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LAW CREATING

OFFICE OF

State Dairy Commissioner

1918

With Amendments Thereto

BY THE

FOURTH STATE LEGISLATURE

1919

AND THE

SEVENTH STATE LEGISLATURE

1925



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1925

**LAW CREATING OFFICE OF STATE DAIRY
COMMISSIONER, 1918, WITH AMENDMENTS
THERETO, BY THE FOURTH STATE
LEGISLATURE, 1919, AND THE
SEVENTH STATE LEGISLATURE,
1925**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE
OF ARIZONA:

Sec. 1
As amended
1919.

Section 1. The office of State Dairy Commissioner is hereby created. As soon as this Act becomes effective the Governor shall appoint a State Dairy Commissioner, who shall hold office until February 1st, 1919, or until his successor shall have been duly appointed and qualified. Following the first term, as hereinbefore provided, the term of office of said Commissioner shall be two years. The salary of the said Commissioner shall be three thousand dollars (\$3,000.00) per annum, to be paid as the salaries of other State officers are paid. No one shall be eligible for appointment to said office unless he shall have a practical and technical knowledge of and experience in the production, manufacture, care and handling of dairy products. Before entering upon the duties of his office said Commissioner shall execute his official bond in the sum of five thousand dollars (\$5,000.00) and file his oath of office as required by law of other State officers.

Said Commissioner shall have power to appoint not to exceed two deputies who shall have power to perform any of the duties herein conferred upon the Commissioner. Such deputies shall hold their office at the pleasure of the Commissioner, and shall receive such compensation as may be provided from time to time by appropriations made by the Legislature.

Section 2. It shall be the duty of the Commissioner to inspect all places where cows are kept for dairy purposes, cream separator stations, creameries, butter, cheese or other dairy product, factories, stores, warehouses, and other places where dairy products are made, stored, prepared for delivery or shipment, or exposed for sale, with a view to ascertaining such conditions as may affect the purity, wholesomeness and fitness of the products of any such place for human consumption, and make and file in the office of the Commissioner written reports of the results of such inspections. Whenever the Commissioner shall deem necessary he may call upon the health officers of the several counties to make, or to assist in, such inspection, and said health officers are hereby required to perform such duties.

Section 3. Any person, firm or corporation engaging in the production, for sale, of milk or cream, either in its natural state or as a manufactured product, shall keep all barns and corrals in which cows are milked, in such condition of sanitation that clean, sweet milk, free from visible dirt, and from foreign odors and flavors, may be produced; before each milking, the cow's udder shall be cleaned to remove dirt and loose hair which otherwise might drop into the milking pail; each pail of milk shall be strained immediately after it is drawn; and each can of not more than ten gallons capacity shall, as soon as filled, be removed from the barn or corral to a milk house, or to some other suitable place not nearer to said barn or corrals than fifty feet and not nearer to any hog pen, wallow or other unsanitary surroundings than one hundred feet; all milk, other than milk to be used for manufacturing purposes and which is delivered to the party within three hours after milking, shall be so cooled as to remove the animal heat, and be kept cool while in the possession of the producer, so that it will reach the factory or other selling point in a sweet and sanitary condition; all milking utensils, cream separators and aerators used in handling milk or cream shall be thoroughly washed after each milking, and scalded or steamed and rinsed with a standard sterilizing solution once each day; the premises where milk or cream is stored and all cans or vessels in which milk or cream is stored shall be kept in a clean and sanitary condition, and such cans or vessels shall be cleaned and sterilized before being filled.

No bottle, can or other container used in the delivery and sale of milk, cream or other dairy product shall be filled at any place other than at the dairy or creamery or at a regularly established milk depot of the person, firm or corporation engaged in such sale or delivery.

All cans used in the sale and delivery of milk, cream, ice cream, or other dairy product shall be thoroughly cleaned by the consignee thereof immediately upon being emptied, and no such can shall be returned until this provision is complied with.

Any person, firm, corporation or association engaged in the manufacture, packing, canning, bottling or selling of any milk product in containers bearing the name of such person, firm, corporation or association, or any such name, or other marks or devices impressed or produced thereon; or whose equipment or supplies, used in such business, bears a name or other mark or device impressed thereon, may file in the office of the County Clerk of the county in which the principal place of business of such person, firm, corporation or association is situated, or if such place of business is without the state, then in the office of the County Clerk of any county of the state, and also in the office of the Secretary of State, a description of the name or names, marks or devices so used, and shall also cause such description to

be printed once a week for three successive weeks in a newspaper published in the county in which said description may have been filed as aforesaid. It is hereby declared to be unlawful for any person, firm, corporation or association, without the written consent of the owner, unless the same shall have been purchased from the owner, to use or to fill with any substance, any container so marked or so distinguished as aforesaid with or by any name mark or device of which a description shall have been filed and published, as provided for above, or to erase, obliterate or otherwise cover up or conceal such name, mark or device, or to sell, buy, give, take or otherwise traffic in the same without the written consent of the person, firm, corporation or association whose name, mark or device shall be or shall have been upon such container, or article of supply or equipment used in the said business or businesses aforesaid, unless the same shall have been purchased from the person, firm, corporation or association whose mark shall be or shall have been thereon. The use by any person other than the person, firm, corporation or association whose name, mark, or device shall be upon same, or any such containers, supplies or equipment, without the written consent of the owner, unless the same shall have been purchased from the owner, or the having by any junk dealer, or dealer in second hand articles, possession of any such containers, supplies or equipment, the description of the name, mark or device having been so filed and published as aforesaid, shall and is hereby declared to be presumptive evidence of unlawful use of or traffic in such containers, supplies or equipment. Whenever the owner or owners of said containers so marked or branded or of said equipment or supplies used in said business or businesses aforesaid, so marked or otherwise impressed, shall require taking or accepting of any sum of money as a deposit for security for the safekeeping and return of such articles or article, it shall not constitute a sale of such property, either optional or otherwise, in any proceeding under this Act. Whenever any person, firm, association or corporation mentioned in this section, or the agent or agents of said person, firm, association or corporation, shall make oath before any magistrate that he has reason to believe and does believe, that any of the containers, supplies or equipment mentioned in this section, are being unlawfully sold, filled or used, or are secreted in any place, the said magistrate shall issue a search warrant to discover and obtain the same, and may also cause to be brought before him, the person in whose possession such articles may be found, and if said magistrate finds that such person has been guilty of a violation of this Act, he must impose the punishment herein prescribed, and also award the possession of the property taken upon search warrant to the owner thereof. Any person, firm, corporation, or association acquiring containers, supplies or equipment so marked, by purchase or other lawful means, shall not be required to again file and publish such description, but may acquire as a part of said purchase all

such benefit as the vendor has under this Act. Every person, firm, corporation or association who finds or receives such property as mentioned in this section in the regular course of business or in any other manner, shall make diligent effort to find the owner and restore said property.

Regulation No. 1. Retail distributors of milk and milk products shall have the names of the dairies displayed in a conspicuous manner upon each side of the delivery truck or vehicle.

Section 4. It shall be unlawful for any person, firm or corporation producing milk to sell or offer for sale any milk or products derived therefrom that is produced by unhealthy cows or in unsanitary surroundings, or that is drawn from cows within fifteen days before or five days after calving, or that is handled, stored, or shipped in dirty, rusty or unsanitary cans. The use of preservatives in milk or cream, except small samples for testing, shall be unlawful. Milk which is to be separated must be separated immediately after each milking, and the cream of each separation cooled before mixing with cream of another separation, and the cream must be kept in wholesome condition, in sanitary surroundings, until transported to the creamery or manufacturing plant.

Sec 4
As amended
1919 and 1925.

It shall be unlawful for the owner, or any person having the management or control of any lunch counter, restaurant or other place where milk is sold by the glass for drinking purposes, to sell any milk to any customer other than in the original bottle in which the same was put up by the producer, creamery or milk depot, bearing on the cap or sealer the name of the producer, creamery or milk depot, and which said cap or sealer shall not have been removed prior to actual delivery to the consumer.

Regulation No. 2. Dairies producing milk for retail purposes shall be equipped with a well screened, fly-tight milk house, used for no other purpose than that of handling the milk.

Section 5. To carry out the provisions of this Act the Commissioner or any county health officer named by him for such purpose, shall have free and unobstructed access to all places where cows are kept and milked, and to all parts of the premises and to the implements and appliances used in connection therewith, and in connection with the care and preservation and transport of milk, and to all places where milk products are manufactured, stored, preserved or prepared for sale, delivery or transportation. Any one who shall obstruct or hinder the Commissioner or any county health officer deputized by him, in the performance of their duties as set forth in this Act shall, upon conviction, be deemed guilty of a misdemeanor.

Section 6. The Commissioner shall have power to investigate the manner, practices, processes and methods or employed by any person, firm or corporation, in the production of milk or

milk products for sale. For the purpose of any such investigation, the Commissioner may require the attendance and testimony before him of witnesses and the production of books and papers insofar as they relate to the matter under investigation. Failure to regard the subpoena of the Commissioner shall subject the offender to the penalties prescribed by law for disobedience in the taking of depositions in civil cases. The Commissioner shall have the power to administer oaths to witnesses and to affiants whose affidavits may be taken under the provisions of this Act.

Sec. 7
As amended
1919 and 1925.

Section 7. If, upon thorough investigation as provided for in the last preceding section, the commissioner shall find that any person, firm or corporation, has adopted or is employing any practice, process or method in the production or handling of milk or milk products, which render or tend to render such milk or products impure, unsanitary, unwholesome or unfit for human consumption, he shall serve upon such person, firm or corporation, a written order directing the abandonment of such practice, process or method, and to adopt and use such practice, process or method as shall insure the purity and wholesomeness, and the fitness for human consumption of such milk or milk product. All milk and cream sold for retail purposes shall conform to standards prescribed by The Bureau of Dairy Industry of the United States Department of Agriculture. Failure to comply with the provisions of this section shall be deemed a misdemeanor. Complaints to the State Dairy Commissioner regarding the production, manufacture, storing and handling of dairy products must be made in writing and signed with the name and address of the person making such complaint; provided, however, that no written notice shall be required before prosecution of any violation of the penal provisions of this Act.

Regulation No. 3. Milk may be sold by grade or quality, in any community, where Grade is specified by municipal ordinance. In all other cases it is construed to be misbranded and will not be permitted.

Regulation No. 4. Trucks collecting milk and cream for creameries, and retail milk delivery conveyances shall have a top or covering for protection of containers.

(The following is the U. S. Department of Agriculture score card for
Milk and Cream

SCORE CARD for MILK or CREAM

DAIRY

GRADE SAMPLE NUMBER

ITEM	Perfect Score	Score Allowed	REMARKS
BACTERIA— Milk or Cream	35.	.....	Bacteria Per C. C.
FLAVOR and ODOR— Milk or Cream	15.	.....	Nature of
SEDIMENT TEST— Milk or Cream	15.	.....	.....
BUTTER FAT— Milk	15.	.....	Per Cent
Cream	25.	.....	Per Cent
TOTAL SOLIDS— Milk	10.	.....	Per Cent
ACIDITY— Milk or Cream	05.	.....	Per Cent
CONTAINER and COVER Milk or Cream	05.	.....	Container
TOTAL	100.	.....	Cover

DATE

Dairy Inspector.

Chemist.

SEDIMENT DISC

DIRECTIONS FOR SCORING

BACTERIA PER CUBIC CENTIMETER—PERFECT SCORE, 35.

		Points			Points
Under	1,000	35	60,001 to	65,000	31.2
1,001 to	2,000	34.9	65,001 to	70,000	31
2,001 to	3,000	34.8	70,001 to	75,000	30.8
3,001 to	4,000	34.7	75,001 to	80,000	30.6
4,001 to	5,000	34.6	80,001 to	85,000	30.4
5,001 to	6,000	34.5	85,001 to	90,000	30.2
6,001 to	7,000	34.4	90,000 to	100,000	30
7,001 to	8,000	34.2	100,001 to	110,000	29
8,001 to	10,000	34	110,000 to	120,000	28
10,001 to	12,000	33.8	120,001 to	130,000	27
12,001 to	14,000	33.6	130,001 to	140,000	26
14,001 to	16,000	33.4	140,001 to	150,000	25
16,001 to	18,000	33.2	150,001 to	160,000	24
18,001 to	20,000	33	160,001 to	170,000	23
20,001 to	25,000	32.8	170,001 to	180,000	22
25,001 to	30,000	32.6	180,001 to	190,000	21
30,001 to	35,000	32.4	190,001 to	200,000	20
35,001 to	40,000	32.2	200,001 to	225,000	17.5
40,001 to	45,000	32	225,001 to	250,000	15
45,001 to	50,000	31.8	250,001 to	275,000	10
50,001 to	55,000	31.6	275,001 to	300,000	5
55,001 to	60,000	31.4	Over	300,000	0

Note—When the number of bacteria per cubic centimeter exceeds the local limit for any grade, the score shall be 0.

FLAVOR AND ODOR—PERFECT SCORE, 15.

Deductions for disagreeable or foreign odor or flavor should be made according to conditions found. When possible to recognize the cause of the difficulty it should be described under Remarks.

SEDIMENT TEST—PERFECT SCORE, 15.

The Sediment Test is made by running the sample of milk or cream by force, through a small cotton disc, and is graded exclusively by the presence or absence of sediment on the disc, and in proportion to the amount and nature of the sediment.

BUTTER FAT—PERFECT SCORE, 15.

		Points			Points
4. % or over		15	3.55%		13
3.95%		14.9	3.5 %		12
3.9 %		14.8	3.45%		11
3.85%		14.7	3.4 %		9
3.8 %		14.6	3.35%		7
3.75%		14.4	3.3 %		5
3.7 %		14.2	3.25%		2.5
3.65%		14	Under 3.25%		0
3.6 %		13.5			

TOTAL SOLIDS TABLE—PERFECT SCORE, 10.

		Points			Points
13 % or over		10	12.35%		8.4
12.95%		9.9	12.3 %		8.2
12.9 %		9.8	12.25%		8
12.85%		9.7	12.2 %		7.8
12.8 %		9.6	12.15%		7.6
12.75%		9.5	12.1 %		7.4
12.7 %		9.4	12 %		7.2
12.65%		9.3	11.95%		7
12.6 %		9.2	11.9 %		6
12.55%		9.1	11.85%		5
12.5 %		9	11.8 %		4
12.45%		8.8	11.75%		2
12.4 %		8.6	Under 11.75%		0

ACIDITY—PERFECT SCORE, 5.

		Points			Points
0.2 % and less		5	0.23%		2
0.21%		4	0.24%		1
0.22%		3	Over 0.24%		0

CONTAINER AND COVER—PERFECT SCORE, 5.

Bottles should be made of Clear Glass, and should have the name of initial of the person using same. Caps should fit perfectly and contain the name of the Dairy or Person. Cans should be clean, smooth and free from dents or rust, and contain the user's name or initials. Can covers or caps should fit snug enough to prevent any outside contamination of any kind.

Section 8. The Commissioner shall, from time to time, collect, compile, and publish in convenient form, statistics relating to the dairy business in the State any such other information relating thereto as may be of value to those engaged therein, and keep for ready reference in his office the original data so collected by him.

Section 9. It shall be the duty of the Commissioner, by himself or any county health officer duly appointed by him for that purpose, from time to time as it may in his opinion be necessary or proper to protect the public health, to take samples of and make tests for quality, character, purity and wholesomeness of the milk or milk products produced or manufactured for human consumption, and for that purpose may demand of any person, firm or corporation engaged in the dairy business such samples as he may designate; and, it shall be the duty of such person, firm or corporation to deliver at once to, or permit said Commissioner or county health officer to take such samples. Any person, firm or corporation refusing, upon such demand, to deliver to or permit said Commissioner or county health officer to take such samples shall be, upon conviction thereof, guilty of a misdemeanor.

Section 10. The Commissioner shall keep in his office a record of all analyses and tests of milk or milk products, which shall have been made under his direction, in a book to be kept there for that purpose, in which shall be noted the source whence the sample was taken and from whom, of what the sample consisted, the date when taken, and the date of the analysis or test, and the details of the result thereof in terms usual to the industry. A copy of such record relating to such sample certified to by the Commissioner shall be taken in any court as prima facie evidence of the facts therein stated.

Section 11. Special dairy inspectors may be appointed by the Dairy Commissioner for any factory or plant which buys or receives milk or cream or for a group of such factories or plants, or for any organization which produces or handles dairy products, provided that the State shall not be liable for any compensation for any such special dairy inspector. Such special dairy inspector shall have all powers conferred by law upon dairy inspectors, and shall be under the supervision of the Commissioner and make such reports as the said Commissioner may require. He may supervise and inspect the weighing and testing of milk, cream, butter, cheese or condensed milk and for such purpose may use any or all necessary apparatus in such factory or plant.

Section 12. The standards for purity for dairy products shall be those prescribed by the Arizona Pure Food Law.

(1) Whole milk is the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and

kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than three and one-fourth per cent of butter fat;

Subdivision 2
of Sec. 12 as
Amended 1919.

(2) Milk for butter making or cheese making, or for condensed milk, may contain less than three per cent of butter fat, but must be delivered pure, sweet and clean. Whole milk for consumption as a beverage shall contain not less than three and one-fourth per cent butter fat. Cream is that portion of milk rich in butter fat which rises to the surface of the milk on standing or is separated from it by centrifugal force, and contains not less than eighteen per cent butter fat; cream to be used in the manufacture of butter that is not delivered to point of shipment within twenty-four hours after milking must contain not less than thirty per cent butter fat and shall be delivered in wholesome condition. No part of any shipment of milk or cream to be used in the manufacture of food products shall be more than two days old when delivered at the point of shipment during the months of May to October, inclusive, and three days old during November to April, inclusive. Such milk or cream must not be delivered at the point of shipment more than one hour before the schedule time of train or other vehicle on which it is to be shipped, unless kept in a protected, cool and sanitary place, free from foul odors. Butter is the product made by gathering, in any manner, the fat of fresh or ripened milk or cream into a mass which also contains not less than eighty per cent of butter fat and less than sixteen per cent of water, or such standards as shall be established by the Department of Agriculture of the United States, and shall contain sixteen ounces in every pound package; provided, that the amount of butter fat or water in the product of any manufacturer, or in any given quantity of butter, shall be determined as hereinafter provided with reference to renovated or process butter; butter may also contain a harmless vegetable coloring matter. Renovated or process butter is the product made by melting butter and reworking without the addition or use of chemicals or any substance except cream, milk or salt, and contains not less than eighty per cent of butter fat and less than sixteen per cent of water, or such test as shall be established by the Department of Agriculture of the United States; before being offered for sale shall be stamped "renovated butter." Provided, that the amount of butter fat or water in the product of any manufacturer, or in any given quantity of butter, renovated or process butter, shall be ascertained in the following manner, to-wit: Five samples shall be taken from five different packages of any one manufacturer, or from any one tub or churning of butter, and a careful analysis made by the official method adopted by the Association of Agricultural Chemists. If this analysis shall show less than eighty per cent of butter fat or sixteen per cent or more of water, butter or process butter thus analyzed shall be deemed adulterated butter,

and shall be condemned for food purposes by the Commissioner. Renovated or process butter may also contain a harmless vegetable coloring matter. Cheese is the solid and ripened product made by coagulating the casein of milk by means of rennet or acid, with or without the addition of ripening ferment or seasoning; cheese may also contain harmless vegetable coloring matter. Whole milk or full cream cheese is cheese made from milk from which no portion of the fat has been removed, and contains not less than fifty per cent of butter fat in proportion to total solids. Skim-milk cheese is cheese made from milk from which any portion of the fat has been removed, and must be stamped on cloth and containing box. Ice cream is a frozen product, made from pure sweet cream, milk, condensed milk, sugar or harmless sugar substitutes, with or without a harmless flavoring or coloring, and contains not less than ten per cent of milk fat, and not less than thirty per cent total solids. Fruit ice cream is the frozen product made from pure sweet cream, milk, condensed milk, sugar or harmless sugar substitutes, and sound, clean, mature fruits, and contains not less than eight per cent of milk fat, and not less than thirty per cent of total solids. Nut Ice Cream is the frozen product made from pure sweet cream, milk, condensed milk, sugar, or harmless sugar substitutes, and sound nonrancid nuts, and contains not less than eight per cent of milk fat, and not less than thirty per cent of total solids.

Section 13. Every person, firm, or corporation, before regularly engaging in the business of receiving, manufacturing or processing milk or products of milk shall obtain from the Dairy Commissioner of the State of Arizona, a license therefor, for each separate plant. Upon receipt of an application for such license, the said Dairy Commissioner shall investigate the equipment and the sanitary condition of the plant where milk or the products of milk are to be received, processed or manufactured and provide the applicant with a copy of the Dairy Laws of the State. If the condition of the plant is found to be satisfactory, a "factory license" shall be issued by said Dairy Commissioner to such applicant, upon receipt of a license fee of ten dollars. All factory licenses shall expire on the twenty-fifth day of December of each year and may be renewed on the first of each succeeding year; provided, that such plant or the business thereof shall have been conducted in accordance with the requirements of this Act during the next preceding year. Applications for renewal of any such license shall be made within thirty days prior to the expiration thereof. The fee for the renewal of such license shall be one dollar for each one hundred thousand pounds of milk fat or part thereof, or each four hundred thousand gallons of milk fiscal year, ending the thirtieth day of June; provided, that in no or part thereof, purchased or received during the preceding case shall the renewal fee exceed ten dollars, and no fee shall be required of any person who manufactures or sells products only

from his own dairy. The Commissioner may revoke any license issued under this section, if the licensee shall repeatedly and persistently violate any of the provisions of this Act or the rules and regulations applicable to such licensee or his business, made and promulgated by the Commissioner.

The Commissioner may prescribe such rules and regulations, within the scope of the powers vested in him by this Act, to carry out the provisions thereof.

Sec. 14
As amended
1925.

Section 14. The testing, weighing, and sampling of milk or cream or other dairy products purchased on the basis of the amount of butter fat contained therein shall be done by licensed and bonded testers, who shall be responsible for the operation of the Babcock test in the testing of such dairy products. Such license shall be issued by the Dairy Commissioner upon application, accompanied by a certificate of proficiency and the payment of a license fee of \$1.50. The certificate of proficiency provided for shall be granted by the dairy division of the University of Arizona upon satisfactory evidence of ability to accurately operate the Babcock test. Examinations will be given at stated times and places to applicants for such license. Each license shall expire on January first of the year following the date of issue, but may be renewed without examination by the Commissioner. Application for such license shall be made upon a blank furnished by the Dairy Commissioner. No license or renewal thereof shall be transferable, and each such license shall be subject to revocation by the Dairy Commissioner upon reasonable notice that the licensee has violated any of the rules and regulations prescribed by the Commissioner, or has violated any of the laws of the State relating to milk or cream or other dairy products. A bond in the amount of one thousand dollars shall be given by each tester licensed under the provisions of this section, and shall be in such form as may be prescribed and shall be subject to approval by the Commissioner.

A permanent record in duplicate of all tests of milk or cream purchased or received on the basis of the amount of milk fat contained therein, must be kept by each tester, licensed as provided herein, on standard forms supplied by, or in accordance with the specifications for such records adopted by, the said Dairy Commissioner. Each test shall be legibly recorded with indelible pencil or ink and shall be accompanied by the patron's name or number in such manner as to correctly identify the test obtained upon the milk or cream of each patron. Each sheet or page shall be authenticated by the signature of the tester, and a duplicate record shall be deposited by said licensed tester, immediately after completing the test on the day's samples, in a box provided by the purchaser or receiver of milk or cream; said box to be constructed, sealed and maintained in accordance with the rules and regulations adopted by the Dairy Commissioner.

The original test record sheets shall be delivered to the management of the concern for whom the tests are made immediately upon completion of the tests. The duplicate test record sheets shall be deposited immediately in an official box supplied for the purpose, made in accordance with blue print specifications obtained from the Dairy Commissioner. Such official test record box shall be kept in the test room at all times, and the contents thereof shall be open only to the State Dairy Commissioner. The said licensed tester shall retain an unmodified sample of all milk and cream tested by him for a period of not less than forty-eight hours after the tests of said milk and cream have been made, and the said purchaser or receiver of milk or cream shall provide a suitable place, acceptable to the Dairy Commissioner, where such samples so retained may be kept.

Regulation No. 5. All creameries or milk dealers using the composite sample for testing milk are required to keep the same in bottles having air-tight, rubber stoppers approved by the State Dairy Commissioner.

Section 15. Any person, firm or corporation engaged in the business of buying milk, cream or butter fat for the purpose of manufacture, either by himself or another who shall with the intention of destroying or injuring the business of a competitor or restraining in any manner an open competition in said business, discriminate between the different sections, localities, communities or cities of this State by purchasing or offering to purchase such commodity at a higher price in any one locality than is paid or offered for the same commodity by such person, firm or corporation in any other locality, after making due allowance for the difference, if any, in the grade or quality of the commodity or conditions locally affecting its production and in the actual cost of transportation from the place of purchase to the place of manufacture, sale or storage, shall be deemed guilty of a misdemeanor and punished as herein provided.

Section 16. It shall be unlawful for any hauler of milk or cream or any other dairy product, or any person, firm or corporation receiving or purchasing milk or cream or other dairy product by weight or test or both, or by measure or test, or by both, or any agent of such purchaser, to fraudulently manipulate the weight, measure or test of such product, or to take unfair samples thereof, or to fraudulently manipulate such samples. The hauler or other agent of the purchaser shall thoroughly mix the milk or cream of each patron by pouring or stirring until such milk or cream is uniform and homogenous in quality and contents before a sample for test is taken. The same rule shall apply when sampling is done at a creamery, cheese factory, condensary or shipping station. It shall be unlawful for any person or persons to use any test tube, bottle, pipette or instrument in

connection with testing which is not perfectly clean; and for the purpose of this Act any unclean test bottle or other instrument is declared inaccurate. All tests made by the purchaser shall be maintained at a temperature of at least one hundred and twenty (120) degrees F. for ten minutes before the reading of the per cent of butter fat is made.

Section 17. The term "Standard Babcock Testing Glassware" shall apply to glassware and weights complying to the following specifications:

(a) Standard Milk Test Bottles:

Graduation for Milk Test Bottles: The total per cent graduation shall be eight (8). The graduated portion of the neck shall have a length of not less than 63.5 millimeters, the graduation shall represent whole per cent, five-tenths per cent, and tenths per cent; the whole per cent graduation shall extend at least one-half way around the neck to the right and projecting two millimeters to the left of the tenths per cent graduations. Each per cent graduation shall be numbered; the number being placed on the left of the scale. The error at any point of the scale shall not exceed one-tenth per cent.

NECK—The neck shall be cylindrical and the cylindrical shape shall extend for at least nine (9) millimeters below the lowest and nine (9) millimeters above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten (10) millimeters.

BULB—The capacity of the bulb up to the junction of the neck shall not be less than forty-five (45) c. c. (cubic centimeters). The charge of the bottle shall be eighteen (18) grams. The total height of the bottle shall be between one hundred and fifty (150) and one hundred and sixty-five (165) millimeters.

(b) Standard Cream Test Bottles:

Three types of bottles shall be accepted as standard, cream test bottles; a fifty (50) per cent nine (9) gram short-neck bottle, a fifty (50) per cent nine (9) gram long-neck bottle, a fifty (50) per cent eighteen (18) gram long-neck bottle.

Fifty per cent nine-gram Short-neck Bottle Graduation—The total per cent of graduation shall be fifty (50). The graduated portion of the neck shall have a length of not less than 63.5 millimeters. The graduation shall represent five per cent, one per cent, and five-tenths per cent. The five per cent graduation shall extend at least half way around the neck to the right.

The five-tenths per cent graduations shall be at least three (3) millimeters in length, and the one per cent graduations shall have a length intermediate between the five per cent and the five-tenths per cent graduations. Each five per cent graduation shall be numbered, the number being placed on the scale. The error at any point of the scale shall not exceed five-tenths per cent.

NECK—The neck shall be cylindrical, and the cylindrical shape shall extend at least nine (9) millimeters below the lowest and nine (9) millimeters above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten (10) millimeters.

BULB—The capacity of the bulb up to the junction of the neck shall not be less than forty-five (45) c. c. The charge of the bottle shall be nine (9) grams. All bottles shall bear on the top of the neck above the graduations in plainly legible characters, a mark defining the weight of the charge to be used, nine (9) grams. The total height of the bottle shall be between one hundred and fifty (150) and one hundred and sixty-five (165) millimeters, same as standard milk test bottles.

Fifty per cent nine gram long-neck Bottles—The same specifications in every detail as specified for the fifty (50) per cent nine gram short-neck bottle shall apply for the long-neck bottle, with the exception, however, that the total height of this bottle shall be between two hundred and ten (210) and two hundred and thirty-four (234) millimeters, and that the total length of the graduation shall be not less than one hundred and twenty (120) millimeters.

Fifty per cent eighteen gram long-neck Bottles—The same specifications in every detail as specified for the fifty (50) per cent nine (9) gram long-neck bottle shall apply, with the exception that the charge of the bottle shall be eighteen (18) grams, and the mark defining the weight of the charge placed at the top of the neck shall be eighteen (18). The total length of the Standard Babcock pipette shall be not more than three hundred and thirty (330) millimeters. Outside diameter of suction tube, six (6) to eight (8) millimeters. Length of suction tube, one hundred and thirty (130) millimeters. Outside diameter of delivery tube, 4.5 to 5.5 millimeters. The length of delivery tube, one hundred (100) to one hundred and twenty (120) millimeters. Distance of graduation mark above bulb, thirty (30) to sixty (60) millimeters. Nozzle straight. Delivery, 17.6 c. c. of water at twenty (20) degrees Centigrade in five (5) to eight (8) seconds. The sensibility of all scales used for weighing cream samples into the test bottles shall be not more than thirty (30)

milligrams, and the standard weights shall be nine (9) grams and eighteen (18) grams.

Regulation No. 6.—Creameries and all dealers buying milk or cream on the butter-fat basis, as determined by the Babcock Test, shall have test bottles calibrated and stamped with the official "A".

Sec. 18
Repealed
1919.

Section 18 of the above mentioned Act be and the same hereby is repealed.

Section 19. For the purpose of carrying into effect the provisions of this Act, there is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for the fiscal year ending June 30, 1919, the sum of Ten Thousand Dollars (\$10,000.00) or so much thereof as may be necessary. Upon the presentation of duly verified claims for the salary of the Commissioner and for traveling and other necessary expenses, in connection with the carrying out of the provisions of this Act, the State Auditor is hereby authorized to draw his warrant and the State Treasurer is hereby directed to pay the same.

Sec. 20
As amended
1919.

Section 20. Any person, firm or corporation, or any agent of any firm or corporation, violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine in any sum not exceeding Two Hundred Dollars (\$200.00).

Section 21. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 22. Whereas, the regulation of the manufacture and production of dairy products is a matter of vital importance to the people of the State of Arizona, and whereas, the early operation of this bill is necessary to preserve the public peace and health of the people of the State, an emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved June 20th, 1918.

Approved March 20th, 1919.

Approved March 19th, 1925.