

## ORDINANCE No. 138

AN ORDINANCE to regulate the manufacture, distribution and sale of ice cream, frozen custard, sherberts, ices or similar frozen products in the City of Alexandria, Virginia.

Be it ordained by the Council of the City of Alexandria, Virginia:

Section 1.—For the purposes of this ordinance, certain terms as herein used are hereby defined as follows:

(a) "Ice Cream Plant" shall be construed to mean any place, premise or establishment where ice cream and similar frozen products are made or processed for distribution or sale to the general public.

(b) "Ice Cream" is the clean, sound frozen product made from a combination of the following: Unneutralized cream, milk, wholesome milk solids, eggs, or egg products, sugar, harmless flavoring, harmless coloring, fruit, nuts, or candy and confections and wholesome stabilizer; and such ice cream shall contain not less than ten per centum by weight of milk fat, not less than thirty-five per centum by weight of total solids and not more than one half of one per cent by weight of stabilizer. Plain ice cream which does not contain fruit or nuts or candy and other such confections shall contain not less than twelve per centum by weight of milk fat and must weigh 5 pounds per gallon.

(c) Fruit ice cream, nut ice cream, chocolate ice cream and ice cream with maple syrup, candies or other wholesome products, are the clean, sound frozen products made from a combination of unneutralized cream, milk, wholesome milk solids, eggs or egg products, sound fruit or the real juice thereof, nuts, sugar, harmless flavoring, harmless coloring and wholesome stabilizer. Fruit ice cream must contain at least one gallon of the true fruits and nut ice cream must contain at least one half gallon of the true nuts to ten gallons of ice cream. Such ice cream shall contain not less than ten per centum by weight of milk fat, not less than thirty-five per centum by weight of total solids, and not more than one-half of one per centum by weight of stabilizer and must weigh 5 pounds per gallon.

(d) Frozen custard or "imitation" ice cream is ice cream and shall contain not less than twelve per centum by weight of milk fat and the yolks of two dozen clean wholesome fresh eggs for each ten gallons of frozen custard.

(e) Sherbert is the clean, sound frozen product made from the combination of the following: Sweet skimmed or whole milk, sound fruit and the real juice thereof, nuts, sugar, harmless flavoring, harmless coloring, egg albumen, and wholesome stabilizer frozen to the consistency of ice cream. Fruit sherbert shall contain not less than one gallon of the true fruit in ten gallons of sherbert. Such sherbert shall conform in other respects to the State Laws of Virginia in regard to butter fat.

(f) Ice is the clean sound frozen product made from a combination of the following: Water, sound fruit, and the juice thereof, nuts, sugar, and harmless flavoring, egg albumen and wholesome stabilizer frozen to the consistency of ice cream. Such ice shall contain not less than one gallon of the true fruit or its juice in 10 gallons represented by the name as sold.

Section 2.—It shall be unlawful for any person, firm or corporation to manufacture for sale or to distribute for sale, ice cream, frozen custard, sherberts, ices or other similar frozen products for consumption by the general public in the City of Alexandria, Virginia, without first obtaining a permit from the public health department of the City of Alexandria and

unless said products conform to the minimum requirements therefor as defined in Section 1 hereof.

Section 3.—Sherbert, ice and other similar frozen products, not described heretofore regardless of the name under which they may be manufactured or sold, shall contain only wholesome ingredients and in manufacture shall satisfy the sanitary requirements of this ordinance.

Ice cream, frozen custard or sherbert and similar frozen products, regardless of the name under which they are manufactured or sold, shall be deemed to be adulterated within the meaning of this act if containing any fats, oils or paraffin other than milk or egg fats, added to, or blended, or compounded with them; provided, however, that chocolate ice cream and the coating of coated ice cream may contain cocoa butter.

No person, association, partnership, or corporation, shall sell, offer for sale, or have in possession with intent to sell, any ice cream, frozen custard, sherbert, ice and similar frozen products, including coated ice cream in any container which is not labeled and branded correctly as to the name of the manufacturer and contents thereof, or misrepresent in any way the place of manufacture.

Section 4. Ice cream, frozen custard, sherberts, ices and similar frozen products manufactured, distributed or sold for consumption by the general public in the City of Alexandria, Virginia, shall be manufactured from only graded milk and cream as defined by Ordinance 96 of the City of Alexandria, Virginia, and said milk and cream must be pasteurized.

Section 5. Ice cream, frozen custard, sherberts, ices and similar frozen products, after being frozen must be kept frozen until dispensed and the re-freezing of same is hereby prohibited.

Section 6. All novelties such as chocolate coated items, cake and ice cream combinations, where plain ice cream, without chocolate, fruits, nuts, or candy is used, the ice cream shall contain not less than twelve per centum by weight of milk fat. Where chocolate, fruit, nuts, etc., are used in the ice cream part of the novelty, such ice cream shall contain not less than ten per centum by weight of milk fat.

Section 7.—All employees engaged in the manufacture of ice cream and other similar frozen products, who come in direct contact with the milk, cream, ice cream, or other similar frozen products by handling, mixing, wrapping, cutting, or the filling of containers, shall submit to a physical examination by a registered physician when employed and once each year, in January, thereafter as long as employed in the ice cream plant. This examination shall be at the expense of the employer.

A certificate of this examination must be kept on file at the office of the Department of Health of the City of Alexandria.

No person suffering from any communicable disease, and no person who is known to be a carrier of a communicable disease shall be employed in any capacity where ice cream, and all similar frozen products are manufactured.

Immediately upon any occurrence of case of communicable disease, either in himself or in his family the employee shall cease work and report to his employer, who shall notify the Department of Health.

Section 8.—Any person, firm, or corporation who shall violate any of the provisions of this ordinance shall upon conviction thereof, be fined not to exceed three hundred dollars, (\$300.00) or be imprisoned not to exceed ninety days (90) or both in the discretion of the court.

Section 9.—This ordinance shall take effect on the second day following its publication in the Alexandria Gazette.

Approved this 26th day of September, 1933.

EDMUND F. TICER, Mayor.