



New Jersey (State) Department of Health,

Law and Regulations Governing the Manufacture, Handling, Sale and Distribution of Ice Cream, Ice Milk, Sherbets and Ices.

24:1-1. **Definitions.** As used in this title:

d. "Food" means (1) articles used for food or drink for man or other animals (2) chewing gum and (3) articles used for components of any such article.

f. "Package" or "container" means wrapper, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, or other receptacles, but the word, "package" shall not include open containers which permit a visual and physical inspection by the purchaser at retail, nor bags and other receptacles which are filled in the presence of the purchaser at retail.

24:5-8. **General food adulterations.** For the purposes of this sub title food shall be deemed adulterated:

a. (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health, or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of regulations promulgated by the department of health of the state of New Jersey limiting the quantity therein or thereon to such extent as the department of health of the state of New Jersey finds necessary for the protection of the public health; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or (5) if it is in whole or in part the product of an animal which has not been inspected, and the meat of such animal passed as fit for food, (a) by an official federal inspector, or (b) by such officer or person as shall be qualified for such purpose in accordance with, and in such manner as shall be prescribed by regulations adopted by the State Department of Health, if such inspection is required by such regulations, or if it is in whole or in part the product of an animal which has died otherwise than by slaughter; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

b. (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is.

c. If it falls below the standard of purity, quality or strength which it purports or is represented to possess.

d. If it bears or contains a coal-tar color other than one from a batch that has been certified by the United States Department of Agriculture.

24:5-16. "Misbranded" defined. The term "misbranded" as used in this subtitle shall apply to all drugs, articles of food, cosmetics and devices and to articles which enter into the composition of foods, drugs, cosmetics or devices, the package or label of which shall bear any statement or design regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product, or cosmetic, or device which is falsely branded as to the state, territory or country in which it is manufactured or produced.

24:5-17. Food misbrandings. For the purposes of this subtitle a food shall also be deemed to be misbranded:

a. If its labeling is false or misleading in any particular.

Regulation. (a) Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device, or cosmetic.

(b) The labeling of a food which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such food in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

b. If it is offered for sale or distributed under the name of another food.

c. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

d. If its container is so made, formed, or filled as to be misleading.

e. If in package form, unless it bears a label or tag containing the name and place of business of the manufacturer, packer, or distributor.

Regulation. (a) If a food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such food, such as "Manufactured for and Packed by.....", "Distributed by.....", or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such food was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any food from the requirement that its label shall not be misleading in any particular.

f. If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Regulation. (a) A word, statement, or other information required by or under authority of the act to appear on the label may lack that

prominence and conspicuousness required by reason (among other reasons) of—

- (1) the failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;
- (2) the failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;
- (3) the failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;
- (4) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, or design which is not required by or under authority of the Act to appear on the label;
- (5) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design; or
- (6) smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemption depending on insufficiency of label space shall apply if such insufficiency is caused by—

- (1) the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;
- (2) the use of label space to give greater conspicuousness to any word, statement, or other information than is required by this Act.
- (3) the use of label space for any representation in a foreign language.

(c) (1) All words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language.

- (2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label shall appear thereon in the foreign language.
- (3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear on the labeling in the foreign language.

g. If it purports to be or is represented as a food for which a definition and standard of identity is established in this subtitle or has been adopted by the department of health of the state of New Jersey pursuant to section 24:6-1 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard and, in so far as may be required by such definition and standard, the common names of optional ingredients (other than spices, flavoring and coloring) present in such food.

h. If it purports to be or is represented as a food for which a standard of quality has been prescribed by the department of health of the state of New Jersey, pursuant to section 24:6-1, and its quality falls below such standard, unless such label bears, in such manner and form

as specified by the department of health of the state of New Jersey a statement that it falls below such standard.

i. If it is not subject to the provisions of paragraph g of this section, unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided, that, to the extent that compliance with the requirements of clause (2) of this paragraph is impractical, or results in deception, exemptions shall be established by regulations promulgated by the department of health of the state of New Jersey; provided, further, that the requirements of clause (2) of this paragraph shall not apply to any carbonated beverage the ingredients of which have been fully and correctly disclosed, to the extent prescribed by said clause (2), to the department of health of the state of New Jersey in an affidavit.

Regulation. (a) The name of an ingredient (except a spice, flavoring, or coloring which is an ingredient of a food other than one sold as a spice, flavoring, or coloring), required to be borne on the label of a food, shall be a specific name and not a collective name. But if an ingredient (which itself contains two or more ingredients) conforms to a definition and standard of identity prescribed by the department of health of the state of New Jersey, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement showing the optional ingredients which are present in such ingredient.

(b) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers. The term "coloring" shall not include any bleaching substance.

(c) An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as spice and coloring, or flavoring and coloring, as the case may be, unless such ingredient is designated by its specific name.

(d) A label may be misleading by reason (among other reasons) of—

- (1) the order in which the names of ingredients appear thereon, or the relative prominence otherwise given such names; or
- (2) its failure to reveal the proportion of, or other fact with respect to, an ingredient, when such proportion or other fact is material in the light of the representation that such ingredient was used in fabricating the food.

j. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the department of health of the state of New Jersey determines to be, and by regulations prescribes as necessary in order fully to inform purchasers as to its value for such uses.

k. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the department of health of the state of New Jersey. The provisions of this paragraph and paragraphs g and i with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

Regulation. (a) (1) the term "artificial flavoring" means a flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

(2) The term "artificial coloring" means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(3) The term "chemical preservative" means any chemical which, when added to food, tends to prevent or retard deterioration thereof; but does not include common salt, sugars, vinegars, spices or oils extracted from spices, or substances added to food by direct exposure thereof to wood smoke.

(b) A food which is subject to the requirements of section 24:5-17 k of the Act shall bear labeling, even though such food is not in package form.

(c) A statement of artificial flavoring, artificial coloring, or chemical preservative shall be placed on the food, or on its container or wrapper, or on any two or all of these, as may be necessary to render such statement likely to be read by the ordinary individual under customary conditions of purchase and use of such food.

24:10-58. For the purpose of this article "ice cream" is defined as any frozen sweetened milk product which is agitated during the process of freezing and includes every frozen milk product which contains more than 5% by weight of total milk solids or skim milk solids and which in any manner simulates the texture or characteristics of ice cream, no matter under what coined or trade name it may be sold, but "ice cream" does not include ice milk.

Ice cream shall be made from a combination of 1 or more of the following ingredients, viz: cream, milk, condensed milk, sweetened condensed milk, dried milk, skimmed milk, condensed skimmed milk, sweetened condensed skimmed milk or dried skimmed milk and with or without 1 or more of the following ingredients: butter, water, sugar, flavor, stabilizer, harmless color which does not conceal damage or inferiority, any 1 or all of which ingredients shall be wholesome, edible material. The finished products shall contain not less than 10% butter fat by weight except when fruits or nuts or both are used for flavoring when it shall contain not less than 8% of butter fat by weight.

24:10-58.1 For the purpose of this article, "ice milk" is defined as any frozen, sweetened milk product which is made of the same ingredients as ice cream and in a manner similar to the process used in the manufacture of ice cream, but which contains less than the minimum percentage of milk fat required for ice cream, but in no case less than 3%, and contains not less than 14% by weight of total milk solids no matter under what trade or coined name it may be sold or offered for sale. The finished product may contain not more than $\frac{1}{2}$ of 1% by weight of stabilizer and may contain not more than $\frac{1}{5}$ of 1% by weight of emulsifier; provided, however, that the stabilizer and emulsifier have been approved by the Department of Health.

24:10-59. "Custard ice cream"; "French ice cream"; "French custard"; "Frozen custard"; standards. For the purpose of this article "custard ice cream," "French ice cream," "French custard," and "frozen custard" shall conform to the definition and standards hereinbefore defined for "ice cream" no matter under what trade or coined name it may be sold or offered for sale and furthermore it shall contain not less than five dozen clean wholesome egg yolks or the equivalent of such egg yolks in any wholesome form for each ninety pounds of finished products, and without the addition of artificial coloring.

24:10-60. "Sherbet" defined; standards. For the purpose of this article "sherbet" is defined as any frozen sweetened fruit flavored product containing five per cent or less by weight of total milk solids or

skim milk solids, the process of manufacture of which is similar to the process of manufacture of ice cream, no matter under what trade or coined name it may be sold or offered for sale.

Sherbet shall be made from milk or milk products including ice cream mix with one or more of the following ingredients, viz.: sugar, water, stabilizer or harmless color which does not conceal damage or inferiority, and fruit or fruit flavoring material, and the finished product (except vanilla and chocolate flavors) shall contain not less than thirty-five hundredths of one per cent of harmless organic acid as determined by titration with standard alkali and calculated as lactic acid and derived in whole or in part from the fruit or fruit flavoring material or by the addition of citric, tartaric or lactic acid.

24:10-61. Sherbet to be distinctly marked. Sherbet when sold or offered for sale under any coined or trade name shall be plainly and distinctly marked as "a sherbet" in addition to the coined or trade name designated and in juxtaposition thereto.

24:10-62. "Ice" and "fruit ice" defined; standards. For the purpose of this article "ice" or "fruit ice" is defined as any frozen sweetened fruit flavored product, the process of manufacture of which is similar to the process of manufacture of ice cream no matter under what trade or coined name it may be sold or offered, for sale.

It shall contain no milk solids whatsoever, and shall be made from one or more of the following ingredients, viz: sugar, water, stabilizer, harmless color, which does not conceal damage or inferiority, fruit or fruit flavoring material and the finished product shall contain not less than thirty-five hundredths of one per cent of harmless organic acid as determined by titration with standard alkali and calculated as lactic acid and derived in whole or in part from the fruit or fruit flavoring material or by the addition of citric, tartaric or lactic acid.

24:10-63. For the purpose of this article, "imitation ice cream," "ice cream substitute" or "coated imitation ice cream" are defined as:

(1) any frozen sweetened product regardless of the name under which it is manufactured, sold or offered for sale which is made in imitation or semblance of or is manufactured in a manner similar to the process used in manufacturing but is not ice cream, custard ice cream, French ice cream, French custard, frozen custard, ice milk, sherbet, ice or fruit ice as defined in this chapter or

(2) any frozen sweetened product labeled as a product defined in this chapter but which does not comply with such defined standards.

24:10-64. "Ice cream plant" defined; exceptions. For the purpose of this article an "ice cream plant" shall mean any place, premises or establishment where ice cream, sherbet, fruit ice, ice or similar frozen products are manufactured, prepared or processed for distribution or sale, but the term shall not be construed to include such establishments as hotel kitchens where ice cream, sherbet or ice is produced and consumed only on the premises.

24:10-65. No person by himself or by his agent, servant or employee shall sell, offer or expose for sale or have in his possession with intent to sell ice cream, custard ice cream, French ice cream, French custard, frozen custard, ice milk, shebert, ice or fruit ice, including coated ice cream and the coating thereof, which is adulterated within the meaning of this article, or sell, offer or expose for sale or have in his possession with intent to sell, any imitation ice cream, ice cream substitute or coated imitation ice cream as defined in section 24:10-63 of this Title.

24:10-66. Ice cream, custard ice cream, French ice cream French custard, frozen custard, ice milk, sherbet, ice and fruit ice shall be deemed to be adulterated within the meaning of this article:

First: Except as provided in section 1 of this amendatory and supplementary act, if it contains any added preservative including boric acid, formaldehyde, any artificial sweetener including saccharin dulcin or any substance or compound that is deleterious to health. (Section 1 of the amendatory and supplementary act is found in 24:10-66.1)

Second: If it contains salts of copper, iron, ochres or any coloring substance deleterious to health, but this paragraph shall not be construed to prohibit the use of harmless coloring matter when not used for fraudulent purposes.

Third: If it contains any deleterious flavoring matter or flavoring matter not true to name.

Fourth: If it contains any fats, oils, or paraffin other than milk fats added to or blended or compounded with it, but the coating of coated ice cream may contain cocoa butter or cocoanut oil, or both; and chocolate ice cream may contain cocoa butter.

Fifth: If it is an imitation ice cream, ice cream substitute or coated imitation ice cream as defined in section 24:10-63 of this Title.

Sixth: If it is offered for sale from any container, compartment or cabinet which contains any article other than ice cream, custard ice cream, French ice cream, French custard, frozen custard, ice milk, sherbet, ice or fruit ice.

Seventh: If it falls below the standards or any of them fixed for the particular product by the definition thereof contained in this article or is falsely labeled or labeled contrary to the provisions of this article.

Eighth: If it is ice milk and contains less than 1.4 pounds total food solids per gallon in the finished product or weighs less than 4.5 pounds per gallon or if any package or container of a different unit contains less than a proportionate amount of total food solids or weighs proportionately less.

24:10-66.1. "Artificially sweetened ice cream" is defined as ice cream manufactured, prepared or processed for consumption by diabetics and shall contain only those ingredients prescribed by section 24:10-58 of the Revised Statutes but shall be sweetened with an artificial sweetening agent and contain edible carbohydrates other than sugar. The artificial sweetening agent and the edible carbohydrates must be approved by the Department of Health and no sugars other than those naturally present in the milk solids or fruit agent shall be added thereto.

The manufacturer of artificially sweetened ice cream shall place such product in packages or containers which shall be conspicuously labeled "artificially sweetened" immediately preceding the words "ice cream" in similar type at least $\frac{1}{2}$ the size of the type used for the words "ice cream" and on the same contrasting background and in addition shall label thereon any other warning statement which the Department of Health may prescribe. The label shall also contain a statement in terms of percentage by weight of protein fat and carbohydrates, the total number of calories per fluid ounce, the number of calories contributed by carbohydrates per fluid ounce and any carbohydrate other than lactose and the name of each ingredient entering into the composition other than flavor. Artificially sweetened ice cream shall not be sold in any quantity or in any manner other than in sealed or unbroken packages or containers from 1 or more separate compartments of a refrigerated container or cabinet.

24:10-67. Every ice cream plant shall be maintained and operated with strict regard for the purity and wholesomeness of the ice cream, sherbet and ice produced therein. The entire establishment and its appertaining premises including fixtures, furnishings, machinery, apparatus, implements, utensils, receptacles and all equipment used in the production, keeping, storing, handling or distribution shall be maintained and operated in a clean sanitary manner.

All equipment and utensils used in the production of ice cream, custard ice cream, French ice cream, French custard, frozen custard, ice milk, sherbet, ice and fruit ice shall be cleaned by washing with a solution of at least 1% alkali, scrubbed inside and out with suitable brushes, then rinsed with warm water, then scalded with hot water or steam. If any other method is used, such method shall result in the same degree of cleanliness as the method described.

The clothing, habits and conduct of the employees shall be conducive to and promote cleanliness and sanitation.

There shall be proper suitable and adequate toilets and lavatories and equipment for cleansing, constructed, maintained and operated in a clean and sanitary manner.

24:10-68. Every person operating a plant for the manufacture of ice cream, ice milk, sherbet, ices or fruit ices intended for sale and distribution within this State shall, before July 1 in each year, apply to the State department for a license to sell or distribute such products within this State and register with the department each brand or product produced or manufactured or sold in or from such plant.

At the same time such application for a license and registration is filed the applicant shall pay to the department an annual license fee as follows: For each ice cream manufacturer producing or distributing annually within this State not in excess of 10,000 gallons, \$5.00; in excess of 10,000 gallons and not in excess of 25,000 gallons, \$10.00; in excess of 25,000 gallons and not in excess of 50,000 gallons, \$25.00; in excess of 50,000 gallons and not in excess of 100,000 gallons, \$50.00; in excess of 100,000 gallons, \$100.00.

24:10-69. Form of application; affidavit. The application for a license and registration shall be made on a form to be supplied by the state department. The application shall have attached thereto the affidavit of the person or some member or officer of the association, partnership, or corporation applying therefor, stating that the facts set forth therein are true and correct.

24:10-70. Issuance of license; expiration. Upon approval of the application for a license and registration and of the sanitary conditions of the ice cream plant and upon payment of the required license fee, the state department shall issue to each applicant a license or certificate of registration which shall expire June thirtieth of each year.

24:10-71. Revocation of license; renewal; suspension of license. Upon evidence duly ascertained by the state department, or furnished to the department by any local board of health, that the licensee licensed under the provisions of this article is violating any of the rules, regulations or statutes as hereinbefore provided, the state department shall, upon hearing and proof of allegation, revoke the license of such licensee.

No such license shall be renewed or restored until the department is satisfied that all of the provisions of this article are strictly complied with.

The state department, when in its judgment the protection of the public health warrants, may before hearing, suspend such license pending the hearing in which event it shall be unlawful for the licensee whose license is thus suspended to engage in the business for which the license was granted during such period of suspension.

24:10-72. It shall be illegal for any person to sell or distribute any ice cream, ice milk, sherbet, ices or fruit ices in this State unless such products have been manufactured in a plant, the owner or operator of which is licensed under the provisions of this article to sell or distribute such products in this State.

It shall be unlawful for any person personally or by or through an agent, servant or employee to sell, offer for sale, expose for sale or

have in possession with intent to sell, ice milk packaged in containers of greater than $\frac{1}{2}$ gallon capacity, if the ice milk or any of its ingredients contains added color or any ingredient added for the purpose of imparting a characterizing flavor.

24:10-73. Use of license moneys for enforcement. The state department may, for the purpose of providing funds to defray the cost of the enforcement of this article, use so much of the moneys received for licenses as stated in section 24:10-68 of this title, as is necessary for such enforcement.

24:17-1 Penalties. Any person who shall violate any provision of this subtitle, or any rule or regulation of the state department made pursuant thereto, or who shall refuse to comply with any lawful order or direction of the department, shall be liable to the following penalties, unless otherwise specifically provided:

- a. For each first offense a penalty of fifty dollars;
- b. For each second offense a penalty of one hundred dollars.
- c. For each third and every subsequent offense a penalty of two hundred dollars.

Regulations Governing the Preparation and Handling of Ice Cream, Frozen Custards, Sherbets and Ices

Adopted September 15, 1936, under Authority contained in Chapter 231, Laws of 1909. Title 24, Chapter 2, Article 1, Revised Statutes.

1. No person affected with any communicable disease, or any venereal disease, and no person who is a "carrier" of a communicable disease or who shall care for any person so affected, shall handle or prepare ice cream, frozen custards, sherbets or ices.

2. Every person while preparing ice cream, frozen custards, sherbets or ices shall be clean of person, wear clean, washable outer clothing, which shall be used for that purpose only; such operator shall avoid contact with any substance that may contaminate the ice cream, frozen custards, sherbets or ices.

3. Ice cream, custards, sherbets and ices shall be handled and packed in a manner whereby they will be protected at all times from contamination. The hands of employees shall not come in direct contact with these products. In cases where such products are wrapped by hand, the wrapper shall be placed over the product before handling.

4. No part of any room or rooms in which ice cream, frozen custards, sherbets or ices are prepared and handled shall be used as a dwelling, nor shall any such room or rooms be directly connected with laundries or sleeping rooms.

5. Milk, cream and milk products shall have been pasteurized before use in preparation of ice cream, frozen custards and sherbets.

6. Places where ice cream, frozen custards, sherbets or ices are manufactured shall be sufficient size as to allow ample space for the placement of machinery. Machinery and equipment shall be so placed that the floor and walls can be properly cleaned. Sufficient floor room shall be available for workmen, as well as adequate room for cleaning and storage of apparatus, cans and utensils.

7. The portion of the room or rooms in which ice cream freezers are installed shall have tight and impervious floors and such floors shall be maintained in a tight and impervious condition. Such floors shall be so constructed that there will be no accumulation of waste liquids.

8. The sidewalls and ceilings of all rooms in which ice cream, frozen custards, sherbets and ices are prepared shall be of a suitable impervious material, which shall be smooth and tight, cleanable and clean.

9. Rooms in which ice cream, frozen custards, sherbets or ices are prepared, shall be properly lighted and ventilated.

10. All establishments in which ice cream, frozen custards, sherbets and ices are prepared shall be provided with an abundant supply of pure hot and cold water.

11. Waste liquids shall be conducted to a point outside the building and disposed of in a matter which will not create a nuisance.

12. Apparatus, containers, equipment and utensils used in the handling, storage, processing or transporting of ice cream, frozen custards, sherbets or ices shall not be used for any other purpose and shall be of such material and construction as to enable them to be readily cleaned. Cans or other receptacles which are badly worn or rusted on the inside surfaces, or in such a condition that they cannot be readily cleaned shall not be used to contain ice cream, frozen custards, sherbets or ices.

13. All apparatus, utensils, equipment and containers used in the manufacturing, handling, storage and transportation of ice cream, frozen custards, sherbets and ices shall be cleaned after each use by washing with a solution of at least 1% alkali, scrubbed inside and out with suitable brushes, rinsed with warm water and then scalded with hot water or steam. Such apparatus, utensils, equipment and containers shall again

be sterilized just prior to use. If any other method is used, such method shall result in the same degree of cleanliness as the method described. No cloths of any kind shall be used to wipe off the interior of the freezer or containers after sterilization.

14. Containers and utensils, after cleaning, shall be stored in an orderly manner on suitable racks of non-rusting material.

15. Milk pipes and pipe fittings shall be constructed of approved metal with smooth interior surfaces and of a type which can be easily cleaned with a brush and shall be so connected that leakage will not occur. The amount of milk piping in use should be reduced to a minimum. All pipes shall be disconnected and cleaned daily.

16. Surface coolers shall be provided with suitable covers of smooth metal, except when such coolers are maintained in a separate room used for no other purpose.

17. Toilet facilities shall be provided for use of employees, but no water closet or privy shall communicate directly with any room used for handling ice cream, frozen custards, sherbets or ices, or with any room in which utensils are washed or stored. If privies are provided, they shall be at least fifty feet from the ice cream plant and so constructed and maintained that flies cannot gain access to the excremental matter contained therein, and such excremental matter shall be prevented from flowing over or upon the surface of the ground. Every privy or other receptacle for human excrement located within one hundred feet of any stream, the waters of which are used for drinking or domestic purposes, shall be provided with a water-tight vault. Toilet rooms and privies shall be kept clean, well ventilated and in good repair, and toilet rooms shall have self-closing doors.

18. All ice cream plants shall be provided with suitable sinks at which employees may wash their hands, and soap and clean individual towels shall be provided convenient to wash sinks. Employees shall wash their hands before beginning to work and after visiting the toilet, and shall keep their hands clean at all times while engaged in the handling of ice cream, frozen custards, sherbets or ices.

19. The general sanitary conditions of all ice cream plants and their immediate surroundings shall be such as to insure a safe supply of ice cream, frozen custards, sherbets and ices.

20. The term "Counter Ice Cream Freezer" as hereinafter used shall include the counter type freezing machine or similar types usually operated in retail establishments.

In addition to the requirements governing all ice cream manufacturing plants, counter ice cream freezers shall be installed in such a way that they shall not be subject to contamination by dirt, dust, flies or handling by customers. Whenever such counter freezer is installed in a room which is a drug, confectionery or other food establishment, to which the public has access, such freezer shall be enclosed in a tight glass or other enclosure which shall extend at least two feet above the highest point of such freezer, which enclosure shall have a tight dust-proof top; such enclosure shall be on the three sides nearest to the place or places where the public ordinarily come. No such freezer shall be installed or operated beneath transoms, nor within twelve feet of outside doors unless it be enclosed on all four sides and top with a dust-proof enclosure. The enclosures herein required need not cover hardening and storage compartments, provided they are otherwise maintained in a sanitary manner.