

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1472

Session of
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AND SEVENTY, MAY 27, 1981

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 24, 1981

AN ACT

1 Relating to the protection of the public from adulterated,
2 misbranded and deleterious foods, providing for inspections
3 of food establishments, requiring detention and destruction
4 of food determined to be dangerous to health, providing
5 penalties and making certain repeals.

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11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Short title.

14 This act shall be known and may be cited as the "Food Act."

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall
17 have, unless the context clearly indicates otherwise, the
18 meanings given to them in this section:

19 "Color additive." A material which is a dye, pigment, or
20 other substance and when added or applied to a food can (alone
21 or through reaction with other substances) color it. The term
22 does not include material which is determined by regulation to
23 be used solely for a purpose other than coloring. The term also
24 does not include a pesticide chemical, soil or plant nutrient or
25 other agricultural chemical that may affect the color of produce
26 before or after harvest. The term "color" includes black, white
27 and intermediate grays.

28 "Department." The Department of Agriculture.

29 "Federal act." The Federal Food, Drug and Cosmetic Act, (21
30 U.S.C. § 301 et seq.), the Wholesome Meat Act, (21 U.S.C. § 601

1 et seq.), and the Wholesome Poultry Products Act, (21 U.S.C. §
2 451 et. seq.).

3 "Food." An article used for food or drink for man, chewing
4 gum and articles used for components of any such article. This
5 term does not include:

6 (1) Medicines and drugs.

7 (2) Articles or products regulated under laws or
8 regulations listed in section 16.

9 "Food additive." A substance the use of which does affect
10 the characteristics of a food and which has not been determined
11 by generally recognized qualified experts to be safe or in the
12 case of a substance used in food before January 1, 1958, by
13 scientific procedures or experience based on common use. The
14 term does not include:

15 (1) A pesticide chemical in or on a raw agricultural
16 commodity.

17 (2) A pesticide chemical used in the production, storage
18 or transportation of any raw agricultural commodity.

19 (3) A color additive.

20 (4) A substance used prior to the enactment of the
21 Federal Food, Drug and Cosmetic Act, (21 U.S.C. § 301 et
22 seq.), the Wholesome Poultry Products Act, (21 U.S.C. § 451
23 et. seq.) or the Meat Inspection Act of March 4, 1907 (34
24 Stat. 1260), as amended and extended (21 U.S.C. § 71 et.
25 seq.).

26 "Food establishment." Any room, building or place or portion
27 thereof, or vehicle maintained, used or operated in the
28 Commonwealth of Pennsylvania for the purpose of commercially
29 storing, packaging, making, cooking, mixing, processing,
30 bottling, baking, canning, packing or otherwise preparing or

1 handling food, except for eating and drinking establishments
2 that do not utilize 100 pounds of flour per week for baking
3 purposes or manufacture frozen desserts. Those operational parts
4 of establishments registered by the Federal Government under the
5 Wholesome Meat Act (21 U.S.C. § 601 et. seq.) and the Wholesome
6 Poultry Act (21 U.S.C. § 451 et. seq.) shall not be deemed food
7 establishments under this act, unless the Federal Government
8 enters into an agreement with the Commonwealth of Pennsylvania
9 to enforce the provisions against those parts of establishments
10 controlled under the Wholesome Meat Act or Wholesome Poultry
11 Act. If there is an agreement with the Federal Government and
12 the Commonwealth as aforesaid, then those parts of
13 establishments shall be deemed to be food establishments under
14 this act.

15 "Label." A display of written, printed or graphic matter
16 upon the immediate containers of any food. The term "immediate
17 container" does not include package liners.

18 "Labeling." All labels and other written, printed or graphic
19 matter upon a food or any of its containers or wrappers
20 accompanying such food.

21 "Package." Any container or wrapping in which food is
22 enclosed for delivery or display to retail purchasers. The term
23 does not include the following:

24 (1) Shipping containers or wrappings for the
25 transportation of food in bulk or quantity to manufacturers,
26 packers, processors, and wholesale or retail distributors.

27 (2) Shipping containers or wrappings used by retailers
28 to ship or deliver food to retail customers, if the
29 containers or wrappings bear no printed matter pertaining to
30 a food.

(3) Containers used for tray pack displays in retail establishments.

(4) Transparent containers or wrappings which do not bear written, printed or graphic matter obscuring the label.

"Pesticide chemical." A substance which, alone, in chemical combination or in formulation with one or more other substances, is an "economic poison" within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C., §§ 135-135k) as now in force or as hereafter amended, and which is used in the production, storage, or transportation of raw agricultural commodities.

"Principal display panel." A part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions for retail sale and is large enough to accommodate all the mandatory information.

"Raw agricultural commodity." A food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

"Secretary." The Secretary of the Department of Agriculture.

Section 3. Prohibited acts.

The following acts are prohibited:

(1) The manufacture, sale, delivery, consignment, bailment, holding or offering for sale of any food that is adulterated or misbranded, except where a person in good faith delivers or offers to deliver any food and furnishes shipping documents to the secretary or his agent under section 5(b).

(2) The adulteration or misbranding of any food.

(3) Knowingly receiving in commerce any food that is

1 adulterated or misbranded and the delivery or proffered
2 delivery thereof for pay or otherwise.

3 (4) The sale, delivery for sale, holding for sale or
4 offering for sale of any article in violation of section 12.

5 (5) The refusal to permit during normal business hours
6 at a food establishment entry or inspection or to permit the
7 taking of a sample or to permit access to or copying of any
8 record as authorized under section 13(a)(3).

9 (6) The removal or disposal of a detained or embargoed
10 article in violation of section 6.

11 (7) The alteration, mutilation, destruction,
12 obliteration or removal of the whole or any part of the
13 labeling of, or the doing of any other act with respect to a
14 food, if such act is done while such article is held for sale
15 and results in such article being adulterated or misbranded.

16 (8) Forging, counterfeiting, simulating or falsely
17 representing or without proper authority using any mark,
18 stamp, tag, label or other identification devices authorized
19 or required by regulation promulgated under the provisions of
20 this act.

21 (9) The using by any person to his own advantage or
22 revealing, other than to the secretary or his authorized
23 representative or the courts when relevant in any judicial
24 proceeding under this act, of any information acquired under
25 authority of this act concerning any method or process which
26 as a trade secret is entitled to protection.

27 (10) The holding of any food capable of supporting rapid
28 and progressive growth of pathogenic microorganisms at an
29 internal temperature above 45 degrees fahrenheit or 7.2
30 degrees centigrade and below 140 degrees Fahrenheit or 60

degrees centigrade.

(11) The failure to register with the department under the provisions of section 15.

Section 4. Temporary or permanent injunctions.

In addition to the remedies hereinafter provided, the secretary may apply to the Commonwealth Court or to the appropriate court of common pleas for a temporary or permanent injunction restraining a person from violating any provision of section 3 irrespective of whether or not there exists an adequate remedy at law.

Section 5. Penalties.

(a) First and subsequent offenses.--Any person who violates any of the provisions of this act shall for the first offense be guilty of a summary offense and for a second or subsequent offense shall be guilty of a misdemeanor of the third degree.

(b) Exception.--A person shall not be subject to the penalties of subsection (a), for the receipt in intrastate or interstate commerce of any food and for the delivery or offer to deliver it, if the delivery or offer was made in good faith and the person furnishes on request to an agent of the secretary the name and address of the person from whom he purchased or received the food and copies of the extant documents pertaining to the delivery of the food to him.

Section 6. Detention and condemnation.

(a) Marking detained food.--Whenever an agent of the secretary has probable cause to believe that food is adulterated or misbranded as to be unfit for human consumption, he shall affix to the container or wrapping a tag or other marking. The tag or marking shall give notice that:

(1) The food may be unfit for human consumption and has

1 been detained.

2 (2) It is unlawful to remove it from the food
3 establishment or to dispose of it without prior permission by
4 an agent of the secretary.

5 (b) Determination and appeal.--The secretary shall determine
6 whether a food detained under this act may be sold, delivered,
7 consigned, held or offered for sale as is, or whether it shall
8 be relabeled or reprocessed, or whether it shall be destroyed.
9 Such determination shall be made within seven business days
10 after detention. Any determination by the secretary that the
11 food shall be relabeled, reprocessed or destroyed shall be
12 subject to appeal by the owner or the operator of the food
13 establishment or the manufacturer or owner of the food to the
14 court of common pleas of the judicial district in which the food
15 was located within 30 days of the date of such determination. In
16 such event the court shall fix a hearing within three business
17 days after the appeal has been filed.

18 (c) Relabeling.--If the secretary determines that the
19 adulteration or misbranding can be corrected by a proper label
20 or reprocessing, and such determination is not appealed within
21 the time permitted, the secretary may direct that the food be
22 released to the claimant to label or process the food under the
23 supervision of an agent of the secretary. The expense of the
24 supervision shall be paid by the claimant. The relabeled or
25 reprocessed food shall not be released into the market, until
26 the secretary has executed an order indicating that the food is
27 no longer in violation of this act.

28 (d) Order for destruction.--Food detained under this act
29 shall be destroyed under the supervision of an agent of the
30 secretary, if the secretary determines that such food is unfit

1 for human consumption and such determination is not appealed
2 within the time permitted. Food detained under this act may be
3 used as animal feed if the secretary determines that such use is
4 not injurious to human health and such determination is not
5 appealed within the time permitted. The claimant or his agent
6 shall pay all costs thus incurred, including costs of
7 supervision.

8 Section 7. Reports and public information.

9 The secretary may publish information regarding food in those
10 situations involving an imminent danger to health to the
11 consumer: Provided, however, That the secretary publishes the
12 information in good faith as to its truth and that the affected
13 food establishment received notice of the information before the
14 publication.

15 Section 8. Temporary permits.

16 Temporary permits granted for interstate shipment of
17 experimental packs of food varying from the requirements of the
18 Federal act's definitions and standards of identity are
19 automatically effective in this Commonwealth under the
20 conditions provided in such permits. The secretary may issue
21 intrastate permits where they are necessary to the completion of
22 an investigation and where the interests of consumers are
23 safeguarded.

24 Section 9. Adulteration of food.

25 A food shall be adulterated:

26 (1) (i) Whenever it bears or contains any poisonous or
27 deleterious substance which may render it injurious to
28 health, in case the substance is not an added substance,
29 the food shall not be considered adulterated under this
30 section if the quantity of the substance in the food does

1 not ordinarily render it injurious to health.

2 (ii) (A) Whenever it bears or contains any added
3 poisonous or added deleterious substance, which is
4 unsafe within the meaning of section 12. This clause
5 does not apply to:

6 (I) A pesticide chemical in or on a raw
7 agricultural commodity.

8 (II) A food additive.

9 (III) A color additive.

10 (B) Whenever it is a raw agricultural commodity
11 and it bears or contains a pesticide chemical which
12 is unsafe within the meaning of section 12.

13 (C) Whenever it bears or contains any food
14 additive which is unsafe within the meaning of
15 section 12: Provided, That where a pesticide chemical
16 has been used in or on a raw agricultural commodity
17 in conformity with an exemption granted or tolerance
18 prescribed under section 12, and such raw
19 agricultural commodity has been subjected to
20 processing such as canning, cooking, freezing,
21 dehydrating or milling, the residue of such pesticide
22 remaining in or on such processed food shall,
23 notwithstanding the provisions of section 12 and this
24 paragraph, not be deemed unsafe if such residue in or
25 on the raw agricultural commodity has been removed to
26 the extent possible in good manufacturing practice
27 and the concentration of such residue in the
28 processed food when ready to eat, is not greater than
29 the tolerance prescribed for the raw agricultural
30 commodity.

1 (iii) Whenever it consists in whole or in part of a
2 diseased, contaminated, filthy, putrid or decomposed
3 substance, or if it is otherwise unfit for food.

4 (iv) Whenever it has been produced, prepared, packed
5 or held under unsanitary conditions whereby it may have
6 become contaminated with filth, or whereby it may have
7 been rendered diseased, unwholesome, or injurious to
8 health.

9 (v) Whenever it is, in whole or in part, the product
10 of a diseased animal or of an animal which has died
11 otherwise than by slaughter.

12 (vi) Whenever its container is composed, in whole or
13 in part, of any poisonous or deleterious substance which
14 may render the contents injurious to health, unless the
15 container shall be fabricated or manufactured with good
16 manufacturing practice as that standard is defined and
17 delineated by the Federal act and its regulations.

18 (vii) Whenever it has been intentionally subjected
19 to radiation, unless the use of the radiation was in
20 conformity with a regulation or exemption in effect under
21 section 12.

22 (2) (i) Whenever any valuable constituent has been in
23 whole or in part omitted or abstracted.

24 (ii) Whenever any substance has been substituted
25 wholly or in part.

26 (iii) Whenever damage or inferiority has been
27 concealed in any manner.

28 (iv) Whenever any substance has been added or mixed
29 or packed so as to increase its bulk or weight, or reduce
30 its quality or strength or make it appear better or of

1 greater value than it is.

2 (3) Whenever it bears or contains any color additive
3 which is unsafe within the meaning of section 12.

4 Section 10. Misbranding of food.

5 A food is misbranded:

6 (1) Whenever its labeling is false or misleading in any
7 particular.

8 (2) Whenever it is offered for sale under the name of
9 another food.

10 (3) Whenever it is an imitation of another food, unless
11 its label bears, in type of uniform size and prominence, the
12 word "imitation" and, immediately thereafter, the name of the
13 food imitated, however, any product which simulates another
14 is not an imitation if given a fanciful, common, or usual
15 name to identify it, and if it is nutritionally equivalent to
16 the product it is simulating. The secretary may adopt
17 regulations and any future amendments thereto under any
18 Federal act that deals with simulated foods.

19 (4) Whenever its container is so made, formed or filled
20 as to be misleading.

21 (5) Whenever in package form unless it bears a label
22 containing:

23 (i) The name and place of business of the
24 manufacturer, packer or distributor.

25 (ii) An accurate statement of the quantity of the
26 contents in terms of weight, measure, or numerical count.
27 Provided, That under subparagraph (ii) reasonable variations
28 shall be permitted and exemptions as to small packages shall
29 be established by regulations.

30 (6) Whenever any word, statement or other information

1 required under this act to appear on the label or labeling is
2 not prominently placed in order to be read and understood by
3 an individual under customary conditions of purchase and use.

4 (7) Whenever it is represented as a food for which a
5 definition and standard of identity has been prescribed by
6 regulations under this act, unless:

7 (i) It conforms to such definition and standard.

8 (ii) Its label bears the name of the food specified
9 in the definition and standard and the common names of
10 optional ingredients, other than spices, flavoring, and
11 coloring, present in such food.

12 (8) Whenever it does not fall under the provisions of
13 paragraph (7), unless its label bears:

14 (i) The common or usual name of the food, if any
15 there be.

16 (ii) In case it is made from two or more
17 ingredients, the common or usual name of each such
18 ingredient, except that spices, flavorings, and
19 colorings, other than those sold as such, may be
20 designated as spices, flavorings, and colorings without
21 naming each.

22 Provided that, to the extent that compliance with the
23 requirements of subparagraph (ii) is impracticable, or
24 results in deception or unfair competition, exemptions shall
25 be established by regulations.

26 (9) Whenever it is represented for special dietary uses,
27 unless its label bears such information concerning its
28 vitamin, mineral, and other dietary properties as determined
29 by regulation and in order to inform purchasers as to its
30 value for the use.

1 (10) Whenever it bears or contains any artificial
2 flavoring, artificial coloring, or chemical preservation,
3 unless it bears labeling stating that fact. Exemptions shall
4 be established by regulations to the extent that compliance
5 with the requirements of this paragraph is impracticable. The
6 provisions of this paragraph and paragraphs (7) and (8) with
7 respect to artificial coloring shall not apply in the case of
8 butter, cheese, or ice cream. The provisions of this
9 paragraph with respect to chemical preservatives shall not
10 apply to a pesticide chemical when used in or on a raw
11 agricultural commodity which is the produce of the soil.

12 (11) Whenever it is a raw agricultural commodity bearing
13 or containing a pesticide chemical applied after harvest,
14 unless the shipping container of the commodity bears labeling
15 which declares the presence of the chemical and the common or
16 usual name and function of the chemical. A declaration shall
17 not be required when the commodity is removed from the
18 shipping container and is held or displayed for sale at
19 retail in accordance with the custom of the trade.

20 (12) Whenever it is a color additive, unless its
21 packaging and labeling are in conformity with packaging and
22 labeling requirements applicable to the color additive, as
23 may be contained in regulations issued under this act.

24 (13) Paragraphs (1) through (12) shall not apply to the
25 following:

26 (i) Food displayed in bulk quantity and packaged at
27 the time of sale.

28 (ii) Bakery goods that are sold at retail by the
29 bakery directly to the consumer in a store or market
30 stand operated by the bakery. The bakery goods shall be

1 made by the bakery and the bakery shall guarantee that
2 they are in compliance with this act in all other
3 respects.

4 (iii) Bakery goods sold to public eating places.

5 (14) Whenever, at the site of purchase of the particular
6 food, a sign, placard or other graphic matter relating to the
7 food is false or misleading in any particular.

8 Section 11. Regulations to exempt certain labeling
9 requirements.

10 The secretary shall promulgate regulations exempting from any
11 labeling requirement food which is, in accordance with the
12 practice of the trade, to be processed, labeled or repacked in
13 substantial quantities at establishments other than those where
14 originally processed or packed on condition that the food is not
15 adulterated or misbranded under the provisions of this act upon
16 removal from the processing, labeling or repacking
17 establishment.

18 Section 12. Poisonous or deleterious substances; regulations
19 for tolerances.

20 (a) Additions to a food.--A poisonous or deleterious
21 substance added to a food, except where the substance is
22 required in its production or cannot be avoided by good
23 manufacturing practice, shall be deemed to be unsafe for
24 purposes of the application of section 9, but when the substance
25 is so required or cannot be so avoided, the secretary shall
26 promulgate regulations limiting the quantity therein or thereon
27 to the extent necessary for the protection of public health, and
28 any quantity exceeding the limits so fixed shall also be deemed
29 to be unsafe for purposes of the application of section 9. While
30 such a regulation is in effect the food shall not, by reason of

1 bearing or containing any added amount of the substance, be
2 considered to be adulterated within the meaning of section 9. In
3 determining the quantity of such added substance to be tolerated
4 in or on food, the secretary shall take into account the extent
5 to which the use of the substance is required or cannot be
6 avoided in the production of each food, and the other ways in
7 which the consumer may be affected by the same or other
8 poisonous or deleterious substances. All regulations promulgated
9 under this section shall be consistent with present and any
10 future regulations promulgated under section 406 of the Federal
11 Food, Drug and Cosmetic Act (21 U.S.C. § 301 et. seq.).

12 (b) Additions to raw agricultural commodities.--A poisonous
13 or deleterious pesticide chemical, or any pesticide chemical
14 which is not generally recognized, among experts qualified by
15 scientific training and experience to evaluate the safety of
16 pesticide chemicals, as safe for use, added to a raw
17 agricultural commodity, shall be deemed unsafe to the purposes
18 of the application of section 9(1)(ii)(A) unless:

19 (1) A tolerance for such pesticide chemical in or on the
20 raw agricultural commodity has been prescribed by the
21 secretary under this section and the quantity of such
22 pesticide chemical in or on the raw agricultural commodity is
23 within the limits of the tolerance so prescribed.

24 (2) (i) With respect to use in or on such raw
25 agricultural commodity, the pesticide chemical has been
26 exempted from the requirement of a tolerance by the
27 secretary under this section.

28 (ii) While a tolerance or exemption from tolerance
29 is in effect for a pesticide chemical with respect to any
30 raw agricultural commodity, such raw agricultural

1 commodity shall not, by reason of bearing or containing
2 any added amount of such pesticide chemical, be
3 considered to be adulterated within the meaning of
4 section 9(1)(ii)(A).

5 (iii) The secretary shall promulgate regulations
6 establishing tolerances with respect to the use in or on
7 raw agricultural commodities of poisonous or deleterious
8 pesticide chemicals and of pesticide chemicals which are
9 not generally recognized, among experts qualified by
10 scientific training and experience to evaluate the safety
11 of pesticide chemicals, as safe for use, to the extent
12 necessary to protect the public health.

13 (c) Unsafe food additive.--A food additive shall, with
14 respect to any particular use or intended use of such additives,
15 be deemed to be unsafe for the purposes of the application of
16 section 9(1)(ii)(A), unless:

17 (1) It and its use or intended use conform to the terms
18 of an exemption which is in effect pursuant to this section.

19 (2) There is in effect, and it and its use or intended
20 use are in conformity with, a regulation issued under this
21 section prescribing the conditions under which such additive
22 may be safely used.

23 (3) A food shall not, while such a regulation relating
24 to a food additive is in effect, by reason of bearing or
25 containing such an additive in accordance with the
26 regulation, be considered adulterated within the meaning of
27 section 9(1)(ii)(A).

28 Section 13. Inspection; sampling; analysis; costs.

29 (a) Inspection.--The secretary or his agents are authorized
30 upon presenting appropriate credentials to the owner, operator

1 or agent in charge:

2 (1) To enter at reasonable times any factory, warehouse
3 or food establishment in which food is manufactured,
4 processed, or packed or held for introduction into commerce,
5 or after the introduction into commerce, or to enter any
6 vehicle used to transport or hold the food in commerce.

7 (2) To inspect at reasonable times, within reasonable
8 limits, and in a reasonable manner the factory, warehouse,
9 food establishment or vehicle and all pertinent equipment
10 finished and unfinished materials, containers and labeling,
11 and to obtain samples necessary in the administration of this
12 act.

13 (3) To have access to and to copy all records of
14 carriers showing the movement in commerce of any food or the
15 holding thereof during or after the movement, and the
16 quantity, shipper and consignee thereof: Provided, however,
17 That the secretary or his agents have probable cause to
18 believe that the food is in violation of this act and its
19 regulations.

20 (b) Report of inspection.--Upon completion of any inspection
21 of a factory, warehouse or other food establishment and prior to
22 leaving the premises, the agent shall give to the owner,
23 operator or agent in charge a written report setting forth the
24 conditions or practices that indicate the food in the
25 establishment consists in whole or in part of any filthy, putrid
26 or decomposed substance or has been prepared packed or held
27 under insanitary conditions.

28 (c) Receipt for samples.--If the agent has obtained any
29 sample in the course of the inspection, upon completion of the
30 inspection and prior to leaving the premises, he shall give to

1 the owner, operator or agent in charge a receipt describing the
2 samples obtained and a portion of the sample for the owner if
3 requested.

4 (d) Results of analysis.--During any inspection of a factory
5 or other food establishment where food is manufactured,
6 processed or packed, an agent may obtain a sample of any food
7 for an analysis. The department shall furnish a copy of the
8 results of the analysis to the owner, operator or agent in
9 charge within seven working days after its completion by mail to
10 the last known address of the owner, operator or agent in charge
11 or by personal service. No legal action, except under the
12 provisions of section 6, shall be commenced until the department
13 has mailed or served a copy of the analysis.

14 (e) Cost of sample and analysis.--If the results of an
15 analysis of a sample of food indicate that the food is in
16 violation of this act and its regulations, the costs of the
17 sample and analysis may be paid by the owner, operator or agent
18 in charge as determined by the secretary through regulations. If
19 the results of an analysis of a sample of food indicate that the
20 food is not in violation of this act and its regulations, the
21 department shall pay for the costs of the sample and analysis.

22 Section 14. Rules and regulations.

23 (A) NATURE OF RULES.--The secretary shall adopt rules and <—
24 regulations to carry out the provisions, intent and purpose of
25 this act: Provided, however, That rules and regulations shall
26 not be any stricter nor more rigid or stringent than the rules
27 and regulations promulgated under the Federal act.

28 (B) RECIPROCAL INSPECTION.--THE SECRETARY IS AUTHORIZED TO <—
29 ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER STATES,
30 COMMONWEALTHS OR JURISDICTIONS TO INSURE INHABITANTS OF THIS

1 COMMONWEALTH THAT FOOD SOLD IN PENNSYLVANIA SHALL COMPLY WITH
2 THE PROVISIONS OF THIS ACT AND ITS REGULATIONS. SUCH AGREEMENTS
3 MAY BE FOR RECIPROCAL INSPECTION AND LABELING. THE SECRETARY MAY
4 APPROVE OR ACCEPT INSPECTION AND LABELING REQUIREMENTS OF OTHER
5 COMMONWEALTHS, STATES AND JURISDICTIONS WITH RESPECT TO FOOD.

6 (C) INSPECTION AGENTS.--THE SECRETARY MAY CONSTITUTE AS HIS
7 AGENT, FOR THE PURPOSE OF INSPECTING FOOD, A DEPARTMENT OF
8 HEALTH, BOARD OF HEALTH OR HEALTH OFFICER OF ANY MUNICIPALITY,
9 OR THE COUNTY DEPARTMENT OF HEALTH OF ANY COUNTY OR COUNTIES
10 WHICH HAVE ESTABLISHED OR JOINED IN ESTABLISHING SUCH A
11 DEPARTMENT, AND MAY ACCEPT INSPECTIONS BY MUNICIPALITIES OR
12 COUNTY DEPARTMENTS OF HEALTH, UNDER THE TERMS OF MUNICIPAL
13 ORDINANCES OR COUNTY DEPARTMENT OF HEALTH REGULATIONS THAT ARE
14 IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ACT AND ITS
15 REGULATIONS AND THAT ARE ENFORCED BY SUCH MUNICIPALITIES OR
16 COUNTIES, AS THE ONLY INSPECTION REQUIRED FOR THE SALE OF FOOD
17 IN SUCH MUNICIPALITIES OR COUNTIES.

18 (D) UNIFORM REGULATION.--IN AID OF REACHING RECIPROCAL
19 AGREEMENTS WITH OTHER JURISDICTIONS, THE PROVISIONS OF THIS ACT
20 AND ITS REGULATIONS SHALL BE CONSIDERED AS ESTABLISHING UNIFORM
21 REQUIREMENTS AND REGULATIONS THROUGHOUT THE COMMONWEALTH. NO
22 MUNICIPALITY OR COUNTY HEALTH UNIT SHALL ORDAIN OR ENFORCE
23 REQUIREMENTS RELATED TO SANITATION, INSPECTIONS, STANDARDS, AND
24 LABELING STATEMENTS OF ANY KIND OR DESCRIPTION OTHER THAN THOSE
25 UNDER THE PROVISIONS OF THIS ACT AND ITS REGULATIONS.

26 Section 15. Registration and fees.

27 (a) On effective date.--The person operating a food
28 establishment shall register with the department in accordance
29 with the following schedule and fees:

30 First Letter in	Term of
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1	Trade Name	Initial Registration	Fee
2	A, B, C	3 months	\$ 3
3	D, E, F	6 months	6
4	G, H, I, J	9 months	9
5	K, L, M	12 months	12
6	N, O, P, Q	15 months	15
7	R, S	18 months	18
8	T, U, V	21 months	21
9	W, X, Y, Z	24 months	24

10 (b) Subsequent registration fee.--Whenever the initial
11 registration term for a food establishment has expired the
12 person operating the food establishment shall renew his
13 registration with the department for a 24-month term at a fee of
14 \$24. Thereafter they shall renew their registrations every two
15 years at a fee of \$24. Those commencing operations during a
16 registration term shall pay a fee based on a monthly \$1 pro rata
17 charge as determined by the first letter in the trade name. The
18 secretary shall, through regulations, prescribe the form, times
19 and places of registration.

20 Section 16. Registered labels.

21 (a) Registration of products.--The secretary may promulgate
22 regulations authorizing certain food establishments to label
23 their products "Registered Pennsylvania Department of
24 Agriculture." "Reg. Penna. Dept. Agr." shall be the approved
25 abbreviation. This registration statement shall be limited to
26 food products prepared or packed in a registered food
27 establishment.

28 (b) Use of labels.--Persons whose food establishments are
29 registered under this act may request the secretary to authorize
30 the use of the label "Registered Pennsylvania Department of

1 Agriculture" or the approved abbreviation "Reg. Penna. Dept.
2 Agr." on the labels, labeling, or packages of their products.

3 (C) INTERSTATE REGISTRATION.--FOOD ESTABLISHMENTS LOCATED <—
4 OUTSIDE THE COMMONWEALTH OF PENNSYLVANIA MAY REGISTER THEIR FOOD
5 PRODUCTS WITH THE DEPARTMENT. THE REGISTRATION FEE FOR OUT-OF-
6 STATE FOOD ESTABLISHMENTS IS \$150 PER YEAR. FOOD ESTABLISHMENTS
7 LOCATED OUTSIDE THE COMMONWEALTH OF PENNSYLVANIA THAT HAVE
8 REGISTERED UNDER THIS ACT MAY REQUEST THE SECRETARY TO AUTHORIZE
9 THE USE OF THE LABEL "REGISTERED PENNSYLVANIA DEPARTMENT OF
10 AGRICULTURE" OR THE APPROVED ABBREVIATION, "REG. PENNA. DEPT.
11 AGR." ON THE LABELS, LABELING OR PACKAGES OF THEIR PRODUCTS.

12 Section 17. Acts not affected.

13 Nothing in this act shall be construed to abrogate or
14 supersede any provision and regulation adopted under the act of
15 July 2, 1935 (P.L.589, No.210), referred to as the Milk
16 Sanitation Law, to the act of August 8, 1961 (P.L.975, No.436),
17 referred to as the Milk Adulteration and Labeling Act and to the
18 act of September 1, 1965 (P.L.420, No.215), known as "The Frozen
19 Dessert Law."

20 Section 18. Repealer.

21 The following acts are repealed absolutely:

22 Act of May 23, 1887 (P.L.157, No.88), entitled "An act to
23 prevent the adulteration of candy or confectionery."

24 Act of July 10, 1901 (P.L.643, No.327), entitled "An act
25 defining boiled or process butter; designating the name by which
26 it shall be known; providing for the licensing of manufacturers
27 and dealers therein, and regulating the sale and labelling of
28 the same so as to prevent fraud and deception in its sale;
29 providing punishment for violations of this act, the methods of
30 procedure for its enforcement, and certain matters of evidence

1 in such procedure."

2 Act of March 28, 1905 (P.L.64, No.46), entitled "An act to
3 prohibit the selling, shipping, consigning, offering for sale,
4 exposing for sale, or having in possession with intent to sell,
5 as fresh, any meat, poultry, game, fish, or shell fish which
6 contains any substance or article possessing a preservative or
7 coloring character or action; making the same a misdemeanor; and
8 to prescribe penalties and punishment for violations, and the
9 means and the methods of procedure for the enforcement thereof."

10 Act of March 11, 1909 (P.L.17, No.11), entitled "An act to
11 protect the public health, and prevent fraud and deception in
12 the manufacture or sale of lard, lard substitutes, imitation
13 lard, and lard compounds; providing penalties for the violation
14 thereof, and providing for the enforcement thereof."

15 Act of May 13, 1909 (P.L.520, No.292), entitled "An act
16 relating to food; defining food; providing for the protection of
17 the public health, and the prevention of fraud and deception, by
18 prohibiting the manufacture or sale, the offering for sale or
19 exposing for sale, or the having in possession with intent to
20 sell, of adulterated, misbranded, or deleterious foods;
21 prescribing certain duties of the Dairy and Food Commissioner in
22 reference thereto; and providing penalties for the violation
23 thereof."

24 Act of April 6, 1911 (P.L.51, No.45), entitled "An act
25 providing for the protection of the public health and the
26 prevention of fraud and deception, by prohibiting the sale, the
27 offering for sale or exposing for sale, or the having in
28 possession with intent to sell, of adulterated or deleterious
29 sausage; defining sausage; and prescribing the penalty for the
30 violation thereof."

1 Act of May 5, 1915 (P.L.247, No.143), entitled "An act
2 regulating the sale of chicory mixed with coffee, and providing
3 a penalty."

4 Act of April 13, 1921 (P.L.129, No.78), entitled "An act
5 providing for the protection of the public health and the
6 prevention of fraud and deception by prohibiting the
7 manufacture, the sale, the offering for sale, or exposing for
8 sale, or the having in possession with intent to sell, of
9 adulterated or deleterious butter; defining butter; and
10 prescribing the penalty for the violation thereof."

11 Act of March 3, 1925 (P.L.10, No.8), entitled "An act
12 relating to fruit syrups, and prohibiting the manufacture, sale,
13 offering for sale, exposing for sale or having in possession
14 with intent to sell, of any adulterated or misbranded fruit
15 syrups; and providing penalties for the violation thereof; and
16 providing for the enforcement thereof."

17 Act of March 17, 1925 (P.L.34, No.20), entitled "An act
18 regulating the sale of oysters at retail."

19 Act of May 22, 1933 (P.L.912, No.168), entitled "An act to
20 protect the public health; defining and providing for the
21 licensing of bakeries, and regulating the inspection,
22 maintenance, and operation of bakeries and premises, stores and
23 shops connected therewith; defining and regulating the
24 manufacture, sale, and offering for sale of bakery products;
25 conferring powers on the Department of Agriculture; and
26 providing penalties."

27 Act of May 21, 1937 (P.L.788, No.214), entitled "An act for
28 the protection of the public health, and the prevention of fraud
29 and deception, requiring clean, sanitary establishments for the
30 manufacture, preparation or bottling of nonalcoholic drinks and

1 liquid foods, including clean, sanitary ingredients and
2 containers; regulating the maintenance and operation of such
3 establishments, and the use of containers; prescribing
4 penalties; and providing for injunctions in certain cases."

5 Act of May 20, 1949 (P.L.1511, No.455), entitled "An act
6 defining cold storage; requiring licenses to operate cold
7 storage warehouses and locker plants; requiring records,
8 reports, marking, wrapping, protecting, limiting time of
9 storage, disposition, sale, return or transfer of foods in cold
10 storage; conferring powers on the Department of Agriculture,
11 including adoption of rules and regulations, special permits for
12 storage of feeding stuffs for animal use, and providing
13 penalties for violation of this act."

14 Act of July 5, 1957 (P.L.485, No.276), entitled "An act for
15 the protection of the public health and welfare, and the
16 prevention of fraud and deception in the manufacture or sale of
17 packaged non-alcoholic drinks; prohibiting the sale, offering or
18 exposing for sale, exchange or giving away thereof unless
19 registered; providing for licensing of places of manufacture;
20 regulating the manufacture, compounding, labeling, sanitation
21 and ingredients of non-alcoholic drinks, and the display of
22 presses of fruit; prohibiting misbranding and adulteration of
23 registered and non-registered non-alcoholic drinks; authorizing
24 promulgation of rules, regulations and standards, and providing
25 for penalties and for injunctions in certain cases, and the
26 disposition of fees and fines."

27 Act of December 15, 1965 (P.L.1077, No.412), entitled "An act
28 relating to and regulating the manufacture, sale,
29 transportation, possession, use, serving and advertising of
30 oleomargarine, margarine, butterine and similar substances;

1 prohibiting the sale, possession or use thereof in certain
2 cases; preventing and punishing fraud and deception in the
3 manufacture, sale, use, serving and advertising thereof;
4 imposing powers and duties on the Department of Agriculture and
5 defining enforcement procedure; requiring notice to patrons of
6 certain eating places which sell or serve any such products; and
7 prescribing penalties."

8 Section 19. Effective dates.

9 The effective dates of this act shall be:

10 (1) Section 14 shall take effect immediately.

11 (2) The other sections of this act shall take effect on
12 January 1, 1982.