

**CHAPTER 1550**  
**DEPARTMENT OF AGRICULTURE**  
**FOOD; GENERAL RULES**

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**1550.0020** [Repealed, 24 SR 546]

**1550.0030** [Repealed, 24 SR 546]

**1550.0040** [Repealed, 24 SR 546]

**1550.0050** [Repealed, 27 SR 260]

**1550.0060** [Repealed, 24 SR 546]

**1550.0070** [Repealed, 27 SR 260]

**1550.0080** [Repealed, 24 SR 546]

**1550.0090 DIRECT MISSTATEMENTS AND INDIRECT MISREPRESENTATIONS.**

A food product shall not be labeled or branded in such a manner as to deceive or mislead the purchaser. Direct misstatements and indirect misrepresentations regarding the article or its ingredients by means of designs, printed testimonials, devices or artifices in the arrangement, style, or dress of the package or in the arrangement of the printed or pictorial matter in or upon the label or package are prohibited.

**Statutory Authority:** *MS s 31.101*

**1550.0100 NO LABEL OR DESCRIPTIVE MATTER.**

It is prohibited to sell or offer for sale a food product in package form when the package bears no label or descriptive matter whatever connected with it.

**Statutory Authority:** *MS s 31.101*

**1550.0110 SPECIAL LABELING.**

An article of food, which, under the law or rules, requires special labeling, must carry such label, not only on the original package, but on all lots removed for display or for the convenience of handling.

**Statutory Authority:** *MS s 31.101*

**1550.0120 DECEPTIVE OR MISLEADING ORAL STATEMENTS REGARDING UNLABELED GOODS.**

Any article of food, which, under parts 1550.0090 to 1550.0110, does not require labeling, must not be sold, exhibited, or offered for sale in such a manner as to be liable to mislead or deceive the purchaser. Deceptive or misleading oral statements regarding the nature or quality of unlabeled goods are prohibited.

**Statutory Authority:** *MS s 31.101*

**1550.0130 ARTICLES OF FOOD TAKEN FROM ORIGINAL PACKAGE.**

Articles of food taken from the original package and susceptible to misrepresentation, when put in other packages or containers by the dealer, shall be labeled as delivered to the purchaser to show the source or kind of product contained therein.

**Statutory Authority:** *MS s 31.101*

**1550.0140 RETAIL CARTONS OR OTHER OUTSIDE CONTAINERS.**

Retail cartons or other outside containers shall be labeled according to the same rules as are applied to the bottle or other receptacle containing the article of food.

**Statutory Authority:** *MS s 31.101*

**1550.0150 MUTILATION OR DESTRUCTION OF LABELS IN OPENING PACKAGES.**

Labels on barrels, boxes, tubs, pails, casks, or other packages must be so placed as not to subject them to mutilation or destruction in opening such packages. If packages are used from which food is being sold or offered for sale or displayed and from which the original label has been removed, destroyed, or rendered illegible, the article contained therein shall be considered misbranded within the meaning of the law.

**Statutory Authority:** *MS s 31.101*

**1550.0160** [Repealed, 24 SR 546]

**1550.0170** [Repealed, 24 SR 546]

**1550.0190** [Repealed, 24 SR 546]

**1550.0200 GEOGRAPHICAL NAME.**

A geographical name indicating that a food product was manufactured or produced in a specific place shall not be used unless such product was manufactured or produced in that place.

**Statutory Authority:** *MS s 31.101*

**1550.0210** [Repealed, 27 SR 260]

**1550.0220** [Repealed, 27 SR 260]

**1550.0230** [Repealed, 27 SR 260]

**1550.0240** [Repealed, 27 SR 260]

**1550.0250** [Repealed, 27 SR 260]

**1550.0260** [Repealed, 27 SR 260]

**1550.0270** [Repealed, 27 SR 260]

**1550.0280 COMPOUNDS AND MIXTURES.**

The terms "compound" and "mixture" are interchangeable. A product is a compound when it consists of a mixture of one or more ingredients with a substantial amount of one or

more natural products and when the natural ingredient or ingredients predominate in any one or more of the valuable or essential characteristic qualities of the finished product.

**Statutory Authority:** *MS s 31.101*

**1550.0290** [Repealed, 24 SR 546]

**1550.0300** [Repealed, 27 SR 260]

**1550.0310** [Repealed, 27 SR 260]

**1550.0320 BY-PRODUCTS OR WASTE FOOD MATERIAL.**

A food which consists in whole or in part of sound by-product or waste food material, such as pieces, stems, trimmings, and the like, shall not be labeled with the unqualified name of the substance from which such material is derived. The package containing the article of food shall be labeled so as to clearly indicate the name of the material from which the food is manufactured, using such descriptive terms as "trimmings," "stems," "pieces," or other appropriate descriptive terms, as the case may be.

**Statutory Authority:** *MS s 31.101*

**1550.0330 CERTAIN ADULTERATIONS NOT CORRECTED BY LABEL.**

Proper labeling alone will not remove an article from the operation of the law. Certain forms of adulteration, e.g., the addition of a poisonous or deleterious ingredient which may render the article injurious to health, can not be corrected by any form of labeling.

**Statutory Authority:** *MS s 31.101*

**1550.0340** [Repealed, 27 SR 260]

**1550.0350 POWDERING.**

An article of food shall neither be covered with a powder nor reduced to a powder in such a manner that damage or inferiority is concealed.

**Statutory Authority:** *MS s 31.101*

**1550.0360 COATING, STAINING, OR OTHER TREATMENT.**

Food products shall not be coated, stained, or otherwise treated whereby damage or inferiority is concealed or the product is made to appear better than it really is.

**Statutory Authority:** *MS s 31.101*

**1550.0370 PRESERVATIVES.**

The use of boric acid or borates, salicylic acid, or salicylates, formaldehyde, sulfurous acid or sulfites, hydrofluoric acid or fluorides or any added poisonous or deleterious ingredient which may render a food product unwholesome, injurious, or detrimental to health is prohibited by law. Exception will be made in the case of food products found to contain sulfurous acid as the result of the application for bleaching purposes of the fumes of burning sulfur to those food products which contain sugars or other substances with which sulfurous acid may combine, providing that the total amount of sulfur dioxide in the finished product does not exceed 350 milligrams per liter or 350 milligrams per kilogram of the total product and of which not over 70 milligrams exists as free sulfur dioxide.

**Statutory Authority:** *MS s 31.101*

**1550.0380** [Repealed, 24 SR 546]

**1550.0390 USE OF PRESERVATIVE TO CONCEAL DAMAGE OR INFERIORITY.**

A preservative or other substance, even though harmless, shall not be used in the preparation of any article of food in a manner whereby damage or inferiority is concealed or the product made to appear better than it really is.

**Statutory Authority:** *MS s 31.101*

**1550.0400 COMPOUNDS OR MIXTURES OF PRESERVATIVES.**

Compounds or mixtures designed and offered for sale for use in preserving or preparing food products and which contain two or more ingredients not expressly prohibited by law

shall be plainly labeled with the names and percentages of the ingredients composing the compound or mixture, clearly printed in the order of their predominance.

**Statutory Authority:** *MS s 31.101*

#### **1550.0410 FOOD PRODUCTS MISBRANDED OR ADULTERATED.**

A food product shall be regarded as adulterated or misbranded when it falls below the standard or quality, purity, or strength which has been adopted under the provisions of Minnesota Statutes, section 31.10 of the food law. An article of food which is correctly labeled as to composition, place of manufacture, name of manufacturer, or otherwise may nevertheless be adulterated and hence will be sold in violation of the food law. A food product which on examination shows evidence of filth, putrescence, or decomposition and therefore is unfit for food is adulterated. Any food product which contains a poisonous or deleterious ingredient naturally present does not come within the provisions of the law and is unsalable. A product shall be deemed misbranded if any required phrase or statement, as "artificially colored," "imitation maple syrup," or the required statement of weight or measure or name and address of manufacturer, be not placed upon the label in plain intelligible words or figures.

**Statutory Authority:** *MS s 31.101*

**1550.0420** [Repealed, 24 SR 546]

**1550.0430** [Repealed, 24 SR 546]

**1550.0440** [Repealed, 24 SR 546]

**1550.0450** [Repealed, 24 SR 546]

**1550.0460** [Repealed, 24 SR 546]

**1550.0470** [Repealed, 24 SR 546]

**1550.0480** [Repealed, 24 SR 546]

**1550.0490** [Repealed, 24 SR 546]

**1550.0500** [Repealed, 24 SR 546]

**1550.0510** [Repealed, 24 SR 546]

#### **1550.0520 CONCENTRATES AND FOUNTAIN SYRUPS.**

A fruit syrup, fountain syrup, or concentrate, which bears the name of a fruit, or a name suggestive of a specific kind of fruit, shall be made wholly from the juice or unmanipulated edible portion of the fruit indicated in the name, with or without the addition of sugar, dextrose, corn syrup, or corn syrup solids. A fruit syrup, fountain syrup, nectar, or concentrate, flavored with an essential oil fruit flavor or a synthetic fruit essence, with or without sugar, dextrose, corn syrup, or corn syrup solids, with or without artificial coloring matter, shall contain a minimum of eight ounces per gallon of citric and/or tartaric acid and shall be labeled "imitation (name of fruit) flavored beverage base" or "(name of fruit) flavored beverage base" as the case may be, depending on whether the predominating characteristic qualities of the finished product are given by the imitation ingredients or by the natural fruit flavor. An article to which sugar is customarily added by the purchaser before a beverage is made, shall bear the statement "use with sugar" or some other similar statement immediately beneath the name of the article. This information shall be followed by a statement with the names of the principal or essential ingredients composing the product, plainly stated in the order of their predominance and printed in uniform size of type.

**Statutory Authority:** *MS s 31.101*

#### **1550.0530 PHOSPHATE CONCENTRATE.**

A product labeled or sold as a phosphate concentrate must contain an appreciable amount of phosphoric acid or acid phosphate with or without other acid material commonly used in the preparation of beverages, provided that none of the acid ingredients are of such a nature as to render the product injurious to health.

**Statutory Authority:** *MS s 31.101*

**1550.0540 IMITATION FRUIT EXTRACTS, COMPOUNDS, AND OTHER SIMILAR PREPARATIONS.**

Imitation fruit extracts, compounds, and other similar preparations cannot bear pictures of fruits on labels; neither can pictures of fruits be used on pamphlets, circulars, folders, signs, newspapers, and any other forms of advertising material.

**Statutory Authority:** *MS s 31.101*

**1550.0550** [Repealed, 24 SR 546]

**1550.0560** [Repealed, 24 SR 546]

**1550.0570 MIXED SYRUPS AND SUGARS.**

A. The term "syrup," as applied to a table syrup, pancake syrup, or any food syrup consisting of one syrup ingredient, shall be plainly qualified by the common name of the syrup. The qualifying name shall be printed on the label with a prominence equal to that of the term "syrup." A syrup consisting of a mixture of two or more edible syrups shall be labeled with the names of all the ingredients plainly stated in the order of their predominance and printed in uniform size of type.

B. A syrup containing 50 percent or more by weight of maple syrup shall be labeled with the name "maple syrup" preceding the name of the other syrup, as for example "maple syrup and can syrup."

C. A syrup containing 15 percent or more and less than 50 percent by weight of maple syrup shall be labeled with the name "maple syrup," following the name of the other syrup, as for example, "refiners syrup and maple syrup."

D. A syrup containing less than 15 percent, by weight of maple syrup shall be labeled with the statement "with a trace of maple syrup added" following the name of the syrup as for example "sugar syrup with a trace of maple syrup added."

E. A sugar containing 50 percent or more by weight of maple sugar, shall be labeled with the name "maple sugar," preceding the name of the other sugar.

F. A sugar containing 15 percent or more and less than 50 percent by weight of maple sugar shall be labeled with the name "maple sugar," following the name of the other sugar.

G. A sugar containing less than 15 percent by weight of maple sugar, shall be labeled with the statement "with a trace of maple sugar added," following the name of the sugar, as for example, "cane sugar with a trace of maple sugar added."

H. The word "maple" shall in all cases be printed in type of the same size and style and in the same color as may be used in printing the name of any other syrup, molasses, or sugar with which the maple sugar or syrup is mixed.

**Statutory Authority:** *MS s 31.101*

**1550.0580 POWDERED SUGAR.**

Powdered sugar may be mixed with starch provided the amount of starch does not exceed three percent and also provided that the package in which it is sold shall be plainly labeled stating the percentage and kind of starch contained therein.

**Statutory Authority:** *MS s 31.101*

**1550.0590** [Repealed, 27 SR 260]

**1550.0600 MIXED FLOURS.**

A product consisting of a mixture of flours obtained from different cereals shall not be named after a single constituent, but shall bear upon the label the names of the ingredients plainly stated in the order of their predominance and printed in uniform size of type.

**Statutory Authority:** *MS s 31.101*

**1550.0610** [Repealed, 27 SR 260]

**1550.0620** [Repealed, 27 SR 260]

**1550.0630 VINEGAR.**

The terms "cider vinegar," "apple cider vinegar," and "apple vinegar" are synonymous and apply only to the product made exclusively from the juice of fresh apples by alcoholic and subsequent acetous fermentations. By the term "vinegar," used without qualification, is meant cider vinegar. Any vinegar other than cider vinegar, sold or offered for sale under the name "vinegar," unqualified, will be held to be misbranded. A vinegar made by the alcoholic and subsequent acetous fermentations of the aqueous solutions prepared from apple by-product, skins, cores, and chops, shall be plainly labeled "evaporated apple products vinegar," "apple by-product vinegar," or by other term correctly describing the material from which it is produced. The apple stock from which the vinegar is prepared must be clean and sound.

**Statutory Authority:** *MS s 31.101*

**1550.0640 LABELING OR STENCILING OF VINEGAR CONTAINER.**

Any bottle, keg, cask, barrel, or other container, in which vinegar is sold or held for sale, shall be plainly labeled or stenciled with a declaration of the kind of vinegar contained therein, the quantity of vinegar in terms of measure, the acetic acid strength of the vinegar and the name and address of the manufacturer or producer. Any container in which vinegar is sold in retail, except when delivered to the purchaser in the properly labeled original package of the manufacturer, shall be plainly labeled or marked by the seller stating the kind of vinegar so delivered or sold, whether such container be furnished by the seller or the purchaser.

**Statutory Authority:** *MS s 31.101*

**1550.0650 KOSHER FOOD PRODUCTS; RABBINICAL COUNCIL DEFINED.**

For the purposes of parts 1550.0650 to 1550.0840, "rabbinical council" shall include a recognized rabbinical council, a duly ordained rabbi or duly ordained rabbis or their respective designates who supervise the preparation of kosher food products and sanction them as being kosher and prepared or processed in accordance with orthodox Hebrew religious requirements.

**Statutory Authority:** *MS s 31.101*

**1550.0660 AUTHORIZED MARKING MATERIALS.**

Branding ink, crayons, pencils, and other authorized marking materials used on kosher meat and meat preparations shall be made from harmless ingredients approved by the commissioner. Only purple color shall be used in such marking materials. Where referred to in parts 1550.0650 to 1550.0840, the term "branding ink" shall include all marking materials such as branding ink, crayons, and pencils.

**Statutory Authority:** *MS s 31.101*

**1550.0670 MARKINGS LEGIBILITY.**

All required markings and labels shall be applied in such a manner as to be clearly legible.

**Statutory Authority:** *MS s 31.101*

**1550.0680 LABELING.**

All kosher food products shall be identified with the word "kosher" and except as provided for in part 1550.0800, the name of the rabbinical council supervising their preparation and such other information as provided for in these rules. When kosher food products are sold in package form, the labeling requirements for foods sold in package form also apply.

**Statutory Authority:** *MS s 31.101*

**1550.0690 LABELING KOSHER FRESH MEAT.**

Each kosher forequarter of beef, foresaddle of veal, and each foresaddle of lamb shall be identified by the shochet with the word "kosher," the week and day of the week of the slaughter and the shochet's initial or name. Such identification shall be in Hebrew letters or symbols applied with branding ink on either the interior wall or on the exterior surface across the



approximate center of such forequarter of beef or of one of the forequarters of veal or lamb. Each quarter of kosher beef shall be identified further by four additional markings or stampings consisting of the word "kosher" and the name of the rabbinical council supervising the slaughter. Such markings shall be in Hebrew letters or symbols applied with branding ink, one each to be placed on the rib, the upper portion of the plate, the approximate center of the square chuck, and on the shin. Each forequarter of veal and lamb shall have two such stampings, one located midway across the side of the breast and ribs and the other on the approximate center of the shoulder. These markings shall be stamped on the interior wall or on the exterior surface of the forequarter.

**Statutory Authority:** *MS s 31.101*

#### **1550.0700 LABELING BULK CUTS OF KOSHER FRESH MEATS.**

Each piece of fresh or frozen meat offered for sale or sold in bulk as kosher shall be labeled with the word "kosher" and the name of the rabbinical council supervising the preparation, in Hebrew letters or symbols applied in branding ink, roll-marked across the entire surface; or this information and the plant identity in English words, letters, or symbols, may be given on a nonremovable, single-use, self-locking seal.

**Statutory Authority:** *MS s 31.101*

#### **1550.0710 LABELING KOSHER FRESH MEAT TRIMMINGS SOLD IN BULK PACKAGES OR BARRELS.**

Bulk packages or barrels of fresh kosher meat trimmings shall be labeled in Hebrew letters or symbols with the word "kosher" and the name of the rabbinical council supervising their preparation.

**Statutory Authority:** *MS s 31.101*

#### **1550.0720 LABELING KOSHER TONGUE AND LIVERS.**

Each kosher tongue and each kosher liver shall be marked with the word "kosher" and the name of the rabbinical council supervising the slaughter. Such markings shall be in Hebrew letters or symbols applied in branding ink or branded by a hot branding iron.

**Statutory Authority:** *MS s 31.101*

#### **1550.0730 LABELING KOSHER POULTRY.**

Kosher poultry shall be labeled by the shochet with the word "kosher," the day of the week the fowl was slaughtered, and the name of the rabbinical council under whose supervision the fowl was slaughtered. Such information shall be written in branding ink on the fowl or attached to it by means of a nonremovable, single-use, self-locking seal.

**Statutory Authority:** *MS s 31.101*

#### **1550.0740 LABELING MEAT UNFIT FOR KOSHER PLUMBA.**

When a carcass is found after ritual slaughter to be unfit to bear kosher plumba, the shochet shall mark it in a legible manner in branding ink with the word "tref." No such meat nor any preparation made therefrom shall be sold as "kosher."

**Statutory Authority:** *MS s 31.101*

#### **1550.0750 FRESH KOSHER MEAT RESTRICTIONS.**

Fresh meat bearing the kosher plumba shall be used or processed within 12 days from the date of slaughter or shall be marked by the rabbinical council with the word "tref," in branding ink. No such meat nor any meat preparation made therefrom shall be sold as "kosher."

**Statutory Authority:** *MS s 31.101*

#### **1550.0760 LABELING KOSHER CURED, COOKED, OR PREPARED MEAT AND MEAT PREPARATIONS.**

Each piece of kosher cured, cooked, or prepared meat or meat preparation shall be labeled with the word "kosher" and the name of the rabbinical council supervising the prepara-

tion. Such information shall be given in Hebrew letters or symbols applied with hot branding iron or branding ink across the entire surface in such a manner that when any portion of the piece is sold the remaining portion will bear all such required markings; or this required information and the plant identity in English words, letters, or symbols, may be given on a non-removable, single-use, self-locking seal which shall remain attached to the piece of meat or meat preparations until the last portion is sold. When such meat or meat preparations are sold in bulk containers, each individual piece also shall be so labeled.

**Statutory Authority:** *MS s 31.101*

**1550.0770 LABELING KOSHER WIENERS, SAUSAGES, AND FRANKFURTERS IN BULK CONTAINERS.**

Each kosher wiener, sausage, and frankfurter sold in bulk containers shall be labeled with the word "kosher" and the name of the rabbinical council supervising the preparation. Such information shall be given in Hebrew letters or symbols on each wiener, sausage, and frankfurter by one of the following methods: use of branding ink applied directly to the product; use of casings with the required information printed thereon; use of individual, single-use, paper bands with the required information printed thereon. Bulk container for such wieners, sausages, and frankfurters shall bear labels giving all the mandatory information required for packaged foods in addition to the word "kosher" and the name of the rabbinical council supervising the preparation.

**Statutory Authority:** *MS s 31.101*

**1550.0780 PREPACKAGED KOSHER MEATS.**

No prepackaged fresh, frozen, or processed meats may be labeled "kosher" unless all prepackaging is done under supervision of a recognized rabbinical council.

**Statutory Authority:** *MS s 31.101*

**1550.0790 OTHER KOSHER FOOD PRODUCTS.**

Each individual package of kosher food products shall be labeled with: the word "kosher" and except as provided for in part 1550.0800 the name of the rabbinical council under whose supervision the product was prepared and packaged.

**Statutory Authority:** *MS s 31.101*

**1550.0800 USE OF DULY ADOPTED RABBINICAL SYMBOL.**

The requirements of parts 1550.0680 and 1550.0790 shall be satisfied if all kosher food products are identified by and each individual package of kosher food products is labeled with a duly adopted rabbinical symbol for identifying food products as kosher and as having been prepared or processed in accordance with orthodox Hebrew religious requirements and sanctioned by a rabbinical council. A duly adopted rabbinical symbol is a symbol which is:

A. authorized by a rabbinical council for use to identify food products which it sanctions as being kosher and as having been prepared or processed in accordance with orthodox Hebrew religious requirements;

B. filed with the commissioner before it first is used and refiled on or before January 1 of each year thereafter; and

C. attested to the commissioner as being authorized by and the property of such rabbinical council, for its use only, as a duly adopted rabbinical symbol.

**Statutory Authority:** *MS s 31.101*

**1550.0810 MEAT PREPARATIONS.**

The term "meat preparations" includes all foods made in whole or in part from meat or poultry or any products derived therefrom.

**Statutory Authority:** *MS s 31.101*

**1550.0820 IDENTIFICATION OF KOSHER MEATS AND MEAT PRODUCTS SLICED, CUT, GROUND, OR CHOPPED IN ADVANCE OF SALE.**

No person shall slice, cut, grind, or chop, in advance of sale, any kosher meat or meat products for storage or exposure for sale to the ultimate consumer as kosher, unless such

meats or meat products shall have been cut from kosher quarters or kosher bulk pieces of beef, veal, or lamb, shall have been sliced, cut, ground, or chopped under rabbinical supervision, and are exposed for sale under a sign or placard identifying the rabbinical council under whose supervision these kosher products were sliced, cut, ground, or chopped.

**Statutory Authority:** *MS s 31.101*

**1550.0830 WORD “KOSHER” LIMITED TO KOSHER FOODS.**

Except as provided for in the kosher food law (Minnesota Statutes, sections 31.651 to 31.681), no person shall label, represent, or advertise any food product with the word “kosher” or with any combination of words including the word “kosher” unless such product has been prepared or processed in accordance with orthodox Hebrew religious requirements sanctioned by a recognized rabbinical council; provided, that this part shall not apply to the labeling of cucumber pickles in package form.

**Statutory Authority:** *MS s 31.101*

**1550.0840 INVOICES AND BILLS OF LADING.**

Each delivery, consignment, or shipment of kosher meats or meat preparations shall be accompanied by an invoice or bill of lading, setting forth the following information: the name and address of the consignor; the name and address of the consignees; the date of shipment; the word “kosher” preceding the name and weight or amount of each kind of kosher meat or meat preparation sold. Such invoices or bills of lading shall be kept on file by the consignee for a period of 30 days and shall be available at all reasonable times for examination by representatives of the Department of Agriculture.

**Statutory Authority:** *MS s 31.101*

**1550.0850** [Repealed, 24 SR 546]

**1550.0860** [Repealed, 27 SR 260]

**1550.0870 COLORED ORANGES.**

The shade or hue of the color of “color added” oranges shall not exceed the average representative natural color which such varietal oranges would have when naturally fully colored. Each color added orange shall have stamped on the skin thereof the words “color added” in dark ink in such manner that the words “color added” shall be clear and distinct and readily legible. All packing boxes and containers containing fruit so colored shall bear thereon in a conspicuous manner in bold face type not less than three-fourths inch in height the words “color added.” Such words shall be printed on or from a part of the main label affixed to or stamped on such packing boxes or containers or shall be stamped on the same end or side of such packing boxes or containers that such main label is affixed or stamped thereon.

**Statutory Authority:** *MS s 31.101*

**1550.0880 FLOUR BAGS.**

Flour and other cereals intended for human consumption shall not be packed and distributed in any used bag or sack unless such bag or sack shall first have been laundered. The term “laundered” shall mean the submerging of the bag or sack in boiling water and a complete washing of the same by the use of a standard soap or other standard cleansing agent.

**Statutory Authority:** *MS s 31.101*

**1550.0890 DEFINITIONS AND STANDARDS FOR FOOD.**

The definitions and interpretations of terms contained in Minnesota Statutes, sections 31.01 and 31.02, shall be applicable also to such terms when used in rules promulgated under the act. If a rule prescribing a definition and standard of identity for a food has been promulgated under Minnesota Statutes, sections 31.10 and 32.021, subdivision 2, and the name therein specified for the food is used in any other rule under Minnesota Statutes, sections 31.10 and 32.021, subdivision 2, or any other provision of the statute, such name means the food which conforms to such definition and standard, except as otherwise specifically provided in such other rule.

No provision of any rule prescribing a definition and standard of identity or standard of quality or fill of container under Minnesota Statutes, sections 31.10 and 32.021, subdivision

2, shall be construed as in any way affecting the concurrent applicability of the general provisions of the act and the rules thereunder relating to adulteration and misbranding. For example all rules under Minnesota Statutes, sections 31.10 and 32.021, subdivision 2, contemplate that the food and all articles used as components or ingredients thereof shall not be poisonous or deleterious and shall be clean, sound, and fit for food. A provision in such rules for the use of coloring or flavoring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

**Statutory Authority:** *MS s 31.101*

#### **1550.0900 GENERAL METHODS FOR WATER CAPACITY OF CONTAINERS.**

For the purposes of rules promulgated under Minnesota Statutes, sections 31.10 and 32.021, subdivision 2: the term “general method for water capacity of containers” means the following method:

- A. In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.
- B. Wash, dry, and weigh the empty container.
- C. Fill the container with distilled water at 68 degrees Fahrenheit to 3/16 inch vertical distance below the top level of the container and weigh the container thus filled.
- D. Subtract the weight found in item B from the weight found in item C of this paragraph. The difference shall be considered to be the weight of water required to fill the container.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in items B to D (except that under item C) fill the container to the level of the top thereof).

**Statutory Authority:** *MS s 31.101*

#### **1550.0910 GENERAL METHOD FOR FILL OF CONTAINERS.**

The term “general method for fill of containers” means the following method:

- A. In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.
- B. Measure the vertical distance from the top level of the container to the top level of the food.
- C. Remove the food from the container; wash, dry, and weigh the container.
- D. Fill the container with water to 3/16 inch vertical distance below the top level of the container. Record the temperature of the water, weigh the container thus filled, and determine the weight of the water by subtracting the weight of the container found in item C.
- E. Maintaining the water at the temperature recorded in item D, draw off water from the container as filled in item D to the level of the food found in item B, weigh the container with remaining water and determine the weight of the remaining water by subtracting the weight of the container found in item C.
- F. Divide the weight of water found in item E by the weight of water found in item D and multiply by 100. The result shall be considered to be the percent of the total capacity of the container occupied by the food.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in items B to F, except that under item D, fill the container to the level of the top thereof.

**Statutory Authority:** *MS s 31.101*

#### **1550.0920 GENERAL STATEMENT OF SUBSTANDARD QUALITY AND SUBSTANDARD FILL OF CONTAINER.**

Subpart 1. **Quality.** For the purposes of rules promulgated under Minnesota Statutes, sections 31.10 and 32.021, subdivision 2, the term “general statement of substandard quality” means the statement “Below Standard in Quality Good Food – Not High Grade” printed in two lines of Cheltenham bold condensed caps. The words “Below Standard in Quality”

constitute the first line and the second immediately follows. If the quantity of the contents of the container is less than one pound, the type of the first line is 12–point and of the second, eight–point. If such quantity is one pound or more, the type of the first line is 14–point and of the second, ten–point. Such statement is enclosed within lines, not less than six points in width, forming a rectangle. Such statement, with enclosing lines, is on a strongly contrasting, uniform background and is so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

Subp. 2. **Fill.** The term “general statement of substandard fill” means the statement “Below Standard in Fill” printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than one pound, the statement is in 12–point type; if such quantity is one pound or more, the statement is in 14–point type. Such statement is enclosed within lines, not less than six points in width, forming a rectangle; but if the statement specified in subpart 1 is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, are on a strongly contrasting uniform background and are so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

**Statutory Authority:** *MS s 31.101*

## DELIVERY OF FOOD

### 1550.0930 DEFINITIONS.

Subpart 1. **Commissioner.** “Commissioner” shall mean the commissioner of the Minnesota Department of Agriculture or the commissioner’s agents.

Subp. 2. **Delivery equipment.** “Delivery equipment” shall mean any vehicle or conveyance, together with its appurtenance, which is used for the delivery of food for or by a manufacturer, processor, or distributor licensed by the commissioner, whether or not such delivery equipment is owned or operated by the licensee, or is independently contracted for by the licensee or is contacted for with a common carrier.

Subp. 3. **Food.** “Food” includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans, whether simple, mixed, or compound. (Minnesota Statutes, section 28A.03, paragraph (d).)

Subp. 4. **Frozen food.** “Frozen food” shall mean any food which is processed, packaged, and preserved by freezing in accordance with good commercial practices and which is intended for sale in the frozen state.

Subp. 5. **Perishable food.** “Perishable food” is food which includes, but is not limited to, fresh fruits, such as apples, bananas, oranges, and grapefruit; and fresh vegetables, such as lettuce, carrots, beans, radishes, onions, and potatoes.

Subp. 6. **Readily perishable food.** “Readily perishable food” shall mean any food or beverage or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry, or other food which is capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Subp. 7. **Exclusion.** For the purposes of parts 1550.0930 to 1550.1020, packaged food in hermetically sealed containers processed by heat to prevent spoilage; packaged pickles; jellies and condiments in sealed containers; bakery products such as bread, rolls, buns, donuts, fruit filled pies, and pastries; dehydrated packaged food; and dry or powdered packaged food so low in moisture content as to preclude development of microorganisms are not “perishable food,” “readily perishable food,” or “frozen food” within the meaning of subparts 4 to 6.

**Statutory Authority:** *MS s 31.101*

**History:** *17 SR 1279*

**1550.0940 CONSTRUCTION OF DELIVERY EQUIPMENT.**

All delivery equipment shall be constructed of material that will withstand repeated cleaning, shall be so designed as to be easily cleaned, and shall be kept clean, sanitary, and in good repair. Such equipment shall be designed to protect the food being handled from dust and dirt and other contamination.

**Statutory Authority:** *MS s 31.101*

**1550.0950 DELIVERY EQUIPMENT TO HANDLE PERISHABLE FOOD.**

In addition to the requirements in part 1550.0940, delivery equipment used to handle perishable food shall be constructed and operated to protect such food from temperatures which may permit or cause damage.

**Statutory Authority:** *MS s 31.101*

**1550.0960 DELIVERY EQUIPMENT TO HANDLE READILY PERISHABLE FOODS.**

Delivery equipment used to handle readily perishable foods, in addition to the requirements above, shall be provided with mechanical refrigeration equipment or other refrigeration methods or facilities capable of maintaining a product temperature which will protect such readily perishable foods from spoilage and in no case shall the product temperature exceed 45 degrees Fahrenheit during the delivery process; provided, that where lower temperatures are required by state rules, such requirements shall supersede this temperature requirement; provided further, that the product temperature of milk and milk products covered by the Grade A Pasteurized Milk Ordinance, 1965 Recommendations of the United States Public Health Service, 1967 printing, shall conform to the requirements of that ordinance and of shell eggs shall conform to Minnesota Statutes, section 29.26.

**Statutory Authority:** *MS s 31.101*

**1550.0970 DELIVERY EQUIPMENT FOR FROZEN FOOD.**

Such delivery equipment used for handling frozen food shall be capable of maintaining the product temperature at zero degrees Fahrenheit or lower; provided, that during defrost cycles, loading, and unloading, such product temperature shall not exceed ten degrees Fahrenheit.

**Statutory Authority:** *MS s 31.101*

**1550.0980 DELIVERY EQUIPMENT TO HANDLE HOT FOOD.**

Such delivery equipment used to handle hot food shall be designed to maintain a product temperature of 140 degrees Fahrenheit or higher during the delivery process.

**Statutory Authority:** *MS s 31.101*

**1550.0990 [Repealed, 27 SR 260]****1550.1000 DELIVERY EQUIPMENT IDENTIFICATION.**

Every manufacturer, processor, and distributor licensed by the commissioner shall, at the time of applying for said license, apply also, on forms provided by the commissioner, for identification for each delivery equipment unit which the applicant will operate during the license year. Whenever such a licensee uses any delivery equipment to deliver food, perishable food, readily perishable food, or frozen food, said identification supplied by the commissioner shall be carried by the operator or person in charge of said delivery equipment or be displayed in a prominent place on said equipment, plainly visible on the outside. Such identification displayed on the equipment or carried by the person in charge shall be prima facie evidence that the licensee is responsible for the acceptability of said delivery equipment of the use to which it is put.

**Statutory Authority:** *MS s 31.101*

**History:** *17 SR 1279*

**1550.1010 FAILURE TO CARRY IDENTIFICATION.**

Failure of the person in charge of said delivery equipment or failure of the delivery equipment to carry the identification supplied by the commissioner or failure of the delivery

equipment to conform to the requirements herein established for the use to which it is put shall be cause for the suspension or revocation of the license issued by the commissioner to said manufacturer, processor, or distributor.

**Statutory Authority:** *MS s 31.101*

#### **1550.1020 CONTRACT HAULER OR COMMON CARRIER.**

When the licensee engages the services of a contract hauler or common carrier to make such deliveries, an invoice or a bill of lading identifying the licensee, the carrier, and the consignee as well as whether the type of food being shipped is perishable food, readily perishable food, or frozen food shall be acceptable identification. Such invoice or bill of lading shall be prima facie evidence that the contract hauler or common carrier is responsible for the acceptability of said delivery equipment for the use to which it is put. For the purposes of parts 1550.0930 to 1550.1020, any manufacturer, processor, or distributor not subject to licensing by the commissioner or the commissioner's contract hauler or common carrier, nevertheless shall be subject to the applicable provisions of parts 1550.0930 to 1550.1020.

**Statutory Authority:** *MS s 31.101*

**History:** *17 SR 1279*

### **QUALITY ASSURANCE DATING**

#### **1550.1030 QUALITY ASSURANCE DATING.**

It is recognized that foods vary in degrees of perishability, and as the time lengthens before a food begins to lose its palatability or its desired or nutritive properties, it becomes increasingly more difficult for the manufacturer or processor to determine when that time will arrive and so such determination becomes an estimate. Consequently, some degree of variability must be allowed from the quality assurance date declared on the label and the manufacturer or processor must be permitted the opportunity to explain the reasons for the variability on the label of the product. The following parts are designed to give the consumer the assurance that the food offered has retained its palatability and its desired or nutritive properties and to permit the manufacturer or processor to use experience and judgment to supply this information to the consumer.

**Statutory Authority:** *MS s 31.783*

**History:** *17 SR 1279*

#### **1550.1040 DEFINITIONS.**

Subpart 1. **Applicability.** The following terms have the meanings given to them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of agriculture or designee.

Subp. 3. **Label.** "Label" means a display of written, printed, or graphic matter upon the immediate container of any article, and includes a like display, if required by law or rule, on the outside container or wrapper, if any there be, of the retail package of such article.

Subp. 4. **Labeling.** "Labeling" means all labels and other written, printed, or graphic matter upon an article or any of its containers or wrappers, or accompanying such article.

Subp. 5. **Perishable food.** "Perishable food" means any food intended for human consumption (other than meat, poultry, frozen food, or fresh fruit or vegetables), which has a quality assurance date.

Subp. 6. **Person.** "Person" means any individual, partnership, copartnership, society, association, company, or corporation.

Subp. 7. **Open date.** "Open date" means a date consisting of the name or abbreviation or numerical designation for the month, the numerical designation for the day of the month, and the name or abbreviation for the day of the week as provided herein, and if appropriate, the year. An open date may be one of the following:

A. Date of manufacture: the date the product was manufactured or processed. This date would be used with a statement such as "Use within 40 days of date shown" or other similar phrasing.

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B. Date of packaging: the date the product was placed in the retail package in advance of sale. This date would be used with a statement such as "Use within 30 days of date shown" or other similar phrasing.

C. Pull date: the recommended last date for retail sale. With this date use a statement such as "Not to be sold after date shown" or "Do not sell after date shown" or "Last day of sale" or some equivalent phrasing.

D. Freshness date (quality assurance date): of the last date which the manufacturer or processor estimates the product will retain its original freshness or peak quality. With this date use a statement such as "For maximum freshness use before date shown" or other equivalent phrasing.

E. Expiration date: the last date the product can be expected to perform in a manner equal to consumer expectations. With this date use a statement such as "For best results use before the date shown" or other equivalent phrasing.

F. Shelf display date: the date used by a retailer to indicate when an item was put on display. The purpose of this date, if used, is to aid in the proper rotation of stock and it would be used by the retailer on those perishable foods which have short shelf life and which are exempt herein from open dating.

Subp. 8. **Quality assurance date.** "Quality assurance date" means any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wilting, drying, or any other foreseeable and natural phenomenon, lose its palatability or its desired or nutritive properties. As used in these parts, "quality assurance date" signifies a period of time beginning with the date of manufacture or the date when the food is packed for retail sale and ending with an open date as defined and explained in subpart 7.

**Statutory Authority:** *MS s 31.783*

**1550.1060 USE OF OPEN DATE.**

Every manufacturer or processor of perishable food, except meat, poultry, frozen food, and fresh fruits and vegetables, as exempt by Minnesota Statutes, section 31.782, subdivision 3, and except as provided for herein, shall place on the package or label or labeling of such perishable food an open date as described and provided for in parts 1550.1030 to 1550.1250.

**Statutory Authority:** *MS s 31.783*

**1550.1070 DISPLAY OF OPEN DATE.**

The open date shall be printed, stamped, embossed, perforated, or otherwise shown on the package or the label on the package or the labeling accompanying the perishable food in such a manner that it can be easily read, shall be separated from other information or lettering so as to be clearly visible to the prospective purchaser, shall not be superimposed on any other required information, shall not be obscured by any other information, price tag, printing, or lettering, and shall not be placed on the surface on which the package usually rests during display except when dating equipment or methods are not available to place the open date on an exposed surface of the package as required herein. When the open date is shown on the bottom of the package, a label statement such as "See bottom of the package for the pull date" or other equivalent phrasing shall be shown conspicuously on an exposed surface of the package.

**Statutory Authority:** *MS s 31.783*

**1550.1080 EXPLANATION OF OPEN DATE.**

Every open date used on the package, label, or labeling of a perishable food shall be explained so that the prospective purchaser can understand its significance and can identify the termination date of the quality assurance period for such perishable food.

**Statutory Authority:** *MS s 31.783*

**1550.1090 OTHER INFORMATION.**

The manufacturer or processor or packager not only shall give information explaining the meaning of the open date shown on the package, label, or labeling of such perishable



food, but also may specify the conditions under which the open date will retain its validity, supply such other information as may be useful to the prospective purchaser in making decisions about the product, and give instructions to the purchaser relating to the proper care and handling of the product to prolong its quality assurance period.

**Statutory Authority:** *MS s 31.783*

#### **1550.1100 EASY READABILITY.**

The letters and numbers used to show open dates on the packages, labels, and labeling of perishable foods shall not be smaller than one-eighth inch high except when the package is so small as to preclude use of this size type in which case the type size may be reduced to 1/16 inch in height. Regardless of the type size used, the information shall be easily readable. Other information required in part 1550.1080 and permitted in part 1550.1090 except as provided in part 1550.1140 shall be given in letters not smaller than 1/16 inch high, shall be located as to be easily noticed and shall be easily readable.

**Statutory Authority:** *MS s 31.783*

#### **1550.1110 ABBREVIATIONS AND NUMERICAL DESIGNATIONS.**

The abbreviations and the numerical designations for the month of the year and the abbreviations for the days of the week are as follows:

A. For January, Jan or Ja or 01 or 1; February, Feb or Fe or 02 or 2; March, Mar or Mr or 03 or 3; April, Apr or Ap or 04 or 4; May, May or Ma or 05 or 5; June, Jun or Jn or 06 or 6; July, Jul or Jl or 07 or 7; August, Aug or Au or 08 or 8; September, Sep or Se or 09 or 9; October, Oct or Oc or 10; November, Nov or No or 11; December, Dec or De or 12.

B. For Sunday, Sun or Su; Monday, Mon or Mo; Tuesday, Tues or Tu; Wednesday, Wed or We; Thursday, Thur or Th; Friday, Fri or Fr; Saturday, Sat or Sa.

**Statutory Authority:** *MS s 31.783*

#### **1550.1120 OPEN DATE 90 DAYS OR LESS FROM DATE OF MANUFACTURE OR PACKAGING.**

When the open date shown on the package or label or labeling of a perishable food is 90 days or less from the date of manufacture or packaging, it shall consist of one of the following:

A. the name or the abbreviation or numerical designation for the month and the day of the month for open dates from eight to 90 days, e.g. August 27, or Aug. 27, or Au 27, or 08-27 or 8-27. When the numerical designation for the month is used, it shall appear before the number for the day of the month;

B. the name or abbreviation for the day of the week for open dates from one to seven days, e.g. Sunday or Sun or Su; Monday or Mon or Mo; Tuesday or Tues or Tu; Wednesday or Wed or We; Thursday or Thur or Th; Friday or Fri or Fr; Saturday or Sat or Sa; and the month and the year need not be shown; provided that in lieu of the names or acceptable abbreviations for the days of the week for open dates on perishable foods having quality assurance periods of from one to seven days, the manufacturer or processor may substitute the day of the month, e.g. 01 for the first day of the month or 31 for the last day of a month having 31 days; provided further, that such open date shall be explained on the label not later than the date or dates provided for in part 1550.1230. Such perishable food shall not be displayed for sale after the day of the week or the day of the month shown on the package, label, or labeling unless it is displayed under a sign or placard declaring it to be over age.

**Statutory Authority:** *MS s 31.783*

#### **1550.1130 OPEN DATE MORE THAN 90 DAYS FROM DATE OF MANUFACTURE OR PACKAGING.**

When the open date shown on the package or label of a perishable food is more than 90 days from the date of manufacture or packaging, it shall be an open date consisting of the name of or the abbreviation or the numerical designation for the month, and the year or the last two digits of the year, e.g. August 1973; or August 73; or Aug 1973; or Aug 73; or Au 1973; or Au 73; or 08-1973; or 8-1973; or 8-73. When the numerical designation for a

month is used, it shall appear before the year or the last two digits of the year, whichever is used.

**Statutory Authority:** *MS s 31.783*

#### **1550.1140 RULES IN LIEU OF OPEN DATE.**

In lieu of placing an open date on each package, container, or wrapping into which perishable food is placed for sale, service or takeout service, the following items shall apply:

A. All bakery products normally sold to the user on the day of manufacture or processing may be displayed under a sign or placard bearing the following statement in capital letters not less than one-half inch high: "ALL BAKERY PRODUCTS OFFERED FOR SALE ON THESE PREMISES ARE PREPARED FRESH DAILY UNLESS DISPLAYED UNDER A SIGN OR PLACARD OR BEARING LABELING INDICATING OTHERWISE." The signs or placards or labeling bearing this statement and other required information shall be posted in the sales or display area and shall be easily readable.

B. Prepackaged sandwiches and other perishable foods prepared to order of a consumer or for service to or selection by a consumer for consumption on the premises or for take out do not require open dating.

**Statutory Authority:** *MS s 31.783*

#### **1550.1150 PERISHABLE FOODS REQUIRING AGING.**

Perishable foods requiring aging as part of their processing before they are ready to be offered for consumption need not bear any open date, but may bear statements explaining the need for and the method of aging. If investigations by the commissioner on the commissioner's own initiative or because of complaints from consumers disclose that these aged foods have lost their palatability or desired or nutritive properties, the commissioner may require by rule adopted after a hearing held in accordance with the Administrative Procedure Act that all such perishable foods bear an open date on the package or label of such perishable foods in accordance with this rule. Compliance with these parts does not relieve the manufacturer or processor or repackager of cheese from labeling it "pasteurized" if it was made from pasteurized milk or milk products, or "aged over 60 days" if it was made from unpasteurized milk or milk products, or "pasteurized processed" if it was made by a blending process, as described in and required by Minnesota Statutes, section 32.482 and 32.483 and rules adopted thereunder.

**Statutory Authority:** *MS s 31.783*

**History:** *17 SR 1279*

#### **1550.1160 PERISHABLE FOODS HAVING QUALITY ASSURANCE DATES OF MORE THAN 90 DAYS.**

Perishable foods having quality assurance dates of more than 90 days need not bear open dates. If investigations by the commissioner on the commissioner's own initiative or because of complaints from consumers disclose that those products have lost their palatability or their desired or nutritive properties, the commissioner may require by rule adopted after a hearing held in accordance with the Administrative Procedure Act that all such perishable foods bear an open date on the package or label of such perishable foods in accordance with parts 1550.1030 to 1550.1250.

**Statutory Authority:** *MS s 31.783*

**History:** *17 SR 1279*

#### **1550.1170 PERISHABLE FOODS WHICH ARE EXEMPT FROM OPEN QUALITY ASSURANCE DATING.**

Manufacturers or processors or retailers who wish to place open quality assurance dates on the packages, labels, or labeling of perishable foods which are exempt from such open dating may do so if they follow the rules set forth herein or they may petition the commissioner to allow other methods. In the event that such other methods are acceptable, the commissioner may accept them for use in open dating of all such exempt perishable foods of a similar type.

**Statutory Authority:** *MS s 31.783*

**1550.1180 OPEN DATE ON FINAL SALE PACKAGE.**

When food which is packaged prior to sale into final sale packages from bulk packages bearing an open date, said date also shall be shown on the final sale package in accordance with parts 1550.1030 to 1550.1250.

**Statutory Authority:** *MS s 31.783*

**1550.1190 EXPIRED OPEN QUALITY ASSURANCE DATE.**

When a perishable food bearing an open quality assurance date which has expired is continued on display for retail sale, and is found to have lost its palatability or desired or nutritive properties, the person responsible for its remaining on display for sale shall also be responsible for its loss of quality during such continued display for sale.

**Statutory Authority:** *MS s 31.783*

**1550.1200 EXEMPTION.**

Perishable foods complying with laws and regulations of the federal government or of other states which deal with open dating and which provide for information and enforcement equal to or greater than the Minnesota open dating law and rule are hereby exempt from the requirements of the Minnesota open dating law and rules.

**Statutory Authority:** *MS s 31.783*

**1550.1210 PERISHABLE FOODS ALREADY LABELED.**

Perishable foods already labeled and in the channels of trade on January 1, 1974, but which do not bear open date labeling as required by parts 1550.1030 to 1550.1250 shall be permitted to be sold without such open date labeling.

**Statutory Authority:** *MS s 31.783*

**1550.1230 LABELING BEFORE AND AFTER JANUARY 1, 1974.**

All labels for perishable foods ordered after January 1, 1974, shall conform to the requirements of parts 1550.1030 to 1550.1250, or to the regulations of another state or the federal government when such regulations are equal to or greater than these parts. All labeling in existence before January 1, 1974, which is used after January 1, 1974, shall be exempt from the requirements of these parts except that the quality assurance open date only shall be shown as required by these parts for perishable foods with quality assurance dates of 90 days or less and such existing labels may be continued in use until January 1, 1975.

**Statutory Authority:** *MS s 31.783*

**1550.1240 REMEDIES.**

In addition to remedies provided in these parts and by Minnesota Statutes, section 31.783, subdivision 4, any manufacturers or processors who believe that these parts should not apply to open dating of perishable food which they produce, or who experience inability to comply with the requirements of these parts, may petition the commissioner for relief.

**Statutory Authority:** *MS s 31.783*

**History:** *17 SR 1279*

**1550.1250 COMPLIANCE.**

Compliance with the requirements of parts 1550.1030 to 1550.1250 does not excuse any manufacturer or processor or retailer from complying with other laws and regulations relating to food and the labeling of food.

**Statutory Authority:** *MS s 31.783*

**BAKERIES****1550.1255 APPLICABILITY.**

Parts 1550.1255 to 1550.1530 apply only to bakeries that do not sell bakery products directly to the ultimate consumer.

**Statutory Authority:** *MS s 31.101; 31.11; 144.05; 144.08; 144.12; 157.011*

**History:** *23 SR 519*

**1550.1260 DEFINITIONS.**

Subpart 1. **Adulterated.** An article of food is deemed to be adulterated when it conforms to the description contained in Minnesota Statutes, section 31.01, subdivision 19.

Subp. 2. **Bakery.** "Bakery" means a building or part thereof used in the processing, storing, or selling of bakery products.

Subp. 3. **Bakery products.** "Bakery products" means products manufactured in a bakery; for example: bread, rolls, buns, cakes, cookies, crackers, doughnuts, pies, pastries, pretzels, and potato chips.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Department of Agriculture.

Subp. 5. **Corrosion-resistant material.** "Corrosion-resistant material" means a material which is capable of resisting abrasion during ordinary use and able to maintain its surface characteristics under the prolonged exposure to ingredients, product, cleaning, and sanitizing compounds and solutions.

Subp. 6. **Misbranded or misbranding.** "Misbranded or misbranding" applies to all articles of food as described in Minnesota Statutes, section 31.01, subdivision 5.

Subp. 7. **Perishable, readily perishable food.** "Perishable food" and "readily perishable food" means food or ingredients which require refrigeration at 45 degrees Fahrenheit or lower before and/or after fabrication and until sold to the consumer.

Subp. 8. **Processing.** "Processing" means steps in the manufacture or preparation of a bakery product into the final form; this may include freezing.

Subp. 9. **Product area.** "Product area" means the production area and all other areas where the product, ingredients, and packaging materials are handled or stored.

Subp. 10. **Product contact surface.** "Product contact surface" means all surfaces which are exposed to the product or from which liquid may drain, drop, or be drawn into the product.

Subp. 11. **Production area.** "Production area" means the room or area in which processing occurs.

Subp. 12. **Sanitize.** "Sanitize" is to make sanitary and, for the purpose of this part, is accomplished when a food contact surface which has been rendered practically free of foreign substances, including microorganisms, is treated by heat, chemicals, or other acceptable means to devitalize the remaining microorganisms.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1270 REQUIREMENTS FOR PREMISES.**

The premises of the bakery shall present a clean and orderly appearance; it shall be well drained and free of environmental conditions and from materials that are a nuisance or a hazard to sanitation.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1280 SATISFACTORY COMPLIANCE FOR PREMISES.**

The premises shall be considered satisfactory when the following conditions are met:

A. the establishment is located in an area where the product or operations are not contaminated by excessive smoke, foul odors, dust-laden air, or other airborne contaminating influences;

B. the area is well drained and free of pools of water and liquid wastes;

C. the area is free of weeds, debris, and cluttered, unused equipment and material;

D. the area is free of waste materials which are stored or handled in such a manner as to be a potential health hazard;

E. the area is free of conditions or materials that are a harborage or breeding area for insects, rodents, birds, or other animals; and

F. the approaches to receiving and shipping docks are kept clean and are maintained to minimize dust.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1290 SANITARY CONDITION OF BAKERY PRODUCTS AND INGREDIENTS.**

Ingredients used in the production of bakery products shall be free of adulteration when received and shall remain in such condition until used. Materials which show evidence of active insect infestation or any other condition that from a public health or aesthetic standpoint render the product unfit for human consumption shall not be received by the establishment. The product shall be free from adulteration and shall be processed, stored, and delivered under sanitary conditions. A food shall be considered adulterated if it fails to comply with section 402 of the Federal Food, Drug and Cosmetic Act.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1300 SATISFACTORY COMPLIANCE FOR BAKERY PRODUCTS AND INGREDIENTS.**

The sanitary condition of the product and its ingredients shall be considered satisfactory when the following conditions are met:

A. the ingredients are free from adulteration or are within tolerances specified by the Federal Food and Drug Administration regulations;

B. the ingredients are inspected upon receipt and at such other time as may be necessary to determine conditions which would constitute an adulterated ingredient; those ingredients found to be adulterated are not accepted and utilized but removed from the bakery as soon as is reasonably possible;

C. production, delivery, and other handling procedures are inspected for the determination and subsequent elimination of unsanitary conditions or practices;

D. products are free from adulteration or are within tolerances as specified by the Federal Food, Drug and Cosmetic Act and general regulations for its enforcement.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1310 REFRIGERATION AND PROTECTION OF PERISHABLE PRODUCTS.**

Bakeries shall keep perishable supplies and products in suitable refrigeration facilities, protected from contamination and adulteration and to prevent spoilage and bacterial growth.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1320 SATISFACTORY COMPLIANCE FOR PERISHABLE SUPPLIES AND PRODUCTS.**

Refrigerated storage facilities shall be considered satisfactory when the following conditions are met:

A. perishable supplies and products under refrigeration are stored in a sanitary manner to prevent spoilage and bacterial growth and are protected from contamination and adulteration;

B. refrigeration facilities are clean and free of mold and objectionable odors;

C. refrigeration facilities are adequate to promptly cool and keep perishable supplies and products at temperatures of 45 degrees Fahrenheit or below;

D. supplies and products are stored off the floor if the product container is not moisture-proof;

E. supplies and products in storage are covered or kept intact in their original containers;

F. supplies are rotated so that the oldest are used first, and are arranged in an orderly, easily accessible manner;

G. refrigeration facilities are equipped with a temperature indicating or recording device. This device should be accurate so that its reading is within plus or minus two degrees Fahrenheit of the internal product temperature;

H. transportation facilities keep readily perishable products at or below 45 degrees Fahrenheit; and

I. drain pipes in the floors of refrigeration facilities or rooms leading into a sewage disposal system are provided with traps and are protected from backflow.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1330 STORAGE OF NONPERISHABLE PRODUCTS AND SUPPLIES.**

Bakeries shall keep their unrefrigerated supplies and products in suitable dry storage rooms or areas. These supplies and products shall be protected from contamination and adulteration.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1340 SATISFACTORY COMPLIANCE FOR STORAGE OF NONPERISHABLE PRODUCTS AND SUPPLIES.**

Dry storage facilities shall be considered adequate when the following conditions are met:

A. supplies and products are stored in a sanitary manner to prevent spoilage and bacterial growth and are protected from contamination and adulteration;

B. dry storage rooms are clean, dry, well-ventilated, and free of objectionable odors and vapors;

C. supplies and products are covered or kept intact in their original containers;

D. supplies and products are stored not less than 18 inches from the walls and ceiling; an aisle measuring not less than 18 inches separates any stack which measures six skids on a side;

E. supplies and products are protected against damage from unfavorable temperatures and humidity;

F. supplies and products are stored at least six inches off of the floor; and

G. supplies and products are rotated and are arranged in an orderly manner to make easy their inspection, cleaning, and use.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1350 BAKERY CONSTRUCTION AND FACILITIES BUILDING REQUIREMENTS.**

The building and rooms thereof shall be of sufficient size to accommodate the operation in a sanitary manner of such construction as to be easily kept in a sanitary condition. The physical plant shall be constructed so as to protect the contents from environmental contamination and to prevent the entrance of insects, rodents, birds, and other animals. The bakery shall be used for its intended purposes only except as determined otherwise to be acceptable to the commissioner. Doors, walls, partitions, ceilings, floors, and exposed structural supports shall be constructed of easy-to-clean material. The inside exposed surfaces shall be reasonably smooth and shall be free of cracks, crevices, or other imperfections that predispose to insanitary conditions.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1360 SATISFACTORY COMPLIANCE FOR BAKERY CONSTRUCTION.**

The construction of the building shall be considered adequate when the following conditions are met:

A. the building is of sound construction and furnishes adequate protection from environmental contamination such as weather elements, insects, birds, rodents, and other animals;

B. the building is large enough to accommodate the operations without hampering sanitary practices;

C. the plant is maintained in good repair;

D. walls, ceilings, partitions, and exposed structural supports are free of flaked paint or other scaling material;

E. doors, walls, partitions, ceilings, and exposed structural supports are constructed of smooth, easy-to-clean material;

F. walls, floors, partitions, ceilings, and exposed structural supports are free of crevices or openings which may harbor rodents or insects;

G. floors are smooth, easy-to-clean, and do not absorb the substances that normally contact them in the course of processing and cleaning;

H. wooden floors are coated with a protective compound which effectively eliminates cracks and crevices;

I. floors that frequently get wet are constructed to prevent pooling of water or are kept clean and dry such as by a wet pickup vacuum device;

J. drains are constructed to minimize clogging, allow for thorough drainage, prevent back flow, and prevent vermin and sewage gas from entering the plant;

K. sewage lines shall not cross a product zone or food storage area unless properly sealed off or otherwise installed to prevent contamination of the product or product zone;

L. cracks at wall–floor junctures are sealed;

M. walls of all utensil and equipment–washing rooms or areas have a washable, nonabsorbent surface up to the level reached by splash or spray;

N. windows are intact;

O. entrance ways or openings to production rooms from the outside of the bakery are equipped with tight fitting and self–closing doors, or other effective means are provided to prevent the entrance of insects, rodents, birds, and other animals;

P. production rooms are partitioned off or are separated from the garage area and maintenance shop;

Q. elevated platforms or mezzanine floors are constructed to prevent contamination of equipment on the lower floor by operations conducted on the upper floor; and

R. the bakery is separated from living quarters or rooms used for domestic purposes.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1370 TOILET AND DRESSING ROOMS.**

Toilet and dressing rooms shall be large enough, conveniently located, adequately equipped, and provided for each sex employed. They shall be adequately lighted and ventilated and kept in a clean and sanitary condition. The toilet room shall have no direct openings into any processing or food storage room. Access to the toilet room shall be gained through a fully enclosed room, vestibule, or passageway equipped with two self closing, tight fitting doors; these doors shall be so spaced that both cannot be opened by the same person at the same time. However, this does not apply to existing bakeries if the toilet room is equipped with adequate power exhaust ventilation to the outside atmosphere. Adequate hand–washing facilities shall be in or immediately adjacent to the toilet and dressing rooms. These facilities shall include hot and cold or warm running water. Manually operated faucets shall not have spring–type closures. Hand–washing signs shall be prominently displayed; hand–cleaning substance and single–service towels shall be kept near each basin. Blower–type dryers or roller–type cloth towels shall be permitted only in addition to single–service towels. The use of a common towel is prohibited. Waste disposal containers of sanitary design shall be used. Employees' outer garments, overshoes, and rubbers shall be stored in a sanitary manner.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1380 SATISFACTORY COMPLIANCE FOR TOILET AND DRESSING ROOMS.**

The toilet and dressing room facilities shall be considered satisfactory when the following conditions are met:

A. Toilet rooms are conveniently located and are provided separately for male and female personnel, if five or more persons of both sexes are employed.

B. Only flush–type toilets and urinals are used.

C. Hot and cold or warm potable water is available at the hand–washing facilities. The minimum temperature for the warm water is 100 degrees Fahrenheit; if mixer faucets are installed, the temperature of the hot water shall not exceed 130 degrees Fahrenheit.

D. Hand soap or equivalent product and individual single–service towels are provided at or near each basin.

E. Waste disposal containers of sanitary design are present.

F. Hand–washing signs are prominently displayed.

G. Toilet rooms are ventilated to the outside atmosphere by either direct openings or by ventilator ducts having no direct connection with the ventilating duct system of the processing or food storage rooms. Toilet rooms do not open directly into processing or food storage rooms.

H. Toilet rooms and dressing rooms are kept in a clean and orderly condition. Accumulation of extraneous material and dirty apparel in the lockers or other areas of the toilet or dressing room is prohibited.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1390 LIGHTING.**

All rooms shall be adequately lighted. Lighting fixtures shall be shatter-resistant and equipped with protective shields whenever their breakage may result in contamination of the ingredients or product.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1400 SATISFACTORY COMPLIANCE FOR LIGHTING.**

Lighting shall be considered satisfactory when the following conditions are met:

A. Production rooms are provided with a minimum of 25 footcandles of light (as is determined at a point 30 inches above the floor).

B. Areas where a detailed inspection of products, ingredients, processes, or operations occurs are provided with a minimum of 45 footcandles of light at the point of inspection.

C. Storage areas and rooms are provided with a minimum of ten footcandles of light (as is determined at a point 30 inches above the floor).

D. Locker rooms, toilet rooms, shower rooms, and washrooms are provided with a minimum of 15 footcandles of light (as is determined at a point 30 inches above the floor).

E. An adequate portable light is available for the periodic inspection of facilities and supplies when normally supplied light is inadequate for such purposes.

F. Lights over open product contact surfaces are equipped with protective shields where breakage may cause contamination of products or ingredients.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1410 VENTILATION.**

The degree of ventilation shall be sufficiently adequate to prevent excessive condensation of moisture on equipment and structural surfaces in production and storage rooms. The entrance or existence of dust and flour dirt within the plant shall be kept to a minimum. Mechanical ventilation and air-conditioning systems of processing rooms shall be equipped with screens and air-filter devices.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1420 SATISFACTORY COMPLIANCE FOR VENTILATION.**

Ventilation shall be considered satisfactory when the following conditions are met:

A. Rooms are reasonably free of undesirable odors and vapors.

B. Processing and packaging rooms are reasonably free of dust.

C. There is no evidence of excessive condensation on walls, ceilings, or equipment. Condensate, when found, is considered excessive when it drips or runs onto product or equipment product contact surfaces.

D. Areas where steam or hot air vapors are predominant are effectively exhaust-ventilated.

E. Cooling and air-conditioning units (except those which are a part of the equipment) are equipped with efficient filtering devices, the filters of which are frequently cleaned or changed.

F. Windows opening into any product area from the outside atmosphere are equipped with screens not coarser than 14 mesh during the time when flies or other flying insects may be present.



G. Exhaust fan vents are equipped with screens or self-closing louvers.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1430 CONTROL OF INSECTS, RODENTS, BIRDS, AND OTHER ANIMALS.**

The establishment shall be free of insects, rodents, birds, and other animals. Control programs shall be conducted in a safe, acceptable manner. Insecticides and rodenticides shall be properly identified and stored. They shall not be used in any form inside the bakery so as to be mistaken for or used as a food ingredient.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1440 SATISFACTORY COMPLIANCE FOR INSECT, RODENT, BIRD, AND OTHER ANIMAL CONTROL.**

The control of insects, rodents, birds, and other animals will be considered satisfactory when the following conditions are met:

- A. the establishment is free of insects, rodents, birds, and other animals;
  - B. the product contact area and the product area are free of insects, rodents, birds, and other animals;
  - C. control programs are carried out in a safe, acceptable manner;
  - D. insecticides, rodenticides, and equipment used in their application are stored, when not in use, in a separate, properly secured room or cabinet; the same storage room or cabinet may be used for the cleaning compound but is not a part of or in the product area;
  - E. powder forms of insecticides and rodenticides are not used inside the bakery;
- and
- F. poisoned bait, when used, is in liquid, granular, or meal form and is contained in locked, fastened-in-place bait boxes.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1450 WATER SUPPLY.**

A potable water supply shall be provided for use in all bakeries. Such water supply shall be from an approved water source which shall be easily accessible, adequate, and produce water of a safe, sanitary quality. Water from a water supply located, constructed, and operated in accordance with chapters 4720 and 4725 shall be deemed to be an approved source. There shall be no cross connection between the approved potable water supply and any unsafe or questionable water supply or any source of pollution through which the approved potable water supply might become contaminated. The water supply shall be adequate in and connected to conveniently located faucets or taps and properly plumbed to all rooms or areas where products are processed in order to assure proper cleaning, sanitizing, and sanitation programs.

**Statutory Authority:** *MS s 31.10; 31.101; 31.11; 31.77; 144.05; 144.08; 144.12; 157.011*

**History:** 23 SR 519

#### **1550.1460 WASTE DISPOSAL.**

Waste material shall be collected, held for disposal (where applicable), and disposed of in such a manner as to prevent the creation of a health hazard or a nuisance. Waste receptacles of proper design and construction shall be conveniently located where the bulk of the solid wastes originate.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1470 SATISFACTORY COMPLIANCE FOR WASTE DISPOSAL.**

Waste material shall be considered disposed of satisfactorily when the following conditions are met:

- A. Liquid wastes resulting from the cleaning, rinsing, and sanitizing of equipment, utensils, and floors are disposed of in a public sewer or by a private sewage disposal system

functioning without nuisance. This procedure shall be equally applicable to wastes from toilets, urinals, lavatories, and showers.

B. Plumbing is designed and installed in such a manner as to prevent contamination of the potable water supply.

C. Garbage is kept in suitable metal or equally nonabsorbent leakproof receptacles.

D. Garbage, trash, and solid industrial wastes are disposed of as frequently as necessary to prevent a nuisance, unsightliness, and undesirable odors.

E. Trash and solid industrial wastes are collected in either single-service or multiple-service, covered or uncovered receptacles.

F. Multiuse garbage containers are thoroughly cleaned after using.

G. Garbage, trash, and solid industrial wastes are adequately contained in an area inside or outside the plant until their removal from the premises.

H. Garbage, trash, and solid industrial wastes are handled in such a manner as to prevent their becoming a harborage or breeding area for insects or rodents.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1480 CONSTRUCTION AND DESIGN OF EQUIPMENT AND UTENSILS.**

Equipment and utensils shall be designed, constructed, and placed to permit cleaning, sanitizing, inspection, and clean product processing. Equipment product contact surfaces shall be constructed of smooth, nontoxic, corrosion-resistant, odorless material. Equipment product contact surfaces shall be free of cracks, crevices, pits, or other imperfections which hinder its sanitary maintenance. New purchases and replacements shall comply with the standards developed by the Baking Industry Sanitation Standards Committee.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1490 SATISFACTORY COMPLIANCE FOR EQUIPMENT AND UTENSILS.**

Construction and design of equipment and utensils shall be considered satisfactory when the following conditions are met:

A. Product contact surfaces are constructed of smooth, nontoxic, corrosion-resistant, odorless material.

B. Product contact surfaces are free of cracks, crevices, pits, or other imperfections that contribute to insanitary conditions.

C. Equipment is positioned for easy cleaning; it is a minimum of six inches from the floor and 18 inches from the walls and ceiling, except such stationary equipment which is sealed to walls, floors, or ceilings in a sanitary manner that does not harbor insects, rodents, or filth. However, the exceptions to this requirement are supporting bases and equipment that pass through ceilings, walls, and floors.

D. The distances between machines shall be large enough for convenient use of the machines as intended and for accessibility for cleaning and inspection.

E. Equipment is designed to prevent accidental contamination of the product or product contact surfaces with extraneous material (e.g., lubricants).

F. Equipment is easily cleanable. Equipment which is used in handling readily perishable items is either easily demountable or can be cleaned in place.

G. Compressed air introduced into the product area is filtered. If piston-type compressors are used, the air lines are equipped with oil and water traps.

H. The electrical wiring system, including conduits, switch boxes, and control panels, is so constructed and installed to prevent insect harborage.

I. Equipment and utensils are used only for the purpose intended.

J. Equipment and utensils are kept in good repair.

K. Bakery equipment, when purchased or replaced, shall be of the design, construction, and materials, and shall be installed as to comply with the standards of the Baking Industry Sanitation Standards Committee, 1994 and subsequent editions, as follows. The standards are incorporated by reference. They are not subject to frequent change, and are available through the Minitex interlibrary loan system.

- (1) Standard No. 1 Equipment for Handling and Storing Dry Ingredients.
- (2) Standard No. 2 Dough Troughs.
- (3) Standard No. 3 Mechanical Intermediate Proofers.
- (4) Standard No. 4 Mechanical Washers.
- (5) Standard No. 5 Cake Depositors, and Icing Machines.
- (6) Standard No. 6 Horizontal and Vertical Mixers.
- (7) Standard No. 7 Conveyors.
- (8) Standard No. 8 Dividers, Rounders and Bun Machines.
- (9) Standard No. 9 Bread Moulders.
- (10) Standard No. 10 Prefabricated Enclosures and Air Conditioning Equipment for Fermentation, Proofing, Cooling and Retarding.
- (11) Standard No. 11 Ingredient Water Coolers and Ice Makers (Atmospheric Type).
- (12) Standard No. 12 Coating Equipment.
- (13) Standard No. 13 Cutting and Slicing Equipment.
- (14) Standard No. 14 Ovens.
- (15) Standard No. 15 Caster Assemblies and Wheels.
- (16) Standard No. 16 Doughnut Equipment.
- (17) Standard No. 17 Pan Greasers.
- (18) Standard No. 18 Continuous Mix Equipment.
- (19) Standard No. 19 Spindle Mixers.
- (20) Standard No. 20 Liquid Ferment Equipment.
- (21) Standard No. 21 Dough Chutes, Dough Hoppers, Dough Trough Hoists and Automatic Dough Trough Dumps.
- (22) Standard No. 22 Depanners and Delidders for Bakery Products.
- (23) Standard No. 23 Weighing Systems.
- (24) Standard No. 24 Racks, Pan Trucks and Dollies.
- (25) Standard No. 25 Kettles and Accessory Equipment.
- (26) Standard No. 26 Liquid Measuring Systems.
- (27) Standard No. 27 Equipment Handling.
- (28) Standard No. 29 Electric Motors and Accessory Equipment.
- (29) Standard No. 30 Distribution Cabinets and Containers.
- (30) Standard No. 31 Pie Make-up Equipment.
- (31) Standard No. 32 Icing and Glazing Machines.
- (32) Standard No. 33 Coolers for Bakery Foods.
- (33) Standard No. 34 Portable Ingredient Containers.
- (34) Standard No. 35 Baking Pans.
- (35) Standard No. 37 Packaging and Package Handling Equipment.
- (36) Standard No. 38 Particle Size Reduction Equipment.
- (37) Standard No. 39 Dough Forming Equipment.
- (38) Standard No. 40 Sandwiching Equipment for Cookies and Crackers.
- (39) Standard No. 41 Pretzel Equipment.
- (40) Standard No. 42 Sugar Wafer, Wafer, and Sugar Rolled Cone Batter Systems.

**Statutory Authority:** *MS s 31.10; 31.101; 31.11; 31.77; 144.05; 144.08; 144.12; 157.011*

**History:** *23 SR 519*

### **1550.1500 CLEANING AND SANITIZING.**

Processing, storage, and other rooms where products, ingredients, and packaging materials are handled shall be kept in a clean, orderly condition. Equipment and utensils shall be

kept in a clean, sanitary condition. Equipment and utensils contacting readily perishable foods or ingredients (such as cream, custards, and egg products) shall be cleaned and shall be sanitized each day before reuse. Cleanup personnel shall be supplied with necessary cleaning and sanitizing equipment and supplies. They shall be trained in the proper methods of cleaning and in the effective utilization of the necessary cleaning and sanitizing materials and equipment.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1510 SATISFACTORY COMPLIANCE FOR CLEANING AND SANITIZING.**

Cleaning and sanitizing procedures shall be considered satisfactory when the following conditions are met:

A. equipment is cleaned at frequencies necessary to prevent contamination of the product;

B. a dust-free method of cleaning is used wherever possible;

C. production areas are kept reasonably clean during operations;

D. production wastes are removed at least daily from processing areas;

E. sifters are cleaned at least once a week;

F. flour-handling equipment and equipment housings that remain dry and structural surfaces are cleaned at least once every four weeks or more frequently when necessary to remove accumulations;

G. product contact surfaces and equipment housings that get wet are cleaned daily;

H. cleaning schedules for equipment and the general product area are available on request to the inspector;

I. equipment coming in contact with readily perishable foods and ingredients such as cream, milk, eggs, custard, and cream-filled pastries are subjected to an approved bactericidal process following the cleaning process and before use;

J. cleanup personnel are trained in the proper methods of cleaning and in the effective utilization of the necessary cleaning and sanitizing materials and equipment; and

K. cleaning equipment and supplies, when not in use, are kept in a clean and workable condition and are stored in an orderly manner; cleaning compounds are properly labeled and are stored in a separate, properly secured room or cabinet.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1520 HEALTH AND HYGIENE PRACTICES OF PERSONNEL.**

Bakery employees in the production areas and those in contact with product contact surfaces shall be free of communicable diseases, open sores, and skin infections. Personnel contacting ingredients and products shall keep their hands clean and fingernails trimmed and clean at all times. They shall wash their hands before starting work and again after any interruption wherewith contamination of the hands occurs. Personnel shall practice good sanitation at all times. They shall wear clean, washable, light-colored working garments.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1530 SATISFACTORY COMPLIANCE FOR HEALTH AND HYGIENE PRACTICES.**

Health and hygiene practices of personnel shall be considered satisfactory when the following conditions are met:

A. personnel wear clean, washable, light-colored outer working garments;

B. personnel wear suitable head coverings;

C. personnel do not wear fingernail polish or costume jewelry;

D. gloves are kept in a sanitary condition;

E. clothing, shoes, boots, and other personal effects are not stored in processing rooms;

F. production employees keep their hands clean and fingernails trimmed and clean; they wash their hands before starting to work and again after each interruption;

G. personnel having infected wounds, sores, or boils on their hands, arms, or other exposed portions of the body are excluded from contacting ingredients, products, or product contact surfaces; and

H. personnel affected with or carriers of communicable or infectious diseases are excluded from all product areas.

**Statutory Authority:** *MS s 31.10; 31.77*

### **MANUFACTURING REQUIREMENTS FOR NONALCOHOLIC BEVERAGES, BEER, AND OTHER MALT BEVERAGES**

#### **1550.1540 CAPPING.**

Bottles containing carbonated beverages, still beverages, cereal beverages, beers, and all other beverages except liquors of high alcoholic content shall be capped with crown or caps, constructed of tin plate, and/or other nontoxic materials. Fibre caps with overlapping edges protecting the rim or edge of the bottle may be used for capping noncarbonated beverages.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1550 WOODEN LADLE OR PADDLE PROHIBITED.**

The use of wooden ladle or paddle for mixing carbonated, still beverages, syrups, and other beverages is prohibited.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1560 BEVERAGE COOLER.**

A "beverage cooler" is defined as any device used for cooling beverages sold in bottles, jars, jugs, cartons, cans, and all other similar containers and shall include electric, gas, and other mechanical refrigerators, ice boxes, tubs, tanks, and all other devices used for cooling beverages.

All beverage coolers, except dry coolers, shall be equipped with an overflow drain of sufficient diameter and provide adequate drainage to prevent the upper three inches of beverage containers from becoming submerged in water or ice. Each cooler shall be provided with a drain in the bottom to facilitate cleaning.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1580 SANITATION OF BEVERAGE COOLERS.**

All coolers used for cooling carbonated or still beverages, including natural and mineral waters, carbonated, plain, or otherwise, and cereal beverages and beer, shall be kept clean and sanitary and shall be free of accumulation of labels and stagnant, dirty water or ice and other unclean materials. Such coolers shall not be used for cooling products which will contaminate the products covered by parts 1550.3430 to 1550.3540. All coolers shall be cleaned daily.

**Statutory Authority:** *MS s 31.10; 31.77*

#### **1550.1590 GERMICIDAL TREATMENT.**

Germicidal treatment shall be applied to all beverage coolers periodically. Such germicidal treatment shall follow a thorough cleaning of the cooler, and shall consist of subjecting the entire cooler surface which comes in contact with beverage containers to either hot water, heated to a minimum temperature of 180 degrees Fahrenheit, for a minimum period of three minutes or to a chemical germicidal treatment approved by the commissioner or the commissioner's agents. Those in which ice or water is used as a refrigerant shall be drained of water daily and cleaned, then refilled with clean potable water and ice, to which a germicidal solution approved by the commissioner or the commissioner's agents shall be added in minimum amounts of 200 parts per million of the available active ingredient of the germicide used.

**Statutory Authority:** *MS s 31.10; 31.77*

**History:** *17 SR 1279*

**1550.1600 DISPENSERS AND CONTAINERS.**

All carbonated or still beverages, except those which are offered for sale in sealed bottles, must be stored in closed dispensers or containers fitted with suitable faucets, spigots, or pumps. The use of open bowls is prohibited. It shall be unlawful to dispense carbonated or still beverages with a spoon, ladle, or other means, but the beverage must be drawn through a faucet, spigot, or pump directly into a sterile glass tumbler or paper cup. Dispensers and/or storage containers for storing and dispensing carbonated or still beverages shall be of either glass, stoneware, or acid resistant steel construction.

**Statutory Authority:** *MS s 31.10; 31.77*

**1550.1610** [Repealed, 24 SR 546]

**1550.1620 BEVERAGE DISPENSER OR CONTAINER SIGN.**

A conspicuous sign shall be attached to a beverage dispenser or container and shall plainly declare the name of the beverage, artificial flavor, artificial color, and name and quantity of preservative and if labeled as fruitade or drink, list of ingredients in the order of predominance.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.1630 NET CONTENTS DECLARATION.**

When crowns or caps attached to bottles, jars, jugs, cans, and other similar containers filled with carbonated or still beverages, bear a label required by the labeling laws and rules and where containers of various capacities are used for any beverage, the statement of net contents of capacity of container may be omitted from the crown or caps, provided that the statement of net contents is declared in a conspicuous and easily readable manner.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.1640** [Repealed, 27 SR 260]

**BOTTLING OF BEER AND OTHER MALT BEVERAGES****1550.1650 PLACES WHERE BEER AND OTHER MALT BEVERAGES ARE BOTTLED.**

All rooms and places where beer and other malt beverages are bottled shall be well lighted and kept in a clean and sanitary condition at all times, shall be properly ventilated and provided with tight smooth walls and ceiling. Such rooms and places shall also be equipped with suitable floors which are provided with suitable drains. The bottling of beer and other malt beverages in basements of buildings is prohibited.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.1660 AUTOMATIC FILLER.**

Bottles, cans, and other containers used for beer and other malt beverages must be filled with an automatic filler, and such container shall be capped or sealed with automatic equipment.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.1670 STERILIZATION OF BOTTLES, CANS, AND OTHER CONTAINERS.**

Before being filled with beer and other malt beverages all bottles, cans, and other containers shall be sterilized by soaking for a period of not less than five minutes in a solution of not less than four percent of alkali of which not less than 60 percent shall be caustic soda or sodium hydroxide heated to not less than 130 degrees Fahrenheit and then thoroughly rinsed in pure and potable running water until free from caustic. Caustic testing equipment must be provided and used.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.1680 SIZE OF CONTAINER AND LABELING.**

No beer or malt beverage of any nature whatsoever shall be bottled in containers of less capacity than 64 fluid ounces (one-half gallon) unless the same shall be bottled at the place of

the manufacturer. Each bottle must be properly labeled bearing the name of the product; actual net contents; name and address of the bottler. All printing must appear in eight-point type or larger.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.1690 PROTECTION FROM CONTAMINATION.**

Beer and other malt beverages shall be protected from contamination throughout the entire bottling process. All machinery, apparatus, and utensils used in the bottling of beer and other malt beverages shall be washed and cleaned daily by washing with warm water and a washing compound and just prior to bottling operations shall be sterilized with an abundance of hot water at a minimum temperature of 180 degrees Fahrenheit for not less than ten minutes or with chemical sterilizers and methods approved by the commissioner. All places where beer and other malt beverages are bottled must be provided with a suitable sanitary toilet, wash bowl equipped with running hot and cold water, individual towels, and an abundant supply of toilet soap. Such a toilet cannot be located in nor directly connected with the bottling room.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.1700 SUSPENSION OR REVOCATION OF LICENSE.**

The commissioner shall have the power to suspend or revoke any permit for failure to comply with the provisions of these and other dairy and food rules.

**Statutory Authority:** *MS s 31.10; 31.101*

### **MANUFACTURING BEVERAGE BASES AND SYRUPS AND ALL BEVERAGES INCLUDING WATERS**

#### **1550.1710 APPLICABILITY.**

For the purposes of inspection, licensing, or registration by the commissioner of agriculture, parts 1550.1720 to 1550.1870 shall apply to the manufacturing, mixing, or compounding of flavored beverage bases or syrups, the bottling or packaging of carbonated, non-carbonated (still) beverages, or other finished beverages, or the processing, packaging, or selling of water.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.1720 BUILDINGS AND PREMISES.**

Subpart 1. **General.** Buildings or portions thereof within the scope of these rules shall be used for no other purposes. After the adoption of these rules no such installation shall be installed in basements or subgrade areas. The plant surroundings shall be kept neat, clean, and free from conditions which might attract or harbor flies, other insects and rodents, or which otherwise constitute a nuisance.

Subp. 2. **Satisfactory compliance.** Subpart 1 is deemed to be satisfied when:

A. No portion of the plant is used for domestic purposes or other types of food preparation, unless separated by suitable partitions.

B. There is no accumulation of trash, garbage, or similar waste or areas adjacent to the plant. All waste material is stored in suitable covered containers.

C. The premises are well drained and free of environmental conditions and materials that constitute a nuisance or sanitation hazard. No installation for the manufacture, mixing, or compounding of flavored beverage base and/or syrups, bottling, and/or treating of water and/or the packaging of carbonated or noncarbonated (still) beverages shall be installed hereafter in basements or in subgrade areas.

D. No birds, domestic animals, rodents, or insects are allowed in any portion of the building.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.1730 FLOORS.**

Subpart 1. **General.** The floors of rooms where ingredients are handled, compounded, mixed, or processed, or where containers or equipment are washed shall be constructed of

concrete or other equally impervious and easily cleaned material, shall be smooth, properly sloped, provided with trapped drains, and kept in good repair; provided that storage rooms for storing dry ingredients, packaging materials, containers, etc., need not be provided with drains, and the floors may be constructed of tightly joined wood or similar material.

Subp. 2. **Satisfactory compliance.** Subpart 1 is deemed to be satisfied when:

A. The floors of those areas where syrup, base, water, and beverages are handled, compounded, mixed, or processed, or where containers or equipment are washed, are constructed of good quality properly sealed concrete, or equally impervious tile or brick laid closely with impervious and resistant joint material, or metal surfacing with impervious joints, or other equally impervious material. The floors of storage rooms may be constructed of tightly joined wood or similar sanitary material.

B. Drained floors are sloped so that no pools of water will remain after flushing and floors are maintained in good repair. Joints between floor and walls are impervious.

C. All trapped drains are of adequate size to minimize clogging and provide accessibility.

D. The floors are kept clean and free of litter. The syrup room, filling and packaging area floors are cleaned daily. Floors in other areas are cleaned as frequently as necessary to maintain them in a clean and sanitary condition.

**Statutory Authority:** *MS s 31.10; 31.101*

#### 1550.1750 WALLS AND CEILINGS.

Subpart 1. **General.** Walls and ceilings in the syrup room shall have a smooth, washable, light-colored surface, in good repair. Walls in container filling area shall have a smooth, washable, and light-colored surface up to the height reached by splash or water spray. The ceiling and wall area above this height may be constructed of suitable sound retarding material. Interior walls of storage areas may be left unfinished or covered with standard construction materials. All walls and ceilings shall be maintained in a clean and sanitary condition at all times.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. Walls are constructed of smooth-surface concrete, cement plaster, tile, brick, or other equivalent material, or light-colored painted plaster, asbestos, or similar materials having a smooth washable surface is used. Red quarry tile shall be considered light-colored.

B. Sound retarding walls and ceiling materials as well as paint or water proofing material are to be considered water resistant and not conducive to the multiplication of microorganisms or harboring of insects and rodents. (The use of sound retarding materials where appropriate is encouraged to maintain noise level to a minimum.)

C. Walls and ceilings are cleaned as frequently as necessary to maintain them in a clean and sanitary condition.

**Statutory Authority:** *MS s 31.10; 31.101*

#### 1550.1760 DOORS AND WINDOWS.

Subpart 1. **General.** Effective means shall be provided to prevent entrance of flies into syrup room or container filling area. Exterior hinged doors as well as door into syrup room and toilet room shall be outward opening and self-closing. Windows shall be glazed. Windows in syrup room and container filling area if opened are effectively screened unless other effective means are provided to prevent the entrance of flies.

Subp. 2. **Satisfactory compliance.** This item is deemed to be satisfied when:

A. Windows in syrup room and container filling area used for natural ventilation are effectively screened by screening, effective electric screen panels, fans, or air curtains which provide sufficient air velocity as to prevent the entrance of flies, any effective combination of these, or by any other method which prevents the entrance of flies.

B. All exterior hinged doors, syrup room door, toilet room doors are tight and self-closing and shall open outward.

**Statutory Authority:** *MS s 31.10; 31.101*



**1550.1770 LIGHTING AND VENTILATION**

Subpart 1. **General.** All processing and storage areas shall be well lighted and ventilated.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. Adequate light sources are provided (natural, artificial, or a combination of both) which furnish at least 20 footcandles of light in all rooms or areas where syrups, base, water, or beverage are handled, compounded, mixed, or processed or where utensils, containers, and/or equipment are washed. Storage rooms and areas shall be provided with at least five footcandles of light.

B. Ventilation is sufficient to keep processing and storage areas reasonably free of excessive condensation on equipment, walls, and ceilings.

C. Pressurized ventilating systems, if used, shall be equipped with clean air intake.

D. Artificial lights are equipped with protective shield in syrup room and in container filling areas.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.1780 TOILET AND LAVATORY FACILITIES.**

Subpart 1. **General.** Toilet rooms shall be completely enclosed and have tight fitting, self closing doors. Toilet and lavatory facilities and rooms shall be properly plumbed, kept in a clean condition, in good repair, and shall be well ventilated and well lighted. Hand-washing facilities shall be equipped with hot and cold running potable water, single-service paper towels, or with a sanitary single-use cloth towel and dispenser, or blower type hand dryer, and suitable soap, detergent, or other acceptable cleansing agent. A written notice directing employees to wash their hands before starting or returning to work shall be prominently posted in each toilet room.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. Toilet rooms are completely enclosed and have tight fitting, self closing doors.

B. Toilet rooms and lavatory facilities are kept in a clean condition and in good repair. Toilet rooms are ventilated and well lighted.

C. Single-service, sanitary paper or cloth towels or blower-type hand dryer, suitable soap, detergent, or other acceptable cleansing agent, and cold and/or warm running water are present at all times at all hand-washing facilities.

D. Hand washing facilities are convenient to all toilets.

E. Toilet and lavatory facilities are adequately lighted, have tight fitting screened windows, or are ventilated by other means. Hand washing signs are prominently posted in each toilet room directing employees to wash their hands before starting work or returning to work.

F. All plumbing is installed in compliance with the applicable provisions of the Minnesota Plumbing Code, dated October 16, 1951, as adopted by the Minnesota State Board of Health.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.1790 BOTTLE WASHING.**

Subpart 1. **General.** All returnable and soiled or contaminated one-trip bottles shall be thoroughly cleaned and sanitized immediately before filling by means of a suitable automatic mechanical washing and sanitizing machine. One-trip containers, such as bottles and cans, may be washed in a mechanical bottle washer, air or an approved sanitary water rinse. If the one-trip container has been suitably protected at the container manufacturing plant during transportation and storage, it need not be washed or rinsed by air or water.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. All returnable and unclean or contaminated one-trip bottles are sanitized in three percent alkali solution of which not less than 60 percent is caustic (sodium hydroxide), for a period of not less than five minutes at a temperature of not less than 130 degrees Fahrenheit, or to an equivalent cleansing and sanitizing process approved by the commissioner.

B. Bottles washed with alkali solution are rinsed free of alkali solution with potable water.

C. All returnable, unclean, and contaminated bottles are washed and sanitized immediately before use. If stored empty after washing, they shall be rewashed and sanitized immediately before filling.

D. Each bottle washer shall be equipped with an indicating thermometer and caustic solution test equipment.

E. Returnable and washed and sanitized one-trip bottles are inspected for any condition which would make their use in the packaging of syrups, base, water, or beverages improper immediately before or after being filled.

F. All one-trip containers that are not washed, air- or water-rinsed before filling are to be suitably protected from airborne contamination.

G. All other one-trip containers shall be suitably protected from contamination.

H. The washing or air or water rinsing machines are maintained in good repair and in a clean, sanitary condition at all times.

I. All sanitary water rinses used for cleansing of clean, sanitary, properly stored and handled one-trip containers shall contain an adequate quantity of an approved bactericidal agent.

J. All air cleansing devices shall be equipped so as to use only properly filtered air.

**Statutory Authority:** *MS s 31.10; 31.101*

### 1550.1800 FILLING BOTTLES.

Subpart 1. **General.** Beverage containers shall be filled and sealed in a sanitary manner. The operator or the operator's clothes shall not come in contact with any portion of the container or machinery which might result in contamination of the product.

Subp. 2. **Sealing of bottles; closures.** Closures, (caps, crowns, seals, etc.) must be new; not previously used. New closures are to be properly protected in storage and use from contamination and stored until used in a sanitary manner which protects them from airborne contamination. Sealed bottles containing noncarbonated water must have a tamper-proof tight closure which will show evidence of tampering or opening prior to use.

Subp. 3. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. Syrup, base, water, and carbonated or noncarbonated (still) beverages are introduced into returnable bottles and similar one-trip containers and sealed by means of automatic machinery.

B. Crowns, caps, or lids which have been touched on the inner side by the operator as may occur while adjusting the machinery or are contaminated in any other way are to be discarded.

C. If the filling and sealing devices are not integral parts of one machine, but are performed by separate units of equipment, they are to be arranged to exclude manual contact with necks or tops of the container between filling and sealing.

D. The equipment is maintained in good repair and in a clean and sanitary condition at all times.

E. All sealed bottles containing noncarbonated water shall be sealed with closures, caps, crowns, or seals which shall be constructed and designed to show evidence of tampering or prior opening.

**Statutory Authority:** *MS s 31.10; 31.101*

**History:** *17 SR 1279*

### 1550.1810 SYRUP AND BASE HANDLING EQUIPMENT.

Subpart 1. **General.** Syrups and base shall be prepared in a sanitary manner. Every precaution shall be taken to prevent the contamination of syrups and base during the preparation and subsequent storage. Syrup tanks shall be constructed of stainless steel or other suitable nontoxic, noncorrosive material. The tanks shall be free from defects, self-draining, and shall be of such construction so as to be easily flushed, cleaned, and sanitized. Syrup or base tanks shall be kept covered if syrup room air is not treated to control air purity.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. All syrup tanks, pipe lines, filters, and other apparatus employed in the preparation of acidified syrups are in a clean, sanitary condition and are of sanitary, nontoxic, and acid resistant construction. No syrup tanks, pipes, filters, apparatus, or equipment employed in the preparation of acidified syrups, base, or beverages which are constructed of galvanized iron, lead, zinc, copper, or brass-lined materials shall be installed after adoption of these rules.

B. Syrup tanks are free from recesses and constructed so that all parts may be easily cleaned and sanitized.

C. Syrup, base, and other ingredients are mixed by mechanical means in such a manner as to prevent contamination of the syrup or base.

D. Liquid sugar storage tanks and lines may be constructed of stainless steel, plain steel coated with a suitable nontoxic resin, or glass lined, plastic, glass, other suitable materials, or any other metal which will not contribute metallic ions greater than that established for potable drinking water to the finished beverage.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.1820 PACKAGING AND FILLING AREA.**

Subpart 1. **General.** The immediate area shall be properly constructed and used only for the purpose intended and not for storage of materials such as crowns, bottles, etc. The packaging and filling areas shall be kept in a clean, sanitary condition and be constructed so as to be easily cleaned. These areas shall be adequately ventilated and adequately lighted with properly shielded lighting.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. The floor is constructed of good quality, properly sealed concrete, tile, or other smooth, impervious material. The floor is maintained in a clean, sanitary condition, in good repair and graded to drain properly to trapped drains.

B. The light intensity is no less than 20 footcandles. A minimum of 30 footcandles is recommended at the loading and discharge ends of the washer and filling machinery. All lights located in the filling or packaging areas where their breakage could cause contamination of product shall be equipped with protective shields.

C. The walls are clean, smooth, washable, and light colored up to the height reached by splash or water spray. Materials such as concrete, cement plaster, tile, glazed brick or block, water proofed or painted asbestos board or plaster, or equivalent materials shall be considered acceptable. The wall area above height reached by splash or water spray, including ceiling, may be constructed of sound retarding material provided that it is moisture resistant and is not conducive to multiplication of microorganisms or harboring of insects and rodents and is maintained in a clean and sanitary condition.

D. No crowns, bottles, labels, or other materials except those for immediate use are present in filling area.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.1830 SYRUP ROOM.**

Subpart 1. **General.** Separate rooms shall be provided for the manufacturing, compounding, and mixing of syrups or base which rooms shall be properly constructed and separated from other areas of the plant by a solid wall construction. The room shall be maintained in a clean and sanitary condition and be well ventilated and lighted, provided with sinks and faucets or taps for hot and cold water, thoroughly protected against flies, dirt, and dust, and so constructed as to be easily cleaned.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. Separate rooms are provided for the manufacture, compounding, and mixing of syrups or base. Syrup room doors are self-closing and of solid construction.

B. The floor is constructed of good quality, properly sealed and resistant concrete, tile, or other impervious material. The floor is maintained in good repair and graded to drain properly to trapped drains.

C. Light intensity is not less than 20 footcandles. Artificial lights are equipped with protective shields where their breakage could cause contamination of product.

D. The walls and ceilings are clean, smooth, washable, light-colored, and in good repair. Materials such as concrete, cement plaster, tile, glazed brick or block, water proofed or painted asbestos board or plaster, or equivalent materials shall be considered acceptable.

E. Hot and cold running water are properly plumbed to taps or faucets conveniently located in the syrup room.

**Statutory Authority:** *MS s 31.10; 31.101*

#### 1550.1840 CONSTRUCTION AND REPAIR OF EQUIPMENT.

Subpart 1. **General.** All equipment, containers, and utensils used in the handling, processing, compounding, mixing, and storage of syrup, base, water, ingredients, and beverages shall be smooth, impervious, corrosion resistant, nontoxic, and in good repair and shall be constructed, installed, and located so as to permit adequate cleaning and sanitizing. Product contact surfaces shall be self-draining. Equipment shall be free of sharp internal corners. Welded or soldered area shall be smooth and similar to the parent metal. All joints shall be flush. Piping shall be of sanitary design and installation. All temperature control equipment and control devices used on bottle washers shall be accurate and adequately maintained.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. Product contact surfaces of all equipment piping and utensils are smooth and constructed of good grade stainless steel, other corrosion resistant, nontoxic metal or glass. Plastic, rubber, or similar materials which are nontoxic, relatively insoluble, and which do not release component chemicals or impart flavor or odor to the product, and which maintain their original properties under repeated use conditions are acceptable.

B. All equipment, piping, and utensils are free of breaks, corrosion, and are constructed, installed, and located so as to permit adequate cleaning and sanitizing.

C. All joints are smooth and free from pits, cracks, or inclusions.

**Statutory Authority:** *MS s 31.10; 31.101*

#### 1550.1850 CLEANING AND SANITIZING OF EQUIPMENT.

Equipment and utensils used in handling, processing, storing, or transporting of beverages, including bulk tank transportation of potable water, or beverage ingredients shall be thoroughly cleaned after use and shall be subjected to an approved bactericidal treatment prior to each usage and shall be maintained in a clean and sanitary condition at all times. The methods used shall be such that beverages and their ingredients shall not be contaminated or adulterated. Containers of chemicals used for cleaning and bactericidal treatment shall be properly labeled so as to identify the contents. All syrup pipelines, apparatus, and containers used in the manufacturing processes shall be thoroughly sanitized at adequate intervals and shall be washed and rinsed before sanitization. Tanks and lines containing syrup between periods of processing operations shall be cleaned and sanitized when they are emptied as is necessary to maintain said tanks and lines in a clean and sanitary condition. Chlorine, or other approved bactericidal agents shall be used for sanitization. Bulk potable water transported by tank from the water source to an establishment or plant under the provisions of this rule shall contain at least five parts per million residual chlorine during such transportation and in storage, if stored before use.

**Statutory Authority:** *MS s 31.10; 31.101*

#### 1550.1860 WATER SUPPLY.

Subpart 1. **General.** Water used for compounding flavored beverage base of syrups, bottling or packaging of water, or packaging carbonated or noncarbonated (still) beverages or used for processing, cleaning, rinsing operations, or filling, shall be from an approved water source which is easily accessible, adequate, and of safe, sanitary quality.

Subp. 2. **Satisfactory compliance.** This part is deemed to be satisfied when:

A. All water used is of safe, sanitary quality and from an approved source; water from a water supply constructed and located in accordance with the provisions of section VII,

Manual of Water Supply Sanitation, dated 1965 and adopted by Minnesota Department of Health shall be deemed to be an approved source.

B. There is no cross-connection between the approved, potable water supply and any unsafe or questionable water supply or any source of pollution through which the approved, potable water supply might become contaminated.

C. Running water connected to conveniently located faucets or taps under pressure is properly plumbed to all rooms and areas in which syrups, base, water, and beverages are processed, packaged, and prepared and equipment and utensils are washed and sanitized.

D. Water supply is ample in quantity to insure proper cleaning of floors, equipment, and utensils.

E. When carbon filters are used to remove tastes and odors from potable water, the filter must be properly cleaned by approved methods at least once a week to ensure against the growth of bacteria.

**Statutory Authority:** *MS s 31.10; 31.101*

#### 1550.1870 PERSONNEL.

All employees shall thoroughly wash their hands before commencing plant functions and as often as may be required to remove soil and contamination. No employee shall resume work after visiting the toilet room without thoroughly washing her or his hands. Personnel in food handling areas shall wear clean clothing and head covering. All personnel in food handling areas of the plant shall practice good sanitation and shall not smoke, chew tobacco, expectorate, or eat in the processing areas. Personnel in food handling or processing areas are free of infected cuts, open sores, or other lesions on hands, arms, and head.

**Statutory Authority:** *MS s 31.10; 31.101*

**History:** *17 SR 1279*

### COMMERCIAL CANNERIES

#### 1550.1880 DEFINITIONS.

Subpart 1. **Commercial cannery.** See Minnesota Statutes, section 31.31.

Subp. 2. **Case.** The term "case," when used for assessment purposes under Minnesota Statutes, section 31.39, shall mean 24 303 by 406 cans, (3-3/16 inches in diameter and 4-6/16 inches in height), commonly referred to as "303's," or its case equivalent, of food preserved by heat in hermetically sealed containers, or vegetable products preserved with approved chemical preservations, sugar, salt, or acidity factors, or food preserved by freezing, by establishments licensed under Minnesota Statutes, section 28A.04, said assessments to be calculated by the commissioner by using actual cases of such food or vegetables reported by the processors and factors and equivalents described in parts 1550.1880 to 1550.2100.

Subp. 3. **Case equivalents; canned foods.** The term "case equivalents" of canned foods shall mean the equivalents of food preserved by heat in hermetically sealed containers, or of vegetable products preserved with approved chemical preservatives, sugar, salt, or acidity factors, said equivalents to be determined by the commissioner by using the factors found in *The Almanac of the Canning, Freezing, Preserving Industries*, 1968 edition, compiled and published by Edward E. Judge & Son, 79 Bond Street, Westminster, Maryland 21157; provided, that a case of 24 303 by 406 cans shall have the equivalent of 1.0.

Subp. 4. **Case equivalents; frozen foods.** The term "case equivalents" of frozen foods shall mean the equivalents of frozen foods determined by the commissioner from the actual cases of frozen foods of various weights, as reported by the processors, by using the following values:

A. Any 25 pounds of asparagus, beets, carrots, green or wax beans, onions, peas, whole grain corn with or without peppers, or mixtures of any of these, or beans with or without pork, cream style corn, pumpkin, squash, or other vegetables or fruit products processed in solid pack and preserved by freezing; or

B. Any 50 pounds of food, other than those products named in item A, preserved by freezing.

Provided, that appropriate deductions shall be made by the commissioner for the net weight of meat, chicken, or turkey ingredients which have been inspected and passed by the United States Department of Agriculture and which are used in canned or frozen food.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.1890 PREMISES.**

All grounds on which canning factories, warehouses, viners, and other buildings used are located must be properly graded to provide natural drainage, thus preventing accumulation of stagnant water and other material. No litter, waste, or refuse shall be allowed to accumulate in or around the buildings or yards. Weeds shall be removed, grass lawns with flowers or shrubbery shall be kept trimmed and properly maintained, roadbeds built and graveled. An application of road oil is recommended where such road is in close proximity to the rooms in which picking tables are located or the rooms in which blanchers and fillers are located. Factories preparing food products shall be located so as to receive and distribute their products promptly without danger of damage or deterioration and shall not be located in the immediate vicinity or any other industry which may be objectionable.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.1900 BUILDINGS.**

All factory buildings shall be well lighted and ventilated. Ground floors of all buildings shall be of concrete. Walls, ceilings, or other overhead coverings or parts thereof not finished in tile or other glazed material, shall be kept painted with a white paint so that they may be easily cleaned and shall be cleaned whenever they become soiled or dirty. Windows, window ledges, and other places where dirt and dust may accumulate shall be cleaned whenever they become soiled or dirty.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.1910 BRINE OR SYRUP ROOM.**

Every factory using brine or syrup shall be equipped with a room known as a syrup or brine room in which all syrups and brines shall be mixed or compounded. Such brine or syrup room shall be separated from the other rooms of the factory and shall be well lighted and ventilated.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.1920 SCREENS.**

The following rooms must be protected with suitable and proper screens for windows, doors, and openings; at corn canneries, cutting, silking, filling, and brine and (or) syrup rooms; at pea canneries, filling, inspection, and brine and (or) syrup rooms.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.1930 SANITATION.**

All floors, walls, ceilings, tables, and other fixtures shall be maintained in such conditions that they may readily be made clean and sanitary. If not in such condition, they shall be promptly repaired and replaced. The floors of all rooms used for manufacturing shall be watertight, and where there is necessity for drainage, shall have sufficient pitch to ensure drainage and may be constructed of wood (except first floor) if coated and made impermeable to water, of cement or tile laid in cement or of any other materials impermeable to water. When and where it is necessary for the protection of the employees, portable or loose floor gratings shall be provided at places where floors become damp and wet from overflow of water. Ceilings or overhead coverings shall be dust proof. All factory floors, fixtures, utensils, or other apparatus and machinery used in the manufacture, handling, or storing of canned food shall be kept clean. There shall be no condition underneath or connected with or in the vicinity of factory buildings which may render it difficult to keep the factory clean and sanitary.

**Statutory Authority:** *MS s 31.101; 31.36*

**1550.1940 CESSPOOL OR BLIND WELL.**

No cesspool or blind well of any kind shall be in or underneath the factory or located upon the premises in such a way as to become a nuisance.

**Statutory Authority:** *MS s 31.101; 31.36*

**1550.1950 BUILDING NEW FACTORY OR RECONSTRUCTING OLD FACTORY.**

When building of a new factory or the reconstruction of any old factory is contemplated, the commissioner shall be first notified, giving the place and location and for what purposes intended, that the commissioner may investigate the conditions of the grounds and drainage.

**Statutory Authority:** *MS s 31.101; 31.36*

**History:** *17 SR 1279*

**1550.1960 WATER SUPPLY.**

Adequate, safe, and easily accessible water supply must be provided for all purposes, including cleaning, cooling, washing, and drinking.

**Statutory Authority:** *MS s 31.101; 31.36*

**1550.1970 MACHINERY AND EQUIPMENT.**

All machinery, conveyors, picking tables, hoppers, and other equipment with which the uncanned product comes in contact must be so arranged as to be easily accessible for cleaning and shall be cleaned immediately after the close of each day's operation and oftener if necessary to prevent insanitary conditions. An ample supply of steam and water, hose and other equipment necessary for proper cleaning of equipment and machinery must be available. All machinery and equipment must be placed in good repair before beginning of the season's operation and maintained in such repair throughout the season.

**Statutory Authority:** *MS s 31.101; 31.36*

**1550.1980 CONDEMNATION OF MACHINE, EQUIPMENT, OR UTENSIL.**

On determining that any machine or other apparatus or equipment is inadequate for the manufacture of sanitary products or will endanger sanitary conditions in factory, the commissioner or the inspector in charge of canneries shall have authority to condemn such machine, equipment, or utensil and order the same replaced by proper machinery and equipment.

**Statutory Authority:** *MS s 31.101; 31.36*

**History:** *17 SR 1279*

**1550.1990 CANS AND CONTAINERS.**

Proper storage must be provided for cans and other containers. Cans and other containers must be properly cleaned immediately before being used.

**Statutory Authority:** *MS s 31.101; 31.36*

**1550.2000 VEGETABLES AND FRUITS FOR CANNING.**

Vegetables and fruits shall be washed before being canned, except cabbage, from which damaged or soiled leaves shall be removed. No decayed or damaged vegetables or fruits shall be used in canning. Sweet corn shall be considered unfit for canning after 18 hours from the time it is snapped from the stalks in the field. No field corn shall be used or canned. Raw corn unfit for canning must be rejected. Peas shall be canned as soon after vining as possible and in no case shall be held over to the next day.

**Statutory Authority:** *MS s 31.101; 31.36*

**1550.2010 TOILETS.**

Separate toilets shall be provided for each sex. At least one toilet seat shall be provided for every 30 employees. The floors shall be tight and of such material that they can be washed

and kept clean. The doors shall be made self-closing and shall be so arranged that the seats cannot be seen from the outside. The toilets shall be well ventilated to the outside air, and the windows and ventilators shall be screened against flies. Each toilet shall be in a separate compartment, the partitions of which shall be of not less than 5-1/2 feet high and shall be at least one foot above the floor. Walls, partitions, and toilet seats, if constructed of wood, shall be covered with a nonabsorbent, light-colored paint or varnish. Sanitary toilet paper shall be provided. Urinals shall not be constructed except within toilets or in a separate room or building, screened as provided for in the case of toilets proper. At least one urinal shall be provided for every 40 male employees. Toilet room within the cannery shall be provided with proper flushing facilities and connected with a sewer or proper adequate septic tank.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2020 PRIVIES AND OUTSIDE TOILETS.**

Privies or outside toilets shall not be permitted around a canning factory, but may be permitted only at vining stations, if sufficiently removed from the vining station to avoid being a nuisance and built tight above ground. They shall be properly ventilated and screened and shall be kept clean. The doors shall be self-closing. The vault or receptacle shall be kept thoroughly disinfected and shall be cleaned out before the contents reach the level of the ground.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2030 LAVATORIES.**

Adequate washing facilities shall be provided in or near every toilet room with separate facilities for each sex. They shall be provided with running hot and cold water, soap, and sanitary towels. Lavatory facilities shall be not less than one bowl with faucet for every 20 employees. In case sinks are used, 20 inches of sink with faucet will be considered equivalent to one bowl.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2040 BY-PRODUCTS.**

By-products to be used for ensilage, preferably should be put into silos, but if stacked in the open at factory, the ground on which the stacks are built shall be tiled so as to draw off all water and seepage to prevent soil pollution.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2050 PREVENTION OF CONTAMINATION.**

All products before being canned, shall be washed, sorted, trimmed, and inspected. This part shall not be construed so as to require the washing of cabbage for sauerkraut.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2060 EMPLOYEES.**

No person afflicted with infectious or contagious disease or with infected wounds shall be employed in preparing or canning of food. Bandaged cuts on the hands or fingers of employees directly handling food shall be covered with rubber gloves or finger cots, securely fastened. Employees handling food products shall wear clean, washable clothing or aprons. Employees shall wear clean, washable caps over their hair. Employees handling food shall keep their hands and fingernails as clean as the nature of their work will permit. Such employees shall wash their hands after leaving the toilet. Suitable notice to this effect shall be posted in a conspicuous place.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2065 RESTRICTED PRACTICES.**

Spitting on the floors or walls or other parts of the canneries shall be prohibited. Smoking will be allowed only in rooms provided for that purpose.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2070 DRESSING ROOMS.**

Separate dressing rooms shall be provided for women.



Every dressing room shall be properly lighted, ventilated, and heated. Where a change of clothes for work is necessary or usual, a suitable place with hangers or well-ventilated lockers shall be provided for clothing not in use.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2080 DRINKING CUPS AND DRINKING FOUNTAINS.**

Common drinking cups shall not be used. Individual drinking cups or sanitary drinking fountains shall be provided in convenient places on each floor.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2090 EMPLOYEE IN CHARGE OF SANITATION.**

The factory manager or superintendent shall appoint at least one employee whose duties shall be those of keeping the cannery in proper sanitary condition. Such employees shall each be furnished with a printed copy of parts 1550.1880 to 1550.2100.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2100 VINING STATIONS.**

Vining stations for peas shall be exempted in the enforcement of parts 1550.1880 to 1550.2100 except the parts governing premises and the cleaning and sanitary conditions of equipment and machinery used in the vining of peas.

**Statutory Authority:** *MS s 31.101; 31.36*

#### **1550.2110 [Repealed, 27 SR 260]**

### **COLD STORAGE WAREHOUSES**

#### **1550.2120 LEASES.**

Any person, firm, or corporation operating or maintaining a licensed cold storage warehouse who shall lease any room or rooms in such warehouse to be used for the purposes of cold storage, to any person, firm, or corporation shall at once notify the commissioner of such lease, giving the description of the portion or room of the warehouse so leased and the name and business address of the lessee. No portion of a warehouse shall be so leased unless it be structurally set apart from the rest of the warehouse by walls, partitions, or enclosures which serve to make it a distinct and separate room or place in such warehouse.

**Statutory Authority:** *MS s 28.13*

#### **1550.2130 SCHEDULE OF RATES.**

Every cold storage warehouse operator shall file with the commissioner and shall print and keep open for public inspection a schedule of rates. The commissioner may determine and prescribe the form in which the schedules required by this part to be filed with the commissioner and to be kept open for public inspection, shall be prepared and arranged and may change the form from time to time, if it shall be found expedient. No cold storage warehouse operator shall undertake to perform any service or store any goods, wares, or merchandise, unless or until such schedule of rates has been filed and published in accordance with the provisions of this part; provided that in case of emergency, a service or storage not specifically covered by the schedules filed may be performed or furnished at a reasonable rate, which rate shall forthwith be filed and shall be subject to review in accordance with the provisions of this part.

**Statutory Authority:** *MS s 28.13*

**History:** *17 SR 1279*

#### **1550.2140 UNIFORM RECEIPTS.**

Every cold storage warehouse operator receiving goods in storage shall issue for all such a receipt embodying within its written or printed forms the following essential terms:

- A. The location of the warehouse where the goods are stored.

B. The date of issue of the receipt.

C. The consecutive number of the receipt.

D. A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or the order of the specified person.

E. The rate of storage charges.

F. A description of the goods or of the packages containing them.

G. The signature of the operator, which may be made by an authorized agent.

H. If the receipt is issued for goods of which the operator is owner, either solely or jointly or in common with others, the fact of such ownership.

I. In the case of a negotiable receipt, a statement of the amount of advances made and liabilities incurred for which the operator claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the operator or to the agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

J. Cold storage warehouse operators must keep on file in their office duplicates or stubs of all warehouse receipts furnished.

**Statutory Authority:** *MS s 28.13*

**History:** *17 SR 1279*

#### 1550.2150 WAREHOUSE RECORDS OF FOOD IN STORAGE.

Every licensee of a cold storage warehouse shall keep an accurate record showing the following information: owner, name, and business address; kind and quantities of food stored; date of entry; kind of warehouse receipt issued, showing the amount charged for storage; lot number; if not original entry, record of previous entries; dates of withdrawal, in whole or in part; names and addresses of parties withdrawing same; record of sale or transfer during storage, with date, names, and business addresses.

**Statutory Authority:** *MS s 28.13*

1550.2160 [Repealed, 24 SR 546]

#### 1550.2170 MARKING AND IDENTIFICATION OF ARTICLES OF FOOD.

When articles of food are placed in cold storage, the lot number placed in each package shall be identified by a corresponding lot card or number in the office which will show the month, date, and year received in storage, with room and location numbers and name and address of owner. Articles of food may be required to be so placed or piled in a cold storage warehouse that the lot numbers and markings can be plainly seen and read while passing through the alleys. When tags are used on which to mark lot numbers, they must be securely fastened to the articles to which they are affixed, so that they cannot readily become detached.

**Statutory Authority:** *MS s 28.13*

#### 1550.2180 STORAGE OF ANIMAL FEED.

Articles of food for use other than for human consumption shall not be stored or kept in any room with articles of food intended for human consumption. Such articles of food not intended for human consumption shall be denatured and plainly and permanently marked with the word "INEDIBLE" or the words "FOR ANIMAL FOOD ONLY" in capital letters not less than one-half inch in height. There shall be placed on the door leading to the room wherein animal feed is stored a placard or sign reading "THIS ROOM CONTAINS ANIMAL FEED ONLY."

**Statutory Authority:** *MS s 28.13*

#### 1550.2190 CHILL ROOM LOT NUMBERS.

Articles of food entered for periods of less than 30 days in a chill room located in a cold storage warehouse, but which chill room is used exclusively for the storage of articles of food for less than 30 days, shall have affixed their respective lot numbers. A record for the respec-

tive lot numbers and the date when such articles of food were placed in said chill room shall be kept open at all times to the commissioner.

**Statutory Authority:** *MS s 28.13*

#### **1550.2200 OBLITERATION OF MARKS.**

The removal or erasure of any mark, stamp, or tag required by the cold storage act or by these rules or the transfer of articles of food from one container to another, but properly marked, will be deemed a violation of this part and will render the offender liable to prosecution, unless permission therefor is granted by the commissioner or the same is done under the commissioner's direction.

**Statutory Authority:** *MS s 28.13*

**History:** *17 SR 1279*

#### **1550.2210 SANITARY REQUIREMENTS OF COLD STORAGE WAREHOUSES.**

The floors, walls, ceilings, and equipment of every cold storage warehouse shall be kept in a clean and sanitary condition. For the purpose of parts 1550.2210 to 1550.2250, unclean and unsanitary conditions shall be deemed to exist if the food stored is not securely protected from filth, flies, dust, dirt, insects, vermin, rodents, and from all foreign or injurious contamination. The floors, walls, ceilings, and equipment of every cold storage warehouse shall be of such construction that they can be easily maintained in a clean and sanitary condition.

**Statutory Authority:** *MS s 28.13*

#### **1550.2220 TOILET FACILITIES.**

Every cold storage plant shall be provided with convenient toilet facilities. Toilet rooms shall not open directly into any room in which food or containers are handled or stored. The doors shall be self-closing. Toilet rooms shall be kept clean and in good repair and well ventilated.

**Statutory Authority:** *MS s 28.13*

#### **1550.2230 HAND-WASHING FACILITIES.**

Convenient hand-washing facilities shall be provided, including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited.

**Statutory Authority:** *MS s 28.13*

#### **1550.2240 WASTES AND TRASH.**

All wastes shall be properly disposed of. All trash shall be kept in receptacles protected from flies.

**Statutory Authority:** *MS s 28.13*

#### **1550.2250 COMMUNICABLE OR CONTAGIOUS DISEASE.**

No person suffering from any communicable or contagious disease shall be employed in any capacity in a cold storage warehouse.

**Statutory Authority:** *MS s 28.13*

#### **1550.2260 RECEIPT OF FOOD FOR COLD STORAGE.**

Articles of food intended for cold storage shall, when they are offered for or placed in cold storage, be enclosed in boxes, barrels, crates, or other packages sufficiently strong to protect them from injury and of such construction as to protect them from dust, filth, or other contamination, unless the articles are of such a nature that it is impracticable to pack them in containers, in which case the articles of food shall be wrapped in suitable material to protect them from dust, filth, or other contamination. All articles of food so wrapped while in cold storage shall be elevated at least two inches from the floor.

**Statutory Authority:** *MS s 28.13*

#### **1550.2270 [Repealed, 24 SR 546]**

**1550.2280 SANITARY CONDITIONS.**

All food offered or accepted for cold storage must be in good, sound sanitary condition at the time of entry. No diseased, tainted, or otherwise unwholesome food may be placed in cold storage or kept therein. The owner of the food offered for cold storage and the warehouse operator accepting such articles of food will be held equally responsible for such food being in proper condition for cold storage at the time of entry.

**Statutory Authority:** *MS s 28.13*

**History:** *17 SR 1279*

**1550.2290** [Repealed, 24 SR 546]

**1550.2300** [Repealed, 24 SR 546]

**1550.2310 DESTRUCTION OR DISPOSAL OF STOP ORDER FOOD.**

When the condition of the food on which a stop order has been placed is such that immediate action is advisable, the commissioner shall endeavor to locate and inform the owner of such food of what action or disposal is contemplated. If the owner cannot be located, such notice shall be served upon the owner or manager of the warehouse in which such food is located and such service shall be deemed sufficient notice of such action. Unless the owner of the food, when so notified, shall immediately furnish the commissioner with notice of appeal for a hearing or unless such notice of appeal is made by the owner or manager of the cold storage warehouse in which such food is stored, the commissioner shall cause such food to be destroyed or otherwise disposed of, either in whole or in part and shall cause the stop order to be removed from such portion as may be found wholesome and fit for human consumption.

**Statutory Authority:** *MS s 28.13*

**History:** *17 SR 1279*

**1550.2320 SALE BY WAREHOUSE OPERATOR.**

In case the owner of any article of food stored in any cold storage warehouse in the state fails or refuses to remove the same before the expiration period of time within which the storage may be lawfully continued, the warehouse operator in whose warehouse the said food is stored may petition the commissioner for an order to sell the said articles of food. If said petition is granted and the commissioner issues an order to sell, the operator shall advertise said articles of food for sale at public auction, giving ten days published notice of the sale and sending a copy of said notice to the owner at the last known address by registered mail at least ten days before the date of the proposed sale. The articles of food so advertised shall not be delivered to the owner of the goods within the ten days specified for advertising period, unless the owner shall pay all reasonable charges incurred through the advertising of said food. After the sale, the operator shall render a report of said sale to the commissioner and file with the commissioner an affidavit that notice of said sale was given pursuant to the provisions of this part. Such advertised sale of goods shall not relieve the owner thereof from the penalties incurred under Minnesota Statutes, section 28.15.

**Statutory Authority:** *MS s 28.13*

**History:** *17 SR 1279*

**1550.2330 TRANSFER OF FOOD.**

Transfer of cold storage articles of food may be made from one warehouse within or without the state to another warehouse within the state, providing the original cold storage markings are not removed or defaced.

**Statutory Authority:** *MS s 28.13*

**SANITATION OF HONEY HOUSES****1550.2340 HONEY HOUSE.**

There shall be provided a honey house or honey room in which the extracting, processing, and packing of honey shall be done. This room shall not be used for storage purposes during the honey extracting period.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2350 FLOORS.**

The floors of all rooms in which honey is handled, extracted, processed, and packed and of storage rooms shall be of concrete or other equally impervious and easily cleaned material and shall be smooth, in good repair, and kept clean.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2360 WALLS AND CEILINGS.**

Walls and ceilings of rooms in which honey is handled, extracted, processed, packed, or stored shall have smooth, washable surfaces, painted with light-colored paint and shall be kept clean and in good repair.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2370 DOORS AND WINDOWS.**

Unless other effective means are provided to prevent the access of flies and other pests, all openings into the outer air shall be effectively screened and equipped with bee escapes. Screen doors shall be self-closing. All windows and window sills shall be kept clean and windows and doors, including screen windows and screen doors, shall be kept in good repair.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2380 LIGHTING AND VENTILATION.**

All rooms shall be adequately lighted and ventilated.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2390 SEWAGE DISPOSAL.**

Every honey house shall be equipped with an adequate, safe, and sanitary sewerage system. Floor drains connected to the sewerage system shall be installed where necessary and such floor drains shall be equipped with traps. Where such system is not available, sewage shall be disposed of by means consistent with accepted sanitary practices. No waste water shall be permitted to drain on or be thrown onto the surface of grounds surrounding the honey house.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2400 TOILET FACILITIES.**

Toilet facilities shall be conveniently available to honey house personnel. Toilet rooms shall not open directly into any room in which honey is handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms and toilet facilities therein shall be kept clean and in good repair. Toilet rooms shall be well lighted and ventilated. In case privies or earth closets are permitted and used, they shall be separate from the building and shall be of a sanitary type, properly located, constructed, operated, and maintained, so that the waste is inaccessible to flies, bees, and rodents and does not pollute the surface soil or contaminate any water supply.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2410 WATER SUPPLY.**

The water supply for the honey processing room shall be properly located, constructed, and operated and shall be easily accessible, adequate, and of a safe, sanitary quality. Adequate facilities for heating water shall be provided.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2420 SINKS.**

Adequate sinks and other facilities for washing of utensils and containers shall be provided.

**Statutory Authority:** *MS s 31.11; 31.73*

**1550.2430 HAND-WASHING FACILITIES.**

Convenient hand-washing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is prohibited. Such hand-washing fa-

cilities shall be separate from the sink and facilities used for washing of utensils and containers used in the processing and extracting of honey.

**Statutory Authority:** *MS s 31.11; 31.73*

#### **1550.2440 CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT.**

All containers and equipment with which honey comes in contact shall be constructed in such manner as to be easily cleaned, and shall be kept clean and in good repair. All equipment that comes in contact with honey and all containers shall be free from rust and other extraneous material and shall be thoroughly cleaned before reuse. Stationary machinery and equipment shall be sufficiently spaced from each other and from walls to facilitate cleaning. All open type equipment with which honey comes in contact shall be equipped with suitable overlapping covers. The packing and handling of containers and container cans and covers shall be conducted in a sanitary manner.

**Statutory Authority:** *MS s 31.11; 31.73*

#### **1550.2450 STORAGE OF CONTAINERS AND SUPPLIES.**

After cleaning, all used containers, utensils, and equipment shall be stored in such manner as to be protected from contamination. Honey and honey containers in storage rooms shall be of sufficient height off floors and sufficient distance from walls to facilitate cleaning.

**Statutory Authority:** *MS s 31.11; 31.73*

#### **1550.2460 PERSONNEL CLEANLINESS.**

All persons coming in contact with honey, containers, or equipment shall wear clean outer garments and shall keep hands clean at all times while thus engaged.

**Statutory Authority:** *MS s 31.11; 31.73*

#### **1550.2470 MISCELLANEOUS REQUIREMENTS.**

All equipment, containers, and utensils shall be in good repair and free from rust, dirt, and other extraneous material. Utensils and floors shall be cleaned daily. Good housekeeping methods shall be practiced throughout the plant. Metal containers with tight overlapping covers shall be used for the disposal of waste matter. The containers shall be washed clean after each time they are emptied. No spraying of chemicals for the purpose of exterminating insects shall be done while honey is being extracted, processed, or packed. Honey houses shall be of rodent proof construction. The premises surrounding the honey house shall have good drainage and shall be kept clean and free of rubbish or litter of any kind.

**Statutory Authority:** *MS s 31.11; 31.73*

#### **1550.2480 EXTRACTION OF HONEYCOMBS.**

No honeycombs containing brood shall be extracted until sufficient time has elapsed to allow all brood to have emerged. Combs from gassed colonies or colonies otherwise exterminated containing dead adults or larval bodies shall not be extracted.

**Statutory Authority:** *MS s 31.11; 31.73*

### **SALVAGING AND RECONDITIONING OF FOODS**

#### **1550.2490 SCOPE.**

The following shall be the minimum sanitary requirements and standards for the construction, maintenance, and operation of a food salvage establishment by a salvage food processor and the standards and requirements for reconditioning and salvaging of distressed food.

**Statutory Authority:** *MS s 31.101*

#### **1550.2500 PREMISES, BUILDINGS, AND FACILITIES.**

The premises shall be clean and orderly and be located in an area which is well drained and free of environmental conditions and materials that are unsanitary or a hazard to human

health. Buildings and facilities shall be located in an area where the product or operations are not subject to contamination by excessive smoke, foul odors, dust-laden air, and other air-borne contaminating influences. The premises shall be free of weeds, debris, and cluttered, unused equipment and materials. The premises shall be free of waste materials which are stored or handled in such a manner as to be a potential health hazard. The premises shall be free of conditions or materials that are a harborage or a breeding area for insects, rodents, and birds. The approaches to the receiving and shipping docks shall be kept clean and maintained to minimize dust.

**Statutory Authority:** *MS s 31.101*

#### **1550.2505 CONSTRUCTION OF BUILDINGS, ROOMS, FACILITIES.**

The buildings, rooms, and facilities designated under parts 1550.2490 to 1550.2930 for use as a salvage food processing establishment shall be of sufficient size to accommodate the operations conducted therein in a sanitary manner and shall be of such construction as to render them easily cleaned and maintained in a clean and sanitary condition which shall not harbor insects or rodents and will prevent the entrance of insects, rodents, birds, or other animals. The salvage food establishment shall be used only for reconditioning or salvaging food unless otherwise authorized by the commissioner. Doors, walls, partitions, ceilings, floors, and exposed structural supports shall be constructed of easy-to-clean material.

**Statutory Authority:** *MS s 31.101*

#### **1550.2510 PREVENTION OF CONTAMINATION.**

The salvage food processing building, rooms, and facilities shall be of such construction as to provide distressed food with protection from all environmental conditions which may contaminate or predispose it to possible contamination.

**Statutory Authority:** *MS s 31.101*

#### **1550.2520 SEPARATION OF DISTRESSED FOOD FROM SALVAGED FOOD.**

Distressed foods shall be segregated, separately identified, and not intermingled with salvaged food. From and after September 1, 1968, distressed food shall be kept in separate rooms, which may be in the same building, or in separate buildings completely segregated from salvaged food.

**Statutory Authority:** *MS s 31.101*

#### **1550.2530 SALVAGE FOOD PROCESSING BUILDINGS.**

Salvage food processing buildings, rooms, and facilities shall be maintained in a clean, sanitary condition and in good repair at all times.

**Statutory Authority:** *MS s 31.101*

#### **1550.2540 FLOORS.**

All floors shall be maintained in a smooth, easy-to-clean, and impervious condition as is necessary to maintain a sanitary environment for the distressed food subjected to reconditioning, salvaging, or warehousing therein. Wooden floors shall be coated with a protective coating or compound which effectively eliminates cracks and crevices that may harbor dirt, insects, or rodents. Floors that frequently get wet shall be constructed so as to prevent pooling of water and shall be maintained in a clean and sanitary condition.

**Statutory Authority:** *MS s 31.101*

#### **1550.2550 PLUMBING.**

All plumbing drains shall be constructed so as to minimize clogging, provide for thorough drainage, and prevent backflow, vermin, and sewage gas from entering the plant. Waste plumbing shall not cross a product zone or food storage area unless properly sealed off or otherwise installed as to effectively preclude contamination of the product or product zone.

**Statutory Authority:** *MS s 31.101*

**1550.2560 WALL FLOOR JUNCTURES AND WALLS.**

All wall–floor junctures shall be effectively sealed to prevent insect and rodent harbor-age. Walls of processing, utensil, and equipment washing rooms or areas shall have a wash-able, nonabsorbent surface up to a level reached by splash or spray.

**Statutory Authority:** *MS s 31.101*

**1550.2570 WINDOWS.**

Windows shall be intact and when opened shall be effectively screened so as to preclude entry of insects.

**Statutory Authority:** *MS s 31.101*

**1550.2580 ENTRYWAYS.**

Entryways or openings to processing rooms from the outside of the salvage food proc-essing establishment shall be equipped with tight fitting, self closing doors or other effective means of preventing the entrance of insects, rodents, or birds.

**Statutory Authority:** *MS s 31.101*

**1550.2590 PROCESSING ROOMS.**

Processing rooms shall be separated from sales areas by solid–partitioned walls and self–closing doors.

**Statutory Authority:** *MS s 31.101*

**1550.2600 ELEVATED PLATFORMS OR MEZZANINE FLOORS.**

Elevated platforms or mezzanine floors, when used, shall be constructed to prevent contamination of food and equipment on the floor below.

**Statutory Authority:** *MS s 31.101*

**1550.2610 SEPARATION OF LIVING QUARTERS.**

The salvage food establishment shall be separated from living quarters or rooms used for domestic purposes by solid walls or doors.

**Statutory Authority:** *MS s 31.101*

**1550.2620 COMMISSIONER'S APPROVAL OF EQUIPMENT.**

All salvage establishments shall be equipped with equipment approved by the commis-sioner. All such equipment, its construction and installation shall be in accordance with the provisions of parts 1550.2490 to 1550.2930.

**Statutory Authority:** *MS s 31.101*

**1550.2630 LIGHTING AND VENTILATION.**

All rooms shall be adequately lighted and ventilated. They shall be ventilated to prevent collection of moisture on walls and ceilings of all rooms and on equipment and structural surfaces in production, processing, and storage areas. Mechanical ventilation and air condi-tioning systems of salvaging or reconditioning rooms shall be equipped with screens and air–filter devices. The lighting fixtures shall be shatter–resistant and equipped with effective protective devices to prevent contamination of food in the event of their breakage.

**Statutory Authority:** *MS s 31.101*

**1550.2640 WATER SUPPLY.**

A potable water supply from an approved source which produces water of a safe, sani-tary quality shall be provided for use in all salvage food processing establishments. Water from a water supply constructed and located in accordance with the provisions of section VII, Manual of Water Supply Sanitation, dated 1965 and adopted by the Minnesota Department of Health, shall be deemed to be an approved source. There shall be no cross–connection between the approved potable water supply and any other water supply or any source of pos-sible contamination. Such water supply shall be connected to conveniently located faucets or taps and properly plumbed to all rooms or areas where products are processed.

**Statutory Authority:** *MS s 31.101*



**1550.2650 WASTE DISPOSAL.**

Waste materials shall be promptly collected, held for disposal (where applicable), and disposed of in such a manner as to prevent the formation of a health hazard or nuisance. Waste receptacles shall be conveniently located where the bulk of waste originates.

**Statutory Authority:** *MS s 31.101*

**1550.2660 LIQUID WASTES.**

Liquid wastes resulting from cleaning, rinsing, and sanitizing of distressed food products, equipment, utensils and establishment's walls, ceilings, and floors shall be disposed of in a public sewer or in a private sewer disposal system properly constructed and maintained so as to function without creating an insanitary condition or a nuisance.

**Statutory Authority:** *MS s 31.101*

**1550.2670 PLUMBING.**

All plumbing shall be designed and installed in compliance with the applicable provisions of the Minnesota Plumbing Code, dated October 16, 1951, as adopted by the Minnesota State Board of Health.

**Statutory Authority:** *MS s 31.101*

**1550.2680 GARBAGE AND REFUSE.**

Garbage and refuse shall be kept in suitable metal, plastic, or equally nonabsorbent, leakproof receptacles.

**Statutory Authority:** *MS s 31.101*

**1550.2690 GARBAGE, TRASH, AND SOLID WASTE MATERIALS.**

Garbage, trash, and solid waste materials shall be disposed of daily or more frequently if necessary to prevent an insanitary condition or undesirable odors.

**Statutory Authority:** *MS s 31.101*

**1550.2700 REUSABLE GARBAGE AND REFUSE RECEPTACLES.**

Reusable garbage and refuse receptacles shall be thoroughly cleaned after each emptying.

**Statutory Authority:** *MS s 31.101*

**1550.2710 CONSTRUCTION AND DESIGN OF EQUIPMENT AND UTENSILS.**

Equipment and utensils shall be designed, constructed, and placed in such a manner as to permit their cleaning and sanitizing and shall be maintained in a clean and sanitary condition. Product contact surfaces of all equipment shall be constructed of smooth, nontoxic, corrosion-resistant, odorless material. Such equipment shall be installed, located, and constructed free of cracks, crevices, pits, or other imperfections which hinder cleaning and sanitary maintenance or provide harborage for insects or rodents.

**Statutory Authority:** *MS s 31.101*

**1550.2720 COMPRESSED AIR.**

Compressed air if introduced into product area shall be properly filtered. If piston type compressors are used, the air lines shall be trapped with oil and water traps.

**Statutory Authority:** *MS s 31.101*

**1550.2730 ELECTRICAL WIRING SYSTEM.**

Electrical wiring system including conduits, switch boxes, and control panels shall be constructed and placed to prevent the creation of insect or rodent harborage.

**Statutory Authority:** *MS s 31.101*

**1550.2740 REFRIGERATION FACILITIES.**

Refrigeration facilities shall be equipped with a temperature indicating or recording device which shall be accurate to within plus or minus two degrees Fahrenheit.

**Statutory Authority:** *MS s 31.101*

**1550.2750 CLEANING, SANITIZING OF EQUIPMENT, UTENSILS, AND ROOMS.**

Processing, storage, and other rooms and areas where products and packaging materials are handled shall be kept in a clean and orderly condition. Equipment and utensils shall be kept in a clean and sanitary condition and such equipment and utensils as come in contact with readily perishable foods, such as egg products, shall be sanitized each day before reuse. Adequate supplies of cleaning and sanitizing equipment, materials, and utensils shall be maintained on hand at all times. All employees utilized in the reconditioning and salvaging of food shall be properly trained by the salvage food processor in proper cleaning and sanitization methods. For the purposes of parts 1550.2490 to 1550.2930, "sanitizing" and "sanitization" is the application of any effective method or substance to a clean surface for the destruction of microorganisms and products of microorganisms of public health significance.

**Statutory Authority:** *MS s 31.101*

**1550.2760 TOILET, HAND-WASHING, AND DRESSING ROOM FACILITIES.**

Each salvage food processing establishment shall have toilet facilities equipped with at least one flush toilet connected to a public sewer system or to an individual sewage disposal system. Toilet rooms and dressing rooms shall be well lighted, ventilated, and provided separately for male and female personnel if five or more persons of opposite sex are employed. Such facilities shall be kept in a clean and sanitary condition. Adequate hand-washing facilities consisting of hand sinks, hot and cold running water, hand soap, and sanitary, single use towels shall be in or immediately adjacent to toilet and dressing rooms. All liquid waste disposal shall be in conformity with the State Plumbing Code. Hand-washing signs shall be prominently posted in each toilet room directing the employees to wash their hands before starting work or before returning to work. All toilet rooms shall be ventilated to the outside atmosphere by either properly screened direct openings or by ventilator ducts having no direct connection to the ventilating duct system of the processing room or food storage rooms.

**Statutory Authority:** *MS s 31.101*

**1550.2770 INSECTS, RODENTS, BIRDS, AND OTHER ANIMALS.**

The establishment shall be kept free of rodents, birds, animals, and insects. All insect, rodent, bird, or animal control programs shall be conducted in a safe and approved manner. Insecticides and rodenticides shall be properly labeled, stored, and used pursuant to approved methods and shall not be used in their powdered form inside any rooms or areas where sugar, flour, corn starch, or similar powdered substances are being reconditioned or salvaged. Poisoned bait, when used, shall be contained in locked, fastened-in-place bait boxes.

**Statutory Authority:** *MS s 31.101*

**1550.2780 REFRIGERATED STORAGE FACILITIES.**

Salvage food processors handling readily perishable and frozen foods, including distressed and reconditioned foods, shall keep such products in refrigerated facilities, protected from contamination and adulteration so as to prevent spoilage and bacterial growth. For the purposes of parts 1550.2490 to 1550.2930, the term "readily perishable" shall be applicable to any food, beverage, or ingredient including distressed and reconditioned foods, which consist in whole or in part of milk, milk products, eggs, meat, fish, poultry, or other food capable of supporting rapid and progressive growth of microorganisms or any other form of life which can cause food infections or food intoxication. However, products in hermetically sealed containers processed by heat to prevent spoilage and dehydrated, dry, or powdered products so low in moisture content as to preclude development of microorganisms are excluded from the terms of this definition.

All refrigerated facilities used for readily perishable foods shall be adequate to properly cool and keep such foods at a temperature of 45 degrees Fahrenheit or below and frozen foods at a temperature of five degrees Fahrenheit or below at all times. All foods stored in refrigerated facilities except refrigerated transportation facilities, shall be stored on shelving or on pallets at least six inches off the floor. All transportation facilities used for readily perishable foods shall be designed and equipped so as to maintain readily perishable foods at a

temperature of 45 degrees Fahrenheit or below. If such food is a frozen food, such facilities shall be designed and equipped to maintain it in a frozen state. The refrigeration requirements of this paragraph are intended to be applicable to all foods, including distressed foods and reconditioned foods. When readily perishable reconditioned foods and/or frozen reconditioned foods are stored on the same premises as readily perishable distressed foods, and/or frozen distressed foods, separate refrigerated facilities, properly identified with appropriate signs, shall be provided for these foods so as to prevent intermingling and possible sale of unapproved distressed food. All drain pipes in the floors of refrigerated facilities or rooms leading into a sewer disposal system shall be properly plumbed with traps or air gaps consistent with the requirements of the Minnesota Plumbing Code.

**Statutory Authority:** *MS s 31.101*

#### **1550.2790 DRY STORAGE FACILITIES.**

Salvage food processing establishments shall keep their unrefrigerated supplies and products in a suitable dry storage room or areas. These supplies and products shall be protected from contamination and adulteration and stored in a sanitary manner at all times.

**Statutory Authority:** *MS s 31.101*

#### **1550.2800 HEALTH AND HYGIENIC PRACTICES OF PERSONNEL.**

Salvage food processing employees in reconditioning and salvaging areas in contact with products shall be free of communicable infections or other diseases, open sores, and skin infections. All personnel contacting ingredients and products shall keep their hands in a clean and sanitary condition at all times and shall wash their hands before starting work and again after any interruption where possible contamination of their hands may occur. Personnel shall wear clean outer clothing. There shall be no expectoration or use of tobacco in any form in any of the salvaging or reconditioning rooms and areas. "No smoking" signs shall be conspicuously posted in these areas.

**Statutory Authority:** *MS s 31.101*

#### **1550.2810 IDENTIFICATION OF DISTRESSED FOOD.**

All distressed food shall be properly identified with lot numbers and shall be stored in rooms or buildings which have conspicuously posted on all doors the statement, "The distressed food in this room is not for sale."

**Statutory Authority:** *MS s 31.101*

#### **1550.2820 DISTRESSED FOOD NOTICE.**

Every salvage food processor shall promptly upon obtaining possession of distressed food notify the commissioner of the possession of distressed food and provide such other information as the commissioner may require relating to said distressed food.

**Statutory Authority:** *MS s 31.101*

**History:** *17 SR 1279*

#### **1550.2830 QUALITY CONTROL PROGRAM FOR RECONDITIONED OR SALVAGED FOODS.**

Every salvage food processor shall maintain an adequate quality control program for the reconditioning, salvaging, inspection, and examination of distressed food so as to render it acceptable for use as food, animal feed, seed, or to be sold for industrial nonfood use.

**Statutory Authority:** *MS s 31.101*

#### **1550.2840 RECONDITIONED AND SALVAGED FOOD REQUIREMENTS.**

All distressed foods shall be subjected to such inspection, reconditioning, or salvaging as may reasonably be necessary to prepare said foods for use as human food. Distressed foods which upon reconditioning, salvaging, and inspection are found to be adulterated, below standard, misbranded, or insufficiently labeled shall not be acceptable for human food.

**Statutory Authority:** *MS s 31.101*

**1550.2850 CONTAMINATION.**

Distressed food which shows evidence of contamination shall not be acceptable as human food. For the purposes of parts 1550.2490 to 1550.2930, "contamination" shall mean the presence of foreign material, insect-infestation, filth, microorganisms, or products of microorganisms of public health significance, or any other condition which from a public health or aesthetic standpoint shall render said distressed food unfit for human consumption.

**Statutory Authority:** *MS s 31.101*

**1550.2860 SALVAGED FOOD OR RECONDITIONED FOOD.**

"Salvaged food" or "reconditioned food" is distressed food which has been reconditioned or salvaged so as to meet the standards of parts 1550.2490 to 1550.2930. Reconditioned or salvaged food shall be processed, stored, and delivered for human food use under sanitary condition.

**Statutory Authority:** *MS s 31.101*

**1550.2870 ADULTERATION, MISLABELING, OR MISBRANDING OF DISTRESSED FOOD.**

Distressed food shall be considered to be adulterated, mislabeled, or misbranded when it fails to comply with applicable provisions of the Minnesota pure foods, food standards, and labeling laws as contained in Minnesota Statutes, chapters 31, 32, and 34, and rules promulgated pursuant thereto.

**Statutory Authority:** *MS s 31.101*

**1550.2880 ANIMAL FEED, SEED, OR INDUSTRIAL NONFOOD.**

Products designated as unfit for human food and found acceptable for use as animal feed, seed, or industrial nonfood use shall be effectively denatured so as to prevent their re-direction into unapproved uses. No distressed food shall be diverted to animal or poultry feed unless it meets the requirements relating to animal and poultry feed contained in Minnesota Statutes, chapters 17 and 25 and rules promulgated pursuant thereto. No distressed food shall be diverted to seed unless it meets the requirements relating to seed contained in Minnesota Statutes, chapter 21 and rules promulgated thereto.

**Statutory Authority:** *MS s 31.101*

**1550.2890 CANNED DISTRESSED FOODS SUBJECTED TO CONTAMINATION FROM FLOODS.**

Canned distressed foods subjected to contamination from floods shall be subjected to an approved cleaning and bactericidal treatment.

**Statutory Authority:** *MS s 31.101*

**1550.2900 APPROVED BACTERICIDAL TREATMENT.**

For the purposes of parts 1550.2840 to 1550.2920, "approved bactericidal treatment" shall mean treatment by chemicals or other acceptable means to render said food container free of microorganisms of public health significance.

**Statutory Authority:** *MS s 31.101*

**1550.2910 CAN AND GLASS CONTAINERS DAMAGE.**

The following are examples of packaging material defects rendering products unfit for human food and animal feed use:

A. If the seam has been placed under tension or has otherwise been disturbed so it may have disrupted the hermetic seal. All such substantially damaged glass or can containers of distressed food shall be stored at a temperature of 70 degrees Fahrenheit or above for a period not less than 30 days. All such containers which develop internal decomposition or gas formation shall be deemed to have an unacceptable hermetic seal.

B. Internal decomposition or formation of gas which causes the condition known in the trade as swells, flippers, and springers.

C. All cans of distressed food contained in cans which have a fracture of the metal body or cover of the can.

D. All leaking cans of distressed food contained in perforated cans.

E. A tread line or cord-like glass appendage inside glass containers which could result in glass contamination of the product.

**Statutory Authority:** *MS s 31.101*

#### **1550.2920 DISTRESSED FLOUR PRODUCTS RECONDITIONING PROCEDURES.**

All finely milled flour and flour based products shall be examined for contamination before repackaging by sifting through a screen which contains 20 meshes per linear inch (.0328 inches per opening or 840 microns) which effectively discloses extraneous material. All contaminated flour and flour based products shall be rejected for human food. If found in a condition acceptable for animal feed or industrial nonfood uses, said products shall be properly designated and denatured with an inseparable material so that it may not be easily diverted to human food.

**Statutory Authority:** *MS s 31.101*

#### **1550.2930 DISPOSAL OF DISTRESSED FOOD UNFIT FOR SALVAGING OR RECONDITIONING.**

Salvage food processors shall destroy and dispose of distressed food that has been deemed unfit for food, animal feed, seed, or industrial nonfood uses pursuant to the requirements and supervision of the commissioner.

**Statutory Authority:** *MS s 31.101*

### **MINNESOTA FOOD PRODUCTS LOGO**

#### **1550.2940 AUTHORITY AND PURPOSE.**

Subpart 1. **Purpose.** In keeping with the policy of the department to expand, improve, and develop markets for Minnesota agricultural products by promoting their use and sale, it is the purpose of the Minnesota food products logo to identify and promote those food products which are Minnesota produced, processed, or manufactured.

Subp. 2. **Authority.** Parts 1550.2940 to 1550.3000 are prescribed by the commissioner pursuant to Minnesota Statutes, section 17.102, subdivision 1.

**Statutory Authority:** *MS s 17.102*

#### **1550.2950 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 1550.2940 to 1550.3000 the terms in this part have the meanings given them.

Subp. 2. **Agricultural products.** "Agricultural products" means livestock, dairy products, poultry or poultry products, fish, fruit of all kinds, vegetables, grains, bees, and apiary products.

Subp. 3. **Certification mark.** "Certification mark" means the logo registered by the department with the secretary of state and the United States Office of Patents and Trademarks to identify a food product which is produced, processed, or manufactured in Minnesota.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized representative.

Subp. 5. **Commodity council.** "Commodity council" means any of the agricultural research and promotion councils created under the provisions of Minnesota Statutes.

Subp. 6. **Department.** "Department" means the Department of Agriculture.

Subp. 7. **Food product.** "Food product" means an agricultural product used directly for food or drink for human consumption or a combination of agricultural products, raw materials, and food ingredients which is processed or manufactured into an article of food or drink for human consumption.

Subp. 8. **Improper use.** “Improper use” means an unauthorized use of the logo or a use of the logo inconsistent with parts 1550.2940 to 1550.3000.

Subp. 9. **Labeling statement.** “Labeling statement” means the phrase “Minnesota Food Product” or other words signifying Minnesota origin.

Subp. 10. **Logo.** “Logo” means the Minnesota food products logo. A facsimile of the logo appears in part 1550.3000.

Subp. 11. **Manufacturer; processor.** “Manufacturer” or “processor” means an individual, partnership, cooperative association, or corporation which processes or manufactures raw materials and other food ingredients into food products, reprocesses food products, packages food products for sale to others for resale, or commercially slaughters animals or poultry. The terms include cold storage warehouses as defined in Minnesota Statutes, section 28.01, subdivision 3, dairy plants as defined in Minnesota Statutes, section 32.01, subdivision 6, and individuals, partnerships, cooperative associations, or corporations which extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, treat, or preserve food for sale to others for resale.

Subp. 12. **Producer.** “Producer” means an individual, partnership, family farm, family farm corporation, authorized farm corporation, or cooperative association engaged in the production for sale of agricultural products.

Subp. 13. **Retailer.** “Retailer” means an individual, partnership, cooperative association, or corporation selling a food product to the consumer and not for the purpose of resale in any form.

Subp. 14. **Trade association.** “Trade association” means a Minnesota-based organization of producers, processors, manufacturers, or retailers of food products.

Subp. 15. **Wholesaler.** “Wholesaler” means an individual, partnership, cooperative association, corporation, business trust, or unincorporated organization which sells or supplies a food product to a retailer, industrial buyer, restaurant, or institution or sells on behalf of one wholesaler to another wholesaler.

**Statutory Authority:** *MS s 17.102*

**History:** *17 SR 1279*

### 1550.2960 ELIGIBILITY FOR APPLICATION TO USE LOGO.

Subpart 1. **Producers.** A producer may apply to use the logo on an agricultural product to be used in its original state as a food product or on an agricultural product intended to be processed or manufactured into a food product, if the agricultural product is produced on a production unit located completely or in part within the boundaries of Minnesota, and if the food product meets all applicable minimum requirements for the production of the food product in Minnesota.

Subp. 2. **Processors.** A processor may apply to use the logo on a food product if the food product was processed or manufactured in a plant located completely or in part within the boundaries of Minnesota, and if the food product meets all applicable minimum requirements for processing or manufacturing the food product in Minnesota.

**Statutory Authority:** *MS s 17.102*

### 1550.2970 APPLICATION; AUTHORIZATION; RENEWAL.

Subpart 1. **Application.** An eligible producer, processor, or manufacturer of Minnesota food products may apply to use the logo. Application shall be made on forms provided by the commissioner and shall contain the following:

- A. the name and address of the applicant;
- B. the location of the production unit, processing plant, or manufacturing plant providing food products on which the logo is intended to be used;
- C. a list of all food products on which the logo may be used;
- D. at least one facsimile of the tag, sticker, package, container, or other way the logo will be used on the food products (the facsimile must include the manner in which the labeling statement will accompany the logo); and

E. a statement that the food product on which the logo may be used is Minnesota produced, processed, or manufactured and meets all applicable minimum requirements for producing, processing, or manufacturing the food product in Minnesota.

Application to use the logo with any food product not listed with the commissioner may be made between renewals of a previous application.

**Subp. 2. Authorization.** Authorization to use the logo is dependent upon approval of the application by the commissioner and extends for three years from the authorization date. Use of the logo, with the labeling statement, on approved food products remains discretionary with the authorized producer, processor, or manufacturer during the three-year authorization period. When used on a food product, the logo must be accompanied by an approved labeling statement. Authorized users will receive a certificate of qualification to use the logo, including a registration number, which they may display in their places of business. Reproduction proofs of the logo will also be furnished to authorized users. The department will advise and assist any authorized user of the logo with respect to the size of the logo, its color, its placement on packages, or similar matters, as requested.

**Subp. 3. Renewal.** Every three years the commissioner shall notify authorized users of the logo 60 days prior to the scheduled renewal date. Authorization to use the logo shall be renewed if reapplication, including any changes from the previous application, is made on forms provided by the commissioner and approval is granted by the department. Renewal shall be denied if the commissioner determines there has been improper use of the logo or if the user fails to reapply for use of the logo within 30 days after the renewal date and fails to notify the commissioner of the reason.

**Statutory Authority:** *MS s 17.102*

#### **1550.2980 PROMOTIONAL USE OF THE LOGO.**

The logo may be used with or without the labeling statement for promotional purposes by an authorized producer, processor, or manufacturer on any materials used in a direct, national, or international marketing effort, by a wholesaler, retailer, commodity council, or trade association in any promotion of Minnesota food products, or by the department on any stationery, business cards, or other items determined by the commissioner which will promote Minnesota food products. Use of the logo and any accompanying labeling statement must have the prior approval of the commissioner in cases under this part where Minnesota food products are being promoted.

**Statutory Authority:** *MS s 17.102*

#### **1550.2990 ENFORCEMENT.**

**Subpart 1. Investigation and revocation.** If the commissioner has reason to believe there is improper use, the commissioner may investigate any use of the logo and determine whether there is improper use. The commissioner shall revoke authorization to use the logo when its use is inconsistent with parts 1550.2940 to 1550.3000.

**Subp. 2. Legal action.** When investigation reveals improper use of the logo, the commissioner may seek injunctive relief or other available legal remedies in a court of competent jurisdiction.

**Subp. 3. No warranty of quality.** The certification mark does not represent a warranty by the department of any kind, express or implied, as to the quality of the food product on which it appears. The certification mark means only that the food product certified was produced, processed, or manufactured in Minnesota, and that the authorized producer, processor, or manufacturer represents that the food product meets all applicable minimum requirements for producing, processing, or manufacturing the food product in Minnesota.

**Subp. 4. Other law.** Compliance with parts 1550.2940 to 1550.3000 does not exempt a producer, processor, or manufacturer from complying with other laws and rules relating to food products and the labeling of food products.

**Statutory Authority:** *MS s 17.102*

## 1550.3000 MINNESOTA FOOD PRODUCTS LOGO.



**Statutory Authority:** *MS s 17.102*

## 1550.3050 HOME GROWN FRUIT AND RAW VEGETABLES.

Raw fruit and raw vegetables labeled or advertised as “Home Grown” and offered for sale in Minnesota must specify the place of origin in letters of a size and form identical to the term “Home Grown.”

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 1115*

## SELF-SERVICE BEVERAGE DISPENSING INTO MULTIUSE BOTTLES

## 1550.3100 APPLICABILITY.

For the purposes of inspection or licensing by the commissioner of agriculture, parts 1550.3100 to 1550.3170 apply to the mixing, self-service dispensing, labeling, and sale of new multiuse beverage bottles and the cleaning of used beverage bottles.

**Statutory Authority:** *MS s 34.09*

**History:** *11 SR 1989*

## 1550.3110 BUILDINGS AND PREMISES.

Self-service beverage dispensing equipment must be located within an establishment licensed and inspected for the sale of food for human consumption.

**Statutory Authority:** *MS s 34.09*

**History:** *11 SR 1989*

## 1550.3120 BOTTLES AND BOTTLE CLOSURES.

Subpart 1. **New bottles.** New bottles must be dispensed in a sanitary manner with the closures attached and in a manner that will prohibit replacement of returned bottles into the bottle dispenser, or provided with tamper-evident seals.

Subp. 2. **Multiuse bottle standards.** Multiuse bottles must be made of food grade material, be brand and product use specific, and approved as refillable for beverages.

Subp. 3. **Potentially hazardous foods.** Multiuse bottles must not be used in dispensing potentially hazardous foods.

Subp. 4. **Refilling.** Multiuse bottles being refilled must have the name, address, and zip code of the responsible firm owning the beverage equipment. The filling of bottles other than those specifically provided by that firm is prohibited.

Subp. 5. **Labeling.** Bottles must be labeled to include:

- A. net contents;
- B. name, address, and zip code of the responsible firm;
- C. cleaning instructions for bottle and closure on refillable containers; and
- D. warning statement against misuse of the container.



Subp. 6. **Separate adhesive label.** The responsible firm must provide for the convenience of the consumer a separate adhesive label for each beverage dispensed that provides the following information:

- A. product identity; and
- B. list of ingredients in descending order of predominance.

Subp. 7. **Bottle closure.** A bottle closure must be made of food grade material and attached to the bottle before sale to a customer.

**Statutory Authority:** *MS s 34.09*

**History:** *11 SR 1989*

### 1550.3130 BEVERAGE DISPENSING EQUIPMENT.

Subpart 1. **General requirements.** All equipment, containers, and utensils used in the handling, storage, mixing, and transfer of syrup and beverage must be smooth, impervious, corrosion resistant, nontoxic, and in good repair.

Subp. 2. **Cleaning and sanitizing.** Dispensing units must be constructed, installed, and located so as to permit adequate cleaning and sanitizing. Equipment and utensils must be maintained in a clean and sanitary condition.

Subp. 3. **Instructions.** Complete instructions for the beverage dispensing operation must be in full view of the customer.

Subp. 4. **Filling of bottles.** A food-grade single service disposable paper or plastic funnel or similar sanitary device must be supplied from a sanitary dispenser and used for filling of bottles.

Subp. 5. **Contamination-free transfer.** The system must include a contamination-free transfer process which cannot be bypassed by the consumer while dispensing beverages. Beverages may be filled by an establishment employee or by the customer.

Subp. 6. **Labeling.** Each individual dispensing unit at the dispensing head must be conspicuously labeled to at least include the product identity, artificial flavor, yellow #5 artificial color, and name and function of preservative when present. Fruitades or drinks must have a complete list of ingredients.

Subp. 7. **Measurement of net contents.** Net contents may be measured in the filled bottle by any of the following methods:

- A. an accurate metering device located at each dispenser;
- B. a bottle calibrated with a fill line;
- C. a height-fill gauge provided to the customer at the dispensing unit; or
- D. any other method or device which will demonstrate an accurate net contents.

**Statutory Authority:** *MS s 34.09*

**History:** *11 SR 1989*

### 1550.3140 SIGN.

A sign must be posted conspicuously within the immediate dispenser area directing consumers for health reasons to use a single service funnel or other sanitary device which has been provided when serving themselves, not to contact the beverages directly, and not to consume beverages on the premises. Establishments dispensing for consumer product promotion by store personnel is not prohibited.

**Statutory Authority:** *MS s 34.09*

**History:** *11 SR 1989*

### 1550.3150 BOTTLE WASHING.

Subpart 1. **New bottles.** New beverage bottles, if suitably protected at the container manufacturing facility and during transportation and storage, need not be washed or rinsed before use.

Subp. 2. **Multiuse bottles.** Multiuse bottles returned for refilling must be washed and sanitized before refilling by means of at least a semiautomatic bottle washer located as part of the beverage dispensing equipment.

“Washed” means free from physical, chemical, and microbial substance discernible by ordinary sight, touch, or smell and free from insects, vermin, and debris. “Sanitize” means the effective bactericidal treatment of the cleaned interior surface of the bottle by a process which is effective in destroying microorganisms, including pathogens.

Subp. 3. **Bottle washer.** A bottle washer must contain instructions for its use.

**Statutory Authority:** *MS s 34.09*

**History:** *11 SR 1989*

#### 1550.3160 EQUIPMENT SINK.

A three-compartment, adequate-sized equipment sink for the washing of dispensing equipment must be provided with properly plumbed hot and cold running water. Equipment sinks must be National Sanitation Foundation (NSF) approved or the equivalent.

**Statutory Authority:** *MS s 34.09*

**History:** *11 SR 1989*

#### 1550.3170 CUSTOMER HAND-WASHING SINK.

A facility for hand-washing must be provided in the establishment with properly plumbed hot and cold running water, soap, and single service towels or a suitable air drying device.

**Statutory Authority:** *MS s 34.09*

**History:** *11 SR 1989*

### BOTTLED WATER AND WATER VENDING MACHINES

#### 1550.3200 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1550.3200 to 1550.3320.

Subp. 2. **Analytical unit.** “Analytical unit” means that portion of water taken from a sample for the purpose of analysis.

Subp. 3. **Approved source.** “Approved source” means a source of water that has been inspected and approved by the department, the plumbing found satisfactory under the plumbing code of the Department of Health, and the water has been sampled, analyzed, and found to be of a safe and sanitary quality.

Subp. 4. **Artesian water.** “Artesian water” means water from a well tapping a confined aquifer in which the water level stands above the top of the aquifer.

Subp. 5. **Bottled water.** “Bottled water” means water that is intended for human consumption and that is sealed in bottles or other containers with no added ingredients, except that it may contain safe and suitable antimicrobial agents.

A. Bottled water may be used as an ingredient in beverages such as diluted juices and flavored bottled waters.

B. Bottled water may not include food ingredients that are declared in ingredient labeling as “water,” “carbonated water,” “disinfected water,” “filtered water,” “seltzer water,” “soda water,” and “tonic water.”

C. The processing and bottling of bottled water must comply with parts 1550.3200 to 1550.3320 and Code of Federal Regulations, title 21, part 129.

Subp. 6. **Bottled water plant.** “Bottled water plant” means a place in which bottled water is prepared for sale.

Subp. 7. **Carbonated water or sparkling water.** “Carbonated water” or “sparkling water” means bottled water containing carbon dioxide.

Subp. 8. **Corrosion-resistant materials.** “Corrosion-resistant materials” means materials that maintain acceptable sanitary surface characteristics under prolonged influence of the water to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

Subp. 9. **Department.** “Department” means the Department of Agriculture.

Subp. 10. **Distilled water.** “Distilled water” means water produced by a process of distillation that meets the definition of purified water.

Subp. 11. **Drinking water.** “Drinking water” means water from an approved source.

Subp. 12. **EPA.** “EPA” means the United States Environmental Protection Agency.

Subp. 13. **Fluoridated water.** “Fluoridated water” means water containing fluoride. Water that meets this definition must comply with the United States Food and Drug Administration quality standards in Code of Federal Regulations, title 21, section 103.35(d)(2).

Subp. 14. **Law.** “Law” means applicable federal, state, and local statutes, ordinances, rules, and regulations.

Subp. 15. **Lot.** “Lot” means:

A. a collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible and usually designated by a common container code or marking, or in the absence of any common container code or marking, a day’s production during manufacture, process, or packing; or

B. a collection of primary containers or units transported, stored, or held under conditions as nearly uniform as possible.

Subp. 16. **Mineral water.** “Mineral water” means water that contains not less than 250 parts per million total dissolved solids coming from a source tapped at one or more boreholes or springs, originating from a geologically and physically protected underground water source, distinguished from other types of water by its constant level of minerals and trace elements at the point of emergence from the source.

Subp. 17. **Operator.** “Operator” means a person who owns or operates a water vending machine.

Subp. 18. **Ozonation.** “Ozonation” means disinfection of bottled or vended water with sufficient ozone residue of 0.1 to 0.4 parts per million in the bottled or vended water immediately after filling the container.

Subp. 19. **Plant operator.** “Plant operator” means a person who owns or operates a bottled water plant.

Subp. 20. **Purified water.** “Purified water” means water produced by distillation, deionization, ion-exchange treatment, reverse osmosis, or other suitable process. Purified water must not contain more than ten parts per million total dissolved solids. Water that meets this definition and is vaporized and then condensed may be labeled distilled water.

Subp. 21. **Regulatory authority.** “Regulatory authority” means the department or the authorized home rule charter or statutory city or county responsible for licensing and inspection of vending machines.

Subp. 22. **Safe materials.** “Safe materials” means materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food. Food additives or color additives as defined in Section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act are safe materials only if they are used in conformity with regulations established under Section 409 or 706 of that act. Other materials are safe materials only if, as used, they are not food additives or color additives as defined in Section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act and are used in conformity with applicable regulations of the United States Food and Drug Administration.

Subp. 23. **Sample.** “Sample” means a representative container or consumer unit from a batch or lot of a continuous, production of each type of bottled drinking water consisting of primary containers or unit packages of product.

Subp. 24. **Sanitize.** “Sanitize” means effective bactericidal treatment of clean food contact surfaces of utensils and equipment by an approved process that is effective in de-

stroying microorganisms, including pathogens, without adversely affecting the product or the safety of the consumer.

Subp. 25. **Spring water.** “Spring water” means water derived from an underground formation from which water flows naturally to the surface of the earth.

Subp. 26. **Steam.** “Steam” used in contact with water or water contact surfaces must be free from materials or additives other than those in Code of Federal Regulations, title 21, section 173.310.

Subp. 27. **Trihalomethane or THM.** “Trihalomethane” or “THM” means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

Subp. 28. **Total trihalomethanes or TTHM.** “Total trihalomethanes” or “TTHM” means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane (chloroform), dibromochloromethane, bromodichloromethane, and tribromomethane (bromoform)), rounded to two significant figures.

Subp. 29. **Ultraviolet light treatment of water.** “Ultraviolet light treatment of water” means radiation at a wavelength of 240 to 280 nanometers (nm) applied at a minimum dosage of 16,000 microwatt seconds per square centimeter throughout the water disinfecting chamber. The disinfecting unit must have a maximum water depth in the chamber of three inches from the ultraviolet tube surface to the chamber wall, have a time delay mechanism to permit a two-minute warm-up unless left on at all times, and be installed with an intensity meter and an automatic shut-down valve when the dosage is below required minimum. Ultraviolet lamps must be replaced when the intensity meter indicates less than 50 percent of the rated lamp intensity.

As an alternative to the intensity meter and automatic shut-down valve, an operator may use a portable meter to test the ultraviolet lamp intensity. Operators using a portable meter must post in each machine near the ultraviolet assembly a permanent instruction label specifying a safe test procedure, a minimum intensity level of 254 nanometers, a required six-month test interval, and replacement of the lamp when at less than 50 percent of rated lamp intensity. A record of lamp testing and replacement must be signed, dated, and posted near the lamp assembly of each vending machine.

Subp. 30. **Vended water.** “Vended water” means water dispensed by a water vending machine.

Subp. 31. **Water dealer.** “Water dealer” means a person who imports bottled water or causes bulk water to be transported for bottling or as vended water for human consumption or other consumer uses.

Subp. 32. **Water vending machine.** “Water vending machine” means a device that, upon insertion of one or more coins or tokens or receipt of payment by other means, dispenses treated water into a container without the necessity of refilling the machine between each operation, including bulk water dispensing machines with water prepared in the machine or from a remote refillable tank and dispensed on a self-serve basis by a consumer, an operator, or an operator’s employee.

Subp. 33. **Well water.** “Well water” means water taken from below the ground through a pipe or similarly installed device and using external force or vacuum.

**Statutory Authority:** *MS s 29.27; 31.101; 31.11; 144.05; 144.08; 144.12; 157.011*

**History:** *18 SR 31; 19 SR 75; 23 SR 519*

### 1550.3210 PRODUCT QUALITY.

Subpart 1. **Standards.** Bottled water must be from an approved source and must not contain anything in a quantity that may be injurious to health. Bottled water must meet the standards in Minnesota Statutes, section 31.101, subdivision 8, and other rules adopted by the department.

Subp. 2. **Microbiological quality.** Bottled water must meet the standard of microbiological quality in item A or B if a sample of analytical units of equal volume is examined by

the methods described in applicable sections of "Standard Methods for the Examination of Water and Wastewater," 20th edition (1998), published by the American Public Health Association. The commissioner may accept other official methods of analysis when published in "Standard Methods for the Examination of Water and Wastewater." That publication is incorporated by reference, is not subject to frequent change, and is available through the Minnetex interlibrary loan system or from the American Public Health Association, 800 I Street, Washington, D.C. 20001-3710.

A. Multiple-tube fermentation method. Not more than one of the analytical units in the sample may have a most probable number of 2.2 or more coliform organisms per 100 milliliters and no analytical unit may have a most probable number of 9.2 or more coliform organisms per 100 milliliters.

B. Membrane filter method. Not more than one of the analytical units in the sample may have 4.0 or more coliform organisms per 100 milliliters and the arithmetic mean of the coliform density of the sample may not exceed one coliform organism per 100 milliliters.

Subp. 3. **Physical quality.** Bottled water must meet the standards of physical quality in items A to C if a composite of analytical units of equal volume from a sample is examined by the method described in applicable sections of "Standard Methods for the Examination of Water and Wastewater," 20th edition (1998), which is incorporated by reference in subpart 2.

A. The turbidity must not exceed five units.

B. The color must not exceed 15 units.\*

C. The odor must not exceed threshold odor No. 3.\*

\* Mineral water is exempt from the standard.

Subp. 4. **Chemical quality.**

A. If a composite of analytical units of equal volume from a sample is examined by the methods described in item B, bottled water must meet standards of chemical quality and may not contain chemical substances in excess of the concentrations listed in subitems (1) to (18), expressed in milligrams per liter:

- (1) arsenic, 0.05;
- (2) barium, 1.0;
- (3) cadmium, 0.01;
- (4) chloride\*, 250.0;
- (5) chromium, 0.05;
- (6) copper, 1.0;
- (7) iron\*, 0.3;
- (8) lead, 0.05;
- (9) manganese\*, 0.05;
- (10) mercury, 0.002;
- (11) nitrate, 10.0;
- (12) organics:

(a) Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-1,4-endo, endo-5,8-dimethane naphthalene), 0.0002;

(b) Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer), 0.004;

(c) Methoxychlor (1,1,1-trichloro-2,2-bis[p-methoxy-phenyl] ethane), 0.1;

(d) total Trihalomethanes, 0.10;

(e) Toxaphene (C<sub>10</sub>H<sub>10</sub>Cl<sub>8</sub>-technical chlorinated camphene, 67 to 69 percent chlorine), 0.005;

(f) 2,4-D (2,4-dichlorophenoxyacetic acid), 0.1;

(g) 2,4,5-TP Silvex (2,4,5-trichlorophenoxypropionic acid), 0.01;

(13) phenols, 0.001;

(14) selenium, 0.01;

- (15) silver, 0.05;
- (16) sulfate\*, 250.0;
- (17) total dissolved solids\*, 500.0;
- (18) zinc\*, 5.0.

\* Mineral water is exempt from the standard.

B. Analyses conducted to determine compliance with this subpart must be made in accordance with the methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," 20th edition (1998), which is incorporated by reference in subpart 2, or "Methods for Chemical Analysis of Water and Wastes," Environmental Monitoring and Support Laboratory, EPA-600/4-82-055, March 1983, United States Environmental Protection Agency. Analyses for organic substances must be determined by appropriate methods described in "Methods for Organochlorine Pesticides in Industrial Effluents" and "Methods for Chlorinate Phenoxy Acid Herbicides in Industrial Effluents," November 28, 1973, and "Part I: The Analysis of Trihalomethanes in Finished Waters by the Purge and Trap Method," Method 501.1 and "Part II: The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 501.2 in Code of Federal Regulations, title 40, part 141, Appendix C.

Subp. 5. **Radiological quality.** If a composite of analytical units of equal volume from a sample is examined by the methods described in item D, bottled water must meet standards of radiological quality in items A to D.

A. The bottled water may not contain a combined radium-226 and radium-228 activity in excess of five picocuries per liter of water.

B. The bottled water may not contain a gross alpha particle activity (including radium-226, but excluding radon and uranium) in excess of 15 picocuries per liter of water.

C. The bottled water may not contain beta particle and photon radioactivity from manmade radionuclides in excess of that which would produce an annual dose equivalent to the total body or any internal organ of four millirems per year calculated on the basis of an intake of two liters of the water per day. If two or more beta- or photon-emitting radionuclides are present, the sum of their annual dose equivalent to the total body or to any internal organ may not exceed four millirems per year.

D. Analyses conducted to determine compliance with this subpart must be made in accordance with the methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," 18th edition (1991), which is incorporated by reference in subpart 2, and "Interim Radiochemical Methodology for Drinking Water," Environmental Monitoring and Support Laboratory, EPA-600/4-75-008 (Revised), March 1976, United States Environmental Protection Agency.

Subp. 6. **Volatile organic compounds.**

A. Volatile organic compounds may not exceed the levels listed in subitems (1) to (7), expressed in milligrams per liter:

- (1) benzene, 0.005;
- (2) carbon tetrachloride, 0.005;
- (3) 1,2-dichloroethane, 0.005;
- (4) 1,1-dichloroethylene, 0.007;
- (5) 1,1,1-trichloroethane, 0.20;
- (6) trichloroethylene, 0.005;
- (7) vinyl chloride, 0.002.

B. Analyses conducted to determine compliance with this subpart must be made in accordance with a relevant method contained in "Methods for the Determination of Organic Compounds in Drinking Water," ORD Publications, CERL, EPA/600/4-88/039, December 1988. Copies are available from the National Technical Information Service, United States Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

(1) Method 502.1 - "Volatile Halogenated Organic Compounds in Water by Purge and Trap Gas Chromatography" (applicable to volatile organic compounds).

(2) Method 502.2 – “Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series” (applicable to volatile organic compounds).

(3) Method 503.1 – “Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Column Gas Chromatography” (applicable to volatile organic compounds).

(4) Method 524.1 – “Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry” (applicable to volatile organic compounds).

(5) Method 524.2 – “Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry” (applicable to volatile organic compounds).

**Statutory Authority:** *MS s 31.101; 31.11*

**History:** *18 SR 31; 27 SR 168*

### 1550.3220 BOTTLED WATER PROCESS REQUIREMENTS.

Subpart 1. **Filtering; processing; packaging.** Bottled water, including mineral water, must be processed and packaged according to Code of Federal Regulations, title 21, parts 110 and 129, and other rules adopted by the department.

Subp. 2. **Microbiological controls.** Bottled water production, including transporting, processing, packaging, and storage, must be conducted under conditions and controls necessary to minimize the potential for microbiological contamination of the finished product.

Subp. 3. **Transportation or storage.** Bottled water must not be transported or stored in bulk tanks or processed or bottled through equipment or lines used for nonfood products.

Subp. 4. **Recalls.** Bottled water plant operators and water dealers must develop and maintain procedures for product recall and must implement those procedures for a product for which the operator or dealer knows or has reason to believe circumstances exist that may adversely affect its safety for the consumer. Plant operators and water dealers must notify the department within 48 hours of all recalls.

Subp. 5. **Artesian water.** Artesian water may be collected with the assistance of external force to enhance the natural underground pressure so long as those measures do not alter the physical properties, composition, and quality of the water.

Subp. 6. **Spring water.** Spring water must be collected only at the spring or through a bore hole that is adjacent to the point of emergence. Spring water collected with the assistance of external force to protect the water must be from the same underground stratum as the spring and must retain all the physical properties of and be of the same composition and quality as the water that flows naturally to the surface of the earth.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

### 1550.3230 SOURCE WATER MONITORING.

Subpart 1. **Sampling and analysis.** A plant operator is responsible for sampling and analysis of source water for the contaminants in part 1550.3210. The monitoring must be at least annually for chemical contaminants and weekly for microbiological contamination if the source is other than a community public water system. Additionally, source water must be analyzed once every four years for radiological contaminants.

#### Subp. 2. **Source water exemption.**

A. Plant operators using a community public water system for source water may substitute municipal testing results for chemical and radiological contaminant requirements of this part.

B. Plant operators using a noncommunity public water system for source water may request a variance from the commissioner to reduce the frequency of testing if they provide documentation that the source water consistently meets the chemical and radiological contaminant requirements of this part. The variance may not be longer than three years between testing.

Subp. 3. **Other known contaminants.** If a bottled water plant operator, water dealer, or regulatory agency knows or has reason to believe that a contaminant not otherwise monitored is present in the source water because of a spill, release of a hazardous substance, or otherwise, and its presence would create a potential health hazard to consumers, the plant operator or water dealer must monitor the source water for that contaminant.

Subp. 4. **Periodic monitoring of detected contaminants.** Detection of contaminants in source monitoring required by this part must be followed immediately by a program of periodic monitoring to confirm the presence in the source water of the contaminants. If a listed, unregulated contaminant is confirmed to be present in the source water at a concentration that exceeds a published level allowed by the EPA, United States Food and Drug Administration, or department, the plant operator or water dealer must use appropriate treatment techniques to remove or reduce the contaminant in the product water below the concentration and must use a program of periodic monitoring for the contaminant in the source water until the contaminant is not detectable in the source water.

Subp. 5. **Monitoring and analysis personnel; records.** Required source water sampling and required analysis must be performed by the plant or by a competent commercial laboratory using approved methods of analysis. Records of the required sampling and analyses must be maintained on file at the plant for at least two years and must be available for official review upon request by the commissioner or any of the commissioner's authorized agents.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

#### 1550.3240 FINISHED PRODUCT MONITORING.

Subpart 1. **Periodic monitoring.** To assure that bottled water complies with part 1550.3210, the following product monitoring using representative samples derived from the bottled product must be performed:

A. for microbiological contaminants in part 1550.3210, analyze weekly a representative sample from a given lot for each size of container produced by the plant; and

B. for chemical, physical, and radiological contaminants in part 1550.3210, analyze annually a representative sample from a given lot for each size of container produced by the plant.

Subp. 2. **Monitoring and analysis personnel.** The required product water sampling and required analysis must be performed by the plant or by a competent commercial laboratory using approved methods of analysis.

Subp. 3. **Records.** Records of required sampling and analysis must be maintained at the plant for at least two years and must be available for official review upon request by the commissioner or any of the commissioner's authorized agents.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

#### 1550.3250 LABELING REQUIREMENTS.

Bottled water must conform to Minnesota Statutes, section 31.101, subdivision 8, and be labeled in compliance with items A to L.

A. If bottled water comes from a municipal source and has not been treated to meet the definition of distilled water or purified water, the label must state "from a municipal source" immediately and conspicuously preceding or following the name of the water without intervening written, printed, or graphic matter in type size at least one-half the size of the statement of identity and not less than 1/16 of an inch.

B. Mineral water may be labeled "mineral water." Mineral water with total dissolved solids content below 500 parts per million must be labeled with the statement "low mineral content" and mineral water with total dissolved solids greater than 1,500 parts per million must be labeled with the statement "high mineral content." The statement must appear on the principal display panel following the statement of identity in type size not less than one-half the size of the statement of identity but in no case of less than 1/16 of an inch.



C. Spring water may be labeled "spring water."

D. Well water may be labeled "well water."

E. Artesian water may be labeled "artesian water."

F. Purified water must be labeled "purified water" and the method of preparation must be stated on the label, except that purified water produced by distillation may be labeled "distilled water."

G. Drinking water may be labeled "drinking water."

H. A bottler, distributor, or vendor of bottled water whose corporate name, brand name, or trademark contains the words "spring," "well," "artesian," "mineral," or any derivative of those words, must label each bottle with the type of bottled water as defined in part 1550.3200, in typeface at least equal to the size of the typeface of the corporate name, brand name, or trademark, if the type of the bottled water is different from the type stated or implied in the corporate name, brand name, or trademark. Product identity must be located near the corporate name, brand name, or trademark.

I. The use of the word "spring" or a derivative of that word, other than in a trademark, trade name, or company name, to describe water that is not spring water is prohibited.

J. A product meeting more than one definition in part 1550.3200 may be identified by any of the applicable product types defined in part 1550.3200, except when otherwise specifically prohibited.

K. Supplemental printed information and graphics concerning recognized uses of the water may appear on the label but may not be false or misleading.

L. Bottled water, the quality of which is below that prescribed by this part, may be labeled with a statement of substandard quality complying with subitems (1) to (3).

(1) If the microbiological quality of bottled water is below that prescribed by part 1550.3210, subpart 2, the label must bear the statement of substandard quality specified in Code of Federal Regulations, title 21, part 130.14(a).

(2) If the physical, chemical, or radiological quality of bottled water is below that prescribed by part 1550.3210, subparts 3, 4, and 5, the label must bear the statement of substandard quality specified in Code of Federal Regulations, title 21, part 130.14(a), except that, as appropriate, instead of or in addition to the words "contains excessive bacteria," the following statements may be used:

(a) "excessively turbid," "abnormal color," and/or "abnormal odor" if the bottled water fails to meet the requirements of part 1550.3210, subpart 3, item A, B, or C;

(b) "contains excessive ....." with the blank filled in with the name of the chemical for which a maximum contaminant level in part 1550.3210, subpart 4, is exceeded (e.g., "contains excessive arsenic," "contains excessive trihalomethanes");

(c) "contains excessive chemical substances" in lieu of the statement in unit (b) if the bottled water is not mineral water and the bottler prefers this statement;

(d) "excessively radioactive" if the bottled water fails to meet the requirements of part 1550.3210, subpart 5.

(3) Bottled water containing a substance at a level considered injurious to health is adulterated, whether or not the water bears a label statement of substandard quality.

**Statutory Authority:** *MS s 31.101; 31.11*

**History:** *18 SR 31; 27 SR 168*

### **1550.3260 SODA WATER AND SOFT DRINK EXEMPTION.**

Bottled soft drinks, soda, seltzer, or other products commonly recognized as soft drinks and labeled with a common or usual name other than one of those in part 1550.3200 is exempt from parts 1550.3200 to 1550.3260. Water that is not in compliance with parts 1550.3200 to 1550.3260 may not be labeled as "artesian water," "bottled water," "distilled water," "drinking water," "fluoridated water," "mineral water," "purified water," "spring water," or "well water."

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

**1550.3270 OPERATOR REQUIREMENTS.**

Water vending machine operators must operate and maintain all water vending machines in a sanitary manner, maintain adequate water quality monitoring, and take investigative or corrective action necessary to assure that a safe and sanitary water is supplied to consumers.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

**1550.3280 VENDING MACHINE REQUIREMENTS.**

Machines used to dispense vended water must comply with the construction and performance standards set by the National Automatic Merchandising Association and other rules adopted by the department and must:

A. be designed and constructed to permit easy cleaning and maintenance of all exterior and interior surfaces and component parts;

B. have all parts and surfaces in contact with the water constructed of approved, safe materials, corrosion-resistant, and nonabsorbent material capable of withstanding repeated cleaning and sanitizing treatments;

C. have a recessed or guarded corrosion-resistant dispensing spout so constructed that neither the spout or the guard contacts the bottle;

D. be designed so all treatment of the vended water by distillation, ion-exchange, filtration, ultraviolet light, reverse osmosis, mineral addition, or other acceptable process is done in an effective manner;

E. have an effective system of collection and handling of drip, spillage, and overflow of water through an approved sewage disposal system operated according to law;

F. have a backflow prevention device approved by law of all connections with the water supply;

G. disinfect vended water by ultraviolet light or other method approved by the department before delivery into the consumer's container;

H. be equipped with monitoring devices designed to shut down operation of the machine when the disinfection unit fails to function;

I. be equipped with a self-closing, tight-fitting door on the vending compartment or other method of protecting the filler compartment acceptable to the commissioner;

J. be maintained in a clean and sanitary condition, free from dirt and vermin;

K. be located in an area that can be maintained in a clean condition and in a manner that avoids insect and rodent harborage;

L. have all plumbing to and within the vending machine, including the treatment equipment and piping, meet the plumbing code requirements of the Department of Health; and

M. display, in a position clearly visible to customers, the following information:

(1) the operator's name;

(2) the operator's address;

(3) a statement describing the source of the water and any treatment process including the chemical names of any preservatives or additives;

(4) a local or toll-free telephone number that may be called for information, service, or complaints; and

(5) the statement "from a municipal source" if the water is from a community public water system. Vended water treated to meet the definition of distilled or purified water is exempt if the machine is so labeled.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

**1550.3290 SERVICE; SAMPLING; RECORDS.**

Subpart 1. **Cleaning; maintenance.** All parts and surfaces of water vending machines must be maintained in a clean and sanitary condition by the operator. The vending chamber

and vending nozzle must be cleaned and sanitized each time the machine is serviced. Surfaces in contact with the vended water must be maintained as a deposit-free, visibly clean system. A record of cleaning and maintenance operations must be kept by the operator at company headquarters for each water vending machine and be available for inspection upon request.

**Subp. 2. Analysis of water.** Vended water must be from a community public water system or other approved source. The operator is responsible for monitoring the source and vended water from each vending machine. The sampling and analysis must be performed once every three months for total coliforms and the source water once each year for chemical, physical, and radiological contaminants in part 1550.3210. Purified water must be analyzed once every three months for total coliforms and total solids. The required sampling must be performed by qualified personnel and analyzed by a competent laboratory using approved methods of analysis in part 1550.3210. Records of sampling and analysis must be maintained on file at company headquarters for at least two years and must be available for official review upon request by the commissioner or any of the commissioner's authorized agents.

**Subp. 3. Silver.** Vended water from each water vending machine using silver-impregnated carbon filters in the treatment process must be analyzed once every six months for silver. The analysis must be performed by a competent laboratory using approved methods of analysis in part 1550.3210. Records of sampling and analysis must be maintained on file for at least two years and must be available at company headquarters for official review by the commissioner or any of the commissioner's authorized agents.

**Subp. 4. More frequent analysis.** A more frequent analysis of the parameters in this part may be required by the department if there is evidence of unfitness of the vended water because of the presence of undesirable elements, compounds, materials, or microorganisms caused by the passage of water through the machines.

**Subp. 5. Source water exemption.**

A. Plant operators using a community public water system for source water may substitute municipal testing results for chemical and radiological contaminant requirements of this part.

B. Plant operators using a noncommunity public water system for source water may request a variance from the commissioner to reduce the frequency of testing if they provide documentation that the source water consistently meets the chemical and radiological contaminant requirements of this part. The variance may not be longer than three years between testing.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

## 1550.3300 REVIEW OF PLANS.

Before construction or major remodeling of a bottled water plant, or when an existing structure is converted to use as a bottled water plant, properly prepared plans and specifications for construction, major remodeling, or conversion must be submitted to the department for review and approval. The plans and specifications must show the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The department will treat the plans and specifications as confidential or trade secret information according to law and will approve the plans and specifications if they meet the requirements of parts 1550.3200 to 1550.3260. A bottled water plant may not be constructed, extensively remodeled, or converted except according to plans and specifications approved by the department.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

**1550.3310 PREOPERATIONAL INSPECTION.**

If plans and specifications are required by part 1550.3300, the department must inspect the bottled water plant before the start of operations to determine compliance with the approved plans and specifications and with the requirements of parts 1550.3200 to 1550.3260.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

**1550.3320 EXISTING BOTTLED WATER PLANTS AND VENDING MACHINES.**

Building facilities, equipment, and vending machines in use before July 13, 1993, that do not fully meet the design and fabrication requirements of parts 1550.3200 to 1550.3320 are acceptable if they are in good repair, capable of being maintained in a sanitary condition, produce a safe and sanitary water meeting the requirements of parts 1550.3210 to 1550.3250 or 1550.3270 to 1550.3290 respectively, and the water contact surfaces comply with part 1550.3200, subpart 22.

New building facilities and new equipment for which contractual obligations are incurred before July 13, 1993, that do not fully meet the design and fabrication requirements of parts 1550.3200 to 1550.3320 are acceptable if they are capable of being maintained in a sanitary condition, produce a safe, potable water meeting the requirements of parts 1550.3210 to 1550.3250 or 1550.3270 to 1550.3290 respectively, and the water contact surfaces comply with part 1550.3200, subpart 22.

**Statutory Authority:** *MS s 31.11*

**History:** *18 SR 31*

**TEA AND COFFEE****1550.3350 TEA.**

"Tea" is the tender leaves, leaf buds, and tender internodes of different varieties of *thea sinensis* L., prepared and cured by recognized methods of manufacture. It conforms in variety and place of production to the name it bears; contains not less than four percent nor more than seven percent of ash; and meets the provisions of the Act of Congress approved March 2, 1897, as amended, regulating the importation and inspection of tea.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.3360 COFFEE.**

"Coffee" is the seed of cultivated varieties of *Coffea arabica*, *C. liberica* and *C. robusta*. "Green coffee," "raw coffee," "unroasted coffee" is coffee freed from all but a small portion of its spermoderm and conforms in variety and in place of production to the name it bears. "Roasted coffee," "coffee" is properly cleaned green coffee which by the action of heat (roasting) has become brown and has developed its characteristic aroma.

**Statutory Authority:** *MS s 31.10; 31.101*

**VINEGARS****1550.3370 VINEGAR, CIDER VINEGAR, APPLE VINEGAR.**

"Vinegar," "cider vinegar," "apple vinegar," is the product made by the alcoholic and subsequent acetous fermentations of the juice of apples and contains in 100 cubic centimeters (20 degrees Celsius) not less than four grams of acetic acid.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.3380 WINE VINEGAR, GRAPE VINEGAR.**

"Wine vinegar," "grape vinegar," is the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes and contains, in 100 cubic centimeters (20 degrees Celsius), not less than four grams of acetic acid.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.3390 MALT VINEGAR.**

“Malt vinegar” is the product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt and contains, in 100 cubic centimeters (20 degrees Celsius), not less than four grams of acetic acid.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.3400 SUGAR VINEGAR.**

“Sugar vinegar” is the product made by the alcoholic and subsequent acetous fermentations of solutions of sugar, syrup, molasses, or refiners’ syrup and contains, in 100 cubic centimeters (20 degrees Celsius), not less than four grams of acetic acid.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.3410 GLUCOSE VINEGAR.**

“Glucose vinegar” is the product made by the alcoholic and subsequent acetous fermentations of a solution of glucose, is dextrorotatory and contains, in 100 cubic centimeters (20 degrees Celsius), not less than four grams of acetic acid.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.3420 SPIRIT VINEGAR, DISTILLED VINEGAR, GRAIN VINEGAR.**

“Spirit vinegar,” “distilled vinegar,” “grain vinegar,” is the product made by the acetous fermentation of dilute distilled alcohol and contains, in 100 cubic centimeters (20 degrees Celsius), not less than four grams of acetic acid.

**Statutory Authority:** *MS s 31.10; 31.101*

**NONALCOHOLIC BEVERAGES****1550.3430 SODA WATER.**

“Soda water” is the class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees Fahrenheit. It may contain buffering agents as provided in part 1550.3440, item E. It either contains no alcohol or only such alcohol (not in excess of 0.5 percent by weight of the finished beverage) as is contributed by the flavoring ingredient used. Soda water designated by a name including any proprietary name provided for in part 1550.3450 which includes the word “cola” or a designation as a “pepper” beverage that for years has become well known as being made with kola nut extract and/or other natural caffeine-containing extracts and thus as a caffeine-containing beverage shall contain caffeine in a quantity not to exceed 0.02 percent by weight.

**Statutory Authority:** *MS s 31.10; 31.101*

**1550.3440 OPTIONAL INGREDIENTS.**

Soda water may contain optional ingredients but if any such ingredient is a food additive or a color additive within the meaning of section 201 (s) or (t) of the Federal Food, Drug and Cosmetic Act, it is used only in conformity with the requirements established therefore. The optional ingredients that may be used in soda water in such proportions as are reasonably required to accomplish their intended effects are:

A. nutritive sweeteners consisting of the dry or liquid form of sugar, invert sugar, dextrose, corn syrup, glucose syrup, sorbitol, or any combination of two or more of these;

B. one or more of the following flavoring ingredients may be added in a carrier consisting of ethyl alcohol, glycerin, or propylene glycol:

(1) fruit juices (including concentrated fruit juices), natural flavoring derived from fruits, vegetables, bark, buds, roots, leaves, and similar plant materials; or

(2) artificial flavoring;

C. natural and artificial color additives;

D. one or more of the acidifying agents acetic acid, adipic acid, citric acid, fumaric acid, lactic acid, malic acid, phosphoric acid, or tartaric acid;

E. one or more of the buffering agents consisting of the acetate, bicarbonate, carbonate, chloride, citrate, lactate, orthophosphate, or sulfate salts of calcium, magnesium, potassium, or sodium;

F. emulsifying, stabilizing, or viscosity-producing agents:

(1) one or more of the emulsifying, stabilizing, or viscosity-producing agents brominated vegetable oils, carob bean gum (locust bean gum), glycerol ester of wood rosin, guar gum, gum acacia, gum tragacanth, hydroxylated lecithin, lecithin, methyl-cellulose, mono- and diglycerides of fat-forming fatty acids, pectin, polyglycerol esters of fatty acids, propylene glycol alginate, sodium carboxymethyl cellulose, sodium metaphosphate (sodium hexametaphosphate);

(2) when one or more of the optional ingredients in subitem (1) are used, dioctyl sodium sulfosuccinate complying with the requirements of Code of Federal Regulations, title 21, section 172.810 (Federal Food and Drug Administration Regulations) may be used in a quantity not in excess of 0.5 percent by weight of such ingredients;

G. one or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice, or glycyrrhiza, yucca (Joshua-tree), yucca (Mohave);

H. caffeine, in an amount not to exceed 0.02 percent by weight of the finished beverage;

I. quinine, as provided in Code of Federal Regulations, title 21, section 172.575, in an amount not to exceed 83 parts per million by weight of the finished beverage;

J. one or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA, erythorbic acid, glucose-oxidase-catalase enzyme, methyl or propyl paraben, mordihydroguaiaretic acid, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium metabisulfite, potassium or sodium sorbate, sorbic acid, sulfur dioxide, or tocopherols; stannous chloride in a quantity not to exceed 11 parts per million calculated as tin (Sn), and in the case of canned soda water, with or without one or more of the other chemical preservatives listed in this item;

K. the defoaming agent dimethylpolysiloxane in an amount not to exceed ten parts per million.

**Statutory Authority:** *MS s 31.10; 31.101*

#### 1550.3450 NAMES OF BEVERAGES.

Subpart 1. **Beverage neither flavored nor sweetened.** The name of the beverage for which a definition and standard of identity is established by parts 1550.3430 to 1550.3470, which is neither flavored nor sweetened, is soda water, club soda, or plain soda.

Subp. 2. **Beverage containing flavoring and sweetening.** The name of each beverage containing flavoring and sweetening ingredients as provided for in part 1550.3440 is “\_\_\_\_\_ soda” or “\_\_\_\_\_ soda water” or “\_\_\_\_\_ carbonated beverage,” the blank being filled in with the word or words that designate the characterizing flavor of the soda water; for example, “grape soda.”

Subp. 3. **Soda water designated by common name.** If the soda water is one generally designated by a particular common name; for example, ginger ale, root beer, or sparkling water, that name may be used in lieu of the name prescribed in subparts 1 and 2. For the purposes of parts 1550.3430 to 1550.3470, a proprietary name that is commonly used by the public as the designation of a particular kind of soda water may likewise be used in lieu of the name prescribed in subparts 1 and 2.

**Statutory Authority:** *MS s 31.10; 31.101*

#### 1550.3460 OPTIONAL INGREDIENTS LABELING.

Soda water that contains the optional ingredient caffeine as provided for in part 1550.3440, item H, artificial flavoring, artificial coloring, or any combination of these shall be labeled to show that fact by the label statement “with \_\_\_\_\_” or “\_\_\_\_\_ added,” the blank being filled in with the word or words, “caffeine,” “artificial flavoring,” “artificial coloring,” or a combination of these words, as appropriate. If the soda water contains one or more of the optional ingredients set forth in part 1550.3440, item J, which has or is intended

to have a preservative effect in the finished beverage, it shall be labeled to show that fact by one of the following statements: “\_\_\_\_\_ added as a preservative” or “preserved with \_\_\_\_\_” the blank being filled in with the common name of the preservative ingredient. If soda water contains quinine salts, the label shall bear a prominent declaration either by use of the word “quinine” in the name of the article or by separate declaration.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.3470 PLACEMENT OF LABEL STATEMENTS.**

The label statements prescribed in part 1550.3460 for declaring the optional ingredients present shall appear on a labeling surface of the beverage in such a manner as to render the statement likely to be read by the ordinary individual under customary conditions of purchase or use of such beverage. These statements shall immediately and conspicuously precede or follow the name of the beverage, wherever such name is prominently displayed, without intervening, written, printed, or graphic matter; provided, that where such name is part of a trademark or brand, then other written, printed, or graphic matter that is also a part of such trademark or brand may intervene if the label statement required by parts 1550.3450 and 1550.3460 is so placed as to be conspicuously related to the name of the beverage.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.3480 BACTERIAL, YEAST, AND MOLD STANDARDS FOR NONALCOHOLIC BEVERAGES.**

No canned or bottled carbonated or still beverages, carbonated, plain, or otherwise, manufactured, mixed, or compounded, shall be sold, offered, or exposed for sale or held in possession for sale in this state, the bacterial count of which at any time after manufacturing, mixing, or compounding exceeds 100 bacteria per milliliter, 20 molds per milliliter, or a mixture of yeasts and molds which exceeds 20 per milliliter collectively, standard plate count, as determined by the arithmetical averages of four consecutive tests of beverage samples taken on separate days.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.3490 PURIFIED WATER.**

“Purified water” is a water produced by distillation, deionization, or by reverse osmosis and shall not contain more than ten parts per million of total dissolved solids and otherwise conforms to the sanitary standards for water. Purified water shall be designated by the name “purified water” and the statement “produced by \_\_\_\_\_,” the blank being filled in with the appropriate descriptive words describing the water treatment process; for example, “purified water produced by distillation.” These label statements shall appear on the labeling surface of the container in such a manner as to render the statement likely to be read by the ordinary individual under customary conditions of purchase or use. For the purposes of this part the use of the names “distilled water,” “deionized water,” or “reverse osmosis water” may be used in lieu of the labeling prescribed herein when it properly describes the character and process of the water so designated.

**Statutory Authority:** *MS s 31.10; 31.101*

### **OTHER BEVERAGES**

#### **1550.3500 PHOSPHATE BEVERAGE.**

A product labeled or sold as a phosphate beverage must contain an appreciable amount of phosphoric acid or acid phosphate, with or without other acid material commonly used in the preparation of beverages, provided that none of the acid ingredients are of such a nature as to render the product injurious to health.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.3510 INFORMATION ON BOTTLES.**

The information required to be given on the bottles containing a beverage may appear on a label pasted on the side of the bottle, on the crown or cap, or may be blown in the glass on

the side of the bottle, or appear in applied color label on the side of the bottle. All information required by law or rulings must be plainly and conspicuously set forth, in proximity to the name of the article, through any one of the above named methods of labeling.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.3520 MISBRANDING.**

The information placed on the bottle by the manufacturer or bottler, whether in the form of a printed label or by means of lettering blown in the glass, must in each case be truly descriptive of the product contained in the bottle. The interchanging of labels, whether printed on paper or on the crown cap or blown in the glass of the bottle, whereby the matter contained in the label is not truly descriptive of the product or its origin, constitutes a misbranding.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.3530 CERTAIN NONALCOHOLIC BEVERAGES.**

Beverages which conform to cordials, wines, creme de menthe, etc. in all respects except as to alcoholic content, may be labeled as "nonalcoholic cordials," "nonalcoholic creme de menthe," "nonalcoholic wine," etc. as the case may be.

**Statutory Authority:** *MS s 31.10; 31.101*

#### **1550.3540 MODIFIED FRUIT JUICE.**

Such terms as "apple juice," "grape juice," "loganberry juice," "cherry juice," etc. are applicable only to the pure juice of the fruit specified. A fruit juice which has been modified in any way or to which sugar, dextrose, corn syrup, or corn syrup solids have been added shall be plainly labeled so as to indicate such modification or addition, as for example, grape juice with added sugar.

**Statutory Authority:** *MS s 31.10; 31.101*

### **POTATOES**

#### **1550.3550 PACKAGED POTATOES LABELING.**

All potatoes offered for sale in packaged form (closed containers):

A. shall be labeled with the name "potatoes," the net weight, and the name and address, including the zip code, of the packer or distributor, and said label shall not be false or misleading in any particular. If the distributor's name is used, it shall be qualified with the word "distributor" or its equivalent. The variety of potatoes may be named on the label, and, if the variety is named, the potatoes in the labeled container shall conform to the variety named. Tag labels may be used;

B. shall not be packaged in a transparent container which is artificially colored;  
and

C. shall not be labeled unclassified.

**Statutory Authority:** *MS s 30.102*

**History:** 27 SR 260

### **TOM AND JERRY BATTER, TOM AND JERRY MIX**

#### **1550.3560 TOM AND JERRY BATTER, TOM AND JERRY MIX.**

"Tom and Jerry batter," "Tom and Jerry mix," is a manufactured food product consisting of water and sugar or other approved sweeteners to which are added spices and fresh, frozen, or dried egg yolks or whole eggs with or without Grade A dairy products, approved stabilizers, flavors, colors, and emulsifiers.

**Statutory Authority:** *MS s 31.10*

#### **1550.3570 TOM AND JERRY BASE.**

"Tom and Jerry base" is a manufactured food product containing all of the ingredients of Tom and Jerry batter, Tom and Jerry mix, except that water has been omitted or removed.

**Statutory Authority:** *MS s 31.10*



**1550.3580 LABELING.**

The name of the food product is "Tom and Jerry batter," "Tom and Jerry mix," and the name of the base is "Tom and Jerry base." The name of the product "Tom and Jerry batter," "Tom and Jerry mix" shall be qualified by the word "pasteurized" and if it is homogenized, the word "homogenized."

**Statutory Authority:** *MS s 31.10*

**1550.3590 LABELING WHEN ARTIFICIAL COLORING IS USED.**

When any artificial coloring is used in Tom and Jerry batter, Tom and Jerry mix, or Tom and Jerry base, directly or as a component of any ingredient, the label shall bear the words "artificially colored" or "\_\_\_\_\_ an artificial color added," the blank being filled 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."

**Statutory Authority:** *MS s 31.10*

**1550.3600 LABELING WHEN ARTIFICIAL FLAVOR IS USED.**

When artificial flavor is used in Tom and Jerry batter, Tom and Jerry mix, or Tom and Jerry base, either directly or as a component of any ingredient, the label shall bear the words "artificial flavor added" or "artificial \_\_\_\_\_ flavor added," the blank being filled in with the common name of the flavor simulated by the artificial flavor. If both artificial color and artificial flavorings are used, the label statements may be combined.

**Statutory Authority:** *MS s 31.10*

**1550.3610 PASTEURIZATION.**

Every particle of Tom and Jerry batter, Tom and Jerry mix, shall be heated to a temperature of not less than 155 degrees Fahrenheit and held at that temperature for not less than 30 minutes in properly operated equipment approved by the commissioner, or to a temperature of not less than 175 degrees Fahrenheit and held at that temperature for not less than 25 seconds in properly operated equipment approved by the commissioner. Nothing contained in this part shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

**Statutory Authority:** *MS s 31.10*

**1550.3620 COOLING.**

Immediately after pasteurization such Tom and Jerry batter, Tom and Jerry mix, shall be cooled in properly operated equipment approved by the commissioner to a temperature of 50 degrees Fahrenheit, or lower, and held at such temperature until delivered to the final consumer.

**Statutory Authority:** *MS s 31.10*

**1550.3630 RECORDS.**

A recording thermometer record chart, properly completed, identified, and dated, of each batch of Tom and Jerry batter, Tom and Jerry mix, pasteurized and cooled shall be available at the plant of pasteurization at all reasonable times for examination by the commissioner or the commissioner's agents and shall be retained for a period of three months.

**Statutory Authority:** *MS s 31.10*

**History:** *17 SR 1279*

**1550.3640 BACTERIAL COUNTS AND COLIFORM COUNTS.**

At no time after pasteurization and cooling shall Tom and Jerry batter, Tom and Jerry mix, have a bacterial count exceeding 20,000 bacteria per gram, standard plate count, nor a coliform count exceeding ten coliforms per gram nor a temperature above 50 degrees Fahrenheit in more than two of the last four consecutive samples taken on separate days.

**Statutory Authority:** *MS s 31.10*

**1550.3650 SANITATION.**

Establishments in which Tom and Jerry batter, Tom and Jerry mix, or Tom and Jerry base are manufactured shall conform to all of the applicable items of sanitation described

under parts 1525.0830 to 1525.1340, provided, that if the room or rooms where such Tom and Jerry batter, Tom and Jerry mix, or Tom and Jerry base are manufactured, packaged, and stored and equipment and utensils are washed are not wet locations, the construction requirements of part 1525.0830, and the plumbing and liquid waste disposal requirements of part 1525.0970 shall be satisfied if:

A. the floors of such room or rooms are impervious or are solid floors covered with tightly sealed, approved washable material and are kept clean and in good repair;

B. the walls and ceilings of such room or rooms are smooth, washable, light-colored, and are kept clean and in good repair;

C. said room or rooms are used for no other purpose at the time when such products are being manufactured, pasteurized, cooled, further processed and/or packaged; and

D. liquid wastes from drip, spillage, and washing of utensils and equipment are disposed of in accordance with the provisions of Minnesota Plumbing Code, as adopted by Minnesota Department of Health, October 16, 1951.

**Statutory Authority:** *MS s 31.10*

**1550.5000** [Repealed, 23 SR 519]

**1550.5010** [Repealed, 23 SR 519]

**1550.5020** [Repealed, 23 SR 519]

**1550.5030** [Repealed, 23 SR 519]

**1550.5040** [Repealed, 23 SR 519]

**1550.5050** [Repealed, 23 SR 519]

**1550.5060** [Repealed, 23 SR 519]

**1550.5070** [Repealed, 23 SR 519]

**1550.5080** [Repealed, 23 SR 519]

**1550.5090** [Repealed, 23 SR 519]

**1550.5100** [Repealed, 23 SR 519]

**1550.5110** [Repealed, 23 SR 519]

**1550.5120** [Repealed, 23 SR 519]

**1550.5130** [Repealed, 23 SR 519]