

IMPORT MILK ACT¹

[As Amended Through P.L. 86-624, Enacted July 12, 1960]

[Currency: This publication is a compilation of the text of Chapter 155 of the 69th Congress. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [21 U.S.C. 141] on and after the date on which this Act takes effect, the importation into the United States of milk and cream is prohibited unless the person by whom such milk or cream is shipped or transported into the United States holds a valid permit from the [Secretary of Health and Human Services]².

SEC. 2. [21 U.S.C. 142] Milk or cream shall be considered unfit for importation (1) when all cows producing such milk or cream are not healthy and a physical examination of all such cows has not been made within one year previous to such milk being offered for importation; (2) when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the country in which such milk or cream is produced, within one year previous to the time of the importation, showing that such cows are free from tuberculosis; (3) when the sanitary conditions of the dairy farm or plant in which such milk or cream is produced or handled do not score at least fifty points out of one hundred points according to the methods for scoring as provided by the score cards used by the Bureau of Dairy Industry of the United States Department of Agriculture at the time such dairy farms or plants are scored; (4) in the case of raw milk if the number of bacteria per cubic centimeter exceeds three hundred thousand and in the case of raw cream seven hundred and fifty thousand, in the case

¹ Act of February 15, 1927 (chapter 155; 44 Stat. 1101). The short title is not established by any provision of such Act, but rather is established by the Labor-Federal Security Appropriation Act, 1944. See 57 Stat. 499.

²The reference to the Secretary of Health and Human Services is editorially supplied. As enacted, the Act referred to the Secretary of Agriculture. The Food and Drug Administration, which was part of the Department of Agriculture, was administering the Act in 1940. Section 12 of Reorganization Plan No. IV of 1940 transferred the Food and Drug Administration to the Federal Security Agency, and then section 5 of Reorganization Plan No. 1 of 1953 transferred all functions of the Federal Security Administrator to the Secretary of Health, Education, and Welfare. (See 5 U.S.C. App.) Section 509(b) of Public Law 96-88 (20 U.S.C. 3508(b)) provides that any reference to the Secretary of Health, Education, and Welfare shall be deemed to refer and apply to the Secretary of Health and Human Services.

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of pasteurized milk if the number of bacteria per cubic centimeter exceeds one hundred thousand, and in the case of pasteurized cream five hundred thousand; (5) when the temperature of milk or cream at the time of importation exceeds fifty degrees Fahrenheit.

SEC. 3. [21 U.S.C. 143] The [Secretary of Health and Human Services]² shall cause such inspections to be made as are necessary to insure that milk and cream are so produced and handled as to comply with the provisions of section 2 of this Act, and in all cases when he finds that such milk and/or cream is produced and handled so as not to be unfit for importation under clauses 1, 2, and 3 of section 2 of this Act, he shall issue to persons making application therefor permits to ship milk and/or cream into the United States: *Provided*, That in lieu of the inspections to be made by or under the direction of the [Secretary of Health and Human Services]¹ he may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government and/or of any State of the United States or any municipality thereof that the provisions in clauses 1, 2, and 3 of section 2 of this Act have been complied with. Such certificate of the accredited official of an authorized department of any foreign government shall be in the form prescribed by the [Secretary of Health and Human Services]¹, who is hereby authorized and directed to prescribe such form, as well as rules and regulations regulating the issuance of permits to import milk or cream into the United States.

The [Secretary of Health and Human Services]¹ is authorized, in his discretion, to waive the requirement of section 2, paragraph 4, of this Act when issuing permits to operators of condenseries in which milk and/or cream is used when sterilization of the milk and/or cream is a necessary process: *Provided, however*, That no milk and/or cream shall be imported whose bacterial count per cubic centimeter in any event exceeds one million two hundred thousand: *Provided further*, That such requirements shall not be waived unless the farm producing such milk to be imported is within a radius of fifteen miles of the condensery in which it is to be processed: *Provided further*, That if milk and/or cream imported when the requirements of section 2, paragraph 4, have been so waived, is sold, used, or disposed of in its raw state or otherwise than as condensed milk by any person, the permit shall be revoked and the importer shall be subject to fine, imprisonment, or other penalty prescribed by this Act.

The [Secretary of Health and Human Services]¹ is directed to waive the requirements of paragraphs 2 and 5 of section 2 of this Act insofar as the same relate to milk when issuing permits to operators of, or to producers for delivery to, creameries and condensing plants in the United States within twenty miles of the point of production of the milk, and who import no raw milk except for pasteurization or condensing: *Provided*, That if milk imported when the requirements of paragraphs 2 and 5 of section 2 have been so waived is sold, used, or disposed of in its raw state, or otherwise than as pasteurized, condensed, or evaporated milk by any

¹ See footnote 2 for first section.

² See footnote 2 for first section.

person, the permit shall be revoked and the importer shall be subjected to fine, imprisonment, or other penalty prescribed by this Act.

The [Secretary of Health and Human Services]¹ is hereby authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purpose of this Act for the handling of milk and cream, for the inspection of milk, cream, cows, barns, and other facilities used in the production and handling of milk and/or cream and the handling, keeping, transporting, and importing of milk and/or cream: *Provided, however,* That unless and until the [Secretary of Health and Human Services]¹ shall provide for inspections to ascertain that paragraphs 1, 2, and 3 of section 2 have been complied with, the [Secretary of Health and Human Services]¹ shall issue temporary permits to any applicants therefor to ship or transport milk and/or cream into the United States.

The [Secretary of Health and Human Services]¹ is authorized to suspend or revoke any permit for the shipment of milk or cream into the United States when he shall find that the holder thereof has failed to comply with the provisions of or has violated this Act or any of the regulations made hereunder, or that the milk and/or cream brought or shipped by the holder of such permit into the United States is not produced and handled in conformity with, or that the quality thereof does not conform to, all of the provisions of section 2 of this Act.

SEC. 4. [21 U.S.C. 144] It shall be unlawful for any person in the United States to receive milk or cream imported into the United States unless the importation is in accordance with the provisions of this Act.

SEC. 5. [21 U.S.C. 145] Any person who knowingly violates any provision of this Act shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than \$50 nor more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 6. [21 U.S.C. 146] There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 per annum, to enable the [Secretary of Health and Human Services]¹ to carry out the provisions of this Act.

SEC. 7. [21 U.S.C. 147] Any laws or parts of laws inconsistent herewith are hereby repealed.

SEC. 8. [21 U.S.C. 148] Nothing in this Act is intended nor shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision after the milk and/or cream shall have been lawfully imported under the provisions of this Act.

SEC. 9. [21 U.S.C. 149] When used in this Act—

(a) The term "person" means an individual, partnership, association, or corporation.

(b) The term "United States" means the fifty States and the District of Columbia.

SEC. 10. This Act shall take effect upon the expiration of ninety days from the date of its enactment.