

HOUSE No. 4932

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 8, 1967.

The committee on Agriculture, to whom was referred the petition (accompanied by bill, House, No. 3245) of Thomas C. Wojtkowski relative to the definition and regulation by the Milk Control Commission of fortified low-fat milk, report the accompanying bill (House, No. 4932).

For the committee,

STANLEY J. BOCKO.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE DEFINITION AND REGULATION BY THE MILK CONTROL COMMISSION OF "FORTIFIED LOW-FAT MILK".

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 94 of the General Laws is hereby
2 amended by striking out section 12, as amended by sec-
3 tion 2 of chapter 757 of the acts of 1955, and inserting in
4 place thereof the following section:—

5 *Section 12.* The Massachusetts legal standard for milk
6 shall be milk which upon analysis is shown to contain not
7 less than twelve per cent of milk solids and not less than
8 three and thirty-five hundredths per cent of milk fat. The
9 Massachusetts legal standard for skimmed milk shall be milk
10 containing less than three and thirty-five hundredths per
11 cent of milk fat. The Massachusetts legal standard for non-
12 fat milk shall be skimmed milk which contains not more
13 than one tenth of one per cent of milk fat. The Massachusetts
14 legal standard for low fat milk shall be skimmed milk which
15 contains between one and one-half per cent and two and one-
16 half per cent of milk fat. The Massachusetts legal standard
17 for cream or ungraded cream shall be grades to be known
18 as light cream, medium cream, heavy cream and cream which
19 upon analysis is shown to contain not less than sixteen per
20 cent of milk fat. The Massachusetts legal standard for the
21 grades to be known as light cream, medium cream, heavy
22 cream and extra heavy cream shall be cream which upon
23 analysis is shown to contain not less than sixteen, twenty-
24 five, thirty-four and thirty-eight per cent, respectively, of
25 milk fat.

1 SECTION 2. Said chapter 94 is hereby further amended by
2 striking out section 12A, as amended by section 2 of chap-

3 ter 598 of the acts of 1961, and inserting in place thereof
4 the following section:—

5 *Section 12A.* “Fortified non-fat milk,” “fortified skimmed
6 milk” and “fortified low-fat milk” shall be made from non-
7 fat milk, skimmed milk or low fat milk which comes from
8 sources approved for sale in the commonwealth to which
9 has been added not more than three per cent by weight
10 of non-fat milk solids. Non-fat milk solids shall be milk
11 solids derived from non-fat milk obtained from milk which
12 comes from sources approved for sale in this commonwealth.
13 The department of public health is hereby authorized to
14 establish reasonable rules and regulations for sanitary stan-
15 dards, and notwithstanding any other provision of law to
16 the contrary the milk regulation board is authorized to estab-
17 lish requirements for labeling of concentrated non-fat milk,
18 non-fat dry milk solids, fortified non-fat milk, fortified
19 skimmed milk and fortified low fat milk and the milk con-
20 trol commission, in establishing minimum prices under sec-
21 tion ten of chapter ninety-four A for milk to which vitamins
22 or minerals have been added as herein authorized, shall
23 limit the amount of increase of the minimum price of such
24 milk above that of milk not containing such additions as is
25 reasonable in view of the extra cost involved.

26 Whoever violates any provision of this section or any rule
27 or regulation of the department of public health or the milk
28 regulation board made hereunder shall be fined not less than
29 twenty-five dollars nor more than one hundred dollars for
30 each offence.

1 SECTION 3. Said chapter 94 is hereby further amended by
2 striking out section 48C, as amended by section 7 of chap-
3 ter 757 of the acts of 1955, and inserting in place thereof the
4 following section:—

5 *Section 48C.* For the purposes of this section, flavored milk
6 is hereby defined as consisting of milk to which has been
7 added a syrup or flavor consisting of wholesome ingredients.
8 Flavored dairy drink is defined as consisting of skimmed milk,
9 to which has been added a syrup or flavor consisting of
10 wholesome ingredients. No person, himself or by his agent,

11 shall sell, deliver or distribute, or have in his custody or
12 possession with intent to sell, deliver or distribute, any
13 flavored milk or flavored dairy drink contained in a sealed
14 bottle or other sealed container unless he is licensed under
15 section forty by an inspector of milk, in any town wherein
16 such an inspector is appointed, nor unless the milk or
17 skimmed milk, as the case may be, contained in the flavored
18 milk or flavored dairy drink conforms to the legal standard
19 fixed therefor by section twelve, nor unless said milk shall
20 come from sources approved for sale in the commonwealth,
21 nor unless the container thereof bears a label, cap or tag
22 on which is printed in legible type the words "Flavored
23 Milk" if the product is made from milk, or "Flavored Dairy
24 Drink" if the product is made from skimmed milk, and the
25 word "Flavored" to be substituted by the word "chocolate",
26 "coffee" or other word as the true name of the flavor may
27 be. The board of health of any city or town may make
28 reasonable regulations pertaining to the manufacture, sale
29 and delivery or distribution therein of any flavored milk
30 or flavored dairy drink. The department of public health
31 is empowered to establish sanitary standards, and to estab-
32 lish requirements for labeling of "Flavored Milk" and
33 "Flavored Dairy Drink". Whoever violates any provision
34 of this section, or any regulation made under authority
35 thereof, shall be punished by a fine of not less than ten
36 dollars nor more than fifty dollars.