

# HOUSE . . . . No. 1214

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 4, 1927.

The committee on bills in the third reading, to whom was referred the bill regulating the manufacture and sale of ice cream (House, No. 1094), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 1214).

For the committee,

THOMAS R. BATEMAN.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Seven.

An Act establishing a Standard for Ice Cream and regulating its Manufacture and Sale.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter ninety-four of the General Laws  
2 is hereby amended by striking out sections sixty-four  
3 and sixty-five and inserting in place thereof the fol-  
4 lowing eight sections:—

5 *Section 64.* For the purposes of sections sixty-four to  
6 sixty-five F, inclusive, ice cream is hereby defined to be  
7 the frozen product of cream, milk or skimmed milk, or  
8 any combination thereof, or of milk products, with  
9 sugar, and with or without the addition of pure gelatine  
10 or vegetable gums. Such product shall contain not less  
11 than ten per cent of milk fat and not less than eighteen  
12 and five tenths per cent of total milk solids; provided,  
13 that if eggs, fruit, fruit juices, cocoa, chocolate or nuts  
14 are added thereto, such product shall contain not less  
15 than eight per cent of milk fat and not less than six-  
16 teen and five tenths per cent of total milk solids.

17 *Section 65.* Ice cream shall be deemed to be adul-  
18 terated:—

19 First, If it contains saccharin or any preservative,  
20 mineral or other substance or compound deleterious to  
21 health; provided, that this clause shall not be construed

22 to prohibit the use of harmless coloring matter when  
23 not used for fraudulent purposes;

24 Second, If it contains any fats, other than milk fat  
25 or egg fat, or any oils or paraffin added to, blended  
26 with or compounded with it; provided, that chocolate  
27 ice cream and the coating of coated ice cream may  
28 contain cocoa butter;

29 Third, If it is made in whole or in part from, or  
30 contains, ice cream which for any reason is unfit for  
31 food.

32 *Section 65A.* No person, himself or by his servant or  
33 agent, shall

34 (a) manufacture, sell or offer or expose for sale, or  
35 have in possession with intent to sell or offer or expose  
36 for sale, under the name of "ice cream", any substance  
37 not conforming to the provisions of the two preceding  
38 sections, or adulterated within the meaning of the pre-  
39 ceding section;

40 (b) sell or offer or expose for sale, or have in posses-  
41 sion with intent to sell or offer or expose for sale, ice  
42 cream in a container which is falsely labelled or branded  
43 as to the name or address of the manufacturer of such  
44 ice cream, or an imitation of or substitute for ice cream  
45 under a coined or trade name which does not identify  
46 its true character;

47 (c) sell ice cream from a container or a compartment  
48 of a cabinet or fountain, which contains any article of  
49 food, other than ice cream or an imitation or substitute  
50 for ice cream offered for sale under a coined or trade  
51 name which plainly identifies its true character;

52 (d) handle ice cream or coated ice cream in unclean,  
53 unsanitary or unhealthful premises or in an unclean,  
54 unsanitary or unhealthful manner;

55 (e) use or lend, borrow, hire or lease for use any ice

56 cream can, tub, jacket or other container for any other  
57 purpose than the handling, storing or shipping therein  
58 of ice cream;

59 (f) engage in the business of manufacturing ice cream  
60 without a license so to do from the board of health of  
61 the town where such business is or is to be located.

62 *Section 65B.* Local boards of health may grant to  
63 suitable applicants therefor licenses to manufacture ice  
64 cream. Applications for such licenses shall be made  
65 upon forms prescribed by the department of public  
66 health. No license shall be granted hereunder until  
67 after inspection and approval by such local board of  
68 the premises wherein the business so licensed is to be  
69 carried on. Each license so granted shall, unless sooner  
70 revoked, expire on April thirtieth following its issue, and  
71 the fee therefor shall be one dollar. Any such license  
72 may be revoked at any time, for cause and after a  
73 hearing, by the local board which granted it.

74 *Section 65C.* No person engaged in the business of  
75 manufacturing or selling ice cream shall knowingly em-  
76 ploy therein any person affected with any contagious,  
77 infectious or other disease or physical ailment which  
78 may render such employment detrimental to the public  
79 health, or any person who refuses to submit to the  
80 examination referred to in section sixty-five D.

81 *Section 65D.* The commissioner of public health, or  
82 local boards of health, within their respective jurisdic-  
83 tions, may require any person intending to work, or  
84 working, in an establishment engaged wholly or in part  
85 in the business of manufacturing or selling ice cream and  
86 whose duties actually pertain to such manufacture or  
87 sale, to submit to thorough physical examination to  
88 ascertain whether he is afflicted with any contagious,  
89 infectious or other disease or physical ailment which

90 might render such employment detrimental to the pub-  
91 lic health. Such examination shall be made by a physi-  
92 cian duly registered and licensed to practice in the  
93 commonwealth, and shall be made without charge to  
94 the person examined and at the expense of the depart-  
95 ment of public health or local board making it. Any  
96 person so examined may have his physician present at  
97 the examination.

98 *Section 65E.* The department of public health, and  
99 local boards of health, within their respective jurisdic-  
100 tions, shall enforce the provisions of sections sixty-four  
101 to sixty-five F, inclusive, and may make rules and  
102 regulations consistent with said provisions.

103 *Section 65F.* Whoever violates any provision of sec-  
104 tions sixty-four to sixty-five E, inclusive, or of any rule  
105 or regulation made thereunder, shall be punished by a  
106 fine of not less than fifteen nor more than five hundred  
107 dollars, or by imprisonment for not more than six  
108 months.

1 SECTION 2. Said chapter ninety-four is hereby further  
2 amended by inserting before section one hundred and  
3 eighty-six the following new section:—

4 *Section 185A.* Sections one hundred and eighty-six  
5 to one hundred and ninety-five, inclusive, shall not  
6 apply to ice cream.





