

HOUSE No. 506

By Mr. Kostanski of Montague, petition of Walter R. Kostanski for legislation to authorize the manufacture and sale of dietetic ice cream. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT AUTHORIZING THE MANUFACTURE AND SALE OF DIETETIC ICE CREAM.

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. Section 65G of chapter 94 of the General Laws
2 is hereby amended by inserting after the paragraph defining
3 "Frozen desserts", as appearing in section 1 of chapter 373 of
4 the acts of 1934, the following paragraph:—

5 "Special frozen dessert", ice cream, frozen custard, ice milk,
6 milk sherbet and water ice or ice sherbet except that it shall
7 contain no sugar other than milk sugar present in the milk in-
8 gredients used in the manufacture thereof. This product shall
9 not be construed to fall within the meaning of "imitation frozen
10 dessert", as defined herein.

1 SECTION 2. Section 65L of said chapter 94, as most recently
2 amended by section 7 of chapter 356 of the acts of 1957, is hereby
3 further amended by striking out paragraph (b), and inserting in
4 place thereof the following paragraph:—

5 (b) No person shall sell or exchange, offer for sale or exchange,
6 or advertise for sale, any frozen dessert, frozen dessert mix or
7 special frozen dessert if its brand name or the label upon it, or
8 the advertisement accompanying it shall give a false indication
9 of its origin, character, composition or place of manufacture, or
10 is otherwise false or misleading in any particular.

1 SECTION 3. Said section 65L of said chapter 94 is hereby fur-
2 ther amended by inserting after paragraph (f) the following
3 paragraph: —

4 (g) No person other than a pharmacist shall sell or exchange,
5 deliver, or offer or expose for sale or exchange, or attempt to de-
6 liver special frozen dessert. Such dessert shall be sold only in
7 package form and on prescription of a physician. Special frozen
8 dessert shall not be labeled or designated as any of the stand-
9 ardized frozen desserts defined in section sixty-five G. A com-
10 plete analysis of the product shall be clearly printed in contrast-
11 ing colored letters on the container, with the list of constituents
12 being arranged in their order of predominance and with a state-
13 ment as to the caloric value of each constituent. Said analysis
14 shall be based on a one hundred gram basis, with the weight in
15 grams of each constituent appearing in conjunction therewith.
16 No person shall manufacture a special frozen dessert without
17 first obtaining a license to do so from the department of public
18 health.