

5 2. By striking out the last two words of said section and by inserting  
6 in lieu thereof the words "office of said board."  
7 3. By coordinating the pronouns in said section with the change  
8 herein made.

1 SEC. 6. Section fifty-two hundred ninety-one (5291), code, 1931, is  
2 amended by striking out the words "state auditor" and by inserting in  
3 lieu thereof the words "said board."

1 SEC. 7. Section seventy-one hundred eighty-one (7181), code, 1931,  
2 is amended as follows:

3 1. By striking out the words "auditor of state" in line 8 and by  
4 inserting in lieu thereof the words "state board of assessment and  
5 review."

6 2. By striking out the words "auditor of state" in line 25 and by in-  
7 serting in lieu thereof the words "state comptroller."

8 3. By striking out the words "in his office" in line 27 and by insert-  
9 ing in lieu thereof the word "aforesaid."

10 4. By coordinating the pronouns in said section with the change here-  
11 in made.

1 SEC. 8. Section seventy-four hundred (7400), code, 1931, is repealed  
2 and the following is enacted in lieu thereof, to wit:

3 "7400. Interest on warrants. When interest is due and allowed by  
4 the treasurer of state on the redemption of state warrants, or by the  
5 county treasurer on the redemption of county warrants, the same shall  
6 be receipted on the warrants by the holder, with the date of the pay-  
7 ment, and no interest shall be allowed by the state comptroller or  
8 board of supervisors except such as is thus receipted."

1 SEC. 9. Section seventy-four hundred one (7401), code, 1931, is  
2 amended by inserting immediately after the word "discounts" in line  
3 3 the words "state comptroller's or."

House File 138. Approved April 15, 1935.

## CHAPTER 29

### THE CREAM GRADING LAW

S. F. 159

AN ACT to amend title X, code, 1931; to regulate the purchase, sale, handling and treatment of cream; to provide for the grading of cream and for the issuance of licenses authorizing such grading; to provide for the issuance of licenses as a condition precedent to the operation of creameries, cream stations, and cream routes; to prohibit the sale for human consumption of unlawful cream, as herein defined; and to provide penalties for the violation of this act.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Title. This chapter may be cited as "The cream grad-  
2 ing law" and is an amendment to title X, code, 1931.

1 SEC. 2. Enforcement. The secretary of agriculture shall enforce  
2 the provisions hereof, and to this end may adopt such rules and regu-  
3 lations, not inconsistent herewith, as may appear necessary.

1 SEC. 3. Definitions. For the purposes of this act:

2 1. "Secretary" means the secretary of the department of agri-  
3 culture.

4 2. "Person" includes individuals, partnerships, corporations, and  
5 associations.

6 3. "Creamery" means an establishment to which milk or cream of  
7 divers producers is delivered and where said products are manufac-  
8 tured into butter or cheese for commercial purposes.

9 4. "Cream station" means a place, other than a creamery, where  
10 deliveries of cream are weighed, sampled, graded or tested for pur-  
11 chase on a butter fat basis.

12 5. "Cream route" means any method used in gathering or trans-  
13 porting cream for hire from two or more producers to a cream station  
14 or creamery, except common carriers.

15 6. "Sweet cream" means cream that is clean to the taste and smell  
16 and the acidity of which does not exceed two tenths of one per cent  
17 calculated as lactic acid.

18 7. "First grade cream" means cream that is clean to the taste  
19 and smell, smooth, without objectionable flavors or odors, and having,  
20 at the time and place of purchase, an acidity not exceeding six tenths  
21 of one per cent calculated as lactic acid.

22 8. "Second grade cream" means cream that has objectionable flavors  
23 and odors, or is too sour, or is too old to grade as first grade cream.

24 9. "Unlawful cream" means cream which contains dirt, filth, oil,  
25 or other foreign matter which renders it unfit for human consump-  
26 tion, or that is stale, cheesy, rancid, putrid, decomposed or actively  
27 foaming.

1 SEC. 4. Basis of purchase. All purchases of cream for butter-  
2 making purposes shall be made on the basis of sweet cream, first  
3 grade cream and second grade cream.

1 SEC. 5. Price differential. Every person owning or operating a  
2 creamery, or cream station, or cream vehicle route and engaged in the  
3 business of buying two or more grades of cream shall maintain a  
4 price differential between said grades of not less than one cent per  
5 pound of butter fat.

1 SEC. 6. Posting. Said differential and the price paid for the va-  
2 rious grades of cream purchased, shall be continuously posted in a  
3 conspicuous place in each creamery, cream station and vehicle used in  
4 transporting purchased cream, controlled or managed by the party so  
5 purchasing.

1 SEC. 7. Licensed graders. A grader of cream, duly licensed as  
2 herein provided, shall, when cream is delivered or gathered for the  
3 manufacture of butter, be maintained in every creamery and cream  
4 station; also in every vehicle when cream is not gathered in individual  
5 containers.

1 SEC. 8. License granted. Such license shall be issued by the sec-  
2 retary to persons who shall have passed a satisfactory examination  
3 as to their qualifications to grade cream and who confirm their quali-  
4 fications by an actual demonstration. Said license shall not be trans-  
5 ferable.

1 SEC. 9. Tenure—Fee. Each license shall, unless sooner revoked,  
2 be valid for one year from date of issuance. The fee therefor shall  
3 be one (1) dollar which shall be paid before the license is issued.

1 SEC. 10. Duty of grader. Each licensed grader of cream shall  
2 immediately grade each lot of cream delivered to or received by him.  
3 Wherever a particular lot of cream is graded, whether at the creamery,  
4 at the cream station, or at the vehicle used for transportation, the  
5 grader shall forthwith make and preserve a true record of said par-  
6 ticular lot, which record shall show:  
7 1. Name of the producer or owner.  
8 2. Date of delivery.  
9 3. Quantity delivered.  
10 4. Grade or grades assigned.  
11 5. Price paid.

1 SEC. 11. Treatment of graded cream. As soon as cream is graded,  
2 it shall be placed forthwith in a clean container. Each container con-  
3 taining graded cream shall have a label or tag firmly attached thereto  
4 showing in a legible and conspicuous manner the grade of the cream  
5 therein and the date when said cream was graded. The grader of  
6 said cream shall see that this section is complied with.

1 SEC. 12. Treatment of unlawful cream. It is hereby made the  
2 duty of each licensed grader of cream to thoroughly mix with any  
3 unlawful cream whenever and wherever discovered by him such  
4 harmless coloring matter as will prevent such unlawful cream from  
5 being used for human consumption.

1 SEC. 13. Sediment test. A test for the purpose of determining  
2 the amount and nature of sediment in cream shall always be made by  
3 the grader on the first purchase of cream from a customer. If the  
4 test reveals no undue amount of sediment, no further sediment test  
5 need be made on the cream of such customer during the following  
6 month, but at least one test for sediment shall be made each month  
7 on the cream sold by each customer. But the grader shall make such  
8 test whenever he has reason to believe that such test is advisable.

1 SEC. 14. Details of test. Test for sediment shall be made with  
2 either two or four ounces of cream. When made with two ounces, the  
3 sediment pad shall be one and one-fourth inches in diameter and  
4 have a filtering surface of one inch. When made with four ounces,  
5 the sediment pad or cloth shall have a strand thickness of six thou-  
6 sandths of an inch and at least one hundred threads to the inch, and  
7 a filtering surface of not more than one and one-half inches in di-  
8 ameter.

1 SEC. 15. Operating license. No creamery or cream station or ve-  
2 hicle for the collection of cream shall be operated unless the owner or  
3 operator shall have first obtained from the secretary a license for  
4 each creamery, each cream station, and each vehicle so owned or  
5 operated.

1 SEC. 16. Issuance of license. The license to operate as aforesaid  
2 shall be issued by the secretary and shall specify the particular cream-

3 ery or cream station, the operation of which is authorized; also, in a  
4 general way, the route over which the vehicle is authorized to operate.

1 SEC. 17. Tenure—Fees. Such license, unless sooner revoked, shall  
2 be valid for one year from the date of issuance. The fee therefor,  
3 payable to the secretary before its issuance, shall be:

- 4 1. For each creamery, three (3) dollars.
- 5 2. For each cream station, one (1) dollar.
- 6 3. For each vehicle, one (1) dollar.

1 SEC. 18. Posting. The holder of said license shall keep said license  
2 continuously posted in some conspicuous place inside said creamery,  
3 or cream station, or inside the driver's compartment of the said ve-  
4 hicle, as the case may be.

1 SEC. 19. Revocation of license. Any license issued under this chap-  
2 ter may be revoked by the secretary for any violation of this chapter  
3 or for violation of any standard of sanitation prescribed by any other  
4 statute applicable to the holder of such license, but only after the  
5 holder of the license has been given reasonable notice of the intention  
6 to revoke the license and reasonable opportunity to be heard, provided,  
7 that when a licensee is convicted of a wilful violation of any require-  
8 ment of this chapter, the secretary shall summarily suspend said  
9 license for a period of thirty days, and provided, that upon a second  
10 such conviction the secretary shall summarily and permanently revoke  
11 said license.

1 SEC. 20. Sanitation. No creamery, or cream station or vehicle  
2 used on a route for the collection of cream shall be operated or per-  
3 mitted to be operated in an unclean or insanitary condition.

1 SEC. 21. Separate rooms. The owner or operator of a creamery  
2 or cream station shall maintain a separate room or rooms for the  
3 handling and sorting of cream and dairy products, which room or  
4 rooms shall be constructed and maintained in the same sanitary condi-  
5 tion now required by statute for the construction and maintenance of  
6 creameries generally, be well lighted and ventilated, and be provided  
7 with proper cooling facilities and an adequate supply of hot and cold  
8 water.

1 SEC. 22. Transportation. Cream while being transported to a  
2 creamery or cream station, either by the producer or purchaser, shall  
3 be protected by wet blankets or by such other means as will keep said  
4 cream in a reasonably cool condition.

1 SEC. 23. Empty cans. Empty cream cans shall be thoroughly  
2 washed and kept in a sanitary condition, stored, and protected from  
3 the weather.

1 SEC. 24. Inspection. The secretary and all his authorized agents  
2 shall have access, at all reasonable times, to all creameries and cream  
3 stations and other places, including vehicles for transportation, where  
4 milk or cream is produced, received, tested, purchased, transported,  
5 or used for the manufacture of butter.

1 SEC. 25. Samples. The secretary, and all such authorized agents  
2 on showing their authority and upon paying or offering to pay the  
3 value thereof, may take from any producer, handler, receiver, or seller  
4 of milk or cream, or from any manufacturer of butter, whether prin-  
5 cipal, agent, or employee, samples of milk, cream or butter for pur-  
6 poses of inspection and analysis.

1 SEC. 26. Prohibited acts. The following acts or omissions are pro-  
2 hibited:

3 1. The purchase or receipt of cream for butter-making purposes  
4 except on the basis of grades as herein provided.

5 2. The failure to provide a price differential as herein provided.

6 3. The grading by an unlicensed grader of any lot of cream.

7 4. The improper or incorrect grading by a licensed grader of any  
8 lot of cream.

9 5. Knowingly offering or exposing for sale of unlawful cream for  
10 butter-making purposes or for any human consumption.

11 6. The purchase, possession or acceptance of unlawful cream for  
12 human consumption.

13 7. The failure of a licensed grader of cream to make and keep such  
14 records as are herein required of him.

15 8. The possession by the owner or operator of a creamery or of a  
16 cream station, or of a cream route vehicle of any graded cream which  
17 is unlabeled or falsely labeled.

18 9. The maintenance of a creamery or cream station or cream route  
19 vehicle in an insanitary condition.

20 10. The conducting or maintaining of a creamery, or cream station,  
21 or cream route vehicle in such a manner that cream may be contam-  
22 inated.

23 11. The act of obstructing or hindering any official inspection by the  
24 secretary or by any of his authorized agents.

25 12. The removal or defacement of any tag or tags as herein re-  
26 quired which have been attached to a receptacle containing cream.

27 13. The handling or transportation of cream contrary to the pro-  
28 visions of this chapter.

29 14. The operation of a creamery, or cream station, or cream route  
30 vehicle without obtaining a license as herein provided.

31 This enumeration of prohibited acts shall not be construed to ex-  
32 empt the violator of any other provision of this chapter from crim-  
33 inal responsibility.

1 SEC. 27. Penalties. Any person who, by himself or by his agent  
2 or employee, wilfully violates any requirement of this act shall be  
3 fined not less than twenty-five (25) dollars nor more than one hun-  
4 dred (100) dollars.

1 SEC. 28. Saving clause. The invalidity of any portion of this chap-  
2 ter shall not affect the validity of any other portion thereof which  
3 can be given effect without such invalid part.

Senate File 159. Approved April 22, 1935.