

SUPPLEMENTS TO REGULATIONS (ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY) FOR FROZEN DESSERTS

REGULATION PROPOSALS

DIETARY FROZEN DESSERT: IDENTITY: LABEL STATEMENTS

(a) The name of the food is dietary frozen dessert.

(b) Dietary frozen dessert is the food prepared by freezing while stirring a pasteurized mix containing one or more of the following ingredients: Optional dairy ingredients as permitted by Regulation 2 paragraph (c) of these regulations; sweetened with one or more of the optional sweetening ingredients permitted by Regulation 2 paragraph (d) of these regulations; one or more of the optional characterizing ingredients permitted by Regulation 2 paragraph (b) of these regulations. Other optional ingredients as permitted by Regulation 2 paragraph (f) of these regulations, and any safe and suitable stabilizers, emulsifiers, and non-nutritive sweeteners approved by the Commissioner. The finished product contains less than 2% by weight of ether extractable fat; its content of total milk solids is not less than 7% by weight. The product weighs no 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 1.45 pounds. Caseinates may be added but they are not deemed to be milk solids.

(c) The labeling provisions provided by Regulation 2 (g). 2, 3, 4, 5, and 6 of this part shall apply.

(d) When any artificial coloring is used in dietary frozen dessert directly or as a component of any other ingredient, the label shall bear the statement, "artificially colored," "artificial color 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," if both artificial color and artificial flavoring are used, the label statements may be combined.

(e) One or more vitamins and/or minerals required in human nutrition may be added to the product. If any of such vitamins and/or minerals which are added are those for which Recommended Daily Dietary Allowances have been established by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, then each four fluid ounce serving of finished dessert shall provide no less than 8% nor more than 20% of the Recommended Daily Dietary Allowances for adults for such vitamins and/or minerals. If vitamins or minerals are added to the product, the name of the food shall be immediately preceded or followed with the word fortified in type of the same style and at least one-half the size of the type used for the name dietary frozen dessert and on the same contrasting background.

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- (f) Except when in conflict with the statutes of the State of New Jersey or with rules and regulations of the Commissioner, label statements on each package of the food for retail sale shall comply with all applicable provisions of CFR Title 21, part 125 (Label Statements Concerning Dietary Properties of Food Purporting to be or Represented for Special Dietary Uses.) The label on each package of dietary frozen dessert shall include a complete list of ingredients in descending order of predominance. If nutritive sweeteners are used in conjunction with non-nutritive sweeteners the statement (contains nutritive and non-nutritive sweeteners) shall immediately follow the name of the food in a size type easily read under customary circumstances of purchase.
- (g) Dietary frozen dessert may only be sold in a properly labeled factory filled container except that it may be sold directly from a dispensing freezer. When dietary frozen dessert is sold directly from a dispensing freezer it shall be sold in a container labeled as required above.

FREEZER MADE MILK SHAKE: IDENTITY: LABEL STATEMENT OF INGREDIENTS.

- (a) Freezer made milk shake means a pure, clean, wholesome semi-viscous drink prepared by stirring while freezing in a dispensing freezer a pasteurized mix consisting of milk fat, milk solids not fat, water, optional sweetening ingredients, with or without egg or egg products, with or without harmless flavoring, with or without harmless coloring, and with or without stabilizer, emulsifier or any other safe and suitable ingredients approved by the Commissioner. It shall contain not less than three and one-fourth percent and not more than six percent milk fat. It shall contain not less than ten percent milk solids not fat, it shall contain not more than one-half percentum by weight of stabilizer and not more than one-fifth of one percent emulsifier. Freezer made milk shake may only be sold or served from a dispensing freezer and may not be sold hard frozen.
- (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 percent of milk fat may be less than three and one-fourth percent.
- (c) "Shakes" not meeting the requirement for "milk shakes" shall not be advertized, sold or served as milk shake.
- (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 labeled in accordance with all applicable provisions of C.F.R. Title 21, Part 125. (Label Statements Concerning Dietary Properties of Food Purporting to be or Represented for Special Dietary Uses.)

LO-MEL: IDENTITY: LABEL STATEMENT OF INGREDIENTS.

- (a) "Lo-Mel" means a pure, clean, wholesome semi-viscous drink prepared by stirring while freezing in a dispensing freezer a mixture 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 or 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 six percent edible fats or oils other than milk fat. It shall contain not less than ten percent milk solids not fat. It may contain any other safe and suitable ingredients approved by the Commissioner. It shall contain not more than one-half percentum by weight of stabilizer and not more than one-fifth of one percent of emulsifier.
- (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 displayed which shall read "Lo-Mel Served Here," in letters at least three inches in height and shall include a list of all ingredients in a manner prescribed by the Commissioner, provided, however, that the type of edible fats or oils other than milk fat used must be specified. The letters on such sign to 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 labeled in accordance with all applicable provisions of C.F.R. Title 21, Part 125. (Label Statements Concerning Dietary Properties of Food Purporting to be or Represented for Special Dietary Uses.)

AMMENDMENTS TO REGULATIONS 2 (c), 5 (c), and 6 (c)  
OF THE REGULATIONS ESTABLISHING DEFINITIONS AND  
STANDARDS OF IDENTITY FOR FROZEN DESSERTS  
PROMULGATED MAY 25, 1970

REGULATION 2 Ice Cream; identity; optional ingredients; label statement of optional ingredients.

- (c) The optional dairy ingredients referred to in paragraph (a) of this Regulation 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, and 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, cheese whey, concentrated cheese whey, and dried cheese whey. 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 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any cheese whey, concentrated cheese whey and dried cheese whey used contribute not more than 25 percent by weight of the total nonfat milk solids content of the finished food. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid. The modified skim milk, when adjusted with water to a total solids content of 9 percent, is substantially free of lactic acid as determined by titration with 0.1N NaOH and it has a pH value in the range of 8.0 to 8.3. The cheese whey, concentrated cheese whey or dried cheese whey may be modified prior to incorporation into the mix by treatment with calcium hydroxide, disodium phosphate or other safe and suitable ingredient approved by the Commissioner to a pH value no higher than 8.3.

**REGULATION 5 Fruit sherbets; identity; label statement of optional ingredients.**

- (c) The optional dairy ingredients referred to in paragraph (a) of this Regulation 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, cheese whey, concentrated cheese whey, and dried cheese whey. 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 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted

with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid<sup>7</sup>. The cheese whey concentrated cheese whey or dried cheese whey may be modified prior to incorporation into the mix by treatment with calcium hydroxide, disodium phosphate or other safe and suitable ingredient approved by the Commissioner to a pH value no higher than 8.3.

**REGULATION 6 Nonfruit sherbets; identity; label statement of optional ingredients.**

- (c) The optional dairy ingredients referred to in paragraph (a) of this Regulation 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, cheese whey, concentrated cheese whey, and dried cheese whey. 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 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid<sup>7</sup>. The cheese whey concentrated cheese whey or dried cheese whey may be modified prior to incorporation into the mix by treatment with calcium hydroxide, disodium phosphate or other safe and suitable ingredient approved by the Commissioner to a pH value no higher than 8.3.

New material \_\_\_\_\_ underlined

Material to be deleted [ ] 7 enclosed in brackets