

(b) A separate license shall be obtained for each wholesale food and cosmetic establishment operated within the State.

As amended, R.1973 d.89, eff. March 30, 1973.

See: 5 N.J.R. 81(b), 5 N.J.R. 143(a).

Amended by R.1990 d.563, effective November 19, 1990.

See: 22 N.J.R. 2465(a), 22 N.J.R. 3559(a).

Provision for wholesale establishment added.

8:21-9.3 Exemptions

(a) The following establishments shall be exempt from the licensing provisions of P.L. 1971, c.158, but shall comply with all other provisions of Chapter 15, Title 24, N.J.S.A., and all pertinent rules and regulations enforced by the Department:

1. Retail food and cosmetic establishments;
2. Establishments subject to licensure under other provisions of Title 24, N.J.S.A.;
3. Establishments inspected and licensed by a local health department;
4. Growers of raw agricultural commodities delivering their produce to food processing establishments.

As amended, R.1974 d.184, eff. July 9, 1974.

See: 6 N.J.R. 232(a), 6 N.J.R. 310(a).

Case Notes

Health officer can inspect and license wholesale food and cosmetic establishments; health officer must be full time public employee; services cannot be outside contracted. *State v. Board of Health of Morris Twp.*, 208 N.J.Super. 415, 506 A.2d 52 (App.Div.1986), appeal dismissed 107 N.J. 50, 526 A.2d 139 (1986).

See *Eisler and Co. v. State*, 124 N.J. Super. 357, 307 A.2d 113 (App. Div. 1973).

8:21-9.4 License requirement

(a) Every person owning or operating a wholesale food or cosmetic establishment within the State shall apply annually for a license to operate such establishment on forms provided by the department.

(b) The application shall have attached thereto an affidavit of the person or some member or officer of the association, partnership or corporation applying therefor, stating that the facts set forth therein are true and correct.

As amended, R.1978 d.167, eff. May 22, 1978.

See: 10 N.J.R. 147(a), 10 N.J.R. 249(b).

Amended by R.1990 d.563, effective November 19, 1990.

See: 22 N.J.R. 2465(a), 22 N.J.R. 3559(a).

Provision for wholesale establishment added.

8:21-9.5 License fees

(a) The Department shall collect from each applicant for a license, under the provisions of these rules, an annual fee in the following amounts:

1. For each wholesale food or cosmetic establishment with a gross annual business not in excess of \$100,000, \$100.00;

2. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$100,000 but not in excess of \$500,000, \$300.00;

3. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$500,000, \$500.00.

As amended, R.1983 d.456, effective October 17, 1983.

See: 15 N.J.R. 1317(a), 15 N.J.R. 1762(b).

License fees increased.

Amended by R.1990 d.563, effective November 19, 1990.

See: 22 N.J.R. 2465(a), 22 N.J.R. 3559(a).

Fees restructured and lowered.

Case Notes

Fees not applicable to registrant for drug business. *Eisler and Co. v. State*, 124 N.J.Super. 357, 307 A.2d 113 (App.Div.1973).

8:21-9.6 Expiration of license; nontransferability of license

(a) Upon approval of the application for a license and of the sanitary condition of the food or cosmetic establishment and upon payment of the required license fee, the department shall issue to each applicant a license which shall expire one year from the last day of the month in which the original application is received and yearly thereafter.

(b) Such license shall not be transferable with respect to persons or locations.

As amended, R.1978 d.167, eff. May 27, 1978.

See: 10 N.J.R. 147(a), 10 N.J.R. 249(b).

8:21-9.7 Revocation of license

(a) Upon evidence duly ascertained by the Department or furnished to the Department by any local board of health, that the licensee licensed under the provisions of this Act is violating any of the rules, regulations or statutes as hereinbefore provided, the Department shall upon hearing and proof of allegation, revoke the license of such licensee. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) No such license shall be renewed or restored until the Department is satisfied that all the provisions of this Act and pertinent rules and regulations are complied with.

(c) The Department, when in its judgment the protection of public health warrants, may, before hearing suspend such license pending the hearing, in which event it shall be unlawful for the licensee whose license is thus suspended to engage in the business for which the license was granted during such period of suspension.

Amended by R.1990 d.563, effective November 19, 1990.

See: 22 N.J.R. 2465(a), 22 N.J.R. 3559(a).
Reference to Administrative Procedure Act added.

SUBCHAPTER 10. DESIGNATED FLUID MILK PRODUCTS

8:21-10.1 Definitions and product standards

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. The following standards of identity conform to the Code of Federal Regulations for milk and cream (21 CFR 131).

"Acidified Sour Cream":

1. Description. Acidified sour cream results from the souring of pasteurized cream with safe and suitable acidifiers, with or without addition of lactic acid producing bacteria. Acidified sour cream contains not less than 18 percent milkfat; except that when the food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients, the weight of milkfat is not less than 18 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the food; but in no case does the food contain less than 14.4 percent milkfat. Acidified sour cream has a titratable acidity of not less than 0.5 percent, calculated as lactic acid.

2. Optional ingredients.

i. Safe and suitable ingredients that improve texture, prevent syneresis, or extend the shelf life of the product.

ii. Rennet.

iii. Safe and suitable nutritive sweeteners.

iv. Salt.

v. Flavoring ingredients, with or without safe and suitable coloring, as follows:

(1) Fruit and fruit juice, including concentrated fruit and fruit juice.

(2) Safe and suitable natural and artificial food flavoring.

3. Methods of analysis. Referenced methods in paragraph 3i and ii below are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action."

ii. Titratable acidity—"Acidity—Official Final Action."

4. Nomenclature. The name of the food is "Acidified sour cream." The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in section 101.22 of Title 21 CFR. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened."

5. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of Title 21 CFR, except that bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "cultured cream."

"Acidified sour half-and-half":

1. Description. Acidified sour half-and-half results from the souring of pasteurized half-and-half with safe and suitable acidifiers, and with or without addition of lactic acid producing bacteria. Acidified sour half-and-half contains not less than 10.5 percent but less than 18 percent milkfat; except that when the food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients, the weight of milkfat is not less than 10.5 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the food; but in no case does the food contain less than 8.4 percent milkfat. Acidified sour half-and-half has a titratable acidity of not less than 0.5 percent, calculated as lactic acid.

2. Optional ingredients.

i. Safe and suitable ingredients to improve texture, prevent syneresis, or extend the shelf life of the product.

ii. Rennet.

iii. Safe and suitable nutritive sweeteners.

iv. Salt.

v. Flavoring ingredients, with or without safe and suitable coloring, as follows:

(1) Fruit and fruit juice, including concentrated fruit and fruit juice.

(2) Safe and suitable natural and artificial food flavoring.

3. Methods of analysis. Referenced methods in 3i and ii below are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action."

ii. Titratable acidity—"Acidity—Official Final Action."

4. Nomenclature. The name of the food is "Acidified sour half-and-half." The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in section 101.22 of Title 21 CFR. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened."

5. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of Title 21 CFR, except that bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "cultured cream."

"And/or" where the term "and/or" is used, "and" shall apply where appropriate, otherwise "or" shall apply.

"Aseptically processed milk and milk products" means products which are hermetically sealed in a container and so thermally processed in conformance with 21 CFR 113 and the provisions of these regulations so as to render the product free of microorganisms capable of reproducing in the product under normal non-refrigeration conditions of storage and distribution. The product shall be free of viable microorganisms (including spores) of public health significance.

"Aseptic processing" means that the product has been subjected to sufficient heat processing, and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 CFR 113 and these regulations and maintain the commercial sterility of the product under normal non-refrigerated conditions.

"Butter" means the food product known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 percent of milkfat, all tolerances having been allowed for.

"Buttermilk" means a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8-1/4 percent of milk solids-not-fat.

"Bulk milk pickup tanker" means a vehicle including the truck, tank and those appurtenances necessary for its use, used by a milk hauler to transport bulk raw milk for pasteurization from a dairy farm to a transfer station, receiving station or milk plant.

"Butter oil" means the clean, wholesome and unadulterated milkfat obtained from milk, cream, or butter, and which contains not less than 99 percent milkfat.

"Certified industry inspector" means an individual certified by the Department to conduct dairy farm inspections of

producers shipping to New Jersey permit holders. Such certification shall be in accordance with the procedures established by the Department pursuant to the provisions of the Grade A Pasteurized Milk Ordinance (1989) (PHS-FDA Publication 229).

"CFR" means the Code of Federal Regulations of the United States Government.

"Cheese" shall mean and include those cheeses, processed cheeses, cheese foods, cheese spreads and related food for which definitions and standards of identity have been promulgated under the provisions of the Federal, Drug and Cosmetics Act and shall conform to such definitions and standards of identity as set forth therein.

"Commissioner" shall mean the Commissioner of the State Department of Health or his/her duly appointed agent.

"Concentrated milk and/or fluid milk products" means and includes the fluid milk products resulting from the removal of a considerable portion of the water from the milk and/or fluid milk products which, when combined with potable water in accordance with instructions printed on the container, conform with the definitions of the corresponding product as defined.

"Cream" means the liquid milk product high in fat separated from milk, which may have been adjusted by adding thereto: Milk, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Cream contains not less than 18 percent milkfat.

"Cultured milk":

1. Description. Cultured milk is the food produced by culturing one or more of the optional dairy ingredients specified in 3 below, with characterizing microbial organisms. One or more of the other optional ingredients specified in 2 and 4 below, may also be added. When one or more of the ingredients specified in 4i below are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Cultured milk contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultrapasteurized prior to the addition to the microbial culture, and when applicable, the addition of flakes or granules of butterfat or milkfat.

2. Vitamin addition (optional).

i. If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units (400 μ g of retinol equivalence) thereof, within limits of good manufacturing practice.

ii. If added, Vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units (10 μ g) thereof, within limits of good manufacturing practice.

3. Optional dairy ingredients. Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

4. Other optional ingredients.

i. Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, and the use of any other ingredients as approved by the FDA, to increase the nonfat solids content of the food.

ii. Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup; dried maltose sirup; malt extract; dried malt extract; malt sirup; dried malt sirup; honey; maple sugar; or any of the sweeteners listed in 21 CFR 168, except table sirup.

iii. Flavoring ingredients.

iv. Color additives that do not impart a color simulating that of milkfat or butterfat.

v. Stabilizers.

vi. Butterfat or milkfat, in the form of flakes or granules.

vii. Aroma and flavor-producing microbial culture.

viii. Salt.

ix. Citric acid, in a maximum amount of 0.15 percent by weight of the milk used, or an equivalent amount of sodium citrate, as a flavor precursor.

5. Methods of analysis. Referenced methods in 5i, ii and iii are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action."

ii. Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by "Total Solids, Method I—Official Final Action."

iii. Titratable acidity—"Acidity—Official Final Action."

6. Nomenclature. The name of the food is "cultured milk." The full name of the food shall appear on the principal display panel in type of uniform size, style and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in 21 CFR 101.22, and may be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients, e.g., "kefir cultured milk," "acidophilus cultured milk," or when characterizing ingredients such as those in 4vi, vii, viii and ix above, and lactic acid-producing organisms are used the food may be named "cultured buttermilk."

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(1) The phrase "vitamin A" or "vitamin A added" or "vitamin D" or "vitamin D added," or "vitamin A and D added," as appropriate. The word "vitamin" may be abbreviated "vit."

(2) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavor.

ii. The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

7. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Dairy drink" means a product consisting of fluid skim milk or concentrated or dried skim milk recombined with water, with or without added milkfat, to which has been added a syrup or flavoring material, and which contains not less than 7-1/2 percent milk solids-non-fat.

"Department" means the State Department of Health.

"Drug" means:

1. Articles recognized in the official United States Pharmacopeia, official Hemeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them;

2. Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

3. Articles (other than food) intended to affect the structure or any function of the body of man or other animals; and

4. Articles intended for use as a component of any articles specified in 1, 2 or 3 above, but does not include devices or their components, parts or accessories.

"Eggnog" means:

1. Description. Eggnog is the food containing one or more of the optional dairy ingredients specified in paragraph 2 below, one or more of the optional egg yolk-containing ingredients specified in paragraph 3 below and one or more of the optional nutritive carbohydrate sweeteners specified in paragraph 4 below or other sweetening agents approved by the U.S. Food and Drug Administration for use in milk or fluid milk products. One or more of the optional ingredients specified in paragraph 5 below may also be added. All ingredients used are safe and suitable. Eggnog contains not less than six percent milkfat and not less than 8.25 percent milk solids not fat. The egg yolk solids content is not less than one percent by weight of the finished food. The food shall be pasteurized or ultra-pasteurized and may be homogenized. Flavoring ingredients and color additives may be added after the food is pasteurized or ultra-pasteurized.

2. Optional dairy ingredients. Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

3. Egg yolk-containing ingredients. Liquid egg yolk, frozen egg yolk, dried egg yolk, liquid whole eggs, frozen whole eggs, dried whole eggs, or any one or more of the foregoing ingredients with liquid egg white or frozen egg white.

4. Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup; dried maltose sirup; malt extract; dried malt extract; malt sirup; dried malt sirup; honey; maple sugar; or any of the sweeteners listed in 21 CFR 168, except table sirup.

5. Other optional ingredients.

i. Concentrated skim milk, nonfat dry milk, butter-milk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food; provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

ii. Salt.

iii. Flavoring ingredients.

iv. Color additives that do not impart a color simulating that of egg yolk, milkfat, or butterfat.

v. Stabilizers.

6. Methods of analysis. Referenced methods are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat-Official Final Action."

ii. Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method "Total Solids, Method I—Official Final Action."

7. Nomenclature. The name of the food is "eggnog." The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring, as specified in 21 CFR 101.22.

i. The following term shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in such name:

(1) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

ii. The following terms may appear on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

8. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Frozen yogurt mix" means the unfrozen fluid mixture from which frozen yogurt is made by freezing and shall contain not less than 3.25 percent milkfat and 8.25 percent milk solids not fat prior to the addition of bulky characterizing ingredients or sweeteners. In addition, the mix shall meet the requirements of N.J.A.C. 8:21-7.9 regarding culturing, titratable acidity and live yogurt culture organisms.

"Frozen lowfat yogurt mix" means the unfrozen fluid mixture from which frozen lowfat yogurt is made by freezing and shall contain not less than 0.5 percent milkfat nor more than 2.0 percent milkfat. In addition, the mix shall meet the requirements of N.J.A.C. 8:21-7.9 regarding culturing, titratable acidity and live yogurt culture organisms.

"Frozen nonfat yogurt mix" means the unfrozen fluid mixture from which frozen nonfat yogurt is made by freezing and shall contain not more than 0.5 percent milkfat. In addition, the mix shall meet the requirements of N.J.A.C. 8:21-7.9 regarding culturing, titratable acidity and live yogurt culture organisms.

"Goat milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy goats. Goat milk sold in retail packages shall contain not less than 2.5 percent milkfat and not less than 7.5 percent milk solids not fat. Goat milk shall be produced according to the sanitary standards of these rules. The word "milk" shall be interpreted to include goat milk.

"Grade A dry milk products" means milk and whey products which have been produced for use in Grade A pasteurized fluid milk products and which have been manufactured under the provisions of the Grade A Condensed and Dry Milk Products and Condensed and Dry Whey 1978 Recommended Sanitation Ordinance for Condensed and Dry Milk Products and Condensed and Dry Whey Used in Grade A Pasteurized Milk Products.

"Half-and-Half":

1. Description Half-and-Half is the food consisting of a mixture of milk and cream which contains not less than 10.5 percent but less than 18 percent milkfat. It is pasteurized or ultra-pasteurized, and may be homogenized.

2. Optional ingredients. The following safe and suitable optional ingredients may be used.

i. Emulsifiers.

ii. Stabilizers.

iii. Nutritive sweeteners.

iv. Characterizing flavoring ingredients (with or without coloring) as follows:

(1) Fruit and fruit juice (including concentrated fruit and fruit juice.)

(2) Natural and artificial food flavoring.

3. Methods of analysis. The milkfat content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition under "Fat—Official Final Action."

4. Nomenclature. The name of the food is "half-and-half." The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in 21 CFR 101.22.

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in such name:

(1) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

(2) The word "sweetened" if no characterizing flavor ingredients are used, but nutritive sweetener is added.

ii. The following terms may appear on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

5. Label declaration. When used in the food, each of the ingredients shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Health authority" means the duly authorized agent of the State Department of Health to act in the enforcement of the sanitary laws of the State.

"Heavy cream":

1. Description. Heavy cream is cream which contains not less than 36 percent milkfat. It is pasteurized or ultra-pasteurized, and may be homogenized.

2. Optional ingredients. The following safe and suitable optional ingredients may be used:

i. Emulsifiers.

ii. Stabilizers.

iii. Nutritive sweeteners.

iv. Characterizing flavoring ingredients (with or without coloring) as follows:

(1) Fruit and fruit juice (including concentrated fruit and fruit juice).

(2) Natural and artificial food flavoring.

3. Methods of analysis. The milkfat content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition, under "Fat—Official Final Action."

4. Nomenclature.

i. The name of the food is "heavy cream" or alternatively "heavy whipping cream." The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in 21 CFR 101.22. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in such name:

(1) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

(2) The word "sweetened" if no characterizing flavoring ingredients are used, but nutritive sweetener is added.

ii. The following terms may appear on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

5. Label declaration. When used in the food, each of the ingredients shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Hermetically sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and thereby maintain the commercial sterility of its contents after processing.

"Homogenized milk" means milk which has been treated to insure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage at 45 degrees Fahrenheit (7 degrees Celsius), no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent from the fat percentage of the remaining milk as determined after thorough mixing.

"Ice cream mix" means the unfrozen fluid mixture from which ice cream is made by freezing and shall contain not less than ten percent by weight of milkfat except when fruit, nuts, cocoa, chocolate cakes or confections are added for the purpose of flavoring when it shall contain not less than ten percent by weight of milkfat except for such reduction of milkfat as is due to the addition of such flavoring, but in no case shall it contain less than eight percent by weight of milkfat. Chocolate and cocoa flavored ice cream mix shall in no event contain less than ten percent by weight of total fat.

"Ice milk mix" means the unfrozen fluid mixture from which ice milk is made by freezing and shall contain not less than three percent by weight of milkfat and not less than 14 percent by weight of total milk solids.

"Item" as listed in N.J.A.C. 8:21-10.6(d) and (e) means the Grade "A" Pasteurized Milk Ordinance (1989 Revision) (PHS/FDA Publication No. 229). The letter "r" refers to raw milk; the letter "p" refers to pasteurized milk.

"Lactose-Reduced Milk or Lactose-Reduced Lowfat Milk or Lactose-Reduced Skim Milk" means the product resulting from the treatment of milk, lowfat milk or skim milk by the addition of safe and suitable enzymes to convert sufficient amounts of the lactose to glucose and/or galactose so that the remaining lactose is less than 30 percent of the lactose in milk, lowfat milk or skim milk.

"Light cream":

1. Description. Light cream is cream which contains not less than 18 percent but less than 30 percent milkfat. It is pasteurized or ultra-pasteurized, and may be homogenized.

2. Optional ingredients. The following safe and suitable ingredients may be used:

- i. Stabilizers.
- ii. Emulsifiers.
- iii. Nutritive sweeteners.
- iv. Characterizing flavoring ingredients (with or without coloring) as follows:

(1) Fruit and fruit juice (including concentrated fruit and fruit juice).

(2) Natural and artificial food flavoring.

3. Methods of analysis. The milkfat content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition, under "Fat—Official Final Action."

4. Nomenclature. The name of the food is "Light cream," or alternatively "Coffee cream" or "Table cream." The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in 21 CFR 101.22.

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in such name:

(1) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

(2) The word "sweetened" if no characterizing flavoring ingredients are used, but nutritive sweetener is added.

ii. The following terms may appear on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

5. Label declaration. When used in the food, each of the ingredients shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Light Whipping Cream":

1. Description. Light whipping cream is cream which contains not less than 30 percent but less than 36 percent milkfat. It is pasteurized or ultra-pasteurized, and may be homogenized.

2. Optional ingredients. The following safe and suitable optional ingredients may be used:

- i. Emulsifiers.
- ii. Stabilizers.
- iii. Nutritive sweeteners.
- iv. Characterizing flavoring ingredients (with or without coloring) as follows:

(1) Fruit and fruit juices (including concentrated fruit and fruit juice).

(2) Natural and artificial food flavoring.

3. Methods of analysis. The milkfat content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition, under "Fat—Official Final Action."

4. Nomenclature. The name of the food is "Light whipping cream" or alternatively "Whipping cream." The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in 21 CFR 101.22.

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in such name:

(1) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

(2) The word "sweetened" if no characterizing flavoring ingredients are used, but nutritive sweetener is added.

ii. The following terms may appear on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

5. Label declaration. When used in the food, each of the ingredients shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Lowfat Milk":

1. Description. Lowfat milk is milk from which sufficient milkfat has been removed to produce a food having, within limits of good manufacturing practice one of the following milkfat contents: 1/2, 1, 1-1/2, or 2 percent. Lowfat milk is pasteurized or ultra-pasteurized, contains added vitamin A as prescribed by 2. below and contains not less than 8-1/4 percent milk solids not fat. Lowfat milk may be homogenized.

2. Vitamin addition:

i. Vitamin A shall be present in such quantity that each 946 milliliters (quart) of food contains not less than 2,000 International Units (400 ug of retinol equivalence), within limits of good manufacturing practice.

ii. Addition of vitamin D is optional. If added, Vitamin D shall be present in such quantity that each 946 milliliters (quart) of food contains 400 International Units (10 mug), within limits of good manufacturing practice.

3. Optional ingredients. The following safe and suitable ingredients may be used:

i. Carriers for Vitamins A and D.

ii. Concentrated skim milk, nonfat drymilk, or other milk derived ingredients to increase the nonfat solids content of the food: Provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients.

iii. When one or more of the optional milk derived ingredients in 3ii above are used, emulsifiers, stabilizers, or both, in an amount not more than two percent by weight of the solids in such ingredients.

iv. Characterizing flavoring ingredients (with or without coloring, nutritive sweetener, emulsifiers, and stabilizers) as follows:

(1) Fruit and fruit juice (including concentrated fruit and fruit juice).

(2) Natural and artificial food flavorings.

4. Methods of analysis. Referenced methods are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action."

ii. Milk solids not fat content (or total nonfat solids content)—Calculated by subtracting the milkfat content from the total solids content as determined by the method. "Total Solids, Method I—Official Final Action."

iii. Vitamin D content—"Vitamin D—Official Final Action."

5. Nomenclature. The name of the food is "Lowfat milk." The name of the food shall appear on the label in type of uniform size, style, and color. The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in 21 CFR 101.22.

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(1) The phrase "...% milkfat," the blank to be filled in with the fraction 1/2, or multiple thereof, to indicate the actual fat content of the food.

(2) The phrase "vitamin A" or "vitamin A added," or, if vitamin D is added, the phrase "vitamin A and D added." The word "vitamin" may be abbreviated "vit."

(3) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

(4) The phrase "with added milk solids not fat" if the food contains not less than 10 percent milk derived nonfat solids.

ii. The following terms may appear on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

6. Label declaration. When ingredients are used in the food as specified in 2ii, 3ii, 3iii and 3iv above, such ingredients shall be declared on the label as required by the applicable sections of 21 CFR 101 except that concentrated skim milk and nonfat dry milk may be declared as "nonfat milk solids."

"Lowfat yogurt" means:

1. Description. Lowfat yogurt is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph 3 below with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. One or more of the other optional ingredients specified in paragraphs 2 and 4 below may also be added. When one or more of the ingredients specified in subparagraph 4i below are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Lowfat yogurt, before the addition of bulky flavors, contains not less than 0.5 percent nor more than two percent milkfat and not less than 8.25 percent milk solids not fat, and has a titratable acidity of not less than 0.9 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the bacterial culture. Flavoring ingredients may be added after pasteurization or ultra-pasteurization. To extend the shelf-life of the food, lowfat yogurt may be heat treated after culturing is completed, to destroy viable microorganisms.

2. Vitamin addition (optional).

i. If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units (400 mug of retinol equivalence) thereof, within limits of good manufacturing practice.

ii. If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units (10 mug) thereof, within limits of good manufacturing practice.

3. Optional dairy ingredients. Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

4. Other optional ingredients.

i. Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food; provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

ii. Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup; dried maltose sirup; malt extract; dried malt extract; malt sirup; dried malt sirup; honey; maple sugar; or any of the sweeteners listed in 21 CFR 168, except table sirup.

iii. Flavoring ingredients.

iv. Color additives.

v. Stabilizers.

5. Methods of analysis. Referenced methods are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action".

ii. Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method "Total Solids, Method I—Official Final Action."

iii. Titratable acidity—"Acidity—Official Final Action."

6. Nomenclature. The name of the food is "lowfat yogurt." The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in 21 CFR 101.22.

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(1) The phrase "...% milkfat," the blank to be filled in with the fraction $\frac{1}{2}$ or multiple thereof closest to the actual content of the food.

(2) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(3) The parenthetical phrase "(heat treated after culturing)" shall follow the name of the food if the dairy ingredients have been heat treated after culturing.

(4) The phrase "vitamin A" or "vitamin A added," or "vitamin D" or "vitamin D added," or "vitamins A and D added," as appropriate. The word "vitamin" may be abbreviated "vit."

ii. The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

7. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Milk" means:

1. Description. Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultrapasteurized, and shall contain not less than $8\frac{1}{4}$ percent milk solids not fat and not less than $3\frac{1}{4}$ percent milkfat. Milk may have been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Milk may be homogenized.

2. Vitamin addition (Optional).

i. If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2000 International Units (400 mug of retinol equivalence) thereof within limits of good manufacturing practice.

ii. If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units (10 mug) thereof within limits of good manufacturing practice.

3. Optional ingredients. The following safe and suitable ingredients may be used:

i. Carriers for vitamins A and D.

ii. Characterizing flavoring ingredients (with or without coloring, nutritive sweetener, emulsifiers, and stabilizers) as follows:

(1) Fruit and fruit juice (including concentrated fruit and fruit juice).

(2) Natural and artificial food flavorings.

4. Methods of analysis. Referenced methods in 4i, ii and iii below are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action."

ii. Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method "Total Solids, Method I—Official Final Action."

iii. Vitamin D content—"Vitamin D—Official Final Action."

5. Nomenclature. The name of the food is "milk." The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in section 21 CFR 101.22.

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in such name:

(1) If vitamins are added, the phrase "vitamin A" or "vitamin A added," or "vitamin D" or "vitamin D added," or "vitamin A and D" or "vitamins A and D added," as appropriate. The word "vitamin" may be abbreviated "vit."

(2) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

ii. The following terms may appear on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

6. Label description. When used in the food, each of the ingredients specified in 2. and 3ii above, shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Milk hauler" means any person who collects or transports raw milk and/or raw milk products to or from a milk plant, receiving or transfer station.

"Milk shake mix or milk shake base" means a fluid milk product prepared from a combination of optional ingredients as prescribed in the definition for ice cream. It shall contain not less than 3-1/4 percent milkfat and not less than 14 percent total milk solids.

"Milk transport tank"—A milk transport tank is a vehicle including the truck and tank used by a milk hauler to transport bulk shipments of milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant.

"Nonfat yogurt" means:

1. Description. Nonfat yogurt is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph 3 below with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. One or more of the other optional ingredients specified in paragraphs 2 and 4 below may also be added. When one or more of the ingredients specified in subparagraph 4i below are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Nonfat yogurt, before the addition of bulky flavors, contains less than 0.5 percent milkfat and not less than 8.25 percent milk solids not fat, and has a titratable acidity of not less than 0.9 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the bacterial culture. Flavoring ingredients may be added after pasteurization or ultra-pasteurization. To extend the shelf-life of the food, nonfat yogurt may be heat treated after culturing is completed, to destroy viable microorganisms.

2. Vitamin addition (optional).

i. If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units (400 µg of retinol equivalence) thereof within limits of good manufacturing practice.

ii. If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units (10 µg) thereof within limits of good manufacturing practice.

3. Optional dairy ingredients. Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

4. Other optional ingredients:

i. Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food; provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

ii. Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup; dried maltose sirup; malt extract; dried malt extract; malt sirup; dried malt sirup; honey; maple sugar; or any of the sweeteners listed in 21 CFR 168, except table sirup.

- iii. Flavoring ingredients.
- iv. Color additives.
- v. Stabilizers.

5. Methods of analysis. Referenced methods are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

- i. Milkfat content—"Fat—Official Final Action".
- ii. Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method "Total Solids, Method I—Official Final Action."
- iii. Titratable acidity—"Acidity—Official Final Action."

6. Nomenclature. The name of the food is "nonfat yogurt". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in 21 CFR 101.22.

- i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(1) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(2) The parenthetical phrase "(heat treated after culturing)" shall follow the name of the food if the dairy ingredients have been heat treated after culturing.

(3) The phrase "vitamin A" or "vitamin A added", or "vitamin D" or "vitamin D added", or "vitamins A and D added", as appropriate. The word "vitamin" may be abbreviated "vit."

- ii. The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

7. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Official laboratory" means a biological, chemical, or physical laboratory which is under the direct supervision or approval of the State.

"Officially designated laboratory" means a commercial laboratory authorized to do official work by the supervising agency, or a milk industry laboratory officially designated by the supervising agency for the examination of producer samples of Grade A raw milk for pasteurization.

"Optional ingredients" shall mean and include Grade A dry milk products, concentrated milk, concentrated fluid

milk products, flavors, sweeteners, stabilizers, emulsifiers, acidifiers, vitamins, and minerals. Similar ingredients may be added to fluid milk products when approved by the Department under the Administrative Procedures Act.

"Pasteurization," "pasteurized", and similar terms shall mean the process of heating every particle of milk or milk product in properly designed and operated equipment, to one of the temperatures given in the following table and held continuously at or above that temperature for at least the corresponding specified time:

Temperature	Time
+ 145 degrees F (63 degrees C)	30 minutes
+ 161 degrees F (72 degrees C)	15 seconds
191 degrees F (89 degrees C)	1.0 second
194 degrees F (90 degrees C)	0.5 second
201 degrees F (94 degrees C)	0.1 second
204 degrees F (96 degrees C)	0.05 second
212 degrees F (100 degrees C)	0.01 second

+ If the fat content of the milk product is 10 percent or more, or if it contains added sweeteners, the specified temperature shall be increased by 5 degrees F (3 degrees C). Provided, that eggnog shall be heated to at least the following temperature and time specifications:

Temperature	Time
155 degrees F (69 degrees C)	30 minutes
175 degrees F (80 degrees C)	25 seconds
180 degrees F (83 degrees C)	15 seconds

Provided further, that nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the Food and Drug Administration to be equally efficient and which is approved by the State Health Department.

"Reconstituted or recombined milk and/or fluid milk products" shall mean milk and fluid milk products as defined which result from the recombining of milk constituents with potable water.

"Sanitization" means the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product or the health of consumers, and shall be acceptable to the health authority.

"Skim milk":

1. Description. Skim milk is milk from which sufficient milkfat has been removed to reduce its milkfat content to less than 0.5 percent. Skim milk that is in final package form for beverage use shall have been pasteurized or ultra-pasteurized, shall contain added vitamin A as prescribed by paragraph 2 below and shall contain not less than 8¼ percent milk solids not fat. Skim milk may be homogenized.

2. Vitamin addition.

- i. Vitamin A shall be present in such quantity that each 946 milliliters (quart) of food contains not less

than 2,000 International Units (400 µg of retinol equivalence), within limits of good manufacturing practice.

ii. Addition of vitamin D is optional. If added, Vitamin D shall be present in such quantity that each 946 milliliters (quart) of food contains 400 International Units (10 µg), within limits of good manufacturing practice.

3. Optional ingredients.

The following safe and suitable optional ingredients may be used:

- i. Carriers for vitamin A and D.
- ii. Concentrated skim milk, nonfat dry milk, or other milk derived ingredients to increase the nonfat solids content of the food: Provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients.
- iii. When one or more of the optional milk derived ingredients in 3ii. are used, emulsifiers, stabilizers or a combination of both may be added in an amount not to exceed two percent by weight of the solids in such ingredients.
- iv. Characterizing flavoring ingredients (with or without coloring, nutritive sweetener, emulsifiers, and stabilizers) as follows:

(1) Fruit and fruit juices (including concentrated fruit and fruit juice).

(2) Natural and artificial food flavorings.

4. Methods of Analysis. Referenced methods are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

- i. Milkfat content—"Fat—Official Final Action."
- ii. Milk solids not fat content (or total nonfat solids content)—Calculated by subtracting the milkfat content from the total solids content as determined by the method "Total Solids, Method I—Official Final Action."
- iii. Vitamin D content—"Vitamin D—Official Final Action."

5. Nomenclature. The name of the food is "Skim milk" or alternatively "Nonfat milk." The name of the food shall appear on the label in type of uniform size, style, and color. The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in section 21 CFR 101.22.

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in such name:

(1) The phrase "vitamin A" or "vitamin A added," or, if vitamin D is added, the phrase "vitamin A and D" or "vitamins A and D added." The word "vitamin" may be abbreviated "vit."

(2) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

(3) The phrase "with added milk solids not fat" if the food contains not less than 10 percent milk derived nonfat solids.

ii. The following terms may appear on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

6. Label declaration. When used in the food, each of the ingredients specified in 2ii, 3ii, iii and iv above, shall be declared on the label as required by the applicable sections of 21 CFR 101.

"Sour Cream":

1. Description. Sour cream results from the souring, by lactic acid producing bacteria, of pasteurized cream. Sour cream contains not less than 18 percent milkfat; except that when the food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients, the weight of the milkfat is not less than 18 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the food; but in no case does the food contain less than 14.4 percent milkfat. Sour cream has a titratable acidity of not less than 0.5 percent, calculated as lactic acid.

2. Optional ingredients.

i. Safe and suitable ingredients that improve texture, prevent syneresis, or extend the shelf life of the product.

ii. Sodium citrate in an amount not more than 0.1 percent may be added prior to culturing as a flavor precursor.

iii. Rennet.

iv. Safe and suitable nutritive sweeteners.

v. Salt.

vi. Flavoring ingredients, with or without safe and suitable coloring, as follows:

(1) Fruit and fruit juice (including concentrated fruit and fruit juice).

(2) Safe and suitable natural and artificial food flavoring.

3. Method of analysis. Referenced methods in 3i and ii below, are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action."

ii. Titratable acidity—"Acidity"⁽²⁾—Official Final Action."

4. Nomenclature. The name of the food is "Sour cream" or alternatively "Cultured sour cream." The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in 21 CFR 101.22. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened."

5. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of 21 CFR 101, except that bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "cultured cream."

"Sour half-and-half":

1. Description. Sour half-and-half results from the souring, by lactic acid producing bacteria, of pasteurized half-and-half. Sour half-and-half contains not less than 10.5 percent but less than 18 percent milkfat; except that when the food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients, the weight of milkfat is not less than 10.5 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the food; but in no case does the food contain less than 8.4 percent milkfat. Sour half-and-half has a titratable acidity of not less than 0.5 percent, calculated as lactic acid.

2. Optional ingredients.

i. Safe and suitable ingredients that improve texture, prevent syneresis, or extend the shelf life of the product.

ii. Sodium citrate in an amount not more than 0.1 percent may be added prior to culturing as a flavor precursor.

iii. Rennet.

iv. Safe and suitable nutritive sweeteners.

v. Salt.

vi. Flavoring ingredients, with or without safe and suitable coloring, as follows:

(1) Fruit and fruit juice (including concentrated fruit and fruit juice).

(2) Safe and suitable natural and artificial food flavoring.

3. Methods of analysis. Referenced methods in 3i and ii below are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action."

ii. Titratable acidity—"Acidity"⁽²⁾—Official Final Action."

4. Nomenclature. The name of the food is "Sour half-and-half" or alternatively "Cultured sour half-and-half." The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in 21 CFR 101.22. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened."

5. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of 21 CFR 101, except that bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "cultured cream."

"Sterilized" means the condition achieved by application of heat, chemical sterilant(s) or other appropriate treatment that renders the piping, equipment and containers used for milk and milk products free of viable microorganisms.

"Ultra-pasteurized"—The term "ultra-pasteurized," when used to describe a dairy product, means that such product shall have been thermally processed at or above 280°F (138°C) for at least two seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

"Whipped cream" means the product defined in 21 CFR 131.150 or 131.157 into which air or gas has been incorporated. If nitrous oxide is used as the propellant in whipped cream, a permit is required from the State Department of Health pursuant to N.J.S.A. 24:6B.

"Yogurt" means:

1. Description. Yogurt is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph 3 below with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. One or more of the other optional ingredients specified in paragraphs 2 and 4 below may also be added. When one or more of the ingredients specified in subparagraph 4i below are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Yogurt, before the addition of bulky flavors, contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat, and has a titratable acidity of not less than 0.9 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the bacterial culture. Flavoring ingredients may be added after pasteurization or ultra-pasteurization. To extend the shelf-life of the food, yogurt may be heat treated after culturing is completed, to destroy viable microorganisms.

2. Vitamin addition (optional).

i. If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units (400 µg of retinol equivalence) thereof within limits of good manufacturing practice.

ii. If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units (10 µg) thereof within limits of good manufacturing practice.

3. Optional dairy ingredients. Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

4. Other optional ingredients.

i. Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food; provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

ii. Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup; dried maltose sirup; malt extract; dried malt extract; malt sirup; dried malt sirup; honey; maple sugar; or any of the sweeteners listed in 21 CFR 168, except table sirup.

iii. Flavoring ingredients.

iv. Color additives.

v. Stabilizers.

5. Methods of analysis. Referenced methods are from "Official Methods of Analysis of the Association of Official Analytical Chemists," current edition.

i. Milkfat content—"Fat—Official Final Action".

ii. Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method "Total Solids, Method I—Official Final Action."

iii. Titratable acidity—"Acidity—Official Final Action."

6. Nomenclature. The name of the food is "yogurt". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in 21 CFR 101.22.

i. The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(1) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(2) The parenthetical phrase "(heat treated after culturing)" shall follow the name of the food if the dairy ingredients have been heat treated after culturing.

(3) The phrase "vitamin A" or "vitamin A added", or "vitamin D" or "vitamin D added", or "vitamins A and D added", as appropriate. The word "vitamin" may be abbreviated "vit."

ii. The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

7. Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of 21 CFR 101.

Amended by R.1990 d.563, effective November 19, 1990.

See: 22 N.J.R. 2465(a), 22 N.J.R. 3559(a).

Definition of certified milk deleted; definitions added for eggnog, frozen yogurts, goat milk, nonfat yogurt, yogurt added.

Amended by R.1993 d.689, effective December 20, 1993.

See: 25 N.J.R. 4373(a), 25 N.J.R. 6013(a).

8:21-10.2 Labeling

(a) All bottles, containers and packages enclosing milk or milk products defined in N.J.A.C. 8:21-10.1 shall be labeled in accordance with the applicable requirements of the Federal Food, Drug and Cosmetic Act, (21 USC 301), as amended, the Fair Packaging and Labeling Act, (15 USC 1451), the labeling provisions established under N.J.A.C. 8:21-10.1, and in addition, shall comply with the applicable requirements of this section as follows:

1. The words "Grade A" for milk and milk products handled, processed and packaged under the terms of the National Conference on Interstate Milk Shipments (IMS);

2. The identity of the plant where pasteurized;

3. The word "reconstituted" or "recombined" if the product is made by reconstitution or recombination;

4. The volume or proportion of water to be added for recombining in the case of concentrated milk or fluid milk products;

5. The words "keep refrigerated after opening" in the case of aseptically processed milk and milk products;

6. In the case of aseptically processed and packaged milk and milk products, "UHT;"

7. The words "ultra-pasteurized" if the milk or milk product has been ultra-pasteurized;

8. The word "Goat" shall precede the name of the milk or milk product when the product is or is made from goat milk.