WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED
Committee substitute for
HOUSE BILL No...2171...

(By Mr. Kelley)

PASSED March 14, 1961

In Effect Ninety Days from Passage

Filed in Office of the Secretary of State
of West Virginia MAR 17 1961
JOE F. BURDETT
SECRETARY OF STATE
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 person to manufacture, 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
(a) Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than eight and one-half per cent solids not fat and not less than three and one-half per cent milk fat: Provided, however, That the standard set out in this subsection shall not be construed to include persons producing milk and selling the same on a wholesale basis to dairies or receiving plants;

(b) The terms "pasteurization", and "pasteurized", and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least one hundred forty-five degrees fahrenheit, and holding it at such temperature continuously for at least thirty minutes, or to at least one hundred sixty-one degrees fahrenheit, and holding it at such temperature continuously for at least fifteen seconds, in approved and properly operated equipment: Provided, That nothing contained in this definition shall be construed as barring any other
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27  process which has been demonstrated to be equally effici-
ent and which is approved by the commissioner of agri-
culture and state director of health;

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

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

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

42  (e) Condensed milk, evaporated milk, concentrated
milk, is the product resulting from the evaporation of a
considerable portion of the water from milk, and contains,
all tolerances being allowed for, not less than twenty-five
and five-tenths per cent total solids and not less than
seven and eight-tenths per cent 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 milk, to which sugar has been added. It contains, all tolerances being allowed for, not less than twenty-eight per cent total milk solids and not less than seven and eight-tenths per cent 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 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 has been added. It contains, all tolerances being allowed for, not less than twenty-eight per cent milk solids;

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

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

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

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

(s) Homogenized milk is milk which has been treated in such a manner as to insure breakup of the fat globules to such an extent that, after forty-eight hours of quiescent storage, no visible cream separation occurs on the milk, and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportionate volumes in
containers of other sizes, does not differ by more than ten per cent of itself from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk;

(t) Vitamin D milk is milk the vitamin D content of which has been increased by an approved method to at least four hundred U.S.P. units per quart.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor

Filed in Office of the Secretary of State

of West Virginia

MAR 17, 1961

SECRETARY OF STATE