce's 1919 Code) be amended to read as follows: Statute amended.

Section 1. The homestead consists of the dwelling house, in which the claimant resides, and the land on which the same is situated, selected at any time before rendition of judgment, as in this act provided. Of what homestead consists.

SEC. 2. That section 4 of chapter LXIV (64) of the Laws of 1895, page 109, (section 532 of Remington's Compiled Statutes; section 7863 of Pierce's 1919 Code) be amended to read as follows: Statute amended.

Section 4. The homestead is exempt from execution or forced sale, except as in this act provided; and the proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, shall likewise be exempt for one year, and also such new homestead acquired with such proceeds; and no judgment, or other claim Exempt from forced sale.
Proceeds of voluntary sale exempt.