

of the commissioner made in any proceeding under this act at a hearing at which both parties to such suit shall have appeared may be introduced in evidence in such suit, for the information of the court in which the suit is pending, and may, in the discretion of the court, be submitted to the jury as a part of the evidence in the case; but such findings and award shall not be conclusive or binding upon the court or the jury in any such case.

Passed the House February 24, 1919.

Passed the Senate March 11, 1919.

Approved by the Governor March 20, 1919.

CHAPTER 192.

[H. B. 241.]

SALE AND MANUFACTURE OF MILK AND MILK PRODUCTS.

AN ACT to promote the healthfulness and purity of milk and milk products by preventing the manufacture and sale of such products from unhealthy animals or under unsanitary conditions regulating the manufacture and sale of imitations and substitutes; requiring and regulating the pasteurization of certain products; regulating weights and tests, requiring inspection of milk and milk products and of certain places; regulating the manufacture, furnishing, sale, and transportation of milk and milk products; requiring, and providing for the revocation of certain licenses for purchasing, vending and testing milk and milk products and requiring the payment of certain license fees; prohibiting adulteration and fraudulent practices; requiring the keeping of certain records and statistics; establishing certain regulations in regard to the sale of milk and milk products in cities of the first and second class; providing for the enforcement of the act and defining the powers and duties of the department of agriculture, and inspectors thereof; establishing certain standards and defining certain terms and prohibiting the fixing of prices; establishing certain presumptions and rules of evidence; providing certain penalties for the violation of the act; amending section 1 and 6 of chapter 101 of the Laws of 1915; amending sections 1 and 2 of chapter 100 of the

Laws of 1915; and repealing sections 2512 to 2515, both inclusive, 3213, 5446, 5446a to 5446e, both inclusive, 5446g, 5447, 5447a, 5447d, 5448a, 5448c, 5448i and 5448l of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That for the purpose of this act certain words, terms and expressions therein contained shall be construed as follows: Definitions.

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

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

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

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

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. Factory of milk products.

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 Milk.

whole, unadulterated and unskimmed milk of any cows whose milk tests below the butterfat 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 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.

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 one or more of its constituents.

Condensed
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.

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,
evaporated
and concentrated
skimmed
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,

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
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.

Sweetened
skimmed
milks.

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

Dried
skimmed
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.

Malted milk.

Buttermilk 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.

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

Nut 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 which contains not less than eight per cent of milk fat and not less than eighteen 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.

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

Renovated
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.

Re-worked
butter.

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.

Milk
by-product.

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.

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.

Skim
cheese

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

Quarter
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.

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.

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. Oleomargarine.

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.

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. Person.

SEC. 2. A dairy shall be deemed unsanitary in the following cases: Unsanitary dairy, what constitutes.

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

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

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

(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.

(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.

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

(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.

(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.

(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.

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

(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.

SEC. 3. A creamery, milk plant, cheese factory, milk condensing factory or factory of milk products, and any store, market, depot, booth or other place where milk is handled, stored or kept for sale, shall be deemed unsanitary in the following cases:

Unsanitary
creameries,
plants and
factories.

(a) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation.

(b) If milk be received, stored or kept in cans or other retainers that have not been sterilized with boiling water or live steam after each delivery.

(c) If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or live steam after each using.

(d) If the floor of such creamery, factory, plant, store, market, depot, booth or place 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 and decay to take place.

(e) If the condition of the floor in any such creamery, factory, plant, store, market, depot, booth or other place be such that it may not be readily kept free from dirt and filth.

(f) If drains are not provided that will convey refuse milk, water and sewage to a point at least fifty yards distant from such creamery, factory, plant, store, market, depot, booth or place.

(g) If any cesspool, privy vault, hog yard, slaughter house, hen house, manure, or any decaying vegetable or animal matter that will emit or produce foul odors, shall be permitted to exist within such distance as will permit the odors therefrom to reach any such creamery, factory, plant, store, market, booth, depot or other place where milk or milk products are handled, stored or kept for sale.

(h) If such creamery, factory, plant, depot, booth, store, market or other place where milk or milk products are handled, stored, or kept for sale is so constructed, or is so maintained as not to permit access thereto of sufficient light and air to secure good ventilation.

(i) If in any building or buildings used in connection with any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk product any insects, vermin or other species of animal life are permitted.

(j) If upon the floor of any creamery, cheese factory, milk plant, milk condensing factory or factory of milk products, or upon the sides of walls thereof, any milk or its products, or any other filth is allowed to accumulate, ferment or decay.

(k) If the body or wearing apparel of any person employed in any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products, or coming in contact therein with any milk

or milk product, shall be unclean, or shall not be washed from time to time with reasonable frequency.

(1) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products produced, kept, handled or manufactured in such creamery, plant, factory, store, booth, or depot unclean, impure and unhealthy.

SEC. 4. No milk, cream, butter, or other milk product which has been prepared for human consumption shall be offered for sale for such consumption unless it shall be kept properly protected from flies, dust, dirt or other injurious contamination by being properly covered with a glass, wooden or metal case or covering.

Protection from flies and contamination.

SEC. 5. Every person, firm or corporation, not a common carrier, who receives from a common carrier in cans, bottles, vessels or any other container, any milk, cream, ice cream, or ice milk, intended for human consumption, which has been transported over any railroad, boat or freight line, or by wagon, automobile, auto truck or other common carrier, shall cause such cans, bottles, vessels or containers to be thoroughly cleansed and sterilized with boiling water or live steam before returning the same to the consignor or to the carrier from whom the same were received.

Cleansing containers before return to common carrier.

SEC. 6. All cans, bottles, vessels, or other containers received from consumers by any vendor, peddler, or retailer shall be thoroughly cleansed before being returned to the dealer or distributor.

Empty bottles, etc., to be cleansed.

SEC. 7. Milk, cream, ice cream, ice milk and other milk products, when being shipped or transported by freight, express, truck or wagon, or other carrier, shall be handled, kept and maintained during such transportation in a clean and sanitary con-

Sanitary handling of shipments.

dition and manner, and shall not be exposed to contamination by dirt, dust, foul odors or other contaminating influences, nor shall such milk, cream, ice cream or ice milk, be allowed to remain in any place where it, or its containers, shall be exposed to the direct rays of the sun.

Separators
to be kept
clean.

SEC. 8. No person shall sell, offer to sell or expose for sale any milk or cream taken from any cream separator not kept thoroughly washed and cleaned, and not regularly washed and cleaned in a thorough manner within three hours after each use thereof.

Isolation
of separa-
tors from
fowls and
animals.

SEC. 9. No person shall sell, offer to sell or expose for sale any milk or cream taken from any cream separator kept in any stable or other building wherein any animal or fowl is housed or kept, or in any place where the conditions are unsanitary or where the air is foul or contaminated: *Provided*, that this section shall not be construed to prohibit the keeping of such cream separator in any room which is wholly separated by tightly ceiled or plastered partitions having no openings from that part of the stable or building in which milking cows are housed or kept.

Cleanliness
of utensils.

SEC. 10. All tinware, wooden ware, glassware, and other utensils used in or about any dairy, creamery, milk plant, milk condensing plant or factory of milk products shall be kept clean and in sanitary condition.

Pasteuriza-
tion pro-
cesses.

SEC. 11. That process of pasteurization as applied to milk, skimmed milk, cream and milk products 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 degrees Fahrenheit and of holding the same at such

temperature for a period of not less than twenty-five minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty degrees Fahrenheit. 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 degrees Fahrenheit and of holding the same at such temperature for a period of not less than twenty-five 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.

SEC. 12. All milk or cream used in the manufacture of pasteurized butter or cheese shall be subjected to the process of pasteurizing in the creamery or cheese factory where such butter or cheese shall be manufactured therefrom, and not elsewhere.

Pasteurization for butter and cheese products.

SEC. 13. No milk that has once been subjected to the process herein described and defined as pasteurization shall be a second time subjected to such process.

Duplication prohibited.

SEC. 14. Every pasteurizing plant or apparatus by which the process of pasteurization is applied to any milk shall be equipped with a holding device which will insure the holding and maintaining of the milk being subjected to such process at the temperature and for the periods of time required by the provisions of this act.

Sufficiency of apparatus.

SEC. 15. Every pasteurizing plant or apparatus by which the process of pasteurizing is applied to any milk, skimmed milk or cream, shall be equipped

Registering thermometer.

with a registering thermometer device which will accurately indicate and record the temperature of such milk, skimmed milk or cream.

SEC. 16. All registering thermometer devices used in the pasteurization of milk or milk products must be such as shall be approved by the department of agriculture.

Measuring
bottles.

SEC. 17. All bottles and pipettes used in measuring milk or milk products for making determination of the per cent of fat in said 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.

Penalty for
non-com-
pliance.

Any manufacturer who sells Babcock 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.

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

Duty of commissioner of agriculture.

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.

Inspectors' tests and reports.

SEC. 18. In all tests made of milk or cream received or purchased upon the basis of the amount of butter fat contained therein, and in all tests of any sample of milk or cream so received or purchased, the Babcock tester shall be operated at the proper speed or speeds. The proper speeds for such operations are hereby declared to be as follows:

Operation of testers.

For tester with diameter of fourteen inches, the speed shall be between eight hundred seventy-five and nine hundred twenty-five revolutions per minute.

For tester with diameter of sixteen inches, the speed shall be between eight hundred twenty-five and eight hundred seventy-five revolutions per minute.

For tester with diameter of eighteen inches, the speed shall be between seven hundred seventy-five and eight hundred twenty-five revolutions per minute.

For tester with diameter of twenty inches, the speed shall be between seven hundred and twenty-five and seven hundred and seventy-five revolutions per minute.

For tester with diameter of twenty-four inches, the speed shall be between five hundred seventy-five and six hundred twenty-five revolutions per minute.

Temperature
for testing
purposes.

SEC. 19. In all tests made of milk or cream to determine the amount of milk fat therein the Babcock tester must be read at the proper temperature which is hereby declared to be not less than one hundred and twenty degrees Fahrenheit and not more than one hundred and forty degrees Fahrenheit, and all payments for or sales of milk or cream made on the basis of measurement or weight shall be made according to the true weight and measurement which is hereby declared to be seventeen and six-tenths cubic centimeters for milk and nine grams or eighteen grams for cream. In all tests for cream the cream shall be weighed into the test bottle.

Scale
sensibility.

SEC. 20. The sensibility of all scales used for weighing cream samples into the test bottles used in making any test with the Babcock tester shall be not more than thirty milligrams, and the standard weights shall be nine grams and eighteen grams.

Test
samples.

SEC. 21. Each and every person whose duty it shall be to take, or who shall take or make any test or measure or take or extract any sample of milk or cream sold or purchased, or to be sold or purchased, by weight, test or measure, shall weigh, test or measure the milk or cream sold or purchased by or from each individual separately. He shall before making any test, 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 homo-

geneous constituency and richness, or shall take a sample from each can or other container of the entire shipment to be sampled and tested.

SEC. 22. 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 or test, or both, or by measure or test, or both, shall with intent to deceive, defraud or mislead as to the weight, measure or test thereof, manipulate, change or alter such measure, test or weight, or make or return to any person any false, deceitful, inaccurate or untrue statement of such weight, test or measure, or use any measure 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.

Deceit in
weight,
measure
or test.

SEC. 23. No person 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.

Unfair
samples.

SEC. 24. Whenever in any year an application shall be made to the department of agriculture subsequent to the 1st day of August in such year, for the issuance of a license for the balance of the year ending June 30th thereafter, such license shall be issued by said department upon payment by the applicant of such pro rata proportion of the license fee provided by this act as shall be obtained by pro rating the number of months, including the month in which application is made, during which such license will be in force and effect with the whole number of months in the year ending June 30th thereafter: *Provided, however,* the provisions of this section shall not apply to any person who subsequent to the first day of July in the year in which application for license is made, and before receiving

Dealers'
and testers'
licenses.

such license, was engaged in the trade, business or occupation for which a license is applied for, nor to any person applying for a Babcock licensed tester's license, or for a milk vender's license, nor to any person applying for a license to purchase milk and cream in bulk.

Official
testers.

SEC. 25. All tests of milk or cream sold, purchased or delivered on the basis of the amount of milk fat or butter fat contained therein shall be performed by a Babcock licensed tester. Such tester shall personally operate and conduct each test 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.

Babcock
licensed
testers.

SEC. 26. Any person may receive from the department of agriculture a license as a Babcock licensed tester upon application therefor and upon the payment to said department of a license fee of one dollar (\$1.00) 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.

Applica-
tions and
permits.

SEC. 27. Applications for licenses as a Babcock licensed tester 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 tester for such period as may be prescribed and stated in said permit, not to exceed sixty days, but such permit shall not be re-

newed so as to extend the period beyond sixty days from the filing of the application.

SEC. 28. Every license as a Babcock licensed tester 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 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.

Duration
of license.

SEC. 29. 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 one dollar (\$1.00) 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 in-

Plant and
factory
licenses.

dividuals 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.

Licensed
dealers.

SEC. 30. Every person before selling milk or offering it for sale in a store, booth, stand or market place in any town or city, shall procure a milk vendor's license therefor: *Provided*, that nothing in this act shall apply to persons selling milk from not more than four cows.

Licensed
ambulatory
dealers.

SEC. 31. 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 in any city or town within the state or sell or vend any milk, skimmed milk, buttermilk, or cream from any such wagon, cart, automobile, or other vehicle, within any such town or city, unless such person, firm or corporation shall have first obtained a milk vender's license therefor.

Vender's
license.

SEC. 32. Milk vender's licenses shall be issued by the department of agriculture upon application and upon the payment therefor of a license fee of one dollar (\$1.00). Such licenses shall be for the period of one year, unless sooner revoked, and shall expire on the 30th day of June next subsequent to the issue thereof. Each milk vender's license shall contain the number of the license, and the name, residence and place of business, if any, of the licensee, and no such license shall be sold, assigned or transferred. Any milk vender's license may be at any time revoked by the department of agriculture upon reasonable notice to the licensee, if such licensee shall be guilty of violation of or shall fail to comply with this act or any section or provision thereof, or shall violate or refuse or neglect to com-

ply with any lawful regulation or order of the department of agriculture, or any officer, agent or inspector thereof.

SEC. 33. No person, firm or corporation who shall hold a license to purchase milk or cream in bulk as required by section 29 of this act shall be required to obtain or hold a milk vender's license.

Licensed purchasers.

SEC. 34. The department of agriculture shall from time to time, prepare, issue and promulgate such rules and regulations governing the issuing of licenses, the making of applications therefor, the determination of the qualifications of such applicants, and for the making of complaints, the giving of notice, and for hearing, and other proceedings for the revocation of licenses, as it shall deem necessary and as shall not be in conflict with the provisions of this act.

License regulations.

SEC. 35. It shall be the duty of the department of agriculture to inspect dairies, milk plants, creameries, cheese factories, milk condensing plants and factories of milk products and all stores, markets, depots, booths, milk rooms, and other places wherein milk or milk products are produced, manufactured, bottled, handled or processed, or in which milk or any milk product designed or intended for sale for human consumption is kept, stored, or sold, and all wagons, automobiles, carts and other vehicles by which any milk or milk product is being transported for sale or with intent to sell, and it shall have power to condemn the same when found to be unsanitary within the standards and definitions of this act.

Dairy and plant inspection.

SEC. 36. It shall be the duty of the department of agriculture to enforce all laws that now exist or which may hereafter be enacted in this state relating to the production, manufacture, sale or distribution of milk or milk products, and to inspect all such

Enforcement of laws.

articles or imitations thereof, made or offered for sale within the state which he may suspect or have reason to suspect to be impure, unhealthy, adulterated or not in conformity with the standards prescribed by this act, and to prosecute or cause to be prosecuted any person, firm or corporation engaged in the manufacture, keeping, exposing or offering for sale, serving, vending or furnishing any adulterated, counterfeit, or imitation milk product, or of any substitute for or imitation of any milk or milk product, contrary to law.

Revisory tests.

SEC. 37. 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 or measure is not being tested, weighed or measured accurately.

Inspection of testing apparatus.

SEC. 38. All apparatus used for the purpose of testing milk or cream sold, purchased or delivered upon the basis of the amount of milk fat contained therein 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 user.

Performance of inspection duties.

SEC. 39. 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 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.

Preservation of thermometer records.

SEC. 40. All persons, firms or corporations using a thermometer device in connection with the pas-

teurization of milk or milk products shall preserve and keep on file for a period of not less than two months after being made all records made by such thermometer device, or deliver the same to the department of agriculture or to such person as it may direct. Such records shall at all times be open to inspection by the department of agriculture and by the state board of health and by all other state, county and municipal officers charged by law with the enforcement of laws and ordinances relating to milk or milk products, or relating to the public health.

SEC. 41. The department of agriculture shall provide blanks for reporting statistics of the production of milk and milk products. The department shall annually on or before the first day of January in 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 venders, and milk dealers, one or more of such blanks. All such persons shall on or before the first day of February 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 product, received, produced, manufactured or distributed during the year ending on the 31st day of December next previous thereto. The words "milk vender" or "milk dealer" shall mean any person, firm, or corporation who sells, vends, furnishes or delivers milk, skimmed milk, buttermilk or cream from more than four cows in or from any store, market, booth, depot, wagon, automobile, cart or other vehicle or place.

Statistical
reports.

SEC. 42. The department of agriculture is hereby authorized to gather and compile statistics relative to the dairy industry, and to the production,

Dissemina-
tion of
dairy in-
formation.

manufacture and sale of milk, cream, butter, cheese, ice cream, ice milk, condensed milk and other milk products, and to disseminate to the public in such manner as it shall judge most advisable the information contained in all such statistics, and to furnish such other information and do such other things, as it shall judge to be for the general good and tend to promote the development of the dairy industry of the state, and the healthfulness and purity of the products thereof.

Failure to
comply with
regulations.

SEC. 43. Any person, firm or corporation who shall fail or refuse to keep any record, or to make and return any report or statement required by this act to be kept or made, or who shall fail or refuse to make and return any such report or statement within the times limited by this act, and any person, firm or corporation who shall refuse to permit the examination of any such record by the department of agriculture, or by any officer, agent or inspector thereof, or milk inspector of any city, or any health officer of the state, or any city, county or town therein shall be deemed to be guilty of a violation of this act.

Use of sub-
stitutes in
state in-
stitutions.

SEC. 44. 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 charitable hospital, medical, reformatory or penal institutions maintained by the state or which receives from the state any money, appropriation or financial assistance whatsoever.

Deceitful
advertising
of substitute
products.

SEC. 45. No person, firm or corporation shall use in connection with the offering or exposing for sale, serving, furnishing or delivering of any milk from which the butter-fat has been removed and a

vegetable or other oil has been substituted therefor, oleomargarine, substitute butter, or other substance designed as a substitute for or imitation of butter, or in any advertisement, or sign or card relating to such oleomargarine, substitute butter or other substance, the words "butter", "creamery", "dairy", or "butterine", or any representation, picture, or likeness of any cow or cow kind.

SEC. 46. Every person, firm or corporation who shall manufacture any imitation cheese or any substitute for cheese shall at the place of manufacture before removing such imitation cheese or substitute therefrom distinctly and durably brand such cheese with the words "Imitation Cheese" and the name and address of the manufacturer on every box, package or container in which such imitation cheese or substitute is packed, contained or designed to be sold. Such name and address and such words shall be printed in letters of plain, uncondensed gothic type and not less than one inch in height and in such a manner that said brand can not readily be obliterated. Failure to brand any such imitation cheese or substitute as provided in this section and the selling of any such imitation cheese or substitute not so branded shall constitute a violation of this act on the part of the manufacturer and on the part of every person selling the same with knowledge that the same is not full cream cheese.

Imitation
cheeses to
be branded.

SEC. 47. No person, firm or corporation shall sell, offer or expose for sale, exchange with, furnish or deliver to any other person, firm or corporation for sale for human consumption as or for milk, cream, skimmed milk, condensed milk, or other milk product, any substance, product or compound whatsoever which shall not conform to the standards for such milk or milk product as set forth in this act.

Standards
to be ob-
served.

SEC. 48. No person, firm or corporation shall sell, expose or offer for sale, or exchange with, pre-

Sale of
impure
products.

sent 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.

Milk from diseased cattle.

SEC. 49. 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 affected with any disease, or that was produced within ten days preceding parturition or within five days thereafter: *Provided*, that nothing in this section shall be construed to prohibit the sale of milk or cream from cows which have reacted to a tuberculin test when such cow or cows exhibit no physical symptoms of disease, and such milk or cream is pasteurized or sterilized as required by the provisions of this act and a permit therefor has been obtained from the department of agriculture, or from an inspector thereof.

Malted milk.

SEC. 50. The use of malted milk or substances conforming to the standards prescribed by this act for malted milk shall not constitute an adulteration, nor shall anything in this act be construed to prevent the sale, furnishing or serving of malted milk in connection with milk or other milk products, or separately: *Provided*, the same be sold, furnished or served as and for malted milk and not as pure milk.

Skimmed milk to be labeled.

SEC. 51. No person, firm or corporation shall sell, exchange, offer or expose for sale, furnish or

deliver any milk from which the cream shall have been removed or which does not contain 3.25 per cent milk fat, unless the same be sold, offered or exposed for sale, furnished and delivered as and for skimmed milk, nor unless there shall be attached to the outside of any bottle, can, package, vessel or container in which the same is contained, a tag upon which shall be printed in black letters at least one inch high the words "Skimmed Milk."

SEC. 52. No owner, keeper or manager of any hotel, restaurant, boarding house, eating house, or other place where meals are served or sold for compensation or food is sold to be consumed on the premises, shall sell, serve or furnish either as a part of or in connection with any meal or food served, sold or furnished therein, any skimmed milk unless there shall at all times be kept and conspicuously displayed in the room where such meals or food is served, sold or furnished, and in full view of the public, a durable sign with the words "Skimmed Milk Sold Here" printed or painted thereon in letters at least one inch high.

Hotels, etc.,
serving
skimmed
milk.

SEC. 53. All milk shall be cooled in the dairy where it is produced to a temperature of not more than fifty-five degrees Fahrenheit within thirty minutes after the same is drawn from the cows, 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 shall thereafter be maintained at a temperature of not exceeding fifty degrees Fahrenheit until delivered to the consumer: *Provided*, nothing in this section shall be deemed applicable to milk or cream while being subject to the process of pasteurization: *And provided further*, that milk that is delivered to a milk condensing

Cooling of
milk.

factory within three hours after the same is drawn from the cows need not be so cooled or kept at a temperature of less than sixty degrees Fahrenheit.

Bottling in open air prohibited.

SEC. 54. No person, firm or corporation shall bottle, any milk, skimmed milk, buttermilk or cream in the open air or in, or upon any wagon, automobile, cart or other vehicle, or in any building, structure or room other than a milk room, creamery, milk plant, or other place where milk is regularly kept and stored and which is kept and maintained in a sanitary condition within the meaning of this act, or transfer the same from one container to another in the open air or upon any such wagon, automobile, cart or other vehicle.

Milk wagons to display owner's address.

SEC. 55. All wagons, automobiles, carts and other vehicles, from which milk, skimmed milk, buttermilk, cream, butter, ice cream or ice milk is sold, marketed, peddled or delivered shall have the name and address of the owner thereof plainly painted thereon, and on both sides thereof, in letters not less than three inches in height and not less than one and one-half inches in width.

Removal of milk containers from quarantined premises.

SEC. 56. No person, firm or corporation shall remove from any dwelling house, or other place, in which any contagious or infectious disease exists and which has been quarantined by the health officer of any city, county or other municipality, any bottles or other containers which have been used for, or which are to be used for containing or storing milk, skimmed milk, buttermilk, cream, ice cream, or ice milk while such dwelling house or place is subject to quarantine, without first obtaining the permission of such health officer.

Illegal designation as "certified" milk.

SEC. 57. No person, firm or corporation shall sell, exchange, offer or expose for sale as certified milk, cream or other milk product, or under any name or designation of which the word "certified"

is a part, any milk, cream, milk product, or other substance not certified by the health officer of the city or by the health officer or county medical society of the county where the same is produced, manufactured or sold, according to the rules and regulations demanded by the American Association of Medical Commissions.

SEC. 58. No owner, manager or keeper of any hotel, restaurant, boarding house, eating house, or other place where meals are served for compensation or food is sold to be consumed therein, shall sell, serve or furnish either as a part of any meal sold, served or furnished therein, or otherwise, any ice cream, nut ice cream fruit ice cream or ice milk or any substance resembling ice cream or ice milk which does not conform to the standards and requirements prescribed by this act.

Ice cream must conform to standards.

SEC. 59. Nothing in this act shall be construed to prevent the use of fresh, wholesome, unsalted butter and skimmed milk or other dairy product, homogenized or emulsified and used in the place of cream: *Provided*, that the product shall be labeled and sold or served as homogenized cream or emulsified cream, and unless the person served therewith be distinctly informed at the time served of the true nature and character thereof.

Homogenized and emulsified cream.

SEC. 60. 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.

Sterilized containers.

SEC. 61. Every person, firm or corporation using in the sale, gathering or distribution of milk, skimmed milk, buttermilk, cream, ice cream or ice milk, any wagon, automobile, cart, or other vehicle, shall, between the first day of May and the 30th day of September in each year, have and keep over

Wagon awnings required.

such wagon, automobile, cart, or other vehicle a covering of canvas, or other material, so arranged and of such quality and thickness as to adequately protect the contents of such wagon, automobile, cart or other vehicle from the heat of the sun.

Use of
adulterated
milk.

SEC. 62. No person, firm or corporation shall knowingly sell, exchange, or expose or offer for sale, for human consumption any butter, cheese or condensed milk made or manufactured from any milk which is adulterated within the meaning of this act: *Provided, however,* that nothing in this section shall prevent the use of milk from cows that have reacted to a tuberculin test in the manufacture of butter, cheese or condensed milk when such cow or cows exhibit no physical symptoms of disease, and such milk is pasteurized or sterilized as required by the provisions of this act and a permit therefor has been obtained from the department of agriculture, or from an inspector thereof: *Provided, further,* that the use of rennet, lactic acid or pepsin in the manufacture of cheese and the use of harmless coloring or flavoring matter shall not be deemed a violation of this section.

Branding as
"Washington
Creamery
Butter."

SEC. 63. No person, firm or corporation shall use the words "Washington Creamery Butter" upon any butter, or imitation thereof, or upon any product, substance or compound resembling butter, or upon any box, package, wrapper, or other container thereof, as a brand, emblem or trade mark of such butter, imitation, product, substitute or compound.

Branding
cheeses.

SEC. 64. 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 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 with knowledge that same is not full cream cheese: *Provided, however,* that the provisions of this section shall not be construed to apply to cheeses commonly known as "Edam", "Pineapple", "Brickstein", "Limburger", "Swiss" or to other hand made cheeses not made by ordinary cheddar process.

Exception
as to hand-
made
cheeses.

SEC. 65. The vending, exposing or offering for sale, or sale, furnishing or exchange of any cheese not branded according to the provisions of section 64 of this act shall constitute a representation on the part of the person vending, exposing, selling, furnishing, exchanging or offering such article or product that the same is full cream cheese conforming to the standards of this act.

Unbranded
cheeses.

SEC. 66. No person, firm or corporation shall manufacture, sell, offer or expose for sale, furnish, serve or deliver to any other person, firm or corporation for human consumption any milk, cream, butter, cheese, ice cream, ice milk, condensed milk, or other milk product which is adulterated within the meaning and intent of this act, or which shall

Adulterated
products.

have been prepared from any milk or milk product that shall be or shall have been adulterated within the intent and meaning of this act.

When deemed adulterated.

SEC. 67. All milk and milk products which do not conform to the definitions and standards set forth in section 1 of this act shall be deemed to be adulterated within the intent and meaning of this act.

Addition of foreign substances.

SEC. 68. No persons, firm or corporation shall add to any milk, cream or condensed milk any gelatine, gum or other substance for the purpose of increasing the apparent richness of such milk, cream or condensed milk: *Provided, however,* that nothing in this act shall be construed as prohibiting the use of harmless coloring matter and common salt (sodium chloride) in butter or cheese, or the use of harmless coloring and flavoring matter in ice cream and ice milk, nor the use of rennet, lactic acid or pepsin in the process of manufacturing cheese.

Addition of water.

SEC. 69. All milk, skimmed milk, buttermilk or cream which is reduced, altered or changed in any respect by the addition of water or other substance, shall be deemed to be adulterated within the meaning of this act.

Impure milk, what constitutes.

SEC. 70. Any milk which shall not be free from foreign substances, coloring matter or preservatives, pathogenic bacteria or germs, pus cells or blood cells or which contains more than 400,000 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.

Unlawful designation as "pasteurized."

SEC. 71. No person, firm or corporation shall use the word "pasteurized", or any derivative thereof, in connection with the sale, designation,

advertising, labeling, billing or offering for sale of any milk, cream, skimmed milk, ice cream, ice milk, butter, buttermilk, cheese, or other milk products unless the same and all products of milk therein contained or used in the manufacture thereof shall consist exclusively of milk, skimmed milk or cream which has been treated by the process of pasteurization as defined in section 11 of this act.

SEC. 72. No person shall efface, erase, cancel, obliterate or remove any mark, tag, label, sign, brand, word or lettering or other designation required by this act, with intent thereby to mislead, defraud or deceive, or for the purpose of concealing the true character of composition of any product, substance or compound, or for the purpose of violating any of the provisions of this act.

Effacing or removal of labels.

SEC. 73. No person, firm or corporation shall bottle, any milk, skimmed milk or cream, designed or intended for sale within any city of either the first or second class, 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, handling, 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

Bottling regulations for first and second class cities.

or portions of such building or structure in which such other trade, occupation or business is carried on, by a tightly ceiled 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 3 of this act.

Sterilization
for city
sales.

SEC. 74. No person, firm or corporation shall fill any bottle or other container with milk, skimmed milk, buttermilk, cream, ice cream or ice milk designed for sale or intended to be sold in any city of either the first, second or third class until such bottle or other container has been cleansed and sterilized with live steam or boiling water.

Regulatory
duties of
department.

SEC. 75. It shall be the duty of the department of agriculture to enforce the provisions of this act, and said department is hereby empowered and authorized to make, issue and promulgate from time to time such rules and regulations to carry out the provisions of this act for the enforcement thereof and for the regulation and management of dairies, creameries, milk plants, cheese factories, condensed milk factories and other factories of milk products, and for the regulations of the sale, serving, vending and delivery of milk, cream, butter, cheese, ice cream, ice milk, and other milk products, and for the issuing, granting and revocation of licenses, as it shall deem necessary.

SEC. 76. No person, firm or corporation shall interfere with, prevent, hinder or obstruct any offi-

cer, agent or inspector of the department of agriculture, or any officer or inspector of the state board of health, or of any city or county within such city or county, in the discharge of his or her duty, or from entering any place which such officer, agent or inspector is entitled by law to enter, or from making any inspection and examination of any such place or any artele, substance or compound found therein or from taking and removing such sample of any such article, compound or substance as such officer, agent or inspector shall deem necessary to be taken, or from examining any book or record required by the provisions of this act to be kept in any such place, or to be open for the inspection of such department, or from making and removing copies thereof.

Obstruction
of depart-
ment and
health
officials.

SEC. 77. Any person who shall violate or fail to comply with the provisions of this act, or any section or provision or part of a section or provision thereof, shall, unless otherwise herein provided, be guilty of a misdemeanor.

Penalty for
violations
of act.

SEC. 78. It shall be the duty of the prosecuting attorney of each and every county in this state, upon application of the department of agriculture or of any officer, agent or inspector thereof, to attend to the prosecution in the behalf of the State of Washington, of any and all persons whom he shall have reason to believe to have been guilty of any violation of this act in such county.

Prosecutions.

SEC. 79. Any superior court of this state and any municipal court or justice of the peace shall have jurisdiction of all prosecutions and all proceedings for forfeiture and sale arising under this act.

Jurisdiction
of courts.

SEC. 80. No two or more persons, companies or corporations shall by agreement or understanding, tacitly, or otherwise, fix or attempt to fix, the price

Combina-
tions to fix
prices.

at which butter, cheese, milk or other products herein mentioned shall be bought or sold; *provided*, this shall not apply to ordinary purchases or sales between buyer and seller.

Assistance
of law
officers.

SEC. 81. It shall be the duty of the attorney-general of the state, and of the prosecuting attorney in any county, when called upon by the department of agriculture, to render any legal assistance in his power to execute the laws and prosecute violations of this act: *Provided, however*, that the department of agriculture may employ special counsel when necessary.

Disposition
of fines.

SEC. 82. One-half of all fines collected from prosecutions under the provisions of this chapter shall be paid forthwith to the state treasurer and be placed to the credit of the general fund, and the remainder shall be forthwith paid into the treasury of the county in which the conviction is had.

Declaration
of police
power.

SEC. 83. It is hereby declared that this act is enacted as an exercise of the police power of the State of Washington for the preservation of the public health and each and every section thereof shall be construed as having been intended to effect such purpose and not as having been intended to affect any regulation or restraint of commerce between the several states which may by the constitution of the United States of America have been reserved to the Congress thereof.

Partial
invalidity.

SEC. 84. The invalidity or unconstitutionality of any section or part of a section of this act shall not affect the act as a whole, or any other section or part of a section thereof.

Act cumu-
lative.

SEC. 85. Nothing in this act shall be construed as modifying, altering or repealing chapter 101 of the Laws of 1915, or any section, part or provision thereof, except as provided in sections 86 and 87.

SEC. 86. Section 1 of chapter 101 of the Laws of 1915 is hereby amended to read as follows:

Section 1. 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 five dollars (\$5.00) file an application 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 or 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 or 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.

Ownership
marks on
cans, etc.

Application
fee.

Registration
of mark.

SEC. 87. Section 6 of chapter of 101 of the Laws of 1915 is hereby amended to read as follows:

Section 6. It shall be the duty of the department of agriculture to enforce the provisions of this act. It 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 shall not be liable for any loss of cans, tubs or cases lost in transportation.

Enforce-
ment of act.

Act cumu-
lative.

SEC. 88. Nothing in this act shall be construed as affecting or being intended to effect a repeal of sections 5449 to 5466, both inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, or of any of such sections, or of any part or provision of any such sections, and if any section or part of a section in this act shall be found to contain, cover or effect any matter, topic or thing which is also contained in, covered in or effected by said sections, or by any of them, or by any part thereof, the prohibitions, mandates, directions, and regulations hereof, and the penalties, powers and duties herein prescribed shall be construed to be additional to those prescribed in such sections and not in substitution therefor. And nothing in this act shall be construed to forbid the importation, transportation, manufacture, sale, or possession of any article of food which is not prohibited from interstate commerce by the laws of the United States or rules or regulations lawfully made thereunder, if there be a standard of quality, purity and strength therefor authorized by any law of this state, and such article comply therewith and be not misbranded.

SEC. 89. That section 1 of chapter 100 of the Laws of 1915 be amended to read as follows:

Tuberculin
tests.

Section 1. On the written application of the owner of any bovine animal to the commissioner of agriculture for the examination and testing of such animal to ascertain whether the same is infected with tuberculosis, it shall be the duty of the commissioner of agriculture to cause such examination and test to be made. The inspector of the department of agriculture making the examination and test shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state, and shall qualify by giving a bond to the state of Washington with sufficient surety to be ap-

Veterinary
inspectors.

proved by the commissioner of agriculture in the penal sum of two thousand dollars (\$2,000.00): *Provided*, that veterinary inspectors of the United States bureau of animal industry may be appointed by the commissioner of agriculture to make the examination and tuberculin test as herein provided, and when so employed they shall act without bond or compensation, and shall possess the same power and authority in this state as the inspector of the department of agriculture.

SEC. 90. That section 2 of chapter 100 of the Laws of 1915 be amended to read as follows:

Section 2. On such examination and test being completed, if the inspector shall believe that the animal is infected with tuberculosis, the owner of the animal shall have the option of indemnity or quarantine; if he selects indemnity the owner and inspector shall appraise the value of the suspected animal, and in the appraisal of such animal due consideration shall be given to its breeding, dairy or meat value. In the event of their failing to agree upon the value, they shall call upon the county agricultural agent of the county in which the animal was tested to decide the matter, or in case there be no county agricultural agent in the county the inspector shall apply to the judge of the superior court of the county where the animal or animals are located to appoint a third appraiser. Each owner, or agent, of tuberculous cattle which have been appraised shall market the cattle within thirty days from date of appraisal and shall obtain from the purchaser a report, in triplicate, blank forms for which shall be furnished said owner, or agent, by the inspector of the department of agriculture, certifying as to the amount of money actually paid for the animals. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture or the

Indemnity
for slaughter
of infected
animals.

Appraisal
and sale.

United States bureau of animal industry, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post-mortem examination and determine whether or not the animal shall be passed to be used for food. The post-mortem examination must conform with the meat inspection regulations of the United States bureau of animal industry. Upon the receipt of said report, in triplicate, certifying as to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws or regulations, the department of agriculture shall cause to be paid to the owner of the animal or animals one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof: *Provided*, that in no case shall any payment by the department of agriculture be more than twenty-five dollars (\$25.00) for any grade animal, or more than fifty dollars (\$50.00) for any pure-bred animal. Every county agricultural agent who shall act as an appraiser, as hereinabove provided, shall receive his actual necessary traveling expenses in going to and returning from the place of appraisal, and every appraiser appointed by the judge of the superior court shall receive his actual and necessary traveling expenses and a per diem of three dollars (\$3.00) for the time actually spent, to be paid by the state: *And provided further*, that the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and test the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided further*, that the right to indemnity shall not exist, nor shall payment be made for any animal owned by the United States,

Reimburse-
ment of
owner.

Compensa-
tion of
appraisers.

this state or any county, city or village in this state: *And provided further*, that the expenses of herding, caring for, feeding and transporting or slaughtering all animals under these provisions shall be paid by the owner thereof.

Expenses chargeable to owner.

SEC. 91. That section 3213 of Rem. & Bal. Code be and the same is hereby repealed.

Repealing clauses.

SEC. 92. Sections 2512 to 2515, both inclusive, 5446, 5446a to 5446e, both inclusive, 5446g, 5447, 5447a, 5447d, 5448a, 5448c, 5448i and 5448l of Remington & Ballinger's Annotated Codes and Statutes of Washington are hereby repealed.

Passed the House, March 7, 1919.

Passed the Senate, March 12, 1919.

Approved by the Governor March 20, 1919.

CHAPTER 193.

[H. B. 180.]

BUREAU OF FARM DEVELOPMENT.

AN ACT relating to the Bureau of Farm Development, and amending Section 3000-15, 3000-17, 3000-18 and 3000-19 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3000-15 of Rem. & Bal. Code be amended to read as follows:

Section 3000-15. There is hereby created the Bureau of Farm Development of the State of Washington, which shall consist of the Director of the Extension Service of the State College of Washington, who shall be director thereof, and of the Boards of County Commissioners or representatives appointed by them of all counties of the State of Washington desiring to participate therein. The

How established.