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1. Dairy Act

Chapter 25, Article 7, Sections 1 through 8, New Mexico Statutes Annotated 1978
Compilation.

Sections:

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25-7-1. Short title.

This act [25-7-1 to 25-7-8 NMSA 1978] may be cited as the "Dairy Act."

25-7-2. Definitions.

As used in the Dairy Act [25-7-1 to 25-7-8 NMSA 1978]:

A. "board" means the board of regents of New Mexico state university;

B. "department" means the New Mexico department of agriculture;

C. "person" means any individual, firm, partnership, corporation, society, association, trustee or company;

D. "dairy product" means milk, whether fluid, dried, evaporated, stabilized, condensed or otherwise processed, cream, milk products, ice cream, frozen custard, French custard, ice milk, frozen dessert or any other food product principally derived from milk;

E. "milk" means the whole, clean, lacteal secretion obtained by the complete milking of one or more healthy cows or goats, properly fed and kept, delivered from the dairy farm to any receiving or distributing establishment or factory within a reasonable time, excluding that obtained within fifteen days before and

five days after calving or such longer period as may be necessary to render the milk practically colostrum free;

F. "handler" or "processor" means a person other than a retailer who receives or buys for resale or processes or manufactures milk or dairy products to be sold to others for consumption or resale, but does not include those persons engaged in the manufacture of soft-serve frozen desserts for sale directly to consumers; and

G. "retailer" means any person who buys milk or dairy products and who resells the same to consumers without further processing or manufacturing thereof.

25-7-3. Administration and enforcement of act.

The Dairy Act [25-7-1 to 25-7-8 NMSA 1978] shall be administered and enforced by the board through the department.

25-7-4. Standards for testing.

The board shall determine and prescribe the acceptable standards of equipment and methods to be employed in the testing or measuring of milk and dairy products to determine value, quantity or quality.

25-7-5. Standards of milk and other dairy products.

The board shall determine and prescribe the standards of physical and chemical composition or content for milk and dairy products as defined in the Dairy Act [25-7-1 to 25-7-8 NMSA 1978]. The board may also determine what other food products, principally derived from milk, shall be classified as dairy products and establish standards for those products.

25-7-6. Adulterated or mislabeled products and stop-sale orders.

It is unlawful for any person to sell or offer for sale adulterated or mislabeled milk or dairy products. Milk or dairy products that contain any unwholesome substance or fail to conform in physical or chemical composition to the definitions or standards prescribed by the Dairy Act [25-7-1 to 25-7-8 NMSA 1978] or by regulation of the board shall be deemed adulterated. Milk or dairy products as defined by the Dairy Act or by regulation of the board that are labeled with an identifying name other than those so defined, or bear a name that has been defined but contains a food product that does not conform in physical or chemical composition with the definition provided by the Dairy Act or regulation of the board, shall be deemed adulterated. Any milk or dairy product which contains a product differing in content from the product described on its label, or bears an identifying name other than those defined by the Dairy Act or by regulation of the board shall be deemed mislabeled. The department may issue and enforce a stop-sale order on any adulterated or mislabeled product.

25-7-7. Regulations.

In order to enforce the Dairy Act [25-7-1 to 25-7-8 NMSA 1978], the board may

prescribe and, after public hearing following due public notice, adopt regulations to carry out the provisions of the Dairy Act.

25-7-8. Penalty.

Any person who violates any of the provisions of the Dairy Act [25-7-1 to 25-7-8 NMSA 1978] or regulations promulgated by the board, is guilty of a misdemeanor and may be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).