

Serial Number 1946/202



THE DAIRY (MILK TREATMENT) REGULATIONS 1946

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 26th-day of
November, 1946

Present :

THE RIGHT HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to the Dairy Industry Act, 1908, and the Agriculture (Emergency Powers) Act, 1934, and pursuant also to the Health Act, 1920, but so far only as the authority of the last-mentioned Act is requisite for the revocation hereby effected of certain regulations heretofore in force, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

1. These regulations may be cited as the Dairy (Milk Treatment) Regulations 1946.
2. These regulations shall come into force on the 1st day of January, 1947.
3. In these regulations, unless inconsistent with the context,—
 - “Chart” means a recording thermometer chart :
 - “Director” means the Director of the Dairy Division of the Department of Agriculture :
 - “Equipment” includes all apparatus, machinery, pumps, vehicles, containers, utensils, piping, thermometers, and other articles used in the reception, storage, treatment, bottling, or canning of milk for pasteurization or pasteurized milk :
 - “Holding method” and “high-temperature short-time method” mean respectively the methods so described in Regulation 100 of the Food and Drug Regulations 1946 :
 - “Inspector” means any Inspector appointed under the Dairy Industry Act, 1908 :

“Milk” includes cream :

“Milk-treating house” means premises used or intended to be used for the pasteurization of milk for sale for human consumption as pasteurized milk and the placing or deposit of such milk in bottles or other suitable containers before delivery from the premises :

“Minister” means the Minister of Agriculture :

“Owner” includes occupier, when the occupier is the person carrying on the business of the milk-treating house.

4. Nothing in these regulations shall excuse any person from compliance with by-laws of a local authority, or any other legally constituted authority, whether relating to the requirement of a license or any other matter so far as such by-laws are not in conflict with these regulations.

5. The Milk Treatment Regulations 1945 made under the Health Act, 1920, are revoked.

6. All notices, and generally all acts of authority and all matters, acts, and things, and all periods of time which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of coming into force of these regulations, shall enure for the benefit of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed so to have originated ; and all matters and proceedings commenced under the regulations hereby revoked and pending or in progress on the commencement of these regulations may be continued, completed, or enforced under these regulations.

REGISTRATION OF MILK-TREATING HOUSES

7. Subject to the provisions of Regulations 11 and 12 hereof, no person shall carry on the business of pasteurizing milk for sale as pasteurized milk in any premises unless such premises are registered as a milk-treating house under these regulations.

8. No premises shall be registered as a milk-treating house under these regulations unless they—

- (a) Have been erected in compliance with Regulation 10 hereof :
- (b) Comply with the requirements of Regulation 30 hereof :
- (c) Are equipped in compliance with the requirements of Regulation 32 hereof.

9. Notwithstanding the provisions of paragraph (a) or paragraph (b) of the last preceding regulation, any premises which are used at the date of the coming into force of these regulations for the pasteurization of milk for sale as pasteurized milk may be registered as a milk-treating house under these regulations if in the opinion of the Director they—

- (a) Are sanitary and in good repair and condition ; and
- (b) Comply substantially with the requirements of Regulation 30 hereof.

CONSTRUCTION OF OR ALTERATIONS TO MILK-TREATING HOUSES

10. (1) Every person intending to build or to make substantial alterations, whether structurally or by way of additions, to a milk-treating house or to any building or premises intended to be adapted for use as a milk-treating house shall submit a description and plan of the proposed building or alterations to the Director for approval.

(2) No person shall commence the erection of any such building or the making of any such alterations until the Director has notified him in writing that the Minister has approved of the aforesaid description and plan thereof.

(3) No person erecting any such building or making any such alterations shall make any material departure from the description and plan as approved by the Minister either before or during the erection or alteration of the building or at any later time without previous notice in writing from the Director that the Minister has consented thereto.

APPLICATION FOR REGISTRATION

11. Every person who at the date of the coming into force of these regulations uses any premises as a milk-treating house shall forthwith after that date make application in manner hereinafter provided for registration thereof as a milk-treating house.

12. Every person who at any time after the date of the coming into force of these regulations commences to use as a milk-treating house any premises not theretofore registered under these regulations shall forthwith after commencing so to use such premises make application in manner hereinafter provided for registration thereof as a milk-treating house.

13. Every application for registration of a milk-treating house shall be made to the Director in writing signed by or on behalf of the applicant and shall be in or to the effect of the form numbered 1 in the Schedule hereto, and shall contain the information in the said form.

CERTIFICATE OF REGISTRATION

14. On receipt of an application for registration of a milk-treating house the Director shall, upon being satisfied that the requirements of these regulations are complied with in respect of the premises described in the application, register such premises as a milk-treating house with a distinctive number, and shall issue to the applicant a certificate of registration in or to the effect of the form numbered 2 in the Schedule hereto.

15. Every certificate of registration shall continue in force until revoked under the provisions in that behalf hereinafter contained.

16. So long as any certificate of registration continues in force, but no longer, the premises named therein shall be deemed to be a registered milk-treating house, and the person named therein shall be deemed to be the registered owner of the milk-treating house.

17. At any time during the currency of any certificate of registration the Director may if he thinks fit, and shall if required for the purpose of any legal proceedings, issue a further certificate of registration in respect of such milk-treating house, but such further certificate shall have no other effect than the certificate first issued.

THE REGISTER

18. For the purpose of the registration of milk-treating houses a register of milk-treating houses shall be kept by the Director at his office in Wellington.

19. The register may be kept bookwise or in card form, or in such other manner as may be deemed convenient, and, an application for registration in regular form, may be incorporated with and form part of the register.

20. The Director may from time to time direct any entry in the register to be amended, corrected, cancelled, or deleted upon such documentary or other evidence as he shall deem sufficient.

21. Unless the register be arranged alphabetically in order of names of owners of milk-treating houses, the Director shall cause it to be provided with an alphabetical index of the names of owners using registered milk-treating houses.

EVIDENCE OF REGISTRATION

22. Any certificate of registration shall be *prima facie* evidence of registration of the milk-treating house to which the certificate relates.

23. A copy certified by the Director of any entry in the register shall be *prima facie* evidence of such entry.

24. A certificate under the hand of the Director of the absence of an entry in the register shall be *prima facie* evidence of the facts stated in such certificate.

25. The absence of any entry in the register relating to any milk-treating house shall be *prima facie* evidence that no application has been made for the making of such entry.

ALTERATIONS IN RESPECT OF THE OWNERSHIP OR POSSESSION OF MILK-TREATING HOUSES

26. Every holder of a certificate of registration for the time being in force in respect of a milk-treating house shall, immediately such milk-treating house ceases to be used by him or immediately any change takes place in the ownership or possession of such milk-treating house, give the Director notice thereof and of the particulars of such change, as the case may require, but compliance with the requirements of this regulation shall not relieve any person from the duty of complying with Regulation 27 hereof.

27. Every person who acquires or succeeds to the ownership or possession of any registered milk-treating house shall give immediate notice thereof to the Director.

28. Upon receipt of any notice given pursuant to Regulation 26 or Regulation 27 hereof, and on verification thereof to his satisfaction, the Director may make such entries in the register, as the case may require, and shall, if he considers it desirable, issue a fresh certificate of registration in respect of the milk-treating house concerned.

REVOCATION OF CERTIFICATE OF REGISTRATION

29. A certificate of registration may be revoked by the Director in his discretion in any of the following events:—

- (a) If the registered owner so requests; or
- (b) If the Director is satisfied that the owner has not used his registered premises for a period of not less than six months immediately preceding; or
- (c) If during the period of twelve months immediately preceding such revocation the owner has been convicted of any offence or offences arising out of or in respect of his use of the said milk-treating house or any equipment therein or the sale or disposal of milk therefrom under the Dairy Industry Act, 1908, the Sale of Food and Drugs Act, 1908, the Health Act, 1920, or any regulations made under any of those Acts; or

- (d) If the owner fails or neglects to remedy within the time specified in the notice any defect in or about the milk-treating house or its equipment when required by an Inspector so to do by notice in or to the effect of the form numbered 3 in the Schedule hereto.

REQUIREMENTS AS TO PREMISES

30. Except as provided by Regulation 9 hereof, no person shall carry on the business of pasteurizing milk for sale as pasteurized milk in any premises that do not comply with the following requirements :—

- (a) All floors shall be constructed of concrete or other impervious and easily cleaned materials and shall be so finished as to be impervious to moisture, and faces of concrete shall be finished to a smooth plane surface. The floors shall be adequately graded so as to drain into channels, which shall discharge in a satisfactory manner over a gully-trap. Angles between floors and walls shall be rounded off in a manner that will prevent the lodgment of dirt and enable the premises to be thoroughly cleansed with an ordinary scrubbing-broom :
- (b) Interior walls and the interior surfaces of external walls shall be made of or lined with tiles, cement, or other material so finished by painting or otherwise as to present a smooth surface and to be impervious to moisture, and faces of concrete shall be finished to a smooth plane surface with a steel tool :
- (c) Ceilings, if any, and roofs of rooms not completely ceiled shall be dustproof, and shall on the under surface have a smooth surface capable of being washed without damage to the surface :
- (d) All rooms shall be provided with adequate ventilation and with adequate natural and artificial lighting :
- (e) All doors opening to the outer air shall, as far as practicable, be self-closing :
- (f) All windows, doors, and other vents and openings to the outer air shall, as far as practicable, be covered with screens of wire gauze or other suitable material that will exclude flies :
- (g) Adequate privy accommodation shall be provided in rooms not opening directly into any room in which milk or equipment or containers are handled, treated, or stored, and all doors of such rooms shall be self-closing :
- (h) Conveniently adjacent to any privy accommodation there shall be provided adequate hand basins furnished with waste-pipes and with pipes to supply hot water and cold water :

31. No person shall carry on the business of pasteurizing milk for sale as pasteurized milk in any premises that are not at all times maintained in accordance with the following requirements :—

- (a) The floors shall at all times be kept clean :
- (b) Walls and ceilings shall be kept clean by washing :
- (c) In every privy a conspicuous notice shall be posted directing employees to wash their hands immediately after using the privy :

- (d) Conveniently adjacent to hand basins there shall be kept toilet soap and nail-brush, and for each employee a separate towel or other suitable means of drying hands :
- (e) Every hand basin shall be furnished with an adequate supply of warm running water and shall not be used for any other purpose than personal ablutions :
- (f) An adequate supply of potable water shall at all times be available :
- (g) All plumbing and door-hinges and fastenings and other working or moving parts of the premises, including fittings and fixtures, shall at all times be maintained in good, sound, and efficient working-order :
- (h) All surfaces of floors, walls, and ceilings that may become chipped, cracked, or pervious to moisture or roughened shall immediately be put into repair so as to comply with the requirements of these regulations :
- (j) All fly-screens shall be kept in good and efficient repair and condition, and shall at all times be kept in position, except during actual ingress and egress through doors :
- (k) All rooms shall be kept adequately lit and ventilated :
- (l) The whole of the premises and all fittings and fixtures thereof and all equipment shall at all times be kept in clean order and condition :
- (m) No substance by which milk is or may be liable to be contaminated shall be stored, treated, or handled in the premises.

REQUIREMENTS AS TO EQUIPMENT

32. No person shall use for the purpose of pasteurizing milk for sale as pasteurized milk any equipment that does not comply with the following requirements :—

- (a) All milk-piping fittings and connections shall be of suitable material and design and of such interior dimensions as to be easily cleaned with a brush :
- (b) The parts of the equipment shall be so arranged that as little milk-piping as possible is required :
- (c) All open-surface coolers shall be either situated in a dustproof room or else be provided with tightly fitting shields capable of protecting the surface of the cooler from contamination :
- (d) Equipment used for pasteurizing by the high-temperature short-time method shall be provided with such devices as may be necessary to permit accurate testing of the fifteen seconds holding-time period and with a thermostatic control device which shall automatically divert the flow of milk which has not been retained at a temperature of not less than 162° F. (72.2° C.) for at least fifteen seconds.
- (e) All holding-equipment shall be so designed that the difference in temperature between the hottest and coolest portions of the milk for the time being contained therein does not exceed 1° F. :
- (f) Unless an Inspector has signified in writing that he is satisfied that equality of temperature is sufficiently attained by design of equipment, all holding-equipment shall be provided with agitators so designed as effectively to agitate the whole of the milk in the vat, tank, or holding-vessel.

33. No person shall use for the purpose of pasteurizing milk for sale as pasteurized milk any equipment that is not at all times maintained in accordance with the following requirements :—

- (a) All equipment shall be maintained in a clean condition in proper working-order and free from corrosion or incrustation :
- (b) Immediately before every occasion on which it is used every part of the equipment shall be sterilized :
- (c) At least once in every six hours during use all equipment used for pasteurizing milk by the holding method shall be cleaned and sterilized :
- (d) If an open-surface cooler is situated elsewhere than in a dust-proof room the shield of the cooler shall be kept properly in place at all times whilst the cooler is in use.

PASTEURIZING METHODS

34. Every person who, in pasteurizing milk for sale as pasteurized milk, uses the holding method shall employ the following method of control :—

- (a) Satisfactory indicating thermometers and recording thermometers, each accurate to half a degree Fahrenheit, shall be installed and used in each holder. Thermometer equipment may be transferred from one holder to another, provided the required thermometer equipment is in place on any holder during the entire period of filling, heating, holding, and emptying :
- (b) A minimum milk temperature of 145° F. (62·8° C.) shall be maintained continuously throughout the holding-period.

35. Every person who in pasteurizing milk for sale as pasteurized milk uses the high-temperature short-time method shall employ the following method of control :—

- (a) As many suitable indicating thermometers and recording thermometers as may be reasonably necessary, each accurate to half a degree Fahrenheit, shall during the whole of the pasteurizing process be kept inserted in suitable places in the apparatus.
- (b) At the stage in the process of pasteurization where the milk is passing the outlet of the heater, it shall have a temperature of not less than 162° F. (72·2° C.).

36. Irrespective of method, every person pasteurizing milk for sale as pasteurized milk shall employ the following mode of control :—

- (a) An indicating thermometer, and not a recording thermometer, shall be used by the person carrying out the pasteurization as the index of temperature :
- (b) The temperature shown by each recording thermometer shall be checked daily against that shown by the corresponding indicating thermometer :
- (c) No thermometer shall be used as a recording thermometer if it shows a reading higher than that shown by the corresponding indicating thermometer :
- (d) No chart shall be used for more than one day except with the previous permission in writing of an Inspector :
- (e) All charts shall be kept in good order on the premises where the pasteurization is carried out for at least three months after the day when the record thereon was made :

- (f) There shall be written in ink in every chart on the day it is used the following particulars :—
- (i) Date ;
 - (ii) Readings of corresponding indicating thermometer taken at least once in every three hours whilst milk is being treated, and the precise time of each reading ;
 - (iii) Signature of person by whom the readings were taken.

INSPECTION OF PREMISES AND EQUIPMENT

37. The owner of any premises used as a milk-treating house shall at all times permit any Inspector, or other person authorized in writing by the Director, to enter upon the premises in which any equipment is installed and to inspect the condition of the premises and its equipment and to test or to require such demonstrations as he deems necessary for the purpose of testing the efficiency of the equipment, and in particular the accuracy of thermometers and to examine charts and other records and to initial any chart examined by him, and such owner shall afford all reasonable facilities and assistance in any such inspection, testing, and examination.

CONDUCT OF BUSINESS

38. No person shall in any premises used as a milk-treating house commence to pasteurize milk received for pasteurization more than four hours after it is received in the premises unless it has from the time of receipt been held in a room with an air temperature of 40° F. or less, or has forthwith on receipt been cooled to a temperature of 45° F. (7·2° C.) or less and maintained until commencement of pasteurization at a temperature of 45° F. (7·2° C.) or less.

39. No person shall carry on the bottling of pasteurized milk for sale or the capping of pasteurized milk bottled for sale except in premises registered as a milk-treating house or otherwise than by means of mechanical equipment.

40. No person shall carry on the business of pasteurizing milk for sale unless every person engaged in the treatment, handling, storage before and after pasteurization, and bottling of the milk wears at all times whilst so engaged clean overalls and clean head-covering.

41. No person shall in the production of pasteurized milk use any milk the flow of which in any equipment has been diverted as described in paragraph (d) of Regulation 32 hereof.

PENALTY

42. (1) Every person commits an offence against these regulations who—

- (a) Fails to observe or perform any duty directly or by implication placed upon him by these regulations ; or
- (b) Does anything contrary to the provisions thereof.

(2) Every person who commits an offence against these regulations is liable to a fine not exceeding £50.

SCHEDULE

Form No. 1.

The Dairy (Milk Treatment) Regulations 1946

APPLICATION FOR REGISTRATION OF A MILK-TREATING HOUSE

To the Director of the Dairy Division, Department of Agriculture, Wellington.

APPLICATION is hereby made for registration as a milk-treating house of premises, particulars of which are as follows:—

1. Situation of milk-treating house :
2. Name of owner or occupier :
3. If owner or occupier is a company, name of secretary :
4. Postal address :
5. Description of milk-treating house—
 - (a) Material of exterior roof and walls :
 - (b) Material of interior walls and ceilings :
 - (c) Material of floors :
 - (d) Dimension of building: Length,; width,
6. Description of equipment installed :
7. Capacity, in gallons, of equipment :

Dated at, this day of, 19..

Signature of Applicant :

Form No. 2.

The Dairy (Milk Treatment) Regulations 1946

Registered No. :

CERTIFICATE OF REGISTRATION AS A MILK-TREATING HOUSE

THIS is to certify that the premises of [*Full name*], of [*Address*], described in application dated day of, 19.., and situated at, are registered as a milk-treating house under the Dairy Industry Act, 1908, and the Dairy (Milk Treatment) Regulations 1946.

Dated at Wellington, this day of, 19..

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 Director of the Dairy Division,
 Department of Agriculture.

Form No. 3.

The Dairy (Milk Treatment) Regulations 1946

To

TAKE notice that the milk-treating house registered under No., whereof you are the registered owner, is in an unsatisfactory state by reason of the existence of the following defects in the said premises and its equipment—that is to say: [*Set out the defects*]; and, in pursuance of section 6 of the Dairy Industry Act, 1908, you are hereby required to remedy the said defects to my satisfaction within days (weeks) after service upon you of this notice.

If you fail or neglect to comply with this notice, then, in addition to the penalty prescribed by section 22 of the said Act, the certificate of registration of the premises is liable to be revoked.

Dated at, this day of, 19..

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 Inspector under the
 Dairy Industry Act, 1908.

T. J. SHERRARD,
 Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 5th day of December, 1946.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4356.)