

ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 271

(Originating in the Committee on Agriculture.)

[Passed March 4, 1961; in effect ninety days 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, offer
4 or expose for sale or exchange, any milk or milk products
5 that do not conform to rules and regulations promulgated

6 by the public health council and to the following stand-
7 ards or definitions:

8 (a) Milk is hereby defined to be the lacteal secretion,
9 practically free from colostrum, obtained by the complete
10 milking of one or more healthy cows, which contains not
11 less than eight and one-half per cent solids not fat and
12 not less than three and one-half per cent milk fat: *Pro-*
13 *vided, however,* That the standard set out in this sub-
14 section shall not be construed to include persons pro-
15 ducing milk and selling the same on a wholesale basis
16 to dairies or receiving plants;

17 (b) The terms "pasteurization", and "pasteurized", and
18 similar terms shall be taken to refer to the process of
19 heating every particle of milk or milk products to at
20 least one hundred forty-five degrees fahrenheit, and hold-
21 ing it at such temperature continuously for at least thirty
22 minutes, or to at least one hundred sixty-one degrees
23 fahrenheit, and holding it at such temperature continu-
24 ously for at least fifteen seconds, in approved and properly
25 operated equipment: *Provided,* That nothing contained
26 in this definition shall be construed as barring any other

27 process which has been demonstrated to be equally effici-
28 ent and which is approved by the commissioner of agri-
29 culture and state director of health;

30 (c) Skimmed milk is milk from which a sufficient por-
31 tion of milk fat has been removed to reduce its milk fat
32 content to less than three and one-half per cent, and shall
33 contain not less than nine per cent milk solids not fat;

34 (d) Buttermilk is a fluid product resulting from the
35 churning of milk or cream. It contains not less than eight
36 per cent milk solids not fat;

37 (d-1) Cultured buttermilk is a fluid product resulting
38 from the souring or treatment by a lactic acid or other
39 culture, of pasteurized skimmed milk or pasteurized re-
40 constituted skimmed milk. It contains not less than eight
41 per cent milk solids not fat;

42 (e) Condensed milk, evaporated milk, concentrated
43 milk, is the product resulting from the evaporation of a
44 considerable portion of the water from milk, and contains,
45 all tolerances being allowed for, not less than twenty-five
46 and five-tenths per cent total solids and not less than
47 seven and eight-tenths per cent milk fat;

48 (f) Sweetened condensed milk, sweetened evaporated
49 milk, sweetened concentrated milk, is the product result-
50 ing from the evaporation of a considerable portion of the
51 water from milk, to which sugar has been added. It con-
52 tains, all tolerances being allowed for, not less than twen-
53 ty-eight per cent total milk solids and not less than seven
54 and eight-tenths per cent milk fat;

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

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

68 (i) Dried milk is the product resulting from the re-

69 moval of water from milk, and contains, all tolerances
70 being allowed for, not less than twenty-six per cent milk
71 fat, and not more than five per cent moisture;

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

76 (k) Sweet cream is a fresh, clean portion of milk
77 which contains not less than eighteen per cent milk fat.
78 Whipping cream is cream which shall contain not less
79 than thirty per cent milk fat. Cream for butter making
80 shall be clean and contain no foreign matter and shall
81 be free from filth, putrefaction, mold or decomposition;

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

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

90 thereof with rennet or lactic acid, with or without the
91 addition of ripening ferments and seasoning and contains,
92 in the water-free substance, not less than fifty per cent
93 milk fat. The addition of harmless coloring matter is
94 permitted;

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

106 (o) Half and half is a product consisting of a mixture
107 of milk and cream which contains not less than eleven
108 and one-half per cent milk fat;

109 (p) Sour cream is cream the acidity of which is more
110 than two tenths of one per cent, expressed as lactic acid,

111 which contains not less than eighteen per cent milk fat;

112 (q) Cottage cheese is the soft uncured cheese prepared
113 from the curd obtained by adding harmless, lactic-acid-
114 producing bacteria, with or without enzymatic action, to
115 pasteurized skimmed milk or pasteurized reconstituted
116 skimmed milk. It contains not more than eighty per cent
117 moisture;

118 (r) Creamed cottage cheese is the soft uncured cheese
119 prepared by mixing cottage cheese with pasteurized cream
120 or a pasteurized mixture of cream with milk or skimmed
121 milk or both. Such cream or mixture is used in such
122 quantity that the milk fat added thereby is not less than
123 four per cent by weight of the finished creamed cottage
124 cheese. The finished creamed cottage cheese contains not
125 more than eighty per cent moisture;

126 (s) Homogenized milk is milk which has been treated
127 in such a manner as to insure breakup of the fat globules
128 to such an extent that, after forty-eight hours of quiescent
129 storage, no visible cream separation occurs on the milk,
130 and the fat percentage of the top one hundred milliliters
131 of milk in a quart bottle, or of proportionate volumes in

132 containers of other sizes, does not differ by more than
133 ten per cent of itself from the fat percentage of the re-
134 maining milk as determined after thorough mixing. The
135 word "milk" shall be interpreted to include homogenized
136 milk;

137 (t) Vitamin D milk is milk the vitamin D content of
138 which has been increased by an approved method to at
139 least four hundred U.S.P. units per quart.

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

Howard Davis, Jr.
Chairman Senate Committee

Mrs. V. H. Withers
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Carson
President of the Senate

Julius W. Singletary Jr.
Speaker House of Delegates

The within approved this the 17th
day of March, 1961.

W. M. Barr
Governor

Filed in Office of the Secretary of State
of West Virginia **MAR 17 1961**
JOSEPH BURDETT
SECRETARY OF STATE