



**STATE OF NEW JERSEY
DEPARTMENT OF LABOR & INDUSTRY**

HARRY C. HARPER, *Commissioner*

Percy A. Miller, Jr.

BAKERIES AND CONFECTIONARIES

REVISED STATUTES: 34:6-105 to 119

AN ACT

to declare a policy to regulate and provide for the licensing of all persons engaged in the business of making or manufacturing biscuits, pies, bread, crackers, cake, macaroni, candy, or other foodstuffs or confections; to provide for the administration and enforcement of this Act by the Commissioner of Labor, to prescribe penalties for violations of the provisions of this Act.

C. GEORGE KRUEGER, *Deputy Commissioner*

Division of Engineering and Safety

TRENTON, NEW JERSEY

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BAKERIES AND CONFECTIONARIES

34:6-105. *Manufacture of foodstuffs; licenses*

No person shall engage in the business of making or manufacturing biscuits, pies, bread, crackers, cake, macaroni, candy, or other foodstuffs or confections for the purpose of sale unless licensed so to do by the commissioner.

The application for any such license shall state the location of the place where the applicant intends to conduct such business and the license shall not issue unless the commissioner is satisfied that such place conforms to all the requirements of this article.

No person, whose license has expired or been revoked, shall engage or continue in such business in this State until he has procured a renewal or a new license in accordance with the terms of this article.

The license shall specify the place where the business shall be conducted and shall not authorize the business at any other place. It shall unless sooner revoked, remain in force for one year from date of issue. It may be renewed upon application of the holder if the place of business is conducted in accordance with the terms of this article.

Whenever it shall be made to appear to the commissioner that any place of business is not conducted in accordance and conformity with the requirements of this article the commissioner may revoke the license after giving not less than forty-eight hours' notice in writing. The notice may be served by any representative of the department personally on the proprietor or by affixing the same on the inside of such place of business.

Each applicant for a license or renewal thereof shall pay to the commissioner a fee of one dollar which fee shall be returned to the applicant in case the license is not granted. No other license shall be required by any other State or municipal authority.

34:6-106. *Sanitation*

All buildings or rooms licensed under section 34:6-105 of this title shall be drained and plumbed in a manner conducive to the proper sanitary condition thereof and shall have air shafts, windows or ventilating pipes sufficient to insure proper ventilation and sufficient light to obviate the necessity of operation entirely by artificial light.

Between the first day of April and the thirty-first day of October of each year all doors, windows and other openings shall be kept thoroughly screened to prevent the entrance of flies and other insects.

The smoking, snuffing or chewing of tobacco, in any such place is prohibited. Expectorating except into proper receptacles provided for that purpose is forbidden. Plain notices shall be posted forbidding the use of tobacco and spitting on the floor.

No cellar, basement or place below street level shall be licensed or used for the manufacture of any foodstuffs or confections except candy, which may be manufactured in any such place which the commissioner shall have approved and certified as sanitary for such purpose but his approval and certificate therefor may be revoked at any time. This section shall not prohibit the continued use of a cellar, basement or place below street level for the manufacture of foodstuffs where so used on the fourth day of July, one thousand nine hundred and five.

No room licensed under said section 34:6-105 of this title shall communicate with or have doors communicating directly with a stable or stable yard.

34:6-107. *Height of rooms*

Rooms licensed under section 34:6-105 of this title shall be at least eight feet in height excepting rooms where only candy, is manufactured which shall be at least seven feet in height. Rooms used on March twenty-first, one thousand nine hundred and twelve, for the manufacture of candy, need not be altered to conform to this requirement unless so ordered by the commissioner to improve lighting, ventilation or drainage facilities.

34:6-108. *Floors, furniture, utensils; cleaning*

The commissioner may require any room licensed under section 34:6-105 of this title to have an impermeable floor of wood properly saturated with linseed oil, or of cement or other suitable material.

The side walls of every such room shall be well plastered, wainscoted or ceiled with metal or lumber, and all interior woodwork shall be kept well oiled or painted with oil paint and shall be kept in a clean and sanitary condition.

The furniture and utensils in every such room shall be so arranged as to maintain the room and its contents in a clean and proper sanitary condition.

The commissioner may order any room to be cleaned in such manner as he may direct.

34:6-109. *Disease; precautions against*

No person who has tuberculosis, scrofula, venereal disease, or any contagious or infectious disease or any communicable or loathsome skin disease shall work in any place licensed under section 34:6-105 of this title and no owner, manager or person in charge of such room shall knowingly require or suffer any such person to be employed therein.

No domestic animal except cats shall be allowed to remain in such room. Every such room shall be kept clean and free from rats, mice or vermin and from all manner of infectious and contagious diseases.

34:6-110. *Keeping food for sale; containers; garbage and ashes*

Biscuits, pies, bread, crackers, cake, macaroni and other foodstuffs and confectionery shall be kept in dry and airy rooms; the floors, shelves, pans, trays and every kind of appliance used for storing the same shall be so arranged that they can be easily and thoroughly cleaned. Proper receptacles for holding coal and ashes and covered garbage pails shall be provided by the proprietor of any place where any of said articles are made or manufactured for sale. All baked goods on display in the sales rooms must be well protected from flies, dust and dirt. All vehicles from which any of the articles specified in section 34:6-105 of this title are sold shall be kept in a clean condition and all baskets or other containers in which such foodstuffs or confections are conveyed to the streets shall be closely covered in a way to exclude flies, dust or other sources of contamination.

34:6-111. *Toilet facilities; washing; clothing*

Whoever shall conduct a place where any of the articles specified in section 34:6-105 of this title are manufactured for sale shall provide proper washing facilities which shall include a sufficient supply of hot water, clean towels, soap and nail brushes, and shall also provide water-closets separate and apart from the workrooms; no water-closet, earth closet or privy shall be within or communicate directly with any such room. Operatives, employees, clerks and all persons who handle any of the material from which any of the articles are manufactured or who handle the finished product, before beginning work and immediately after visiting the toilet or lavatory shall wash their hands and arms thoroughly in clean water. The outer clothing of all operatives while employed in any such room or place shall be made of washable material, shall be kept clean at all times and shall be worn by the operatives only when at work in any such room or place. The street clothing worn by any operatives shall not be kept in any such room. The commissioner may, in his discretion, order the installation of metal lockers to be used for the clothing of operatives.

34:6-112. *Separate sleeping apartments*

Sleeping places for persons employed in any place licensed under section 34:6-105 of this title shall be kept separate from the work-rooms, and the commissioner, a deputy commissioner or any inspector may inspect the sleeping places, if on the same premises as the work-rooms, and order them cleaned or changed, in compliance with sanitary principles.

34:6-113. *Quarterly inspection; complaints*

The commissioner shall enforce compliance with all the provisions of this article and for that purpose shall have all places used for the purpose specified in section 34:6-105 visited and inspected at least once in three months. Whenever a complaint in writing, signed by an employee in any such place or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the commissioner, stating that any provision of this article is being violated, it shall be the duty of the commissioner forthwith to have the place, concerning which complaint is made, visited and inspected. The visits of inspection shall be made in the presence of those then working or employed in such place, and during the usual hours of employment. All such places shall be kept at all times in a clean and sanitary condition.

34:6-114. *Hours of labor; extra work*

..... (See Child Labor Law for employment of minors under eighteen years of age.) No employee in any such place shall be required, permitted or suffered to work in any such place more than sixty hours in any one week or more than ten hours in any one day, unless for the purpose of making a shorter workday on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the whole number of days in which such employee shall so work during such week, but it shall be lawful, in cases of emergency, for an employer to permit an employee to work an additional time, not exceeding two hours per day, such extra work to be remunerated at the rate of weekly wages paid to such employee for his week of sixty hours. No employee in any such place shall be discharged by his employer for having made any truthful statement as a witness in a court or to the commissioner or a deputy commissioner or any inspector in pursuance of this article.

34:6-115. *Notices*

All notices given under or pursuant to this article shall be in writing, signed by the commissioner, and may be served upon the owner or proprietor of the place wherein such violation occurred

either by delivering the same to him in person or by sending it to him by mail at his last known post-office address, with postage prepaid. If his post-office address is not known, the notice may be mailed to the address of the place wherein such violation shall have been committed. The notice providing for the doing of any act or the abating of anything forbidden by this article shall fix the time within which the act shall be done or such thing abated, and if the order shall not be obeyed within the time therein fixed the person so failing to obey shall be liable to the penalty herein fixed for the violation hereof.

34:6-116. *Penalties*

Any person violating any of the provisions of this article, or any owner or proprietor of any place coming within the provisions of this article who fails to obey any lawful order of the commissioner, shall be liable to a penalty of fifty dollars for the first offense and one hundred dollars for each subsequent offense. Any person who shall, after conviction for violation of any provision of this article continue such violation, shall be liable to a penalty of one hundred dollars.

34:6-117. *Procedure*

The penalties prescribed by section 34:6-116 of this title shall be recovered in an action at law by and in the name of the commissioner. The pleadings shall conform in all respects to the practice prevailing in the court in which such action shall be instituted, but no pleading or process shall be set aside or invalidated by reason of any formal or technical defect if the same contain a statement of the nature of the alleged violation and of the section of law alleged to have been violated, and upon the attention of the court being called to any such formal or technical defect the same shall be immediately corrected and the pleading or process amended as a matter of course, and as to all other defects in pleadings or process the same may be amended, in the discretion of the court, as in any other action or proceeding in such court.

34:6-118. *Execution; body execution*

When judgment shall be rendered against any defendant other than a body corporate, execution shall be issued against his goods and chattels and body without any order of the court for that purpose first had and obtained. If the officer executing the writ shall be unable to find sufficient goods and chattels of defendant in his bailiwick to make the amount of the judgment he shall take the body of the defendant and deliver him to the keeper of the common jail of the county, there to be detained until discharged by the court in which

judgment was obtained, or by one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs. In case judgment shall be rendered against a body corporate, execution shall be issued against its goods and chattels as in other actions at law.

34:6-119. *Injunction to restrain violations*

Whenever any person shall violate any of the provisions of this article it shall be lawful for the commissioner, either before or after the institution of proceedings for the collection of a penalty, to file a bill in the court of Chancery in the name of the State, at the relation of the commissioner or an injunction to restrain such violation and for such other or further relief in the premises as the court shall deem proper, but the filing of such bill, and any of the proceedings thereon, shall not relieve any party to the proceedings from the penalties prescribed for the violation.