

Regulations of Connecticut State Agencies

TITLE 21a. Consumer Protection

Agency

Department of Consumer Protection

Subject

Frozen Dessert Products Standards and Regulations

Inclusive Sections

§§ 21a-58-1—21a-58-37

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Sec. 21a-58-1. Grades for frozen desserts

Frozen desserts sold by grade names, such as “Certified” or “Grade A,” shall be manufactured in accordance with the Connecticut standards, and the dairy products used therein shall be of the grade indicated.

(Effective July 27, 1984)

Sec. 21a-58-2. Premises

The building in which frozen desserts and/or frozen dessert mix are manufactured or handled, and the surroundings, shall be maintained in a clean and orderly manner, with the yards well drained, free from refuse, odors, dust or other unsanitary conditions.

(Effective July 27, 1984)

Sec. 21a-58-3. Manufacturing and handling rooms

(a) Rooms in which frozen desserts and/or frozen dessert mix are manufactured or handled shall be adequately ventilated and lighted. Walls and ceilings shall have a smooth, washable, light-colored surface and shall be kept clean. The floor shall be smooth, impervious to water and in good repair and shall be kept clean. Where necessary, adequate pitch to the floor and properly trapped drains shall be provided. Rooms shall be kept free from flies. Hardening rooms shall be equipped with a bell, buzzer, telephone or similar device, to insure the safe exit of persons entering a hardening room. Other types of safety devices may be used upon approval by the commissioner.

(b) All storage rooms, boxes and cabinets shall be so constructed that they can be maintained in a clean and sanitary condition, free from objectionable odors. Cartons, supplies and materials shall be protected in storage against dust, dirt and vermin. All ingredients, except those in watertight containers, shall be stored above the floor, and containers shall be kept covered, except when ingredients are actually being removed.

(Effective July 27, 1984)

Sec. 21a-58-4. Equipment

(a) All utensils and equipment, used in the manufacturing or handling of frozen desserts and/or frozen dessert mix, shall be of a design capable of being readily taken apart for the washing of all parts with which frozen desserts and/or frozen dessert mix come in contact. Welded pipe lines with smooth surface joints and other cleaning-in-place installations, which have been approved by the commissioner, are excepted. Approval for cleaning-in-place installations shall be granted only after request has been received in writing by the commissioner. Frozen desserts and/or frozen dessert mix utensils shall be of smooth, nonabsorbent, stainless steel or equally corrosion-resistant material and shall have flush seams. No utensils which are badly worn, rusted or corroded or which cannot be rendered clean and sanitary by washing shall be used.

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(b) Sanitary piping, connections, fittings and joints shall be of such diameter and so designed as to permit easy cleaning with a brush. One-inch sanitary piping may be used in lengths not exceeding six feet.

(c) Work benches used in the manufacturing or processing of frozen desserts and/or frozen dessert mix shall be metal, so constructed that they can be kept in clean, sanitary condition.

(d) Batch type pasteurizers shall be equipped with flush, leak-protector valves.

(e) Surface coolers shall be equipped with covers unless the cooler is in a separate room used exclusively for cooling.

(f) All strainers shall be of perforated metal.

(Effective July 27, 1984)

Sec. 21a-58-4a. Heat treatment dispensing freezer

(a) **Definitions**, as used in this section and section 21a-58-5:

(1) “Heat Treatment Dispensing Freezer” means a self-contained dispensing freezer with a product reservoir that processes, freezes, and maintains microbiological quality by elevating the temperature of the product using heating methods that are an integral part of the dispensing freezer.

(2) “Lockout” means the mechanical shutdown of the unit and the inability to dispense frozen products.

(3) “Heat Treatment Cycle” means a cycle during which the unit elevates the product temperature, maintains it at a prescribed temperature and time interval, then cools it to an acceptable product holding temperature.

(b) **A heat treatment dispensing freezer shall:**

(1) Provide a visual message that clearly indicates:

(A) The time interval since its last heat treatment cycle;

(B) The period of time that its product was maintained at a temperature above 150° during the most recent heat treatment cycle;

(C) The number of heat treatment cycles completed since its most recent disassembly; and

(D) The hopper and freezing cylinder temperatures.

(2) Have an automatic temperature device which is accurate to plus or minus 3° F.

(3) Complete a heat treatment cycle not less than once each 24 hours.

(4) Maintain its product at a temperature of not less than 150° F for not less than 30 consecutive minutes in each heat treatment cycle.

(5) Maintain a hopper temperature of not more than 41° F when not going through a heat treatment cycle.

(6) Have a heat up time which will not exceed 1-1/2 hours and a cool down time which will not exceed 2 hours.

(7) Provide a safety lock-out device which cannot be reset without complete disassembly of the machine, and prevent frozen product from being dispensed due to any one of the

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following conditions:

- (A) the heat treatment cycle is not properly completed;
- (B) the heat treatment cycle has not been completed once in 24 hours; or
- (C) the heat treatment dispensing freezer has not been disassembled for cleaning and sanitizing in strict compliance with manufacturer's operating instructions and specifications.

(Adopted effective February 6, 1996)

Sec. 21a-58-5. Manufacturing practices

(a) All utensils and equipment, used in the manufacturing and handling of frozen desserts and/or frozen dessert mix, shall be completely dismantled after each days operation, except as provided in subsection (e) of this section or except equipment cleaned in place by prior approval before installation, and all parts with which frozen desserts and/or frozen dessert mix come in contact shall be thoroughly washed with hot water and a cleaning solution. All such utensils and equipment, after assembling, shall be effectively sanitized immediately before use.

(b) Hot and cold running water, and necessary wash sinks of suitable size and construction, for the proper cleaning of all utensils and equipment shall be provided.

(c) Convenient hand-washing facilities, including warm running water, washing detergents, single service towels and/or mechanical hand dryers, shall be provided in all manufacturing rooms.

(d) All multi-service cans, when empty, and before being returned to a frozen dessert and/or frozen dessert mix plant, shall be effectively washed, and shall again be washed and sanitized before refilling.

(e) Heat treatment dispensing freezers shall be cleaned and sanitized in strict compliance with manufacturer's operating instructions hood specifications.

(Effective July 27, 1984; Amended February 6, 1996)

Sec. 21a-58-6. Toilets and lockers

Adequate toilet and locker facilities shall be provided for employees. No toilet room shall open directly into any room used for the manufacturing of frozen desserts and/or frozen dessert mix, unless the toilet room has a vent exhaust system that vents the air in the toilet room directly outside the premises. The vent exhaust system must be of such design as to be activated when someone enters the toilet room. The vent exhaust system must be able to draw fresh air from either inside the premises or outside the premises. Toilet doors shall be equipped with self-closing devices. Wash basins shall be provided with an adequate supply of hot and cold running water, washing detergents, single service towels and/or mechanical hand dryers.

(Effective July 27, 1984)

Sec. 21a-58-7. Health and habits of employees

- (a) All persons engaged in the manufacturing or handling of frozen desserts and/or frozen

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dessert mix shall be free from communicable disease, shall be clean of person and shall wear clean, washable outer clothing.

(b) The use of tobacco or other unsanitary habits are prohibited.

(c) Articles of wearing apparel, when not in use, shall be kept in rooms other than those in which frozen desserts and/or frozen dessert mix are manufactured or handled.

(Effective July 27, 1984)

Sec. 21a-58-8. Bacterial standard

No frozen dessert shall contain more than one hundred thousand standard plate count colonies or more than ten coliform organisms per gram based on standard methods for the examination of dairy products published by the American Public Health Association.

(Effective July 27, 1984)

Sec. 21a-58-9. Labeling

(a) When bakery products or coatings are combined with frozen desserts, as is the case with ice cream sandwiches, ice cream cake roll, coated bars, coated novelties and similar products, in addition to other labeling requirements, the ingredients of such bakery products and coatings shall be clearly declared on the container or label.

(b) The use of the term “home made” or “home maid” and “farm made” or “farm maid” is limited to those products actually manufactured in the home or on the farm.

(Effective July 27, 1984)

Sec. 21a-58-10. Mobile units

(a) “Mobile unit” is defined as any vehicle on which frozen desserts are manufactured, prepared, processed or converted and which is used in selling and dispensing frozen desserts to the consuming public.

(b) Mobile units shall comply with sections 21a-58-1 to 21a-58-9, inclusive, with the exception of those regulations pertaining to manufacturing and handling rooms, pasteurization and toilet rooms. All mobile units shall be kept in an orderly and sanitary condition at all times. In addition to said regulations with which mobile units shall comply, they shall also comply with the following regulations.

(c) Mobile unit interiors shall be of sufficient size with equipment and fixtures conveniently located so as to eliminate needless steps for operation of equipment and serving of customers. A potable water supply tank, having a minimum capacity of twenty gallons, heated electrically or otherwise and tilted toward a capped drain cock, shall be provided. The water inlet pipe shall be of removable flexible copper or other approved tubing with a nozzle for the hose connection capped when not being used. Hose for connection to a potable water supply shall be provided and be equipped with an approved vacuum breaker and check valve. A double compartment sink supplied with running hot and cold water which shall have a swivel faucet shall be provided and it shall be large enough to accommodate the largest piece of equipment to be cleansed therein.

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(d) A hand wash sink, seamless, with running hot and cold water, detergent and single service or individual towels, or mechanical hand dryer, shall be provided.

(e) A suitable waste tank with a capacity at least equal to that of the water supply tank shall be provided, tilted toward a drain cock, with an adequate method of gauging the contents. It shall be emptied and flushed as often as necessary, and in a sanitary manner, in order to maintain sanitary conditions.

(f) A refrigerated box with mechanical refrigeration, capable of maintaining a temperature at 40°F. or lower, shall be provided. It shall be constructed of stainless steel or other noncorrosive material, properly drained, and of adequate capacity for the storage of food products.

(g) Floors shall be of metal or similar approved material and properly sloped. Junctures of floor, wall and adjoining fixtures shall be watertight and coved.

(h) Frozen dessert mix shall be packaged in containers approved by the commissioner.

(i) The vehicle shall be of sound construction; that part containing the products, preferably of an acceptable metal, shall be entirely enclosed and kept in a sanitary condition both inside and outside at all times. The truck shall be thoroughly and efficiently insulated, with all openings screened and glass enclosed. The products-containing compartment of the truck shall have adequate working space to avoid overcrowding. Floors, walls and ceilings thereof shall be constructed of an acceptable impervious material; the floors shall be properly drained; the truck shall be provided with adequate light and ventilation. A metal refuse container with suitable cover shall be provided inside the vehicle. The outside of the mobile unit shall be equipped with a suitable waste container for the depositing of cups, cones, napkins, etc. by patrons. Separation by partition, self-closing doors excepted, shall be made between the driver's seat and manufacturing unit unless the vehicle is air-conditioned. Persons handling frozen desserts or engaged in the manufacture thereof shall be clothed in white, clean, washable uniforms.

(j) A mobile unit shall be used only for the manufacture and sale of frozen desserts unless specific exemption is applied for in writing and granted by the commissioner for the sale by such unit of other food products. Such permission shall appear on the license granted to such mobile unit.

(Effective July 27, 1984)

Sec. 21a-58-11. Depots

(a) "Depot" is defined as a building from which mobile units operate and where they are sanitized.

(b) All mobile units shall operate from a depot and shall report to their respective depots for sanitizing at least once a day except those operating exclusively at fairs, outings and carnivals for a short duration. (1) The walls of the sanitizing area shall be smooth, clean and washable. (2) There shall be no openings in the walls or at the base of the door, in order to prevent vermin infestation. The floor shall be constructed of cement or other impervious material, provided with a drain, and coved at the junction of the floor and wall. (3) There

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shall be adequate light and ventilation provided and the interior and exterior of the structure shall be kept in an orderly and sanitary condition at all times. (4) A sufficient supply of hot and cold running water shall be provided.

(c) For washing purposes there shall be an adequate sink or sinks, each of which shall be large enough to accommodate the largest piece of equipment to be washed. Sinks shall be provided with drainboards of impervious material other than wood. (1) A hose and hose connection shall be provided as well as a method of hanging hose for draining to prevent contamination. (2) A metal pipe-drying rack for utensils shall be provided. (3) Clothes lockers and metal refuse containers with suitable covers shall be provided. (4) A physical separation between the truck premises and the area where food is stored shall be required. This separation may be a dwarf partition. (5) Adequate suitable toilet facilities shall be provided.

(d) A refrigerated box with mechanical refrigeration capable of maintaining a temperature of 40°F. or lower shall be provided for the storage of surplus frozen dessert mix and/or any other perishable commodity. Suitable storage space for nonperishable foods, packaging material, napkins, etc. shall be provided to prevent contamination.

(e) Any change in the location of the depot from which units operate shall be reported to and approved by the commissioner of consumer protection before operations can be instituted at the new depot.

(f) Depots shall be provided with suitable waste disposal facilities. The disposal of liquid wastes shall be to the public sewerage system if available and permitted by local ordinance, or to a properly designed and installed private facility. Private liquid waste treatment facilities shall be approved by the local health director. Waste tanks shall be emptied only into depot facilities.

(Effective July 27, 1984)

Sec. 21a-58-12. Milk shake mix

Milk shake mix is a food prepared from the same ingredients and in the same manner prescribed in section 21a-58-15 (g) for ice cream mix, and complies with all the provisions of section 21a-58-15 except that: (a) Its content of milk fat is not less than three and one-quarter per cent. (b) Its content of total milk solids is not less than 13.25 per cent. (c) Caseinates may be added when the content of total milk solids is not less than 13.25 per cent. The name of the product is "milk shake mix."

(Effective July 27, 1984)

Sec. 21a-58-13. Frozen dessert mix regulations and definitions

Frozen dessert mix shall not contain more than fifty thousand standard plate count colonies or more than five coliform organisms per gram based on standard methods for the examination of dairy products as published by American Public Health Association.

(a) **Pasteurization.** The terms "pasteurization," "pasteurized" and similar terms shall be taken to refer to the process of heating every particle of mix to any one of the following

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temperatures and holding at the temperature for the specified time.

155°F. and holding at such temperature for at least thirty minutes.

160°F. and holding at such temperature for at least fifteen minutes.

165°F. and holding at such temperature for at least ten minutes.

170°F. and holding at such temperature for at least five minutes.

175°F. and holding at such temperature for at least twenty-five seconds.

194°F. using the Vacreator process.

200°F. and holding at such temperature for at least three seconds.

210°F. or higher with no holding time required.

Nothing contained in this definition shall be construed as barring such other method or process, or combination of times and temperatures, as may be subsequently approved by the commissioner.

(b) During pasteurization, a competent operator shall be in charge, who shall have passed an examination satisfactory to the commissioner, and shall hold a certificate to operate the pasteurizer, which certificate shall be renewed each year during the month of January. A pasteurizing certificate issued by a state department other than the department of consumer protection will be acceptable.

(c) A recording thermometer shall be provided for each pasteurizer. Each such recording thermometer shall be equipped with a chart perforator, and chart, so used, shall designate the range of 150°F. to 180°F. in 1°F. graduations. Time represented by smallest time scale division shall be not more than ten minutes.

(d) An accurate indicating thermometer shall be inserted in each pasteurizer during the entire heating and holding period of each vat of mix.

(e) All recording thermometer charts shall be preserved for a period of three months for inspection by the commissioner or his authorized agents. No chart shall be used more than one day except with the permission of the commissioner. All charts shall contain the following information: Date of use; number or location of the recorder, if more than one is used; reading of indicating thermometer at some time indicated on the chart during the holding period; amount and kind of pasteurized product, or batch number represented on chart; signature or initials of operator.

(f) **Cooling.** All frozen dessert mix shall be immediately cooled after pasteurization to 45°F. or less, and held at a temperature not to exceed 45°F. until frozen.

(g) **Labeling.** Each frozen dessert mix container shall bear a tag or label containing (1) the standardized name of the mix, (2) the date of pasteurization, (3) the percentage of butter fat and (4) the name and address of the processing plant. Ice milk and fruit sherbet mix tags or labels shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring" or " , an artificial color added," the blank being filled in with the name of the artificial coloring used. Ice cream mix, frozen custard mix, French ice cream mix, French custard ice cream mix, ice milk mix and fruit sherbet mix labeling shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring" or " , an

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artificial flavor added,” the blank being filled in with the name of the artificial flavoring used.

(Effective July 27, 1984)

Sec. 21a-58-14. Frozen dessert labeling

(a) Frozen desserts, when in packaged form, shall bear a label containing:

(1) the standardized name of the product;

(2) the net weight or volume of contents; and

(3) the name and plant address of the manufacturer. In lieu of such name and address, the name and address of the packer or distributor, together with the Connecticut license number of such manufacturer, or the name and home address of the manufacturer together with the Connecticut license number of such manufacturer.

(b) Where ice milk is served or sold directly from a frozen dessert manufacturing machine or bulk container, a sign shall be conspicuously placed in plain view of all patrons and near the service area, reading “Ice Milk Sold Here.” Such signs shall be of bold type lettering, not less than three inches in height, with such lettering of a contrasting color with that of the sign background.

(Effective July 27, 1984)

Sec. 21a-58-15. Ice cream and frozen custard: identity; label statement

(a) Description

(1) Ice cream is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in paragraph (b) of this section, and may contain one or more of the optional caseinates specified in paragraph (c) of this section subject to the conditions hereinafter set forth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are natural components of flavoring ingredients used or added in incidental amounts to accomplish specific functions. Ice cream is sweetened with nutritive carbohydrate sweeteners and may or may not be characterized by the addition of flavoring ingredients.

(2) Ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon. Ice cream contains not less than 10 per cent milkfat, nor less than 10 per cent nonfat milk solids, except that when it contains milkfat at 1 per cent increments above the 10 per cent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

| Per cent milkfat | Minimum per cent non fat milk solids |
|------------------|--|
| 10 | 10 |
| 11 | 9 |
| 12 | 8 |

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Except that when one or more bulky flavors are used, the weights of milkfat and total milk solids are not less than 10 per cent and 20 per cent, respectively, of the remainder obtained by subtracting the weight of the bulky flavors from the weight of the finished food; but in no case is the weight of milkfat or total milk solids less than 8 per cent and 16 per cent, respectively, of the weight of the finished food. Except in the case of frozen custard, ice cream contains less than 1.4 per cent egg yolk solids by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. Frozen custard shall contain 1.4 per cent egg yolk solids by weight of the finished food; provided, however, that when bulky flavors are added the yolk solids content of frozen custard may be reduced in proportion to the amount by weight of the bulky flavors added, but in no case is the content of egg yolk solids in the finished food less than 1.12 per cent. A product containing egg yolk solids in excess of 1.4 per cent, the maximum set forth in this paragraph for ice cream, may be marketed if labeled as specified by paragraph (e) (1) of this section.

(3) When calculating the minimum amount of milkfat and nonfat milk solids required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) **Optional dairy ingredients.** The optional dairy ingredients referred to in paragraph (a) of this section are: cream, dried cream, plastic cream, (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, and whey and those modified whey products (e.g., reduced lactose whey, reduced minerals whey, and whey protein concentrate) that have been determined by FDA to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 per cent, has a titratable acidity of not more than 0.17 per cent, calculated as lactic acid. The term "milk" as used in this section mean cow's milk. Any whey and modified whey products used contribute, singly or in combination, not more than 25 per cent by weight of the total nonfat milk solids content of the finished food. The modified skim milk, when adjusted

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with water to a total solids content of 9 per cent is substantially free of lactic acid as determined by titration of 0.1N NaOH, and it has a pH value in the range of 8.0 to 8.3.

(c) **Optional caseinates.** The optional caseinates referred to in paragraph (a) of this section which may be added to ice cream mix containing not less than 20 percent total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinate may be added in liquid or dry form, but must be free of excess alkali.

(d) **Methods of analysis.** Fat content shall be determined by the following methods contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., (1980). (A.O.A.C. Methods).

(1) Fat content shall be determined by the method: "Fat: Roese-Gottlieb-Method Official Final Action," (A.O.A.C., section 16.287).

(e) **Nomenclature.**

(1) The name of the food is "ice cream"; except that when the egg yolk solids content of the food is in excess of that specified for ice cream by paragraph (a) of this section, the name of the food is "frozen custard" or "french ice cream" or "french custard ice cream."

(2) (i) If the food contains no artificial flavor, the name on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla" in letters not less than one-half the height of the letters used in the words "ice cream."

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the name on the principal display panel or panels of the labels shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream," followed by the word "flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "vanilla flavored," or "peach flavored," or "vanilla flavored and strawberry flavored."

(iii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor in letters not less than one-half the height of the letters used in the words "ice cream," preceded by "artificial" or "artificially flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "artificial vanilla," or "artificially flavored strawberry" or "artificially flavored vanilla and artificially flavored strawberry."

(3) (i) If the food is subject to the requirements of paragraph (e) 2 (ii) of this section or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the word "artificial flavor added" or "artificial _____ flavor added," the blank being filled in with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

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(ii) Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this paragraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over; provided, however, that where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand, may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor; and provided further, that if the finished product contains more than one flavor of ice cream subject to the requirements of this paragraph, the statements required by this paragraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., “vanilla flavored, chocolate and strawberry flavored, artificial flavors added.”

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., “strawberry and artificial strawberry flavor.”

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent, as defined in 21 CFR 169.3 (c).

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 per cent in the case of citrus ice cream, 6 per cent in the case of berry or cherry ice cream, and 10 per cent in the case of ice cream prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats is such that, in relation to the finished ice cream the weight of the nut meats is less than 2 per cent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in paragraph (e) (5) (ii) or (iii) of this section. For example, if a combination ice cream contains less than 5 per cent of bananas and less than 1 per cent of almonds it would be “artificially flavored banana-almond ice cream.” However, if it

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contains more than 5 per cent of bananas and more than 1 per cent of almonds it would be “banana-almond flavored ice cream.”

(6) If two or more flavors of ice cream are distinctively combined in one package, e.g., “neapolitan” ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

(f) **Label declaration.** Each of the optional ingredients used shall be declared on the label as required by the applicable sections of 21 CFR 101, except that sources of milkfat or milk solids not fat may be declared in descending order of predominance either by the use of all the terms “milkfat and nonfat milk” when one or any combination of two or more of the ingredients listed in 21 CFR 101.4 (b) (3), (4), (8), and (9) are used or alternatively as permitted in 21 CFR 101.4. Pursuant to section 403(k) of the Federal Food, Drug and Cosmetic Act, artificial color need not be declared in ice cream. Voluntary declaration of such color in ice cream is recommended.

(g) **Ice cream mix.** Ice cream mix is the pasteurized, unfrozen product from which ice cream is manufactured. Where applicable, the ingredient and butterfat standards shall be the same as for ice cream.

(Effective July 27, 1984)

Sec. 21a-58-16. Ice milk: identity; label statement

(a) **Description.** Ice milk is the food prepared from the same ingredients and in the same manner prescribed in Section 21a-58-15 for ice cream and complies with all the provisions of Section 21a-58-15 including the requirements for label statement of optional ingredients, except that:

- (1) Its content of milkfat is more than 2 per cent but not more than 7 per cent.
- (2) Its content of total milk solids is not less than 11 per cent.
- (3) Caseinates may be added when the content of total milk solids is not less than 11 per cent.

(4) The provision for reduction in milkfat and nonfat milk solids content from the addition of bulky flavors in Section 21a-58-15 applies, except that in no case will the milkfat content be less than 2 per cent, nor the nonfat milk solids content be less than 4 per cent. When the milkfat content increases in increments of 1 per cent above the 2 per cent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

| Per cent milkfat | Minimum per cent non fat Milk solids |
|------------------|---|
| 2 | 9 |
| 3 | 8 |
| 4 | 7 |
| 5 | 6 |
| 6 | 5 |

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(5) The quantity of food solids per gallon is not less than 1.3 pounds.

(6) When any artificial coloring is used in ice milk, directly or as a component of any other ingredients, the label shall bear the statement “artificially colored,” “artificial coloring added,” “with added artificial color,” or “_____”, an artificial color added,” the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, “_____ artificially colored.”

(7) If both artificial color and artificial flavoring are used, the label statements may be combined.

(b) **Nomenclature.** The name of the food is “ice milk.” Ice milk shall be offered for sale, sold or served only in properly labeled factory-filled containers, if the ice milk or any of its ingredients contain added color or any ingredients added for the purpose of imparting a characterizing flavor, except ice milk may be served and sold at retail from a dispensing freezer.

(c) **Ice milk mix.** Ice milk mix is the pasteurized, unfrozen product from which ice milk is manufactured. Where applicable, the ingredient and butterfat standards shall be the same as for ice milk.

(Effective July 27, 1984)

Sec. 21a-58-17. Sherbet: identity; label statement

(a) Description

(1) Sherbet is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in paragraph (b) of this section, and may contain one or more of the optional caseinates specified in paragraph (c) of this section subject to the conditions hereinafter set forth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are added in small amounts to accomplish specific functions or are natural components of flavoring ingredients used. Sherbet is sweetened with nutritive carbohydrate sweeteners and is characterized by the addition of one or more of the characterizing fruit ingredients specified in paragraph (d) of this section or one or more of the nonfruit-characterizing ingredients specified in paragraph (e) of this section.

(2) Sherbet weighs not less than 6 pounds to the gallon. The milkfat content is not less than 1 per cent nor more than 2 per cent, the nonfat milk-derived solids content not less than 1 per cent, and the total milk or milk-derived solids content is not less than 2 per cent nor more than 5 per cent by weight of the finished food. Sherbet that is characterized by a fruit ingredient shall have a titratable acidity, calculated as lactic acid, of not less than 0.53 per cent.

(b) **Optional dairy ingredients.** The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream, (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed

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milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, and whey and those modified whey products (e.g., reduced lactose whey, reduced minerals whey, and whey protein concentrate) that have been determined by FDA to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 per cent, has a titratable acidity of not more than 0.17 per cent, calculated as lactic acid. The term “milk” as used in this section means cow’s milk.

(c) **Optional caseinates.** The optional caseinates referred to in paragraph (a) of this section which may be added to sherbet mix are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali. Such caseinates are not considered to be milk solids.

(d) **Optional fruit characterizing ingredients.** The optional fruit characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other optional ingredients. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than 2 per cent in the case of citrus sherbets, 6 per cent in the case of berry sherbets, and 10 per cent in the case of sherbets prepared with other fruits. For the purpose of this section, tomatoes and rhubarb are considered as kinds of fruits.

(e) **Optional nonfruit characterizing ingredients.** The optional nonfruit characterizing ingredients referred to in paragraph (a) of this section include, but are not limited to, the following:

- (1) Ground spice or infusion of coffee or tea.
- (2) Chocolate or cocoa, including sirup.

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(3) Confectionery.

(4) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the sherbet.

(5) Any natural or artificial food flavoring (except any having a characteristic fruit or fruit-like flavor).

(f) Nomenclature

(1) The name of each sherbet is as follows:

(i) The name of each fruit sherbet is “_____sherbet,” the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

(ii) The name of each nonfruit sherbet is “_____sherbet,” the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, “peppermint,” except that if the characterizing flavor used is vanilla, the name of the food is “_____sherbet,” the blank being filled in as specified by Section 21a-58-15(e) (2) and (5) (i).

(2) When the optional ingredients, artificial flavoring, or artificial coloring are used in sherbet, they shall be named on the label as follows:

(i) If the flavoring ingredient or ingredients consists exclusively of artificial flavoring, the label designation shall be “artificially flavored.”

(ii) If the flavoring ingredients are a combination of natural and artificial flavors, the label designation shall be “artificial and natural flavoring added.”

(iii) The label shall designate artificial coloring by the statement “artificially colored,” “artificial coloring added,” “with added artificial coloring,” or “_____,” and artificial color added,” the blank being filled in with the name of the artificial coloring used.

(g) Characterizing flavor(s). Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by paragraph (f) (2) (i) and (ii) of this section, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter (except that the word “sherbet” may intervene) in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over.

(h) Display of statements required by paragraph (f) (2). Except as specified in paragraph (g) of this section, the statements required by paragraph (f) (2) of this section shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

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(i) **Label declaration.** Each of the optional ingredients used shall be declared on the label, as required by the applicable sections of 21 CFR 101.

(Effective July 27, 1984)

Sec. 21a-58-18. Nonfruit sherbet: identity; label statement

(a) **Description.**

(1) Nonfruit sherbet is a food having a characteristic fruit-like flavor but shall not contain any fruit or fruit juice. Nonfruit sherbet is prepared by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in paragraph (b) of this section, and may contain one or more of the optional caseinates specified in paragraph (c) of this section subject to the conditions hereinafter set forth, and any other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are added in small amounts to accomplish specific functions. Nonfruit sherbet is sweetened with nutritive carbohydrate sweeteners and contains characteristic fruit-like flavor.

(2) Sherbet weighs not less than 6 pounds to the gallon. The milkfat content is not less than 1 per cent nor more than 2 per cent, the nonfat milk-derived solids content not less than 1 per cent, and the total milk or milk-derived solids content is not less than 2 per cent nor more than 5 per cent by weight of the finished food.

(b) **Optional dairy ingredients.** The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, and whey and those modified whey products (e.g., reduced lactose whey, reduced minerals whey, and whey prin concentrate) that have been determined by FDA to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 per cent, has a titratable acidity of not more than 0.17 per cent, calculated as lactic acid. The term “milk” as used in this section means cow’s milk.

(c) **Optional caseinates.** The optional caseinates referred to in paragraph (a) of this section that may be added to nonfruit sherbet are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali. Such caseinates are not considered to be milk solids.

(d) **Nomenclature.** The name of the food is “nonfruit sherbet.”

(e) In addition to all other required information, the label shall:

(1) Contain a complete list of ingredients, in accordance with the provisions of 21 CFR

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(2) Comply with the provisions of 21 CFR 101.22.

(3) Contain the following statement “Imitation_____sherbet.” The blank to be filled in by the characterizing flavor used. The letters in the word imitation shall be the same size, type and color and on the same contrasting background as the name of the characterizing flavor and the word sherbet.

(4) The statement required in paragraph (3) of this subsection shall be followed immediately by the words “contains no fruit or fruit juice” in letters at least half the size of those used in statement (3) above.

(5) When a sign is used at the point of purchase to advertise nonfruit sherbet, it shall contain the same information as required in paragraphs (3) and (4) of this subsection.

(6) When nonfruit sherbet is sold other than in properly labeled factory-filled containers, a sign must be conspicuously displayed on the sale premises or vehicle where it can be clearly read by customers under normal conditions of purchase, stating the information required in paragraphs (3) and (4) above. The letters on such sign shall be bold face capitals at least three inches in height and in contrasting color to the background.

(7) The sign required as per paragraph (6) above need not be used if each customer is provided with a menu stating the information required by paragraph (3) and (4) above in bold face capitals as large as those used in listing most food items.

(Effective July 27, 1984)

Sec. 21a-58-19. Water ices: identity, label statement

(a) **Description.** Water ices are the foods each of which is prepared from the same ingredients and in the same manner prescribed in Section 21a-58-17 for sherbet, except that the mix need not be pasteurized, and complies with all the provisions of Section 21a-58-17 (including the requirements for label statement of optional ingredients) except that no milk or milk-derived ingredient and no egg ingredient, other than egg white, is used.

(b) **Nomenclature.** The name of the food is “_____ice,” the blank being filled in, in the manner as specified in Section 21a-58-17 (f) (1) (i) and (ii) as appropriate.

(Effective July 27, 1984)

Sec. 21a-58-20. Nonfruit water ices: identity; label statement

(a) **Description.** Nonfruit water ice is an ice having a characteristic fruit-like flavor, but shall not contain any fruit or fruit juice. Nonfruit water ice is prepared, while stirring, a mix composed of:

(1) Characteristic fruit-like flavors.

(2) One or more nutritive sweeteners.

(3) Any other safe and suitable ingredient approved by the Department.

The finished nonfruit water ice weighs not less than six pounds per gallon.

(b) In addition to all other required information, the label shall:

(1) Contain a complete list of ingredients, in accordance with the provisions of 21 CFR

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(2) Comply with the provisions of 21 CFR 101.22

(3) Contain the following statement “Imitation_____water ice,” the blank to be filled in by the characterizing flavor used. The letters in the word imitation shall be the same size, type and color and on the same contrasting background as the name of the characterizing flavor and the word water ice.

(4) The statement required in paragraph (3) of this subsection shall be followed immediately by the words “contains no fruit or fruit juice” in letters at least half the size of those used in statement (3) above.

(5) When a sign is used at the point of purchase to advertise nonfruit water ice it shall contain the same information as required in paragraphs (3) and (4) of this subsection.

(6) When nonfruit water ice is sold other than in properly labeled factory-filled containers, a sign must be conspicuously displayed on the sale premises or vehicle where it can be clearly read by customers under normal conditions of purchase, stating the information required in paragraph (3) and (4) above. The letters on such sign shall be bold face capitals at least three inches in height and in contrasting color to the background.

(7) The sign required as per paragraph (6) above need not be used if each customer is provided with a menu stating the information required by paragraph (3) and (4) above in bold face capitals as large as those used in listing most food items.

(Effective July 27, 1984)

Sec. 21a-58-21. Mellorine: identity; label statement

(a) Description.

(1) Mellorine is a food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including, but not limited to, milk-derived nonfat solids and animal or vegetable fat, or both, only part of which may be milkfat. Mellorine is sweetened with nutritive carbohydrate sweetener and is characterized by the addition of flavoring ingredients.

(2) Mellorine contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Mellorine contains not less than 6 per cent fat and 2.7 per cent protein having a protein efficiency ratio (PER) not less than that of whole milk protein (108 per cent of casein) by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. In no case shall the fat content of the finished food be less than 4.8 per cent or the protein content be less than 2.2 per cent. The protein to meet the minimum protein requirements shall be provided by milk solids not fat, and/or other milk-derived ingredients.

(3) When calculating the minimum amount of milkfat and protein required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or

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wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) **Fortification.** Vitamin A is present in a quantity which will ensure that 40 international units (IU) are available for each gram of fat in mellorine, within limits of good manufacturing practice.

(c) **Methods of analysis.** Fat and protein content, and the PER shall be determined by the following methods contained in the “Official Methods of Analysis of the Association of Official Analytical Chemists,” 13th Ed., (1980) (A.O.A.C. Methods).

(1) Fat content shall be determined by the method: “Fat, Roese-Gottlieb Method-Official Final Action,” (A.O.A.C., section 16.287).

(2) Protein content shall be determined by one of the following methods: “Nitrogen-Official Final Action,” Kjeldahl Method, section 16.285, or Dye Binding Method, section 16.286.

(3) PER shall be determined by the method: Biological Evaluation of Protein Quality-Official Final Action,” sections 43.212–43.216.

(d) **Nomenclature.** The name of the food is “mellorine.” The name of the food on the label shall be accompanied by a declaration indicating the presence of characterizing flavoring in the same manner as is specified in Section 21a-58-15(e).

(e) **Label declaration.** The common or usual name of each of the ingredients used shall be declared on the label in accordance with section 21 CFR 101.4 except that sources of milkfat or milk solids not fat may be declared, in descending order or predominance, either by the use of the terms “milkfat, and nonfat milk” when one or any combination of two or more ingredients listed in 21 CFR 101.4 (b) (3), (4), (8) and (9) are used, or alternatively as permitted in 21 CFR 101.4. Mellorine shall be sold, held, offered for sale by any manufacturer, wholesaler, retailer, or any other seller only in factory-filled containers not larger than one-half gallon.

(Effective July 27, 1984)

Sec. 21a-58-22. Goats milk ice cream and goats milk ice milk: identity; label statement

(a) **Description.** Goats milk ice cream is a food prepared in the same manner and from the same ingredients permitted for ice cream in Section 21a-58-15 and shall comply with all the provisions of Section 21a-58-15 including provisions for label statements of optional ingredients except that all milkfat and nonfat milk solids shall be from goats milk. No milkfat or nonfat milk solids from any source other than goats milk will be permitted in goats milk ice cream. On the label, in the name of the food, the letters in the words “Goats Milk” shall be the same size, type, and color, and on the same contrasting background as the letters in the words “Ice Cream.”

(b) Goats milk ice milk is a food prepared in the same manner and from the same ingredients permitted for ice milk in Section 21a-58-16 and shall comply with all the provisions of Section 21a-58-16 including provisions for label statements of optional

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ingredients except that all milkfat and nonfat milk solids shall be from goats milk. No milk fat or nonfat milk solids from any source other than goats milk will be permitted in goats milk ice milk. On the label, in the name of the food, the letters in the words "Goats Milk" shall be the same size, type, and color, and on the same contrasting background as the letters in the words "Ice Milk."

(Effective July 27, 1984)

Sec. 21a-58-23. Frozen yogurt: identity; label statement

(a) **Description.** Frozen yogurt is the food which is prepared by freezing, while stirring, a pasteurized mix consisting of the ingredients permitted for ice cream in Section 21a-58-15. Such ingredients are cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, provided, however, fruit, nuts, or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply to the mix prior to culturing. Frozen yogurt, exclusive of any flavoring, contains not less than 3.25 per cent milkfat, not less than 8.25 per cent milk solids not fat and has a titratable acidity of not less than 0.5 per cent expressed as lactic acid. This characteristic acidity is developed as a result of the bacterial activity and no heat or bacteriostatic treatment, other than refrigeration, which results in destruction or partial destruction of the organisms, shall be applied to the product after such culturing. The finished yogurt shall weigh not less than five pounds per gallon.

(b) The name of the food is "frozen yogurt."

(c) In addition to all other required information, the label shall contain a complete list of ingredients, in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of subdivisions (h) & (i) of 21 CFR 101.22. On the label of frozen yogurt the strains of bacteria may be collectively referred to as yogurt culture.

(Effective July 27, 1984)

Sec. 21a-58-24. Frozen lowfat or lowfat frozen yogurt: identity; label statement

(a) **Description.** Frozen lowfat yogurt or lowfat frozen yogurt is the food which is prepared by freezing, while stirring, a pasteurized mix consisting of the ingredients permitted for ice cream in Section 21a-58-15. Such ingredients are cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, provided, however, fruit, nuts, or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply only to the mix prior to culturing. The food, exclusive of any flavoring, contains not less than 0.5 per cent nor more than 2 per cent milkfat and not less than 8.25 per cent milk solids not fat, and has a titratable acidity of not less than 0.5 per cent, expressed as lactic acid. This characteristic acidity is developed as a result of the bacterial activity and no heat or bacteriostatic treatment, other than refrigeration, which results in destruction or partial destruction of the organisms, shall be applied to the product after such culturing. The finished food shall weigh not less than five pounds per gallon.

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(b) The name of the food is “frozen lowfat yogurt” or “lowfat frozen yogurt.”

(c) The label on a package of this food, in addition to all other required information, shall:

(1) Contain a complete list of ingredients, in accordance with the provisions of 21 CFR 101.4.

(2) Contain nutrition information as required by 21 CFR 101.9

(3) Comply with the provisions of subdivisions (h) & (i) of 21 CFR 101.22.

On the label, the strains of bacteria may be collectively referred to as yogurt culture.

(Effective July 27, 1984)

Sec. 21a-58-25. Frozen nonfat yogurt or nonfat frozen yogurt: identity; label statement

(a) **Description.** Frozen nonfat yogurt or nonfat frozen yogurt is the food which is prepared by freezing, while stirring, a pasteurized mix consisting of the ingredients permitted for ice cream in Section 21a-58-15. Such ingredients are cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, provided, however, fruit, nuts or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply only to the mix prior to culturing. The food, exclusive of any flavoring, contains less than 0.5 per cent milkfat, not less than 8.25 per cent milk solids not fat and has a titratable acidity of not less than 0.5 per cent expressed as lactic acid. This characteristic acidity is developed as a result of the bacterial activity and no heat or bacteriostatic treatment, other than refrigeration, which results in destruction of partial destruction of the organisms, shall be applied to the product after such culturing. The finished food shall weigh not less than five pounds per gallon.

(b) The name of the food is “frozen nonfat yogurt” or “nonfat frozen yogurt.”

(c) The label on a package of this food, in addition to all other information, shall:

(1) Contain a complete list of ingredients, in accordance with the provisions of 21 CFR 101.4.

(2) Contain nutrition information as required by 21 CFR 101.9.

(3) Comply with the provisions of subdivisions (h) & (i) of 21 CFR 101.22.

On the label, the strains of bacteria may be collectively referred to as yogurt culture.

(Effective July 27, 1984)

Sec. 21a-58-26. Quiescently frozen confection: identity; label statement

(a) **Description.** Quiescently frozen confection means the frozen product made from sweetening agents, harmless natural or artificial flavoring, water, and it may contain milk solids, harmless coloring, organic acids, and any safe and suitable functional ingredient approved by the Department. The finished product shall contain not less than 17 per cent by weight of total food solids.

(b) The name of the food is “quiescently frozen confection.” In the manufacture of this

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product, freezing has not been accomplished by stirring or agitation. In the production of this quiescently frozen confection, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10 per cent.

(c) This confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled and purveyed to the consumer in its original factory-filled package. The individually wrapped confection need not be labeled if it is contained in a multiple package which is properly labeled and is purveyed unopened to the consumer. In addition to all other required information, the label shall contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of subdivisions (h) & (i) of 21 CFR 101.22.

(Effective July 27, 1984)

Sec. 21a-58-27. Quiescently frozen dairy confection: identity; label statement

(a) **Description.** Quiescently frozen dairy confection means the frozen product made from milk products, sweetening agents, harmless natural or artificial flavoring, water and it may contain harmless coloring, and any safe and suitable functional ingredient approved by the Department. The finished product contains not less than 13 per cent by weight of total milk solids, not less than 33 per cent by weight of total food solids.

(b) The name of the food is “quiescently frozen dairy confection.” In the manufacture of this product, freezing has not been accompanied by stirring or agitation. In the production of this quiescently frozen dairy confection, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10 per cent.

(c) This confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled and purveyed to the consumer in its original factory-filled package. The individually wrapped confection need not be labeled if it is contained in a multiple package which is properly labeled and is purveyed unopened to the consumer. In addition to all other required information, the label shall contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of subdivisions (h) & (i) of 21 CFR 101.22.

(Effective July 27, 1984)

Sec. 21a-58-28. Frozen dietary dairy dessert: identity; label statement

(a) **Description.** Frozen dietary dairy dessert means a frozen dessert prepared for persons who wish to restrict their intake of ordinary sweetening ingredients. It is produced by freezing, while stirring, a pasteurized mix consisting of the ingredients permitted for ice cream in Section 21a-58-15. The minimum fat content shall be 3 per cent, it shall contain no sugars other than those naturally present in the milk solids or flavoring agents which have been added thereto, and it may contain edible carbohydrates other than sugars. The edible carbohydrates must be approved by the Department.

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- (b) The name of the food is “frozen dietary dairy dessert.”
 - (c) The label on a package of frozen dietary dairy dessert in addition to other required information shall:
 - (1) Contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4;
 - (2) Contain a statement as follows:
“Diabetics: This product may be useful in your diet on the advice of a physician. This food is not a reduced calorie food.”
 - (3) Immediately preceding or following the name of the product contain a statement as follows: “Contains _____% milkfat,” the blank to be filled in with the percentage of milkfat in the product;
 - (4) Contain nutrition information as required by 21 CFR 101.9; and
 - (5) Comply with the provisions of subdivisions (h) & (i) of CFR 101.22.
 - (d) The product shall not be sold in any manner other than in sealed or unbroken packages or containers.
- (Effective July 27, 1984)

Sec. 21a-58-29. Dietary frozen dessert or lowfat frozen dairy dessert: identity; label statement

(a) **Description.** Dietary frozen dessert or lowfat frozen dairy dessert is the food prepared by freezing, while stirring, a pasteurized mix consisting of the ingredients permitted for ice cream in Section 21a-58-15. The finished product contains less than 2 per cent by weight of ether extractable fat; its content of total milk solids consisting of ingredients listed in paragraph (b) of Section 21a-58-15 is not less than 7 per cent by weight. The product weighs not less than 4.5 pounds per gallon and the quantity of food solids per gallon is not less than 1.1 pounds nor more than 1.9 pounds, exclusive of any micro-crystalline cellulose used as an ingredient.

(b) One or more vitamins and/or minerals listed in 21 CFR 101.9 (c) (7) (iv) may be added to the product. If vitamins and/or minerals are added, the name of the food on the principal display panel and each alternate principal display panel shall be immediately preceded or followed by the word “fortified” in the same style and at least one-half the size of the type used for the name “dietary frozen dessert” or “lowfat frozen dairy dessert” and on the same contrasting background. If vitamins and/or minerals are added, then each four fluid ounce serving of finished product shall provide no less than 8 per cent nor more than 20 per cent of the U.S. Recommended Daily Allowance of such vitamins and/or minerals.

(c) The name of the food is “dietary frozen dessert” or “lowfat frozen dairy dessert.”

(d) The label on dietary frozen dessert or lowfat frozen dairy dessert, in addition to all other required information, shall:

- (1) Contain a complete list of ingredients, in accordance with the provisions of 21 CFR 101.4;
- (2) Contain nutrition information as required by 21 CFR 101.9; and

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(3) Comply with the provisions of subdivisions (h) & (i) of 21 CFR 101.22.

(e) When the food is hand dipped or sold from a dispensing freezer, hand out materials shall be made available to consumers which provides the information required above by Section 21a-58-29(d)(1) and (2), and signs shall be prominently displayed of such size and location as to be easily seen by customers. The letters on such sign shall be bold face capitals at least three inches in height and in contrasting color to the background.

(Effective July 27, 1984)

Sec. 21a-58-30. Manufactured desserts mix: identity; label statement

(a) **Description.** “Manufactured desserts mix,” whipped cream confection, or bisque tortoni means a frozen dessert made with milk products, sweetening agents, flavoring agents, with or without harmless coloring or any other safe and suitable ingredients approved by the Commissioner. The product must contain not less than 18 per cent by weight of milk fat, and not more than 12 per cent of milk solids not fat, and may be packaged with harmless gas causing it to fluff upon ejection from the package or container.

(b) In addition to all other required information, the label shall contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4.

(Effective July 27, 1984)

Sec. 21a-58-31. Freezer made shake—freezer made milk shake: identity; label statement

(a) **Description.** Freezer made milk shake means a pure, clean, wholesome semi-viscous drink prepared by stirring, while freezing, a pasteurized mix consisting of the ingredients prescribed for ice milk in Section 21a-58-16 of these regulations except that:

(1) It shall contain not less than 3.25 per cent and not more than 6 per cent milk fat.

(2) Its content of milk solids not fat shall not be less than 10 per cent.

(b) Other freezer made shakes including jumbo shake, thick shake, T.V. shake, or any coined or trade name containing the word “shake” shall meet the requirements of paragraph (a), except that the minimum per cent of milk fat may be less than 3.25 per cent.

(c) “Shakes” not meeting the requirement for “milk shakes” shall not be advertised, sold or served as milk shakes.

(d) When any freezer made milk shake or other freezer made shake purports to be or is represented for any special dietary use by man, it shall be sold only in a container with an ingredient listing in accordance with the provisions of 21 CFR 101.4, and nutrition information as required by 21 CFR 101.9.

(Effective July 27, 1984)

Sec. 21a-58-32. Parevine: identity; label statement

(a) **Description.** Parevine is the food which is prepared by freezing, while stirring, a pasteurized mix composed of:

(1) One or more edible vegetable oils or fats.

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- (2) Protein and carbohydrate food ingredients from other than milk or meat sources.
 - (3) Nutritive sweeteners other than lactose.
 - (4) Characterizing ingredients except any containing meat or milk.
 - (5) Any other safe and suitable ingredient which is not milk or meat or a product or derivative of milk or meat. This product shall not contain any milk, milk product, meat or meat products or any of their derivatives of any kind.
 - (b) Its fat content shall not be less than 10 per cent, except that when bulky optional characterizing ingredients are used, the fat content may be reduced, as a result of the addition of such ingredients, but shall in no case be less than 8 per cent.
 - (c) Its content of food solids shall not be less than 1.3 pounds per gallon of the finished product.
 - (d) The name of the food is “parevine.”
 - (e) Parevine shall be sold, held, offered for sale by any manufacturer, wholesaler, retailer, or any other seller only in properly labeled factory-filled containers, except parevine may be served other than in a properly labeled factory-filled container if a sign is conspicuously displayed where it can easily be read under normal conditions of purchase, stating “PAREVINE SOLD HERE.” Letters on such sign shall be bold face capitals at least three inches in height and in contrasting color to the background. No such sign need be displayed if each customer is provided with a menu on which there is stated “PAREVINE SERVED HERE” in bold face capitals as large as those used in listing most food items.
 - (f) The label on packages of parevine shall, in addition to all other required information, include a complete list of all ingredients in accordance with the provisions of 21 CFR 101.4.
- (Effective July 27, 1984)

Sec. 21a-58-33. Lowfat parevine: identity, label statement

- (a) **Description.** Lowfat parevine is the food which meets all of the provisions of Section 21a-58-32, except that the fat content shall not be more than 6 per cent.
- (b) The name of the product is “lowfat parevine.”
- (c) The sign required by Section 21a-58-32(e) shall read “LOWFAT PAREVINE SOLD HERE.”

(Effective July 27, 1984)

Sec. 21a-58-34. Lo-mel: identity; label statement

- (a) **Description.** “Lo-mel” means a pure, clean, wholesome semi-viscous drink prepared by stirring, while freezing, in a dispensing freezer a pasteurized mix composed of edible fats or oils other than milk fat, milk solids not fat, water, optional sweetening ingredients as approved by the commissioner, with or without egg products, with or without harmless flavoring, with or without harmless coloring, and with or without stabilizer or emulsifier as approved by the commissioner. It shall contain not more than 6 per cent edible fats or oils. It shall contain not less than 10 per cent milk solids not fat. It may contain any other safe and suitable ingredients approved by the commissioner. It shall contain not more than one-

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half per cent by weight of stabilizer and not more than one-fifth of one per cent of emulsifier. It may contain optional sweetening ingredients and any other safe and suitable ingredients approved by the department.

(b) Lo-mel may only be served or sold directly from a dispensing freezer and may not be sold hard frozen.

(c) When lo-mel is sold from a dispensing freezer a sign must be prominently and conspicuously displayed which shall read "LO-MEL SERVED HERE," in bold face capitals at least three inches in height and in contrasting color to the background. Such sign shall include a list of all ingredients in a manner acceptable to the department, provided, however, that the name of the edible fats or oils used, other than milk fat, must be specified. The letters on such sign shall be of sufficient size to be read by consumers under normal conditions of purchase. No such list of ingredients need be included on the sign if the list of ingredients is printed on the side of the container in which the product is served to the customer.

(d) When any lo-mel purports to be or is represented for any special dietary use by man, it shall be sold only in a container with an ingredient listing in accordance with all applicable provision of the Regulations of the Federal Food and Drug Administration.

(Effective July 27, 1984)

Sec. 21a-58-35. Lactose reduced ice cream; identity; label statement

(a) **Description.** Lactose reduced ice cream is the product resulting from the treatment of ice cream, as defined in Section 21a-58-15, by the addition of safe and suitable enzyme(s) to convert sufficient amounts of lactose to glucose and galactose so that the remaining lactose is 30 per cent or less than the lactose in ice cream.

(b) The name of the food is "lactose reduced ice cream."

(c) The label on lactose reduced ice cream, in addition to all other required information, shall contain a complete list of ingredients in accordance with the provisions of 21 CFR 101.4, and contain nutrition information as required by 21 CFR 101.9.

(d) Wherever the name of the food appears on the container, the words "lactose reduced" shall be in the same type, style and size and in the same color and contrasting background as the words "ice cream."

(Effective July 27, 1984)

Sec. 21a-58-36. Lactose reduced ice milk; identity; label statement

(a) **Description.** Lactose reduced ice milk is the product resulting from the treatment of ice milk, as defined in Section 21a-58-16, by the addition of safe and suitable enzyme(s) to convert sufficient amounts of lactose to glucose and galactose, so that the remaining lactose is 30 per cent or less than lactose in ice milk.

(b) The name of the food is "lactose reduced ice milk."

(c) The label on lactose reduced ice milk, in addition to all other required information, shall contain a complete list of ingredients in accordance with the provisions of 21 CFR

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101.4, and contain nutrition information as required by 21 CFR 101.9.

(d) Wherever the name of the food appears on the container, the words “lactose reduced” shall be in the same type, style and size and in the same color and contrasting background as the words “ice milk.”

(Effective July 27, 1984)

Sec. 21a-58-37. Frozen pudding: identity; label statement

(a) **Description.** Frozen pudding is a product made from a pasteurized mix, intended to be eaten in the frozen state. The mix may be composed of:

- (1) Milk and milk products.
- (2) Modified or unmodified food starch.
- (3) Sweetening agents.
- (4) Harmless natural and/or artificial flavoring.
- (5) Harmless natural and/or artificial color.
- (6) Any other safe or suitable functional ingredient.

(b) The finished product shall contain:

- (1) Not less than 5 per cent by weight milk solids not fat.
- (2) Not less than 25 per cent total food solids.

(c) The weight of the finished product shall be not less than 4.5 pounds per gallon.

(d) If not frozen promptly after pasteurization, the finished product shall be cooled to 50°F or lower and maintained thereat, or the finished product shall be cooled and maintained under conditions to assure suitability for consumption.

(e) The name of the food is “frozen pudding.”

(f) The package label shall, in addition to all other required information, include a complete list of all ingredients in accordance with the provisions of 21 CFR 101.4 and 21 CFR 101.22.

(Effective July 27, 1984)