

R.S. 24:1-1

LEGISLATIVE FACT SHEET

ON

N.J.R.S. 24:1-1 (*Food & Drug - Revised*)
(1966 Amendment)

LAWS OF 1966

CHAPTER 74

SENATE 166

~~ASSEMBLY~~

INTRODUCED *Jan. 31, 1966*

BY *Hughes*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO

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SENATE No. 166

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1966

By Senator HUGHES

Referred to Committee on Institutions, Public Health and Welfare

AN ACT concerning food and drugs, and revising parts of the statutory laws.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 24:1-1 of the Revised Statutes is amended to read as follows:

2 24:1-1. As used in this Title:

3 a. "State department," "department of health" and "department"
4 mean the "*State Department of Health [of the State of New Jersey].*"

5 b. ["State board" means the State Board of Health which is the gov-
6 erning head of the department.] "*Council*" means the *Public Health Coun-*
7 *cil in the State Department of Health.*

8 c. "Local board" or "local board of health" means the board of health
9 of any municipality, or the boards, bodies, or officers in such municipality
10 lawfully exercising the powers of a local board of health under the laws gov-
11 erning such municipality, and includes any consolidated local board of
12 health or county local board of health created and established pursuant to
13 law.

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

17 e. "Drug" means (1) articles recognized in the official United States
18 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted
and is intended to be omitted in the law.

19 or official National Formulary, or any supplement to any of them; and (2)
20 articles intended for use in the diagnosis, cure, mitigation, treatment or
21 prevention of disease in man or other animals; and (3) articles (other than
22 food) intended to affect the structure or any function of the body of man
23 or other animals; and (4) articles intended for use as a component of any
24 article specified in clause (1), (2), or (3); but does not include devices or
25 their components, parts, or accessories.

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

32 g. "Device" means instruments, apparatus, and contrivances, including
33 their components, parts, and accessories, intended (1) for use in the diag-
34 nosis, cure, mitigation, treatment, or prevention of disease in man or other
35 animals; or (2) to affect the structure or any function of the body of man
36 or other animals.

37 h. "Cosmetic" means (1) articles intended to be rubbed, poured,
38 sprinkled, or sprayed on, introduced into, or otherwise applied to the hu-
39 man body or any part thereof for cleansing, beautifying, promoting attrac-
40 tiveness, or altering the appearance, and (2) articles intended for use as a
41 component of any such articles; except that such term shall not include
42 soap.

43 i. "New drug" means (1) any drug the composition of which is such
44 that such drug is not generally recognized, among experts qualified by
45 scientific training and experience to evaluate the safety of drugs, as safe
46 for use under the conditions prescribed, recommended, or suggested in the
47 labeling thereof, and (2) any drug the composition of which is such that such
48 drug, as a result of investigations to determine its safety for use under
49 such conditions, has become so recognized, but which has not, otherwise than

50 in such investigations, been used to a material extent or for a material
51 time under such conditions.

52 j. "Label" means a display of written, printed, or graphic matter
53 upon the immediate container of any article; and a requirement made by or
54 under authority of this subtitle that any word, statement or other infor-
55 mation appear on the label shall not be considered to be complied with un-
56 less such word, statement, or other information also appears on the outside
57 container or wrapper, if any there be, of the retail package of such article,
58 or is easily legible through the outside container or wrapper. The term "im-
59 mediate container" does not include package liners.

60 k. "Labeling" means all labels and other written, printed or graphic
61 matter (1) upon an article or any of its containers or wrappers, or (2)
62 accompanying such article.

63 l. "Official compendium" means the official United States Pharmaco-
64 poeia, official Homeopathic Pharmacopoeia of the United States, official
65 National Formulary, or any supplement to any of them.

66 m. If an article is alleged to be misbranded because the labeling is
67 misleading, then in determining whether such labeling is misleading there
68 shall be taken into account (among other things) not only representations
69 made or suggested by statement, word, design, or any combination thereof,
70 but also the extent to which such labeling fails to reveal facts material in
71 the light of such representations or material with respect to consequences
72 which may result from the use of the article to which such labeling relates
73 under the conditions of use prescribed in the labeling thereof or under such
74 conditions of use as are customary or usual.

75 n. The representation of a drug as an antiseptic shall be considered to
76 be a representation that it is a germicide, except in the case of a drug
77 purporting to be, or represented as, an antiseptic for inhibitory use as a
78 wet dressing, ointment, dusting powder, or such other use as involves pro-
79 longed contact with the body.

80 o. The provisions of this act regarding the selling of food, drugs,
81 devices, or cosmetics, shall be considered to include the manufacture, pro-

82 duction, processing, packing, exposure, offer, possession, and holding of any
 83 such article for sale; and the sale, dispensing, and giving away of any such
 84 article and the supplying or applying of any such articles in the conduct of
 85 any food, drug or cosmetic establishment.

86 p. The term "Federal Act" means the Federal Food, Drug and Cosmetic
 87 Act (Title 21, U. S. C. 301 et seq.: 52 Stat. 1040 et seq.).

1 2. Section 24:2-1 of the Revised Statutes is amended to read as follows:

2 24:2-1. The State department shall execute and enforce the provisions
 3 of this subtitle and make and publish all necessary rules and regulations
 4 providing for the enforcement and carrying into effect of any provision of
 5 this subtitle and for the government of its officers and employees. The State
 6 department is hereby authorized to adopt, insofar as applicable, the regula-
 7 tions from time to time promulgated [by the Secretary of Agriculture of
 8 the United States] under the Federal Act.

1 3. Section 24:2-6 of the Revised Statutes is amended to read as follows:

2 24:2-6. No person shall obstruct or interfere with the State department
 3 or the local board, or any officer or employee thereof, in the performance of
 4 any duty imposed by this subtitle.

5 *Any person who shall violate the provisions of this section shall be liable*
 6 *to a penalty of not more than:*

7 *a. \$100.00 for each first offense.*

8 *b. \$300.00 for each second and subsequent offense.*

1 4. Section 24:5-4 of the Revised Statutes is amended to read as follows:

2 24:5-4. If the guaranty is signed by a person who resides outside of this
 3 State, the State department shall report the facts in the case to the [Secre-
 4 tary of Agriculture of the United States or the] proper officer appointed
 5 for the enforcement of the Federal legislation specified in section 24:5-2 of
 6 this Title.

1 5. Section 24:5-8 of the Revised Statutes is amended to read as follows:

2 24:5-8. For the purposes of this subtitle food shall be deemed adulter-
 3 ated:

4 A. (1) If it bears or contains any poisonous or deleterious substance
5 which may render it injurious to health; but in case the substance is not an
6 added substance such food shall not be considered adulterated under this
7 clause if the quantity of such substance in such food does not ordinarily ren-
8 der it injurious to health, or

9 (2) If it bears or contains any added poisonous or added deleterious
10 substance which is unsafe within the meaning of regulations promulgated
11 by the Department of Health [of the State of New Jersey] limiting the
12 quantity therein or thereon to such extent as the Department of Health of
13 the State of New Jersey finds necessary for the protection of the public
14 health; or

15 (3) If it consists in whole or in part of any filthy, putrid, or decomposed
16 substance, or if it is otherwise unfit for food; or

17 (4) If it has been produced, prepared, packed or held under insanitary
18 conditions whereby it may have become contaminated with filth, or whereby
19 it may have been rendered injurious to health; or

20 (5) If it is in whole or in part the product of an animal which has not
21 been inspected, and the meat of such animal passed as fit for food,

22 (a) By an official Federal inspector, or

23 (b) By such officer or person as shall be qualified for such purpose
24 in accordance with, and in such manner as shall be prescribed by, regu-
25 lations adopted by the State department [of Health], if such inspection
26 is required by such regulations, or if it is in whole or in part the prod-
27 uct of an animal which has died otherwise than by slaughter; or

28 (6) If its container is composed, in whole or in part, of any poisonous
29 or deleterious substance which may render the contents injurious to health.

30 B. (1) If any valuable constituent has been in whole or in part omitted
31 or abstracted therefrom; or

32 (2) If any substance has been substituted wholly or in part therefor; or

33 (3) If damage or inferiority has been concealed in any manner; or

34 (4) If any substance has been added thereto or mixed or packaged there-
35 with so as to increase its bulk or weight, or reduce its quality or strength or
36 make it appear better or of greater value than it is.

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

39 D. If it bears or contains a coal-tar color other than one from a batch that
40 has been certified [by the United States Department of Agriculture] *under*
41 *the Federal Act*.

1 6. Section 24:5-9 of the Revised Statutes is amended to read as follows:

2 24:5-9. For the purposes of this subtitle, confectionery shall be deemed
3 adulterated if it bears or contains any alcohol, or nonnutritive article or
4 substance except harmless [vegetable] coloring, or if a coal-tar color one
5 from a batch which has been certified *under the Federal Act* [by the United
6 States Department of Agriculture], harmless flavoring, harmless resinous
7 glaze not in excess of $\frac{4}{10}$ of 1%, natural gum and pectin; provided, that this
8 paragraph shall not apply to any confectionery by reason of its containing
9 less than $\frac{1}{2}$ of 1% by volume of alcohol derived solely from the use of flavor-
10 ing extracts, or to any chewing gum by reason of its containing harmless
11 nonnutritive masticatory substances.

1 7. Section 24:5-10 of the Revised Statutes is amended to read as follows:

2 24:5-10. For the purposes of this subtitle a drug or device shall be
3 deemed adulterated:

4 a. (1) If it consists in whole or in part of any filthy, putrid, or decom-
5 posed substance; or (2) if it has been prepared, packed, or held under insani-
6 tary conditions whereby it may have been contaminated with filth, or whereby
7 it may have been rendered injurious to health; or (3) if it is a drug and its
8 container is composed, in whole or in part, of any poisonous or deleterious
9 substance which may render the contents injurious to health; or (4) if it is
10 a drug and it bears or contains, for purposes of coloring only, a coal-tar color
11 other than one from a batch which has been certified [by the United States
12 Department of Agriculture] *under the Federal Act*.

13 b. If it purports to be or is represented as a drug the name of which is
14 recognized in an official compendium, and its strength differs from, or
15 its quality or purity falls below the standard set forth in such compendium.
16 Such determination as to strength, quality, or purity shall be made in accord-
17 ance with tests or methods of assay set forth in such compendium or in the
18 absence of or inadequacy of such tests or methods of assay, those prescribed
19 by the [United States Department of Agriculture] *agency enforcing the Fed-*
20 *eral Act.* Whenever a drug is recognized in both the United States Pharmaco-
21 poeia and the Homeopathic Pharmacopoeia of the United States it shall be
22 subject to the requirements of the United States Pharmacopoeia unless it is
23 labeled and offered for sale as a homeopathic drug, in which case it shall be
24 subject to the provisions of the Homeopathic Pharmacopoeia of the United
25 States and not to those of the United States Pharmacopoeia.

26 c. If it is not subject to the provisions of paragraph (b) of this section
27 and its strength differs from, or its purity or quality falls below that which it
28 purports or is represented to possess.

29 d. If it is a drug and any substance has been (1) mixed or packed there-
30 with so as to reduce its strength, quality, or purity; or (2) substituted wholly
31 or in part therefor.

32 e. If it is dangerous to health when used in the dosage, or with the fre-
33 quency or duration prescribed, recommended, or suggested in the labeling
34 thereof.

1 8. Section 24:5-11.1 added to the Revised Statutes by section 23 of P. L.
2 1939, c. 320 is amended to read as follows:

3 24:5-11.1. For the purpose of this subtitle a cosmetic shall be deemed to
4 be adulterated:

5 a. If it bears or contains any poisonous or deleterious substance which
6 may render it injurious to users under the conditions of use prescribed in the
7 labeling thereof, or under such conditions of use as are customary or usual;
8 provided, that this provision shall not apply to coal-tar hair dye, the label of
9 which bears the following legend conspicuously displayed thereon: "Caution

10 —This product contains ingredients which may cause skin irritation on cer-
11 tain individuals and a preliminary test according to accompanying directions
12 should first be made. This product must not be used for dyeing the eye-
13 lashes or eyebrows; to do so may cause blindness," and the labeling of which
14 bears adequate directions for such preliminary testing. For the purpose of
15 this paragraph and paragraph e the term "hair dye" shall not include eyelash
16 dyes or eyebrow dyes.

17 b. If it consists in whole or in part of any filthy, putrid, or decomposed
18 substance.

19 c. If it has been produced, prepared, packed, or held under insanitary
20 conditions whereby it may have become contaminated with filth, or whereby it
21 may have been rendered injurious to health.

22 d. If its container is composed, in whole or in part, of any poisonous or
23 deleterious substance which may render the contents injurious to health.

24 e. If it is not a hair dye and it bears or contains a coal-tar color other
25 than one from a batch that has been certified [by the United States Depart-
26 ment of Agriculture] *under the Federal Act.*

1 9. Section 24:5-17 of the Revised Statutes is amended to read as
2 follows:

3 24:5-17. For the purposes of this subtitle a food shall also be deemed to
4 be misbranded:

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

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

7 c. If it is an imitation of another food, unless its label bears, in type of
8 uniform size and prominence, the word "imitation" and, immediately there-
9 after, the name of the food imitated.

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

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

13 f. If any word, statement, or other information required by or under
14 authority of this act to appear on the label or labeling is not prominently

15 placed thereon with such conspicuousness (as compared with other words,
16 statements, or designs, in the labeling) and in such terms as to render it
17 likely to be read and understood by the ordinary individual under customary
18 conditions of purchase and use.

19 g. If it purports to be or is represented as a food for which a definition
20 and standard of identity is established in this subtitle or has been adopted by
21 the Department of Health [of the State of New Jersey] pursuant to section
22 24:6-1 unless (1) it conforms to such definition and standard, and (2) its
23 label bears the name of the food specified in the definition and standard and,
24 insofar as may be required by such definition and standard, the common
25 names of optional ingredients (other than spices, flavoring and coloring)
26 present in such food.

27 h. If it purports to be or is represented as a food for which a standard
28 of quality has been prescribed by the Department of Health [of the State of
29 New Jersey], pursuant to section 24:6-1, and its quality falls below such
30 standard, unless such label bears, in such manner and form as specified by
31 the Department of Health [of the State of New Jersey] a statement that it
32 falls below such standard.

33 i. If it is not subject to the provisions of paragraph g of this section,
34 unless its label bears (1) the common or usual name of the food, if any there
35 be, and (2) in case it is fabricated from 2 or more ingredients, the common
36 or usual name of each such ingredient; except that spices, flavorings, and
37 colorings, other than those sold as such, may be designated as spices, flavor-
38 ings, and colorings, without naming each; provided, that, to the extent that
39 compliance with the requirements of clause (2) of this paragraph is im-
40 practical, or results in deception, exemptions shall be established by regula-
41 tions promulgated by the Department of Health [of the State of New
42 Jersey]; provided, further, that the requirements of clause (2) of this
43 paragraph shall not apply to any carbonated [beverage] *nonalcoholic drink*
44 the ingredients of which have been fully and correctly disclosed, to the extent
45 prescribed by said clause (2), to the Department of Health [of the State of
46 New Jersey] in an affidavit.

47 j. If it purports to be or is represented for special dietary uses, unless
 48 its label bears such information concerning its vitamin, mineral, and other
 49 dietary properties as the Department of Health [of the State of New Jersey]
 50 determines to be, and by regulations prescribes as necessary in order fully
 51 to inform purchasers as to its value for such uses.

52 k. If it bears or contains any artificial flavoring, artificial coloring, or
 53 chemical preservative, unless it bears labeling stating that fact; provided, that
 54 to the extent that compliance with the requirements of this paragraph is im-
 55 practicable, exemptions shall be established by regulations promulgated by
 56 the Department of Health [of the State of New Jersey]. The provisions of
 57 this paragraph and paragraphs g and i with respect to artificial coloring
 58 shall not apply in the case of butter, cheese, or ice cream.

1 10. Section 24:5-21 of the Revised Statutes is amended to read as
 2 follows:

3 24:5-21. No person *other than a common carrier shall transport nor shall*
 4 *any person*, sell, or offer or expose for sale, or in anywise aid in the selling or
 5 offering or exposing for sale, any horse flesh unless every carcass, piece and
 6 parcel thereof shall have conspicuously attached thereto a label or tag not less
 7 than 3 inches wide and 4 inches long, on which shall be printed or stamped, in
 8 letters not less than one inch in height, the words "horse flesh."

9 Any person who shall violate the provisions of this section shall be liable
 10 to the following penalties:

11 a. For each first offense, a penalty of \$500.00.

12 b. For each second and subsequent offense, a penalty of \$1,000.00, which
 13 penalties shall be recovered and enforced pursuant to chapter 17 of this Title.

1 11. Section 24:6-1 of the Revised Statutes is amended to read as follows:

2 24:6-1. If the definition or standard of identity, purity, quality, or
 3 strength of a particular food, drug, cosmetic or device has not been fixed by
 4 any law of this State, but such definition or standard has been or may here-
 5 after be established [and published by the Secretary of Agriculture of the
 6 United States,] *under the Federal Act*, the State [Board] *Department* of

7 Health may adopt [by resolution duly passed at a regular meeting of the
8 board] the definition or standard so established and published.

9 If such definition or standard shall be changed at any time by the [Secre-
10 tary of Agriculture of the United States] *agency administering the Federal*
11 *Act*, after the adoption of the *definition or standard* [resolution], it shall not
12 continue in effect in this State after such change has become operative.

1 12. Section 24:6-2 of the Revised Statutes is amended to read as follows:

2 24:6-2. Such [resolution] *definition or standard* shall be [certified to]
3 *filed with* the Secretary of State by the [secretary of the board,] *State Com-*
4 *missioner of Health*, and shall be published at the end of the first volume of
5 the session laws of the Legislature published after the [adoption of the resolu-
6 tion. The definition or standard of identity, purity, quality or strength of a
7 food, drug, cosmetic or device fixed in the resolution] *filing of the definition*
8 *or standard and* shall take effect when so published.

1 13. Section 24:11-1 of the Revised Statutes is amended to read as follows:

2 24:11-1. No person shall operate or conduct an establishment where the
3 business of breaking eggs is carried on, whether such eggs are broken for
4 use as food or for other purposes, unless a license to conduct such business
5 has first been issued by the State department to the owner, operator or man-
6 ager of such establishment. *No such license shall be issued for more than*
7 *1 year and all such licenses shall expire on June 30 of each year.*

1 14. Section 24:12-1 of the Revised Statutes is amended to read as
2 follows:

3 24:12-1. As used in this chapter, "nonalcoholic drink" includes car-
4 bonated beverages of all flavors, sarsaparilla, ginger ale, soda water of all
5 flavors, lemonade, orangeade, root beer, grape juice, and all other beverages
6 of any kind or character, whether similar or not to any beverage specifically
7 mentioned above, either containing no alcohol at all or containing not more
8 than 1% of alcohol, *and shall include beverages purported to be for special*
9 *dietary uses except where hereinafter in this chapter specifically excepted.*

1 15. Section 24:12-2 of the Revised Statutes is amended to read as
2 follows:

3 24:12-2. No person shall distribute or sell, or manufacture for dis-
 4 tribution or sale, or have in his possession with intent to distribute or sell,
 5 any nonalcoholic drink, *except beverages purported to be for special dietary*
 6 *uses*, which contains [any boric acid or borate, salicylic acid or salicylate,
 7 formaldehyde, hydrofluoric acid, or fluoride, fluoborate, fluosilicate or other
 8 fluorine compound, dulcin,] glucin, *saccharin, sodium cyclamate, calcium*
 9 *cyclamate or other nonnutritive sweeteners* [betanaphthol, hydronaphthol,
 10 abrastol, asaprol, compound of copper, pyroligneous acid, coal-tar dye (ex-
 11 cept the certified colors now permitted by the United States Department of
 12 Agriculture, to wit: Amaranth, ponceau 3R., erythrosin, orange I, naphthol
 13 yellow S., light Green S. F. yellowish, indigo disulfo acid), saponin, except
 14 derived from soap bark or other substance deleterious to health].

15 The provisions of this section shall not prohibit the manufacture of, or
 16 the sale, distribution or possession of, nonalcoholic drinks which contain
 17 water obtained from a public water supply, treated with fluorides in a man-
 18 ner approved by the State Department of Health.

1 16. Section 24:12-7 of the Revised Statutes is amended to read as
 2 follows:

3 24:12-7. The State department, after a hearing upon notice, may re-
 4 voke the license issued to any person to bottle water or any nonalcoholic
 5 drink if any [of the] *laws or rules and regulations* of the department have
 6 been violated.

7 *The license issued to any person to bottle water or any nonalcoholic*
 8 *drink may be suspended at any time when such action is necessary to abate*
 9 *a present or threatened menace to public health. A person whose license has*
 10 *been so suspended shall be afforded a hearing within 7 days after the sus-*
 11 *pension, or thereafter at such person's option, to show cause why the sus-*
 12 *pension should be lifted.*

1 17. Section 24:15-1 of the Revised Statutes is amended to read as fol-
 2 lows:

3 24:15-1. As used in this chapter, "food establishment" includes any
 4 [bakery, confectionery, cannery, packing house, slaughterhouse, dairy, cream-

5 ery, cheese factory, restaurant, hotel, grocery, meat market, or other] place
6 used in the production, preparation, manufacture, packing, storage, trans-
7 portation or handling of food intended for sale or distribution.

8 *A "drug establishment" includes any place used in the production, prep-*
9 *aration, manufacture, packing, storage, transportation and handling of drugs*
10 *intended for sale or distribution.*

11 *A "cosmetic establishment" includes any place used in the production,*
12 *preparation, manufacture, packing, storage, transportation and handling of*
13 *cosmetics intended for sale or distribution.*

1 18. Section 24:15-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:15-2. Every [building,] room [, basement and cellar] *in the build-*
4 *ing of a food, drug or cosmetic establishment shall be properly lighted,*
5 *drained, plumbed and ventilated and the operations carried on therein shall*
6 *be conducted in such a manner that the purity, quality and wholesomeness of*
7 *the food, drug or cosmetic therein produced, manufactured, prepared, packed,*
8 *stored, sold or distributed shall not be impaired.*

1 19. Section 24:15-3 of the Revised Statutes is amended to read as follows:

2 24:15-3. The side walls of every [bakery, confectionery, creamery,
3 cheese factory, hotel or restaurant kitchen] *room in a food, drug or cosmetic*
4 *establishment wherein food or drugs are produced, manufactured, packaged,*
5 *stored or handled, shall be [well plastered, wainscoted or ceiled with metal*
6 *or lumber and shall be oil painted or kept well limewashed.] made of or coated*
6A *with a suitable washable surface.*

7 [The interior woodwork in every such place shall be kept well oiled or
8 painted with oil paint and kept washed clean with soap and water.]

9 Every [building,] room [, basement or cellar] of a food, *drug or cos-*
10 *metic establishment in which food, drugs or cosmetics [is] are exposed shall*
11 *have a tight floor made of cement or of tile laid in cement, brick, hard wood*
12 *or other suitable material which can be [flushed or washed clean with*
13 *water.] properly cleaned.*

1 20. Section 24:15-4 of the Revised Statutes is amended to read as follows:

2 24:15-4. (a) The floors, side walls, ceilings, furniture, receptacles, im-
3 plements and machinery of every food, *drug or cosmetic* establishment and
4 all vehicles used in the transportation of food products, *drugs or cosmetics*
5 shall be kept in a clean and sanitary condition. No person shall transport
6 food, *drugs or cosmetics* in such manner that the purity, *quality* or whole-
7 someness thereof shall be impaired.

8 (b) No polishes or substances containing hydrocyanic acid or salts
9 thereof shall be used for the cleaning or polishing of [nickel, copper, silver-
10 ware or other] articles or utensils used for the service or preparation of
11 food or foodstuffs in any food establishment [.] *or articles used in the proc-*
12 *essing, packing or storage of drugs or cosmetics in a drug or cosmetic*
13 *establishment.*

14 (c) *An adequate supply of running water under pressure shall be easily*
15 *accessible to all rooms in which food, drugs or cosmetics are prepared, man-*
16 *ufactured, packed, stored or handled and shall be provided in all rooms in*
17 *which utensils and equipment are washed.*

18 (d) *All multi-use utensils, equipment, tools and receptacles in a food,*
19 *drug or cosmetic establishment, used in connection with the processing,*
20 *manufacture, packing, storage or handling of food, drugs or cosmetics in-*
21 *tended for distribution or sale, shall be thoroughly cleaned and sanitized*
22 *immediately after each usage.*

1 21. Section 24:15-5 of the Revised Statutes is amended to read as follows:

2 24:15-5. All food, *drugs or cosmetics* intended for distribution or sale
3 in the process of production, manufacture, preparation, packing, storing or
4 transportation shall be securely protected from flies, *vermin*, dust, dirt and
5 so far as possible, by the use of all reasonable means, from all other foreign
6 or injurious contamination. The refuse, dirt and waste products subject to
7 decomposition or fermentation shall be removed daily.

1 22. Section 24:15-6 of the Revised Statutes is amended to read as follows:

2 24:15-6. The clothing worn by all persons while engaged in work in any
3 food, *drug or cosmetic* establishment shall be in a clean condition at all times.

1 23. Section 24:15-7 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:15-7. All employees of a food, *drug or cosmetic* establishment who
4 handle the material from which food, *drugs or cosmetics* intended for distri-
5 bution or sale [is] *are* prepared, or the finished product shall, before begin-
6 ning work and after visiting the toilet, wash their hands and arms thoroughly
7 with clean water and soap. Every [owner or manager of] *person owning or*
8 *operating* a food, *drug or cosmetic* establishment shall provide adequate facil-
9 ities for such washing and shall take all reasonable means to compel such
10 [persons] *employees* to perform such washing.

11 *Adequate, conveniently located toilet facilities shall be provided for em-*
12 *ployees on the premises of a food, drug or cosmetic establishment.*

13 All toilet [s, lavatories and wash] rooms shall be separate from the
14 rooms where any processes incident to the production, manufacture, prep-
15 aration, packing, storage, sale or distribution of food, *drugs or cosmetics* are
16 carried on and shall be kept in a clean and sanitary condition.

1 24. Section 24:15-8 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:15-8. [Cuspidors for the use of employees of food establishments
4 shall be provided wherever necessary. Each cuspidor shall be emptied and
5 thoroughly washed out daily with a disinfectant solution and at least 5 ounces
6 of such disinfectant solution shall be left in each cuspidor while it is in use.]
7 No [employee] *person* shall expectorate [anywhere] *in any room* in a food,
8 *drug or cosmetic* establishment [except in cuspidors provided for that pur-
9 pose.] *used for the production, manufacture, preparation, packing, storage,*
10 *sale or distribution of food, drugs or cosmetics.*

1 25. Section 24:15-9 of the Revised Statutes is amended to read as
2 follows:

3 24:15-9. No person shall be allowed to live or sleep in any room where
4 food, *drugs or cosmetics* intended for sale or distribution [is] *are* produced,
5 manufactured, packed, *stored*, distributed or sold.

1 26. Section 24:15-10 of the Revised Statutes is amended to read as
2 follows:

3 24:15-10. No employer shall require, permit or allow any person to
4 work, nor shall any person work in any food, *drug or cosmetic* establish-
5 ment who is [affected] *ill or infected* with a communicable disease as defined in
6 section 26:4-1 of the Revised Statutes.

1 27. Section 24:15-12 of the Revised Statutes is amended to read as
2 follows:

3 24:15-12. Every person conducting a food, *drug or cosmetic* establish-
4 ment shall upon request be furnished by the State department with an ab-
5 stract of this chapter. The person receiving such abstract shall keep it
6 posted in plain view in such place so that it can be easily read by the em-
7 ployees [in coming in] *entering* and [going from] *leaving* the [food] estab-
8 lishment.

1 28. Section 24:17-5 of the Revised Statutes is amended to read as
2 follows:

3 24:17-5. Except as otherwise specifically provided, any and all penalties
4 prescribed by any provision of this subtitle shall be sued for and recovered in
5 a civil action by and in the name of the State Department of Health, or by
6 and in the name of the local board of health, as the case may be, as plaintiff.
7 *Jurisdiction of proceedings to collect such penalties is vested in the*
8 *County Court, the county district court and the municipal court in any county*
9 *or municipality where the defendant may be apprehended or where he may*
10 *reside. Process shall be either a summons or warrant and shall be pros-*
11 *ecuted in a summary manner pursuant to the Penalty Enforcement Law*
12 *(N. J. S. 2A:58-1 et seq.).*

1 29. Sections 24:3-7, 24:3-8, 24:3-10, 24:5-12, 24:5-15, 24:5-20, 24:6-4,
2 34:6-5, 24:6-6, 24:6-7, 24:7-1 to 24:7-4 inclusive, 24:8-3, 24:12-3, 24:13-1 to
3 24:13-3 inclusive, and 24:13-5 to 24:13-9 inclusive, of the Revised Statutes
4 are repealed.

1 30. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENT TO

SENATE No. 166

STATE OF NEW JERSEY

ADOPTED APRIL 4, 1966

Amend page 13, section 17, line 13, before “.”, insert “but not including pharmacies licensed by the New Jersey State Board of Pharmacy”.

[OFFICIAL COPY REPRINT]

SENATE No. 166

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1966

By Senator HUGHES

Referred to Committee on Institutions, Public Health and Welfare

AN ACT concerning food and drugs, and revising parts of the statutory laws.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 24:1-1 of the Revised Statutes is amended to read as follows:
2 24:1-1. As used in this Title:

3 a. "State department," "department of health" and "department"
4 mean the "*State Department of Health [of the State of New Jersey].*"

5 b. ["State board" means the State Board of Health which is the gov-
6 erning head of the department.] "*Council*" means the *Public Health Coun-*
7 *cil in the State Department of Health.*

8 c. "Local board" or "local board of health" means the board of health
9 of any municipality, or the boards, bodies, or officers in such municipality
10 lawfully exercising the powers of a local board of health under the laws gov-
11 erning such municipality, *and includes any consolidated local board of*
12 *health or county local board of health created and established pursuant to*
13 *law.*

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

17 e. "Drug" means (1) articles recognized in the official United States
18 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted
and is intended to be omitted in the law.

19 or official National Formulary, or any supplement to any of them; and (2)
20 articles intended for use in the diagnosis, cure, mitigation, treatment or
21 prevention of disease in man or other animals; and (3) articles (other than
22 food) intended to affect the structure or any function of the body of man
23 or other animals; and (4) articles intended for use as a component of any
24 article specified in clause (1), (2), or (3); but does not include devices or
25 their components, parts, or accessories.

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

32 g. "Device" means instruments, apparatus, and contrivances, including
33 their components, parts, and accessories, intended (1) for use in the diag-
34 nosis, cure, mitigation, treatment, or prevention of disease in man or other
35 animals; or (2) to affect the structure or any function of the body of man
36 or other animals.

37 h. "Cosmetic" means (1) articles intended to be rubbed, poured,
38 sprinkled, or sprayed on, introduced into, or otherwise applied to the hu-
39 man body or any part thereof for cleansing, beautifying, promoting attrac-
40 tiveness, or altering the appearance, and (2) articles intended for use as a
41 component of any such articles; except that such term shall not include
42 soap.

43 i. "New drug" means (1) any drug the composition of which is such
44 that such drug is not generally recognized, among experts qualified by
45 scientific training and experience to evaluate the safety of drugs, as safe
46 for use under the conditions prescribed, recommended, or suggested in the
47 labeling thereof, and (2) any drug the composition of which is such that such
48 drug, as a result of investigations to determine its safety for use under
49 such conditions, has become so recognized, but which has not, otherwise than

50 in such investigations, been used to a material extent or for a material
51 time under such conditions.

52 j. "Label" means a display of written, printed, or graphic matter
53 upon the immediate container of any article; and a requirement made by or
54 under authority of this subtitle that any word, statement or other infor-
55 mation appear on the label shall not be considered to be complied with un-
56 less such word, statement, or other information also appears on the outside
57 container or wrapper, if any there be, of the retail package of such article,
58 or is easily legible through the outside container or wrapper. The term "im-
59 mediate container" does not include package liners.

60 k. "Labeling" means all labels and other written, printed or graphic
61 matter (1) upon an article or any of its containers or wrappers, or (2)
62 accompanying such article.

63 l. "Official compendium" means the official United States Pharmaco-
64 poeia, official Homeopathic Pharmacopoeia of the United States, official
65 National Formulary, or any supplement to any of them.

66 m. If an article is alleged to be misbranded because the labeling is
67 misleading, then in determining whether such labeling is misleading there
68 shall be taken into account (among other things) not only representations
69 made or suggested by statement, word, design, or any combination thereof,
70 but also the extent to which such labeling fails to reveal facts material in
71 the light of such representations or material with respect to consequences
72 which may result from the use of the article to which such labeling relates
73 under the conditions of use prescribed in the labeling thereof or under such
74 conditions of use as are customary or usual.

75 n. The representation of a drug as an antiseptic shall be considered to
76 be a representation that it is a germicide, except in the case of a drug
77 purporting to be, or represented as, an antiseptic for inhibitory use as a
78 wet dressing, ointment, dusting powder, or such other use as involves pro-
79 longed contact with the body.

80 o. The provisions of this act regarding the selling of food, drugs,
81 devices, or cosmetics, shall be considered to include the manufacture, pro-

82 duction, processing, packing, exposure, offer, possession, and holding of any
 83 such article for sale; and the sale, dispensing, and giving away of any such
 84 article and the supplying or applying of any such articles in the conduct of
 85 any food, drug or cosmetic establishment.

86 p. The term "Federal Act" means the Federal Food, Drug and Cosmetic
 87 Act (Title 21, U. S. C. 301 et seq.: 52 Stat. 1040 et seq.).

1 2. Section 24:2-1 of the Revised Statutes is amended to read as follows:

2 24:2-1. The State department shall execute and enforce the provisions
 3 of this subtitle and make and publish all necessary rules and regulations
 4 providing for the enforcement and carrying into effect of any provision of
 5 this subtitle and for the government of its officers and employees. The State
 6 department is hereby authorized to adopt, insofar as applicable, the regula-
 7 tions from time to time promulgated [by the Secretary of Agriculture of
 8 the United States] under the Federal Act.

1 3. Section 24:2-6 of the Revised Statutes is amended to read as follows:

2 24:2-6. No person shall obstruct or interfere with the State department
 3 or the local board, or any officer or employee thereof, in the performance of
 4 any duty imposed by this subtitle.

5 *Any person who shall violate the provisions of this section shall be liable*
 6 *to a penalty of not more than:*

7 *a. \$100.00 for each first offense.*

8 *b. \$300.00 for each second and subsequent offense.*

1 4. Section 24:5-4 of the Revised Statutes is amended to read as follows:

2 24:5-4. If the guaranty is signed by a person who resides outside of this
 3 State, the State department shall report the facts in the case to the [Secre-
 4 tary of Agriculture of the United States or the] proper officer appointed
 5 for the enforcement of the Federal legislation specified in section 24:5-2 of
 6 this Title.

1 5. Section 24:5-8 of the Revised Statutes is amended to read as follows:

2 24:5-8. For the purposes of this subtitle food shall be deemed adulter-
 3 ated:

4 A. (1) If it bears or contains any poisonous or deleterious substance
5 which may render it injurious to health; but in case the substance is not an
6 added substance such food shall not be considered adulterated under this
7 clause if the quantity of such substance in such food does not ordinarily ren-
8 der it injurious to health, or

9 (2) If it bears or contains any added poisonous or added deleterious
10 substance which is unsafe within the meaning of regulations promulgated
11 by the Department of Health [of the State of New Jersey] limiting the
12 quantity therein or thereon to such extent as the Department of Health of
13 the State of New Jersey finds necessary for the protection of the public
14 health; or

15 (3) If it consists in whole or in part of any filthy, putrid, or decomposed
16 substance, or if it is otherwise unfit for food; or

17 (4) If it has been produced, prepared, packed or held under insanitary
18 conditions whereby it may have become contaminated with filth, or whereby
19 it may have been rendered injurious to health; or

20 (5) If it is in whole or in part the product of an animal which has not
21 been inspected, and the meat of such animal passed as fit for food,

22 (a) By an official Federal inspector, or

23 (b) By such officer or person as shall be qualified for such purpose
24 in accordance with, and in such manner as shall be prescribed by, regu-
25 lations adopted by the State department [of Health], if such inspection
26 is required by such regulations, or if it is in whole or in part the prod-
27 uct of an animal which has died otherwise than by slaughter; or

28 (6) If its container is composed, in whole or in part, of any poisonous
29 or deleterious substance which may render the contents injurious to health.

30 B. (1) If any valuable constituent has been in whole or in part omitted
31 or abstracted therefrom; or

32 (2) If any substance has been substituted wholly or in part therefor; or

33 (3) If damage or inferiority has been concealed in any manner; or

34 (4) If any substance has been added thereto or mixed or packaged there-
35 with so as to increase its bulk or weight, or reduce its quality or strength or
36 make it appear better or of greater value than it is.

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

39 D. If it bears or contains a coal-tar color other than one from a batch that
40 has been certified [by the United States Department of Agriculture] *under*
41 *the Federal Act*.

1 6. Section 24:5-9 of the Revised Statutes is amended to read as follows:

2 24:5-9. For the purposes of this subtitle, confectionery shall be deemed
3 adulterated if it bears or contains any alcohol, or nonnutritive article or
4 substance except harmless [vegetable] coloring, or if a coal-tar color one
5 from a batch which has been certified *under the Federal Act* [by the United
6 States Department of Agriculture], harmless flavoring, harmless resinous
7 glaze not in excess of $\frac{4}{10}$ of 1%, natural gum and pectin; provided, that this
8 paragraph shall not apply to any confectionery by reason of its containing
9 less than $\frac{1}{2}$ of 1% by volume of alcohol derived solely from the use of flavor-
10 ing extracts, or to any chewing gum by reason of its containing harmless
11 nonnutritive masticatory substances.

1 7. Section 24:5-10 of the Revised Statutes is amended to read as follows:

2 24:5-10. For the purposes of this subtitle a drug or device shall be
3 deemed adulterated:

4 a. (1) If it consists in whole or in part of any filthy, putrid, or decom-
5 posed substance; or (2) if it has been prepared, packed, or held under insani-
6 tary conditions whereby it may have been contaminated with filth, or whereby
7 it may have been rendered injurious to health; or (3) if it is a drug and its
8 container is composed, in whole or in part, of any poisonous or deleterious
9 substance which may render the contents injurious to health; or (4) if it is
10 a drug and it bears or contains, for purposes of coloring only, a coal-tar color
11 other than one from a batch which has been certified [by the United States
12 Department of Agriculture] *under the Federal Act*.

13 b. If it purports to be or is represented as a drug the name of which is
14 recognized in an official compendium, and its strength differs from, or
15 its quality or purity falls below the standard set forth in such compendium.
16 Such determination as to strength, quality, or purity shall be made in accord-
17 ance with tests or methods of assay set forth in such compendium or in the
18 absence of or inadequacy of such tests or methods of assay, those prescribed
19 by the [United States Department of Agriculture] *agency enforcing the Fed-*
20 *eral Act.* Whenever a drug is recognized in both the United States Pharmaco-
21 poeia and the Homeopathic Pharmacopoeia of the United States it shall be
22 subject to the requirements of the United States Pharmacopoeia unless it is
23 labeled and offered for sale as a homeopathic drug, in which case it shall be
24 subject to the provisions of the Homeopathic Pharmacopoeia of the United
25 States and not to those of the United States Pharmacopoeia.

26 c. If it is not subject to the provisions of paragraph (b) of this section
27 and its strength differs from, or its purity or quality falls below that which it
28 purports or is represented to possess.

29 d. If it is a drug and any substance has been (1) mixed or packed there-
30 with so as to reduce its strength, quality, or purity; or (2) substituted wholly
31 or in part therefor.

32 e. If it is dangerous to health when used in the dosage, or with the fre-
33 quency or duration prescribed, recommended, or suggested in the labeling
34 thereof.

1 8. Section 24:5-11.1 added to the Revised Statutes by section 23 of P. L.
2 1939, c. 320 is amended to read as follows:

3 24:5-11.1. For the purpose of this subtitle a cosmetic shall be deemed to
4 be adulterated:

5 a. If it bears or contains any poisonous or deleterious substance which
6 may render it injurious to users under the conditions of use prescribed in the
7 labeling thereof, or under such conditions of use as are customary or usual;
8 provided, that this provision shall not apply to coal-tar hair dye, the label of
9 which bears the following legend conspicuously displayed thereon: "Caution

10 —This product contains ingredients which may cause skin irritation on cer-
11 tain individuals and a preliminary test according to accompanying directions
12 should first be made. This product must not be used for dyeing the eye-
13 lashes or eyebrows; to do so may cause blindness,” and the labeling of which
14 bears adequate directions for such preliminary testing. For the purpose of
15 this paragraph and paragraph e the term “hair dye” shall not include eyelash
16 dyes or eyebrow dyes.

17 b. If it consists in whole or in part of any filthy, putrid, or decomposed
18 substance.

19 c. If it has been produced, prepared, packed, or held under insanitary
20 conditions whereby it may have become contaminated with filth, or whereby it
21 may have been rendered injurious to health.

22 d. If its container is composed, in whole or in part, of any poisonous or
23 deleterious substance which may render the contents injurious to health.

24 e. If it is not a hair dye and it bears or contains a coal-tar color other
25 than one from a batch that has been certified [by the United States Depart-
26 ment of Agriculture] *under the Federal Act.*

1 9. Section 24:5-17 of the Revised Statutes is amended to read as
2 follows:

3 24:5-17. For the purposes of this subtitle a food shall also be deemed to
4 be misbranded:

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

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

7 c. If it is an imitation of another food, unless its label bears, in type of
8 uniform size and prominence, the word “imitation” and, immediately there-
9 after, the name of the food imitated.

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

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

13 f. If any word, statement, or other information required by or under
14 authority of this act to appear on the label or labeling is not prominently

15 placed thereon with such conspicuousness (as compared with other words,
16 statements, or designs, in the labeling) and in such terms as to render it
17 likely to be read and understood by the ordinary individual under customary
18 conditions of purchase and use.

19 g. If it purports to be or is represented as a food for which a definition
20 and standard of identity is established in this subtitle or has been adopted by
21 the Department of Health [of the State of New Jersey] pursuant to section
22 24:6-1 unless (1) it conforms to such definition and standard, and (2) its
23 label bears the name of the food specified in the definition and standard and,
24 insofar as may be required by such definition and standard, the common
25 names of optional ingredients (other than spices, flavoring and coloring)
26 present in such food.

27 h. If it purports to be or is represented as a food for which a standard
28 of quality has been prescribed by the Department of Health [of the State of
29 New Jersey], pursuant to section 24:6-1, and its quality falls below such
30 standard, unless such label bears, in such manner and form as specified by
31 the Department of Health [of the State of New Jersey] a statement that it
32 falls below such standard.

33 i. If it is not subject to the provisions of paragraph g of this section,
34 unless its label bears (1) the common or usual name of the food, if any there
35 be, and (2) in case it is fabricated from 2 or more ingredients, the common
36 or usual name of each such ingredient; except that spices, flavorings, and
37 colorings, other than those sold as such, may be designated as spices, flavor-
38 ings, and colorings, without naming each; provided, that, to the extent that
39 compliance with the requirements of clause (2) of this paragraph is im-
40 practical, or results in deception, exemptions shall be established by regula-
41 tions promulgated by the Department of Health [of the State of New
42 Jersey]; provided, further, that the requirements of clause (2) of this
43 paragraph shall not apply to any carbonated [beverage] *nonalcoholic drink*
44 the ingredients of which have been fully and correctly disclosed, to the extent
45 prescribed by said clause (2), to the Department of Health [of the State of
46 New Jersey] in an affidavit.

47 j. If it purports to be or is represented for special dietary uses, unless
48 its label bears such information concerning its vitamin, mineral, and other
49 dietary properties as the Department of Health [of the State of New Jersey]
50 determines to be, and by regulations prescribes as necessary in order fully
51 to inform purchasers as to its value for such uses.

52 k. If it bears or contains any artificial flavoring, artificial coloring, or
53 chemical preservative, unless it bears labeling stating that fact; provided, that
54 to the extent that compliance with the requirements of this paragraph is im-
55 practicable, exemptions shall be established by regulations promulgated by
56 the Department of Health [of the State of New Jersey]. The provisions of
57 this paragraph and paragraphs g and i with respect to artificial coloring
58 shall not apply in the case of butter, cheese, or ice cream.

1 10. Section 24:5-21 of the Revised Statutes is amended to read as
2 follows:

3 24:5-21. No person *other than a common carrier shall transport nor shall*
4 *any person*, sell, or offer or expose for sale, or in anywise aid in the selling or
5 offering or exposing for sale, any horse flesh unless every carcass, piece and
6 parcel thereof shall have conspicuously attached thereto a label or tag not less
7 than 3 inches wide and 4 inches long, on which shall be printed or stamped, in
8 letters not less than one inch in height, the words "horse flesh."

9 Any person who shall violate the provisions of this section shall be liable
10 to the following penalties:

11 a. For each first offense, a penalty of \$500.00.

12 b. For each second and subsequent offense, a penalty of \$1,000.00, which
13 penalties shall be recovered and enforced pursuant to chapter 17 of this Title.

1 11. Section 24:6-1 of the Revised Statutes is amended to read as follows:

2 24:6-1. If the definition or standard of identity, purity, quality, or
3 strength of a particular food, drug, cosmetic or device has not been fixed by
4 any law of this State, but such definition or standard has been or may here-
5 after be established [and published by the Secretary of Agriculture of the
6 United States,] *under the Federal Act*, the State [Board] *Department of*

7 Health may adopt [by resolution duly passed at a regular meeting of the
8 board] the definition or standard so established and published.

9 If such definition or standard shall be changed at any time by the [Secre-
10 tary of Agriculture of the United States] *agency administering the Federal*
11 *Act*, after the adoption of the *definition or standard* [resolution], it shall not
12 continue in effect in this State after such change has become operative.

1 12. Section 24:6-2 of the Revised Statutes is amended to read as follows:

2 24:6-2. Such [resolution] *definition or standard* shall be [certified to]
3 *filed with* the Secretary of State by the [secretary of the board,] *State Com-*
4 *missioner of Health*, and shall be published at the end of the first volume of
5 the session laws of the Legislature published after the [adoption of the resolu-
6 tion. The definition or standard of identity, purity, quality or strength of a
7 food, drug, cosmetic or device fixed in the resolution] *filing of the definition*
8 *or standard and* shall take effect when so published.

1 13. Section 24:11-1 of the Revised Statutes is amended to read as follows:

2 24:11-1. No person shall operate or conduct an establishment where the
3 business of breaking eggs is carried on, whether such eggs are broken for
4 use as food or for other purposes, unless a license to conduct such business
5 has first been issued by the State department to the owner, operator or man-
6 ager of such establishment. *No such license shall be issued for more than*
7 *1 year and all such licenses shall expire on June 30 of each year.*

1 14. Section 24:12-1 of the Revised Statutes is amended to read as
2 follows:

3 24:12-1. As used in this chapter, "nonalcoholic drink" includes car-
4 bonated beverages of all flavors, sarsaparilla, ginger ale, soda water of all
5 flavors, lemonade, orangeade, root beer, grape juice, and all other beverages
6 of any kind or character, whether similar or not to any beverage specifically
7 mentioned above, either containing no alcohol at all or containing not more
8 than 1% of alcohol, *and shall include beverages purported to be for special*
9 *dietary uses except where hereinafter in this chapter specifically excepted.*

1 15. Section 24:12-2 of the Revised Statutes is amended to read as
2 follows:

3 24:12-2. No person shall distribute or sell, or manufacture for dis-
 4 tribution or sale, or have in his possession with intent to distribute or sell,
 5 any nonalcoholic drink, *except beverages purported to be for special dietary*
 6 *uses*, which contains [any boric acid or borate, salicylic acid or salicylate,
 7 formaldehyde, hydrofluoric acid, or fluoride, fluoborate, fluosilicate or other
 8 fluorine compound, dulcin,] glucin, *saccharin, sodium cyclamate, calcium*
 9 *cyclamate or other nonnutritive sweeteners* [betanaphthol, hydronaphthol,
 10 abrastol, asaprol, compound of copper, pyroligneous acid, coal-tar dye (ex-
 11 cept the certified colors now permitted by the United States Department of
 12 Agriculture, to wit: Amaranth, ponceau 3R., erythrosin, orange I, naphthol
 13 yellow S., light Green S. F. yellowish, indigo disulfo acid), saponin, except
 14 derived from soap bark or other substance deleterious to health].

15 The provisions of this section shall not prohibit the manufacture of, or
 16 the sale, distribution or possession of, nonalcoholic drinks which contain
 17 water obtained from a public water supply, treated with fluorides in a man-
 18 ner approved by the State Department of Health.

1 16. Section 24:12-7 of the Revised Statutes is amended to read as
 2 follows:

3 24:12-7. The State department, after a hearing upon notice, may re-
 4 voke the license issued to any person to bottle water or any nonalcoholic
 5 drink if any [of the] *laws or rules and regulations* of the department have
 6 been violated.

7 *The license issued to any person to bottle water or any nonalcoholic*
 8 *drink may be suspended at any time when such action is necessary to abate*
 9 *a present or threatened menace to public health. A person whose license has*
 10 *been so suspended shall be afforded a hearing within 7 days after the sus-*
 11 *pension, or thereafter at such person's option, to show cause why the sus-*
 12 *pension should be lifted.*

1 17. Section 24:15-1 of the Revised Statutes is amended to read as fol-
 2 lows:

3 24:15-1. As used in this chapter, "food establishment" includes any
 4 [bakery, confectionery, cannery, packing house, slaughterhouse, dairy, cream-

5 ery, cheese factory, restaurant, hotel, grocery, meat market, or other] place
6 used in the production, preparation, manufacture, packing, storage, trans-
7 portation or handling of food intended for sale or distribution.

8 *A "drug establishment" includes any place used in the production, prep-
9 aration, manufacture, packing, storage, transportation and handling of drugs
10 intended for sale or distribution.*

11 *A "cosmetic establishment" includes any place used in the production,
12 preparation, manufacture, packing, storage, transportation and handling of
13 cosmetics intended for sale or distribution *but not including pharmacies
14 licensed by the New Jersey Board of Pharmacy*.*

1 18. Section 24:15-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:15-2. Every [building,] room [, basement and cellar] *in the build-
4 ing of a food, drug or cosmetic establishment shall be properly lighted,
5 drained, plumbed and ventilated and the operations carried on therein shall
6 be conducted in such a manner that the purity, quality and wholesomeness of
7 the food, drug or cosmetic therein produced, manufactured, prepared, packed,
8 stored, sold or distributed shall not be impaired.*

1 19. Section 24:15-3 of the Revised Statutes is amended to read as follows:

2 24:15-3. The side walls of every [bakery, confectionery, creamery,
3 cheese factory, hotel or restaurant kitchen] *room in a food, drug or cosmetic
4 establishment wherein food or drugs are produced, manufactured, packaged,
5 stored or handled, shall be [well plastered, wainscoted or ceiled with metal
6 or lumber and shall be oil painted or kept well limewashed.] made of or coated
6A with a suitable washable surface.*

7 [The interior woodwork in every such place shall be kept well oiled or
8 painted with oil paint and kept washed clean with soap and water.]

9 Every [building,] room [, basement or cellar] of a food, *drug or cos-
10 metic establishment in which food, drugs or cosmetics [is] are exposed shall
11 have a tight floor made of cement or of tile laid in cement, brick, hard wood
12 or other suitable material which can be [flushed or washed clean with
13 water.] properly cleaned.*

1 20. Section 24:15-4 of the Revised Statutes is amended to read as follows:

2 24:15-4. (a) The floors, side walls, ceilings, furniture, receptacles, im-
3 plements and machinery of every food, *drug or cosmetic* establishment and
4 all vehicles used in the transportation of food products, *drugs or cosmetics*
5 shall be kept in a clean and sanitary condition. No person shall transport
6 food, *drugs or cosmetics* in such manner that the purity, *quality* or whole-
7 someness thereof shall be impaired.

8 (b) No polishes or substances containing hydrocyanic acid or salts
9 thereof shall be used for the cleaning or polishing of [nickel, copper, silver-
10 ware or other] articles or utensils used for the service or preparation of
11 food or foodstuffs in any food establishment [.] or articles used in the *proc-*
12 *essing, packing or storage of drugs or cosmetics in a drug or cosmetic*
13 *establishment.*

14 (c) An adequate supply of running water under pressure shall be easily
15 accessible to all rooms in which food, *drugs or cosmetics* are prepared, man-
16 ufactured, packed, stored or handled and shall be provided in all rooms in
17 which utensils and equipment are washed.

18 (d) All multi-use utensils, equipment, tools and receptacles in a food,
19 drug or cosmetic establishment, used in connection with the processing,
20 manufacture, packing, storage or handling of food, *drugs or cosmetics* in-
21 tended for distribution or sale, shall be thoroughly cleaned and sanitized
22 immediately after each usage.

1 21. Section 24:15-5 of the Revised Statutes is amended to read as follows:

2 24:15-5. All food, *drugs or cosmetics* intended for distribution or sale
3 in the process of production, manufacture, preparation, packing, storing or
4 transportation shall be securely protected from flies, *vermin*, dust, dirt and
5 so far as possible, by the use of all reasonable means, from all other foreign
6 or injurious contamination. The refuse, dirt and waste products subject to
7 decomposition or fermentation shall be removed daily.

1 22. Section 24:15-6 of the Revised Statutes is amended to read as follows:

2 24:15-6. The clothing worn by all persons while engaged in work in any
3 food, *drug or cosmetic* establishment shall be in a clean condition at all times.

1 23. Section 24:15-7 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:15-7. All employees of a food, *drug or cosmetic* establishment who
4 handle the material from which food, *drugs or cosmetics* intended for distri-
5 bution or sale [is] *are* prepared, or the finished product shall, before begin-
6 ning work and after visiting the toilet, wash their hands and arms thoroughly
7 with clean water and soap. Every [owner or manager of] *person owning or*
8 *operating* a food, *drug or cosmetic* establishment shall provide adequate facil-
9 ities for such washing and shall take all reasonable means to compel such
10 [persons] *employees* to perform such washing.

11 *Adequate, conveniently located toilet facilities shall be provided for em-*
12 *ployees on the premises of a food, drug or cosmetic establishment.*

13 All toilet [s, lavatories and wash] rooms shall be separate from the
14 rooms where any processes incident to the production, manufacture, prep-
15 aration, packing, storage, sale or distribution of food, *drugs or cosmetics* are
16 carried on and shall be kept in a clean and sanitary condition.

1 24. Section 24:15-8 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:15-8. [Cuspidors for the use of employees of food establishments
4 shall be provided wherever necessary. Each cuspidor shall be emptied and
5 thoroughly washed out daily with a disinfectant solution and at least 5 ounces
6 of such disinfectant solution shall be left in each cuspidor while it is in use.]
7 No [employee] *person* shall expectorate [anywhere] *in any room* in a food,
8 *drug or cosmetic* establishment [except in cuspidors provided for that pur-
9 pose.] *used for the production, manufacture, preparation, packing, storage,*
10 *sale or distribution of food, drugs or cosmetics.*

1 25. Section 24:15-9 of the Revised Statutes is amended to read as
2 follows:

3 24:15-9. No person shall be allowed to live or sleep in any room where
4 food, *drugs or cosmetics* intended for sale or distribution [is] *are* produced,
5 manufactured, packed, *stored*, distributed or sold.

1 26. Section 24:15-10 of the Revised Statutes is amended to read as
2 follows:

3 24:15-10. No employer shall require, permit or allow any person to
4 work, nor shall any person work in any food, *drug or cosmetic* establishment
5 who is [affected] *ill or infected* with a communicable disease *as defined in*
6 *section 26:4-1 of the Revised Statutes.*

1 27. Section 24:15-12 of the Revised Statutes is amended to read as
2 follows:

3 24:15-12. Every person conducting a food, *drug or cosmetic* establish-
4 ment shall upon request be furnished by the State department with an ab-
5 stract of this chapter. The person receiving such abstract shall keep it
6 posted in plain view in such place so that it can be easily read by the em-
7 ployees [in coming in] *entering* and [going from] *leaving* the [food] estab-
8 lishment.

1 28. Section 24:17-5 of the Revised Statutes is amended to read as
2 follows:

3 24:17-5. Except as otherwise specifically provided, any and all penalties
4 prescribed by any provision of this subtitle shall be sued for and recovered in
5 a civil action by and in the name of the State Department of Health, or by
6 and in the name of the local board of health, as the case may be, as plaintiff.

7 *Jurisdiction of proceedings to collect such penalties is vested in the*
8 *County Court, the county district court and the municipal court in any county*
9 *or municipality where the defendant may be apprehended or where he may*
10 *reside. Process shall be either a summons or warrant and shall be pros-*
11 *ecuted in a summary manner pursuant to the Penalty Enforcement Law*
12 *(N. J. S. 2A:58-1 et seq.).*

1 29. Sections 24:3-7, 24:3-8, 24:3-10, 24:5-12, 24:5-15, 24:5-20, 24:6-4,
2 34:6-5, 24:6-6, 24:6-7, 24:7-1 to 24:7-4 inclusive, 24:8-3, 24:12-3, 24:13-1 to
3 24:13-3 inclusive, and 24:13-5 to 24:13-9 inclusive, of the Revised Statutes
4 are repealed.

1 30. This act shall take effect immediately.