Chapter 625

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Bakeries and Bakery Products

BAKERIES

625.010 Definitions for ORS 625.010 to 625.270

625.020 License required to operate bakery; exceptions

625.030 Application for bakery license; inspection of premises and equipment; issuance of certificate

625.040 Grounds for denial of application

625.050 Renewal of bakery license; transfer of license

625.060 Cancellation and suspension

625.070 Posting and surrender of certificate

625.080 Distributor's license required

625.090 Application for license; inspection of premises and equipment; issuance of certificate

625.100 Grounds for refusing to issue or revoking license

625.110 Renewal of distributor license; transfer of license

625.120 Display and surrender of certificate

625.140 Inspection of bakeries and vehicles

625.150 Sanitary regulations

625.160 Powers of department; rules

625.180 License fees; additional vehicle registration fee

625.190 Disposition of fees

625.200 Standard of weight for bread; sale of loaves of unauthorized weight prohibited; cakes and cookies

625.212 Definitions for ORS 625.215

625.215 Sale of unenriched breads prohibited

LABELING OF BREAD LOAVES

625.220 Labeling of bread loaves; exceptions

625.270 Unlawful sale prohibited; exception

MISCELLANEOUS

625.810 Application of adulterated and misbranded food laws

PENALTIES

625.990 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, 183.310 to 183.550

Flour products, standards of quality and identity, 616.775 to 616.790

Product test reports, publication and distribution by State Department of Agriculture, 561.315

625.190

Expenditures without allotment prohibited in certain cases, 291.238

BAKERIES

625.010 Definitions for ORS 625.010 to 625.270. As used in ORS 625.010 to 625.270, 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, doughnuts and all similar goods, to be used for human food, but does not include cookies, biscuits or crackers.

(3) "Container" means the container or wrapper in which bakery products are sold or offered for sale.

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

(5) "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 the person in a bakery licensed under ORS 625.010 to 625.270.

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

(6) "Label" or "labeled" means:

(a) The words "Net Weight" or the abbreviation thereof "Net Wt."; and

(b) The applicable net weight as prescribed and required for each such loaf of bread; and

(c) The name and place of business of the manufacturer or distributor; and

(d) The identity of the bakery product within the container; and

(e) Such other information and wording as may be required by rules promulgated by the department under the authority granted by ORS 625.160.

(7) "Person" includes an individual, partnership, corporation, association or club. [Amended by 1955 c.298 §1; 1959 c.370 §1; 1963 c.594 §2; 1969 c.192 §1; 1987 c.472 §1]

625.020 License required to operate bakery; exceptions. (1) Except as provided in subsection (2) of this section, 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 625.270.

(2) A license is not required for a domestic kitchen type bakery that is operated in behalf of a nonprofit institution or is otherwise not operated for profit. [Amended by 1975 c.312 §1]

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 625.270, 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. However, this section shall not be applied to prevent licensing and operation of a bakery solely because such establishment is in an area which is part of and not separate from a domestic kitchen if the establishment is upon investigation by the department found to be constructed and maintained in a clean, healthful and sanitary condition; or

(3) The applicant has failed to comply with ORS 625.010 to 625.270 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 the applicant shall be allowed a reasonable time, not exceeding 30 days, within which to comply, and the refusal or neglect of the applicant to comply within that period is cause for denial of the application. [Amended by 1973 c.243 §1]

625.050 Renewal of bakery license; transfer of license. Each bakery license may be renewed 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. [Amended by 1989 c.253 §1]

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 625.270 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 the person in a bakery licensed under ORS 625.010 to 625.270.

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 625.270, 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 the violation or participation of the distributor in a violation of ORS 625.010 to 625.270 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 Renewal of distributor license; transfer of license. Each distributor's license 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. [Amended by 1989 c.253 §2]

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 the licensee 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 [Repealed by 1961 c.425 §20]

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 625.270 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 625.270 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 ORS 625.990. Any such regulation may be amended, altered or repealed by the department. [Amended by 1987 c.472 §8]

625.160 Powers of department; rules. (1) The department has the powers necessary

to enable it to carry out the provisions of ORS 625.010 to 625.270. The department may adopt rules necessary to carry out the provisions of ORS 625.010 to 625.270, and may amend or repeal the rules.

(2) Such rules shall include, but not be limited to, the following:

(a) The location of advertising, lettering, wording or figures that appear on a bakery product container and the minimum contents thereof.

(b) The size, form and method of printing to be used in labeling.

(c) Standards of identity, standards of weight and standards of quality for bakery products which shall be compatible with the federal standards of identity and quality for bakery products. [Amended by 1969 c.192 §2; 1975 c.265 §1; 1987 c.472 §2]

625.170 [Repealed by 1959 c.370 §5]

625.180 License fees; additional vehicle registration fee. (1) Every bakery or bakery distributor doing business in this state shall pay a license fee established by the department in accordance with ORS 183.310 to 183.550, which shall not be less than $25 nor more than $750 for each establishment. The license fees may be established at a specified amount for each establishment acting as a bakery or bakery distributor, or may be established on the basis of the annual gross dollar volume of sales of each establishment in each of the two types of business. The license fee may be different for each type of business. In establishing the basis and amounts for the license fees the department shall consider, among other things, the number of bakeries and bakery distributors, the various annual gross dollar volumes of business of the establishments, and the costs of administration and enforcement of this chapter.

(2) 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 $8 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 and pay the required $8 registration fee. All such vehicle registrations shall, together with the bakery and distributors' licenses, expire on June 30 next following their date of issuance. [Amended by 1967 c.244 §1; 1973 c.243 §2; 1975 c.312 §2; 1982 s.s.1 c.4 §11; 1983 c.503 §1; 1989 c.253 §3; 1991 c.632 §6]

625.190 Disposition of fees. All fees received by the department under ORS 625.010 to 625.270 shall be deposited in the Department of Agriculture Service Fund and are continuously appropriated to the department for the purpose of carrying out ORS 625.010 to 625.270. [Amended by 1979 c.499 §25]

625.200 Standard of weight for bread; sale of loaves of unauthorized weight prohibited; cakes 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 of such a standard of weight as the department by rule may prescribe.

(2) 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 labeled with the net weight and such other labeling as may be required by rules promulgated by the department under the authority granted in ORS 625.160.

(3) 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 by rule.

(4) This section does not apply to biscuits, buns, crackers, rolls, cakes or 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, except that packages containing more than 12 shall be labeled with the net weight. [Amended by 1953 c.657 §2; 1959 c.370 §2; 1969 c.192 §3; 1987 c.472 §3]

625.205 [1953 c.651 §2; 1955 c.298 §2; 1971 c.176 §10; repealed by 1975 c.265 §15]

625.209 [1959 c.370 §4; repealed by 1987 c.472 §5]

625.210 [Repealed by 1959 c.370 §5]

625.212 Definitions for ORS 625.215. As used in ORS 625.215 unless the context requires otherwise:

(1)(a) "Bread," "white bread," "milk bread" and "raisin bread" have the same meaning as they have in the definitions and standards promulgated by the department pursuant to ORS 625.160.

(b) As used in this subsection, "bread" also includes those commonly known as Vienna, French and Italian.

(2)(a) "Rolls," "buns," "white rolls," "white buns," "raisin rolls" and "raisin buns" have the same meaning as they have

in the definitions and standards promulgated by the department pursuant to ORS 625.160.

(b) As used in this subsection, "rolls" or "buns" include doughnuts, sweet rolls or sweet buns made with fillings or coatings, such as cinnamon, the soft rolls, such as Parker House rolls, hamburger buns, hot dog buns and the hard rolls, such as Vienna rolls or Kaiser rolls. However, rolls or buns shall not include foods made with specialty flours, such as cake flour.

(3) "Enriched" as applied to any of the breads, rolls or buns defined in subsections (1) and (2) of this section means the addition of the vitamins, minerals and other nutrients necessary to make that food conform to the definition and standards for enriched bread, enriched rolls or enriched buns promulgated by the department pursuant to ORS 625.160. [1971 c.176 §2; 1975 c.265 §2]

625.215 Sale of unenriched breads prohibited. It shall be unlawful for any person to manufacture, bake, sell or offer for sale for human consumption any of the breads, rolls or buns specified in ORS 625.212 (1) and (2) unless they are enriched. [1971 c.176 §3]

LABELING OF BREAD LOAVES

625.220 Labeling of bread loaves; exceptions. Bread sold or offered for sale in the form of loaves shall be conspicuously labeled as required by the rules promulgated by the department under the authority of ORS 625.160. The provisions of this section do not apply to:

(1) A bakery where unwrapped bread is displayed and can be inspected by prospective purchasers and where, after purchase, the loaf of bread is immediately placed in a bag by the bakery personnel; or

(2) A bakery which is a wholesale establishment which sells bread to a restaurant in which the bread is consumed on the premises. [1963 c.594 §3; 1965 c.142 §1; 1969 c.192 §4; 1987 c.472 §4]

625.230 [1963 c.594 §4; repealed by 1969 c.192 §7]

625.240 [1963 c.594 §5; 1965 c.142 §2; 1969 c.192 §5; repealed by 1987 c.472 §5]

625.250 [1963 c.594 §§6, 7; 1969 c.192 §6; repealed by 1987 c.472 §5]

625.260 [1963 c.594 §9; repealed by 1987 c.472 §5]

625.270 Unlawful sale prohibited; exception. (1) Except as provided in subsection (2) of this section, no person shall sell, offer for sale, hold for sale, or bake a loaf of bread in violation of the provisions of ORS 625.010 to 625.270 or orders thereunder.

(2) The provisions of ORS 625.220 do not apply to bread sold at an occasional temporary bake sale held by a fraternal, religious, social or service organization. [1963 c.594 §8; 1987 c.472 §6]

625.310 [Repealed by 1987 c.472 §5]

625.320 [Repealed by 1987 c.472 §5]

625.330 [Amended by 1981 c.897 §74; repealed by 1987 c.472 §5]

625.340 [Amended by 1979 c.284 §183; 1981 c.898 §51; repealed by 1987 c.472 §5]

625.350 [Repealed by 1987 c.472 §5]

MISCELLANEOUS

625.810 Application of adulterated and misbranded food laws. The provisions of ORS 616.215, 616.235 and 616.250 relating to prohibited acts and adulterated and misbranded foods are applicable to this chapter. [1975 c.265 §7]

PENALTIES

625.990 Penalties. Violation of any provision of ORS 625.010 to 625.270 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 625.270. [Amended by 1987 c.472 §7]