

Commonwealth of Puerto Rico
DEPARTMENT OF AGRICULTURE
Milk Industry Regulation Office
Box 10163
Santurce, Puerto Rico

No. 2951
Date: February 3, 1983 2:45 p.m.
Approved: Carlos S. Quirós
Secretary of State

REGULATION NUMBER 2 OF THE MILK
INDUSTRY

By: Lambert La Perle
Assistant Secretary of State

The Milk Industry Regulation Office was created by virtue of Act. No. 34 of June 11, 1957, to face the crisis the industry was suffering and which was adversely affecting the producers, processors, and consumers. In order to comply with the legislative mandate the Administrator of the Milk Industry Regulation Office was vested with powers to regulate the industry in the necessary degree to fulfill the purposes of the act.

The Milk Industry of Puerto Rico generates the first agricultural product of the country since milk is an essential food, for the health of the people of Puerto Rico. Actually more than 300 million quarts of milk are consumed each year.

The production and processing of milk requires great investment and at the same time generates more than 30 thousand direct and indirect employments; contributing to the economy of Puerto Rico more than \$180 million of dollars each year.

The stability of the Milk Industry is of great importance for the state. Therefore, the milk industry is vested with public interest and for this reason the sale, marketing and distribution of milk must be regulated.

Section 1. - Short Title

This Regulation shall be known and may be cited as "Regulation Number 2 of the Milk Industry".

Section 2. - This Regulation is created by virtue of the powers vested in the Administrator by Section 12 of the Act.

Section 3. - Purposes of this Regulation

Among the different kinds of milk consumed in Puerto Rico, there is the product. The necessity of maintaining the stability of the milk industry and protecting consumers demands that the product introduced and/or processed in the country can be regulated by the Administrator of the Milk Industry Regulation Office of Puerto Rico.

In attention to the demands of cattlemen, processors and consumers, the norms which shall govern all the importation, sale, production, marketing, and

distribution of the product are established by means of the present Regulation. It also establishes the powers necessary for the Administrator to fix maximum prices, labeling, container size and location of said product in the business establishment.

Section 4. - Definitions

- a. Administrator: Administrator of the Milk Industry Regulation Office.
- b. Product
 1. U.H.T.: Milk or milk product subjected to a temperature over its boiling point and to pressure for some seconds so as to destroy microorganisms which might spoil the product.
 2. Sterilized milk: milk subjected to a temperature sufficiently high for a time sufficiently long as to assure a product free from microorganisms and which is packed under aseptic conditions.
- c. Person: Any natural or juridical person including individuals, corporation, association, cooperatives or any other form of legal organization.
- d. Container: Final receptacle usually used to take the product to the consumer.
- e. Office: The Office of the Administrator of the Milk Industry Regulation.
- f. Sterilizer: Person who is the owner, administrator or is in charge of an establishment for sterilizing milk.
- g. Act: Act 34 of June 11, 1957, as amended, known as "Act to Regulate the Milk Industry".
- h. To sterilize: Process to which the product is subjected.
- i. License: Permit issued by the Administrator.
- j. Sanitary Acts: Act No. 81 of 1912, as amended and Regulation Number 133.

Section 5. - Licenses; Terms; Renewal

Every person who in Puerto Rico is interested in sterilizing any product, or who imports, packs, sells, or distributes said product for consumption within the jurisdiction of the Commonwealth of Puerto Rico, shall obtain a license from the Administrator. Said permit shall be

granted for a period of not more than one (1) year and the same shall be renewed upon request of the interested person provided that he has complied with the provisions of the Act, acts related to milk under the Health Department and this Regulation.

Section 6. - License Denial; Suspension or Repeal

Denial, suspension or repeal of a license issued by the Administrator shall be made in accordance with the Act,

Section 7. - Container, Labeling

- a. The container used for the sale of sterilized milk shall at no time have the same dimensions as those of the containers used by the fresh milk industry.
- b. The product shall be labeled in Spanish and in English and shall have the following information on its label or labeling:
 1. Name or trademark of the product.
 2. Exact quantity in the container.
 3. Specifically show the kind of product in the container.
 4. Instructions for adequate use and storage of the product.
 5. License number of the office.
 6. Information about any additive or preservative added.
 7. Name and address of the processor.

Section 8. - Price

Product price shall be revised and regulated by the Administrator, as prescribed by the Act.

Section 9. - Records

All records and information about importation, processing, distribution and sale of the product, shall be kept for examination by the Administrator, as provided by the Act.

Section 10. - Penalties

- a. Any person who violates or who fails or neglects to comply with any provision of the Act and this Regulation, or with any order or resolution of the Administrator issued under the same, shall incur in a misdemeanor and shall be punished as provided in Section 24 (a) of Act No. 34 of June 11, 1957, as amended.
- b. Violation or non-compliance with the provisions of this Regulation or of Administrative Orders, promulgated by the Administrator shall bear in addition to the penalties provided in Section 24 as amended,

the denial, suspension, cancellation or repeal of the license issued by the Milk Industry Regulation Office, in accordance with the authority granted by Section 11 of Act 34 of June 11, 1957.

Section 11. - Interpretation Norms

This Regulation shall be interpreted liberally in favor of the authority of the Administrator to regulate milk industry and its products to put in effect the public policy and the purposes of Act, No. 34 of June 11, 1957.

To that effect, the Administrator may formulate and adopt the necessary plans and measures to confront the variation and changing conditions of the industry, to protect general interest and public policy.

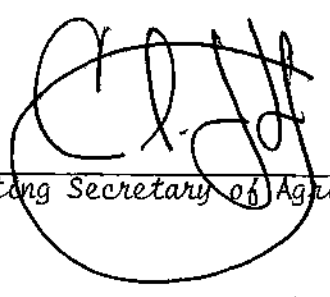
Section 12. - Sanitary Acts in Effect

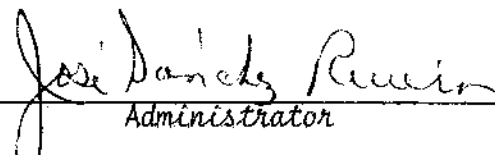
The production and processing of the product regulated by this Regulation shall comply with applicable sanitary acts in effect in Puerto Rico.

Section 13. - Effectiveness

This Regulation shall be in effect thirty (30) days after its filing in the Office of the Secretary of State in accordance with Section 6 of the "Act about Regulations in Puerto Rico, Act No. 112 of June 30, 1957", as amended, known as "Act about Regulations of 1958".

Approved today, January 19, 1983, in San Juan, Puerto Rico.


Acting Secretary of Agriculture


Administrator