

Chapter 625

Licensing and Regulation of Bakeries

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CROSS REFERENCES

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| <p style="text-align: center;">625.160</p> <p>Making and filing rules and regulations, Ch. 183</p> | <p style="text-align: center;">625.190</p> <p>Expenditures without allotment prohibited in certain cases, 291.238</p> |
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LICENSING AND REGULATION

625.010 Definitions. As used in ORS 625.010 to 625.210, unless the context requires otherwise:

(1) "Bakery" means any place, premises or establishment where any bakery product is regularly prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured.

(2) "Bakery product" includes bread, rolls, cakes, pies, cookies, doughnuts, biscuits, crackers and all similar goods, to be used for human food.

(3) "Department" means the State Department of Agriculture.

(4) "Distributor" means any person other than a bakery engaged within the state in the selling, marketing, or distributing at wholesale or retail any bakery products but does not include:

(a) Any person distributing solely bakery products manufactured by him in a bakery licensed under ORS 625.010 to 625.210.

(b) Any retail food store selling or making delivery from a fixed place of business.

(5) "Person" includes an individual, partnership, corporation, association or club.

625.020 License required to operate bakery. No person shall operate or participate in the operation of any bakery within this state without a bakery license for that bakery, issued and in effect under ORS 625.010 to 625.210.

625.030 Application for bakery license; inspection of premises and equipment; issuance of certificate. Application for a bakery license shall be made in writing to the department on forms supplied by the department. After receipt of the application and the fees required by ORS 625.180, the department shall cause to be made a proper detailed inspection of the premises and equipment or of the plans and specifications of the bakery involved. If the department finds that the premises and equipment are or will be of a sanitary construction, design or condition and that the applicant has complied with and will be able to comply with ORS 625.010 to 625.210, the application shall be approved and the department shall issue to the applicant a numbered license certificate bearing the name and address of the licensee and of the premises licensed.

625.040 Grounds for denial of application. The department shall refuse to grant

any application for a bakery license if it finds after proper investigation that:

(1) The applicant has made to the department any false statement of a material nature;

(2) The premises or equipment of the bakery sought to be licensed are not of a sanitary construction, design or condition; or

(3) The applicant has failed to comply with ORS 625.010 to 625.210 or any other applicable law of this state relative to bakeries or bakery products or any regulation in effect thereunder; except that if it is determined that an applicant has not so complied he shall be allowed a reasonable time, not exceeding 30 days, within which to comply, and his refusal or neglect to comply within that period is cause for denial of the application.

625.050 Expiration of bakery license; renewal; transfer of license. Each bakery license expires on December 31 next following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by paying to the department the required annual license fee. The license is not transferable to any person or applicable to any location other than that for which originally issued.

625.060 Cancellation and suspension. The department may cancel or suspend any bakery license if it finds after proper investigation that:

(1) The licensee has violated any provision of ORS 625.010 to 625.210 or of any other law of this state relating to the operation of bakeries or the manufacture or handling of any bakery product, or any regulation effective thereunder; or

(2) The licensed bakery premises or any equipment used therein or in connection therewith is in an insanitary condition and the licensee has failed or refused to remedy the condition within 10 days after receipt from the department of written notice so to do.

625.070 Posting and surrender of certificate. The operator of the licensed bakery shall keep the numbered license certificate posted conspicuously on the licensed premises. In the event of revocation or suspension of the license, the certificate shall be surrendered by the licensee to the department promptly upon demand.

625.080 Distributor's license required. No person shall engage within this state in the sale or distribution of any bakery product, other than exclusively as a retail food store

or otherwise at retail at a fixed place or places of business, without holding a license so to do issued to that person by the department; but this does not affect the delivery of bakery products sold in a retail food store. A distributor's license is not required of any person distributing solely bakery products manufactured by him in a bakery licensed under ORS 625.010 to 625.210.

625.090 Application for license; inspection of premises and equipment; issuance of certificate. Application for a distributor's license shall be filed in writing with the department on the form prescribed and supplied by the department. After receipt of the application and the fees required by ORS 625.180, the department shall cause to be made a proper detailed inspection of the premises and equipment to be used by the applicant in distribution within this state of bakery products. If the department finds that the premises and equipment are or will be of a sanitary construction, design or condition and that the applicant has complied with and will be able to comply with ORS 625.010 to 625.210, the application shall be approved and there shall be issued to the applicant a numbered license certificate bearing the name and address of the licensee.

625.100 Grounds for refusing to issue or revoking license. The department may refuse to issue or may revoke or suspend any distributor's license by reason of his violation or participation in a violation of ORS 625.010 to 625.210 or of any other law of this state relating or applicable to the sanitary handling, storage, packaging, sale, transportation or distribution of bakery products, or of any regulation effective thereunder.

625.110 Expiration of distributor's license; renewal; transfer of license. Each distributor's license expires on December 31 of the year of issue unless sooner revoked for cause and may be renewed annually upon written application to the department and payment of the required annual license fee for the following year. A distributor's license is not transferable and is strictly personal to the person to whom issued.

625.120 Display and surrender of certificate. The distributor's numbered license certificate shall be kept posted conspicuously at the licensee's principal public place of business within this state. The licensee shall also cause to be displayed conspicuously on the

outside of each vehicle used by him in distribution of bakery products the statement "State Bakery Distributor's License No.," including the proper license number. In event of revocation or suspension of the license, the certificate shall be surrendered by the licensee to the department promptly upon demand.

625.130 Statutes applicable to licenses. ORS 561.310 to 561.390 in reference to the refusal to issue, suspension and revocation of licenses shall apply to ORS 625.010 to 625.210.

625.140 Inspection of bakeries and vehicles. The department shall cause to be made periodically a thorough inspection of each licensed bakery to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of ORS 625.010 to 625.210 and of all other laws of this state relating to bakeries or bakery products and all regulations effective thereunder. Such inspection shall also be made of each vehicle used by a bakery or distributor licensed under ORS 625.010 to 625.210 in transporting or distributing any bakery product within this state.

625.150 Sanitary regulations. The department shall prescribe reasonable sanitation requirements, not inconsistent with existing laws or regulations issued thereunder, governing the storing, handling, mixing, preparation, processing, manufacture, transportation and distribution of bakery products, and the design, construction, installation, maintenance, use, care and cleaning of utensils and equipment used therein or in connection therewith. Upon promulgation of any such regulation, any violation thereof is punishable as provided in subsection (1) of ORS 625.990. Any such regulation may be amended, altered or repealed by the department.

625.160 Powers of department; rules and regulations. The department has the powers necessary or proper to enable it to carry out fully and effectually all the purposes and provisions of ORS 625.010 to 625.210. The department may adopt rules and regulations necessary and feasible for carrying out the provisions of ORS 625.010 to 625.210, and may amend or repeal the rules or regulations. The rules and regulations shall be published as provided by ORS 561.190.

625.170 Sale of stale products. No person shall sell or offer for sale any stale bakery product at any place or location other than at the place or location where the bakery pro-

duct was made or at the place or places that may be from time to time designated by the department under rules and regulations established under ORS 625.010 to 625.210.

625.180 License fees; additional vehicle registration fee. (1) Every bakery doing business in this state shall pay a minimum license fee of \$10, and an additional license fee equal to 75 cents each on the average number of employes for the preceding calendar year.

(2) Every distributor doing business in this state shall pay a license fee of \$10.

(3) The payment of the bakery or distributor's license fee by any bakery or distributor entitles the bakery or distributor to the right to use one vehicle for the delivery or distribution of bakery products. For each additional vehicle so used each bakery shall pay an annual registration fee of \$2 which shall be payable together with the bakery or distributor's license fee; except that whenever any bakery, at any time during any license year, desires to use an additional vehicle required to be registered by this section, and not so registered, such bakery or distributor shall, before using such vehicle in the sale or distribution of bakery products, make application to the department, pay the required \$2 registration fee and receive from the department a permit for the use of the vehicle. All such vehicle registrations shall, together with the bakery and distributors' licenses, expire on December 31 next following their date of issuance.

625.190 Disposition of fees; appropriation. All fees and other money received by the department under ORS 625.010 to 625.210 shall be placed in the General Fund of the state and credited to the Department of Agriculture Account and shall be available and constitute a continuing appropriation for the purpose of carrying out ORS 625.010 to 625.210.

625.200 Standard of weight for bread; inspections by department; sale of unauthorized loaves prohibited; cake and cookies. (1) Bread, manufactured, made or kept for the purpose of sale, offered or exposed for sale, or sold in the form of loaves, shall be one of the following standards of weights, and no other, namely: "standard loaf" which shall weigh not less than 15 ounces and not more than 17 ounces or "standard large loaf" which shall weigh not less than 22½ ounces and not more than 25½ ounces. When

twin loaves, or multiple loaves are baked, the weight specified in this section shall apply to each unit of the twin or multiple loaves.

(2) Inspections by the department of the weight of bread may be made either on the premises of the maker or manufacturer or at the place or premises where the bread is sold, offered or exposed for sale to the public at retail. The inspection by the department of the weight of bread shall be made within 12 hours after baking.

(3) For the purpose of this section bread shall be deemed to be in the form of loaves, whether or not the loaf is wrapped, or whether transparent or other wrapping is used, or whether or not the loaf is sliced, and shall be deemed to be in package form when wrapped, and shall be marked plainly with the standard minimum net weight.

(4) No person shall manufacture, make, procure or keep for the purpose of sale, offer or expose for sale, or sell bread in the form of loaves which does not conform to the weights specified in this section.

(5) This section does not apply to biscuits, buns, crackers, rolls or what is commonly known as cakes and cookies, which, when sold or offered for sale, shall be sold either by net weight or numerical count, and when in package form shall be marked plainly as to the net weight or numerical count, but packages of two ounces or less shall not be required to be so marked. [Amended by 1953 c.657 §2]

625.205 Standards of identity and standards of quality for bakery products. The department shall promulgate standards of identity or standards of quality for bakery products pursuant to the provisions of ORS 616.230. The definitions and standards so promulgated shall conform so far as practicable to the definitions and standards promulgated by authority of the United States and shall not be inconsistent with definitions and standards promulgated by such authority. The other provisions of ORS 616.205 to 616.320 shall apply to bakery products and to any standards of identity or quality promulgated hereunder. [1953 c.651 §2]

625.210 Pans used for baking bread; maximum lengths of loaves baked in frames; pans used for rolls. (1) Pans or forms used for the baking of bread shall not exceed the following dimensions:

(a) One-pound loaf, nine inches by four and one-half inches.

(b) One and one-half pound loaf, twelve

and one-fourth inches by four and one-half inches.

(c) One and one-half pound twin loaf, seven inches by eight inches.

(d) One and one-half Pullman loaf, 13 inches by four inches by four inches.

(e) Two-pound Pullman loaf, 16 inches by four inches by four inches.

(f) Three-pound Pullman loaf, 20 inches by four and one-half inches by four and one-half inches.

(2) Bread baked in frames shall not exceed 11 inches in length for a one-pound loaf or 14 inches in length for a one and one-half pound loaf. Pans used for baking of pan rolls shall have a top measurement not exceeding 56 square inches.

(3) Any of the pan sizes prescribed by this section may be varied in any dimensions except the length if the total baked content does not exceed that of the applicable one of the standards prescribed by this section.

625.220 to 625.300 [Reserved for expansion]

ADVERTISING AND TRADE PRACTICES

625.310 Definitions. As used in ORS 625.310 to 625.350, unless the context requires otherwise:

(1) "Bakery" means any place, premises or establishment where any bakery product is regularly prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured.

(2) "Bakery products" includes bread, buns, rolls, cakes, pies, cookies, doughnuts and all similar goods now manufactured by bakeries, to be used for human food.

625.320 Forbidden representations and usages. No person shall, in connection with the operation of any bakery or the sale or distribution by bakeries of any bakery product:

(1) Use any method or make any statement, whether by print, radio, display or otherwise, which is inaccurate in any material particular, or which misrepresents any bakery product or ingredient thereof.

(2) Give or loan to any customer any show case, display table, rack or other display equipment or contrivance.

(3) Offer or give any article of value in connection with the sale of a bakery product.

(4) Offer or make any concession of any kind whatsoever, whether by the giving of coupons or otherwise, in connection with any such sale.

(5) Offer for sale or sell a bakery product in combination with any other commodity.

625.330 Remedies of persons injured by violations.

(1) Any person injured by any violation of ORS 625.310 to 625.350 may maintain an action in any court of general equitable jurisdiction of this state to prevent, restrain or enjoin the violation. If in the suit a violation of ORS 625.310 to 625.350 is established, the court shall enjoin and restrain or otherwise prohibit the violation, and the plaintiff in the action is entitled to recover the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

(2) In the event no injunctive relief is sought or required, any person injured by any violation of ORS 625.310 to 625.350 may maintain an action for damages alone in any court of general jurisdiction in this state. The measure of damages in such action shall be the same as that prescribed by subsection (1) of this section.

625.340 Compelling defendant to testify; introduction of books and records; use of testimony as basis for prosecution. Any defendant in an action or suit brought under the provisions of ORS 625.310 to 625.350 may be required to testify under the provisions of ORS 45.050, 45.140 to 45.170, 45.210 to 45.240, 45.310 and 45.380; in addition, the books and records of any such defendant may be brought into court and introduced into evidence; except that no information so obtained may be used against the defendant as a basis for a misdemeanor prosecution under the provisions of ORS 625.310 to 625.350.

625.350 Prohibited contract illegal. Any contract, express or implied, made by any person in violation of any of the provisions of ORS 625.310 to 625.350 is declared to be an illegal contract and no recovery thereon shall be had.

625.360 to 625.980 [Reserved for expansion]

PENALTIES

625.990 Penalties. (1) Violation of any provision of ORS 625.010 to 625.210 is punishable, upon conviction, by a fine of not less

than \$25 nor more than \$500. Justice courts and district courts have concurrent jurisdiction with circuit courts of all criminal offenses provided for in ORS 625.010 to 625.210.

(2) Violation of any provision of ORS 625.310 to 625.350 by any person, firm or corporation, whether as principal, agent, officer or director, for himself or for another person, or for any firm or corporation, is a mis-

demeanor for each single violation and is punishable, upon conviction, by a fine of not less than \$100 nor more than \$500, or by imprisonment not exceeding six months, or both. Justice courts have concurrent jurisdiction with district and circuit courts of prosecutions for violations of ORS 625.310 to 625.350.

