

COMMONWEALTH OF MASSACHUSETTS

MILK CONTROL COMMISSION

AMENDMENT NO. 22 to
OFFICIAL ORDER NO. G-301
Effective April 1, 1973

(Further amending Official Order
(No. G-301 in Article VIII, Section
(3 Butterfat Test and Differential.

Pursuant to authority granted to the Milk Control Commission by virtue of Chapter 94A of the General Laws, as amended, and all other authority, and as a result of examination and investigation having been made by public hearing, Docket No. G-356 held after due notice, and due deliberation having been had, by vote of the members of the Milk Control Commission adopted at their meeting on Wednesday, March 28, 1973, it is hereby

ORDERED: That effective on and after 12:01 A.M., April 1, 1973, Official Order No. G-301, as most recently amended effective May 1, 1972, is hereby further amended as follows:

Section 1. By striking out of Article VIII, all of Section 3 Butterfat Test and Differential and substituting in place thereof the following so that said Section 3 will read as follows:

Section 3. Butterfat Test and Differential

(1) Calculation of Differential.

(a) Any milk dealer receiving milk on a basis of test for butterfat content shall receive the same in accordance with Sections 1 and 25 to 31, inclusive, of Chapter 94 of the General Laws, as amended and in accordance with:

RULES AND REGULATIONS GOVERNING PROCEDURES FOR
THE DETERMINATION OF MILK FAT CONTENT IN MILK OR CREAM

and

RULES AND REGULATIONS GOVERNING
THE MEASURING, SAMPLING AND ACCEPTING
OF RAW MILK AT DAIRY FARMS

as prescribed by the Director of Milk Control on February 2, 1973 and approved by the Massachusetts Milk Control Commission on February 7, 1973, which said Rules and Regulations have been filed in the office of the Secretary of the Commonwealth in accordance with Massachusetts General Law, Chapter 30A, as amended.

(b) If any milk dealer receiving milk on a basis of test for butterfat content has received from any producer during any delivery period, milk having an average butterfat content other than 3.5%, such milk dealer shall pay to such producer per hundred pounds of milk received for each one-tenth of one percent of average butterfat content above 3.5%, or may deduct for each one-tenth of one percent of average butterfat content below 3.5%, an amount per hundredweight which shall be computed as follows: Multiply by .12 the weighted average price per pound of 92-score Grade A butter on the New York Market as reported by the United States Department of Agriculture for the period between the sixteenth day of the preceding month and the fifteenth day, inclusive, of the delivery period during which such milk is received, add four-tenths of a cent (\$.004) to this result and round to the nearest tenth of a cent.

(c) Action with respect to Improper or Unrepresentative Samples

If any sample of milk, the milk fat test of which is intended to form a basis for payment in buying or selling, is found to be in improper condition for testing or check-testing, to have been drawn or tested in violation of applicable laws, rules or regulations, or to be clearly not representative of the milk delivered or received, or if samples of dairy farmer milk deliveries have not been taken or are otherwise unavailable for testing, such circumstances shall be reported to the director of milk control who shall, if tests have been made on samples obtained by him, or by his duly authorized agent, under the provisions of Section 1c. of this part during the delivery (pay) period in question, require that the test, or average of such tests, be used in determining the basis for payment. Otherwise, the director of milk control shall require that payment for milk be made on the basis of the simple average of the test results obtained on properly representative samples covering the immediately preceding and succeeding delivery (pay) periods.

(2) Dealers Not Purchasing on the Basis of Test. Each other milk dealer (except any milk dealer distributing milk in a milk marketing area where payment on the basis of test for butterfat content is required by official order of the Commission now or from time to time hereafter applicable to such area) shall, in making payments to producers for Class I milk or Class II milk, pay the producer for milk received by him from the producer during the period in question, not less than the price for milk of 3.7 percent butterfat.

(3) Change to or from Payment on a Butterfat Test Basis. No milk dealer (except any milk dealer distributing milk in a milk marketing area where payment on the basis of test for butterfat content is required by official order of the Commission applicable to such area) who on February 1, 1973, was not receiving milk from

producers on a basis of test for butterfat content, shall thereafter commence receiving milk from producers on such a basis, and no milk dealer who on February 1, 1973, was receiving milk from producers on such a basis, shall thereafter receive milk from producers otherwise than on such a basis, unless and until he shall in either case have given to the Director of Milk Control and to each producer from whom he is at the time receiving milk, not less than fourteen days notice in writing of such change directed to the beginning of a delivery period.

Section 2. All other Articles, Sections, Paragraphs, and Provisions of said Official Order No. G-301 remain unchanged, and as heretofore and herein amended said order is hereby affirmed, re-adopted and republished.

This order shall become effective as hereinabove stated, to wit, at 12:01 A.M., April 1, 1973.

MILK CONTROL COMMISSION

Josephine Rizzo
CHAIRMAN

Frank Russell
COMMISSIONER

Seal of the
Milk Control
Commission

Dated: Boston, Mass.
March 28, 1973

Publication No. 224 approved by Alfred G. Holland, State Purchasing Agent.

Amendment No. 22 to Official Order No. G-301

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