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APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 535

AN ACT

To amend the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, nine hundred twelve), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties," further regulating bakeries and the importation of bakery products; providing for injunctions in certain cases; and changing the penalties prescribed.

Section 3, act
of May 22, 1933
(P. L. 912),
amended.

Section 1. Be it enacted, &c., That section three of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, nine hundred twelve), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties," is hereby amended to read as follows:

Section 3. Annual License and License Fee.—It shall be the duty of every person, whether a resident or non-resident of this Commonwealth, operating a bakery, to apply to the Department of Agriculture for a license to do so, and to register with the department all bakery products baked, prepared, manufactured or compounded in such bakeries, before the first day of January, one thousand nine hundred thirty-four, and annually thereafter before the first day of January of each succeeding year, and pay to the Department of Agriculture, at the time said application for registration and license is filed, an annual fee as follows: For bakeries using less than one hundred barrels of flour per week, five dollars (\$5.00); for bakeries using one hundred barrels and less than two hundred barrels of flour per week, ten dollars (\$10.00); and bakeries using two hundred barrels or more per week, twenty dollars (\$20.00): Provided, however, That any person operating a bakery in Pennsylvania who does not use more than fifty pounds of flour,

flour substitute, flour mixture, or potatoes a week in the preparation of bakery products shall not be required to register such bakery products, pay a license fee, or obtain a license.

The application for a license and registration shall be made on a form to be supplied by the department, and shall show trade names of all products and principal address of bakery. The application shall have attached thereto the affidavit of the person applying for the license that the facts set forth therein are true and correct.

From and after the first day of January, one thousand nine hundred and thirty-four, it shall be unlawful for any person to operate a bakery for the manufacture of bakery products unless said bakery is duly licensed in accordance with the provisions of this act.

Upon approval of application for registration and license and payment of required license fee, and also upon approval of sanitary conditions in a bakery and every store or shop connected therewith, the Department of Agriculture shall issue to each applicant a license or certificate of registration, which shall expire at the end of each calendar year, and which will authorize the operation of said bakery and the baking, compounding, manufacturing, and sale of said bakery products for the calendar year, or portion thereof, for which a license or certificate of registration shall be issued.

All wrappers of any kind whatsoever, in which bakery products shall be wrapped, shall be printed or marked in a clear and legible manner with the trade name or kind of bakery product which it purports to be, *and with the name of the bakery manufacturing such bakery product, or with the name and address of the distributor or wholesale* dealer distributing such bakery product, preceded by the words "distributed by," or followed by the word "distributor," as the case may be: Provided, That when transparent wrappers are employed, such printed or legible statement may be inserted in a conspicuous position between such transparent wrapper and the top of the loaf or other bakery product, or by printed band or wrapper around the top of the loaf or other bakery product.*

Section 2. That said act is hereby amended by adding thereto after section five two new sections to read as follows:

Said act amended by adding thereto after section 5 sections 6 and 7.

Section 6. Sale and Importation of Bakery Products.—It shall be unlawful for any person—

(a) To sell, offer for sale, or have in his possession with intent to sell, a bakery product which is not registered with the department as provided in this act. Pos-

* "wholesaler" in the original.

session of any bakery product shall be deemed *prima facie* evidence of an intent to sell such bakery product.

(b) To import into this Commonwealth for sale within this Commonwealth any bakery products manufactured in a bakery in another state that is not licensed according to the laws of this Commonwealth.

Section 7. Injunctions.—The Attorney General, at the request of the department, may, in the name of the Commonwealth, institute proceedings in the court of common pleas of Dauphin County for the purpose of enjoining the sale of any bakery products in this Commonwealth contrary to the provisions of this act, and for such purpose, jurisdiction is hereby conferred upon said court. In such case the Attorney General shall not be required to give bond.

Sections 6, 7,
and 8, amended.

Section 3. That sections six, seven and eight of said act are hereby amended to read as follows:

Section [6] 8. Penalty.—Any person who violates any of the provisions of this act, or any of the rules and regulations of the department adopted under the authority of this act, shall, [be guilty of a misdemeanor, and, upon conviction thereof, shall] *for the first or second offense, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) [or] and costs of prosecution, and, in default of payment of such fine and costs, shall be sentenced to undergo imprisonment [of] in the county jail for not less than thirty days nor more than sixty days, [or both] and for a third or subsequent offense, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or to undergo imprisonment not exceeding one year, or both, in the direction of the court.*

All fines imposed and recovered for any violation of the provisions of this act shall be paid to the department, and all such fines and penalties, together with the license fees paid under the provisions of this act, shall be paid into the State Treasury through the Department of Revenue *into the General Fund.*

Section [7] 9. Effective Date.—This act shall become effective on the first day of [June] *August*, one thousand nine hundred and [thirty-three] *thirty-seven*.

Section [8] 10. Repeals.—The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred eighty-eight), entitled “An act to protect the health of the persons employed in bakeries by requiring the ventilation, drainage, sanitation, and purity of bakeries, the cleanliness of persons employed therein and of all bakery products, tools, implements, ingredients, and other things used in con-

nection with their manufacture, delivery, and sale; by regulating and, in certain cases restricting, the use of such bakeries; by regulating the manufacture, sale, and delivery of such products; by requiring all persons employed or permitted to work therein to be certified as free from certain diseases and skin affections; by prohibiting the presence of all animals; by requiring a certificate of compliance, and regulating the issuance of same; by providing for the enforcement of this act; and providing penalties for violations hereof," and its amendments, are hereby repealed.

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 536

AN ACT

To further amend section sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred eight), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," by providing for special registration of veterans and certain other persons in certain cases.

Section 1. Be it enacted, &c., That section sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred eight), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as last amended by section two of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred thirteen), is hereby further amended to read as follows:

Section 16. (a) That the Pennsylvania Board of Pharmacy may, in its discretion, register as a pharmacist, without examination, any person who is duly so registered by examination in some other State: Pro-

Section 16, act of May 17, 1917 (P. L. 208), as amended by act of May 16, 1921 (P. L. 613), further amended.

Registration of pharmacists from other States.
Qualifications.
Proviso.