

Chapter 635

Nonalcoholic Beverages

635.010	Definitions	635.100	Equipment must be kept clean
635.020	License for manufacture of beverages; exceptions; enforcement	635.110	Bottles
635.030	Application for and issue of license; disposition of fees	635.120	New or additional plants to comply with this chapter
635.040	Refusal, suspension or revocation of license	635.130	Animal stable or accumulation of rubbish near bottling plant prohibited
635.050	Adulteration prohibited; use of water, sugar, dextrose and saccharin	635.140	Employee's clothing
635.060	Labels and display cards indicating name and certain ingredients of beverage; display of equipment	635.150	Contagious diseases among employees
635.070	Building requirements	635.160	Washrooms and toilets
635.080	Syrup room requirements	635.170	Sale from open containers prohibited
635.090	Necessary equipment	635.180	Revocation or suspension of license of person convicted for violation of this chapter; jurisdiction
		635.990	Penalties

CROSS REFERENCES

Administrative orders of state agencies, Ch. 183	635.020
Purity of food, Ch. 616	Filing name or mark for bottles, 616.625
Sale of liquid commodities by weight or liquid measure, 618.410	635.030
Sanitary conditions for handling, 616.730 to 616.740	Expenditures without allotment prohibited in certain cases, 291.238
	635.150
	Handling of food by diseased persons, 616.745

635.010 Definitions. As used in this chapter:

(1) "Carbonated beverages," "soda" or "soda water" includes all beverages prepared from sugar syrup or sugar and dextrose syrup, soda water flavor and potable carbonated water, with or without harmless color, and with or without acidulation by the use of harmless organic acids, or pure phosphoric acid.

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

(3) "Mineral waters" includes all natural and artificial mineral waters or table waters, whether carbonated or not, and all imitations thereof, sold for beverage purposes.

(4) "Still drinks" includes all beverages prepared from sugar syrup or sugar and dextrose syrup, harmless flavor and potable water, with or without harmless color and with or without acidulation by the use of harmless organic acids or pure phosphoric acid.

635.020 License for manufacture of beverages; exceptions; enforcement. (1) No person shall manufacture or prepare for sale or distribution any carbonated beverage, still drink or mineral water, in bottles, barrels, kegs or other closed containers without first having obtained a license therefor from the department. However, no license is required of the following persons:

(a) One who sells carbonated beverages, still drinks or mineral waters in or from their original containers either at wholesale or retail.

(b) One who mixes and sells carbonated beverages, still drinks or mineral waters in the usual course of business at a soda fountain.

(c) One who manufactures or prepares for sale or distribution carbonated beverages, still drinks or mineral waters in a building and with machinery approved by the department for use in the processing of fluid milk to be labeled "grade 'A'" pursuant to ORS 621.065 and 621.075.

(2) Paragraphs (a), (b) and (c) of subsection (1) of this section shall not exempt any person from the application of any other provisions of this chapter.

(3) The department shall administer and enforce this chapter.

635.030 Application for and issue of license; disposition of fees. (1) Any person desiring to manufacture or prepare, for sale or distribution, any carbonated beverage, still

drink or mineral water, shall apply to the department for a license for each plant operated by such person. The application shall be in such form and contain such information as the department may prescribe.

(2) The department shall charge for each license issued, a fee computed on the basis of \$1 per 1,000 cases, as determined by the total production and sale of the plant for the previous calendar year. However, for the purpose of determining the fee a case shall consist of 24 bottles of 12 ounces each, or less. In no case shall the license fee be less than \$15 nor more than \$50.

(3) All such licenses shall be issued for the calendar year or any remaining portion thereof. The department shall collect for each license and for each renewal thereof the license fee computed as provided in subsection (2) of this section. The fee shall be remitted by the department to the State Treasurer. The State Treasurer shall place all moneys so received to the credit of the Department of Agriculture Account and such payments hereby are made an appropriation of such sums from the Department of Agriculture Account for the purpose of carrying this chapter into full force and effect.

635.040 Refusal, suspension or revocation of license. The department may refuse to issue, suspend or revoke any license for failure to comply with this chapter, or regulations promulgated thereunder. The provisions of ORS 561.310 to 561.390 relating to the refusal, suspension and revocation of licenses shall apply to this section.

635.050 Adulteration prohibited; use of water, sugar, dextrose and saccharin. (1) No person shall mix, compound or prepare for sale, sell or offer or expose for sale, or have in his possession with intent to sell, any carbonated beverages, still drinks or mineral waters that are adulterated. Any such beverage shall be deemed adulterated if it contains any added ingredient or substance deleterious to health.

(2) All water used in the manufacture or preparation of any beverages referred to in this chapter, or in the washing or rinsing of any bottles or other containers therefor, shall be safe potable water free from pathogenic bacteria.

(3) The sugar or dextrose content, or both, of any carbonated beverages or still drinks shall be not less than eight percent by weight. However, this shall not apply to ginger ale, or to beverages plainly and con-

spicuously shown by the marking on the container thereof to be "sour" or "dry." The use of saccharin in any of the beverages referred to in this chapter is prohibited.

635.060 Labels and display cards indicating name and certain ingredients of beverage; display of equipment. (1) All carbonated beverages, still drinks and mineral waters sold or offered for sale shall be plainly marked or labeled, capped, branded or tagged with the true name of the beverage. However, the sale of any such beverage so marked, labeled, capped, branded or tagged, which has been manufactured and prepared for sale in all respects as provided by this chapter, shall be permitted only under the following conditions:

(a) In the case of a carbonated beverage or still drink which is, or may hereafter be, known under its own distinctive name and is not an imitation of, or offered for sale under, the name of another beverage.

(b) In the case of a carbonated beverage or still drink which is artificially colored or flavored, or both, if the word "Artificial" is plainly stated on the label, cap or container, in which the beverage is offered for sale.

(c) Beverages may contain not in excess of one-tenth of one percent of benzoate of soda or benzoates, if the bottles or other containers are labeled, or in the case of bulk drinks, suitable display cards are printed and placed, to show that the beverages contain not in excess of one-tenth of one percent of benzoate of soda or benzoates.

(2) No person engaged in the manufacture, sale or distribution of beverages shall display any press, mill or other mechanical equipment or contrivance unless it is actually used in the production or preparation of beverages being sold, dispensed or distributed by the person at the place where the press, mill, equipment or contrivance is displayed.

635.070 Building requirements. All buildings, rooms or other shelters used for the preparation for sale, manufacture, bottling, packing, storage, sale or distribution, of any carbonated beverage shall be properly lighted, drained, plumbed, ventilated and conducted with due regard for the purity and wholesomeness of the products manufactured therein and for the health of all persons therein employed. Floors of rooms where container washing or filling machines

are operated shall be of concrete, tile or some other impervious material.

635.080 Syrup room requirements. The room in which syrups, flavors, extracts or other liquid beverage ingredients or concentrates are measured, mixed or prepared, shall be of substantial construction. It shall have automatically closing entrances and exits. It shall be effectively screened with 16 mesh to the inch, or finer, wire screen cloth. It shall be fully lighted by natural light, or by means of adequate artificial lighting, according to accepted standards, when natural light is insufficient, and shall have a floor of concrete tile or some other impervious material.

635.090 Necessary equipment. Every place where bottled beverages of the kinds covered by this chapter are manufactured, prepared or bottled for sale, shall be equipped with adequate and efficient bottle-washing apparatus and sanitary filling and crowning equipment acceptable to the department. Each such place shall be adequately provided with thermometers, acid and sugar hydrometers and apparatus for ascertaining the alkalinity of the soaker solution employed in bottle washing.

635.100 Equipment must be kept clean. All apparatus, vessels and storage tanks used in the manufacture of beverages covered by this chapter shall be maintained at all times in a clean, sweet and wholesome condition. All such apparatus and vessels, except storage tanks, shall be thoroughly washed at least once every day when the plant is in operation. Syrup shall be cut off from the bottle filling machine at the close of each day's work, and the syrup thoroughly washed from the inside of the machine at the close of each day's work. No vessels shall be used in mixing syrup except glass, stoneware or vessels that are porcelain lined, block tin lined or made of some other suitable impervious material.

635.110 Bottles. (1) All bottles used in the manufacture of carbonated beverages, before being filled, shall be soaked in hot caustic solution of not less than 120 degrees Fahrenheit that shall contain not less than one and eight-tenths percent caustic, calculated in terms of sodium hydrate, for a period of not less than five minutes, then thoroughly rinsed in pure water until free from alkali or sodium hydrates.

(2) No bottles shall be used in which the

rubber part of the stopper comes in contact with the beverage; provided, that this shall not apply to siphons containing carbonated water.

(3) No second-hand opaque bottles shall be used in bottling any carbonated beverage, still drink or mineral water in any plant licensed under this chapter.

635.120 New or additional plants to comply with this chapter. Any new or additional plants making application for a license under this chapter, shall be required to comply with all requirements contained in this chapter as to sanitation and equipment, before any license shall be granted.

635.130 Animal stable or accumulation of rubbish near bottling plant prohibited. No stable in which horses or other animals are kept shall be permitted within a distance of 25 feet from the bottling plant. No rubbish, trash or filth of any kind or character shall be permitted to accumulate around the bottling plant within a distance of 25 feet of it.

635.140 Employee's clothing. Clothing of all operatives, employees, clerks or other persons shall be kept clean.

635.150 Contagious diseases among employees. No employer shall knowingly permit, require or suffer any person to work in a bottling establishment, who is afflicted with any contagious, venereal or infectious disease or with a skin disease.

635.160 Washrooms and toilets. Every bottling establishment shall be provided with convenient washing facilities and toilet of sanitary construction. Such toilet shall be entirely separate and apart from any room used for the manufacture of beverages.

635.170 Sale from open containers prohibited. All beverages referred to in this chapter shall be drawn from closed containers or served from individual bottles or sterilized containers. No such beverage shall be offered for sale which has been kept cool by the addition of ice to the beverage.

635.180 Revocation or suspension of license of person convicted for violation of this chapter; jurisdiction. (1) If a person is convicted for violating this chapter, the department shall not be required to follow the procedure provided in ORS 561.310 to 561.390 for suspension or revocation of licenses, but a notice from the department, addressed to the licensee at his address, as shown by the records of the department and sent by registered mail, shall be sufficient for such suspension or revocation.

(2) Circuit courts shall have concurrent jurisdiction with justice courts and district courts in the enforcement of this chapter.

635.990 Penalties. Violation of ORS 635.010 to 635.180 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail for not less than 30 nor more than 90 days, or both. In addition, the violator's license may be revoked or suspended for such violation.

CHAPTERS 636 TO 645

[Reserved for expansion]

