



REGULATIONS GOVERNING THE PREPARATION AND HANDLING
OF 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 Governing the Preparation and Handling of Frozen Desserts and Special Frozen Dietary Foods.

All regulations heretofore promulgated covering the subject matter of the following regulations are hereby rescinded.

By: 
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"Frozen desserts plant" - records, equipment, construction and pasteurization.

1. Records. Each licensee shall keep for each plant, station, or depot operated, a true and correct record showing milk and milk products received and frozen desserts and special frozen dietary foods manufactured. Such record shall show: (a) As to milk products received: (1) date of receipt; (2) weight or volume; (3) kind of milk product or mixture containing same; (4) percentage of milk fat therein; (5) name and address from where obtained or purchased. (b) As to manufactured products: (1) date made or received; (2) volume; (3) type or class; (4) percentage of milk fat, if any. Depot operators shall keep a daily record of the hour of sanitation for each mobile unit serviced. Such records shall be legibly written in English on forms approved by the department, retained at said plant or local office for a period of six months and shall be open at all times for examination by the Department.

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2. Statistical reports. Each manufacturer of frozen desserts and special frozen dietary foods for sale shall file with the department upon a form prescribed by them as often as they may require, a statement showing the amount of each class of frozen desserts and special frozen dietary foods manufactured, the ingredients used in the manufacture of such frozen desserts, and special frozen dietary foods, and such other information as the department may require.

3. Buildings and ground. Frozen dessert plants, stations and depots shall be so located as to insure proper shelter and drainage. Sewage and industrial wastes shall be disposed of in accordance with pertinent law and regulations. Premises shall be kept clean and unless properly retained no refuse shall be allowed to accumulate on or about the same. Roads, driveways, yards and parking areas adjacent thereto should be paved or otherwise treated to prevent dust. No person shall be allowed to live or sleep in any room where frozen desserts or special frozen dietary foods are manufactured, packed, stored, distributed or sold.

4. Plants. Frozen desserts plants other than mobile units shall be of adequate size so that not more than one-third of the floor area is occupied by permanent equipment, exclusive of portable equipment and refrigerating units used for storage, so placed as to allow at least a two foot clearance between installations and from the wall to prevent overcrowding and to facilitate cleaning.

Separate rooms shall be provided in a plant in order to segregate manufacturing operations from the cleaning and sterilizing of utensils and containers. Loading and unloading of materials shall not be permitted through the processing areas in plants.

Frozen desserts plants shall be completely enclosed, well lighted and ventilated, kept clean and free from foul atmosphere, flies, insects, rodents, dust, excessive condensate, offensive odor and other sources of possible contamination. Where tank truck deliveries of milk and milk products are made, a tank truck room of sufficient area to accommodate the entire truck and chassis shall be provided with suitable equipment and facilities for cleaning such tanks. Whenever the department deems the products handled or manufactured in any plant to be properly and reasonably safeguarded and protected as to wholesomeness, they may use their discretion in modifying the requirements of this regulation or other pertaining to premises.

Plans for construction of new plants or major alterations of existing licensed plants must be submitted to the department for its approval. Such plans shall, where tank truck deliveries are made, include a tank truck room of sufficient area provided with suitable equipment and facilities for cleaning such tanks.

5. Boiler Room. Boilers and fireplaces must be completely partitioned from any room in which frozen desserts, special frozen dietary foods, or frozen desserts ingredients are manufactured, handled or stored, or where apparatus or containers are washed or stored.

6. Walls and ceilings. Walls and ceilings of the frozen desserts plants shall be constructed of smooth, tight, washable, hard-surfaced impervious materials. They shall be finished in a light color, cleaned, kept clean and sanitary and refinished when discolored. Exclusive of boiler rooms and service windows, window sills on inner walls where there is new construction or major alterations, shall slope inward and downward at an angle at least 45° from the horizontal.

7. Floors. Floors in frozen desserts plants shall be of impervious, smooth-surfaced material which can be flushed clean with water. With the exception of hardening rooms, they shall slope 3/16" to 1/4" per foot to one or more properly trapped outlets. In new construction or in major alterations of existing licensed plants, no open channel drainage shall be permitted.

8. Sanitation. Every frozen desserts plant including equipment and appurtenances, shall be kept in a clean, and sanitary condition, and all food kept or manufactured therein shall be protected from dust, dirt, flies, insects, rodents and from possible contamination of every kind. Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

9. Toilet facilities. Adequate toilet facilities, conveniently located, ventilated as to the outer air, shall be provided, and shall be kept clean and sanitary. Each toilet room shall be equipped with adequate fixtures including lavatory which shall be located therein or immediately adjacent and shall be supplied with soap, running hot and cold water, single service towels or mechanical hot air hand dryers, or similar approved device, and conspicuous signs shall be posted directing employees to cleanse hands after visiting toilets and before returning to work.

10. Handwashing facilities. Shall be conveniently located in processing rooms, and shall include a lavatory supplied with soap, running hot and cold water, single service towels or mechanical hot air hand dryers or similar approved device.

11. Waste. Covered receptacles or incinerators where permitted shall be provided for waste materials. Receptacles shall be emptied or disposed of by other acceptable means daily or periodically during the work period. Personal effects or general litter shall not be allowed to accumulate.

12. Personnel. Suitable, clean, sanitary lockers, room or rooms, separate and apart from manufacturing operations, shall be provided for use of employees to change and store clothing. Articles of wearing apparel shall not be kept in any room where frozen desserts are manufactured. No person with an infectious condition or with any communicable disease or "carrier" thereof, shall work or be employed in any frozen desserts plant. No person shall use tobacco or snuff or expectorate in any frozen desserts plant. Employees shall be clean in person at all times and wear clean clothing including clean, washable outer garments and keep hair confined or wear head covering.

13. Construction. Apparatus, containers, equipment and utensils used in the handling, storage, processing or transporting of frozen desserts and special frozen dietary foods shall be of such acceptable material and construction as to enable them to be readily cleaned, shall be installed in an acceptable manner, and shall be provided with close fitting covers where required.

14. Refrigeration equipment. Every frozen desserts plant shall be provided with suitable hardening rooms, refrigerating rooms or refrigerated cabinets large enough for the storage of frozen desserts, special frozen dietary foods, and perishable ingredients to be used in their manufacture. Refrigerating rooms and units shall be constructed of impervious material capable of being cleaned, shall be kept clean and sanitary, and shall be maintained at a temperature of 50°F. or below.

15. Water supply. The water supply shall be adequate, of a safe sanitary quality, and from an approved source. Cold water and hot water (of a temperature not less than 140°F.) under pressure shall be provided in all processing and washing areas.

16. Cleansing and Sanitizing equipment. All residues shall be removed from equipment after use each day, and product contact surfaces shall be sanitized just prior to use each day.

All equipment whose interior surfaces are contacted by products used in preparing frozen desserts, special frozen dietary foods, or their mixes shall be completely disassembled daily for cleaning, provided however, the department may approve specific designs, installations and methods used for cleaning equipment without disassembly.

After cleaning and sanitizing all product contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

17. Equipment and utensil sanitizing. Sanitizing utensils and equipment shall be accomplished by exposing them to -

- a. A flow of steam at a temperature of 200°F. for at least 5 minutes, or
- b. A flow of hot water at a temperature of 170°F. for at least 5 minutes, or
- c. A flow of chlorine solution testing 100 p.p.m. for at least 2 minutes, or
- d. A flow of iodoform solution testing 12 p.p.m. for at least 2 minutes, or
- e. By such other method as may be acceptable to the department.

18. Pasteurization and cooling. All mixtures used in the manufacture of frozen desserts and special frozen dietary foods shall be pasteurized in a plant and with equipment conforming to these regulations by heating every particle:

- a. To a temperature of at least 155°F. and holding at that temperature for at least 30 consecutive minutes by the batch process, or
- b. To a temperature of at least 175°F. and holding at that temperature for at least 25 consecutive seconds by the high-temperature-short-time process, or
- c. To such equivalent temperature and holding periods demonstrated to accomplish the same results and which are acceptable to the department.

After pasteurization, all milk and milk products, whether unmixed or mixed with any other ingredient, shall be maintained at a temperature of not more than 45°F. until subject to freezing. The foregoing provisions shall not apply to sterilized evaporated milk or sweetened condensed milk when in hermetically sealed containers, nor shall it apply to dried milk solids or non-fat dry milk solids, butter and butter oil. This requirement on maintaining temperature of mix shall be construed: (1) to require the use of refrigerated or insulated vehicles or approved insulated containers in transporting frozen desserts mix from the wholesalers to retail manufacturers and (2) to apply to conveying mix from coolers or refrigeration units in manufacturing plants to freezers by means of pipe or tubing.

19. Bacterial Standards. Frozen desserts, special frozen dietary foods or their mixes shall not contain in excess of 10 coliform organisms per gram and/or in excess of 50,000 bacteria per gram.

Tests to determine whether the standards for frozen desserts, special frozen dietary foods, or their mixes are being complied with shall be made with procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products" published by the American Public Health Association, Inc.

20. Supply. All milk and fluid milk products used in the manufacture of frozen desserts or special frozen dietary foods for sale or distribution in New Jersey shall be obtained from milk plants holding permit from this department.

21. Mobile Units. Mobile units shall comply with the preceding regulations exclusive of boiler room, toilet facilities, and pasteurization and storage facilities, and in addition thereto shall comply with the following specifications:

- a. Truck interior shall be of sufficient size with equipment and fixtures conveniently located so as to eliminate needless steps for operation of equipment and serving of customers.
- b. A potable water supply tank, minimum capacity of thirty (30) gallons, heated electrically or otherwise, and tilted toward a capped drain cock, shall be provided. Water inlet pipe shall be of removable flexible copper or other tubing approved by the department with nozzle for hose connection capped when not being used. Hose for connection to potable water supply shall be provided and be equipped with an approved vacuum breaker and check valve.
- c. A seamless double compartment sink supplied with running hot and cold water which shall have a swivel faucet shall be provided and it shall be large enough to accommodate the largest piece of equipment to be cleansed therein.
- d. A hand wash sink, seamless, with running hot and cold water, soap and single service or individual towels, or mechanical hand dryer shall be provided.

- e. A suitable waste tank with capacity of at least equal to the water supply tank, shall be provided, tilted toward a drain cock with an adequate method of gauging the contents. It shall be emptied and flushed as often as necessary, and in a sanitary manner in order to maintain sanitary conditions.
- f. A refrigerated box to maintain a temperature of 45°F. or below and equipped with indicating thermometer, of stainless steel or other non-corrosive material, of ample capacity, the floor of which is pitched towards a center drain, shall be provided for various ingredients carried, with metal racks or platforms provided to store ingredients.
- g. Floors shall be of metal or similar approved material and properly sloped, junctures of floor, wall and adjoining fixtures shall be watertight and coved.
- h. Frozen dessert mixes shall be pasteurized and packaged in single service containers at the place of manufacture with a capacity sufficient but not larger than needed for the manufacture of a single batch, unless some other satisfactory method of handling mix or size or type of container is approved by the department.
- i. Flavors for use in making sundaes, shakes, etc. shall be kept in single service containers or other type of container acceptable to the Department.
- j. A refrigerated syrup rail with holding plate to maintain low (45°F.) temperature shall be provided. Use of syrup pumps is prohibited, unless the type of pump has been found to be acceptable to the department.
- k. A refuse container with cover must be available for deposit of papers and other solid wastes by customers, and operators, so constructed, designed and placed so it can be readily used, cleaned and kept clean, so located as not to create a nuisance.
- l. The truck shall be well lighted with at least 30 foot-candles of light intensity on all working surfaces.

- m. Notice shall be posted in service area of the mobile unit with instructions as to proper handling of food materials and containers, proper cleaning of equipment, utensils and appurtenances, and proper waste disposal.
- n. Separation by partition, self-closing doors excepted, shall be made between driver's seat and manufacturing unit unless vehicle is air-conditioned.
- o. Persons handling frozen desserts shall be clothed in white, clean, washable uniforms.
- p. The original frozen desserts license shall be displayed on each vehicle with photostat posted in operator's depot.
- q. A mobile unit shall be used only for the manufacture and sale of frozen desserts unless specific exemption is applied for in writing and granted by the department for the sale on such unit of other food products. Such permission shall appear on the license granted to such mobile unit.
- r. Serving windows shall be glassed and shall be kept closed at all times except when being used to serve customers.

22. Depots. All mobile units other than those operating exclusively at fairs, outings, and carnivals of short duration, shall operate from a depot as authorized on license, and shall report to their respective depots for sanitizing at least once a day, prior approval must be secured for any change in depot from which units operate and said depot shall be equipped as follows:

- a. Walls must be reasonably smooth, clean and cleanable.
- b. There must be no openings in the walls or at the base of the door in order to prevent vermin infestation. The floor must be constructed of cement, provided with a drain, and coved at the junction of the floor and wall.
- c. There must be at least one window, properly screened and adequately ventilated.

- d. The water supply shall be adequate, of a safe sanitary quality, and from an approved source. Cold water and hot water (of a temperature not less than 140°F.) under pressure shall be provided in all processing and washing areas.
- e. For washing purposes there must be at least two large sinks, each of which must be large enough to accommodate the largest piece of equipment to be washed. Sinks are to be provided with drainboards of impervious material other than wood.
- f. A hose and hose connection equipped with a vacuum breaker shall be provided for supplying water to the mobile unit as well as a method of hanging hose for draining to prevent contamination.
- g. A metal pipe drying rack for utensils shall be provided.
- h. Clothes lockers and garbage cans shall be provided.
- i. A physical separation between the truck premises and the area where food is stored shall be required. This separation may be a dwarf partition.
- j. Adequate lighting of the depot shall be provided. Working surfaces shall be provided with at least 30 foot-candles of light intensity.
- k. Adequate suitable and clean toilet facilities shall be provided.
- l. It shall be the responsibility of depot operators to furnish the department with a copy of the actual area covered by each vehicle operating therefrom upon request.
- m. Suitable covered storage facilities or containers shall be provided for all refuse and waste which must be removed daily from the depot.