



GUS R. DOUGLASS
COMMISSIONER

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

August 11, 1981

Honorable A. James Manchin
Secretary of State
State of West Virginia
Building 1, Room W-157
Charleston, WV 25305

Dear Secretary Manchin:

I am enclosing the notice of a public hearing called for September 15, 1981, to consider a consolidation and amplification of the regulations used to implement the Milk & Milk Products Law (Section 19, Article 11) and a copy of the proposed regulations.

With best regards, I am

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gus R. Douglass".

Gus R. Douglass
Agriculture Commissioner

GRD/G/d
Enc.

cc - Dr. Kenneth Taylor

FILED IN THE OFFICE OF
SECRETARY OF STATE
THIS DATE 8/12/81



STATE OF WEST VIRGINIA
 OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

I, Gus R. Douglass, Commissioner,
 Title or Position

W. Va. Department of Agriculture, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (_____)).

This filing pertains to

Chapter 19
 Article 11
 Series IV
 Section _____
 Page No. _____

FILED IN THE OFFICE OF
 SECRETARY OF STATE
 THIS DATE 8/12/81

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

August 12, 1981
 Date Submitted

Gus R. Douglass
 Signature of Person Authorizing
 this Filing

REGULATIONS
MILK AND MILK PRODUCTS
CHAPTER 19, ARTICLE 11, CODE OF WEST VIRGINIA

FILED IN THE OFFICE OF

Section 1. SCOPE

SECRETARY OF STATE
THIS DATE 8/12/81

1.01 These regulations establish product definitions and standards, prohibit the manufacture and sale of imitation milk, define procedures for operating soft serve machines (counter freezers), provides for the manufacture and sale of ice milk (imitation ice cream), requires labeling and sets storage and freezer room standards for soft serve operations, provides for milk fat testing by light transmission and the Roesse-Gottlieb (Mojonnier) fat extraction method.

Section 2. DEFINITIONS AND STANDARDS

2.01 Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows which contains not less than (3.25) per cent milk fat and not less than (8.25) per cent milk solids not fat, Provided: that this definition shall not apply to persons producing and selling milk on a wholesale basis to dairies and receiving plants;

2.02 Goat Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word "milk" shall be interpreted to include goat milk.

2.03 Vitamin D Milk is milk which has had the Vitamin D content increased by an approved method to at least 400 International Units per quart;

2.04 Skimmed Milk is milk with the milk fat content reduced to less than (0.5) per cent, and shall contain not less than (8.25) per cent milk solids not fat. Vitamin A shall be present in such quantity that each quart contains not less than 2,000 International Units. Optional ingredients such as Vitamin D, bacterial cultures, safe and suitable milk derived ingredients, stabilizers, emulsifiers, natural and artificial food flavors may be added;

2.05 Lowfat Milk is milk with the milk fat contents reduced to (1/2), (1), (1 1/2), or (2) per cent, and which contains not less than (8.25) per cent milk solids not fat. Vitamin A shall be present in such quantity that each quart contains not less than 2,000 International Units. Optional ingredients such as Vitamin D, bacterial cultures, safe

and suitable milk derived ingredients, stabilizers, emulsifiers, natural and artificial food flavors may be added;

2.06 Flavored Milk and Milk Products shall mean milk and milk products as defined in the standards to which has been added a flavor and/or sweetener;

2.07 Buttermilk is a fluid product resulting from the churning of milk or cream. It contains not less than (8.0) per cent milk solids not fat;

2.08 Cultured Buttermilk is a fluid product resulting from the souring or treatment with lactic acid or other culture of pasteurized skimmed milk or pasteurized reconstituted skimmed milk. It shall contain not less than (8.0) per cent solids not fat;

2.09 Condensed Milk, Evaporated Milk, Concentrated Milk is a product resulting from the evaporation of a considerable portion of the water from milk, and contains not less than (25.5) per cent total solids and not less than (7.5) per cent milk fat;

2.10 Sweetened Condensed Milk, Sweetened Evaporated Milk, Sweetened Concentrated Milk is the product as described in Section 2.09 to which sugar has been added. It contains not less than (28.0) per cent total milk solids and not less than (7.5) per cent milk fat;

2.11 Condensed Skimmed Milk, Evaporated Skimmed Milk, Concentrated Skimmed Milk is a product resulting from the evaporation of a considerable portion of the water from skimmed milk, and contains not less than (20.0) per cent milk solids;

2.12 Sweetened Condensed Skimmed Milk, Sweetened Evaporated Skimmed Milk, Sweetened Concentrated Skimmed Milk is the product described in Section 2.11 to which sugar has been added. It contains not less than (28.0) per cent milk solids;

2.13 Dried Milk is the product resulting from the removal of water from milk, and contains not less than (26.0) per cent milk fat, and not more than (5.0) per cent moisture;

2.14 Dried Skimmed Milk is the product resulting from the removal of water from skimmed milk, and contains not more than (5.0) per cent moisture;

2.15 Cream is a fresh, clean portion of milk which contains not less than (18.0) per cent milk fat. Whipping cream is cream which shall contain not less than

(30.0) per cent milk fat. Cream for buttermaking shall be clean and contain no foreign matter and shall be free from filth, putrefaction, mold or decomposition;

2.16 Light Cream, Coffee Cream or Table Cream means cream which contains not less than (18.0) per cent, but less than (30.0) per cent milk fat;

2.17 Light Whipping Cream means cream that contains not less than (30.0) per cent, but less than (36.0) per cent milk fat;

2.18 Heavy Cream or Heavy Whipping Cream means cream which contains not less than (36.0) per cent milk fat;

2.19 Whipped Cream means whipping cream into which air or gas has been incorporated;

2.20 Whipped Light Cream, Whipped Coffee Cream or Whipped Table Cream means light cream, coffee cream or table cream, respectively, into which air or gas has been incorporated;

2.21 Butter is the clean, nonrancid product made by gathering, in any manner, the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than (8.0) per cent milk fat. The addition of vegetable butter coloring is permitted;

2.22 Cheese is the sound solid and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning and contains, in the water-free substance, not less than (50.0) per cent milk fat. The addition of harmless coloring matter is permitted;

2.23 Ice Cream is a frozen substance made from pure milk products sweetened with sugar and may contain up to (0.5) per cent gelatin, vegetable gum or other stabilizers and emulsifiers. When flavoring extracts are used, ice cream shall contain not less than (10.0) per cent milk fat and (20.0) per cent total milk solids. When eggs, fruits, nuts, chocolate or cake are used, such reduction in the percentage of milk fat and milk solids-not-fat shall be allowed as may be caused by the addition of such ingredients. The finished ice cream shall weigh not less than (4.5) pounds to the gallon;

2.24 Ice Milk or Imitation Ice Cream is a frozen substance made from pure milk products sweetened with sugar and may contain up to (0.5) per cent gelatin,

vegetable gum or other stabilizers and emulsifiers. Ice milk shall contain not less than (2.0) nor more than (7.0) per cent milk fat and not less than (11.0) per cent total milk solids;

2.25 Ice Milk Mix or Imitation Ice Cream Mix is the unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition and standard of ice milk or imitation ice cream;

2.26 Frozen Dietary Food, Artificially Sweetened, is a frozen milk product intended for special dietary use. It may contain accepted non-nutritive sweeteners or any other harmless polyhydric alcohol, and/or accepted harmless ingredient. Frozen dietary food shall contain not less than (3.0) nor more than (10.0) per cent milk fat;

2.27 Half and Half is a product consisting of a mixture of milk and cream which contains not less than (10.5) per cent milk fat;

2.28 Sour Cream is cream with an acidity of not less than (0.5) per cent, expressed as lactic acid, which contains not less than (18.0) per cent milk fat;

2.29 Cottage Cheese Curd is the soft uncured cheese prepared from the curd obtained by adding lactic-acid producing bacteria, with or without enzymatic action, to pasteurized skimmed milk or pasteurized reconstituted skimmed milk. It may contain up to (80.0) per cent moisture;

2.30 Cottage Cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skimmed milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than (4.0) per cent by weight of the finished cottage cheese. The finished cottage cheese contains not more than (8.0) per cent moisture;

2.31 Lowfat Cottage Cheese is a mixture of the drained curd of cheese with a creaming mixture added and contains not more than (2.0) per cent and not less than (0.5) per cent milk fat and not more than (32.5) per cent moisture;

2.32 Grade A Cottage Cheese, Lowfat Cottage Cheese or Cottage Cheese Curd shall be made from pasteurized Grade A dairy products;

2.33 Egg Nog is a milk product consisting of a mixture of milk or milk products containing at least (6.0) per cent milk fat, at least (1.0) per cent egg

yolk solids, sweetener and flavoring. An emulsifier and not over (0.5) per cent stabilizer may be added;

2.34 Egg Nog Drink is a milk product consisting of a mixture of milk and milk products containing not less than (6.0) per cent fat and shall contain at least (0.5) per cent egg yolk solids, sweetener and flavoring. An emulsifier and not over (0.5) per cent stabilizer may be added;

2.35 Milk Shake or similar drink, by whatever name called, is a product consisting of wholesome dairy products containing not less than (3.0) per cent milk fat, with or without the addition of ice cream, with or without the addition of coloring and flavoring, and may contain up to (0.5) per cent stabilizer.

Section 3. MANUFACTURE OR SALE OF IMITATION MILK PROHIBITED

3.01 No person or persons shall manufacture, offer or expose for sale any product in imitation or semblance of milk branded or labeled as milk or imitation milk.

Section 4. INTERSTATE LABELING

4.01 All fluid milk and fluid milk products moving in interstate commerce shall be labeled to conform with the Fair Packaging and Labeling Regulations of the National Labeling Committee (NLC No. 2 (Amended), August, 1967) and the regulations for the enforcement of the Fair Packaging and Labeling Act of the Federal Food and Drug Administration as promulgated on January 19, 1975.

Section 5. LABELING OF ICE MILK OR IMITATION ICE CREAM

5.01 All consumer packages and containers shall be conspicuously labeled in legible, boldfaced type on at least one side, the words "ICE MILK" or "IMITATION ICE CREAM"; also giving the correct name of the product contained therein, the name and address of the manufacturer and the net contents of each container in terms of liquid measure or net weight.

5.02 Ice milk mix or imitation ice cream mix must be legibly labeled "ICE MILK MIX" or "IMITATION ICE CREAM MIX". The label must also identify the producer, manufacturer or handler thereof, and an accurate statement of the quantity of the contents by weight or measure.

Section 6. SANITARY REQUIREMENTS FOR COUNTER FREEZER ESTABLISHMENTS

6.01 The sale of melted ice cream and other frozen dairy products is prohibited in either liquid or refrozen form; and

6.02 Mix shall be held at a temperature of 40 degrees or lower;

6.03 All mix containers shall be code dated using one of the following terms: "Packaging", "Sell By", or "Use Before" date.

Section 7. FREEZER ROOM REQUIREMENTS

7.01 Freezer units shall be installed in such a way that they are not subject to contamination by dust, insects, rodents, or customers;

7.02 Freezer units shall be cleaned and sanitized at intervals necessary to produce acceptable product.

7.03 Sterilization may be done with steam, ammonia compounds, chlorine compounds, hot air, light rays, or other methods approved by the Commissioner of Agriculture;

7.04 An ample supply of running hot (170 degrees F.) and cold water shall be available to the freezer room;

7.05 A hand wash bowl with running hot and cold water shall be adjacent to the freezer;

7.06 Wash tanks adequate to wash and sterilize freezer parts, cans, and all utensils shall be provided; and

7.07 Wash tanks and hand wash bowl shall be connected to drain pipes emptying directly into a sewage system (dry well or pit shall be covered to prevent surface contamination.)

Section 8. STORAGE ROOMS

8.01 All storage plants, rooms, walk-in coolers, or boxes where ice cream,

Frozen dairy products and materials for manufacturing the same are stored, must be kept clean and free from odors;

8.02 All materials used in the manufacture of ice cream and any other frozen dairy product shall be kept in closed containers;

8.03 No decomposed, decayed, fermented, contaminated or rancid materials shall be used in the manufacture of ice cream or any other frozen dairy product;

8.04 All supplies such as ice cream cones, packages, containers, lids, etc. must be suitably stored to prevent soiling, dust accumulation, moisture damage and other contamination by insects, rodents, etc.;

8.05 Ice cream factories and other dealers in milk, cream and mix shall clean all cans and receptacles used in shipping dairy products as soon as they are emptied and they shall not be used for any other purpose; and

8.06 All cans or receptacles used in shipping or storage of dairy products shall be free from dents, rust and shall be properly tinned inside.

Section 9.00 TESTING OF MILK FOR BUTTERFAT BY LIGHT TRANSMISSION (MILKO-TESTER METHOD)

9.01 Definitions. - The term "Milko-Tester Method" shall mean the automated light scattering method for determining the fat content of raw unhomogenized milk as described in the Journal of the Association of Official Analytical Chemists. The word "tester" shall mean any person who operates the Milko-Tester for determining the percentage of butterfat in milk or cream.

9.02 Licensing Requirements. No person shall operate a Milko-Tester to determine the butterfat of milk for a basis of payment unless licensed by the commissioner of agriculture to perform both this test and the Babcock test. Buyers who want to use the Milko-Tester for producer payment must notify the commissioner no less than thirty (30) days prior to its use.

9.03 Reference Method. The Babcock test shall be used as the reference method to maintain the calibration of the Milko-Tester. Other methods may be used as a reference upon approval by the commissioner. Written notification of the reference method shall be sent to the commissioner prior to the installation and first use of a Milko-Tester.

A subsequent change in the reference method used shall be made only with the specific approval of the commissioner.

9.04 Calibration of Milko-Tester. At the beginning of each testing day, the following items must be completed and recorded:

(1) Check the machine for zero setting as prescribed in the Operators Manual.

(2) At least ten (10) tests must be run by the Babcock method and the same tests compared with the Milko-Tester. The Milko-Tester shall be calibrated so that the average variation between the Babcock and the Milko-Tester does not exceed 0.02 per cent.

(3) During the daily use of the Milko-Tester, a standard sample shall be tested by both Babcock and Milko-Tester methods. Following each forty (40) samples tested by the Milko-Tester and/or every hour the tester is in use, a check test shall be made and compared with the standard sample. If any check test shall vary more than 0.02 from the standard, the Milko-Tester must be rinsed thoroughly with versene solution and the machine checked for zero setting in order to get agreement on the test standard. At least three (3) standard checks must then be run and if variation is noted the Milko-Tester must be recalibrated.

(4) If at any time the Milko-Tester is recalibrated, the procedure must be repeated as outlined in Steps (1) and (2).

9.05 Preparation of Samples. All milk samples to be tested are to be tempered to with 95° to 100°F. and adequately mixed by pouring from one container into another four (4) times. Each sample must be tested immediately after mixing.

If the sample bottle is not over two-thirds full, the sample may be mixed by shaking horizontally back and forth six (6) round trips through a distance of about six (6) inches within a period of three (3) seconds.

9.00 Records. Permanent records shall be made and held on file for one (1) year. Printout tapes shall be held for a period of not less than sixty (60) days. These records must show the following:

- (1) All calibration results and check tests for initial and subsequent calibrations.
- (2) All tests for checking accuracy of calibrations.
- (3) Daily and accumulative total of tests run:
- (4) All testing records shall bear the signature of the person performing such test.

Section 10.00 TESTING FOR BUTTERFAT BY THE ROESE-GOTTLIEB FAT EXTRACTION (MOJONNIER) METHOD.

10.01 The Roese-Gottlieb Fat Extraction Method of testing for milk fat is adopted as the official referee method for determining milk fat content of dairy products and is approved for all milk fat testing.

Section 11.00 ADULTERATION OF MILK AND MILK PRODUCTS.

11.01 Milk and milk products shall be considered as adulterated when:

- (1) whole raw milk contains added water in excess of two per cent (2%) as determined by the Thermistor Cryoscope Method for Determining Added Water in Milk.
- (2) processed whole milk contains added water in excess of three per cent (3%) as determined by the Thermistor Cryoscope Method for Determining Added Water in Milk.
- (3) milk and milk products of which the coliform bacteria plate count exceeds ten (10) colonies per milliliter as determined by the standard agar plate method.
- (4) milk and milk products, excluding cultured products, of which the total bacteria plate count exceeds twenty thousand (20,000) per milliliter as determined by the standard agar plate method.

(5) Ice cream and ice milk of which the coliform bacteria plate count exceeds ten (10) colonies per gram as determined by the standard agar plate method.

(6) Ice cream and ice milk of which the total bacteria plate count exceeds fifty thousand (50,000) per gram as determined by the standard agar plate method.

Gus R. Douglass
Agriculture Commissioner



GUS R. DOUGLASS
COMMISSIONER

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

August 11, 1981

Honorable A. James Manchin
Secretary of State
State of West Virginia
Building 1, Room W-157
Charleston, WV 25305

Dear Secretary Manchin:

I am enclosing the notice of a public hearing called for September 15, 1981, to consider a consolidation and amplification of the regulations used to implement the Milk & Milk Products Law (Section 19, Article 11) and a copy of the proposed regulations.

With best regards, I am

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gus R. Douglass".

Gus R. Douglass
Agriculture Commissioner

GRD/G/d
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cc - Dr. Kenneth Taylor

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August 12, 1981

Date Submitted

Signature of Person Authorizing
 this Filing

Serving
The Farmer
And
The Consumer



From
The Soil
To The
Supermarket

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NEWS RELEASE

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

Information Division
Charleston, WV 25305
Phone: 348-3708

For Immediate Release

August 12, 1981

MILK PUBLIC HEARING

CHARLESTON, W.VA.--Agriculture Commissioner Gus R. Douglass announced today that a public hearing will be held at 1 p.m. on Tuesday, September 15, 1981, in the J. T. Johnson Conference Room, located in the basement of the East Wing of the State Capitol Building in Charleston to consider condensation and amplification of regulations used to implement the West Virginia Milk and Milk Products Law (Chapter 19, Article 11).

Copies of the proposed regulations can be obtained from Dr. Kenneth E. Taylor, Director, Meat and Food Safety Division, W.Va. Dept. of Agriculture, Charleston, WV 25305; phone (304) 348-2226.

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SECRETARY OF STATE
THIS DATE 8/12/81

REGULATIONS
MILK AND MILK PRODUCTS
CHAPTER 19, ARTICLE 11, CODE OF WEST VIRGINIA

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Section 1. SCOPE

1.01 These regulations establish product definitions and standards, prohibit the manufacture and sale of imitation milk, define procedures for operating soft serve machines (counter freezers), provides for the manufacture and sale of ice milk (imitation ice cream), requires labeling and sets storage and freezer room standards for soft serve operations, provides for milk fat testing by light transmission and the Roesse-Gottlieb (Mojonnier) fat extraction method.

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2.02 Goat Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word "milk" shall be interpreted to include goat milk.

2.03 Vitamin D Milk is milk which has had the Vitamin D content increased by an approved method to at least 400 International Units per quart;

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2.05 Lowfat Milk is milk with the milk fat contents reduced to ($\frac{1}{2}$), (1), ($1\frac{1}{2}$), or (2) per cent, and which contains not less than (8.25) per cent milk solids not fat. Vitamin A shall be present in such quantity that each quart contains not less than 2,000 International units. optional ingredients such as Vitamin D, bacterial cultures, safe

and suitable milk derived ingredients, stabilizers, emulsifiers, natural and artificial food flavors may be added;

2.06 Flavored Milk and Milk Products shall mean milk and milk products as defined in the standards to which has been added a flavor and/or sweetener;

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(30.0) per cent milk fat. Cream for buttermaking shall be clean and contain no foreign matter and shall be free from filth, putrefaction, mold or decomposition;

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2.18 Heavy Cream or Heavy Whipping Cream means cream which contains not less than (36.0) per cent milk fat;

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2.22 Cheese is the sound solid and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning and contains, in the water-free substance, not less than (50.0) per cent milk fat. The addition of harmless coloring matter is permitted;

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2.30 Cottage Cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skimmed milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than (4.0) per cent by weight of the finished cottage cheese. The finished cottage cheese contains not more than (8.0) per cent moisture;

2.31 Lowfat Cottage Cheese is a mixture of the drained curd of cheese with a creaming mixture added and contains not more than (2.0) per cent and not less than (0.5) per cent milk fat and not more than (32.5) per cent moisture;

2.32 Grade A Cottage Cheese, Lowfat Cottage Cheese or Cottage Cheese Curd shall be made from pasteurized Grade A dairy products;

2.33 Egg Nog is a milk product consisting of a mixture of milk or milk products containing at least (6.0) per cent milk fat, at least (1.0) per cent egg

yolk solids, sweetener and flavoring. An emulsifier and not over (0.5) per cent stabilizer may be added;

2.34 Egg Nog Drink is a milk product consisting of a mixture of milk and milk products containing not less than (6.0) per cent fat and shall contain at least (0.5) per cent egg yolk solids, sweetener and flavoring. An emulsifier and not over (0.5) per cent stabilizer may be added;

2.35 Milk Shake or similar drink, by whatever name called, is a product consisting of wholesome dairy products containing not less than (3.0) per cent milk fat, with or without the addition of ice cream, with or without the addition of coloring and flavoring, and may contain up to (0.5) per cent stabilizer.

Section 3. MANUFACTURE OR SALE OF IMITATION MILK PROHIBITED

3.01 No person or persons shall manufacture, offer or expose for sale any product in imitation or semblance of milk branded or labeled as milk or imitation milk.

Section 4. INTERSTATE LABELING

4.01 All fluid milk and fluid milk products moving in interstate commerce shall be labeled to conform with the Fair Packaging and Labeling Regulations of the National Labeling Committee (NLC No. 2 (Amended), August, 1967) and the regulations for the enforcement of the Fair Packaging and Labeling Act of the Federal Food and Drug Administration as promulgated on January 19, 1975.

Section 5. LABELING OF ICE MILK OR IMITATION ICE CREAM

5.01 All consumer packages and containers shall be conspicuously labeled in legible, boldfaced type on at least one side, the words "ICE MILK" or "IMITATION ICE CREAM"; also giving the correct name of the product contained therein, the name and address of the manufacturer and the net contents of each container in terms of liquid measure or net weight.

5.02 Ice milk mix or imitation ice cream mix must be legibly labeled "ICE MILK MIX" or "IMITATION ICE CREAM MIX". The label must also identify the producer, manufacturer or handler thereof, and an accurate statement of the quantity of the contents by weight or measure.

Section 6. SANITARY REQUIREMENTS FOR COUNTER FREEZER ESTABLISHMENTS

6.01 The sale of melted ice cream and other frozen dairy products is prohibited in either liquid or refrozen form; and

6.02 Mix shall be held at a temperature of 40 degrees or lower;

6.03 All mix containers shall be code dated using one of the following terms: "Packaging", "Sell By", or "Use Before" date.

Section 7. FREEZER ROOM REQUIREMENTS

7.01 Freezer units shall be installed in such a way that they are not subject to contamination by dust, insects, rodents, or customers;

7.02 Freezer units shall be cleaned and sanitized at intervals necessary to produce acceptable product.

7.03 Sterilization may be done with steam, ammonia compounds, chlorine compounds, hot air, light rays, or other methods approved by the Commissioner of Agriculture;

7.04 An ample supply of running hot (170 degrees F.) and cold water shall be available to the freezer room;

7.05 A hand wash bowl with running hot and cold water shall be adjacent to the freezer;

7.06 Wash tanks adequate to wash and sterilize freezer parts, cans, and all utensils shall be provided; and

7.07 Wash tanks and hand wash bowl shall be connected to drain pipes emptying directly into a sewage system (dry well or pit shall be covered to prevent surface contamination.)

Section 8. STORAGE ROOMS

8.01 All storage plants, rooms, walk-in coolers, or boxes where ice cream,

frozen dairy products and materials for manufacturing the same are stored, must be kept clean and free from odors;

8.02 All materials used in the manufacture of ice cream and any other frozen dairy product shall be kept in closed containers;

8.03 No decomposed, decayed, fermented, contaminated or rancid materials shall be used in the manufacture of ice cream or any other frozen dairy product;

8.04 All supplies such as ice cream cones, packages, containers, lids, etc. must be suitably stored to prevent soiling, dust accumulation, moisture damage and other contamination by insects, rodents, etc.;

8.05 Ice cream factories and other dealers in milk, cream and mix shall clean all cans and receptacles used in shipping dairy products as soon as they are emptied and they shall not be used for any other purpose; and

8.06 All cans or receptacles used in shipping or storage of dairy products shall be free from dents, rust and shall be properly tinned inside.

Section 9.00 TESTING OF MILK FOR BUTTERFAT BY LIGHT TRANSMISSION (MILKO-TESTER METHOD)

9.01 Definitions. - The term "Milko-Tester Method" shall mean the automated light scattering method for determining the fat content of raw unhomogenized milk as described in the Journal of the Association of Official Analytical Chemists. The word "tester" shall mean any person who operates the Milko-Tester for determining the percentage of butterfat in milk or cream.

9.02 Licensing Requirements. No person shall operate a Milko-Tester to determine the butterfat of milk for a basis of payment unless licensed by the commissioner of agriculture to perform both this test and the Babcock test. Buyers who want to use the Milko-Tester for producer payment must notify the commissioner no less than thirty (30) days prior to its use.

9.03 Reference Method. The Babcock test shall be used as the reference method to maintain the calibration of the Milko-Tester. Other methods may be used as a reference upon approval by the commissioner. Written notification of the reference method shall be sent to the commissioner prior to the installation and first use of a Milko-Tester.

A subsequent change in the reference method used shall be made only with the specific approval of the commissioner.

9.04 Calibration of Milko-Tester. At the beginning of each testing day, the following items must be completed and recorded:

(1) Check the machine for zero setting as prescribed in the Operators Manual.

(2) At least ten (10) tests must be run by the Babcock method and the same tests compared with the Milko-Tester. The Milko-Tester shall be calibrated so that the average variation between the Babcock and the Milko-Tester does not exceed 0.02 per cent.

(3) During the daily use of the Milko-Tester, a standard sample shall be tested by both Babcock and Milko-Tester methods. Following each forty (40) samples tested by the Milko-Tester and/or every hour the tester is in use, a check test shall be made and compared with the standard sample. If any check test shall vary more than 0.02 from the standard, the Milko-Tester must be rinsed thoroughly with versene solution and the machine checked for zero setting in order to get agreement on the test standard. At least three (3) standard checks must then be run and if variation is noted the Milko-Tester must be recalibrated.

(4) If at any time the Milko-Tester is recalibrated, the procedure must be repeated as outlined in Steps (1) and (2).

9.05 Preparation of Samples. All milk samples to be tested are to be tempered to with 95° to 100°F. and adequately mixed by pouring from one container into another four (4) times. Each sample must be tested immediately after mixing.

If the sample bottle is not over two-thirds full, the sample may be mixed by shaking horizontally back and forth six (6) round trips through a distance of about six (6) inches within a period of three (3) seconds.

9.06 Records. Permanent records shall be made and held on file for one (1) year. Printout tapes shall be held for a period of not less than sixty (60) days. These records must show the following:

- (1) All calibration results and check tests for initial and subsequent calibrations.
- (2) All tests for checking accuracy of calibrations.
- (3) Daily and accumulative total of tests run:
- (4) All testing records shall bear the signature of the person performing such test.

Section 10.00 TESTING FOR BUTTERFAT BY THE ROESE-GOTTLIEB FAT EXTRACTION (MOJONNIER) METHOD.

10.01 The Roesse-Gottlieb Fat Extraction Method of testing for milk fat is adopted as the official referee method for determining milk fat content of dairy products and is approved for all milk fat testing.

Section 11.00 ADULTERATION OF MILK AND MILK PRODUCTS.

11.01 Milk and milk products shall be considered as adulterated when:

- (1) whole raw milk contains added water in excess of two per cent (2%) as determined by the Thermistor Cryoscope Method for Determining Added Water in Milk.
- (2) processed whole milk contains added water in excess of three per cent (3%) as determined by the Thermistor Cryoscope Method for Determining Added Water in Milk.
- (3) milk and milk products of which the coliform bacteria plate count exceeds ten (10) colonies per milliliter as determined by the standard agar plate method.
- (4) milk and milk products, excluding cultured products, of which the total bacteria plate count exceeds twenty thousand (20,000) per milliliter as determined by the standard agar plate method.

(5) Ice cream and ice milk of which the coliform bacteria plate count exceeds ten (10) colonies per gram as determined by the standard agar plate method.

(6) Ice cream and ice milk of which the total bacteria plate count exceeds fifty thousand (50,000) per gram as determined by the standard agar plate method.

Gus R. Douglass
Agriculture Commissioner