

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

HOUSE BILL No. 95

(By Mr. M. LAUGHLIN)



PASSED FEB, 10 1959

In Effect FROM Passage



Filed in Office of the Secretary of State
of West Virginia FEB 19 1959
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

House Bill No. 95

(By MR. McLAUGHLIN)

[Passed February 10, 1959; in effect from passage.]

AN ACT to amend and reenact section three, article eleven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to standards for milk and milk products.

Be it enacted by the Legislature of West Virginia:

That section three, article eleven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. *Standards.*—It shall be unlawful for any
2 person to manufacture, offer or expose for sale or ex-
3 change, or have in his possession with intent to sell,
4 offer or expose for sale or exchange, any milk or milk
5 products that do not conform to rules and regulations
6 promulgated by the public health council and to the
7 following standards or definitions: *Provided, however,*

8 That the standards set out in subsection (a) of this sec-
9 tion shall not be construed to include persons producing
10 milk and selling the same on a wholesale basis to dairies
11 or receiving plants.

12 (a) Milk is the whole, fresh, clean, lacteal secretion
13 obtained by the complete milking of one or more healthy
14 cows, properly fed and kept, excluding that obtained
15 within fifteen days before and five days after calving, or
16 such longer period as may be necessary to render the
17 milk practically colostrum-free, and shall contain not less
18 than three and one-half per cent of milk fat and not less
19 than eight and one-half per cent of solids not fat, and
20 twelve per cent total solids;

21 (b) Pasteurized milk is milk that has been subjected
22 to a temperature not lower than one hundred and forty-
23 five degrees Fahrenheit for not less than thirty minutes.
24 Unless it is bottled hot, it is promptly cooled to fifty de-
25 grees Fahrenheit, or lower;

26 (c) Skimmed milk is milk from which a part or all of
27 the cream has been removed, and contains not less than
28 nine per cent of milk solids;

29 (d) Buttermilk is the product that remains when fat
30 is removed from milk or cream, sweet or sour, in the
31 process of churning. It contains not less than eight per
32 cent of milk solids not fat;

33 (e) Condensed milk, evaporated milk, concentrated
34 milk, is the product resulting from the evaporation of a
35 considerable portion of the water from the whole, fresh,
36 clean, lacteal secretion obtained by the complete milking
37 of one or more healthy cows, properly fed and kept,
38 excluding that obtained within fifteen days before and
39 five days after calving, and contains, all tolerances being
40 allowed for, not less than twenty-five and five-tenths
41 per cent of total solids and not less than seven and eight-
42 tenths per cent of milk fat;

43 (f) Sweetened condensed milk, sweetened evaporated
44 milk, sweetened concentrated milk, is the product re-
45 sulting from the evaporation of a considerable portion of
46 the water from the whole, fresh, clean, lacteal secretion
47 obtained by the complete milking of one or more healthy
48 cows, properly fed and kept, excluding that obtained
49 within fifteen days before and five days after calving, to

50 which sugar (sucrose) has been added. It contains, all
51 tolerances being allowed for, not less than twenty-eight
52 per cent of total milk solids and not less than seven and
53 eight-tenths per cent of milk fat;

54 (g) Condensed skimmed milk, evaporated skimmed
55 milk, concentrated skimmed milk, is the product result-
56 ing from the evaporation of a considerable portion of the
57 water from skimmed milk, and contains, all tolerances
58 being allowed for, not less than twenty per cent of milk
59 solids;

60 (h) Sweetened condensed skimmed milk, sweetened
61 evaporated skimmed milk, sweetened concentrated skim-
62 med milk, is the product resulting from the evaporation
63 of a considerable portion of the water from skimmed
64 milk to which sugar (sucrose) has been added. It con-
65 tains, all tolerances being allowed for, not less than
66 twenty-eight per cent of milk solids;

67 (i) Dried milk is the product resulting from the remov-
68 al of water from milk, and contains, all tolerances being
69 allowed for, not less than twenty-six per cent of milk
70 fat, and not more than five per cent of moisture;

71 (j) Dried skimmed milk is the product resulting from
72 the removal of water from skimmed milk, and contains,
73 all tolerances being allowed for, not more than five per
74 cent of moisture;

75 (k) Sweet cream is that portion of milk, rich in milk
76 fat, which rises to the surface of milk on standing or is
77 separated from it by centrifugal force. It is fresh, clean
78 It shall contain not less than eighteen per cent of milk
79 fat. Whipping cream is cream which shall contain not
80 less than thirty per cent of milk fat. Cream for butter
81 making shall be clean and contain no foreign matter and
82 shall be free from filth, putrefaction, mold and/or de-
83 composition;

84 (l) Butter is the clean, non-rancid product made by
85 gathering in any manner the fat of fresh or ripened milk
86 or cream into a mass, which also contains a small por-
87 tion of the other milk constituents with or without salt,
88 and contains not less than eighty per cent of milk fat.
89 The addition of vegetable butter coloring is permitted;

90 (m) Cheese is the sound solid, and ripened product
91 made from milk or cream by coagulating the casein

92 thereof with rennet or lactic acid, with or without the
93 addition of ripening ferments and seasoning and con-
94 tains, in the water-free substance, not less than fifty per
95 cent of milk fat. The addition of harmless coloring mat-
96 ter is permitted;

97 (n) Ice cream is a frozen substance made from pure,
98 wholesome milk products sweetened with sugar and may
99 contain not to exceed one half of one per cent of gelatin,
100 vegetable gum or other wholesome stabilizer. When
101 wholesome and harmless flavoring extracts are used, ice
102 cream shall contain not less than eight per cent of milk
103 fats and ten per cent of milk solids not fats. When eggs,
104 fruits, nuts, chocolate or cake are used, such reduction in
105 the percentage of milk fat and milk solids not fat shall
106 be allowed as may be caused by the addition of such
107 ingredients.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. H. Jasper Jr.
Chairman, Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the House of Delegates.

Takes effect FROM passage.

J. Thomas Myer
Clerk of the Senate

C. B. Stephens
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

H. R. Poole
Speaker House of Delegates

The within approved this the 19th

day of February, 1959.

W. H. H. Henderson
Governor

