

REGULATIONS ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR FROZEN DESSERTS AND SPECIAL FROZEN DIETARY FOODS

The Department of Health of the State of New Jersey, pursuant to authority vested in it under Title 24 of the Revised Statutes and supplements thereto, hereby establishes the following Regulations Establishing Definitions and Standards of Identity for Frozen Desserts and Special Frozen Dietary Foods. All these Regulations shall become effective immediately excepting Regulations 1. (g), 3. (f) (h), 4. (f) (g) (h) (i), 5. (e) (f) (g) (h), 8. (d), 9. (d), 10. (b), which will become effective July 1, 1965.

All regulations heretofore promulgated covering the subject matter of the following regulations are hereby rescinded.

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1. Ice Cream; identity; label statement of optional ingredients.

(a) Ice cream is the food prepared by freezing, while stirring, a pasteurized mix composed of one or more of the optional dairy ingredients specified in paragraph (c) of this regulation, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this regulation. One or more of the optional characterizing ingredients specified in paragraph (b) of this regulation and one or more of the optional ingredients specified in paragraphs (d) (5) to (10) may be used to characterize the ice cream. One or more of the optional caseinates specified in paragraph (e) and one or more of the optional ingredients specified in paragraph (f) of this regulation may be used, subject to, the conditions hereinafter set forth. The mix may be seasoned with salt, and may be homogenized. The kind and quantity of optional dairy ingredients used, as specified in paragraph (c) of this regulation, and the content of milk fat and nonfat milk solids therein, are such that the weights of milk fat and total milk solids are not less than 10 percent and 20 percent, respectively, of the weight of the finished ice cream; but in no case shall the content of milk

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solids not fat be less than 6 percent, except that when one or more of the bulky optional ingredients as specified in paragraph (b) (3) to (8), inclusive, of this regulation, are used, the weights of milk fat and total milk solids (exclusive of such fat and solids in any malted milk used) are not less than 10 percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of such optional ingredients, modified as prescribed below, from the weight of the finished ice cream; but in no case is the weight of milk fat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished ice cream. The optional caseinates specified in paragraph (e) of this regulation are not deemed to be milk solids. In calculating the reduction of milk fat and total milk solids from the use of bulky optional ingredients, chocolate and cocoa solids used shall be considered the bulky ingredients of paragraph (b) (3) of this regulation. In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids 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 multiplied by 1.4. The finished 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. Artificial flavoring in any chocolate, cocoa, confectionery, or other ingredient used is an optional ingredient of the finished ice cream. Coloring, including artificial coloring, may be added.

(b) The optional characterizing ingredients referred to in paragraph (a) of this regulation are:

(1) Ground spice, ground vanilla beans, infusion of coffee or tea, or any natural food flavoring.

(2) Artificial food flavoring.

(3) Chocolate or cocoa, which may be added as such or as a suspension in sirup, and which may contain disodium phosphate or sodium citrate in such quantity that the finished ice cream contains not more than 0.2 percent by weight of disodium phosphate or sodium citrate. For the purposes of this regulation, the term "cocoa" means one or any combination of two or more of the following: Cocoa, breakfast cocoa, low-fat cocoa, and the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.

(4) Mature fruit or the juice of mature fruit, either of which may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be whole, shredded, or comminuted; it may be sweetened, thickened with pectin or with one or more of the ingredients named in paragraph (f) (2) of this regulation, subject to the restriction on the total quantity of such substances in ice cream prescribed in that paragraph, and it may be acidulated with

citric acid, ascorbic acid, or phosphoric acid. 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. In the case of fruit or fruit juice from which part of the water is removed, the substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of the 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 juice, cold-pressed citrus oil may be added in an amount not exceeding that which would have been obtained if the peel from the whole fruit had been used. For the purposes of this regulation, the flesh of the coconut shall be considered a fruit.

(5) Nut meats, which may be roasted, cooked in an edible fat or oil, or preserved in sirup, and which may be salted.

(6) Malted milk.

(7) Confectionery. For the purposes of this regulation, the term "confectionery" means candy, cakes, cookies, and glaceed fruits.

(8) Properly prepared and cooked cereal.

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

(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, 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 regulation means cow's milk. Any 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 0.16 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. 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.

(d) The optional sweetening ingredients referred to in paragraph (a) of this regulation are:

- (1) Sugar (sucrose) or sugar sirup.
- (2) Dextrose.
- (3) Invert sugar (in paste or sirup form)
- (4) Corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.
- (5) Maple sugar, maple sirup.
- (6) Honey.
- (7) Brown sugar.
- (8) Malt sirup, maltose sirup, malt extract.
- (9) Dried malt sirup, dried maltose sirup, dried malt extract.
- (10) Refiner's sirup.
- (11) Molasses (other than blackstrap).
- (12) Lactose.
- (13) Fructose.

(e) The optional caseinates referred to in paragraph (a) of this regulation 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. Caseinates may be added in liquid or dry form, but must be free of excess alkali.

(f) Other optional ingredients referred to in paragraph (a) of this regulation are:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, and dried egg yolks. Any egg ingredient used is added to the mix before it is pasteurized. The total weight of egg yolk solids in the finished ice cream from one or a combination of two or more such ingredients is less than the minimum prescribed for frozen custard by Regulation 2 of these regulations (1.4 percent).

(2) Agar-agar, algin (sodium alginate), calcium sulfate, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient and pectin added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished ice cream. Such ingredients may be added in admixture with dextrin.

(3) Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weight of such ingredients is not more than 0.2 percent of the weight of the finished ice cream. If the preparation used is one having a high proportion of monoglycerides (over 90 percent), it may be preblended with edible fat, but the amount of such fat does not exceed 20 percent by weight of the blend, and the total amount of the blend used does not exceed 0.2 percent of the weight of the finished ice cream.

(4) Polyoxyethylene (20) sorbitan tristearate and polysorbate (80) or both. The maximum amount of these additives, alone or in combination, does not exceed 0.10 percent of the finished frozen dessert.

(g) (1) The name of the food is "ice cream."

(2) (i) If the food contains no artificial flavor, the label shall bear 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 name of the food.

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the label shall bear, wherever the name of the food appears so conspicuously as to be easily seen under customary conditions of purchase, the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the name of the food, 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 label shall bear, wherever the name of the food appears so conspicuously as to be easily seen under customary conditions of purchase, the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in declaring the name of the food, 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) If the food is subject to the requirements of subparagraph (2) (i) of this paragraph or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial ----- flavor added," the blank being filled 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. 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 subparagraph 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 trade mark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trade mark or brand, may intervene if the required words are in such relationship with the trade mark 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 subparagraph, the statements required by this subparagraph 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 13.35 ounces of vanilla beans or than one unit of vanilla constituent.

(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 percent in the case of citrus ice cream, 6 percent in the case of berry or cherry ice cream, and 10 percent 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 used is such that, in relation to the finished ice cream, the weight of the nut meats is less than 2 percent.

(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 subdivision (ii) or (iii) of this subparagraph, e.g. 5 percent banana plus 1 percent almond

would qualify for "BANANA flavored and ALMOND flavored"; 5 percent pineapple plus 3 percent strawberry would qualify for "PINEAPPLE flavored and STRAWBERRY flavored"; 3 percent raspberry plus 1 percent orange would qualify for "RASPBERRY flavored and ORANGE flavored."

(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.

2. Frozen custard, french ice cream, french custard ice cream; identity; label statement of optional ingredients.

Frozen custard, french ice cream, french custard ice cream conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by Regulation 1., except that one or more of the optional egg ingredients permitted by Regulation 1. (f) (1) are used in such quantity that the total weight of egg yolk solids therein is not less than 1.4 percent of the weight of the finished frozen custard: Provided, however, That when the ingredients named in Regulation 1. (b) (3) through (8), inclusive, are used the content of egg yolk solids may be reduced in proportion to the bulky ingredient or ingredients added, under the conditions prescribed by Regulation 1. (a) for reduction in milk fat and total milk solids; but in no case is the content of egg yolk solids less than 1.12 percent.

3. Ice milk; identity; label statement of optional ingredients.

Ice milk is the food prepared from the same ingredients and in the same manner prescribed in Regulation 1. for ice cream and complies with all the provisions of Regulation 1. (including the requirements for label statement of optional ingredients), except that:

(a) Its content of milk fat is more than 2 percent but not more than 7 percent.

(b) Its content of total milk solids is not less than 11 percent.

(c) Caseinates may be added when the content of total milk solids is not less than 11 percent.

(d) The provision for reduction in milk fat and total milk solids from the addition of bulky ingredients in Regulation 1. (a) does not apply.

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

(f) When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, 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."

(g) The name of the food is "ice milk."

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

4. Fruit sherbets; identity; label statement of optional ingredients.

(a) Fruit sherbets are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in paragraph (b) of this regulation and one or more of the optional dairy ingredients specified in paragraph (c) of this regulation, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this regulation. One or more of the optional ingredients specified in paragraph (e) of this regulation may be used, subject to the conditions hereinafter set forth. The mix of combined dairy ingredients with or without other ingredients, is pasteurized. The titratable acidity of the finished fruit sherbet, calculated as lactic acid, is not less than 0.35 percent. Coloring may be added. The mix with or without added water may be seasoned with salt, and may be homogenized. The optional dairy ingredients used and the content of milk fat and nonfat milk solids therein are such that the weight of milk fat is not less than 1 percent and not more than 2 percent, and the weight of total milk solids is not less than 2 percent and not more than 5 percent of the weight of the finished fruit sherbet. The optional caseinates specified in paragraph (e) (5) of this regulation are not deemed to be milk solids. The finished fruit sherbet weighs not less than 6 pounds to the gallon.

(b) The optional fruit characterizing ingredients referred to in paragraph (a) of this regulation 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 of the optional ingredients named in paragraph (e) (2) of this regulation, subject to the restriction on the total quantity of such substances in fruit sherbets prescribed in that paragraph. 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 with citric acid, ascorbic acid, or phosphoric acid. 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 percent in the case of citrus sherbets, 6 percent in the case of berry sherbets, and 10 percent in the case of sherbets prepared with other fruits. For the purposes of this regulation, tomatoes and rhubarb are considered as kinds of fruit.

(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 after crystallization, concentrated cheese whey, dried cheese whey. Water may be added. The sweet cream buttermilk, concentrated sweet cream buttermilk, or dried sweet cream buttermilk, adjusted with water to a total solids content of 8.5 percent in each case, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this regulation means cow's milk.

(d) The optional sweetening ingredients referred to in paragraph (a) of this regulation are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

(e) Other optional ingredients referred to in paragraph (a) of this regulation are:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of egg yolks solids therein is less than $\frac{1}{2}$ of 1 percent of the weight of the finished fruit sherbet.

(2) Agar-agar, algin (sodium alginate), calcium sulfate, egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, hydroxypropyl methylcellulose, lecithin, pectin, psyllium seed husk, sodium carboxymethylcellulose, propylene glycol alginate. The total weight of the solids of any

such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished fruit sherbet. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(3) Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weight of such ingredients is not more than 0.2 percent of the weight of the finished fruit sherbet. If the preparation used is one having a high proportion of monoglycerides (over 90 percent), it may be preblended with edible fat, but the amount of such fat does not exceed 20 percent by weight of the blend, and the total amount of the blend used does not exceed 0.2 percent of the weight of the finished fruit sherbet.

(4) Polyoxyethylene (20) sorbitan tristearate and polysorbate (80). The maximum amount of these additions, alone or in combination, does not exceed 0.10 percent of the finished frozen dessert.

(5) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, or any combination of two or more of these in such quantity as seasons the finished food.

(6) Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, sodium caseinate.

(7) Any natural food flavoring.

(8) Any artificial flavoring.

(f) The name of each such 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 to predominance, if any, by weight of the respective fruit ingredients used.

(g) (1) When the optional ingredients artificial coloring or artificial flavoring are used in fruit sherbet they shall be named on the labels as follows:

(i) The label 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.

(ii) The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "----- an artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

(iii) Whenever artificial flavoring is not added as such but as a component of some other ingredient, the label shall include the statement "----- artificially flavored," the blank being filled in with the name of such other ingredient.

Label statements may be combined, as for example, "with added artificial flavoring and artificial coloring."

(h) Where one or more of the optional ingredients artificial coloring or artificial flavoring are used and there appears on the label any representation as to the fruit or fruits in the sherbet, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in paragraph (g) (1) of this regulation, showing the optional ingredients used.

(i) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase the statements specified in this regulation, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

5. Water ices; identity; label statement of optional ingredients.

(a) Water ices are the foods, each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in paragraph (b) of this regulation, sweetened with one or more of the optional sweetening ingredients specified in paragraph (c) of this regulation. One or more of the optional ingredients specified in paragraph (d) of this regulation may be used, subject to the conditions hereinafter set forth. The titratable acidity of the finished water ice, calculated as lactic acid, is not less than 0.35 percent. Coloring may be added. The mix, with or without added water, may be seasoned with salt, and may be homogenized. The finished water ice weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this regulation 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 of the optional ingredients named in paragraph (d) (1) of this regulation subject to the restriction on the total quantity of such substances in water ices prescribed in that paragraph. 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 with citric or ascorbic acid. In the case of 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 water ice, 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 percent in the case of citrus ices, 6 percent in the case of berry ices, and 10 percent in the case of ices prepared with other fruits.

(c) The optional sweetening ingredients referred to in paragraph (a) of this regulation are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

(d) Other optional ingredients referred to in paragraph (a) of this regulation are:

(1) Agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, hydroxypropyl methylcellulose, pectin, psyllium seed husk, sodium carboxymethylcellulose, propylene glycol alginate. The total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished water ice. Such ingredients may be added in admixture with dextrin, propylene glycol or glycerin.

(2) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.

(3) Any natural flavoring.

(4) Any artificial flavoring.

(e) The name of each such water ice is "----- ice," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient used is obtained. When the names of two or more fruits are included, such names shall appear in the order of predominance, if any, by weight of the respective fruit ingredients used.

(f) When the optional ingredients artificial coloring and artificial flavoring are used in water ices they shall be named on the labels as follows:

(1) The label 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.

(2) The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "----- an artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

Label statements may be combined, as for example, "flavoring and artificial coloring added."

(g) Where one or more of the optional ingredients artificial coloring, artificial flavoring, or natural flavoring are used and there appears on the labeling any representation as to the fruit or fruits in the ice, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in paragraph (f) of this regulation, showing the optional ingredients used.

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements set out in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

6. Artificially sweetened ice cream; identity; label statement of optional ingredients.

(a) Artificially sweetened ice cream is defined as ice cream manufactured, prepared or processed for consumption by diabetics and shall contain only those ingredients prescribed by Regulation 1. but shall be sweetened with an artificial sweetening agent and contain edible carbohydrates other than sugar. The artificial sweetening agent and the edible carbohydrates must be approved by the Department of Health and no sugars other than those naturally present in the milk solids or fruit agent shall be added thereto.

7. Artificially sweetened ice milk; identity; label statement of optional ingredients.

(a) Artificially sweetened ice milk is defined as ice milk manufactured, prepared or processed for consumption by diabetics and shall contain only those ingredients prescribed by Regulation 1. but shall be sweetened with an artificial sweetening agent and contain edible carbohydrates other than sugar. The artificial sweetening agent and the edible carbohydrates must be approved by the Department of Health and no sugars other than those naturally present in the milk solids or fruit agent shall be added thereto.

8. Quiescently frozen confection; identity; label statement of optional ingredients.

(a) Quiescently frozen confection means the frozen, sweetened, flavored product, similar in composition to water ices, composed of a combination of one or more of the optional ingredients specified in Regulation 5, and in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing.) This confection may contain milk solids. The finished product may contain not more than one-half of one percent by weight of stabilizing agents. The finished product shall contain not less than seventeen percent by weight of total food solids, and shall contain not more than thirteen percent by weight of total milk solids.

(b) 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.

(c) 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 percent.

(d) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, a listing of the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

9. Quiescently frozen dairy confection; identity; label statement of optional ingredients.

(a) Quiescently frozen dairy confection means the frozen product composed of a combination of one or more of each of the optional ingredients specified in Regulation 1., and in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). It contains not less than thirteen (13) percent by weight of total milk solids, not less than 33 percent by weight of total food solids, not more than $\frac{1}{2}$ of 1 percent by weight of stabilizing agents, not more than $\frac{1}{5}$ of 1 percent by weight of monoglycerides or diglycerides or a combination of both, not more than $\frac{1}{10}$ of 1 percent by weight of polyoxyethylene (20) sorbitan tristearate or polysorbate 80 (polyoxyethylene (20) sorbitan, monooleate) or a combination of both.

(b) 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.

(c) 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 percent.

(d) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, a listing of the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

10. Whipped cream confection or bisque tortoni; identity; label statement of optional ingredients.

(a) Whipped cream confection or bisque tortoni means the frozen dessert composed of a combination of one or more of each of the optional ingredients specified in Regulation 1. It contains not less than 18 percent by weight of milk fat, not more than $\frac{1}{2}$ of 1 percent by weight of stabilizing agents, not more than $\frac{2}{10}$ of 1 percent by weight of monoglycerides or diglycerides of fat forming fatty acids or a combination of both, not more than $\frac{1}{10}$ of 1 percent by weight of polyoxyethylene (20) sorbitan tristearate or polysorbate 80 (polyoxyethylene (20) sorbitan, monooleate) or a combination of both, not more than 12 percent of milk solids not fat, and may be whipped with or without harmless gas prior to freezing.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, a listing of the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.