

M-D8
Aug 68

New Jersey State
Department of Health
John Fitch Plaza, P.O. Box 1540
Trenton, New Jersey 08625

REGULATION RELATING TO IMITATION MILK IMITATION LOWFAT MILK AND IMITATION FLUID MILK PRODUCTS, AND PRODUCTS MADE IN SEMBLANCE OF SUCH PRODUCTS BUT WHICH CONTAIN NO DAIRY INGREDIENT

Effective September 3, 1968

NEW JERSEY STATE LIBRARY



3 3009 00555 7915

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 Imitation Milk and Imitation Fluid Milk Products, and Requirements Governing the Production and Labeling of those Products.

Regulation 1. Definitions and Standards of Identity —

For the purposes of these regulations the following definitions and standards of identity shall obtain:

(a) **Imitation Milk** is a fluid product in which there is combined one or more edible fats or oils with not less than 8¼% milk solids-not-fat derived from fluid or dry products. Above the minimum level for milk solids-not-fat, edible food solids other than milk solids-not-fat may be used. Imitation milk shall contain not less than 3¼% by weight of edible fats or oils. If only one fat or oil is used it shall be a fat or oil other than milk fat. If more than one edible fat or oil is used in any such combination, one of them may be milk fat.

Imitation milk may contain one or more of the optional ingredients specified in Regulation 1 (b) in amounts necessary to accomplish its or their intended purpose; except that if Vitamin A is used, it is used in such quantity that 8 fluid ounces of the finished product contains not less than 500 USP units and, when Vitamin D is used, it is used in such quantity that 8 fluid ounces of the finished product contains not less than 100 USP units.

(b) The optional ingredients referred to in Regulation (a) are: stabilizers, emulsifiers, diacetyl and other like flavors, vitamins, minerals, edible food solids other than milk solids and other similar ingredients approved by the department.

(c) **Imitation Lowfat Milk** conforms in all respects to the definition and standard of identity for imitation milk including the provisions relating to the use of optional ingredients, except that it shall contain not less than 0.5% and not more than 2.0% by weight of edible fats or oils.

(d) **Imitation Fluid Milk Products** mean and include any combination of edible fats and oils with milk solids-not-fat so that the resulting product is in semblance or imitation of one or another of the following fluid milk products: milk, cream, half-and-half, flavored milk, dairy drink, cultured buttermilk, cultured milk, cultured sour cream, cultured salad cream, yogurt, cultured half-and-half; and such other fluid milk products as may be designated by the department, but shall not include evaporated milk, condensed milk or dry milk products, nor imitation fluid milk products which are sterilized and packaged in hermetically sealed containers.

With respect to each particular imitation fluid milk product, edible fats and oils shall be present in the same minimum proportion as the minimum butterfat requirement for the fluid milk product in semblance or imitation of which it is made. If only one fat or oil is used it shall be a fat or oil other than milk fat. If more than one edible fat or oil is used in any such combination, one of them may be milk fat. Each particular product shall contain not less than the minimum proportion of milk solids-not-fat as is present in the fluid milk product in semblance of which the imitation fluid milk product is made. Above the minimum level for milk solids-not-fat, edible food solids other than milk solids-not-fat may be used.

Imitation fluid milk products may contain one or more of the following optional ingredients in amounts not in excess of the amount necessary to accomplish the intended purpose of its use: flavorings, sweeteners, stabilizers, emulsifiers, acidifiers, vitamins, minerals, edible food solids other than milk solids, and similar ingredients approved by the department.

(e) The name of each imitation fluid milk product shall be "Imitation _____," the blank to be filled by the name of the fluid milk product in semblance or imitation of which the imitation fluid milk product is made.

Regulation 2. Imitation Milk, Imitation Lowfat Milk, Imitation Fluid Milk Products, or any of them, shall be deemed to be misbranded unless:

(a) its label bears the name under which any such product is defined in Regulation 1;

(b) its label bears a list of ingredients, identified by their specific, common or usual names, which were used in fabricating the product. If any artificial flavor is used, the label shall bear a statement such as "artificially flavored" or "artificial flavor added." Nothing in this Regulation shall prevent the use of a brand or fanciful name or mark to further identify the product.

Regulation 3. A food which is made in semblance of Imitation Milk, Imitation Lowfat Milk or any Imitation Fluid Milk Product as those products are defined herein but which does not meet the edible fats and oils, or milk solids-not-fat minimum requirements prescribed in Regulation 1 (d) or which contains no dairy ingredient shall be deemed to be misbranded if:

(a) there appears on the label of any such food the word milk or the name of any of the fluid milk products identified in or under authority of Regulation 1 (d) thereof, even if preceded by the word "Imitation." Such products shall be labeled by using a fanciful or brand name only.

(b) there appears on the label of any such product any representation made or suggested by statement, word, grade, designation, design, symbol, picture, device or any combination thereof that such food is a dairy product, or is Imitation Milk, Imitation Lowfat Milk or Imitation Fluid Milk Product as those terms are defined herein.

Regulation 4. Imitation Milk, Imitation Lowfat Milk, Imitation Fluid Milk Products or any of them or any food made in semblance of any such product may be deemed to be adulterated unless it is produced under sanitary conditions.

(a) For the purpose of this Regulation Imitation Milk, Imitation Lowfat Milk or any Imitation Fluid Milk Products or any food made in semblance of any such product shall be deemed to have been produced under sanitary conditions, if the plant in which such products are produced is subject to the provisions of the state statutes or regulations relating to plant sanitation for milk and milk products including temperature, bacteriological and chemical standards, and such provisions are complied with and the requirements hereinafter set forth in Regulation 4 (c) are met.

(b) When Imitation Milk, Imitation Lowfat Milk or Imitation Fluid Milk Products or any of them is produced in a plant not now subject to the provisions of the state milk and milk products statutes or regulations relating to milk plant sanitation, such imitation products shall be produced under the same sanitary conditions as is provided for in Regulation 4 (a).

(c) The requirements referred to in Regulation 4 (a) hereof are as follows:

1. Protection from Contamination. Imitation milk plant operations, equipment, and facilities shall be located and conducted to prevent any contamination of imitation milk or imitation fluid milk products, ingredients, equipment, containers, and utensils. All imitation milk or imitation fluid milk products or ingredients which have been spilled, overflowed, or leaked shall be discarded. The processing or handling of products other than imitation milk and imitation fluid milk products in the pasteurization plant shall be performed to preclude the contamination of such imitation milk and imitation fluid milk products.

M6019



NEW JERSEY STATE
DEPARTMENT OF HEALTH
P.O. BOX 1540
TRENTON, N. J. 08625



State of New Jersey

DEPARTMENT OF HEALTH

JOHN FITCH PLAZA, P.O. BOX 1540, TRENTON, 08625

November 13, 1967

TO: Local Health Officers

Subject: "Imitation Milk"

There has been a lot of publicity given to the movement of "imitation milk" into eastern markets. The basic product is fabricated from water, non fat dry milk, vegetable oil, mono and diglycerides, modified food starch, and carotene.

A legal review of our statutes shows that the product, as formulated, would not be in violation of the laws if it is properly labeled.

The enclosed policy relating to "imitation milk" is sent to you so that you may be aware of the manner in which the product must be labeled. This labeling policy will also apply to imitation milk" in which vegetable proteins are substituted for non fat dry milk.

Very truly yours,

Francis A. Timko
Francis A. Timko,
Acting Chief,
Bureau of Food and Drugs

Enclosure



State of New Jersey

DEPARTMENT OF HEALTH

JOHN FITCH PLAZA, P.O. BOX 1540, TRENTON, 08625

November 13, 1967

POLICY CONCERNING "IMITATION MILK"

The following procedures will be used in evaluating and processing requests for handling "imitation milk" in New Jersey.

1. The product shall not contain fluid milk nor fluid milk products.
2. The product shall be prominently and conspicuously labeled "Imitation Milk" in letters of uniform size and prominence and shall show a full listing of ingredients used in fabricating the product by specific names of each such ingredient.
3. The labeling of the product shall not bear any words, statements or pictures which would lead consumers to believe the product is a fluid milk product.
4. If dietary claims are made for the product, the labeling shall include acceptable statements substantiating such claims.
5. (a) If processed in a milk plant, there shall be no intermingling of this product with other products processed in the plant.
(b) If processed in an establishment other than a milk plant, the sanitary requirements for food establishments must be met.