

Proviso.
Proceeds to purchase tract for cemetery for Kiowa, etc., Indians.

of the Indian meridian, and in Kiowa County, Oklahoma: *Provided*, That the proceeds derived from such sale shall be used by the Secretary of the Interior in the purchase of a suitable tract or tracts of land to be used for cemetery purposes, near or adjacent to an existing church or mission, or churches or missions, for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians.

Effective provisions authorized.

SEC. 2. The Secretary of the Interior is hereby authorized to make rules and regulations necessary for carrying into effect the provisions of this Act.

Approved. February 26, 1925.

February 27, 1925.

[S. 2803.]

[Public, No. 496.]

CHAP. 358.—An Act To regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes.

District of Columbia. Milk, cream, and ice cream.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act none but pure, clean, and wholesome milk, cream, or ice cream conforming to the definitions hereinafter specified shall be produced in or shipped into the District of Columbia or held or offered for sale therein, and then only as hereinafter provided.

Sale, etc., of, regulated.

Dairy requirements.

SEC. 2. That no person shall keep or maintain a dairy or dairy farm within the District of Columbia, or produce for sale any milk or cream therein, or bring or send into said District for sale, any milk, cream, or ice cream without a permit so to do from the health officer of said District, and then only in accordance with the terms of said permit. Said permit shall be for the calendar year only in which it is issued and shall be renewable annually on the 1st day of January of each calendar year thereafter. Application for said permit shall be in writing upon a form prescribed by said health officer and shall be accompanied by such detailed description of the dairy or dairy farm or other place where said milk, cream, or ice cream are produced, handled, stored, manufactured, sold, or offered for sale as the said health officer may require, and shall be accompanied by a certificate signed by an official of the health department of the District of Columbia, the United States Department of Agriculture, or some veterinarian authorized by the United States Department of Agriculture or the health department of the District of Columbia, detailed for the purpose, certifying that the cattle producing such milk or cream are physically sound, and in the case of milk or cream held, offered for sale, or sold as such shall in addition be accompanied by a certificate signed by one of the officials aforesaid certifying the cattle producing such milk or cream have reacted negatively to the tuberculin test as prescribed by the Bureau of Animal Industry, United States Department of Agriculture, within one year previous to the filing of the application: *Provided*, That the words "person" or "persons" in this Act shall be taken and construed to include firms, associations, partnerships, and corporations, as well as individuals: *Provided further*, That the health officer may accept the certification of a State or municipal health officer: *And provided further*, That final action on each application shall, if practicable, be taken within thirty days after the receipt of such application at the health department.

Permits.

Application details.

Certificate of soundness of cattle, etc., required.

Provisos.
Extension of "person."

State, etc., certificate accepted.

Action on applications.

Suspension of permits for cause.

SEC. 3. That the health officer is hereby authorized and empowered to suspend any permit issued under authority of this Act whenever in his opinion the public health is endangered by the impurity or unwholesomeness of the milk, cream, or ice cream supplied

by any person, and such suspension shall remain in force until such time as the said health officer is satisfied the danger no longer continues: *Provided*, That whenever any permit is suspended the health officer shall furnish in writing to the holder of said permit his reasons for such suspension, and the dealer receiving such milk or cream shall also be promptly notified by the health officer of such suspension.

Proviso.
Notice to permit holder.

SEC. 4. That nothing in this Act shall be construed to prohibit interstate shipments of milk or cream into the District of Columbia for manufacturing into ice cream: *Provided*, That such milk or cream is produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health.

Shipments for ice cream.

Proviso.
Health requirements.

SEC. 5. That failure or refusal on the part of any person holding a permit under authority of this Act to permit the health officer of the District of Columbia, or his duly appointed representative, to inspect the dairy, dairy farm, cattle, and all appurtenances of such dairy, dairy farm, or other places where said milk, cream, or ice cream are produced, stored, manufactured, handled, offered for sale, or sold may be deemed sufficient to suspend or revoke such permit at the discretion of said health officer.

Effect of refusal to permit inspection of dairy, etc

SEC. 6. That the health officer or his duly appointed representative be, and he is hereby, authorized to seize all milk, cream, or ice cream which may, in violation of the provisions of this Act, be brought into the District of Columbia. The owner of any such milk, cream, or ice cream shall be at once notified of such seizure; and if he shall fail within twenty-four hours to direct the removal of the same from the District of Columbia, the health officer may destroy or otherwise dispose of the said milk, cream, or ice cream.

Seizure of milk, etc., brought into the District in violation hereof.

Notice to owner, etc.

SEC. 7. That the health officer of the District of Columbia, under the direction of and with the approval of the Commissioners of said District, is hereby authorized and empowered to make and enforce all such reasonable regulations, consistent with this Act, from time to time, as he may deem proper, to protect the milk, cream, and ice cream supply of the said District of Columbia: *Provided, however*, That such regulations shall be published once at least thirty days in some daily newspaper in the District of Columbia of general circulation before any penalty be exacted for violation thereof.

Regulations authorized, etc., to protect domestic supply.

Proviso.
Newspaper publication.

SEC. 8. That all milk wagons within the District of Columbia shall have the name of the owner, the number of the permit, and the location of the dairy from which said wagons haul milk or cream painted thereon plainly and legibly: *Provided*, That all trucks or wagons engaged in bringing milk, cream, or ice cream into the said District shall have the name and address of the owner painted plainly and legibly thereon.

Name of owner, etc., on wagons.

Proviso.
Trucks bringing milk, etc., into the District.

SEC. 9. That all persons within the District of Columbia, having or offering for sale, or having in their possession with intent to sell milk, cream, or ice cream, shall at all times keep the name or names of the person or persons from whom the said milk, cream, or ice cream have been obtained posted in a conspicuous place wherever such milk, cream, or ice cream are kept or offered for sale: *Provided, however*, That general distributors of milk, cream, or ice cream shall only be required to keep a record of the name of all persons from whom said distributor is receiving milk, cream, or ice cream, which record shall at all times be open to inspection by the health officer or his duly authorized representative.

Sellers to post names of persons from whom milk, etc., received.

Proviso.
General distributors.

SEC. 10. That no person shall sell, exchange, or deliver, or have in his possession with intent to sell, exchange, or deliver, any "skimmed milk," or "reconstructed milk," or "reconstructed cream" unless

Indicative labels required for "skimmed milk," etc.

every can, vessel, package, or container is plainly labeled conveying to the purchaser the exact nature of its contents.

Restriction on sales before and after parturition.

SEC. 11. That it shall be unlawful for any person or persons to sell, offer for sale, or have in their possession with intent to sell, within the District of Columbia, milk or cream taken from cows less than fifteen days before or seven days after parturition, nor shall any such milk or cream be used in the manufacture of ice cream.

Permit holder, to report if communicable disease in himself, family, etc.

SEC. 12. That any person or persons holding a permit issued under authority of this Act being afflicted, or any member of his family, hired help, or other person on said dairy farm being afflicted with a communicable disease, or if he has reason to suspect any such communicable disease, shall report the same to the health officer of the District of Columbia within twenty-four hours after becoming aware thereof. Willful violation of this section shall be deemed sufficient cause for revocation of said permit.

Meaning of words.
"Milk."

SEC. 13. That for the purpose and within the meaning of this Act "milk" shall be held to be the lacteal secretion obtained from the complete milking of cows.

"Cream."

"Cream" is that portion of the milk rich in fat which rises to the surface of the milk on standing or is separated from it by centrifugal force or otherwise, and shall contain not less than 20 per centum of butter fat and shall not be offered for sale or sold unless and until it has been pasteurized under regulations prescribed by the health officer, and shall be free from pathogenic organisms and from visible dirt.

"Pasteurized."

The term "pasteurized" as used in the Act shall be held to mean the heating of milk or cream to a temperature of not less than one hundred and forty-two degrees Fahrenheit and maintained at such temperature for a period of not less than thirty minutes, then immediately cooled to a temperature of not more than forty-five degrees Fahrenheit and maintained at not more than that temperature.

"Raw milk."

"Raw milk" is milk produced from healthy cows as determined by physical examination and by a tuberculin test made within one year previous to the time of filing of the application; said physical examination and tuberculin test shall be made by an official of the health department of the District of Columbia, the United States Department of Agriculture, or some veterinarian authorized by the United States Department of Agriculture or the health department of the District of Columbia, to make such examination and tuberculin test; and said tuberculin test shall be repeated at least one time during each succeeding calendar year; and when reactors are found in any dairy herd licensed under this Act, the tuberculin test shall be repeated semi-annually thereafter until such time as tuberculosis is eradicated from the herd: *Provided*, That no cow or bull shall be added to any dairy herd licensed under this Act until such cow or bull has first been physically examined and tuberculin tested as hereinbefore provided. The farm on which the milk is produced shall rate not less than 80 per centum, the dairy from which such milk is sold or distributed not less than 90 per centum, and the cows producing the milk not less than 95 per centum on the rating cards in use at the time by the health department of the District of Columbia, and said milk shall not at any time contain less than 3.5 per centum of butter fat nor less than 11.5 per centum of total solids; nor shall it contain when delivered to the consumer more than twenty thousand bacteria per cubic centimeter total count, and no colon bacilli or other pathogenic organism shall be present in one-fiftieth cubic centimeter, and the milk shall be free from all visible dirt.

Examination of cows, by health official, etc.

Proviso
Additions to herd to be tested.

Rating of farm, etc.

"Pasteurized milk."

"Pasteurized milk" is milk produced from healthy cows, as determined by the physical examination and tuberculin test as herein-

before provided for "raw" milk. Said milk shall be pasteurized under regulations prescribed by the health officer. The milk immediately after being pasteurized shall be cooled to a temperature of not more than forty-five degrees Fahrenheit and maintained to at least such temperature. The farm on which the milk is produced must rate not less than 70 per centum, the dairy from which said milk is sold or distributed not less than 85 per centum, and the cows producing the milk not less than 90 per centum on the rating cards now in use by the health department of the District of Columbia. It shall not contain less than 3.5 per centum of butterfat or 11.5 per centum total solids; nor shall it contain when delivered to the consumer more than forty thousand bacteria, total count, per cubic centimeter, and be free from colon bacilli and other pathogenic organisms and all visible dirt. No such milk shall be pasteurized more than one time.

Requirements.

Rating of farm, etc.

"Certified milk" is milk produced and handled in accordance with specifications of an authorized medical milk commission and must be labeled according to the specifications of the commission which certifies to the quality of the product. A copy of the necessary articles of certification must be filed in the health department of the District of Columbia and be approved by the health officer of said District.

"Certified milk."

"Reconstructed milk" or "cream" means milk or cream which has been concentrated or dried in any manner and subsequently restored to a liquid state.

"Reconstructed milk" or "cream."

"Skimmed milk" is that part of milk from which the fat has been partly or entirely removed and shall contain not less than 9 per centum of milk solids, inclusive of fat.

"Skimmed milk."

"Ice cream" means the frozen product or mixture made from pasteurized cream, milk, or product of milk sweetened with sugar, to which has been added pure, wholesome food gelatin, vegetable gum, or other thickener, with or without wholesome flavoring extract, fruits, nuts, cocoa, chocolate, eggs, cake, candy, or confections, and which contains not less than 8 per centum, by weight, of milk (butter) fat.

"Ice cream."

SEC. 14. That no person in the District of Columbia shall handle, sell, offer for sale, or have in his possession with intent to sell, any milk, cream, or ice cream which does not comply with the definitions hereinbefore specified, and all bottles, cans, vessels, or other containers in which said milk or cream is sold or offered for sale shall have plainly and legibly printed thereon the grade of the milk or cream which is contained therein.

Sales restricted to compliance with definitions.

Marking on containers.

SEC. 15. That the pasteurization of all milk or cream required under this Act to be pasteurized shall be done under regulations to be prescribed by the health officer of the District of Columbia and open to the supervision of said health officer.

Regulations for pasteurization.

SEC. 16. That any person who shall molest, hinder, or in any manner prevent said health officer or his duly appointed agent from performing any duty imposed upon him or them by the provisions of this Act shall be deemed guilty of violating the provisions of said Act and be liable to the penalty prescribed therefor.

Molesting health officer a violation of the Act.

SEC. 17. That every person, or persons, receiving a permit to ship milk or cream into the District of Columbia from any creamery, or receiving station, aforesaid, shall keep posted at all times in such creamery, or receiving station, the names of all persons licensed under this Act, who are delivering milk or cream at any such creamery, or receiving station, and shall keep a record of all milk and cream received, and furnish from time to time a sworn statement giving such information relative thereto as the said health officer may require. The health officer of the District of Columbia shall

Record to be kept by shippers into the District.

Inclusion of other places.

have power by regulation to include other places than creameries, or receiving stations, under the provisions of this section, from time to time, as may be necessary in his judgment.

Receiving milk from other than a licensee forbidden.

SEC. 18. That no person in the District of Columbia licensed under this Act shall receive any milk or cream from any source until he shall have first ascertained from the health department that the person from whom such milk is obtained holds a license from the health officer of said District to send milk or cream into the District of Columbia.

Punishment for violations.

SEC. 19. That any person or persons violating any of the provisions of this Act, or of any of the regulations promulgated hereunder, shall, on conviction, be punished for the first offense by a fine of not more than \$10; for the second offense by a fine of not more than \$50, and for any subsequent offenses within one year, a fine of not more than \$500, or by imprisonment in the workhouse for not more than thirty days, or by both such fine and imprisonment, in the discretion of the court, and in addition any license issued under authority of this Act may be revoked. Prosecutions hereunder shall be in the police court by the District of Columbia.

Prosecutions in police court.

Inconsistent laws repealed.
Vol. 28, p. 709, repealed.

SEC. 20. That all Acts and parts of Acts inconsistent with the foregoing be, and the same are hereby, repealed.

Approved, February 27, 1925.

February 27, 1925.

[H. R. 5726.]

[Public, No. 497.]

CHAP. 359.—An Act To amend the Act of Congress of March 3, 1921, entitled "An Act to amend section 3 of the Act of Congress of June 28, 1906, entitled 'An Act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.' "

Osage Indians, Okla. Quarterly payments to competent adult members, from income.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe of Indians in Oklahoma having a certificate of competency, his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, the royalties therefrom, and any other moneys due such Indian received during each fiscal quarter, including all moneys received prior to the passage of this Act and remaining unpaid; and so long as the accumulated income is sufficient the Secretary of the Interior shall cause to be paid to the adult members of said tribe not having a certificate of competency \$1,000 quarterly, except where such adult members have legal guardians, in which case the amounts provided for herein may be paid to the legal guardian or direct to such Indian in the discretion of the Secretary of the Interior the total amounts of such payments, however, shall not exceed \$1,000 quarterly except as hereinafter provided; and shall cause to be paid for the maintenance and education, to either one of the parents or legal guardians actually having personally in charge, enrolled or unenrolled, minor member under twenty-one years of age, and above eighteen years of age, \$1,000 quarterly out of the income of each of said minors, and out of the income of minors under eighteen years of age, \$500 quarterly, and so long as the accumulated income of the parent or parents of a minor who has no income or whose income is less than \$500 per quarter is sufficient, shall cause to be paid to either of said parents having the care and custody of such minor \$500 quarterly, or such proportion thereof as the income of such minor may be less than \$500, in addition to the allowances above provided for such parents. Rentals due such adult members from their lands and their minor children's lands and all income from such adults'

Vol. 41, p. 1250, amended.

Payment of \$1,000 if without competency certificate.

To legal guardians of incompetents.

To parents, etc., of minors \$1,000 if above 18 years, and \$500 if under.

Rentals, etc., in addition.