

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 78

(By Mr. Snyder)



PASSED March 17th 1937

In Effect From Passage

ENROLLED
SUBSTITUTE FOR
Senate Bill No. 78

(BY MR. SNYDER) (by request)

[Passed March 12, 1937; in effect from passage.]

AN ACT to amend and reenact sections three and four, article eleven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to cream and butter.

Be it enacted by the Legislature of West Virginia:

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

Section 3. It shall be unlawful for any person to manufacture, offer or expose for sale or exchange, or have in

3 his possession with intent to sell, offer or expose for sale or
4 exchange, any milk or milk products that do not conform
5 to rules and regulations promulgated by the public health
6 council and to the following standards or definitions:

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

15 (b) Pasteurized milk is milk that has been subjected to
16 a temperature not lower than one hundred and forty-five
17 degrees fahrenheit for not less than thirty minutes. Unless
18 it is bottled hot, it is promptly cooled to fifty degrees fahren-
19 heit, or lower;

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

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

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

36 (f) Sweetened condensed milk, sweetened evaporated milk,
37 sweetened concentrated milk, is the product resulting from
38 the evaporation of a considerable portion of the water from
39 the whole, fresh, clean, lacteal secretion obtained by the com-
40 plete milking of one or more healthy cows properly fed and
41 kept, excluding that obtained within fifteen days before and
42 five days after calving, to which sugar (sucrose) has been

43 added. It contains, all tolerances being allowed for, not less
44 than twenty-eight per cent of total milk solids and not less
44a than seven and eight-tenths per cent of milk fat;

45 (g) Condensed skimmed milk, evaporated skimmed milk,
46 concentrated skimmed milk, is the product resulting from
47 the evaporation of a considerable portion of the water from
48 skimmed milk, and contains, all tolerances being allowed for,
49 not less than twenty per cent of milk solids;

50 (h) Sweetened condensed skimmed milk, sweetened evapo-
51 rated skimmed milk, sweetened concentrated skimmed milk,
52 is the product resulting from the evaporation of a consider-
53 able portion of the water from skimmed milk to which sugar
54 (sucrose) has been added. It contains, all tolerances being
55 allowed for, not less than twenty-eight per cent of milk solids;

56 (i) Dried milk is the product resulting from the removal
57 of water from milk, and contains, all tolerances being allowed
58 for, not less than twenty-six per cent of milk fat, and not
59 not more than five per cent of moisture;

60 (j) Dried skimmed milk is the product resulting from
61 the removal of water from skimmed milk, and contains, all
62 tolerances being allowed for, not more than five per cent

63 of moisture;

64 (k) Sweet cream is that portion of milk, rich in
65 milk fat, which rises to the surface of milk on standing or is
66 separated from it by centrifugal force. It is fresh, clean.
67 It shall contain not less than eighteen per cent of milk fat.
68 Whipping cream is cream which shall contain not less
69 than thirty per cent of milk fat. Cream for butter
70 making shall be clean and contain no foreign matter and
71 shall be free from filth, putrefaction, mold and/or decom-
72 position.

73 (l) Butter is the clean, non-rancid product made by
74 gathering in any manner the fat of fresh or ripened
75 milk or cream into a mass, which also contains a small
76 portion of the other milk constituents, with or with-
77 out salt, and contains not less than eighty per cent of
78 milk fat. The addition of vegetable butter coloring is
79 permitted;

80 (m) Cheese is the sound solid, and ripened product made
81 from milk or cream by coagulating the casein thereof with
82 rennet or lactic acid, with or without the addition of ripen-
83 ing ferments and seasoning and contains, in the water-free

84 substance, not less than fifty per cent of milk fat. The addi-
85 tion of harmless coloring matter is permitted;

86 (n) Ice cream is a frozen substance made from pure,
87 wholesome milk products sweetened with sugar and may con-
88 tain not to exceed one-half of one per cent of gelatine, vege-
89 table gum or other wholesome stabilizer. When wholesome
90 and harmless flavoring extracts are used, ice cream shall con-
91 tain not less than eight per cent of milk fats and ten per
92 cent of milk solids not fats. When eggs, fruits, nuts, chocolate
93 or cake are used, such reduction in the percentage of milk
94 fat and milk solids not fat shall be allowed as may be caused
95 by the addition of such ingredients.

Sec. 4. The enforcement of this article shall be vested in
2 the state department of agriculture, The commissioner of
3 agriculture shall have authority to make and enforce such
4 rules and regulations as are necessary to carry out the pro-
5 visions of this act and may accept on behalf of the state
6 of West Virginia the laws, rules, regulations, and standards
7 of the United States department of agriculture. Any person
8 who shall violate any of the provisions of this article shall
9 be guilty of a misdemeanor, and upon conviction thereof,

10 shall be fined not less than twenty-five nor more than fifty
11 dollars for the first offense, and not less than fifty nor
12 more than two hundred dollars for each subsequent offense.

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 19th day of March.....

1937.....


SECRETARY OF STATE

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

Chas. B. Albright

Chairman Senate Committee

Wm. S. O'Brien

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Shannon Miller

Clerk of the Senate

Geo. S. Hall

Clerk of the House of Delegate

Chas. E. Hoyle

President of the Senate

J. K. Thomas

Speaker House of Delegates

The within..... this the.....

day of....., 1937.

Governor

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



Filed in the office of the Secretary of State of West Virginia. MAR 19 1937

Wm. S. O'BRIEN, Secretary of State