

# REGULATIONS

**REGULATIONS OF THE WEST VIRGINIA  
BOARD OF HEALTH**

- CHAPTER 1. SANITARY REGULATIONS**
- CHAPTER 2. COMMUNICABLE DISEASES**
- CHAPTER 3. VITAL STATISTICS**
- CHAPTER 4. STATE HYGIENIC LABORATORY**
- CHAPTER 5. MISCELLANEOUS**
- CHAPTER 6. INDUSTRIAL HYGIENE**

## ARTICLE 2. ICE CREAM AND FROZEN MILK PRODUCTS

Sec.

1. Definitions.
2. The Essential Features of Sanitation.
3. Bacterial Count.
4. No Resale Permitted.

(The statutory law of West Virginia, Chapter 19, Article 11, Section 3n, defines ice cream and prescribes certain standards for it as follows:)

"Ice cream is a frozen substance made from pure, wholesome milk products, sweetened with sugar and may contain not to exceed one-half of one percent of gelatine, vegetable gum or other wholesome stabilizer. When wholesome and harmless flavoring extracts are used, ice cream shall contain not less than eight (8) per cent of milk fats and ten (10) per cent of milk solids, not fats. When eggs, fruits, nuts, chocolate or cake are used, such reduction in the per cent of milk fat and milk solids, not fat, shall be allowed, as may be caused by the addition of such ingredients."

(See Chapter 16, Article 1, Section 3 and Chapter 16, Article 7, Section 5 of the Public Health Laws of West Virginia for statutory provision authorizing the adoption of the following regulation).

**Sec. 1. Definitions.**—Ice cream mix is hereby defined to include a mixture of all milk products and sugar used in the ice cream, together with all food stabilizers and egg products if such are used and with or without flavoring materials and color.

Ice cream plant shall be construed to mean any place, premises or establishment, or any part thereof, where ice cream and other frozen products, as defined above, are collected, processed, manufactured, handled or prepared for distribution or sale.

Person includes masculine and feminine, and any firm, co-partnership, institution, association or corporation and any agent, servant, assistant, employee or representative thereof.

To sell, for sale, or sold, and similar terms means the selling, exchanging, delivering or having in possession, care, control or custody with intent to sell, exchange, deliver or offer or expose for sale.

**Sec. 2. The Essential Features of Sanitation, as Prescribed for Grade "A" Milk Pasteurization Plants, Shall Govern Ice Cream Plants.**

**Item 1. Floors:** The floors of all rooms in which milk is handled shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained and provided with trapped drains, and kept clean.

**Item 2. Walls and Ceilings:** Walls and ceilings of rooms in which milk is handled or stored shall have a smooth, washable, light colored surface and shall be kept clean.

- (3) Wash vat (2 compartment) for hose couplings, unions, pump parts, etc.
  - (4) Brushes—Storage cabinets or racks for hose, brushes, gaskets, etc.
  - (5) Air pressure fogging equipment for sanitizing tank.
  - (6) Elevated work platform or stand of proper elevation to provide ease of operation for the clean-up man. This stand should be equipped with suitable steps and the necessary guard rails. These platforms should be constructed of impervious materials and in such a manner that will be easily cleanable.
  - (7) Approved cleaning and sanitizing materials shall be used.
  - (8) All fittings used at the primary plant for transferring milk from transport trucks to plant holding vats shall be kept off the floor. Suitable storage racks shall be provided for these fittings after cleaning and between usage.
- (c) Cleaning and Sanitizing.
- (1) Transport tanks and milk transfer equipment shall be cleaned and sanitized by approved methods after each day's usage and within 24 hours prior to loading.
  - (2) The tank and truck exterior shall be cleaned at regular intervals.

ARTICLE

Sec.

- 1. Definition
- 2. The Essen
- 3. Bacterial
- 4. No Resa

(The statute defines ice cream

"Ice cream sweetened with gelatine, and harmless than eight (8) per cent of fats. When the per cent caused by the

(See Chapter of the Publicizing the ad

Sec. 1. mixture of all food stuffs for flavoring m

Ice cream lishment, as defined for distribu

Person institution ployee or

To sell delivering exchange.

Sec. 2 "A" Milk

Item 1 be const material drains, a

Item is hand shall be

**Item 3. Doors and Windows:** All openings into the outer air shall be effectively screened to prevent the access of flies. Doors shall be self-closing.

**Item 4. Lighting and Ventilation:** All rooms shall be well lighted and ventilated.

**Item 5. Protection from Flies and Other Insects:** The products used in the manufacture of ice cream and other frozen products and cleansed containers and utensils shall be protected from flies and other insects.

**Item 6. Toilet Rooms and Lavatories:** The number of toilet rooms and the number of toilets shall conform to the state regulatory laws. No toilet rooms shall open directly into any room in which ice cream and other frozen products are manufactured, handled or stored. Toilet rooms shall be equipped with an adequate number of washing fixtures or have such fixtures convenient thereto, and shall be supplied with soap, running water and single service towels. The doors of toilet rooms shall open outward and be self-closing. Placards prominently displayed shall remind employees of the requirements of sanitation and cleanliness and particularly the washing of their hands. The disposal of wastes from floors and toilet shall be in accordance with the state regulatory laws.

**Item 7. Water Supply:** The water supply shall be easily accessible, adequate and of a safe, sanitary quality.

**Item 8. Cleaning and Equipment:** Ice cream and other frozen products manufacturing plants shall be equipped with facilities for supplying and using an abundance of hot water and live steam for cleansing and sterilizing purposes. All wagons, trays, trucks, tubs, platforms and other equipment shall be constructed so that they may be washed and kept clean. Utensils shall be of smooth non-absorbent material and have flush seams. The water supply for washing equipment, apparatus and containers shall be free from contamination. Suitable facilities and equipment shall be provided and used for the proper cleansing and sterilizing of freezers, vats, tanks, cans, racks, molds, slabs, forms, piping and other equipment and utensils with which ice cream and other frozen products come in contact during the manufacture or preparation for sale. All equipment used in the making or direct handling of ice cream and other frozen products shall be cleaned and finally scalded with water or sterilized with steam each day such equipment is in use. All hand washed equipment or apparatus shall be subsequently sterilized with steam or boiling water each day such equipment or apparatus is in use. Pipe lines shall be disconnected and valves taken apart after use and thoroughly washed and sterilized. Cleaning and sterilizing powders and solutions may be used in the cleaning and sterilizing of equipment and apparatus, but these powders and solutions shall not be used as a substitute for hot water and steam.

**Item 9. Canning and Packing Ice Cream:** The operators filling, removing and packing ice cream molds and the operators wrapping cut bricks and ice cream specialties by hand shall wear clean clothes and keep their hands scrupulously clean. Shipping bags and containers shall be clean and dry when leaving the ice cream plant. All cans and containers shall be washed and sterilized when returned to the ice cream plant. After sterilization all

cans and other  
ected from cor  
from rust and  
containers shall  
tion.

**Item 10.** I  
facture of ice  
ments of the  
sale of milk a  
sugar, stabiliz  
other than ice  
the State and

**Item 11.**  
or color sha  
the ice cream  
that tempera  
shall be cool  
All vats or  
and indicati  
of Health.  
be kept on

**Item 12.**  
ice cream a  
and wear c  
municable  
plant, the  
notify the l  
his hands,  
package ice  
be the duty  
frozen pro  
prescribed  
and at lea  
with ice c  
person wh  
by the Sta  
ice cream

**Sec. 3.**  
or delive  
cubic cen

**Sec. 4.**  
to a mar  
of ice c

cans and other containers shall be stored in such a manner as to be protected from contamination. All metal cans and containers shall be kept free from rust and corrosion. Paper used to line or cover ice cream cans or containers shall be stored, kept and handled so as to be free from contamination.

**Item 10. Ingredients:** All milk and milk products used in the manufacture of ice cream and other frozen products shall conform to the requirements of the State Department of Health concerning the production and sale of milk and milk products. All fruits, nuts, egg products, flavors, color, sugar, stabilizers or any other products used in frozen specialties of any kind, other than ice cream, shall be clean and wholesome and shall comply with the State and Federal Food Laws and Regulations.

**Item 11. Pasteurization:** The entire ice cream mix with or without flavor or color shall be pasteurized. Pasteurization shall be defined as heating the ice cream mix to a temperature of not less than 143° F. and holding at that temperature for not less than 30 minutes. After pasteurization the mix shall be cooled to at least 45° F. and held at that temperature until frozen. All vats or other pasteurizing equipment shall be equipped with recording and indicating thermometers of a type approved by the State Department of Health. A recording thermometer record of each batch pasteurized shall be kept on file for at least six months.

**Item 12. Personnel:** Every person engaged in direct physical contact with ice cream and other frozen products during its manufacture shall be clean and wear clean clothes. Immediately on occurrence of any case of communicable disease, either in himself or his family or within the ice cream plant, the employee shall cease work and report to his employer who shall notify the local health authority. No employee shall touch the ice cream with his hands, except those specifically designated to cut and wrap brick and package ice cream and other frozen products and to fill fancy molds. It shall be the duty of any person engaged in the manufacture of ice cream and other frozen products to cause a medical examination to be made by methods prescribed by the State Department of Health at the time of employment, and at least semi-annually thereafter of all employees who come in contact with ice cream. No person suffering with any communicable disease and no person who is known as a "carrier" of a communicable disease, as defined by the State Department of Health, shall be employed in any capacity where ice cream and other frozen products are sold.

**Sec. 3. Bacterial Count.**—No person, firm or corporation shall exchange or deliver any ice cream which contains more than 500,000 bacteria per cubic centimeter.

**Sec. 4. No Resale Permitted.**—No old or melted ice cream returned to a manufacturer from whatever cause shall again be used in the preparation of ice cream.

N. H. DYER, M.D., M.P.H.  
STATE DIRECTOR OF HEALTH



# State of West Virginia

DEPARTMENT OF HEALTH  
CHARLESTON 25305

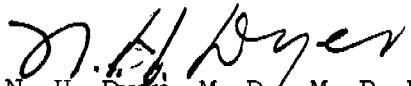
November 28, 1967

Honorable Robert D. Bailey  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed are two copies of a Reference Page and two copies of Index Pages for The Public Health Laws of West Virginia and a Manual of Regulations of the West Virginia Board of Health. These Laws and Regulations are filed in the Odd Size File as item number 3.

Sincerely yours,

  
N. H. Dyer, M. D., M. P. H.  
State Director of Health

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 11/28/67