

CHAPTER 188.

[H. B. 452.]

DAIRY PRODUCTS.

AN ACT relating to dairying, and products thereof, amending sections 6164, 6165 and 6178 of Remington's Compiled Statutes, as amended by chapter 213, Laws of 1929, sections 6216 and 6226 of Remington's Compiled Statutes, section 15 of chapter 213, Laws of 1929, and chapter 104, Laws of 1921.

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

Amends
§ 6164, Rem.
Comp. Stat.;
Ch. 213,
Laws of
1929.

SECTION 1. That section 6164 of Remington's Compiled Statutes, as amended by chapter 213, Laws of 1929, be amended to read as follows:

Definitions:

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

"Dairy."

The term "dairy" shall mean any place where milk from one or more cows or goats 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.

"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.

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

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 three-tenths per cent of milk solids exclusive of fat.

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

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

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

contains, all tolerances being allowed for, not less than twenty-five and five-tenths per cent of total solids and not less than seven and eight-tenths per cent of milk fat.

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

"Condensed 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 the skimmed milk, and which contains, all tolerances being allowed for, not less than eighteen per cent of milk solids.

"Sweetened condensed milk."

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

"Sweetened condensed skimmed milk."

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

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

"Buttermilk."

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

"Creamed 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

"Fruit ice cream."

per cent of milk fat, and not less than twenty 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 ten per cent of milk fat and not less than twenty per cent of milk fats 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 three and twenty-five one-hundredths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatine. Any person, firm or corporation serving ice milk shall display in a conspicuous place a sign with the words "Ice Milk Served Here," in plain Gothic type not less than two inches high.

"Milk 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.

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."

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 milk cheese" shall mean cheese which contains in the water-free substance thereof not less than fifty per cent of milk fat.

"Full milk cheese."

"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.

"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.

"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.

"Cream
cottage
cheese."

The term "cream cottage cheese" shall mean cheese manufactured from pure, clean, wholesome skim milk, to which may be added not to exceed one per cent, by weight, of pure, edible gelatine, and not to exceed one per cent, by weight, of pure cane or beet sugar, and with or without the addition of pure food colors; and to which a sufficient quantity of pure fresh sweet cream shall be added so that the finished product shall contain not less than four per cent of pure milk fat.

"Dry curd."

The term "dry curd" shall mean the curd manufactured from pure, clean wholesome skim milk, with or without the addition of pure food colors, and without the addition 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.

"Oleo-margarine."

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

"Substitute butter."

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. That section 6165 of Remington's Compiled Statutes, as amended by chapter 213, Laws of 1929, be amended to read as follows:

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

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

Vetoed.

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

(c) If any part of the yards or enclosures in which the cows or goats are confined or kept, other than pastures, be made depositories of manure in

heaps, or otherwise, where it is allowed to ferment and decay.

(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.

Vetoed.

(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 or paint to the interior of any cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled,

stored, mixed, bottled, canned or kept, shall not be made as often as once in one year, and if three (3) square feet of window light per cow are not provided.

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

(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 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.

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

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

SEC. 3. That section 6178 of Remington's Compiled Statutes, as amended by chapter 213, Laws of 1929, be amended to read as follows:

Vetoed.

Amends
§ 6178, Rem.
Comp. Stat.;
ch. 213,
Laws of 1929.

Pasteurizing plants: thermometers.

Section 6178. Every pasteurizing plant or apparatus by which the process of pasteurizing is applied to any milk, skimmed milk or cream, shall be equipped with a registering thermometer device which will accurately indicate and record the temperature and the time of holding at such temperature of such milk, skimmed milk or cream: *Provided*, That all pasteurizing plants or apparatus by which the process of pasteurization is applied to any milk, skimmed milk or cream shall be equipped with an indicating thermometer, in addition to the recording thermometer above described.

Amends § 6216, Rem. Comp. Stat.

SEC. 4. That section 6216 of Remington's Compiled Statutes be amended to read as follows:

Bottling or transferring of milk.

Section 6216. 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, or in any building, structure or room other than a milk room.

Adds § 6 to ch. 104, Laws of 1921.

SEC. 5. That chapter 104, Laws of 1921, be amended by adding thereto a new section, to be known as section 6, as follows:

Labeling of butter.

Section 6. Hereafter no prints of butter in sizes of two pounds or any fraction thereof shall be sold in the State of Washington unless the same are plainly labeled in legible Gothic type with the name or official number of either the manufacturer, jobber or retailer of the butter, whether within or about to be imported into the state, and possession of butter with intent to sell not so wrapped and labeled shall be deemed prima facie evidence of guilt and

upon conviction such offenders shall be deemed guilty of a misdemeanor and be punished as provided by law for such offense.

SEC. 6. That section 6226 of Remington's Compiled Statutes be amended to read as follows:

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 milk 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," "limburger," "Swiss" or to other handmade cheeses not made by ordinary cheddar process.

Vetoed.

SEC. 7. That section 15 of chapter 213, Laws of 1929, be amended to read as follows:

Section 15. It shall be unlawful for any person to sell, serve, offer for sale or expose for sale in cities of the first and second class any milk, skimmed

Amends
§ 15, ch. 213,
Laws of 1929.

Individual
bottles.

In bulk.

milk or buttermilk for human consumption unless the same is bottled in individual glass or paper bottles: *Provided, however,* That this section shall not apply to milk purchased in bulk to be used exclusively for cooking or manufacturing purposes, but it shall be unlawful to use milk so purchased in bulk for serving at hotels, restaurants, fountains, or eating houses of any description.

Passed the House March 9, 1933.

Passed the Senate March 8, 1933.

Approved by the Governor March 21, 1933, with the exception of sections 2 and 6, which are vetoed.

CHAPTER 189.

[H. B. 66.]

ELECTION OF PORT COMMISSIONERS.

AN ACT relating to and providing for the election of port commissioners and fixing the terms of their office and the manner of conducting port district elections and canvassing the returns; and providing for an incidental expense fund in such district.

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

Vetoed. { SECTION 1. In all port districts in this state all elections for the election of port commissioners or the submission of propositions shall be held at the same time and as a part of the general biennial state election, and no such port district election shall be held until the first Tuesday following the first Monday in November, 1934. The term of office of each port commissioner elected under the provisions of this act shall commence at noon on the second Monday in January following his election, and shall end when his successor is elected and qualified. Each port commissioner now holding office, whose term under existing law would