

No. 168

## 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.

Bakeries and  
bakery products.

Section 1. Be it enacted, &c., That—Definitions.—The following words and terms, as used in this act, shall be construed as follows:

“Bakery” means and includes all buildings, and parts of buildings, cellars and basements, used for the manufacture and handling of bakery products intended for sale, and for the mixing and other preparation of ingredients and materials entering into the manufacture of bakery products.

“Bakery products” means and includes bread, rolls, cakes, cookies, crackers, ice cream cones, crullers, doughnuts, biscuits, pies, macaroni, spaghetti, noodles, alimentary pastes, pretzels, potato chips, and all other products whatever manufactured in a bakery and intended for human consumption, as well as the ingredients and materials entering into their manufacture.

“Person” means an individual, copartnership, association, and corporation.

“Department” means the Department of Agriculture of the Commonwealth of Pennsylvania.

Section 2. Cleanliness and Sanitation Required.—It is unlawful for any person to manufacture bakery products in an unclean or insanitary bakery or under unclean or insanitary conditions, or to use unclean or insanitary fixtures, furnishings, machinery, apparatus, equipment, implements, utensils and receptacles, or unclean, insanitary or unwholesome ingredients or materials in a bakery, or to sell, expose, or offer for sale bakery products in an unclean or insanitary store or shop connected with a bakery.

Every bakery, and every store or shop connected with a bakery, shall be maintained and operated with strict regard for the purity and wholesomeness of the bakery products manufactured, produced, sold, or offered for sale therein or therefrom, and in accordance with the following requirements:

(a) Bakery products shall not at any time be wrapped in anything except clean unused wrappers.

(b) Bakery products shall not be touched or handled by prospective purchasers until purchased.

(c) All vehicles, boxes, baskets, and other receptacles, in which bakery products are contained, deposited, received or stored, shall, at all times, be kept clean, covered, ventilated, and screened or otherwise protected.

(d) No person who is afflicted with a communicable disease or skin affliction shall be employed or permitted to work in a bakery. Each employe shall be examined at least once every six months by a duly licensed physician, and the certificate of the physician, showing freedom from disease or affliction, shall be kept on file in the bakery.

Section 3. Annual License and License Fee.—It shall be the duty of every person, whether a resident or nonresident 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.

Section 4. Inspections, Suspension and Revocation of Licenses; Appeals.—The department, through its duly authorized officers, inspectors, agents and other assistants, shall be permitted at all reasonable times to inspect any bakery, or part thereof, the premises connected therewith, and the operation of such bakery. Any person refusing or interfering with such inspection shall be guilty of a violation of this act.

If, as the result of any inspection, it shall appear that any bakery, or part thereof, or premises connected therewith, is being maintained or operated in violation of any of the provisions of this act, or the rules and regulations of the department adopted pursuant thereto, the department shall cause written notice thereof to be served upon the person operating said bakery, together with an order commanding an abatement of such violation and a compliance with this act and the rules and regulations of the department within a reasonable period of time stated in the notice. If the instructions set out in the notice are not complied with within the time therein stated, the department shall suspend or revoke the license issued to the bakery, and such license shall not be reinstated until the order of the department is complied with.

Any person aggrieved by the department in suspending or revoking any license may appeal from the action of the department to the court of common pleas of Dauphin County, but such appeal shall not operate as a supersedeas to the order of the department. The court shall fix a day for hearing the appeal, of which due notice shall be given to the department. After hearing the appeal de novo, the court shall affirm, modify, or reverse the action of the department as to it seems just and proper. The action of the court shall be final.

Section 5. Rules and Regulations.—The Department of Agriculture shall make, adopt, and promulgate rules and regulations for the purpose of carrying into effect the provisions of this act, and of fixing and defining the standards for the maintenance and operation of bakeries in accordance with the requirements of this act.

Section 6. 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 be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or to undergo imprisonment of not less than thirty days or more than sixty days, or both.

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.

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

Section 8. 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 connection 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 22d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 169

AN ACT

For unemployment relief; authorizing coöperative agricultural associations to purchase and improve agricultural land, and lease and stock such land for unemployment relief; providing for the sale of such land to the lessees.

Section 1. Be it enacted, &c., That—Acquisition.—For the purposes of this act, coöperative agricultural associations, hereinafter called associations, organized or which may be organized under the provisions of the act, approved the first day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred sixty-six), entitled "An act to provide for the incorporation and regulation of coöperative agricultural associations not having a capital stock and not conducted for profit, and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, beekeeping, and horticulture," and its amendments, or the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (Pamphlet

State  
emergency  
relief farms.