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SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE SEP 2 1975

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

August 29, 1975

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P
Y

The Honorable James McCartney
Secretary of State
State Capitol, Room 151-W
Charleston, West Virginia 25305

Dear Secretary McCartney:

Enclosed are two (2) copies of Standards pertaining to Article 11, West Virginia Milk and Milk Products Law. These standards are promulgated by me under authority granted by Chapter 19, Article 11, Section 4, Code of West Virginia, as amended.

I hereby certify that the enclosed standards are true and accurate copies of official standards adopted by this Department on September 2, 1975.

Sincerely yours,


Gus R. Douglass
Agriculture Commissioner

D/A/s

Enclosures

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Agriculture

Chapter 19-22²
Series ~~III~~ IV
1975

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Subject: MILK AND MILK PRODUCTS

Section 1. GENERAL

1.01 Scope - These regulations define and establish product standards and set procedures for enforcement of the West Virginia Milk and Milk Products Law.

1.02 Authority - These regulations are issued under authority of Chapter 19, Article 11, Code of West Virginia.

1.03 Effective Date - These regulations were promulgated on September 2, 1975 and became effective on October 1, 1975.

1.04 Filing Date - These regulations were filed in the Office of the Secretary of State on September 2, 1975.

1.05 Certification - These regulations are certified authentic by the Secretary of State by certification number 33.

Section 2. DECLARATION OF POLICY

2.01 The following regulations are intended to result in uniformity of product standards and to conform as closely as possible to Federal product standards and to allow movement of milk and milk products in inter and intrastate commerce with a minimum of economic barriers. Enforcement of the Milk and Milk Products Law and Regulations is hereby assigned to the Consumer Protection Division of this Department.

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Sec. 2

2.02 By virtue of authority vested in me by Article 11, Chapter 19, Code of West Virginia, I, Gus R. Douglass, Commissioner of Agriculture, do hereby promulgate and declare in effect the following standards for milk and milk products.

Section 3. STANDARDS

3.01 It shall be unlawful for any person to manufacture, offer or expose for sale or exchange, or have in his possession with intent to sell, offer or expose for sale or exchange, any milk or milk products that do not conform to rules and regulations promulgated by the State Board of Health and to the following standards or definitions:

(a) 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 three and one-quarter per cent milk fat and not less than eight and one-quarter per cent milk solids not fat: Provided: however, that the standard set out in this sub-section shall not be construed to include persons producing milk and selling the same on a wholesale basis to dairies and receiving plants;

(a-1) 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.

(b) Vitamin D milk is milk the Vitamin D content of which has been increased by an approved method to at least 400 International Units per quart;

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(c) Skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to less than five-tenths per cent, and shall contain not less than eight and one-quarter per cent milk solids not fat. Vitamin A shall be present in such quantity that each quart contains not less than 2000 International Units thereof within limits of good manufacturing practice. Optional ingredients such as Vitamin D, bacterial cultures, safe and suitable milk derived ingredients, stabilizers, emulsifiers, natural and artificial food flavors may be added;

(d) Lowfat milk is milk from which a sufficient portion of milk fat has been removed to produce a food having, within limits of good manufacturing practice, one of the following milk fat contents: $\frac{1}{2}$, 1, $1\frac{1}{2}$ or 2 per cent and contains not less than eight and one-quarter per cent milk solids not fat. Vitamin A shall be present in such quantity that each quart contains not less than 2000 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;

(e) 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;

(f) Manufacture or sale of imitation milk. 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;

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

(h) Cultured buttermilk is a fluid product resulting from the souring or treatment by a lactic acid or other culture of pasteurized skimmed milk or pasteurized reconstituted skimmed milk. It contains not less than eight per cent milk solids not fat;

(i) Condensed milk, evaporated milk, concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from milk, and contains, all tolerances being allowed for, not less than twenty-five and five-tenths per cent total solids and not less than seven and one-half per cent milk fat;

(j) Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from milk to which sugar has been added. It contains, all tolerances being allowed for, not less than twenty-eight per cent total milk solids and not less than seven and one-half per cent milk fat;

(k) Condensed skimmed milk, evaporated skimmed milk, concentrated skimmed milk, is the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and contains, all tolerances being allowed for, not less than twenty per cent milk solids;

(l) Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk, is the product

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resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar has been added. It contains, all tolerances being allowed for, not less than twenty-eight per cent milk solids;

(m) Dried milk is the product resulting from the removal of water from milk, and contains, all tolerances being allowed for, not less than twenty-six per cent milk fat, and not more than five per cent moisture;

(n) Dried skimmed milk is the product resulting from the removal of water from skimmed milk, and contains, all tolerances being allowed for, not more than five per cent moisture;

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

(p) Light cream, coffee cream or table cream means cream which contains not less than eighteen per cent, but less than thirty per cent milk fat;

(q) Light whipping cream means cream that contains not less than thirty per cent, but less than thirty-six per cent milk fat;

(r) Heavy cream or heavy whipping cream means cream which contains not less than thirty-six per cent milk fat;

(s) Whipped cream means whipping cream into which air or gas has been incorporated;

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(t) 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;

(u) 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 eighty per cent milk fat. The addition of vegetable butter coloring is permitted;

(v) 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 fifty per cent milk fat. The addition of harmless coloring matter is permitted;

(w) Ice cream is a frozen substance made from pure, wholesome milk products sweetened with sugar and may contain not to exceed one half of per cent gelatin, vegetable gum or other wholesome stabilizers and emulsifiers. When wholesome and harmless flavoring extracts are used, ice cream shall contain not less than ten per cent milk fat and twenty 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 four and one-half pounds to the gallon;

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(x) Ice milk is a frozen substance made from pure, wholesome milk products sweetened with sugar and may contain not to exceed one-half of one per cent gelatin, vegetable gum or other wholesome stabilizers and emulsifiers. Ice milk shall contain not less than two nor more than seven per cent milk fat and not less than eleven per cent total milk solids. When ice milk is packaged in containers of greater than three gallon capacity, it shall not contain color or any of the optional flavoring ingredients;

(y) 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 any other accepted harmless ingredient. Frozen dietary food shall contain not less than three nor more than ten per cent milk fat;

(z) Half and half is a product consisting of a mixture of milk and cream which contains not less than ten and one-half per cent milk fat;

(aa) Sour cream is cream with acidity of not less than five-tenths of one per cent, expressed as lactic acid, which contains not less than eighteen per cent milk fat;

(bb) Cottage cheese curd is the soft uncured cheese prepared from the curd obtained by adding harmless, lactic-acid-producing bacteria, with or without enzymatic action, to pasteurized skimmed milk or pasteurized reconstituted skimmed milk. It contains not more than eighty per cent moisture;

(cc) Cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture

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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 four per cent by weight of the finished cottage cheese. The finished cottage cheese contains not more than eighty per cent moisture;

(dd) Lowfat cottage cheese is a mixture of the drained curd of cheese with a creaming mixture added and contains not more than two per cent and not less than five-tenths per cent milk fat and not more than eighty-two and five-tenths per cent moisture;

(ee) Grade A cottage cheese, lowfat cottage cheese or cottage cheese curd shall be made from pasteurized Grade A dairy products;

(ff) Egg nog is a milk product consisting of a mixture of milk or milk products containing at least six per cent milk fat, at least one per cent egg yolk solids, sweetener and flavoring. Emulsifier and not over five-tenths per cent stabilizer may be added;

(gg) Egg nog drink is a milk product consisting of a mixture of milk and milk products containing less than six per cent milk fat and shall contain at least five-tenths per cent egg yolk solids, sweetener and flavoring. Emulsifier and not over five-tenths per cent stabilizer may be added;

(hh) Milk shake or similar drink, by whatever name called, is a product consisting of wholesome dairy products containing not less than three per cent milk fat, with or without the addition of ice cream, with or without the addition of wholesome and harmless coloring and flavoring, and shall contain not to exceed one-half per cent stabilizer;

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(11) 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.

These standards shall be in force and effect as of the 1st day of October, 1975.

Executed in the Office of the Commissioner of Agriculture, State Capitol Building, Charleston, West Virginia, this the 2nd day of September, 1975.