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 manufac-
2 ture, offer or expose for sale or exchange, or have in
his possession with intent to sell, offer or expose for sale or
exchange, any milk or milk products that do not conform
to rules and regulations promulgated by the public health
council and to the following standards or definitions:

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

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

(c) Skimmed milk is milk from which a part or all of
the cream has been removed, and contains not less than
nine per cent of milk solids;
(d) Buttermilk is the product that remains when fat is removed from milk or cream, sweet or sour, in the process of churning. It contains not less than eight per cent of milk solids not fat;

(e) Condensed milk, evaporated milk, concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and 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;

(f) Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows properly fed and kept, excluding that obtained within fifteen days before and five days after calving, to which sugar (sucrose) has been
added. It contains, all tolerances being allowed for, not less than twenty-eight per cent of total milk solids and not less than seven and eight-tenths per cent of milk fat;

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

(h) Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk, is the product resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than twenty-eight per cent of milk solids;

(i) Dried milk is the product resulting from the removal of water from milk, and 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;

(j) Dried skimmed milk is the product resulting from the removal of water from skimmed milk, and contains, all tolerances being allowed for, not more than five per cent
(k) Sweet cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force. It is fresh, clean. It shall contain not less than eighteen per cent of milk fat. Whipping cream is cream which shall contain not less than thirty per cent of milk fat. Cream for butter making shall be clean and contain no foreign matter and shall be free from filth, putrefaction, mold and/or decomposition.

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

(m) Cheese is the sound solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning and contains, in the water-free
substance, not less than fifty per cent of milk fat. The addition of harmless coloring matter is permitted;

Ice cream is a frozen substance made from pure, wholesome milk products sweetened with sugar and may contain not to exceed one-half of one per cent of gelatine, vegetable gum or other wholesome stabilizer. When wholesome and harmless flavoring extracts are used, ice cream shall contain not less than eight per cent of milk fats and ten per cent of milk solids not fat. When eggs, fruits, nuts, chocolate or cake are used, such reduction in the percentage of milk fat and milk solids not fat shall be allowed as may be caused by the addition of such ingredients.

Sec. 4. The enforcement of this article shall be vested in the state department of agriculture. The commissioner of agriculture shall have authority to make and enforce such rules and regulations as are necessary to carry out the provisions of this act and may accept on behalf of the state of West Virginia the laws, rules, regulations, and standards of the United States department of agriculture. Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof,
shall be fined not less than twenty-five nor more than fifty
dollars for the first offense, and not less than fifty nor
more than two hundred dollars for each subsequent offense.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within this the day of , 1937.

Governor

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

Wm. S. O'Brien, Secretary of State