37-2601. DEFINITIONS. When used in this act, unless the context otherwise requires:

(1) Flour includes and shall be limited to the foods commonly known in the milling and baking industries as (a) white flour, also known as wheat flour or plain flour; (b) bromated flour; (c) self-rising flour, also known as self-rising white flour; and (d) phosphated flour, also known as phosphated white flour or phosphated wheat flour, but excludes whole wheat flour and also excludes special flour not used for bread, roll, bun, or biscuit baking, such as specialty cake, pancake and pastry flour.

(2) White bread means any bread made with flour, as defined in subdivision (1)(a) of this section, whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread.

(3) Rolls include plain white rolls and buns of the semi-bread dough type, namely: soft rolls, such as hamburger rolls, hot dog rolls, Parker House rolls, and hard rolls, such as Vienna rolls and Kaiser rolls, but shall not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns, and butterfly rolls.

(4) Director means the director of the department of agriculture.

(5) Person means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread, or rolls.


37-2602. ENRICHMENT OF FLOUR. It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale, for human consumption in this state flour, as defined in section 37-2601, [Idaho Code] unless the following vitamins and minerals are contained in each pound of such flour: not less than 2.0 mg. and not more than 2.5 mg. of thiamine; not less than 1.2 mg. and not more than 1.5 mg. of riboflavin; not less than 16.0 mg. and not more than 20.0 mg. of niacin or niacin-amide; and not less than 13.0 mg. and not more than 16.5 mg. of assimilable iron, expressed as Fe.; except in the case of self-rising flour which in addition to the above ingredients shall contain not less than 500 mg. and not more than 1500 mg. of assimilable calcium, expressed as Ca.; provided, that the provisions of this section shall not apply to flour sold to distributors, bakers, or other processors if the purchaser furnishes to the seller a certificate, in such form as the director shall prescribe by regulation, that such flour will be (1) resold to a distributor, baker, or other processor, (2) used in the manufacture, mixing, or compounding of flour, white bread, or rolls enriched to meet the requirements of sections 37-2601--37-2610, or (3) used in the manufacture of products other than flour, white bread, or rolls. It shall be unlawful for any such purchaser so furnishing any such certificate to use or resell the flour so purchased in any manner other than as prescribed in this section.
37-2603. ENRICHMENT OF BREAD AND ROLLS. It shall be unlawful for any person to manufacture, bake, sell or offer for sale, for human consumption in this state, any white bread or rolls, as defined in section 37-2601, Idaho Code, unless the following vitamins and minerals are contained in each pound of such bread or rolls: not less than 1.1 mg. and not more than 1.8 mg. of thiamine; not less than 0.7 mg. and not more than 1.6 mg. of riboflavin; not less than 10.0 mg. and not more than 15.0 mg. of niacin; and not less than 8.0 mg. and not more than 12.5 mg. of iron (Fe.).

37-2604. ENFORCEMENT OF PROVISIONS -- RULES AND REGULATIONS. The director is hereby charged with the duty of enforcing the provisions of sections 37-2601--37-2610, Idaho Code, and he is hereby authorized and directed to make, amend, or rescind rules, regulations, and orders for the efficient enforcement of sections 37-2601--37-2610, Idaho Code.

37-2605. REVISION OF STANDARDS TO CONFORM TO INTERSTATE SHIPMENTS. Whenever the vitamin and mineral requirements set forth in sections 37-2602 and 37-2603, Idaho Code, are no longer in conformity with the legally established standards governing the interstate shipment of enriched flour, enriched white bread, or enriched rolls, the director, in order to maintain uniformity between intrastate and interstate vitamin and mineral requirements for the foods within the provisions of sections 37-2602--37-2610, Idaho Code, is authorized and directed to modify or revise such requirements to conform with amended standards governing interstate shipments.

37-2606. SUSPENSION OF ENRICHMENT DURING SHORTAGE. If the director finds that there is an existing or imminent shortage of any ingredient required by section 37-2602 or 37-2603, Idaho Code, and that because of such shortage the sale and distribution of flour, white bread, or rolls may be impeded by the enforcement of sections 37-2601--37-2610, Idaho Code, he shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredient from flour, white bread, or rolls and, if he finds it necessary, or appropriate, excepting such foods from labeling requirement until the further order of the director. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate federal agency or officer. In the absence of any such order of the appropriate federal agency or factual information supplied by it, the director on his own motion may, and upon receiving the sworn statements of ten (10) or more persons subject to sections 37-2601--37-2610, Idaho Code, that they believe such a shortage exists or is imminent shall, (1) within twenty (20) days thereafter hold a public hearing with respect thereto at which any interested person may present evidence and (2) make findings based upon evidence presented. The director shall publish a notice in a newspaper, having a general circulation in the state, of any such hear-
ing at least ten (10) days prior thereto. Whenever the director has reason to believe that such shortage no longer exists, he shall hold a public hearing, after at least ten (10) days notice shall have been published in a newspaper having a general circulation in the state, at which any interested person may present evidence, and he shall make findings based upon the evidence presented. If his findings be that such shortage no longer exists, he shall issue an order to become effective not less than thirty (30) days after publication thereof, revoking such previous order; provided that undisposed floor stocks of flour on hand at the effective date of such revocation order or flour manufactured prior to such effective date for sale in this state may thereafter be lawfully sold or disposed of.

[37-2606, added 1961, ch. 109, sec. 6, p. 164; am. 1974, ch. 18, sec. 221, p. 364.]

37-2607. PUBLICATION OF ORDERS, RULES AND REGULATIONS. All orders, rules, and regulations adopted by the director as provided by sections 37-2601--37-2610, Idaho Code, shall be published in the manner hereinafter prescribed and, within the limits of specified sections 37-2601--37-2610, Idaho Code, shall become effective upon such date as the director shall fix.


37-2608. METHOD OF PUBLICATION. Whenever under sections 37-2601--37-2610[, Idaho Code,] publication of any notice, order, rule, or regulation is required, such publication shall be made at least once each week in at least one (1) daily newspaper of general circulation printed and published in this state.

[37-2608, added 1961, ch. 109, sec. 8, p. 164.]

37-2609. INSPECTION AND INVESTIGATION. For the purpose of sections 37-2601--37-2610, Idaho Code, the director, or such officers or employees under his supervision as he may designate, is authorized (1) to take samples for analysis, (2) to conduct examinations and investigations, (3) to enter at reasonable times, any factory, mill, bakery, warehouse, shop, or establishment where flour, white bread, or rolls are manufactured, processed, packed, sold, or held, or any vehicle being used for the transportation thereof, and (4) to inspect any such place or vehicle and any flour, white bread, or rolls therein, and all pertinent equipment, materials, containers, and labeling.

[37-2609, added 1961, ch. 109, sec. 9, p. 164; am. 1974, ch. 18, sec. 223, p. 364.]

37-2610. PENALTY FOR VIOLATION. Any person who violates any of the provisions of sections 37-2601--37-2610, Idaho Code, or the orders, rules, or regulations promulgated by the director under the authority thereof shall, upon conviction thereof, be fined for each and every offense, in a sum not exceeding one hundred dollars ($100), or imprisoned in the county jail for not more than thirty (30) days.