MINNESOTA CODE OF AGENCY RULES

RULES OF THE DEPARTMENT OF AGRICULTURE

1982 Reprint

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Prepared by

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DEPARTMENT OF AGRICULTURE

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Agr 4430 Molasses.
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Agr 4561 Paprika.
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Agr 4588 Nutmeg.
Agr 4589 Macassar nutmeg, papua nutmeg, male nutmeg, long nutmeg.
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Agr 4628 Oil of bitter almonds, commercial.
Agr 4629 Anise extract.
Agr 4630 Oil of anise.
Agr 4631 Celery seed extract.
Agr 4632 Oil of celery seed.

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Agr 4633	Cinnamon extract, cassia extract, cassia cinnamon extract.
Agr 4634	Oil of cinnamon, oil of cassia, oil of cassia cinnamon.
Agr 4635	Ceylon cinnamon extract.
Agr 4636	Oil of ceylon cinnamon.
Agr 4637	Clove extract.
Agr 4638	Oil of cloves.
Agr 4639	Ginger extract.
Agr 4640	Lemon extract.
Agr 4641	Oil of lemon.
Agr 4642	Terpeneless extract of lemon.
Agr 4643	Terpeneless oil of lemon.
Agr 4644	Nutmeg extract.
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CHAPTER 1: AGR 1-30

WHOLESALE PRODUCE DEALERS

Agr 1 Identification Cards and Truck Plates

(a) Cards. To safeguard the public and acquaint producers with the fact that those soliciting farm produce from farm to farm or place to place within the state of Minnesota are working as agents for a licensed dealer, the principal shall be required to secure identification cards for such agents from the commissioner of agriculture.

(b) Plates. A truck driver dealing in farm produce at wholesale, buying and selling and traveling from place to place, shall be required to secure a truck plate in addition to a wholesale produce dealer's license and this plate shall be attached in a conspicuous place on his truck.

Agr 2 Licenses; Posting, Fees

(a) Licenses. Licenses and duplicate licenses must be posted in a conspicuous place, plainly visible to the public in the office or place of business operated by the licensed dealer. The identification card of the agent operating as a wholesale buyer shall at all times be carried on the person of the agent. No licensed dealer shall appoint, delegate or authorize any person, firm or company to purchase farm produce unless a copy of original license, identification card or license truck plate has been issued at the request of the licensee to such person, firm or company acting as his buyer or agent. The request for copies of original license, identification card or wholesale truck plate must be made to the commissioner of agriculture in writing accompanied by the prescribed fee. The licensed dealer shall at all times be responsible for the acts, contracts or agreements made by his agent or agents in the purchase or sale of farm produce.

(b) Fees. The fee for a license is $12.50 and for a duplicate license, identification card or truck plate $1.00 each.

Agr 3 Payment; When Due. Whenever produce has been sold to any dealer on open account, the buyer shall pay for the said produce within seven days from delivery thereof unless an agreement for extension of credit has been made between the seller and the purchaser.

Agr 4 Consignment Contracts

(a) Whenever a consignor having consigned farm produce to a wholesale dealer does not receive written report advising the time of arrival, quantity, quality and price per unit of the produce within a reasonable time, or in the case of an outright sale, does not receive payment thereof within seven days from the time of delivery, or in case the said produce is rejected without an inspection, or the buyer disputes the quality of the produce without substantiating the same with an inspection by the commissioner of agriculture, or for any other reason contrary to the provisions of the wholesale dealer's act, a complaint should be filed with the commissioner of agriculture in the form of an affidavit duly signed and sworn to before a notary public setting forth the facts in the particular case; and this should be substantiated by correspondence, shipping bill, account sales, etc.

(b) Upon receipt of complaint, the commissioner may proceed to investigate, and shall report his findings to both the complainant and to the respondent.

Note: It is well to bear in mind the fact that most of the disagreements in trade result from loose bargain agreements and lack of definite written contracts which set forth the terms and weight, grade, quality and condition of the produce purchased.

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Agr 5 Acceptance; Inspection; Solicitation Without Contract

(a) Acceptance. Whenever a contract is entered into for the purchase of a car or L.C.L. lot of farm produce and the consignor ships or delivers the produce to the buyer, the buyer shall accept it according to the original contract made between the seller and the purchaser, or according to declared number, weight and grade announced by the seller in any form such as tags, stamps, labels, invoice, letter or declaration, unless an inspection is called for and made by the commissioner of agriculture for the purpose of determining whether or not the produce is of the grade specified in the contract or declaration.

(b) Inspection. Unless inspection is waived and a satisfactory settlement is made between the two contracting parties, it shall be the duty of the purchaser in each instance to secure inspection before refusing to accept; and after the inspection has been secured, the adjustment shall be determined on the findings in the certificate issued by the commissioner.

(c) Solicitation Without Contract. Whenever produce is solicited in any form such as through advertisements, mailing cards or quotations, or in any other manner and where there is not a definite contract between the seller and purchaser, the ruling with reference to acceptance and inspection in Regulation Agr 5 (a) and (b) shall govern.

Agr 6 Controversy on Shipments. In all cases where there is a controversy over grade, weight or any other reason in connection with the shipment, and an authorized inspector representing the commissioner of agriculture finds the grade, quality and condition not up to specifications of the contract or declaration, it shall be permissible for the purchaser to deduct the charge for inspection cost from the final adjustment or settlement with the consignor, but the applicant in all instances shall be responsible to the commissioner of agriculture for the payment of all inspection fees incurred in making inspections of farm produce.

Agr 7 Labeling. No dealer shall tag, stamp or label farm produce indicating a variety, count or standard of quality of either State or Federal grade or a brand unless the produce so tagged meets all of the requirements of such declaration or grades.

Agr 8 Complaints; How and When Made

(a) How Made.

(1) The bond executed and filed with the commissioner of agriculture in the name of the state of Minnesota requires that the principal or licensed dealer shall live up to his contracts and obey the laws covering wholesale dealers and all the rules and regulations laid down by the commissioner.

(2) In order to be protected by the bond of a licensee, complaints against such licensee must reach the commissioner of agriculture in the manner set forth below, within thirty (30) days from the due date period. Complaint should be in writing, setting forth all the facts complained of in connection with the transaction.

(3) Where a licensee does not live up to the terms of his contract and pay the purchase price of produce as agreed upon within the due date and the seller voluntarily extends credit beyond the due date, no recovery can be had on the bond of the licensee. This means, as stated above, that in order to be protected by the bond, you must notify the commissioner of the breach of contract within thirty (30) days from the due date period.

(b) When Made. The term "due date" means seven (7) days from the date of delivery by the seller to the licensee in the case of a straight sale; in all cases where produce is consigned, it means seven (7) days from the date the

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sale is made by the broker or handler, except as to creameries, where the due date means fifteen (15) days following the monthly day of accounting subsequent to deliveries following the date fixed by each creamery for such accounting.

Agr 9 Produce Sales; Confirmation, When Binding. Whenever a contract is entered into between the purchaser and the seller or his agent for the purchase of farm produce and a confirmation is submitted by either the seller or his agent, unless the purchaser refuses to accept the confirmation by promptly notifying the seller or his agent to the effect that the confirmation is not in accordance with the contract, by personal notification or wire, the said confirmation shall be considered binding.

Agr 10 Confiscation

(a) Whenever any person doing business or attempting to do business as a dealer at wholesale in farm produce without a license and bond, shall cause others to ship or deliver produce to him as therein defined, the commissioner shall have power to seize such produce, whether delivered or enroute for delivery, and hold the same under seal of the State department of agriculture, in behalf of and subject to the orders of the shipper, except that the said commissioner shall not release on order of the shipper or otherwise, any produce whatsoever to the unlicensed consignee until his status under the law shall have been determined.

(b) When the conditions of any shipment so seized shall be deemed to be such as to demand immediate disposal in order to prevent material loss to the shipper and the shipper cannot be located or does not reply promptly to notification of the commissioner, the commissioner shall order an inspection to be made as to the amount, quality and condition of produce so shipped and a copy of such inspection shall be held for the information of the shipper.

(c) The produce shall then be delivered by order of the commissioner to a licensed dealer at wholesale who shall sell the same for the account of the shipper, returning the proceeds of said sale, less the expense incurred therof, to the commissioner to be held in escrow by him in behalf of the shipper.

(d) Said moneys so received and accounted for shall be delivered to the shipper upon demand and proof of ownership.

Agr 11 Fresh, Frozen and Salt Herring

(a) Fresh fish shall be packed in boxes of 50 pound and 100 pound weights with not less than 5 per cent extra weight for shrinkage and inspection. The boxes shall be of the following dimensions and construction:

(1) For 50 pounds of fish the inside measurements shall be 23 inches long, 14 inches wide and 10 inches high; the ends cleated outside and without extended handles.

(2) For 100 pounds of fish the inside measurements shall be 27 inches long, 17 inches wide and 12 inches high, and have extended handles. In the case of frozen fish, 85 pounds of such fish can be marketed in the 100 pound standard box.

(b) Boxes for 100 pounds of frozen fish shall have inside measurements 27 inches long 17 inches wide and 14 inches high; the end cleated outside and without extended handles.

(1) All fish boxes shall be constructed of planed surface lumber.

(2) Cedar wood shall not be used in whole or in part in the construction of fish boxes.

(c) Only fish which are fresh, firm, free of blood clots and unnecessary punctures shall be sold. Fresh means that the fish have firm, elastic flesh, that does

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not pit readily on pressure, that they have a sweet, wholesome odor and their gills have their characteristic red color, that their eyes be full, prominent and bright and that the scales have their characteristic bright sheen. Fish shall be dressed in a careful manner by slitting down the belly with a straight, clean cut and be scraped clean of all blood and entrails.

(d) Fish shall be placed lengthwise in the box and be well iced when packed for shipment. Ice shall be placed on the bottom of the box and on top of the fish. In warm weather the ice shall be taken in boats so that fish can be iced immediately after removal from nets.

(e) Salted herring shall be packed 110 pounds net of well cured fish to the keg and shall be salted at point of production only. Herring shall be tightly packed with a circular pack and contain not less than 35 pounds of salt per keg except herring packed from October 1st to April 1st shall contain not less than 30 pounds of salt per keg. All herring used for salting purposes shall consist of fresh fish and shall be properly cut, properly cleaned and washed free of blood and loose scales before curing. "Fresh" means fish that meet the requirements of the definition above. "Properly cut" means that the head and gills shall be completely removed and that the fish be cut down alongside the backbone. "Properly cleaned" means that the cut fish shall be free of any gut, milt or roe and free of loose scales.

(f) Only fish meeting the requirements of fresh herring as defined above shall be frozen and entered into the channels of trade for human consumption.

(g) All boxes containing either fresh or frozen herring and all kegs of salted herring shall bear a label giving the following information:

(1) Name and address of producer.

(2) Commercial fishing license number of producer.

(3) Statement of net weight.

(h) All herring, whether fresh, frozen or salted, produced by fishermen living in the state of Minnesota shall be inspected and graded by an authorized grader of the department of agriculture, when same are entered into the channels of trade.

(i) Boxes, kegs and packages of fresh, frozen or salted fish that pass inspection shall be tagged with an inspection certificate showing the date of inspection of the fish contained therein, which certificate shall be retained on said box, keg or package until contents thereof have been completely removed therefrom.

Agr 12 Produce Shipments; Rejection, Confirmation

(a) No dealer at wholesale shall reject on arrival any carload or less than carload of fruits and vegetables which has been ordered by said dealer from a broker, shipper or any other dealer, without first obtaining a State inspection by an authorized State inspector to substantiate his claim for rejecting such a shipment of fruits and vegetables.

(b) A dealer at wholesale shall have twenty-four hours in which to reject and return to a broker or shipper a written confirmation of sale that is not satisfactory to the purchaser. The rejected confirmation must be accompanied with a letter setting forth his reason for rejecting the confirmation of sale.

(c) No broker shall make any sales of carloads or less than carloads of fruits and vegetables to any dealer without immediately issuing a written confirmation to said purchaser setting forth in said confirmation all details bearing upon the transaction. This written confirmation must be issued immediately on receipt of confirmation from seller to broker.

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Agr 13 Truck Plates. All trucks used by licensee for the purpose of buying or selling produce shall bear a wholesale produce dealer's truck plate. This truck plate shall be posted on the top left-hand side of the front of the truck body. Truck plates are not transferable from one truck to another.

Agr 14 Agents; Restrictions. No person who is acting as an agent of a licensee may become an agent for another licensee handling the same products until such time as the agent has discontinued acting for and has surrendered his credentials to his original principal, and this principal has in writing notified the department of such change of agency.

Agr 15 Draft Books for Agents. No licensee shall request or cause to be issued a duplicate license or identification card to any person without furnishing that person with the check or draft book of the licensee, and such check or draft book shall be used by the agent in all purchases made for the principal unless payment is made direct to seller from main office of the licensee.

Agr 16 Retailers; How Exempt. Whenever a retail merchant during the normal course of his business accepts, at his regularly established place of business, produce in exchange for merchandise, and/or cash, he is exempt from a wholesale produce dealer's license provided:

(a) That, he does not advertise for produce by means of newspapers, direct mail, hand bills, billboards, theater notices or radio; and

(b) That, he does not solicit produce by means of window displays, signs, by posting prices or by personal contact other than in his established place of business; and

(c) That, he dispose of such produce to a duly licensed wholesale produce dealer.

Agr 17 Identification Cards. Whenever a licensee shall make application for and obtain a wholesale produce dealer's truck plate, and such licensee employs such agent to buy produce in the operation of such truck, the licensee shall, in addition to the truck plate, obtain for such agent an identification card.

Agr 18 Inspection Charges

(a) Whenever any person, firm or corporation having produce desires to have it inspected, application shall be made to the commissioner for the services of an inspector or inspectors. Subsequent to the rendering of such inspection services by duly authorized and qualified inspectors, the commissioner shall bill the applicant monthly for the services rendered, according to the following schedule of rates:

(1) Inspection of potatoes for grade, quality and condition—2¢ per cwt.

(2) Inspection for grade, quality and condition of onions, cabbages, rutabagas, carrots and all other commodities usually shipped 500 to 600-50 lb. bags per car or truck or equivalents by weight in bushel baskets or other containers—2½¢ per cwt.

(3) Three dollars and sixty cents ($3.60) per hour for any service on an hourly basis, charged from time of leaving headquarters to return, plus mileage @7½¢ per mile.

(b) When a financially interested party, other than the applicant, requests a copy of the certificate of inspection, a charge of $1.00 shall be made for each copy so furnished.

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Agr 19 Christmas Tree Standards. By authority of Minnesota Statutes 1971, Section 27.07, the commissioner of agriculture hereby adopts the United States Standards of Grades for Christmas trees as the official Minnesota standards.

(a) General. The standards and grades contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees.

Grading of Christmas trees is voluntary. However, if Christmas trees are advertised, offered for sale, or sold as U.S. graded Christmas trees, they shall be graded by the grower in conformance with the standards and grades set forth in these regulations. At the request of the seller or buyer, the Minnesota Department of Agriculture, by appropriate certificate, shall certify the grade as per the applicable schedules.

(1) U. S. Premium. "U. S. Premium" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well shaped, butt trimmed, of not less than medium density, with normal taper, and the handle length unless otherwise specified, may not be less than six (6) inches, or more than one and three-fourths (1¾) inches for each foot of tree height, and with each of the four (4) faces free from damage by any cause.

(2) U. S. No. 1 or U. S. Choice. "U.S. No. 1 or U.S. Choice" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well shaped, butt trimmed, of not less than medium density, with normal taper, and the handle length unless otherwise specified, may not be less than six (6) inches, or more than one and three-fourths (1¾) inches, for each foot of tree height and with three (3), or more faces which are free from damage by any cause.

(3) U.S. No. 2 or "U.S. Standard" consists of trees possessing the characteristics typical of the species which are fresh, fairly clean, healthy, well shaped, butt trimmed, light or better density, candlestick normal or flaring taper, and the handle length, unless otherwise specified, may be not less than six (6) inches, or more than one and three-fourths (1¾) inches for each foot of tree height, and with two (2) or more adjacent faces which are free from damage by any cause.

(4) Culls. "Culls" consist of individual trees which fail to meet the requirements of the U.S. No. 2 or U.S. Standard Grade.

(b) Size. Size of trees shall be stated in terms of height in foot or half-foot steps, and unless otherwise specified, the following color code may be used to designate the respective sizes:

	Feet
Purple tag	4 to 5
Blue tag	4 to 5½
Yellow tag	5 to 6
Red tag	5½ to 7
Orange tag	6 to 7
Green tag	7 to 8
White tag	8 to 10

(c) Tolerances. In order to allow for variations incident to proper sizing, grading, and handling in each of the foregoing grades the following tolerances, by count, shall apply when a lot of Christmas trees is required to meet a specified grade.

(1) Off-Size. Ten percent for trees which fail to meet the height specified.

(2) Off Length Handle. Twenty (20) percent for trees which fail to meet the requirement for handle length but which meet all other requirements for the specified grade.

(3) Defects. Ten percent for trees which fail to meet the remaining re-

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quirements of the grade: Provided, that for the U.S. Premium and U.S. No. 1 or U.S. Choice grades not more than one-half of this amount, or five (5) percent, shall be allowed for trees which fail to meet the requirements of the next grade lower than that specified.

(d) Definitions.

(1) Fresh. "Fresh" means that the needles are pliable and generally firmly attached with not more than slight shattering.

(2) Clean. "Clean" means that the tree is practically free from vines or other undesirable foreign material.

(3) Healthy. "Healthy" means that the foliage possesses a thrifty, fresh, natural appearance characteristic of the species.

(4) Well Shaped. "Well Shaped" means that the tree is not flat on one side and the branches of the tree, whether sheared or unsheared, are of sufficient number and length to form a circular outline tapering from the lowest whorl of branches to the top.

(5) Butt Trimmed. "Butt Trimmed" means that all barren branches below the first whorl of foliated branches shall have been removed, and the butt of the trunk has been smoothly cut at approximately right angles to the trunk.

(6) Density. "Density" means the amount of foliage present. Factors contributing to the degree of density are: The number and size of branches within the whorl, distance between whorls, number and arrangement of branchlets on each branch, the extent of internodal branching, needle arrangement, and needle length. Species differ in their habit of growth and some species do not have internodal branches. Density is judged on the basis of species characteristics.

(aa) Medium Density. "Medium Density" means that the whorls or branches are relatively close together, the branchlets or side branches are fairly numerous and the needle population is adequate to cover the branches. The stem may be visible, but not distinctly visible throughout most of its length. To grade U.S. Premium or U.S. No. 1 or U.S. Choice trees must possess at least "medium density".

(bb) Light Density. "Light Density" means that the whorls or branches may be thinly spaced, the branchlets or side branches may be only reasonably numerous, but the needle population must be adequate to reasonably cover the branches. The stem is usually visible for approximately seventy (70) percent of its length. To grade U.S. No. 2 or U.S. Standard trees must have at least "light density". Trees that are more open or which do not meet the requirements of "light density" are culls.

(7) Taper. "Taper" means the relationship of the width of the tree to its height. "Flaring", "normal", and "candlestick" taper are the terms used to describe degrees of taper. At least seventy-five (75) percent of the branch ends must touch or overlap the line of the cone.

(aa) "Flaring taper" means that the general shape of the tree, judged from its best side, forms a cone the base of which is more than ninety (90) percent of its height.

(bb) "Normal taper" means that the general shape of the tree, judged from its best side, forms a cone the base of which is from forty (40) to ninety (90) percent of its height.

(cc) "Candlestick taper" means that the general shape of the tree, judged from its best side, forms a cone the base of which is less than forty (40) percent of its height.

(8) Face. "Face" means the visible surface area of a tree as viewed from a distance of eight (8) to ten (10) feet from the tree. A tree shall be considered as having four (4) faces, each consisting of one-quarter (¼) of the surface area of the tree.

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(9) Fairly Clean. "Fairly clean" means that the tree is moderately free from vines or other undesirable foreign material.

(10) Handle. "Handle" means that portion of the trunk between the butt or base of a tree and the lowest complete whorl of foliated branches.

(11) Height. "Height" means the distance from the base of the trunk to the top of the main leader, excluding that portion of the leader which extends more than four (4) inches above the apex of the cone of the taper applicable to the tree.

(12) Damage. "Damage" means any specific noticeable defect described or listed in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance or marketing quality of the Christmas tree.

(aa) The following are noticeable defects which generally affect one (1) or more faces and are usually readily observed by casual observation of a tree:

(i) Decided gap (abnormal space between whorls of branches).

(ii) Unduly long branches.

(iii) Uneven density.

(iv) Weak branches.

(v) Broken branches.

(vi) Barren lower whorl (no needles on branches of bottom whorl).

(vii) Curved stems.

(viii) Hole in tree (lack of branches or foliage and appears as an opening of considerable size).

(ix) Excessively long main leader (when the main leader or stem above top whorl of branches is not proportionate to the overall tree height).

(x) Incomplete whorl of branches.

(xi) Handle not proportionate to height of tree.

(bb) The following are defects which individually or in combination with other defects may materially detract from the appearance or marketing quality of a tree to the same degree as the noticeable defects listed above.

(i) Multiple leaders.

(ii) Crow's-nest (cluster of short branches which forms a compact nest type whorl arrangement).

(iii) Multiple main stems.

(iv) Gooseneck (greater than usual distance between two (2) whorls of branches).

(v) Noticeable presence of galls on the branches.

(vi) Abnormal loss of needles.

(vii) Abnormal curling of needles.

(viii) Noticeable presence of dead twigs.

(ix) Vines.

(x) Foreign material.

(e) Metric conversion table.

Feet	Centimeters (cm)
½ =	15.24
1 =	30.48
2 =	60.96
3 =	91.44
4 =	121.92
5 =	152.40
6 =	182.88
7 =	213.36
8 =	243.84
9 =	274.32
10 =	304.80

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Agr 20 Inspection Procedures-Specified. Inspection procedures specified by the United States Department of Agriculture for inspection of Christmas trees shall be applied for inspection and the certification of Minnesota Christmas tree grades."

Agr 21 Fees for Inspection and Grading. Fees for inspection and grading shall be as follows:

Hourly basis.

$10.00 per hour (by contract)

$6.00 per hour standby time if product is not available for inspection.

$6.00 per hour additional for any inspection made on an overtime basis.

12 cents per mile for travel to perform inspection and grading service.

The commisioner shall review the fee charges annually and make necessary adjustments to maintain the inspection services on a self-supporting basis as required by Minnesota Statutes, Section 27.07. Payment for inspection fees shall be made to the State Treasurer not later than 30 days from the date of inspection.

Agr 22-30 Reserved for future use

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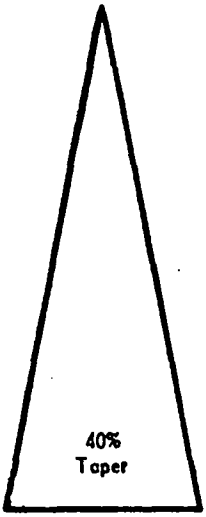

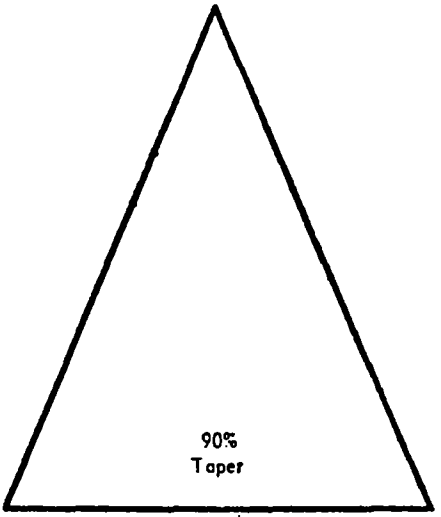

less than 40% . . . . . Candlestick

40 - 90% . . . . . Normal

more than 90% . . . . . Flaring

CHRISTMAS TREE TAPER

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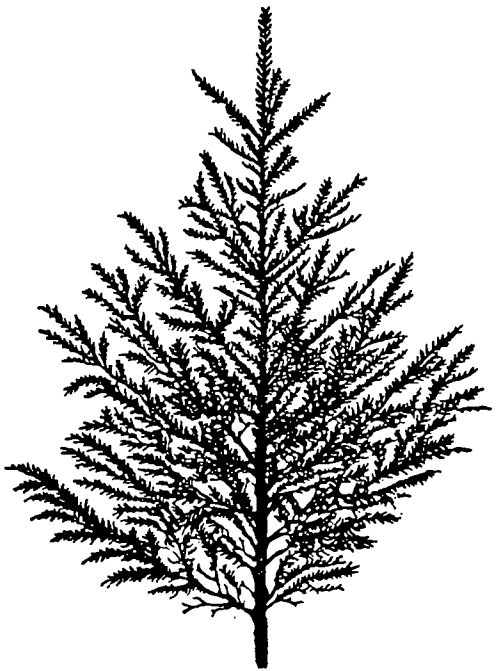
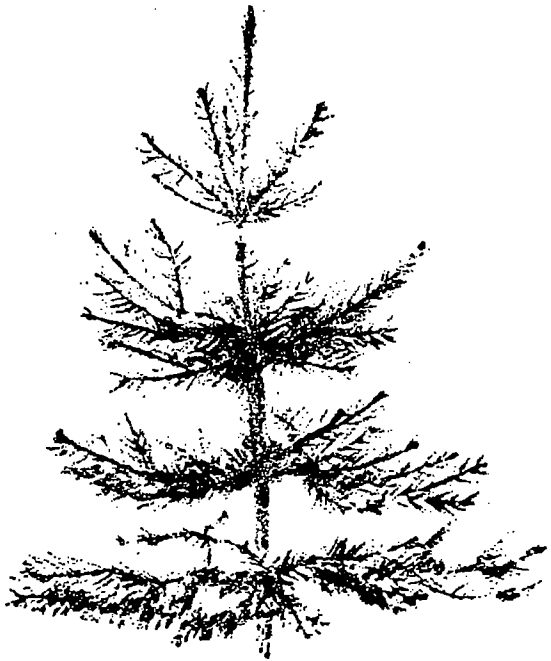


LIGHT DENSITY



LIGHT DENSITY

DENSITY HEAVIER THAN THIS WOULD BE CONSIDERED MEDIUM

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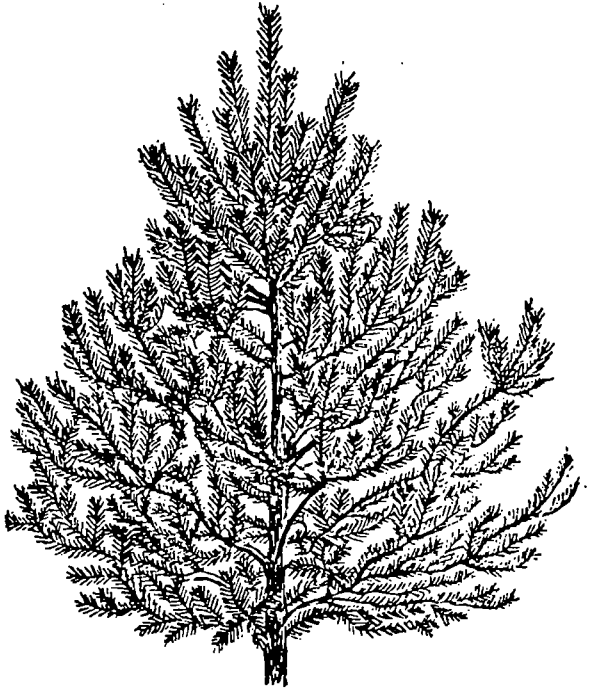
U.S. PREMIUM
LOWER LIMIT MEDIUM DENSITY
for trees other than the genus Pinus



U.S. PREMIUM
LOWER LIMIT MEDIUM DENSITY
for trees of the genus Pinus

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U.S. NO. 2 OR U.S. STANDARD
light density, too much space between lower whorls

CULL
large hole, partial crows nest uneven density

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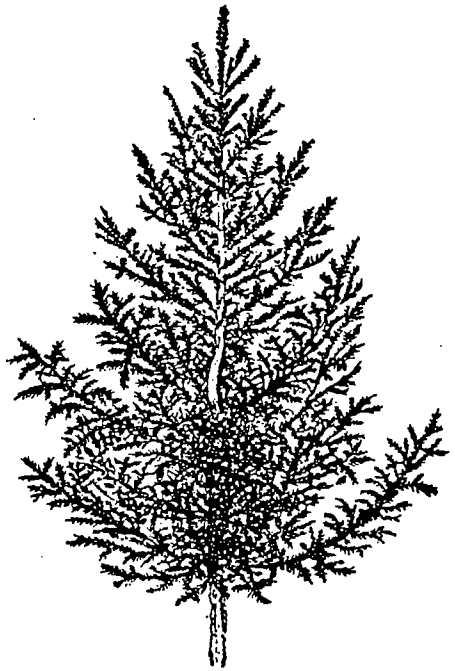
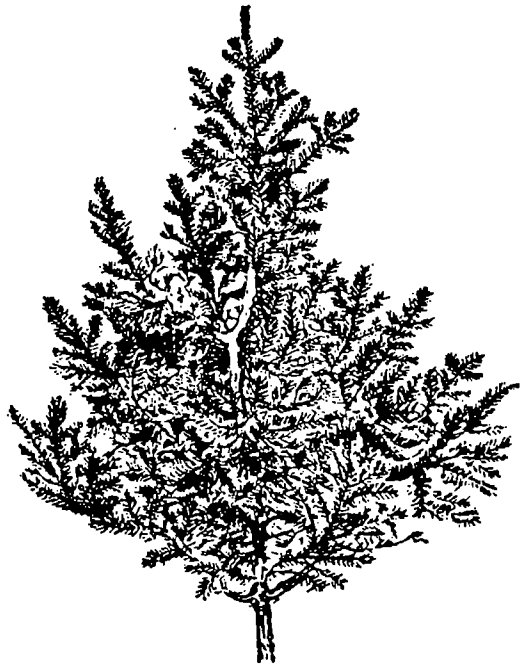


U.S. NO. 1 OR U.S. CHOICE
(UPPER LIMIT)
slight crook in stem



U.S. NO. 2 OR U.S. STANDARD
appearance damaged by crook in stem, and incomplete whorl

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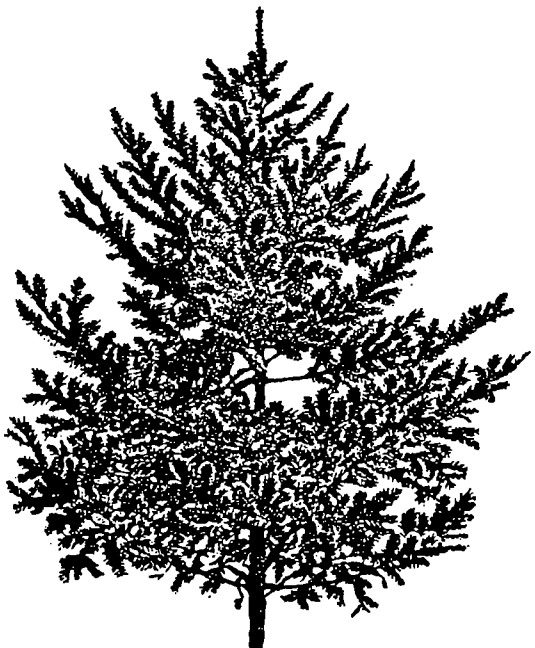

U.S. NO. 2 OR U.S. STANDARD
hole in crown, affecting more than one face

U.S. NO. 2 OR U.S. STANDARD
multiple leaders and incomplete whorl

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U.S. NO. 1 OR U.S. CHOICE
(UPPER LIMIT)
barren lower whorl

U.S. NO. 2 OR U.S. STANDARD
(UPPER LIMIT)
Incomplete whorls, uneven density

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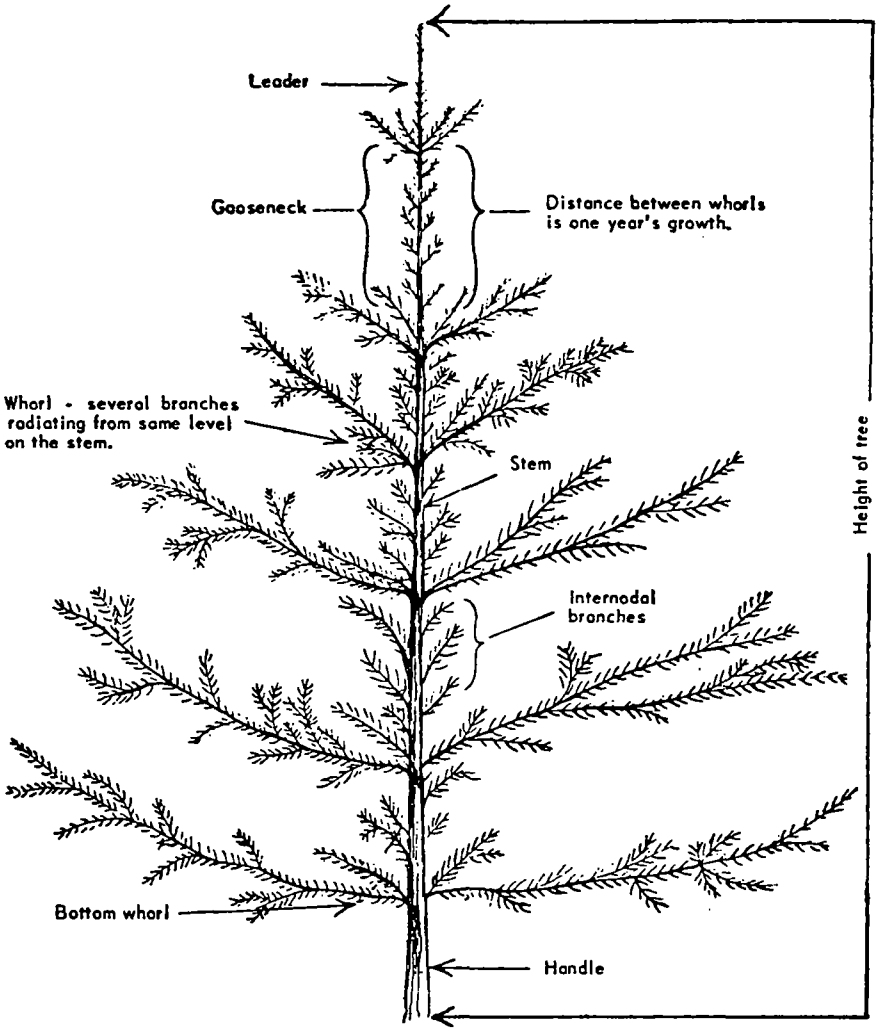

CHRISTMAS TREE TERMINOLOGY

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CHAPTER 2: AGR 31-80

DAIRY INDUSTRY UNFAIR TRADE PRACTICES

The following rules and regulations governing the sale at wholesale of selected dairy products by manufacturers, wholesalers and distributors are hereby adopted and promulgated and read as follows:

Agr 31 Sales Promotion. Section 32A.04, subdivision 1(1) shall be interpreted in which a sample of a selected dairy product manufactured or sold by the manufacturer, wholesaler or distributor may be used in connection with such sales promotion programs. Such samples shall conform and be made in accordance with the following:

(a) The sample shall not be more than a single portion of the product and not larger than can be consumed by an individual person on the premises of the retailer where such promotion takes place. The manufacturer, wholesaler or distributor must make such samples or sampling of products available to all retailers purchasing from such manufacturer, wholesaler or distributor and may distribute directly to the consumer upon the premises of the retailer or such distribution may be made by the retailer providing the samples are plainly marked as samples with the statement that they are not to be sold and may be used only for the purpose for which they were prepared.

(b) Coupons, premiums or any program which gives a special inducement to consumers such as tie-in sales or any other similar program are changes in the wholesale price to retailers and must be posted and filed in accordance with the requirements of Minnesota Dairy Industry Unfair Trade Practices Act. *Promulgated 3-9-60.*

Agr 32 Reference to Retailer by Distributor. No distributor shall advertise for or on behalf of, or grant any advertising allowance to any retailer as authorized in Minnesota Statutes, Section 32A.04 unless such advertisement or advertising allowance is offered to all retailer customers of such distributor on proportionately equal terms. *Promulgated 8-22-61.*

Agr 33 Cooperative Advertising. Minnesota Statutes 32A.04, Subdivision 1(i) permits reimbursement by a manufacturer, wholesaler or distributor to a retailer for advertising one or more of his or its selected dairy products in a newspaper advertisement, handbills or other forms of printing advertising put out by the retailer or for the time actually so used in any radio or television program sponsored by a retailer. To carry out the above provision of the Minnesota Dairy Industry Unfair Trade Practices Act such reimbursement may be made only under the following circumstances:

(a) The retailer shall submit to the manufacturer, wholesaler or distributor a copy of the script properly dated showing the space or time actually used to advertise by name the selected dairy product of the manufacturer, wholesaler or distributor.

(b) Invoice or certified copy from the advertising medium showing the rate charged the retailer and the amount of money paid for the entire advertising.

(c) Invoice of the retailer for the exact amount payable by the manufacturer, wholesaler or distributor for the exact space and time used for the selected dairy products of the manufacturer, wholesaler or distributor at the exact rate charged without profit to the retailer.

(d) Certificate by the retailer or if the retailer is a corporation by an officer of such corporation that the invoice as submitted conforms to the requirements of (a), (b), and (c) stated above. *Promulgated 3-9-60.*

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(e) These provisions shall apply to all types and forms of advertising and sales promotions of a selected dairy product in Minnesota and shall include the sale, marketing and distribution of any selected dairy product, including private brands, private labels and all other types or forms of sales, marketing or distribution of any selected dairy product. *Promulgated 11-24-64.*

Agr 34 Demonstration to Retailer. A distributor may demonstrate his own milk, cream and dairy products to a retailer in accordance with the following provisions:

(a) The distributor may exhibit to the retailer any of the distributor's own milk, cream and dairy products and discuss such products with the retailer. In addition the distributor may permit the retailer to taste and consume a portion of any such product, provided that; (1) such consumption occurs in the presence of the distributor's representative and at the time of the demonstration. (2) the size of the portion used in the demonstration is not in excess of a quantity sufficient to acquaint the retailer with the quality of the product involved. As used throughout this regulation, unless the context otherwise requires, the term "retailer" shall include employees of any retailer.

(b) The distributor shall not give to or leave the retailer or any employee thereof, any sample package or container of milk, cream or daily product used in a demonstration, but may leave with the retailer the bona fide unused portion from any such package or container which the retailer has tasted, but has not consumed completely; provided, however, that such package or container shall not be larger than the smallest customary unit.

(c) The provisions of these regulations shall apply with equal force to any milk, cream or dairy product of a distributor whether such product is in fluid, frozen, packaged or other form.

(d) A distributor may not employ or engage, with or without compensation, a present or prospective retailer or any employee or representative thereof to demonstrate or assist in demonstrating to such retailer or to any other retailer any of the distributor's milk, cream or dairy products, whether or not such demonstration is performed in a retailer's place of business.

(e) Except as specifically permitted by these regulations, a distributor shall not give to a retailer or prospective retailer, for the purpose of securing or retailing the milk, cream or dairy products business of such retailer, any demonstration whatever of any milk, cream or dairy product of the distributor or any sample of any milk, cream or dairy product or any other product sold by the distributor, or any rebate of any kind. M.S. 1961, Section 32A.04. Regulation Agr 31. *Promulgated 8-22-61.*

Agr 35 Demonstration to Consumer by Distributor. In accordance with Regulation Agr 31, Sales Promotion and in accordance with the following provisions:

(a) The distributor may exhibit to the consumer any of the distributor's own milk, cream and dairy products and discuss such products with the consumer. In addition the distributor may permit the consumer to taste and consume a portion of any such product provided that (1) such consumption occurs in the presence of the distributor's representative and at the time of the demonstration, and (2) the size of the portion used in the demonstration is not in excess of a quantity sufficient to acquaint the consumer with the quality of the product involved.

(b) The distributor shall not give to or leave with the consumer any sample package of milk, cream or dairy product, but may leave with the consumer the bona fide unused portion in any such package or container which the consumer has tasted but has not consumed completely; provided, however, that such package or container shall not be larger than the smallest customary unit.

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(c) The provisions shall apply to all consumers whatever, regardless of their location, whether they are retail home consumers or whether they purchase the distributor's products at any kind of store, depot, producer's ranch or other location.

(d) The provisions of these regulations shall apply with equal force to any milk, cream or dairy product of a distributor whether such product is in fluid, frozen, packaged or other form.

(e) A distributor may not employ or engage, with or without compensation, a present or prospective retailer or any employee or representative of the latter to demonstrate or assist in demonstrating, to a consumer any of the distributor's milk, cream or dairy product, whether or not such demonstration is performed in the retailer's place of business.

(f) Except as specifically permitted by these regulations, a distributor shall not give to a consumer, for the purpose of securing or retaining the milk, cream or dairy product business of a consumer, any demonstration whatever of any milk, cream or dairy product of the distributor, or any sample of any milk, cream or dairy product or any other product sold by the distributor, or any rebate of any kind. M.S. 1961, Section 32A.04, Subdivision 1(1) Regulation Agr 31. *Promulgated 8-22-61.*

Agr 36 Sale Under Private Label or Brand Name. The sale of any selected dairy product under a private label or brand name where the particular selected dairy product is of the same kind, quality, size, weight and packaging as a like product of the manufacturer, wholesaler or distributor supplying such product to the retailer for resale at a price less than that charged by the manufacturer, wholesaler or distributor for the same selected dairy product when sold under the trademark, trade name, brand or name of the manufacturer, wholesaler or distributor packaging for or selling such selected dairy product to the retailer for resale under a private label or brand name shall be deemed a method or device intending to defeat the policy of the Act or to defeat or evade the provisions of the Act or this regulation. No price differential (except those based on filed cost justification) will be recognized or accepted by the commissioner on any price schedule for any type or class of selected dairy product where the sole basis of differentiation in price for such selected dairy product is the private label, trademark, trade name, or other identifying designation of the purchaser acquiring such selected dairy product for resale at retail. *Promulgated 11-24-64.*

Agr 37 Prices to be Filed. All manufacturers, wholesalers or distributors selling at wholesale to retailers shall file one price schedule as required by the Minnesota Dairy Industry Unfair Trade Practices Act which shall be the highest price at which any selected dairy product shall be sold at wholesale to retailers within the state of Minnesota by such manufacturer, wholesaler or distributor. A manufacturer, wholesaler or distributor may meet a bona fide competitive price in any area which is less than such manufacturers, wholesalers or distributors filed price schedule. Such sale at less than the price schedule shall be reported as a deviated sale to this department. *Promulgated 4-19-62.*

Agr 38 Report of Deviated Sale. Reports of deviated sale made under Minnesota Statutes 1961, Section 32A.06, Subd. 4, shall be made only on the prescribed forms furnished by the Commissioner. Price schedules do not constitute a report of deviated sales and shall not be accepted as such.

If a sale of selected dairy products is made by a manufacture, wholesaler or distributor at other than its filed price a report of deviated sales must be filed with the Commissioner of Agriculture. When a manufacturer, wholesaler or distributor does not have evidence of a price or condition at which selected dairy products are being sold at wholesale to retailers and before a manufacturer,

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wholesaler or distributor shall sell at any price other than the price on file and of record in the Department of Agriculture, such manufacturer, wholesaler or distributor may contact the office of the Commissioner of Agriculture to determine whether or not there is a legal price or condition to which a deviation may be made. The Department of Agriculture will immediately upon receipt of such an inquiry, determine whether or not there is a legal price or condition to which a deviation may be made, and inform the inquiring manufacturer, wholesaler or distributor the price or condition to which a deviation may legally be made.

Reports of deviated sales shall show the name and address of the retailer purchasing the selected dairy product from the manufacturer, wholesaler or distributor who has made such deviated sale. The report shall also show the name and address of the competitor whose competition is being met and what the competitive price is. If a manufacturer, wholesaler or distributor is deviating to a lawful competitive condition, the report shall precisely state the nature and details of that condition.

Failure to report deviations in sales price in accordance with the provisions of Minnesota Statutes 1961, Section 32A.06, subdivision 4, and this regulation shall be deemed a method or device intending to defeat the policy of the Act or to defeat or evade the provisions of the Act or this regulation and shall be deemed an unfair trade practice. A report of deviated sales form prescribed by the commissioner shall provide two boxes which may be checked by the reporting party. Box No. 1 will indicate individual deviated sale. Box No. 2 will indicate continuing deviated sales. Continuing deviated sales will be recognized by the commissioner as satisfying the reporting requirements under the law for a period of 180 days from and after the date of the report form. After the expiration of the 180 day period continuing deviated sales must again be reported. Provided, however, that if any time during said 180 day period the competitive price or competitive condition is changed or terminated, the manufacturer, distributor or wholesaler filing the report of continuing deviated sale must return to his filed price or file a new report of deviated sale if a competitive price or condition exists to which he may lawfully deviate. (Promulgated 11-24-64, amended 4-21-66).

Agr 39 Meeting Competition by a Distributor. A distributor who meets, or has met in good faith a lawful competitive price, or a lawful competitive condition, relating to selected dairy products, shall file with the commissioner information detailing the circumstances surrounding the lawful competitive price or condition. Such information shall include the name and address of the distributor, the name and address of the customer involved, the competitive price or condition met, the effective date of such price or condition, and the name and address of the distributor whose price or condition is being met. If such information is accompanied by a written statement from the customer that such competitive price or condition has been offered or made available to him, such statement shall be considered by the commissioner as evidence that a distributor is meeting such competitive price or condition in good faith. M.S. 1961, Section 32A.04, Subd. 1(n). *Promulgated 8-22-61.*

Agr 40 Equipment. Every manufacturer, wholesaler or distributor shall report within 24 hours on forms furnished by the commissioner, the installation of any equipment for display or sale of selected dairy products furnished to a retailer by the manufacturer, wholesaler or distributor, or by any other person at the request of or for the account of a manufacturer, wholesaler or distributor. *Promulgated 4-19-62.*

Agr 41 Storage Equipment

(a) Section 32A.08, subdivision 2, permits the furnishing of storage equipment where such equipment is used exclusively for the storage of selected dairy

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products. To comply with the Minnesota Dairy Industry Unfair Trade Practices Act, a wholesaler must limit the size or capacity of any storage equipment furnished to a retailer to a size or capacity reasonably required, taking into consideration the volume of selected dairy products sold by such retailer, the schedule of deliveries and any other information pertinent to show the size or capacity required to reasonably satisfy the needs of such retailer.

(b) To determine whether or not the size or capacity of the storage equipment furnished is reasonable, a representative of the Department of Agriculture, Dairy Industry Section, will examine the storage equipment to determine whether or not there is compliance. Providing such examination discloses that the storage equipment is being used by the retailer for storage of commodities other than the selected dairy products manufactured or distributed by the wholesaler, such manufacturer, wholesaler or distributor will be notified of such fact. Upon such notification by the Department of Agriculture the manufacturer, wholesaler or distributor shall immediately see that any unauthorized use of the storage equipment is discontinued and in the event it is not discontinued, the manufacturer, wholesaler or distributor shall sell the storage equipment to the retailer or bring an action to repossess. In all cases, storage equipment furnished by the manufacturer, wholesaler or distributor to a retailer shall be plainly marked in a conspicuous place with the name of the owner and the limitations on the use of such equipment as provided in the Minnesota Dairy Industry Unfair Trade Practices Act. *Promulgated 3-9-60.*

Agr 42 Storage Cabinets—Procedure for Authorization to Install. Any distributor furnishing refrigeration facilities to a retailer free of charge, pursuant to the Act, shall file within 24 hours after the installation of such facilities, a notice of such installation on forms furnished by the commissioner. M.S. 1961, Section 32A.08, Subd. 2. *Promulgated 8-22-61.*

Agr 43 Storage Cabinets — Procedure for Removal. If, after investigation by the commissioner or his agents, it is determined that such refrigeration facilities are installed or used in violation of the Act, the distributor shall be notified in writing of such fact and the commissioner may commence proceedings to issue a cease and desist order. M.S. 1961, Section 32A.08, Subd. 2. *Promulgated 8-22-61.*

FINANCING

Agr 44 Loans. No distributor shall make, extend or renew any money loans to any retailer or prospective retailer. M.S. 1961, Section 32A.04, Subd. 1(c), (j). *Promulgated 8-22-61.*

Agr 45 Guaranteeing Obligations; Lending Credit. No distributor shall provide financial accommodations to a customer by guaranteeing the payment of any obligation of any customer, or by acting as a co-signer on a promissory note or other obligation of such customer, or by depositing money or collateral with persons or organizations in order that such persons or organizations will lend money or extend credit to any retailer. M.S. 1961, Section 32A.04, Subd. 1(d). *Promulgated 8-22-61.*

Agr 46 Acquisition of Customers' Notes, Bonds, Stock, Etc. No distributor shall acquire any promissory note, bond, stock, debenture, mortgage, deed or trust or any indebtedness of any retailer, where such acquistion constitutes making a loan to a customer. M.S. 1961, Section 32A.04, Subd. 1(f). *Promulgated 8-22-61.*

Agr 47 Limitation of Credit. No distributor shall extend credit to a retailer in excess of the limitation provided in M.S. 1965, Sec. 32A.04, Para. (g), of Subd. 1.

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The giving of any promissory note does not constitute payment within the meaning of this section. (M.S. 1965, Section 32A.04, Subd. 1(g). *Promulgated 4-21-66.*

Agr 48 Limitation of Credit — Failure to Pay. A distributor shall immediately place upon a cash basis any retailer who has failed to pay for any delivery of any dairy products within 40 days after delivery, or is in default for 40 days in any other obligations to such distributor. M.S. 1961, Section 32A.04, Subd. 1(g). *Promulgated 8-22-61.*

Agr 49 Limitation of Credit on Other Merchandise. A distributor shall not extend credit to a retailer on merchandise other than dairy products except as provided in Section 32A.07 on more favorable terms and conditions than those extended by comparable sellers of such merchandise to comparable buyers of such merchandise in the same area who do not have the relationship between them of distributor and retailer, as said terms are defined in the Act. M.S. 1961, Section 32A.04, Subd. 1(c). *Promulgated 8-22-61.*

Agr 50 Transfer of Retailer Accounts. In the transfer of a retailer's account from one distributor to another, the distributor accepting the account may assume the retailer's obligations to the other distributor, whether or not the new supplier assumes such obligation he may thereafter extend credit to the retailer only if such credit extension, together with the obligation to the prior supplier does not exceed the limitations set forth in the Act. M.S. 1961, Section 32A.04, Subd. 1(c). *Promulgated 8-22-61.*

Agr 51 Allowance for Trade-in Equipment or Property. In accepting any equipment or property from a retailer in part payment of any equipment, a distributor shall not give an allowance or credit in excess of the fair market value of such equipment or property. M.S. 1961, Section 32A.04, Subd. 1(b). *Promulgated 8-22-61.*

PROHIBITIONS — GIFTS, FREE SERVICES AND/OR SPECIAL SERVICES

Agr 52 Prohibition Against Gifts and Free Services as Defined. No distributor shall give any free gifts or free services to customers or prospective customers for the purpose of securing or retaining their milk, cream or dairy products business. "Gifts and free services" include, but are not limited to the following: M.S. 1961, Section 32A.04, Subd. 1(1)

(a) Preparation of tax returns. M.S. 1961, Section 32A.04, Subd. 1(c).

(b) Taking of inventory of the customer. M.S. 1961, Section 32A.04, Subd. 1(c).

(c) The usual holiday remembrances are not prohibited providing such remembrances are not used to discriminate and such remembrance has a reasonable cost and is in conformity with usual practice. M.S. 1961, Section 32A.04, Subd. 1(c).

(d) Stocking grocer shelves with products other than those distributed by the distributor. M.S. 1961, Section 32A.04, Subd. 1(c). *Promulgated 8-22-61.*

Agr 53 Tie-in Sales. No distributor shall offer or extend to any retailer or consumer any special service, or any variance from his wholesale price schedule for dairy products or any special price for any dairy product or other commodity wherein such special service, wholesale price variance, or special price is condi-

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tioned upon or is to be effective only upon the securing or retaining of selected dairy products business. M.S. 1961, Section 32A.04, Subd. 1(m). *Promulgated 8-22-61.*

Agr 54 Device or Method to Defeat the Act

(a) Section 32A.04, Subd. 1(m) prohibits the use of any device or method in the sales of selected dairy products intending to defeat the policy of the Act or to defeat or evade any provision, order or ruling issued by the commissioner thereunder.

(b) The question as to whether or not the scheme and device is adopted and used for the prohibited purpose will be based upon the net return of the manufacturer, wholesaler or distributor from the sale of such selected dairy products. Where a lease or other agreement is entered into with a retailer and the net return to the manufacturer is less after taking into consideration all of the additional expenses in connection with the retail sale and distribution of such products is less than the posted and filed price, the scheme or device used by such manufacturer, wholesaler or distributor shall be considered to be for the prohibited purpose. *Promulgated 3-9-60.*

Agr 55 Prohibited Practices. No distributor shall engage in any of the following practices in connection with the sale of selected dairy products:

(a) The extension of any services or special prices on any commodity or product to customers who purchase selected dairy products from the said distributor, which services or prices are not extended to other customers. M.S. 1961, Section 32A.04, Subd. 1(n). *Promulgated 8-22-61.*

SUBSIDIARY OR AFFILIATED CORPORATIONS

Agr 56 Violations by or Through Subsidiary or Affiliate Corporation—Definition. A manufacturer, wholesaler, distributor or retailer shall be considered to have violated the provisions of the Act and the regulations promulgated by the commissioner by engaging in such violations either directly or indirectly or by or through any subsidiary or affiliate corporation or by any officer, director, stockholder, employee, partner, agent or representative and for the purpose of this regulation a "subsidiary or affiliated corporation" includes but is not limited to, a company or corporation controlled either directly or indirectly by a manufacturer, wholesaler, distributor or retailer involved in any such violation whether through ownership of capital stock, accumulative voting rights, voting trust agreements or by any other plan, agreement or device. *Promulgated 11-24-64.*

Agr 57 Retention of Documents. A distributor shall keep on file a copy of each contract of sale, deed of trust, mortgage, lease agreement and any other document executed in connection with the sale or lease of real property to a retailer for a period of two years after the expiration of the lease or the payment of the purchase price. M.S. 1961, Sections 32A.04, Subd. 1(b), 32A.07, Subd. 1(a). *Promulgated 8-22-61.*

Agr 58 Confidentiality of Records and Reports. Any record or report made to the Commissioner pursuant to the provisions of M.S. 1965, Sec. 32A.06, or any information secured by any employee of the department while engaged in performing his duties shall be confidential and shall not be divulged except when necessary for the proper determination of any court proceeding or investigational hearing before the commissioner. *Promulgated 4-21-66.*

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Agr 59 Meeting Competition by a Retailer. Failure to notify the commissioner before reducing a price to meet competition shall be evidence of not acting in good faith to meet legal competition. However, a retailer may meet any retail price for selected dairy products and frozen foods advertised or offered by a competitor if such retailer notifies the commissioner or his duly authorized representative **before** meeting such price and is not notified by the commissioner at once of the fact that such price being met is illegal. *Promulgated 8-22-61.*

Agr 60 Jobber or Distributor. Minnesota Statutes 32A.04, prohibits the use of any scheme or device as stated in Regulation Agr 54. The Commissioner of the Department of Agriculture has the responsibility to determine in every case where the sale by a manufacturer of selected dairy products is through a wholesaler or distributor; such sales must conform to the Minnesota Dairy Industry Unfair Trade Practices Act and to other Acts prohibiting discrimination or any other unfair trade practices. Every manufacturer shall file with the department a list of the wholesalers and distributors selling at wholesale to retailers, selected dairy products packaged by such manufacturer. The commissioner shall verify the bona fides of all such transactions to determine whether or not they are a scheme or device for the purpose of evading the requirements of Minnesota Dairy Industry Unfair Trade Practices Act or any other Minnesota laws. *Promulgated 3-9-60.*

Agr 61 Definitions.

(a) Distributor as used herein shall mean any manufacturer, wholesaler or distributor that sells at wholesale to retailers and does not include retailers. M.S. 1961, Section 32A.03, Subd. 8. *Promulgated 8-22-61.*

When used in the following rules and regulations, unless the context otherwise clearly requires:

(b) "Cost" shall mean the price paid by the manufacturer, wholesaler, branch distributor or distributor for the class or grade of milk or milk products used in each selected dairy product which the manufacturer, wholesaler, branch distributor or distributor thereof sells at wholesale, in addition to the price paid for other ingredients in each such selected dairy product, plus packaging and other costs of doing business, which costs shall include (but shall not be limited to) all costs of labor; salaries, bonuses, commissions or other forms of compensation to executives, officers, employees, agents or other representatives; rent; interest; depreciation; maintenance; advertising and selling costs; transportation and delivery expenses; credit losses; all types of permits and license fees; taxes and insurance costs of all kinds; costs of workmen's compensation; unemployment compensation, social security, health and welfare, pension and retirement; and all other costs or expenses, whether fixed or incidental, of the particular manufacturer, wholesaler, branch distributor or distributor processing, manufacturing, packaging, selling or distributing one or more selected dairy products. Such costs determinants shall be allocated by each manufacturer, wholesaler or distributor strictly in accordance with the accepted practices in the dairy industry. These practices shall be determined from time to time and prescribed by the commissioner after consultation with representatives of the industry and such other groups or associations as he deems desirable. The commissioner's determinations shall be given publication in the form of a notice to all members of the industry.

(c) "DOCK SALE" means any sale or other transfer of title to a selected dairy product in the state of Minnesota by the manufacturer, wholesaler or distributor thereof in the ordinary course of trade or the usual conduct of the seller's business to another manufacturer, wholesaler, distributor or retailer where the delivery of such selected dairy product is made at the seller's dock to the purchaser for the purpose of resale either at retail or wholesale by the purchaser thereof. A "dock sale" shall include any transfer of any selected dairy product in the manner last stated where the title thereto is retained by the seller as security for the payment of the purchased price by the purchase thereof.

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(d) "Dock Delivery Sale" means any sale or other transfer of title to a selected dairy product in this state by the manufacturer, wholesaler or distributor thereof in the ordinary course of trade or the usual conduct of the seller's business by delivering or causing to be delivered such selected dairy product to the dock or place of business of another manufacturer, wholesaler, distributor or to a retailer for the purpose of resale, either at retail or at wholesale by the purchaser thereof. The term "dock delivery sale" shall include any transfer or physical movement of any selected dairy product in the manner last stated where title thereto is retained by the seller as security for the payment of the purchase price thereof. *Promulgated 11-24-64.*

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Filed 3-9-60; 8-22-61; 4-19-62; 11-24-64; 4-21-66.

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CHAPTER 3: AGR 81-100
MARKETING AND BARGAINING

Agr 81 Definitions. The following terms have the meaning given to them:

(a) Board. "Board" means the body consisting of three Department of Agriculture employees designated by the Commissioner to assist the Commissioner in administering Minnesota Statutes Sections 17.691 to 17.701 and regulations adopted thereunder.

(b) Agricultural Commodity. "Agricultural Commodity" includes all agricultural goods produced by associations for marketing individually or collectively under contract with handlers and consists of any materials produced for but not limited to use in or as food, feed, seed, or fiber and includes but is not limited to crops for fiber, food, oil seeds, seeds, livestock, livestock products, poultry, poultry products, and other products or by-products of the farm produced for the same or similar use.

(c) Marketing Year. "Marketing Year" means, generally, any time between the second day of February of the previous calendar year and the first day of February of the subsequent year, unless the Commissioner, pursuant to Regulation Agr 84, determines an alternative time period for a specific agricultural commodity to be designated as its marketing year.

Agr 82 Producer-Handler, Value Limitations. A producer who markets agricultural commodities produced by other producers shall be classed as a handler only when the value of the agricultural commodity which he obtains from other producers exceeds $25,000 in any marketing year.

Agr 83 Accreditation Requests; Processing Fees. At the time an association requests accreditation by the Commissioner for bargaining purposes such request shall be accompanied by a fee of $100. The Commissioner shall determine actual costs connected with such accreditation including hourly wage, travel and subsistence, search for information, correspondence, and any other expense incurred during the accreditation and shall deduct the total from the accreditation fee. If there is a residue, it shall be returned to the association and if the fee fails to cover the expense of the Commissioner for accreditation, he shall bill the association which shall pay said additional fee as billed before final accreditation.

Agr 84 Alternate Marketing Year, Determination. If either the association or the handler requests that an alternative time period for a specific agricultural commodity be designated as its marketing year, the Commissioner shall call for a hearing on 10 days written notice to both the handler and the association, shall hear all the testimony, and if the Commissioner determines that an alternate marketing year is justified, he shall so notify both the association and the handler. However, any requests for an alternative marketing year must be presented to the Commissioner at least 90 days before the presently existing start of the marketing year in question.

Agr 85 Petition for Supervision, Procedure. Upon being petitioned to assume supervision of a dispute under M.S. 17.697, Subdivision 3, the Commissioner shall either turn the matter over to State Mediation Service or he shall act as mediator himself. Where the Commissioner acts as a mediator, he shall call a conference to take testimony and shall consider all evidence presented. Within 10 days of the completion of the conference on said dispute, the Commissioner shall issue to each party in writing, a suggested settlement of the dispute.

Agr 86 Petition for Supervision, Late Application. When a petition requesting the Commissioner to assume supervision over a dispute between an association and a handler is presented 15 days or less before the marketing year in dispute, the Commissioner may refuse to provide supervision. In determining whether he shall provide supervision over the dispute the Commissioner may consider any factors he deems relevant, including, but not limited to: (1) The wishes of the disputing parties, (2) The nature of the dispute, (3) The availability of State Mediation Services.

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Filed 4-9-74

See new: 3 MCAR 35 1.0090 - 1.0100 (ARC04505T) →

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SHADE TREE PROGRAM

(Amended 1/82)

Chapter 4

3 MCAR §§ 1.0109 through 1.0113

§ 1.0109 General.

A. Purpose and authority. Rules 3 MCAR §§ 1.0109-1.0113 are prescribed by the Commissioner pursuant to Minn. Stat. § 18.023 to implement a program to control Dutch elm disease and oak wilt by local units of government and to include procedures and criteria for three grant-in-aid programs.

B. Definitions. For purposes of 3 MCAR §§ 1.0109-1.0113, the following definitions, in addition to those in Minn. Stat. § 18.023, shall apply:

1. "Commissioner" means the Commissioner of Agriculture or his designee.

2. "Shade tree" means any oak or elm tree situated in a disease control area approved by the Commissioner.

3. "Shade tree disease" means Dutch elm disease caused by *Ceratocystis ulmi*, or oak wilt caused by *Ceratocystis fagacearum*.

4. "Town" means township as described in Minn. Stat. § 18.023, subd. 1, as amended.

5. "Tree inspector" means a person who has the necessary qualifications to properly plan, direct, and supervise all requirements for controlling shade tree disease in one or more governmental subdivisions within the geographical limits set by the Commissioner.

6. "Disease control area" means an area designated by a municipality in which it will conduct a shade tree disease control program according to these rules. The extent of this control area shall be determined by the municipality and approved by the Commissioner.

7. "Equipment" means machinery or devices which singularly or in combination are designed, constructed, or operated for the purpose of wood utilization and/or disposal, and shall include all machinery, tools, and devices ancillary to the use of such machinery or devices.

8. "Facility" means land, buildings, and other appurtenances which are necessary or useful in the operation of wood utilization or disposal equipment.

9. "The act" means Minn. Stat. § 18.023, as amended.

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10. "Population" means the population of a municipality as published by the United States Bureau of Census in the most recent federal census.

§ 1.0110 Tree inspector.

A. Tree inspector employment and qualifications.

1. In order to be eligible for grants-in-aid pursuant to these rules, a municipality shall either individually or jointly with one (1) or more other municipalities employ or retain a tree inspector, on a continuous year round basis as provided by the act.

2. Provisional appointments.

a. A municipality may provisionally appoint a tree inspector for a period of not more than six (6) months.

b. This appointment shall be dependent upon approval by the Commissioner after determining the competence of the appointee.

c. The provisional appointment shall not be extended and the appointee shall pass the tree inspector examination to become certified.

d. The provisional appointment may be withdrawn for cause by the Commissioner upon notice and hearing.

3. A tree inspector shall be able to demonstrate the following qualifications:

a. Identify all native tree species, with or without leaves, common to his/her work area, and all felled or downed trees with bark intact;

b. Know and understand the biology of oak wilt and Dutch elm disease;

c. Be familiar with the problems of elm trees and oak trees other than those of Dutch elm disease and/or oak wilt, as well as identifying symptoms characteristic of these problems that affect oak and elm trees;

d. Know the proper method of collecting samples for disease diagnosis;

e. Know the appropriate Minnesota laws and rules relative to oak wilt and Dutch elm disease;

f. Know the approved control methods for oak wilt and Dutch elm disease; and,

g. Be familiar with the recommended tree species to be used in the replanting program, their planting requirements (available through the Uni-

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versity of Minnesota Extension Service), and the care of these trees after planting.

4. If a municipality fails to appoint a tree inspector, an appointment may be made by the commissioner pursuant to the act. Ten (10) working days prior to such appointment, the commissioner shall notify the municipality by mail of such pending appointment. An inspector appointed by the commissioner shall be paid by the municipality for a minimum of ninety (90) days, even though the municipality may appoint its own inspector prior to the expiration of ninety (90) days. This provision shall not apply to a municipality that has suspended or terminated the employment of a tree inspector for cause.

B. Certification of tree inspector.

1. A tree inspector shall be certified upon the passing of an examination prescribed by the commissioner for the purpose of determining that the applicant possesses the necessary qualifications set forth in this rule. The commissioner shall notify by mail each applicant and municipality of the time and date for such an examination. The applicant shall be notified of the results of the examination within fifteen (15) days after its administration.

2. After certification, a tree inspector shall be required to annually attend at least one (1) program of continuing education approved by the commissioner. Failure to attend one (1) such continuing education program, or failure to meet alternative certification requirements, shall terminate certification.

C. Certification alternatives. Upon written application, the commissioner shall grant to an individual an alternative for the certification requirement and procedures set forth in this rule provided that:

1. There is good cause why the individual cannot comply with the provision of this rule;

2. The requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

3. When an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

4. The intent of the act and these rules is not violated; and,

5. The environment or the public will not be adversely affected by the alternative requirements or procedures.

§ 1.0111 Shade tree disease control program. The shade tree disease control program of a municipality affected by 3 MCAR §§ 1.0109-1.0113 must in-

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clude at least the following elements. However, the ordinances or resolutions adopted by the municipality regarding the local shade tree disease control program may be more stringent than the provisions of 3 MCAR §§ 1.0109-1.0113.

A. Control area. Each municipality shall designate an area or areas in which the municipality shall enact control procedures for Dutch elm disease and/or oak wilt. The extent of the control areas will be determined by the municipality and approved by the commissioner.

B. Program plan. Each municipality shall prepare a shade tree disease control program plan detailing the manner in which the requirements set forth in these rules shall be fulfilled.

C. Methods of identifying diseased shade trees. Diseased shade trees shall be identified by generally accepted field symptoms such as wilting, yellowing of leaves, and/or staining of wood under the bark. Confirmation, when determined to be necessary by the certified municipal tree inspector, shall be made by the Minnesota Department of Agriculture Tree Disease Laboratory, or other laboratories capable of performing such services approved by the commissioner.

D. Dutch elm disease and oak wilt control.

1. Tree inventory. Each municipality shall maintain a reasonable estimate of:

a. The number of elms, oaks and other tree species on both public and private property within the control area of the municipality as well as those regions of the municipality outside this control area; estimates of the tree count shall be made by acceptable forest inventory procedures. These records shall be permanent and shall be filed with the commissioner.

b. The number of high risk and low risk elm trees anticipated; and,

c. The schedule for the continuous and orderly removal of low risk elm trees. The removal of low risk trees shall commence after the removal of all of the high risk trees identified prior to June 25, shall be conducted on a continuous basis and shall be completed prior to April 1 of the following year.

2. Dutch elm disease control.

a. Sanitation. All elm bark beetles, trees affected with Dutch elm disease, and any dead or weakened elm wood arising from any cause shall be eliminated in a timely manner within the control area of the municipality. This shall include trees on private property.

(1) Prior to April 1 of each year, municipalities shall inspect all public and private properties for elm wood or logs/stumps that could serve as bark beetle breeding sites, and require by April 1, removal, or debarking, of

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all wood, logs, and stumps to be retained. Before making any inspection on private property within a municipality, it shall be the duty of the municipality to give notice of said inspection to all affected residents and property owners either through an individual oral or written notice, or by publishing said notice in a local newspaper.

(2) Each municipality shall inspect all elm trees within a control area at least three times during the growing season (by June 15, July 15, and August 15) for Dutch elm disease symptoms. For a control program to be most effective, it is highly recommended that continuous inspections be initiated in those areas where the incidence of the disease is severe.

(3) Due to a summer generation of elm bark beetles emerging in late July, the municipality's tree inspector shall be responsible for:

(a) Visually identifying whether a tree infected with Dutch elm disease has extensive wilt or is only showing early symptoms of the disease; and

(b) Categorizing trees infected with Dutch elm disease as either high risk trees or low risk trees.

(i) High risk elm trees shall be those trees that are dead, barren, or have extensive wilt [thirty (30) percent or more of the tree is wilted]. Such trees shall be identified, and marked in a distinctive manner to indicate their high risk status prior to June 25. These high risk trees located on public property shall be removed within twenty (20) days of identification; high risk trees located on private property shall be removed within twenty (20) days of notification of the property owner. Any high risk tree identified and marked after June 25 shall be removed within twenty (20) days of identification on public property and within twenty (20) days of notification on private property.

(ii) Low risk elm trees shall be those trees that show early stages of infection in June or subsequently during the growing season with those symptoms not progressing beyond the thirty (30) percent wilting point. Such trees shall be identified, marked, and removed before April 1 of the following year. Municipalities shall make every reasonable effort to remove all low risk trees on private and public property within twenty (20) days of notification, but in no case shall it be later than April 1 of the following year. Only methods of removal approved by the commissioner shall be utilized.

(4) All dead or diseased elm trees, including any above ground parts thereof on private property which are not removed within the time periods provided for in these rules or within the time limits established by the municipality, if more stringent, shall be removed by the municipality within twenty (20) days and the costs thereof assessed against the property.

(5) If upon application of the municipality the commissioner

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has determined that extraordinary circumstances prevented the removal of the trees according to the schedule described above and that good cause has been shown by the municipality, the commissioner shall establish an alternative removal schedule based upon a program which will expedite their timely removal.

(6) All diseased elm trees including the above ground parts thereof shall be properly disposed of by such methods including burning, burying, chipping, and utilization.

(7) Stumps of all elm trees shall be removed or debarked to the ground-line to eliminate all possibilities of beetle habitation.

(8) Stockpiling and storage of elm logs with bark intact shall be prohibited except during the period September 15 through April 1 of the following year at locations specifically allowed by individual municipal permits or a municipal ordinance.

b. Root graft control. It is recommended to a municipality that all common root systems of trees growing within forty (40) to fifty (50) feet of a tree infected with Dutch elm disease should be disrupted by chemical or mechanical means as approved by the commissioner to prevent root graft spread of Dutch elm disease. (Refer to the Agricultural Extension Service, University of Minnesota Extension Folder 211-Revised 1977, "The Dutch Elm Disease", pp. 8-12.)

3. Oak wilt. Although oak wilt and Dutch elm disease are both vascular infections caused by a fungus, each infection shall be dealt with separately. Control methods prescribed for each disease are different, and again, shall be dealt with separately. Oak wilt control shall include the disruption of root grafts and the prevention of infection by insect-carried spores (overland spread).

a. Root graft control. Since most oak trees are susceptible to the fungus through root grafts, it is recommended to a municipality that all common root systems of trees growing within forty (40) to fifty (50) feet of a diseased oak tree of the same species should be disrupted by chemical or mechanical means to prevent the root graft transmission of the oak wilt fungus as approved by the commissioner. (Refer to Agricultural Extension Service, University of Minnesota Extension Folder 310-1975, "Oak Wilt Disease".)

b. To control the overland spread of the disease, a municipality shall:

(1) Avoid pruning or other mechanical damage during the most susceptible period of May and June. A tree inspector may determine that emergency pruning by utility companies is necessary during this susceptible period if trees interfere with utility lines. If wounding is unavoidable during this period, as in the aftermath of a storm or when the tree interferes with utility lines, a tree wound dressing shall be applied.

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(2) Red oak trees diagnosed as having oak wilt may be girdled as soon as they are detected in order to reduce spore production. Girdling shall be done only in areas where a weakened tree will not constitute a hazard to life and/or property should it fall.

(3) Identify, mark and remove from both private and public property by April 1 of the following year those trees in the Red Oak group that wilt in July and August that could have spores on them the following May or June. The trees in this group are the Northern Red Oak *(Quercus rubra);* Northern Pin Oak *(Quercus ellipsoidalis);* Black Oak *(Quercus velutina);* and Scarlet Oak *(Quercus coccinea).*

(4) After notification by the municipality, private property owners shall remove and properly dispose of diseased oak trees including any above ground parts thereof by April 1 by burning, burying, chipping, and utilization which includes the storage of the wood as set forth in Agricultural Extension Service, University of Minnesota Extension Folder 310-1975, "Oak Wilt Disease".

(5) Trees or parts thereof not removed on or before April 1 by the property owner shall be removed by the municipality within twenty (20) days after notification and the cost thereof assessed against the property.

(6) Stumps of Red Oak trees removed due to oak wilt shall be removed or debarked to the ground-line to eliminate all possibilities of spore formation.

E. Records.

1. Shade tree disease program records shall be kept by each municipality and shall be made available for examination at reasonable times by the commissioner. These records shall include the following:

a. Monies expended on personnel, equipment, and contracts, listed separately;

b. Man hours spent on tree inventory, sanitation, and any chemical measures;

c. An initial inventory of trees;

d. The number of diseased trees identified on private and public property, and the dates of identification;

e. The number and the dates of trees removed, both diseased and other, on private and public property;

f. The number of log piles found which were a hazard in the spread of a shade tree disease; and,

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g. Other information deemed relevant and necessary by the commissioner.

2. A yearly report containing a summation of these records shall be made to the commissioner by December 1.

F. Program review.

1. By December 31 of each year, a municipality must submit to the commissioner its shade tree disease control and replanting programs for the following calendar year. The commissioner shall review these programs to determine if the requirements of the law and the applicable rules have been met.

2. Final determination of municipal program compliance with the rules shall rest with the commissioner.

3. The commissioner may require that changes be made in any municipal program whenever a determination is made that such changes are needed to comply with the act or these rules.

3 MCAR § 1.0112 Grants-in-aid to municipalities for sanitation and reforestation program. The commissioner may, in the name of the state and within the limits of appropriations provided, make grants-in-aid to a municipaltiy with an approved disease control program for the partial funding of municipal sanitation and reforestation programs. One grant shall be made for all eligible sanitation and reforestation costs.

A. Sanitation and reforestation grants.

1. Sanitation. Grants to any municipality for sanitation shall not exceed fifty (50) percent of the municipality's total cost for sanitation approved by the commissioner. The total cost may include any amounts paid for sanitation by special assessments, ad valorem taxes, federal grants, or other funds. A municipality may assess to the abutting property not more than fifty (50) percent of the expense of treating with an approved method or removing diseased shade trees located on street terraces or boulevards to that abutting property.

Grants shall not be made to a municipality if the total cost of tree removal has been incurred solely by the individual property owner and the municipality has not reduced the cost to the property owner via direct subsidy or reduced special assessment. The only amount that may be included in the municipality's total cost for purposes of computing the above described reimbursement is the reduction of the cost to the property owner. Provision is made for municipalities with population of less than 1,000 pursuant to Minn. Stat. 18.023, subd. 3c, as amended.

2. Reforestation. Grants to any municipality for reforestation shall not

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exceed fifty (50) percent of the cost to the municipality for reforestation on public property. Grants shall not exceed fifty (50) dollars per tree planted.

a. Reforestation grants to any county with an approved disease control program may include ninety (90) percent of the cost of planting the first fifty (50) trees on public lands in a town not defined as a municipality of less than 1,000 population, upon the town's application to the county and county's designation of the town as a disease control area. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree planted.

b. Reforestation grants to towns and home rule charter or statutory cities with an approved disease control program which are defined as municipalities in the act and are less than 4,000 in population may include ninety (90) percent of the cost of planting the first fifty (50) trees on public lands. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree planted.

c. Any municipality that receives a grant for reforestation shall have appointed seven (7) residents of the municipality or designate an existing municipal board or committee to serve as a reforestation advisory committee to advise the municipality in the development and administration of the reforestation program.

B. Program eligibility. A municipality is eligible to receive sanitation and reforestation grants upon submitting to the commissioner by December 31 a completed program application form provided by the commissioner, and upon receiving notice of an approved disease control program designation. Extensions shall be granted for good cause shown.

1. The program application shall serve as the basis for approving the municipality's shade tree disease control program.

2. Approval shall be granted only upon the municipality's agreement to conduct its sanitation program in conformance with these rules and disease control practices designated by the commissioner upon the recommendation of the Shade Tree Advisory Committee.

3. Approval shall only be granted upon the municipality's agreement to conduct its reforestation program in a manner consistent with advice and counsel given the commissioner by the Minnesota Agricultural Extension Service.

4. Program approval may be revoked upon a determination by the commissioner that the municipality has failed to conduct its sanitation and reforestation program in conformance with the standards set forth in this rule. Such a determination or disapproval of a municipal program or control area may be appealed by the municipality and upon request, a hearing pursuant to Minn. Stat. ch. 15 shall be granted.

5. Sanitation and reforestation grants may be terminated upon munici-

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pality's failure to maintain an approved shade tree disease control program and upon evidence that proper record-keeping and documentation has not been maintained.

C. Program application. To receive a sanitation and reforestation grant, a municipality must submit to the commissioner by December 31 a completed program application form provided by the commissioner.

1. A municipality's program application shall include, but not be limited to the following information:

a. An inventory of shade trees within the municipality's disease control area and an estimate of the distribution of these shade trees between public and private lands;

b. A complete description of the municipality's sanitation and reforestation programs which shall include:

(1) The method and schedule of diseased trees surveys;

(2) The extent of disease control tree trimming activities;

(3) The policies for removal of trees on public lands;

(4) The policies for removal of trees on private lands;

(5) The method and location of disposal tree wastes;

(6) The policies for planting new shade trees, including:

(a) The source of nursery stock, if known;

(b) Species planted;

(c) Type of stock planted;

(d) Distribution of species; and,

(e) Other relevant information;

(7) The methods of financing sanitation and reforestation programs, including:

(a) The use of funds derived from general tax levies;

(b) Special assessments;

(c) Federal funds;

(d) Other sources of funding; and,

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(8) A complete description of the municipality's subsidy program, if any.

(9) The name or names of the person or persons or committee appointed by the municipality to advise the municipality in the development and administration of the reforestation program.

c. A statement of planned expenditures for the sanitation and reforestation program for the calendar year.

d. A copy of the local ordinances and resolutions authorizing the local shade tree program.

e. Other information deemed necessary and relevant by the commissioner.

2. Except for the first fifty (50) trees for towns and cities as set forth in 3. below, grants for sanitation and reforestation shall be fifty (50) percent of the applicant's planned expenditures for sanitation and reforestation, unless fifty (50) percent of the total planned expenditures for all applicants exceeds the funds designated for sanitation and reforestation grants; in which case, grants shall be a pro rata allocation among the eligible applicants. Reforestation grants shall not exceed fifty (50) dollars per tree planted.

3. Grants for planting the first fifty (50) trees on public lands in eligible towns and cities may be ninety (90) percent of the town's or city's planned expenditures for planting those trees, providing the availability of sufficient funding. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree planted.

D. Request for payment. A municipality receiving a sanitation and reforestation grant shall make request for payment upon forms provided by the commissioner.

1. Payment periods shall be January 1 through March 31; April 1 through June 30; July 1 through September 30; and, October 1 through December 31 of each calendar year.

2. Requests for payment shall be due forty-five (45) days after the close of the preceding payment period unless the municipality has requested and received an extension of time from the commissioner. Costs in one request for payment period may be carried over into a succeeding payment period, but shall not be carried over into a succeeding calendar year.

3. Requests for payments may be for the lesser of actual costs incurred or costs not to exceed the limits established by the commissioner during the payment period for which documentation for such costs and expenditures can be produced upon request of the commissioner. Requests may also be made for advance payments for planned expenditures for the succeeding period.

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4. Request for payment shall include:

a. The population of the municipality making the request for payment;

b. A statement of actual sanitation and reforestation costs for the payment period;

c. If advance payments for planned expenditures are sought by the municipality, a statement of planned expenditure for the succeeding payment period;

d. The signature of an authorized agent of the municipality making the request for payment; and,

e. Notorization of the agent's signature.

5. Grant payments for actual sanitation and reforestation costs incurred shall be a percentage of the actual costs stated in the municipality's request for payment; that percentage being the same percentage used to make the initial grant award.

a. Advance grant payments for planned sanitation and reforestation expenditures shall be a percentage of the planned expenditures for the succeeding payment period stated in the municipality's request for payment; that percentage being the same percentage used to make the initial grant award.

(1) In the event that planned expenditures exceed or are less than actual costs incurred by the municipality for a payment period for which advance payment was made, the appropriate adjustments shall be made in the next request for payment submitted by the municipality.

(2) In the event that over payment is made to the municipality by the commissioner because of an advance over payment for the last payment period of the calendar year, the municipality shall be liable to the state for the amount of over payment, and shall make payment of this amount to the state within thirty (30) days after notice of such over payment is received.

E. Eligible costs. Grants shall be based upon the total eligible cost of the municipality of its sanitation and reforestation program.

1. Sanitation activities on public and private lands which are eligible for grants shall include:

a. Diseased tree identification and inspection;

b. Disruption of common root systems;

c. Trimming of elm and oak trees for purposes of disease control;

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d. Girdling of oak trees where appropriate for purposes of disease control;

e. Removal and operational costs associated with the disposal of dead or diseased wood of elm and oak trees; and,

f. Subsidies for trees removed from private property pursuant to Minn. Stat. as amended, § 18.023, subd. 4.

2. Reforestation activities on public lands which are eligible for grants shall be limited to:

a. Acquisition of nursery stock; and,

b. Tree planting which includes only the initial cost of planting, watering, fertilizing, and staking. Maintenance costs thereafter shall not be eligible for reimbursement.

3. Grants shall be made only for costs incurred by the municipality in the actual and direct physical performance of sanitation and reforestation activities.

4. Grants shall be made for costs to be paid by:

a. Ad valorem taxes;

b. Special assessments pursuant to a municipal program whereby the sanitation activity is carried out by municipal employees or a contractor acting in behalf of the municipality; however, no assessment shall exceed the total of the sanitation cost less the amount of grant for such cost;

c. A charge through direct invoice to a property owner pursuant to a municipal program whereby the sanitation activity is carried out by municipal employees or a contractor acting in behalf of the municipality; however, no charge against a property owner shall exceed the total sanitation cost less the amount of grant for such cost;

d. Federal grants; and,

e. In the case of a municipality with a population of less than 1000, documented "in kind" services or voluntary work from or by private sources.

3 MCAR § 1.0113 Grants-in-aid for wood utilization and disposal systems.

A. The commissioner shall within the monies appropriated, make grants-in-aid to eligible applicants for the cost of facilities, equipment, and systems for the disposal or utilization of diseased shade trees. Such grants-in-aid shall be made to:

1. Any home rule charter or statutory city.

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2. Any special purpose park and recreation board organized under a charter of a city of the first class;

3. Any non-profit corporation serving a city of the first class; or,

4. Any county.

B. Such grants shall be made with the following provisions:

1. The city (cities) or county has an approved shade tree disease control program as described in the act or these rules.

2. Grants-in-aid may be less than but shall not exceed fifty (50) percent of the cost of such facility, equipment, or system;

3. Grants-in-aid shall not be made for costs of operating such facility, equipment, or system;

4. Grants-in-aid for site acquisitions shall be made only for land used in the actual operational site;

5. Grants-in-aid shall not be made by the commissioner until he receives certified evidence of the actual cost of the equipment or site; and,

C. Criteria for administration of grants-in-aid.

1. Grants-in-aid to eligible applicants shall be made by the commissioner provided that such wood disposal utilization system meets the following criteria:

a. It aids in the control of shade tree diseases;

b. It aids in the recovery of material or energy from wood.

c. It is located to accomplish the above with maximum efficiency and use of available facilities:

d. It is available to all parties, public and private;

e. It is able to render wood pest-risk free within five (5) days of delivery to the site unless an extension of time has been granted by the commissioner based on existing circumstances of the disposal/utilization site;

f. It includes adequate manpower to operate and service equipment; and,

g. It provides for proper handling and the timely removal of processed wood from the site.

2. In addition to the general criteria under C. 1. above, the commission-

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er, as appropriate, may consider other specific criteria including the following in evaluating grant payment requests:

a. Sites for wood disposal systems;

(1) Shall be selected on the basis of anticipated volumes of wood and/or the need for a wood disposal system;

(2) Shall be accessible by roadways that permit year-round truck traffic;

(3) Shall have adequate storage areas for both processed wood and equipment;

(4) Shall have protective enclosures, adequate control, and supervision to prevent entry of unwanted materials and unauthorized persons;

(5) Shall be in compliance with all applicable federal and state statutes, rules and regulations; and,

(6) Shall be in conformance with regional solid waste management plans and requirements.

b. Equipment for wood disposal systems:

(1) Shall, where feasible, be portable so that it can be used for servicing more than one site;

(2) Shall be stationary only when the anticipated volume over a five-year period will fully utilize the facility;

(3) Shall be capable of processing large-diameter logs; and,

(4) Shall include auxiliary units and equipment necessary to the operation of the system.

3. Requests for grant-in-aid payments shall be made on forms provided by the commissioner. Contingent upon the availability of funds, the timeliness of applications and other administrative considerations, the commissioner may set deadlines for consideration of requests which shall be published in the State Register at least thirty (30) days prior to the deadline. Requests for payments shall include the following:

a. An itemized list of the applicant's proposed expenditures for qualifying equipment and/or site, and the total amount of these expenditures; and,

b. Additional documents or other information deemed relevant by the commissioner.

4. Records.

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a. Applicants receiving grants-in-aid under this rule shall keep detailed records concerning the operation of the wood disposal and utilization system and shall make these records available to the commissioner at any reasonable time. Such records shall include:

(1) Hours of operation;

(2) Clientele served;

(3) Volume of wood handled; and,

(4) Other information deemed necessary and relevant by the commissioner.

b. A yearly report containing a summation of these records shall be made to the commissioner by December 1.

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Department of Agriculture

Rules Governing Seed Potato Certification
3 MCAR §§ 1.0127-1.0135)

3 MCAR § 1.0127 Purpose and authority. Rules 3 MCAR §§ 1.0127-1.0135 provide standards for the inspection, certification, production, and marketing of certified seed potatoes in the State of Minnesota. The authority to adopt these rules is contained in Minn. Stat. § 21.118.

3 MCAR § 1.0128 Definitions. As used in 3 MCAR §§ 1.0127-1.0135, the following definitions apply unless the context clearly indicates otherwise.

A. "Commissioner" means the commissioner of Agriculture or the commissioner's authorized representative.

B. "Department" means the Department of Agriculture.

C. "Seed potato certification inspector" means an employee of the department authorized by the commissioner to inspect seed potato plants and tubers entered for certification.

D. "Inspected" has the meaning given it in Minn. Stat. § 21.111, subd. 2.

E. "Seed Potatoes" has the meaning given it in Minn. Stat. § 21.111, subd. 5.

F. "Certified" has the meaning given it in Minn. Stat. § 21.111, subd. 3.

G. "Certified seed potatoes" means potatoes which have been produced, graded, sacked or placed in bulk, and inspected and certified in accordance with 3 MCAR § 1.0127-1.0135.

H. "Farm" means a seed potato enterprise. It includes all land, equipment, storage facilities, and laborers used to produce certified seed potatoes.

I. "Field" means a plot of land on a farm on which potatoes are grown for certification. The potatoes shall be of one variety from one certified seed potato grower and shall be grown in physical separation from other fields.

J. "Lot" means a group of seed potatoes entered for certification that have passed the field inspection requirements. For the purposes of 3 MCAR §§ 1.0127-1.0135, a lot of potatoes also means that the group is of one variety, from one or more fields, grown on the same farm, and stored in physical separation from other lots.

K. "Crop" means all lots produced on a farm in one year.

L. "Tolerance" means a specified allowance for variation from the stan-

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dards provided for diseases and physical defects, as provided in 3 MCAR §§ 1.0127-1.0135.

M. "Rejected" means that a field or lot fails to meet the standards provided for in 3 MCAR §§ 1.0127-1.0135.

insert new: ~~AR 03475~~ AR 04285 for 3 MCAR § 1.0129

3 MCAR § 1.0129 General guidance. The provisions of this section govern the production of potatoes for use as certified seed potatoes.

A. Seed potato certification. In order to produce certified seed potatoes, a grower must comply with the following procedures:

1. Potatoes entered for certification shall be inspected while growing in the field and again after harvest at the time of shipment. Certification shall be based upon visual inspection by the commissioner of sample plants and tubers from each field and lot. Certificates shall be issued to show the varietal purity, freedom from disease, and physical defects of the potatoes at the time of inspection.

2. Participation in the certified seed potato program shall be voluntary. The applicant may withdraw at any time. Farming and sanitation practices are the responsibility of the applicant. Certification and inspection under 3 MCAR §§ 1.0127-1.0135 shall be conducted by the commissioner. Failure of the applicant to comply with the requirements of 3 MCAR §§ 1.0127-1.0135 shall be cause for rejection of any field or lot. Potatoes from rejected fields or lots cannot be sold as certified seed potatoes.

B. Winter testing. In order to detect certain virus diseases, samples from all Foundation certified and Approved certified seed potato lots shall be winter-tested. In the event of serious malfunctions of the winter test, classification of lots as Foundation certified or Approved certified shall be based on the previous summer field readings.

C. Certified seed potato classes. There are three classes of Minnesota certified seed potatoes, differentiated by their tolerances for virus diseases.

1. The first class, Foundation certified seed potatoes, has stricter tolerances for virus diseases than do the other classes. This class shall be winter-tested.

2. The Approved certified seed potato class is the second class. Virus disease tolerances for these seed potatoes are less strict than those for Foundation certified seed potatoes. Approved certified seed potatoes shall also be winter-tested.

3. The third class, the Certified seed potato class, is not winter-tested.

D. Certified seed potato grades. Grades of certified seed potatoes are established according to the physical defects of the tubers. There are three grades used for shipping Minnesota certified seed potatoes.

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1. The blue tag certified seed potato grade, the first grade, has tolerances for physical defects of the tubers stricter than the other grades. This grade may be used by growers of Foundation certified, Approved certified, and Certified seed potatoes. The blue tag grade may be used for intrastate and interstate shipments of certified seed potatoes.

2. The red tag certified seed potato grade is the second grade. This grade allows more physical defects of the tubers than the blue tag certified seed potato grade. It may be used by growers of Foundation certified, Approved certified, and Certified seed potatoes. The red tag grade may also be used for intrastate and interstate shipments of certified seed potatoes.

3. The white tag certified seed potato grade is the third grade. The tolerances for physical defects of the tubers are determined by agreement between purchaser and seller of the certified seed potatoes. This grade may only be used by growers of Foundation certified and Approved certified seed potatoes. It may only be used for intrastate shipments of certified seed potatoes.

E. Zero tolerance for bacterial ring rot. Certification rules make provisions to allow the presence of certain diseases at levels sufficiently low as to preclude significant effects on certified seed potato value. For bacterial ring rot, there is a zero tolerance and the discovery of a single plant in the field or a tuber in storage infected with bacterial ring rot shall cause the rejection of the field or lot. The absence of a finding shall not be construed to mean that the field or lot inspected is free from the disease.

F. Warranty. A certification does not represent a warranty of any kind, express or implied, including merchantability, as to the quality of the crop produced from the certified seed potatoes. A certification represents only that the seed potatoes were produced, graded, sacked or placed in bulk, and inspected in accordance with 3 MCAR §§ 1.0127-1.0133.

See AR04285T for new 3 MCAR § 1.0130 →

3 MCAR § 1.0130 Application and eligibility for inspection and certification. The following procedures shall govern:

A. Application for inspection.

1. All potatoes planted on a farm shall be eligible and shall be entered for certification.

2. Application for inspection shall be made before June 16 each year on forms furnished by the commissioner or a seed potato certification inspector. Applications postmarked after June 15 but before July 1 shall be charged a fifty cents per acre late registration fee. No applications shall be accepted that are postmarked later than June 30. The commissioner may extend the deadline due to special circumstances, such as natural disasters, which make it impractical or impossible for planting to be completed by the deadline and which affect an area or large number of growers.

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3. An application for the inspection of a field planted with purchased certified seed potatoes shall include a copy of the shipping point certificates or bulk seed certificates for the total amount of purchased certified seed potatoes planted.

4. A separate application shall be completed for each field planted.

5. No application for inspection shall be accepted from a grower in any community or county in which there is not sufficient acreage for the total inspection fee charges to cover the cost of wages and expenses of the inspectors providing the inspection service. Determination of sufficient acreage shall be made by the commissioner.

B. Seed potatoes eligible for Minnesota certification planting. A field shall not be inspected for certification unless both the seed potato variety and the particular lot planted have the authorization of the commissioner. In considering seed potato varieties for authorization for certification planting, the Commissioner shall consider scientific evidence and expert opinion. To be eligible for certification planting, seed potatoes shall be one of the following:

1. From Minnesota growers:

a. Foundation certified seed potatoes;

b. Approved certified seed potatoes; or

c. Certified seed potatoes. A grower may replant his own certified seed potatoes. The commissioner may authorize the planting of purchased certified seed potatoes if there is no source of Foundation certified or Approved certified seed potatoes available to the grower.

2. From non-Minnesota growers: Seed potatoes approved for certification planting by the certifying agency in another state or a Canadian province may be planted if tolerances for certification meet Minnesota tolerances for Approved or Foundation certified seed potatoes.

3. Seedling or numbered selections may be accepted for entrance into the certification system by special authorization of the commissioner. The applicant shall submit a written statement from the breeder or originator that the applicant has full and unrestricted rights to introduce the seedling or numbered selection into the commercial market, and that the seedling or numbered selection shall be named within a period of not more than three years from acceptance of application. If the seedling or numbered selection is not named at the end of three years from acceptance of the application, a two year waiting period shall pass before reentry into the certification program.

3 MCAR § 1.0131 Requirements for certified seed potato production. The following standards shall be met before potatoes may be classified as certified seed potatoes.

insert new: AR03173T

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A. Field inspection. Certification shall be based upon information regarding the following: stand, general vigor, varietal purity, disease tolerances, and factors affecting field inspection. At least two field inspections shall be made of each field during the growing season. Additional inspections may be made if deemed necessary by the commissioner.

1. Stand. A field shall be rejected if there are a large number of plants missing due to disease.

2. General vigor. A field shall be rejected if it contains a large number of weak plants.

3. Varietal purity. A field shall be rejected if it contains any varietal mixture at the time of inspection, unless all varietal mixtures are removed by the grower before the next inspection.

4. Disease tolerances (percentage of infected plants). A field shall be rejected if it contains percentages of diseased plants in excess of those listed in the following table. The disease percentages listed are based on symptoms which are visible in the sample being inspected.

Maximum Disease Tolerance Levels

Diseases	First Inspection	Second and Subsequent Inspections
Severe mosaic (rugose, crinkle and leafrolling)	0.5%	0.3%
Spindle tuber	0.1%	0.1%
Leafroll	0.5%	0.3%
Total of above diseases	1.0%	0.5%
Yellow dwarf	0.5%	0.5%
Calico	0.5%	0.5%
Haywire	0.5%	0.5%
Witches broom	0.5%	0.5%
Total of above 4 diseases	0.5%	0.5%
Mild mosaic	2.0%	1.0%
Bacterial ring rot, field rejected if found	0.0%	0.0%

5. Factors affecting field inspection.

a. A field shall be rejected if any of the following are present to such an extent that satisfactory inspection for diseases cannot be made:

(1) Early or late blight;

(2) Blackleg or wilt of any kind;

(3) Weeds;

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(4) Insect injury;

(5) Chemical damage.

b. A field shall be rejected if any other conditions are present to such an extent that satisfactory inspection for diseases cannot be made.

B. Roguing. If any of the diseases listed in A. 4. of this rule are present in a field in amounts less than the maximum disease tolerance level, the infected plants shall be removed before the final inspection. If roguing is done after tubers form, the tubers from the rogued plants shall also be removed and destroyed.

C. Storage.

1. Lots shall not be stored in any warehouse where other potatoes are stored, nor shall they be stored under conditions of possible disease contamination. If more than one grower stores lots in the same warehouse, each grower's lots shall be properly identified by labeling the bin with the grower's name, address, variety, and amount in the bin. If the lots are to be stored in a public warehouse or storage unit not directly under the control of the grower, a complete record giving location of the storage unit, number of the bin, variety, and the quantity stored shall be sent to the commissioner when the lots are put into storage. If it is available, a copy of the warehouse receipt shall also be sent to the commissioner.

2. Equipment used for grading and handling lots shall not be used for any other potatoes. If any equipment is used on other potatoes, the lots shall be rejected.

3. Any firm handling lots on contract shall label all bins containing lots with the name of the grower whose lots are being stored. Responsibility for proper labeling and subsequent handling rests with the firm. No certification tags or bulk certificates shall be issued until this is done.

4. Each grower shall submit a completed storage and yield report on each lot on forms furnished by the commissioner. Certification tags shall not be issued to growers who have not submitted the report.

D. Tags, bulk certificates, seals.

1. Official blue, red, or white tags, bearing the grower's name and address, variety, and the crop year, shall be issued when the potatoes meet the certification requirements described in 3 MCAR § 1.0130 and 3 MCAR § 1.0131 A.-C.

2. Tags shall be fastened onto sacks with a metal seal so as to constitute a seal at the time the lots are prepared for shipment. No metal seal is required when a tag is machine sewn onto the sack. A special seal shall be placed on the conveyance doors in case of bulk shipments identified by a bulk certificate.

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3. Tags shall be issued only to growers, except when lots are stored in a public warehouse or in a storage unit not under direct control of the grower. They shall be issued to the owner or manager of the storage unit upon receipt of written authorization from the grower.

4. Responsibility for ordering tags shall rest entirely with each grower.

E. Grading. All lots shall be inspected at the loading point whenever possible. If inspection at the loading point is impossible, request for grading inspection in transit shall be made. Every bagged lot or shipment offered for sale and bearing official certification tags shall be in new even-weight sacks. Bulk shipments shall be identified with a bulk certificate. Both bagged and bulk lots or shipments must meet grade standards specified in 3 MCAR § 1.0135.

1. Lots or shipments that fail to meet grade standards when inspected shall be reconditioned or:

a. If the lot or shipment is in sacks, the tags shall be removed under the supervision of a state or federal/state inspector before the lot or shipment is allowed to proceed to its destination.

b. If the shipment is in bulk, no bulk certificate shall be issued.

2. All costs of reconditioning to meet grade shall be borne by the shipper.

See AR0428ST for new 3 MCAR § 1.0132 →

3 MCAR § 1.0132 Requirements for Foundation certified seed potato production. Foundation certified seed potatoes shall consist of potatoes which meet all the requirements of 3 MCAR § 1.0130 and 3 MCAR § 1.0131 as well as the following additional requirements.

A. A lot grown as and intended to be Foundation certified seed potatoes must remain under direct control of the grower for three years prior to being certified as Foundation certified seed potatoes.

B. Foundation certified seed potatoes shall be the only potatoes grown on the farm. They shall be grown from potatoes produced on a tuber unit seed plot.

C. Not more than two-tenths percent of any or all virus diseases shall be allowed on any field inspection. No spindle tuber is allowed.

D. A lot shall be kept under direct control of the grower. Such lots shall not be stored in any warehouse in which other potatoes are stored, unless authorization is granted by the commissioner.

E. A sample of each lot meeting the requirements of this rule shall be submitted for winter testing. Seed potato lots with winter test readings more than one-half percent of any or all virus diseases shall be removed from the

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Foundation certified seed potato class. Presence of spindle tuber, bacterial ring rot, or chemical damage shall also remove the lot from the Foundation certified seed potato class.

F. If bacterial ring rot is found in any field or lot, the crop is not eligible for certification planting the following year. Potatoes from other fields or lots may be eligible for certification planting if the equipment used in the production of the crop was thoroughly disinfected after it was used on each field or lot. Proof of disinfection must be filed with the commissioner. Authorization for certification planting the following year shall then be granted only to the grower himself and only if the lots meet all other requirements for planting.

G. Blue, red, or white tags with the word "Foundation" stamped across the front of the tag shall be issued only after all requirements of 3 MCAR § 1.0132 are met. In addition, the crop shall be at least the third crop grown following the year in which bacterial ring rot was found before becoming eligible to be tagged with Foundation tags.

See AR04285T for new 3 MCAR § 1.0133 →

3 MCAR § 1.0133 Requirements for Approved certified seed potato production. Approved certified seed potatoes shall consist of potatoes which meet all the requirements of 3 MCAR § 1.0130 and 3 MCAR § 1.0131 as well as the following additional requirements:

A. Not more than three-tenths percent of any or all virus diseases shall be allowed on the final field inspection, except that no spindle tuber is allowed and up to five-tenths percent is allowed for mild mosaic.

B. A sample of the lot must meet the same winter test requirements as prescribed for Foundation certified seed potatoes in 3 MCAR § 1.0132 E.

1. In selecting lots for winter testing, the commissioner shall consider factors such as lots more than two years removed from the Foundation certified seed potato class, amount of disease found during field inspections, amount of varietal mixture rogued, proximity to fields having excessive amounts of disease, and other conditions which may jeopardize the value of the lots for certification planting.

2. If bacterial ring rot is found on the farm, before becoming eligible to submit a sample from future crops for winter testing, the grower shall either:

a. Dispose of the crop from the year bacterial ring rot was found and purchase all new Foundation certified or Approved certified seed potatoes; or

b. Produce at least two crops free from bacterial ring rot.

3 MCAR § 1.0134 Fees.

A. Fees shall be set by the commissioner in amounts necessary to carry out

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the seed potato certification service. Fees shall be reviewed annually and notice of the current fee schedule sent to growers from time-to-time.

B. Field inspection fees shall be paid at time of application for entry into the certification program.

C. Winter testing fees shall be paid before results are sent to the grower.

D. Fees for other disease testing shall be paid before results are listed in the Minnesota Seed Potato Certification Directory.

3 MCAR § 1.0135 Minnesota certified seed potato grades and tolerances.

A. Minnesota certified seed potato grades. Before becoming eligible for grading as certified seed potatoes, the requirements of 3 MCAR §§ 1.0130 and 1.0131 shall be met. In addition, Foundation certified seed potatoes shall meet the requirements of 3 MCAR § 1.0132. Approved certified seed potatoes shall meet the requirements of 3 MCAR § 1.0133. Grading and tagging or issuance of a bulk certificate are the final steps in the certification process.

1. Minnesota blue tag certified seed potato grade. To be graded as Minnesota blue tag certified seed potatoes, the potatoes shall meet the following requirements:

a. The potatoes shall be, at time of final inspection, one variety; fairly well-shaped; free from bacterial ring rot, powdery scab, freezing, black heart, and soft rot or wet breakdown; and free from injury by surface or pitted scab, and from damage caused by dirt or other foreign matter, second growth, growth cracks, air cracks, cuts, shriveling, sprouts, pitted scab, surface scab, russet scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from serious damage caused by sunburn, hollow heart, or internal discoloration (other than hollow heart).

b. Size. For round or intermediate shaped varieties, the maximum size shall be not more than 12 ounces and, unless otherwise specified, the minimum size shall be not less than 1-7/8 inches in diameter. For long varieties, the maximum size shall be not more than 14 ounces and, unless otherwise specified, the minimum size shall be not less than 1-3/4 inches in diameter. For all varieties, size "B", the minimum diameter shall be not less than 1-1/2 inches and the maximum size shall be not more than 2-1/4 inches in diameter.

c. Lot tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are provided:

(1) For defects:

(a) 10% for potatoes seriously damaged by hollow heart;

(b) 10% for potatoes seriously damaged by sunburn;

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(c) 5% for potatoes seriously damaged by internal discoloration (other than hollow heart);

(d) 8% for potatoes injured by (slight) scab;

(e) 10% for potatoes damaged by dirt or other foreign matter;

(f) 10% for potatoes damaged by sprouts; and

(g) 6% for potatoes which fail to meet the remaining requirements of the grade provided, that included in this amount not more than the following percentages shall be allowed for the following defects:

(i) Soft rot, frozen, or wet breakdown	0.5%
(ii) Damage by surface or pitted scab	2.0%
(iii) Damage by dry rot	2.0%
(iv) Late blight tuber rot	2.0%
(v) Bacterial ring rot	0.0%
(vi) Powdery scab	0.0%

(2) For offsize:

(a) 5% for potatoes which fail to meet the required or specified minimum size,

(b) 10% for potatoes which fail to meet the required maximum size.

2. Minnesota red tag certified seed potato grade. To be graded as Minnesota red tag certified seed potatoes, the potatoes must meet the following requirements.

a. The potatoes shall be, at time of final inspection, of one variety; fairly well-shaped; and free from bacterial ring rot, powdery scab, freezing, black heart, and soft rot or wet breakdown, and from damage caused by second growth, growth cracks, air cracks, cuts, shriveling, sprouts, pitted scab, surface scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from serious damage caused by dirt or other foreign matter, russet scab, sunburn, hollow heart, or internal discoloration (other than hollow heart).

b. Size. For all varieties, the maximum size shall be not more than 14 ounces and unless otherwise specified, the minimum size shall be not less than 1-7/8 inches in diameter for round or intermediate shaped varieties and not less than 1-3/4 inches in diameter for long varieties. For all varieties, size

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"B," the minimum diameter shall be not less than 1-1/2 inches, and the maximum size shall be not more than 2-1/4 inches in diameter.

c. Lot tolerances. In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are provided:

(1) For defects:

(a) 10% for potatoes seriously damaged by hollow heart;

(b) 10% for potatoes seriously damaged by sunburn;

(c) 5% for potatoes seriously damaged by internal discoloration (other than hollow heart);

(d) 20% for potatoes damaged by sprouts; and

(e) 20% for potatoes which fail to meet the remaining requirements of the grade provided, that included in this amount not more than the following percentages shall be allowed:

(i) 5% damage by surface or pitted scab

(ii) 2% damage by dry rot

(iii) 6% serious damage for other defects other than sunburn, hollow heart, internal discoloration (other than hollow heart) provided, that of this six percent not more than the following percentages shall be allowed for the following defects:

(aa)	Late blight tuber rot	2%
(bb)	Soft rot, frozen, or wet breakdown	0.5%
(cc)	Bacterial ring rot	0.0%
(dd)	Powdery scab	0.0%

(2) For offsize:

(a) 5% for potatoes which fail to meet the required or specified minimum size;

(b) 10% for potatoes which fail to meet the required maximum size.

3. Minnesota white tag certified seed potato grade.

a. Minnesota white tag certified seed potato grade shall consist of

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Foundation certified or Approved certified seed potatoes which are graded according to agreement between seller and purchaser as to size and defects, except that not more than one-half percent of soft rot, frozen, or wet breakdown and two percent dry rot shall be allowed.

b. The use of the white tag certified seed potato grade shall be restricted to intrastate shipments.

B. Application of tolerance. The contents of individual containers, other than bulk conveyances, in the lot are subject to the following limitations provided that the averages for the entire lot are within the tolerances specified for the grade. An individual container in any lot may contain not more than double the tolerance specified except for sprouts and that at least one defective specimen, other than bacterial ring rot or powdery scab, and one offsize specimen may be permitted in any container.

C. Condition after transit. Deterioration developing in transit shall be considered as affecting condition and not grade.

D. Definitions. For the purpose of this rule, the following terms have the meanings given them unless the context clearly indicates otherwise:

1. "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during the ordinary methods of handling.

2. "Well-shaped" means the normal shape for the variety.

3. "Fairly well-shaped" means that the individual potato is not materially pointed, dumbbell-shaped, or otherwise ill-formed.

4. "Fairly clean" means that the individual potato is reasonably free from dirt, staining, or other foreign matter.

5. "Slightly dirty" means that the appearance of the individual potato is not materially affected by dirt, staining, or other foreign matter.

6. "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

7. "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissues.

8. "Surface" or "pitted scab", individually or in combination, which cover an area of more than two percent of the surface of the potato in the aggregate, or which cannot be removed without a loss of more than two percent of the total weight of the potato including the peel covering the defective area shall be considered injury.

9. "Damage" means any defect or combination of defects which ma-

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terially affects the appearance of the individual potato or which cannot be removed without a loss of more than five percent of the total weight of the potato including the peel covering the defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

a. Russet scab when it materially detracts from the appearance of the individual potato;

b. Second growth or growth cracks which have developed to such an extent as to materially affect the appearance of the individual potato;

c. Air cracks which are deep, or shallow air cracks which materially affect the appearance of the individual potato;

d. Shriveling when the potato is more than moderately shriveled, spongy, or flabby;

e. Sprouting when the individual potato has sprouts over one inch in length;

f. Surface or pitted scab, individually or in combination, which covers an area of more than five percent of the surface of the potato in the aggregate, or causes a loss of more than five percent of the total weight of the potato including peel covering defective area;

g. Dirt if the individual potato has more than 50 percent of its surface affected by lightly caked dirt which is scattered, or more than 15 percent of its surface badly caked with dirt.

10. "Serious damage" means any defect or combination of defects which seriously affects the appearance of the individual potato or which cannot be removed without a loss of more than ten percent of the total weight of the potato including the peel covering the defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

a. Russet scab when it seriously detracts from the appearance of the potato;

b. Dirt when the appearance of the individual potato is seriously affected by caked or smeared dirt or other foreign matter;

c. Cuts when both ends are clipped or when more than an estimated one-fourth of the potato is cut away from one end or when the remaining portion of the clipped potato weighs less than six ounces;

d. Other cuts which seriously affect the appearance of the individual potato or which cannot be removed without a loss of more than ten percent of the total weight of the potato including peel covering defective area;

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e. Shriveling when the potato is excessively shriveled, spongy, or flabby;

f. Surface or pitted scab, individually or in combination, which covers an area of more than twenty-five percent of the surface of the potato in the aggregate, or causes a loss of more than ten percent of the total weight of the potato including peel covering defective area.

Agr. 121-126 are repealed.

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CHAPTER 6: AGR 136-140

QUARANTINES

Agr 136 Quarantine No. 9. Quarantine No. 9 concerns the importation of used potato containers, and the disinfection of such containers to prevent the introduction and spread of certain potato diseases and pests.

(a) WHEREAS, it has been determined by the commissioner of agriculture, that certain infectious and dangerously injurious diseases and pests of potatoes now exist in limited areas of the United States and have become very destructive in the known areas of infestation; and

(b) WHEREAS, these diseases and certain nematodes, Potato Rot Nematode (Ditylenchus destructor) and Golden Nematode (Heterodera rostochiensis), are not known to exist in Minnesota and North Dakota;

(c) WHEREAS, it is important that the uninfected and uninfested areas be maintained free of these diseases and pests; and

(d) WHEREAS, it is known that certain used potato containers are capable of spreading such diseases and pests; and

(e) WHEREAS, potato growers from all over the United States and the State of Minnesota and other countries are depending upon Minnesota certified potato seed as a source of seed potatoes free from these diseases and pests;

(f) THEREFORE, in order to prevent the introduction of such diseases and pests into areas now not infected or infested, it is now necessary and hereby deemed necessary that:

(1) No bags, boxes or other containers which have been used for potatoes shall be sold, consigned or transported into or within the State of Minnesota or used within the State of Minnesota unless such containers have been cleaned and disinfected in an authorized and approved manner so as to kill all bacteria, insects and nematodes.

(2) All such containers or bundles of such containers as have been cleaned and disinfected shall be marked with a yellow dye and labeled to show the following:

(aa) Method and material used in disinfection,

(bb) Date of treatment, and

(cc) By whom treated.

(3) Containers used for potatoes produced in Minnesota or North Dakota which have never been outside the boundaries of these two states are not affected by this order.

Agr 137 Quarantine No. 10. Quarantine No. 10 provides for the prohibition of the importation of Irish (Common) Potatoes (Solanum Tuberosum) into Lake of the Woods County and Townships of Laona and Oaks in Roseau County and the Township of Williams in Koochiching County, Minnesota, by adding provisions restricting or prohibiting the importation of such potatoes or of other materials capable of carrying plant pests into or through this area.

(a) WHEREAS, the area comprised of Lake of the Woods County and Townships of Laona and Oaks in Roseau County and the Township of Williams in Koochiching County is one of only several small areas left in the potato growing regions of the United States now known to be free of Bacterial Ring Rot (Corynebacterium sepedonicum), a certain infectious disease of potatoes, and

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(b) WHEREAS, this area has been protected by quarantine, pursuant to Minnesota Statutes, Section 18.48,

(c) WHEREAS, certain other diseases, Golden Nematode (Heterodera rostochiensis) and Potato Rot Nematode (Ditylenchus destructor), destructive to the potato industry, are now known to exist in other areas of the country, but not in the aforementioned area, and

(d) WHEREAS, the potato growers in the aforementioned area are isolated, providing an ideal condition for growing foundation seed potatoes, and

(e) WHEREAS, potato growers from all over the United States and the State of Minnesota are depending on this area as a source of seed potatoes free from the aforementioned diseases;

(f) THEREFORE, in order to prevent the introduction of the above mentioned pests into the area composed of Lake of the Woods County and the Townships of Laona and Oaks, in Roseau County, and the Township of Williams, in Koochiching County, it is necessary and hereby deemed expedient that a quarantine prohibiting the importation or transportation of Irish or Common potatoes into this area be continued.

(g) THEREFORE, under and pursuant to the authority conferred by Minnesota Statutes, Section 18.48.

(1) The area referred to herein is comprised of Lake of the Woods County and the Townships of Laona and Oaks in Roseau County and the Township of Williams in Koochiching County.

(2) The following provisions regarding potatoes, potato farming machinery and containers are hereby established as a protection to the above mentioned areas:

(aa) Table or Consumer Stocks: Potatoes may enter the area for sale, offering for sale, trade or barter only in disposable paper or plastic bags, boxes; each container must show name and address of grower and/or packer and origin (state in which grown).

(bb) Planting Stocks: No potatoes used for seed or reproduction may be brought into the area without written approval of properly authorized personnel of the Seed Potato Certification Section of the Division of Plant Industry, Minnesota Department of Agriculture.

(cc) Conveyances and machinery: All trucks, tractors, trailers, harvesters, elevators or other machinery for the growing or handling of the potato crop may be inspected and ordered to be cleaned to the satisfaction of approved personnel of the Seed Potato Certification Section of the Division of Plant Industry, Minnesota Department of Agriculture, before entering the fields, warehouses or premises of any potato grower in the area.

(dd) Bags and other containers entering the area for any use or purpose in the potato industry must be new; i.e., made, constructed or fabricated from materials that have not previously been used. Burlap bags or containers of jute or similar construction entering the area must be in bundles wrapped in kraft paper at the factory.

(ee) All plantings of potatoes in the area not entered for certification shall be from seed grown in the Lake of the Woods Quarantine area during the previous year and of foundation or approved grade. The seed planted shall be subject to approval before planting by the Seed Certification Sections of the Division of Plant Industry, Minnesota Department of Agriculture, and shall be subject to inspection during the growing season by seed certification inspectors.

(ff) The entry of waste or refuse from potato fields, potato processing or storage plants from outside the area, and the dumping thereof into the aforementioned area is prohibited.

Agr 138-140 Reserved for future use.

Filed 6-22-48; 11-29-57; 7-7-60.

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CHAPTER 7: AGR 141-149

WHITE PINE BLISTER RUST CONTROL

Agr 141 Control Areas All of the land area of the counties of Cook, Lake, St. Louis, Itasca, Koochiching, Beltrami, Clearwater, Mahnomen, Becker, Hubbard, Cass, Crow Wing, Aitkin, Kanabec, Carlton, Pine, Chisago and Isanti are hereby established as a white pine blister rust control area.

Agr 142 Planting Restrictions. No currants and gooseberries shall be planted in said counties without the written consent of the commissioner of agriculture.

Agr 143 Shipping Restrictions. No plants, roots, cuttings or scions belonging to the genera **Ribes L.** and **Grossularia,** (Tourn.) Mill., shall be shipped or transported into or moved within the blister rust control area or areas that are hereby established or hereafter shall be established unless there is attached to each package containing such plants, roots, cuttings and/or scions a currant and gooseberry planting permit.

Agr 144 Previous Orders Superseded. This regulation supersedes any and all previous orders concerning the control of white pine blister rust.

Agr 145-149 Reserved for future use

Filed 7-28-49; 4-3-56.

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CHAPTER 8: AGR 150-181

AGRICULTURAL SEEDS

Agr 150 Information Required on Seed Labels of Hybrid Seed Corn for Grain. Information required on seed labels of hybrid seed corn for grain shall include the zone and day classification. Hybrid seed field corn for forage shall carry the approximate zone classification.

Agr 151 Disclaimer Clause Prohibited. It shall be unlawful for vendors or sellers of agricultural seed to print upon the seed labels or tags, or to use, attach or print upon literature, or state in any manner, any form of wording designed as a "disclaimer" or statement that purposes to disclaim responsibility of the vendor or seller for the data on the label required by Law.

Agr 152 Hard Seed, How Stated on Seed Label. The label required on all agricultural seed containers shall show the per cent of hard seed, when present, separately from the germination per cent. It is permissible to combine these percentages and list them on the label as "total per cent germination and hard seed". They shall not be stated as total live seed, total germination, or in any other unauthorized manner.

Agr 153 Labeling of Seed Bins and Other Bulk Containers. When agricultural seeds are sold out of the farmers' or seed vendors' bins or other bulk containers which are in retail sales rooms or to which the consumer buyers have access before buying for the purpose of examining the seed and the label thereof, a complete label shall be attached to such bin or other bulk container in a conspicuous place on the exterior of the container, where the buyer may read it conveniently before making a purchase of the seed. Seed labels and label data in the records or files of the seed seller do not meet the requirements of this regulation.

Agr 154 Tolerances. The following tolerances shall be recognized between the percentages or rates of occurrence found by analysis, test or examination in the administration of the law and percentages or rates of occurrence required or stated as required by the law. Unless otherwise provided, tolerances shall be determined by applying the following formulae to the percentages or rates of occurrence found in the administration of the law:

(a) Purity tolerances. In determination of the tolerance for the percentage of the distinguishable kind, type or variety (pure seed), weed seeds, other crop seeds and inert matter, the sample shall be first considered as made up of two parts:

(1) The percentage of the component (pure seed, weed seed, crop seed or inert matter as the case may be) being considerd, and

(2) Th difference between that percentage and 100.

(3) The number represented by (1) is then multiplied by the number represented by (2) and the product is divided by 100. The resulting number is then multiplied by 0.2 (2/10) and the resulting product added to 0.2 or 0.6 as indicated in the following formulae:

(aa) Pure seed tolerance $= 0.6 + (0.2 \times \frac{a \times b}{100})$

(bb) Weed seeds, other crop seeds and inert matter tolerance $= 0.2 + (0.2 \times \frac{a \times b}{100})$

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(b) An additional tolerance shall be allowed for the following kinds of seeds and mixtures containing any of these kinds of seeds singly or combined in excess of 50 per cent. The tolerance is to be obtained by adding to the regular tolerance mentioned above the product obtained by multiplying the regular tolerance by the lesser of (1) and (2) divided by 100.

Agrostis spp.	Oatgrass, tall
Andropogon spp.	Orchard grass
Bermuda grass	Panic grass, blue
Bouteloua spp.	Poa spp.
Brome grass	Rhodes grass
Buffalo grass	Ricegrass, Indian
Carpet grass	Sweet vernal grass
Dallis grass	Switch grass
Festuca spp.	Vasey grass
Guinea grass	Velvet grass
Indian grass, yellow	Wheatgrass, crested
Meadow foxtail	Wheatgrass, western
Molasses grass	Wild-rye, Canada

(c) Noxious weed seed tolerances. The following tolerances for rates of occurrence of noxious weed seeds (prohibited and restricted) shall be recognized and shall be applied to the number of noxious weed seeds found by analysis in the quantity of seed specified by the State Seed Laboratory:

(1) Representations showing the rate of occurrence indicated in columns 2 and 4 shall be considered within the tolerance if no more than the accompanying number in columns 1 and 3 are found by analysis in the administration of the law.

(2) For rates of occurrence higher than those shown in the table and in case of additional or more extensive analysis, a tolerance based on a degree of certainty of five (5) per cent (P=0.05) will be recognized.

Number Found By Analysis	The Following Are Within The Tolerance	Number Found By Analysis	The Following Are Within The Tolerance
2	0	18	11
4	1	20	12
6	2	21	13
8	3	22	14
9	4	23	15
11	5	24	16
12	6	25	17
13	7	27	18
14	8	28	19
16	9	29	20
17	10	30	21

(d) Germination. The following tolerances are applicable to the percentage of germination and also to the sum of the germination plus the hard seed when 400 or more seeds are tested.

Found by test:	Tolerance
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
60 or over but less than 70	9
Less than 60	10

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1. When only 200 seeds of a component in a mixture are tested two (2) per cent shall be added to the above germination tolerances.

2. Pure live seed. The tolerance for pure live seed shall be determined by applying the respective tolerances to the germination plus the hard seed and the pure seed.

§ 1.0155 Conspicuous place of seed container defined.

A. A conspicuous place of a container of agricultural seed for attaching the seed label includes any place on the exterior of the container except the bottom, where the prospective retail or consumer purchaser will have reasonable access to the label for reading it before making a purchase of the seed.

1. On bins and other bulk containers of agricultural seeds to which retail or consumer buyers have access in examining and buying seed, the label shall be attached in plain sight in such places and manner that they may be readily seen and read by the prospective buyer.

2. Open sacks of seed for retail sale with the tops rolled down to expose the seed shall have the labels attached at or near the open mouths of the sacks where they may be read readily.

3. Labels, label data and analyses reports in the records and files of the see seller do not satisfy the meaning "conspicuous place" as to location of seed labels.

B. The light in retail seed sales rooms must be sufficient to enable the seed labels to be read.

§ 1.0156 Purchase and use of seed sale tags and stamps.

A. Seed sale tags and stamps should be purchased from the Commissioner of Agriculture, State Office Building, St. Paul, Minnesota 55155.

B. Remittances should include costs of the tags or stamps plus transportation and insurance charges.

C. If the remittance does not include enough for the shipping charges, the proper amount will be deducted from the original remittance.

D. Dealers who do not wish to use the sales tags or stamps may secure a permit to sell seed without tags or stamps from the commissioner of agriculture.

§ 1.0157 Words "state tested" prohibited on seed label.

A. The report of any examination, test or determination of the state seed laboratory as provided in Minn. Stat., § 21.51, subds. 6 and 7, applies direct-

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ly to the sample of seed received and examined by the seed analyst and does not apply directly to any other sample or to the bulk of seed from which this sample was drawn, or to any other lot of seed. Any discrepancy between the analysis and the nature of the lot of seed from which the sample was drawn indicates inadequate sampling, and is the responsibility of the dealer or seller of the seed.

B. The words "state tested" or "state" or the name of the state, the state department of agriculture, state seed laboratory, shall not be used for advertising or sales purpose or any other purpose in connection with any analysis test, identification or examination of any seed or other material or any seed label price list, literature or advertisement or in any other way to give the impression that the state or any of its subdivisions guarantees the data on any seed label or elsewhere or in any way assumes responsibility for the quality or nature of any seed or other material covered by any seed label, price list, advertisement or literature.

§ 1.0158 Grain sold under variety names. Flax, oats and other grains sold to farmers in seed quantities in the spring or at seeding time under variety names or where variety names are mentioned in the transaction are subject to all agricultural seed requirements as to cleaning, testing and labeling unless such seed sales are definitely known to be for nonseed purposes.

§ 1.0159 Samples of seed to be labeled. Samples of all sizes of agricultural seed which are sent to or given to persons or are exposed or displayed for sale as an inducement to prospective retail or consumer purchases shall be labeled fully. The responsibility for such labeling shall rest on the person who owns the seed or in whose possession or place of business such samples are placed on display. No person shall permit any agricultural seed for sale or samples thereof to be on display in or on his premises which are not fully labeled.

§ 1.0160 Seed labels to be corrected when found in error. Whenever, by examination of the label or by resampling and retesting of the seed or by other dependable information, the label on any seed container of agricultural seed is found to be unlawful or to be in error beyond the limits of tolerance allowed by law, the label shall be corrected at once if the seed is of legal quality, otherwise the seed shall be removed from sale at once.

§ 1.0161 Stating the germination per cent of hybrid seed corn blends. The germination percentage of blends of hybrid seed corn which have been tested separately shall be combined and stated as an average germination according to the proportion and the germination of each variety included in the blend. (See rule for determining germination of blends.)

§ 1.0162 Only one system (Seed sales tag or permits to sell). Permitted; Exception. The same person will not be permitted to operate under both the sales tag or stamp system and the permit-to-sell system on the same kinds of seeds. The commissioner may, at his discretion, grant persons using the permit system permission to use the tag or stamp system on small package lawn seeds ½ lb. to 14 lb. containers).

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§ 1.0163 Application for permit. Application for a permit to sell shall be made to the Commissioner of Agriculture, State Office Building, St. Paul, Minnesota 55155, on the official application form.

§ 1.0164 Effective date. In applying for a permit to use to the reporting system, the application should indicate the date (which must be at least thirty days after the date of the filing of the application) when the use of the reporting system is to begin. This date should correspond with the time when the applicant will have approximately used up his stock of state tax tags. After the date on which the permit becomes effective the permittee may be permitted to use up the balance of his tax tags then in his possession.

§ 1.0166 Revocation of permit. The permit may be cancelled by the Commissioner at the request of the permittee, in which event the permittee will notify the commissioner of his intention to use official tags or stamps on his products under the provisions of Minn. Stat. § 21.53, subd. 4. The commissioner may revoke any permit issued by him in the event of failure to comply with any of the provisions of the law or regulations issued thereunder.

§ 1.0167 Remittance under permit system. Remittances by check, draft or money order in the payment of fees due under a permit to sell shall be made payable to the state treasurer and be attached to the quarterly reports submitted to the commissioner.

§ 1.0168 Definition of a test; free tests.

A. A test is one complete operation in the Seed Laboratory, i.e., a purity test, a germination test or an identification of weed seeds in a sample of seed.

B. Minn. Stat., § 21.51, subd. 7, allows five free tests and identification of weed seeds each year for every resident of the state.

1. Members or employees of a family or company or person are not entitled to free tests of seed belonging in any way to the family or company or person for which the employee is working, and which is not owned personally and separately, and solely by the member or employee.

2. A resident of the state, in order to be entitled to free tests of seed, must be the owner of the seed which he has raised himself or acquired by purchase, or other legitimate means.

§ 1.0169 Charges for excess testing and identification of seed.

A. The charges (fees) for testing and identification of seed in excess of the number of free tests allowed by law shall be:

1. For germination test of single seed samples. $1.50 each;

2. For germination test of seed mixtures, $1.50 plus an additional 75 cents for each component seed present at a rate of 5 percent or more of the mixture;

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3. For purity test and identification of weed seeds:

a. $2.00 each for wheat, oats, barley, rye, emmer, vetch, beans, cane, corn, flax, peas, sudan grass, buckwheat, cereal mixtures and noxious weed seed examinations;

b. $2.00 each for millet, alfalfa, red clover, sweet clover, rape, sweet sudan grass, timothy, rye grass, alsike clover and reed canary grass;

c. $3.00 each for white clover, all mixtures of clovers, orchard grass, brome grass, fescues, wheat grasses and timothy and clover mixtures;

d. $4.00 each for blue grasses, redtop and bent grasses; and,

e. $6.00 each for lawn mixtures.

B. The commissioner shall make a suitable charge for testing and identification of any other seeds.

Effective: 5-1-77:

§ 1.0170 Retesting and relabeling seeds.

A. No seed label shall contain any purity, germination or identification data which is not obtained by testing a sample of seed drawn from the specific containers, sacks or bins of seed which are to be relabeled.

B. Containers of seed which have been stored under different conditions which might affect the germination or purity of the seed differently, should be sampled and tested separately.

§ 1.0171 Restricted weed seeds. "Restricted weed seeds" are those weed seeds which, if present in agricultural seed, shall be named on the label together with the number per ounce or pound of seed specified and which shall not exceed the legal limit. They are seeds of such weeds as are objectionable in fields, lawns and gardens of this state, and can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckhorn plantain (Plantago lanceolata L.), dodder (Cuscuta spp.), Frenchweed (Thlaspi arvense L.), hoary mustard (Brassica arvensis L.), quack grass (Apropyron repens L.), wild radish (Raphanus rephanistrum) and giant foxtail (Seteria faberii).

Filed 1-30-46; 11-29-49; 11-15-51; 12-26-52; 9-6-61; 4-10-67.

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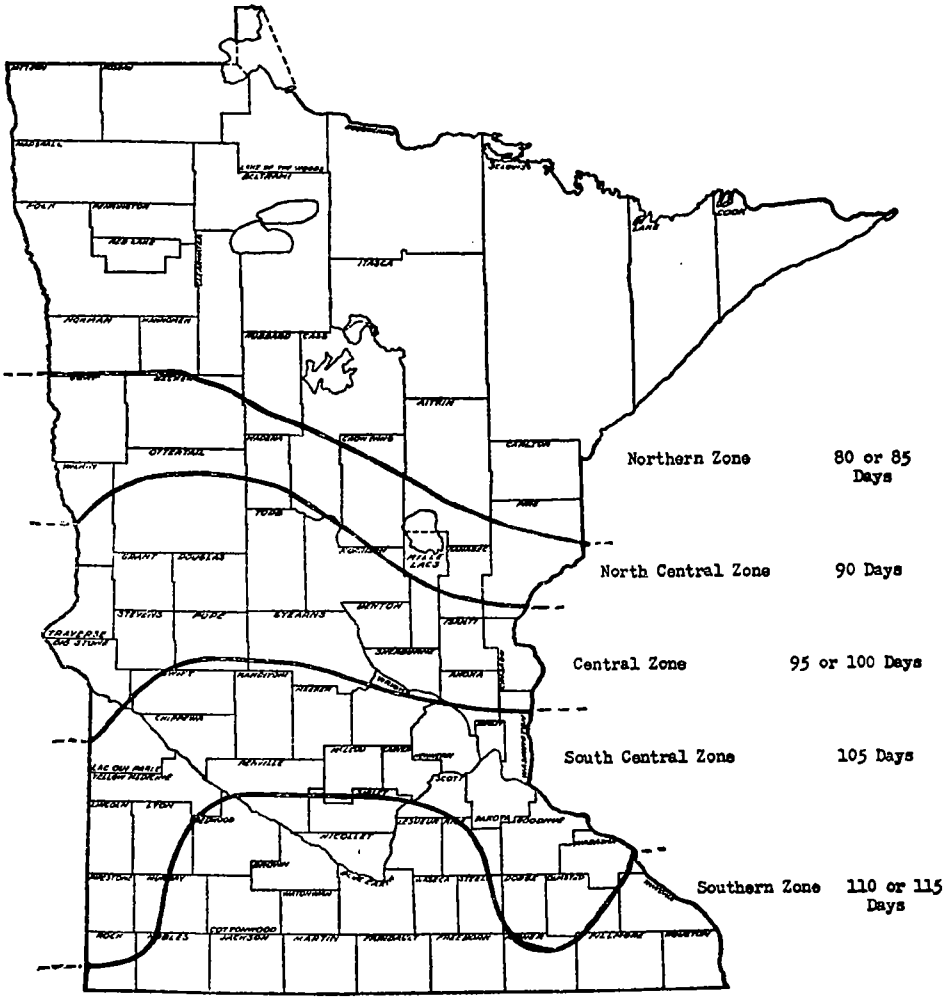

Figure 1. Corn zones indicate the approximate number of days growing season that may be expected from emergence of corn plants after planting to maturity, the stage of being well dented before a killing frost.

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SAMPLE LABELS FOR AGRICULTURAL SEED

(42) The labels shown are suggestive of suitable arrangement of required labeling data. Any arrangement is legal as long as data is complete and may be read and understood readily by the buyer of the seed. Misleading and confusing statements and data must be avoided. No disclaimer clause may be used on any seed label, or in connection with any seed sale.

(43)

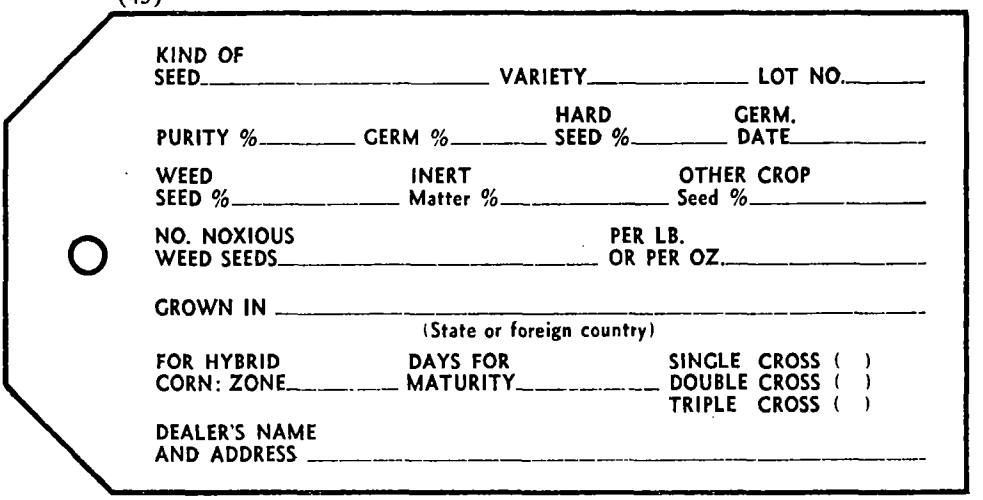

Figure 2. Suggested label for single agricultural seed. This label may be used for hybrid corn or a special label may be used. The hybrid corn part may be omitted of not wanted. County where grown is required only for open pollinated corn. Where grown required for alfalfa, red clover, field corn (county) and hybrid corn (state).

(44)

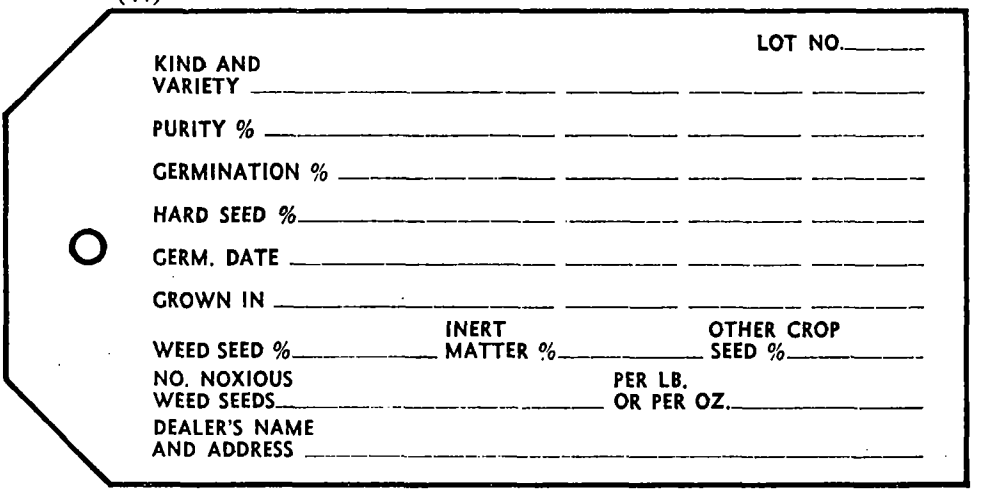

Figure 3. Suggested label for mixtures of agricultural seed. Where grown required for alfalfa, red clover, field corn, and hybrid corn.

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CHAPTER 9: AGR 182-189
NOXIOUS WEEDS

Agr 182

(a) Noxious Weeds. The following plants are deemed by the Commissioner of Agriculture to be injurious to public health, public roads, crops, livestock, and other property as noxious weeds:

Common Name	Botannical Name
Field Bindweed	Convolvulus arvensis
Hemp	Cannabis sativa
Poison Ivy	Rhus radicans
Spurge, leafy	Euphorbia esula
Sowthistle, perennial	Sonchus arvensis
Thistle, bull	Cirsium vulgare
Thistle, Canada	Cirsium arvense
Thistle, musk	Carduus nutans
Thistle, plumeless	Carduus acanthoides

(b) Secondary Weeds:

Common Name	Botannical Name
Alyssum, hoary	Berteroa incana
Artichoke, Jerusalem	Helianthus tuberosus
Buckwheat, wild	Polygonum convolvulus
Buffalobur	Solanum rostratum
Burdock	Arctium minus
Buttercup, tall	Ranunculus acris
Bracken	Pteridium aquilinum
Carrot, wild	Daucus carota
Catchfly, nightflowering	Silene noctiflora
Cockle, white	Lychnis alba
Cocklebur, common	Xanthium pensylvanicum
Daisy, oxeye	Chrysanthemum leucanthemum
Dock, curly	Rumex crispus
Flixweed	Descurainia sophia
Foxtail, giant	Setaria faberii
Gumweed	Grindelia squarrosa
Hawksbeard, narrowleaf	Crepis tectorum
Hawksbeard, smooth	Crepis capillaris
Hawkweed, orange	Hieracium aurantiacum
Jimsonweed	Datura Stramonium
Kochia	Kochia scoparia
Lambsquarters, common	Chenopodium album
Mallow, Venice	Hibiscus trionum
Marshelder	Iva xanthifolia
Milkweed, common	Asclepias syriaca
Muhly, wirestem	Muhlenbergia frondosa
Mustard, wild	Brassica kaber

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Common Name	Botannical Name
Nightshade, black	Solanum nigrum
Nutsedge, yellow (nutgrass)	Cyperus esculentus
Oat, wild	Avena fatua
Panicum, fall	Panicum dichotomiflorum
Panicum, wild proso millet	Panicum miliaceum
Pigweed, redroot	Amaranthus retroflexus
Pigweed, prostrate	Amaranthus blitoides
Quackgrass	Agropyron repens
Radish, wild	Raphanus raphanistrum
Ragweed, common	Ambrosia artemisiifolia
Ragweed, giant	Ambrosia trifida
Sanbur, field	Cenchrus pauciflorus
Smartweed, Pennsylvania	Polygonum pensylvanicum
Smartweed (ladysthumb)	Polygonum persicaria
Sunflower, common (except cultivars)	Helianthus annuus
Tansy	Tanacetum vulgare
Velvetleaf	Abutilon theophrasti
Yellow rocket	Barbarea vulgaris
Woolly cupgrass	Eriochloa villosa
Wormwood, absinth	Artemisia absinthium

(c) The Minnesota Commissioner of Agriculture may without further hearing, take a weed or weeds from the secondary list (b) above and add it to the noxious weed list (a) on a county basis if:

(1) A majority of the Township Boards and City Mayors in a county petition the Commissioner of Agriculture, on forms provided by the Department, to add a weed or weeds to the primary noxious list on the grounds that the weed or weeds is injurious to public health, public roads, crops, livestock or other property; and,

(2) The petition is approved by that county's Board of County Commissioners; and,

(3) The Commissioner of Agriculture deems the weed or weeds to be injurious to public health, public roads, crops, livestock, or other property.

Agr 183 Qualification Guidelines. As of March 26, 1971, the following qualifications have been established to serve as guidelines for county commissioners to consider for applicants for the position of county agricultural inspectors:

(a) Must be physically able to perform the duties connected with the position. May be asked to have a physical examination at county expense.

(b) Must submit legible required reports pertaining to the position.

(c) Must have a valid driver's license and have a car at his disposal or be able to obtain one.

(d) Must devote necessary time to the position as determined by the Minnesota Department of Agriculture.

(e) Must not engage in activities which may be construed by the Minnesota Department of Agriculture as being a conflict of interest with the duties of the position.

Agr 184-189 Reserved for future use

Filed 8-18-58; 8-20-59; 4-10-67; 5-21-71; 2-24-75.

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Department of Agriculture

Rules Governing Disposal of Refuse From Transport Involved in Foreign Commerce (3 MCAR § § 1.0190-1.0192)

3 MCAR § 1.0190 General.

A. Purpose and authority. It is the purpose of these rules contained herein to carry out and enforce the provisions of the Plant Pest Act, Minn. Stat. § § 18.44 to 18.61. These rules relate to the disposal and handling of refuse and dunnage of foreign origin at Minnesota ports of entry in a prescribed manner to prevent the entry and dissemination of plant pests.

B. Definitions. For purposes of these rules, the following definitions and those in Minn. Stat. § 18.46 shall apply:

1. "Approved sewage system" means any sewage system approved by the commissioner upon his determination that the system is designed and operated in such a manner as to prevent the dissemination of plant pests.

2. "Dunnage" means structural wood products in any form used to secure cargo in any manner. Standards and criteria for handling and disposing of dunnage are contained in 3 MCAR § 1.0192.

3. "Refuse" means all material derived in whole or in part from the fruits, vegetables, meats, or other plant or animal (including poultry) material which is carried aboard any vehicle involved in foreign commerce. Standards and criteria for handling and disposing of refuse are contained in 3 MCAR § 1.0192.

4. "Transport involved in foreign commerce" means any ship or aircraft arriving in Minnesota from any point outside the borders of the United States and Canada.

5. "Vehicle" means any conveyance used to transport refuse and/or dunnage from any transport involved in foreign commerce in Minnesota.

6. "Vermin" means any animal life, except plant pests as defined in Minn. Stat. § 18.46, subd. 13.

3 MCAR § 1.0191 Registration.

A. Every person who engages in the business of removing or disposing of refuse and/or dunnage from transport involved in foreign commerce shall register annually with the commissioner, and shall furnish such information as may be required to demonstrate compliance with the certification requirements and operating standards set forth in these rules.

B. An annual inspection shall be made of equipment utilized in the re-

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moval, transportation and disposal of refuse and/or dunnage by the commissioner before a certificate is granted. If all the requirements are satisfied, a certificate of approval shall be issued by the commissioner. This certificate must be retained by the certificate holder.

C. If at any time the requirements of these rules are not met, after notice and hearing pursuant to Minn. Stat. ch. 15, the certificate shall be revoked. The commissioner may, when it is deemed upon proper investigation and consultation that the continued operation of the certificate holder poses an imminent threat of plant pest dissemination, suspend the certificate until the commissioner has issued an order on the certificate revocation.

3 MCAR § 1.0192 Operating standards.

A. Refuse handling:

1. All transports involved in foreign commerce shall immediately upon arrival have all refuse removed and disposed of in a manner pursuant to these rules. No refuse shall accumulate for more than three (3) days on board such transports involved in foreign commerce unless authorized in writing to do so by the commissioner because the commissioner determines that no method for proper disposal is available pursuant to 3 MCAR § 1.0192 D. All refuse shall be removed from transports involved in foreign commerce in a manner pursuant to these rules immediately before departure from the state.

2. Until removed, refuse shall be retained in tight containers with vermin proof covers.

3. Refuse shall be delivered at least daily to the disposal facility. In no case shall refuse be held in a vehicle for longer than 12 hours or overnight.

4. Refuse removed from transports involved in foreign commerce shall not be removed from the confines of the state's borders until the refuse has been reduced to ash or sterilized in accordance with these rules.

5. Refuse shall be handled at all times in a manner which will prevent spillage. Any refuse spilled shall be picked up and placed within the vehicle and/or disposal facility immediately. The site of the spillage shall be cleaned so as to assure that the site is pest free.

6. Containers used for unloading and transporting refuse from transport involved in foreign commerce shall be leakproof and shall have adequate vermin proof covers.

7. Vehicles used for transporting refuse shall be leakproof and the refuse shall be completely covered with a tarpaulin or other covering tightly secured when it is used to prevent spillage and prevent vermin entry. Covering is not required when the refuse is contained in tight containers with vermin proof covers or in closed plastic bags so as to contain the materials in the vehicle until ultimate disposal.

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B. Approved refuse disposal. The following methods shall be used for refuse disposal:

1. Incineration, providing the incinerator is capable of reducing its contents completely to ash in a 24 hour period. No refuse residue shall be removed from an incinerator for disposal unless it has been reduced to ash or slag.

2. Sterilization by live steam, cooking, or boiling at a temperature of no less than 212 degrees F (100 degrees C) for 30 minutes.

3. Grinding into an approved sewage system.

4. If the above methods are not available or practical, any other manner sufficient to eliminate all pest risks.

C. Dunnage disposal:

1. No pest risk. If dunnage involved in foreign commerce arriving within the borders of Minnesota is inspected and found apparently free from plant pests, it shall be released by the commissioner and need not be disposed of pursuant to these rules.

2. Pest risk. If evidence of plant pests is found, all of the dunnage material involved shall be treated in a manner prescribed.

a. Complete incineration or open burning in compliance with Minnesota Air Pollution Control rules.

b. Fumigation by chemicals and treatment schedules sufficient to eliminate the pest risk.

c. Spraying or dusting with proper chemical concentrations sufficient to eliminate the pest risk and in conformance with 3 MCAR § 1.0338.

d. Steam sterilization in a manner sufficient to eliminate the pest risk.

D. If the preceding methods of disposal are not available, the refuse and/or dunnage shall be required to remain on the transport involved in foreign commerce until an alternative means of disposal has been approved by the commissioner as complying with the purpose of these rules.

E. Any financial responsibility to accomplish any treatment of dunnage and/or refuse shall belong to those responsible for delivering the dunnage and/or refuse to Minnesota.

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CHAPTER 11: AGR 213-232

PLANT PEST ACT
SALE OF CERTAIN NURSERY STOCK

Agr 213 Rose Bushes; Distribution; Sale, Acceptability

(a) It shall be a violation of the Plant Pest Act to sell, offer for sale or distribute rose bushes on which there is any significant amount of die-back.

(1) Canewood shall be alive and with undamaged cambium tissue to a point eight (8) inches from the graft.

(2) Any single stem not meeting this specification disqualifies the entire plant.

(b) A bush may be pruned to meet these requirements provided that at least one cane remains to qualify.

Agr 214 Wild Nursery Stock; Sales; Labeling; Exception

(a) It shall be a violation of the Plant Pest Act to sell, offer for sale or distribute nursery stock collected from the wild state unless it is so labeled. These labels must state "Collected from the wild" and must remain on each plant or clump of plants while it is offered for sale and during the process of distribution.

(b) Such collected stock may be grown in nursery rows at least two years and then offered for sale without such labeling.

Agr 215 Bench Roses; Other Greenhouse Stock; Sale; Labeling. It shall be a violation of the Plant Pest Act to sell, offer for sale or distribute greenhouse rose bushes, commonly known as bench roses, unless they are so labeled as bench roses; and also to sell, offer for sale or distribute any other industry products which have been used in the commercial greenhouse production of cut flowers without adequately and nondeceptively disclosing that such products were used in the commercial greenhouse production of cut flowers and discarded after having served their usefulness in such production.

Agr 216 Care of Nursery Stock Held for Sale. It shall be required that nursery stock being held for sale to the public be sufficiently watered so that the roots are moist at all times.

Agr 217 Care of Balled and Burlapped Nursery Stock Held for Sale

(a) It shall be required that balled and burlapped nursery stock being held for sale to the public be kept in sawdust, shingletow, peat or some other moisture-holding material, not toxic to plants.

(b) This moisture-holding material must adequately cover and protect the ball of earth which must be kept moist at all times.

Agr 218 Dormant Nursery Stock Held for Sale; Stored to Retard Growth. It shall be required that dormant nursery stock being held for sale to the public be stored under conditions which will retard growth and protect its viability.

Agr 219-232 Reserved for future use

Filed 3-16-62.

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Repealed 8SR 30 7-4-83

CHAPTER 14: AGR 319-328

FERTILIZERS

Agr 319 Definitions

(a) Soil conditioners, aggregants or additives are any synthetic organic chemical substances, or chemically or physically modified natural substances, or naturally-occurring substances, or manufacturing by-products, mixed or unmixed, which are represented as having primary function of forming or stabilizing soil aggregants in soil to which it is to be applied and thereby improving the resistance of such soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, or otherwise favorably modifying its structural or physical properties.

(b) The term "soil conditioners, aggregants or additives" excludes such products having recognized guaranteed plant nutrient elements or compounds; auxiliary plant chemicals such as hormones, bacterial inoculents, etc., and similar products intended to be used for influencing plants, liming materials sold for agricultural purposes.

(c) The term "soil conditioners, aggregants or additives" shall include hays, straw, peat, leaf mold, sand, charcoal, pumice, perlite, expanded vermiculite, sintered shale, diatomite, clay and products of similar nature, potting media if sold with no claim for chemical constituents and intended for use solely because of their physical nature.

Agr 320 Labeling

(a) Any soil conditioner offered for sale or sold or distributed in this state, in bags, barrels or other containers shall have placed on, or affixed to the container, the following data:

(1) The net weight or volume.

(2) The words "A Soil Conditioner", except for products which are sold with no claim or recommendation for commercial agricultural use.

(3) Brand name, which shall not be misleading.

(4) Ingredient list using the common or usual English name of each component in the soil conditioner product at the time of blending or mixing, the type size of which shall be no smaller than 8 point bold face capital letters.

(5) Name and address of manufacturer.

All such data shall be printed in type that is plainly legible either directly on the package or on tags affixed to the end of the package. When a tag is used all information required by this section shall appear on the tag.

(b) The words "A Soil Conditioner" shall appear in a conspicuous position on the label and shall be printed in easily legible type which is in contrast by typography, layout, or color with other printed matter on the label and which is of a size equal to or larger than the largest printed matter on the label and which is of size equal to or larger than the largest printing on the container, or tag, as the case may be except that such type size need not exceed one inch in height.

(c) All labels shall be submitted to the Department of Agriculture, Division of Agronomy Services, for approval. Approval or disapproval shall be made in writing to the manufacturer or distributor submitting the label. In the case of disapproval, the reasons therefore shall be clearly stated. The Department shall approve all labels which comply with this regulation. It shall be unlawful to

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Repealed 8 SR 30 / 7-4-83

distribute, sell or offer for sale in this state a soil conditioner which is unlabeled, or which bears a label which has not been approved.

(d) If transported in bulk, the data in written or printed form, as required by paragraph (1) above shall accompany delivery and be supplied to each and every purchaser.

(e) A soil conditioner is mislabeled if it carries any false or misleading statement concerning its agricultural value on the container, or on the label attached to the container, or if such container or label bears any mark or indicia which would tend to mislead the consumer as to its true nature or agricultural value. It shall be unlawful to offer for sale or distribute a mislabeled soil conditioner in this state.

(f) It shall be unlawful to disseminate in any manner false or misleading statements concerning the agricultural value of any soil conditioner; provided that the provisions of Agr 319 (c) (1) shall not be invoked for violation of this section.

Agr 321 Distribution

(a) It shall be the duty of the commissioner to order any manufacturer or distributor distributing, selling, or offering for sale any soil conditioner in violation of this regulation to stop sale or distribution of such material. If such manufacturer or distributor fails or refuses forthwith to obey such order and to comply with this regulation, the commissioner shall, insofar as possible, identify all lots of such material found in this state by posting a copy of the order on the premises where such material is found and, where practical, by applying a red tag bearing the words "Stop Sale, by order of the Minnesota Commissioner of Agriculture" to some or all of the containers bearing such material so as to appropriately identify the lot. Such identification shall be carried out only to the extent necessary to warn sub-distributors and the consumer that the material is sold in violation of this regulation.

~~Agr 322 Trace Minerals in Commercial and Specialty Fertilizers~~

see ARQ 25/35 (3 MCAR 5 1.0327)

(a) Additional Minerals Permitted

(1) The commissioner will grant permission to guarantee additional plant nutrients beside nitrogen, phosphorus and potassium only when the additional plant nutrients are not less than the minimum amounts hereinafter stated.

(2) Only those elements listed will be approved by the commissioner and when added in these amounts may be incorporated into the label or shown on the container.

Element	Per Cent
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulfur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

(3) Guarantees or claims for the above listed additional plant nutrients are the only ones which will be approved.

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(b) Labeling, Warning Statements

(1) Proposed labels and directions for use of the fertilizer shall be furnished with the application for registration upon request.

(2) Warning or caution statements are required on the label for any product which contains 0.03% or more of boron in a water-soluble form or 0.001% or more of molybdenum.

(3) Any of the above listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, phosphorus and potassium.

Repealed 8 SR 30 7-4-83

Agr 323 Appeals. Any person aggrieved by a decision of the Commissioner of Agriculture made pursuant to Agr 319 to 322 may upon written demand have a formal hearing before the commissioner or his delegate. Such a hearing shall be treated as a contested case according to the provisions of Minnesota Statutes, Chapter 15.

Agr 324 Anhydrous ammonia; rules and regulations for storage and handling.

(a) Introduction

(1) General

(aa) The term "Anhydrous Ammonia" as used in these Regulations refers to the compound formed by the combination of the two gaseous elements, nitrogen and hydrogen, in the proportion of one part of nitrogen to three parts of hydrogen by volume. Anhydrous Ammonia is ammonia gas in compressed and liquefied form. It is not to be confused with aqueous ammonia which is a solution of ammonia gas in water.

(bb) In the interest of safety, it is important that personnel understand the properties of this gas and that they be thoroughly trained in safe practices for its storage and handling.

(cc) Under moderate pressure the gas liquefies, but upon release of the pressure, the liquid is readily converted into the gaseous phase. Advantage of this characteristic is taken by the industry, and for convenience the gas is shipped and stored under pressure as a liquid.

(dd) Anhydrous Ammonia may cause varying degrees of irritation of the skin or mucous membrane, and may injure severely the respiratory mucosa.

(ee) At atmospheric temperatures and pressures, ammonia is a pungent and colorless gas and serves as its own warning agent. Since ammonia gas is lighter than air, adequate ventilation is the best means of preventing any accumulation.

(ff) In the case of the pure product at atmospheric pressure and below –28°F, Anhydrous Ammonia is a liquid. Anyhdrous Ammonia freezes to a white crystalline mass at –107.9°F.

(gg) The common metals are not affected by dry ammonia. Ammonia containing water will not corrode iron or steel, but even if minute quantities of water are present, it will rapidly react with copper, brass, zinc, and many alloys, especially those of copper base. It is required that only iron, steel, and certain non-ferrous alloys, proved to be satisfactory for ammonia service, be used for ammonia containers, fittings, and other equipment.

(hh) The flammable limits of ammonia are from 16 to 25 per cent by volume in air. Experience has shown that ammonia is extremely hard to ignite in spite of these theoretical limits, and is generally considered to be non-flammable gas.

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(2) Definitions

(aa) For the purposes of these Regulations the terms listed below shall be construed to have the following meanings:

(i) "Tank" refers to vessels designed and constructed for the storage and handling of Anhydrous Ammonia.

(ii) "Gas" refers to Anhydrous Ammonia in either the gaseous or liquefield state.

(iii) The "Code" refers to the Unified Pressure Vessel Code of the American Society of Mechanical Engineers (Section VIII of the ASME Boiler Construction Code), 1952, 1956, 1959, 1962 and 1965 editions, the joint code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) 1951 edition, and subsequent amendments to or later editions of the same, as adopted.

(iv) "Design Pressure" is identical in meaning to the term "Maximum Allowable Working Pressure" used in the codes.

(v) "Appurtenance" refers to all devices such as safety devices, liquid level gaging devices, valves, pressure gages, fittings, metering or dispensing devices.

(vi) "Container" includes all vessels such as tanks or cylinders used for the storage and handling of Anhydrous Ammonia.

(vii) "Systems" as used in these Regulations refers to an assembly of equipment consisting essentially of the container or containers, appurtenances, pumps, compressors, and interconnecting piping.

(viii) "Approved" as used in these Regulations means:

(aaa) Listed by a recognized testing laboratory, or

(bbb) Recommended by manufacturer as suitable for use with Anhydrous Ammonia and so marked, or

(ccc) Inspected and approved by the Minnesota Department of Agriculture.

(ix) "Capacity" as used in these Regulations refers to the total volume of the container measured in U. S. Gallons, unless otherwise specified.

(x) "Filling Density" is defined as the per cent ratio of the weight of the gas in a container to the weight of water the container will hold at 60° F.

(xi) "Implement of Husbandry." Farm wagon-type tank vehicles of not over 3000 gallons capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or fields or from one farm or field to another, shall be considered "implement of husbandry."

(xii) "ICC" refers to Interstate Commerce Commission.

(xiii) The abbreviation "psig" and "psia" refers to pounds per square inch gage and pounds per square inch absolute, respectively.

(xiv) "Fixed Facility" is a facility to unload tank cars or transport built and installed according to approved practices and in compliance with these regulations.

(2) Application of Rules

(aa) The following Regulations are intended to apply to the design, construction, location, installation, and operation of Anhydrous Ammonia systems. These Regulations do not apply to ammonia manufacturing plants, refrigerating or air conditioning systems.

(bb) Nothing in these Regulations shall prevent the continued operation of anhydrous ammonia systems in existence prior to February 20, 1967 unless it

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shall be determined that such continued operation without modification would result in a distinct hazard to life or adjoining property.

(cc) Section (b), Basic Rules, applies to all sections unless otherwise specified.

(dd) Section (c) applies to installations utilizing containers of 1000 lbs. water capacity of less, constructed in accordance with ICC Specifications.

(ee) Section (d) applies to stationary, non-refrigerated storage installations utilizing containers other than those constructed in accordance with ICC Specifications as covered in Section (c).

(ff) Section (e) applies to systems mounted on trucks, semi-trailers and full trailers (other than farm vehicles) used for the transportation of ammonia.

(gg) Section (f) applies to systems mounted on farm vehicles for the transportation of ammonia.

(hh) Section (g) applies to systems mounted on farm vehicles for the application of ammonia.

(ii) Section (h) applies to systems utilizing containers for the storage of Anhydrous Ammonia under refrigerated conditions.

(4) Modification of Rules

(aa) The Minnesota Department of Agriculture shall have the power to grant exemption from application of these rules upon request in writing, doing so when such request shows that compliance with the rules would cause unnecessary hardship to the petitioner, provided that such request shall not be granted where the requested use would constitute a distinct hazard to life or adjoining property.

(b) Basic Rules

(1) Approval of Equipment

(aa) Each system utilizing ICC cylinders shall have container valves, connectors manifold valve assemblies, and regulators approved as to design, construction and performance.

(bb) In systems utilizing ASME containers, each metering or dispensing device, container valve, excess-flow valve, gaging device, and safety relief valve shall be approved as to design, construction and performance. As an alternate the Minnesota Department of Agriculture may approve complete system.

(2) Requirements for New Construction and Original Test of Containers, Other Than Refrigerated Storage Tanks (See Exception in Paragraph ((h)1(bb)).

(aa) Containers used with systems covered in Section (d), (e) (f) and (g) shall be constructed and tested in accordance with the 1965 edition (and subsequent amendments thereto) of the Unfired Pressure Vessel Code of the ASME except that construction under Table UW 12 at a basic joint efficiency of under 80% is not authorized.

(i) Containers built according to this code do not have to comply with paragraphs UG 125 to UG 128 inclusive, and paragraphs UG 132 and UG 133.

(ii) Containers may be constructed and tested in accordance with the rules of the authority under which the containers are installed, provided such rules are in substantial conformity with the rules of the Unfired Pressure Vessel Code of the ASME.

(bb) Containers exceeding 36 inches in diameter or 250 gallons capacity shall be constructed to comply with one or more of the following additional requirements:

(i) Containers shall be stress relieved after fabrication in accordance with the Code, or

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(ii) Cold formed heads, when used shall be stress relieved, or

(iii) Hot formed heads shall be used.

(cc) Non-code welding where necessary shall be made only on saddles or brackets originally welded to the container by the manufacturer. Non-code welding directly to the container or any part subject to pressure is not authorized.

(dd) All containers, except refrigerated storage tanks with a design pressure of less than 15 psig, constructed as required by these Regulations, shall be inspected at the time of construction by a person having a current certificate of competency from the National Board of Boiler and Pressure Vessel Inspectors and employed by an insurance company or companies, or by a municipality, state, or province having laws specifically providing for that type of inspection service. Said Inspectors shall be paid by the insurance company or companies, municipality, state, or province.

(ee) The provisions of paragraph (b)2(aa) shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959 and 1962 editions of the Unfired Pressure Vessel Code of the ASME and the Standards published by the Agricultural Ammonia Institute for the Storage and Handling of Anhydrous Ammonia in effect at the time of fabrication.

(3) Markings on Containers and Systems

Note: Aboveground installation of Anhydrous Ammonia containers is recommended but regulations for underground container installations are included to provide for those cases where special considerations make underground installation desirable.

(aa) Each container or system covered in Sections (d), (e), (f) and (g) shall be marked as specified in the following:

(i) With a marking identifying compliance with, and other markings required by the rules of the code under which the container is constructed.

Underground: On container and system nameplate.

Aboveground: On container.

(ii) With the name and address of the supplier of the system, or the trade name of the system, together with the date of manufacture.

Underground and Aboveground: On system nameplate.

(iii) With the capacity of the container in pounds or gallons, U. S. Standards.

Underground: On container and system nameplate.

Aboveground: On container.

(iv) With the working pressure in pounds per square inch gage (psig) for which the container is designed.

Underground: On container and system nameplate.

Aboveground: On container.

(v) With the wall thickness of the shell and heads.

Underground: On container and system nameplate.

Aboveground: On container.

(vi) With marking indicating the maximum level to which the container may be filled with liquid at liquid temperatures between 20°F and 100°F, except on containers provided with fixed maximum level indicators, or which are filled by weighing. Markings shall be increments of not more than 20°F.

Underground and Aboveground: On system nameplate, or on liquid level gaging device. Refrigerated storage tanks shall be exempt from these requirements but shall be marked to show the maximum permissible liquid level (see paragraph (b)9(aa)).

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shall be determined that such continued operation without modification would result in a distinct hazard to life or adjoining property.

(cc) Section (b), Basic Rules, applies to all sections unless otherwise specified.

(dd) Section (c) applies to installations utilizing containers of 1000 lbs. water capacity of less, constructed in accordance with ICC Specifications.

(ee) Section (d) applies to stationary, non-refrigerated storage installations utilizing containers other than those constructed in accordance with ICC Specifications as covered in Section (c).

(ff) Section (e) applies to systems mounted on trucks, semi-trailers and full trailers (other than farm vehicles) used for the transportation of ammonia.

(gg) Section (f) applies to systems mounted on farm vehicles for the transportation of ammonia.

(hh) Section (g) applies to systems mounted on farm vehicles for the application of ammonia.

(ii) Section (h) applies to systems utilizing containers for the storage of Anhydrous Ammonia under refrigerated conditions.

(4) Modification of Rules

(aa) The Minnesota Department of Agriculture shall have the power to grant exemption from application of these rules upon request in writing, doing so when such request shows that compliance with the rules would cause unnecessary hardship to the petitioner, provided that such request shall not be granted where the requested use would constitute a distinct hazard to life or adjoining property.

(b) Basic Rules

(1) Approval of Equipment

(aa) Each system utilizing ICC cylinders shall have container valves, connectors manifold valve assemblies, and regulators approved as to design, construction and performance.

(bb) In systems utilizing ASME containers, each metering or dispensing device, container valve, excess-flow valve, gaging device, and safety relief valve shall be approved as to design, construction and performance. As an alternate the Minnesota Department of Agriculture may approve complete system.

(2) Requirements for New Construction and Original Test of Containers, Other Than Refrigerated Storage Tanks (See Exception in Paragraph ((h)1(bb)).

(aa) Containers used with systems covered in Section (d), (e) (f) and (g) shall be constructed and tested in accordance with the 1965 edition (and subsequent amendments thereto) of the Unfired Pressure Vessel Code of the ASME except that construction under Table UW 12 at a basic joint efficiency of under 80% is not authorized.

(i) Containers built according to this code do not have to comply with paragraphs UG 125 to UG 128 inclusive, and paragraphs UG 132 and UG 133.

(ii) Containers may be constructed and tested in accordance with the rules of the authority under which the containers are installed, provided such rules are in substantial conformity with the rules of the Unfired Pressure Vessel Code of the ASME.

(bb) Containers exceeding 36 inches in diameter or 250 gallons capacity shall be constructed to comply with one or more of the following additional requirements:

(i) Containers shall be stress relieved after fabrication in accordance with the Code, or

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(ii) Cold formed heads, when used shall be stress relieved, or

(iii) Hot formed heads shall be used.

(cc) Non-code welding where necessary shall be made only on saddles or brackets originally welded to the container by the manufacturer. Non-code welding directly to the container or any part subject to pressure is not authorized.

(dd) All containers, except refrigerated storage tanks with a design pressure of less than 15 psig, constructed as required by these Regulations, shall be inspected at the time of construction by a person having a current certificate of competency from the National Board of Boiler and Pressure Vessel Inspectors and employed by an insurance company or companies, or by a municipality, state, or province having laws specifically providing for that type of inspection service. Said Inspectors shall be paid by the insurance company or companies, municipality, state, or province.

(ee) The provisions of paragraph (b)2(aa) shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959 and 1962 editions of the Unfired Pressure Vessel Code of the ASME and the Standards published by the Agricultural Ammonia Institute for the Storage and Handling of Anhydrous Ammonia in effect at the time of fabrication.

(3) Markings on Containers and Systems

Note: Aboveground installation of Anhydrous Ammonia containers is recommended but regulations for underground container installations are included to provide for those cases where special considerations make underground installation desirable.

(aa) Each container or system covered in Sections (d), (e), (f) and (g) shall be marked as specified in the following:

(i) With a marking identifying compliance with, and other markings required by the rules of the code under which the container is constructed.

Underground: On container and system nameplate.

Aboveground: On container.

(ii) With the name and address of the supplier of the system, or the trade name of the system, together with the date of manufacture.

Underground and Aboveground: On system nameplate.

(iii) With the capacity of the container in pounds or gallons, U. S. Standards.

Underground: On container and system nameplate.

Aboveground: On container.

(iv) With the working pressure in pounds per square inch gage (psig) for which the container is designed.

Underground: On container and system nameplate.

Aboveground: On container.

(v) With the wall thickness of the shell and heads.

Underground: On container and system nameplate.

Aboveground: On container.

(vi) With marking indicating the maximum level to which the container may be filled with liquid at liquid temperatures between 20°F and 100°F, except on containers provided with fixed maximum level indicators, or which are filled by weighing. Markings shall be increments of not more than 20°F.

Underground and Aboveground: On system nameplate, or on liquid level gaging device. Refrigerated storage tanks shall be exempt from these requirements but shall be marked to show the maximum permissible liquid level (see paragraph (b)9(aa)).

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(vii) With the outside surface area in square feet.
Underground: On system nameplate.
Aboveground: On container.

Marking specified on container shall be on the container itself or on a nameplate permanently affixed thereto.

(bb) A sign with letters of minimum height of one (1) inch shall be displayed in a conspicuous outside place stating the name, address, and telephone number or numbers of the nearest owner, representative or agent of the owner of the storage location.

(cc) Each container used with system embodied in Section c shall be marked in accordance with subsection (c)1.

(4) Location of Containers

Container shall be located outside of buildings other than those especially constructed for this purpose. Permanent storage shall be located outside of densely populated areas and subject to the approval of the Minnesota Department of Agriculture. The container shall not be less than: 50 feet from the line of adjoining property which may be built upon (except that the distance can be reduced to not less than 10 feet from the near side of a public right of way); 50 feet from an open source of drinking water; and 400 feet from any school, hospital or other place of public assembly.

(5) Container Valves and Appurtenances

(aa) All shut-off valves and appurtenances (liquid or water) shall be suitable for use with Anhydrous Ammonia and designed for not less than the maximum pressure to which they may be subjected. Valves which may be subjected to container pressures shall have a rated working pressure of at least 250 psig, except valves for refrigerated storage tanks shall have a rated working pressure at least equal to the maximum pressure to which they may be subjected.

(bb) All connections to containers, except safety relief connections and gaging devices, shall have shut-off valves located as close to the container as practicable.

(cc) Liquid level gaging devices which are so constructed that outward flow or container contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(dd) Openings from container or through fittings attached directly on container, to which pressure gage connection is made, need not be equipped with excess flow valves if such openings are protected by not larger than No. 54 drill size opening.

(ee) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.

(ff) Excess flow valves shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections and line including valves, fittings, etc., being protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve, so that the valve will close in case of failure at any point in the line or fittings.

(gg) Excess flow and back pressure check valves shall be located inside of the container or at a point outside where the line enters the container. In the later case, installation shall be made in such a manner that any undue strain, beyond the excess flow or back pressure check valve, will not cause breakage between the container and the valve.

(hh) Excess flow valves shall be designed with a by-pass, not to exceed a No. 60 drill size opening to allow equalization of pressure.

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(6) Piping, Tubing and Fittings

(aa) All fittings, where subjected to container pressure, shall be made of materials specified for use with Anhydrous Ammonia (paragraph (a)1(gg)) and designed for a minimum working pressure of 250 psig, except fittings for refrigerated storage tanks shall have a rated working pressure at least equal to the maximum pressure to which they may be subjected. Cast iron bushings, plugs, or pipe fittings shall not be used. This does not prohibit the use of fittings made of malleable or nodular iron*.

(bb) Galvanized pipe shall not be used. Screwed joints are permissable only with extra heavy (Schedule 80) pipe. Black steel or iron pipe of at least 800 psig minimum bursting pressure (Schedule 40) may be used, provided pipe joints are welded or joined by means of welding type flanges, except that piping for handling refrigerated Anhydrous Ammonia shall have its wall thickness determined in accordance with the applicable portions of the American Standards Association Code for Pressure Piping (ASA B-31.1). Pipe joint compounds shall be resistant to ammonia.

(cc) All pipe lines shall be installed as nearly as possible in a straight line with a minimum amount of pipe, and shall not be restricted by an excessive number of tees, elbows, etc. Where nipples are used, they shall be of extra heavy seamless type.

(dd) Rigid connections, or all metal flexible connections with a bursting pressure of 1,000 psig, are recommended for permanent installation, but other types of flexible connections may be used for temporary installation.

(ee) Provisions shall be made for expansion, contraction, jarring, vibration, and for settling.

(ff) Adequate provisions shall be made to protect all exposed piping from physical damage that might result from moving machinery, the presence of automobiles or trucks, or any other undue strain that may be placed upon the piping.

(gg) After assembly, all piping and tubing shall be tested and proved to be free from leaks at a pressure not less than the normal operating pressure of the system.

(7) Hose Specifications and Assemblies

(aa) Hose and hose connectors shall be fabricated of materials that are resistant to the action of Anhydrous Ammonia.

(bb) Hose subject to container pressure shall meet the requirements of the joint AAI-RMA Hose Specification. (AAI-RMA Standard No. M-5)

(cc) Hose and hose connections located on the low pressure side of flow control or pressure reducing valves or devices discharging to atmospheric pressure shall be designed for a minimum working pressure of 60 psig. All connections shall be designed, constructed, and installed so that there will be no leakage when connected.

(dd) Where liquid transfer hose is not drained of liquid upon completion of transfer operations, such hose shall be equipped with an approved shut-off valve at the discharge end. Provision shall be made to prevent excessive hydrostatic pressure in the hose. (See paragraph (b)8(ii)).

(8) Safety Devices

(aa) Every container used with systems embodied in Sections (d), (e), (f) and (g) shall be provided with one or more safety relief valves of spring-loaded or equivalent type. The discharge from safety relief valves shall be directed

*For information as to the suitability of malleable or nodular iron for use, refer to standards of the American Society for Testing and Materials (A47-61, A395-61), 1916 Race Street, Philadelphia, Pennsylvania.

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away from the container upward and unobstructed to the open air. The rate of discharge, except as provided in Section (h), shall be in accordance with the provisions of Appendix A. (Refrigerated storage tanks are excepted. See paragraph (h)4(aa)).

(bb) Container safety relief valves shall be set to start-to-discharge as follows with relation to the design pressure of the container:

Containers	Minimum	Maximum*
ASME Code — 1950, 1952, 1956, 1959, 1962 and 1965 editions	95%	100%
ASME Code — 1946 and 1959 editions Par. U-200 and U-201	95%	100%
API-ASME Code — All editions	95%	100%
ASME Code — 1949 and earlier editions Par. U-68 and U-69	110%	125%

ICC — As approved by the Bureau of Explosives.

*Note: A plus tolerance of 10% is permitted.

(cc) Safety relief valves used on containers or systems described in Sections (d), (e), (f) and (g) shall be constructed to discharge at the rates required in Section (b)8(aa). The design of these valves must insure such discharge before the pressure exceeds 120 per cent of the maximum (not including the 10 per cent referred to in (b)8(bb) start-to-discharge pressure setting specified in paragraph (b)8(bb)).

(dd) Safety relief valves shall be so arranged that the possibility of tampering will be minimized. If the pressure setting adjustment is external, the relief valves shall be provided with approved means for sealing the adjustment.

(ee) Shut-off valves shall not be installed between the safety relief valves and the container, except that a shut-off valve may be used where the arrangement of this valve is such as always to afford full required capacity flow through the relief valves.

Note: The above exception is made to cover such cases as a three-way valve installed under two safety relief valves, each of which has the required rate of discharge and is so installed as to allow either of the safety relief valves to be closed off, but does not allow both safety valves to be closed off at the same time. Another exception to this may be where two separate relief valves are installed with individual shut-off valves. In this case, the two shut-off valve stems shall be mechanically inter-connected in a manner which will allow full required flow of one relief valve at all times. Still another exception is a safety relief valve manifold which allows one valve of two, three, four or more to be closed off and the remaining valve or valves will provide not less than the rate of discharge shown on the manifold name plate.

(ff) Safety relief valves shall have direct communication with the vapor space of the container.

(gg) Each safety relief valve used with systems described in Sections (d), (e), (f), (g) and (h) shall be plainly and permanently marked as follows:

(i) With the letters "AA" or the symbol "NH3".

(ii) The pressure in pounds per square inch gage (psig) at which the valve is set to start-to-discharge.

(iii) The rate of discharge of the valve at its full open position in cubic feet per minute of air at 60° F and and atmospheric pressure (14.7 psia).

(iv) The manufacturer's name and catalog number.

For example, a safety relief valve marked AA-250-4200 (air) would mean that this valve is suitable for use on an Anhydrous Ammonia container; that it is set

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to start-to-discharge at 250 psig; and that its rate of discharge at full open position (see Sections (b)8(aa), (b)8(bb), and (b)8(cc)) is 4200 cubic feet per minute of air.

(hh) Connections such as couplings, flanges, nozzles, and discharge lines for venting, to which relief valves are attached, shall have internal dimensions of sufficient size to avoid any restriction of flow through the relief valves.

(ii) The manufacturer or supplier of a relief valve manifold must publish complete data showing the flow rating through the combined assembly of the manifold with safety relief valves installed. The manifold flow rating must be determined by testing the manifold with all but one valve discharging. If one or more openings have restrictions not present in the remaining openings, the restricted opening or openings or those having the lowest flow shall be used to establish the flow rate marked on the manifold nameplate. The marking shall be similar to that required in (b)8(gg) for individual valves.

(jj) A relief valve, venting to atmosphere at a safe location, shall be installed between each pair of shut-off valves in an ammonia line where liquid may be trapped. It is recommended that the start-to-discharge pressure of pressure relief valves be not less than 350 psig, and not in excess of 400 psig.

(kk) Discharge from safety relief devices shall not terminate in or beneath any building.

(9) Filling Densities (See Paragraph (a)2(aa)(10)

(aa) The filling densities for non-refrigerated containers shall not exceed the following:

	Aboveground	Underground
(i) Uninsulated	56%*	58%
(ii) Insulated	57%	
(iii) ICC containers shall be filled in accordance with ICC Regulations		

*This corresponds to 85% by volume at 5°F at 60°F it is 90.6% by volume.

(bb) The filling density for refrigerated storage tanks shall be such that the tanks will not be liquid full at a liquid temperature corresponding to the vapor pressure at the start-to-discharge pressure setting of the safety relief valve.

(cc) If containers are to be filled according to liquid level by any gaging method other than a fixed length dip tube gage, each container should have a thermometer well so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the container corrected to a 60°F basis.

(10) Transfer of Liquids

(aa) Anhydrous ammonia must always be at a temperature suitable for the material of construction and design of the receiving containers. Ordinary steels are not suitable for refrigerated ammonia. See Appendix R of API Standard 620 for materials for temperature service.

(bb) At least one attendant shall supervise the transfer of liquids from the time the connections are first made until they are finally disconnected.

(cc) Containers shall be filled or used only upon authorization of owner.

(dd) Containers shall be gaged and charged only in the open air or in buildings especially provided for that purpose.

(ee) Pumps used for transferring ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(i) Liquid pumps may be of piston, rotary, contrifugal or regenerative type, designed for 250 psig working pressure.

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(ii) Positive displacement pumps shall have, installed off the discharge port, a constant differential relief valve discharging through a line of sufficient size to carry the full capacity of the pump at relief valve setting, which setting and installation shall be according to pump manufacturer's recommendation.

(iii) On the discharge side of the pump, before the relief valve line, there shall be installed a pressure gage graduated from 0 to 400 psi.

(iv) Centrifugal or regenerative pumps do not require a by-pass relief valve, but the installation shall incorporate a line from the discharge side of the pump to the vapor space of the supplying container and in this line, at accessible level, must be installed a shut-off valve.

(v) Shut-off valves shall be installed on the inlet and on the discharge of the pump.

(ff) Compressors used for transferring or refrigerating ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(i) Compressors may be of reciprocating or rotary type designed for 250 psig working pressure.

(ii) Plant piping shall contain shut-off valves located as close as practical to compressor connections.

(iii) A relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shut-off valve. The discharging pressure of this valve shall not exceed 300 psig.

(iv) Compressors shall have pressure gages graduated from 0-400 psi at suction and discharge.

(v) Adequate means shall be provided on the compressor suction to minimize the entry of liquid into the compressor. A drainable liquid trap is one means of providing such protection.

(gg) In addition to the excess flow valves in the liquid and vapor connections of the storage container, an excess flow valve or backflow check valve shall be installed in the liquid piping close to the point where the piping and hose are joined at the tank car or tank truck unloading station. Also, each tank car unloading adapter to which the liquid hose is attached shall be equipped wtih a properly sized excess flow valve or a remotely operated shut-off valve to stop the flow from the tank in the event of hose rupture.

(11) Tank Car Unloading Points and Operations

(aa) Tank car siding shall be substantially level.

(bb) A sign reading "Stop—Tank Car Connected", as covered by ICC rules, shall be displayed at the active end or ends of the siding while the tank car is connected for unloading.

(cc) While tank cars are on siding for unloading, the wheels at both ends shall be blocked on the rails.

(dd) Tank cars shall be unloaded only through a fixed facility unloading point and into a permanently located bulk storage container. Anhydrous Ammonia shall not be unloaded directly from a railroad tank car into a transport truck or other portable container.

(ee) The transfer of Anhydrous Ammonia from a tank car to any other unit for the purpose of converting Anhydrous Ammonia to aqueous ammonia shall only be done at such location whereby the railroad tank car can be retained for an indefinite period and where an aqueous converter is located at a site approved by the Minnesota Department of Agriculture for this purpose, and then only when the converter is in operation to safely consume the discharged gas or fumes so that they will not be released into the atmosphere. The requirements of rules (b)4 must be met before such site and facility will be approved by the Department.

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(12) Liquid Level Gaging Devices

(aa) Each container, except containers filled by weight, shall be equipped with a liquid level gaging device of approved design.

(bb) All gaging devices shall be arranged so that the maximum liquid level to which the container may be filled is readily determinable (See Section (b)(3)(aa)(vi) and Section (b)(9)(aa).

(cc) Gaging devices that require bleeding of the product to the atmosphere such as the rotary tube, fixed tube, and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve. (NOTE: This does not apply to Section (g)).

(dd) Gaging devices shall have a design pressure at least equal to the design pressure of the storage container on which they are installed.

(ee) Fixed liquid level gages shall be so designed that the maximum volume of the container filled by liquid shall not exceed 85% of its water capacity. The coupling into which the fixed liquid level gage is threaded must be placed at the 85 percent level of the container. If located elsewhere, the dip tube of this gage must be installed in such a manner that it cannot be readily removed. (NOTE: This does not apply to refrigerated storage.)

(ff) Gage glasses of the columnar type shall be restricted to bulk storage installations. They shall be equipped with valves having metallic handwheels, with excess flow valves, and with extra heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun.

(13) Painting

(aa) White is the recommended color for all above ground containers with other light reflecting colors accepted.

(c) Cylinder Systems. This section applies specifically to systems utilizing containers of 1,000 pounds water capacity or less, constructed in accordance with Interstate Commerce Commission Specifications. All Basic Rules of Section (b) apply to this section, unless otherwise noted.

(1) Marking of Containers

(aa) All containers shall be marked in accordance with Interstate Commerce Commission Regulations. Additional markings not in conflict with Interstate Commerce Commission Regulations may be used.

(2) Location of Containers

(aa) Containers shall not be buried below ground.

(bb) Containers shall be set upon firm foundations or otherwise firmly secured. The possible effect of settling on the outlet piping shall be guarded against by a flexible connection or special fitting.

(3) Container Valves and Regulating Equipment

(aa) Container valves and pressure regulating equipment shall be protected against tampering when installed for use.

(bb) Container valves and pressure regulating equipment shall be protected while in transit, in storage, and while being moved into final utilizations, as follows:

(i) By setting them into a recess of the container, or

(ii) By ventilated cap or collar, fastened to the container, capable of withstanding a blow from any direction equivalent to that of a 30 pound weight dropped four feet. Construction must be such that a blow will not be transmitted to the valves or other connections.

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(cc) When containers are not connected for service, the outlet valves shall be kept tightly closed or plugged, even though containers are considered empty.

(4) Safety Devices

(aa) Containers shall be provided with safety devices as required by Interstate Commerce Commission Regulation.

(5) Reinstallation of Containers

(aa) Containers shall not be reinstalled, if due to be retested, unless they have been retested in accordance with currently effective Regulations of the Interstate Commerce Commission.

(d) System Utilizing Containers Other than ICC Cylinders. This section applies to stationary, nonrefrigerated storage installations utilizing containers other than those constructed in accordance with Interstate Commerce Commission Specifications. All Basic Rules of Section (b) apply to this section unless otherwise noted.

(1) Design Pressure of Containers

(aa) Containers shall be constructed in accordance with Paragraph (b)(2) with a minimum design pressure of 250 psig.

NOTE: Because of the insulating effect of the earth, the average vapor pressure of products stored in underground containers will be materially lower than when stored aboveground. This reduction in actual operating pressure, therefore, provides a substantial corrosion allowance for these containers when installed underground.

(2) Installation of Storage Containers

NOTE: Aboveground installation of anhydrous ammonia containers is recommended, but regulations for underground container installations are included to provide for those cases where special considerations make underground installation desirable.

(aa) Containers installed aboveground shall be provided with substantial reinforced concrete footings and foundations, or structural steel supports mounted on reinforced concrete foundations. In either case, the reinforced concrete foundations or footings must extend below the established frost line and shall be of sufficient width and thickness to support the total weight of the containers and contents adequately. The foundation shall maintain the lowest point of the tank at not less than 18 inches above the ground. Floating type, reinforced concrete foundations will also be acceptable providing the foundations are designed to adequately support the tank, contents and pumping equipment.

(bb) Horizontal aboveground containers shall be mounted on foundations in such a manner as to permit expansion and contraction. Every container shall be supported so as to prevent the concentration of excessive loads on the supporting portion of the shell. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

(cc) Secure anchorage or adequate pier height shall be provided against container flotation wherever sufficiently high flood water might occur.

(dd) Containers buried underground shall be placed so that the top of the container is at least one foot below the surface of the ground. Should ground conditions make compliance with these requirements impractical, precautions shall be taken to prevent physical damage to the container. It will not be necessary to cover the portion of the container to which a manhole and other connections are affixed. When necessary to prevent floating, containers shall be securely anchored or weighted.

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(ee) Underground containers shall be set on firm foundations (firm earth may be used) and surrounded with soft earth or sand well tamped in place. As a further means of resisting corrosion, the container, prior to being placed underground, shall be given a protective coating satisfactory to the Minnesota Department of Agriculture. Such protective coating shall be equivalent to hot dip galvanizing, or to two preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt. The container thus coated shall be lowered into place in such a manner as to prevent abrasion or other damage to the coating.

(ff) Distance between aboveground containers of over 1,200 gallons capacity shall be at least five feet.

(3) Container Valves and Appurtenances

(aa) All contaniers shall be equipped with a fixed liquid level gage.

(bb). All containers shall be equipped with a pressure indicating gage having a dial graduated from 0-400 psi.

(cc) The filling connection shall be fitted with an approved combination back-pressure check valve and excess flow valve; one double or two single-back-pressure check valves; or a positive shut-off valve, in conjunction with either an internal back-pressure check valve or an internal excess flow valve.

(dd) All containers shall be equipped with an approved vapor return valve.

(ee) All vapor and liquid connections, except safety relief valves and those specifically exempt in Sections (b)(5)(cc) and (6)(5)(dd) shall be equipped with approved excess flow valves; or, in lieu thereof, may be fitting with approved quick-closing internal valves which, except during operating periods, shall remain closed.

(4) Safety Devices

(aa) Every container shall be provided with one or more safety relief valves of spring-loaded or equivalent type and shall comply with the following:

(i) The discharge from safety relief valves shall be directed away from the container upward and unobstructed to the open air. Vent pipes shall not be restricted or smaller in size than the relief valve outlet connection. All relief valve discharges shall have suitable rain caps that will allow free discharge of the vapor and prevent the entrance of water. Suitable provision shall be made for drainage condensate which may accumulate.

(ii) If desired, vent pipes from two or more safety relief devices located on the same unit, or similar lines from two or more different units, may be run into a common header, provided the cross-sectional area of such header is at least equal to the sum of the cross-sectional area of the individual vent pipes.

(bb) Underground Containers

(i) Spring-loaded relief valves installed on underground containers may be reduced to a minimum of 30 percent of the rate of discharge specified in Appendix A. Containers so protected shall not be uncovered after installation until the liquid ammonia has been removed therefrom. Containers which may obtain liquid ammonia before being installed underground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirement of the relief valves.

(2) On underground installations where there is a probability of the manhole or housing becoming flooded, the discharge from vent pipes should be above the possible water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equalling or exceeding the combined discharge areas of safety relief valves and vent pipes which discharge their content into the manhole housing.

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(5) Marking of Containers

(aa) Each container or group of containers shall be marked on at least two sides with the words "Caution—Ammonia" in sharply contrasting colors with letters not less than six inches high.

(6) Capacity of Containers

(aa) Individual storage container capacity shall be limited only by good engineering practice.

(7) Protection of Container Appurtenances

(aa) Main container shut-off valves shall be kept closed and locked when the installation is unattended. If the facility is protected against tampering by fencing or other physical means, locks will not be required.

(bb) All connections to underground containers shall be located within the substantial dome, housing or manhole fitted with a substantial removable cover. Appurtenances shall also be protected during the transit of containers intended for installation underground.

(cc) Storage containers need not be grounded.

(dd) All areas occupied by Storage installations shall be kept free of high grass and weeds.

(8) Reinstallation of Containers

(aa) Containers once installed underground shall not later be reinstalled aboveground or underground, unless they successfully withstand hydrostatic pressure retests at the pressure specified for the original hydrostatic test as required by the Code under which constructed and show no evidence of serious corrosion. Where containers are reinstalled underground, the corrosion resistant coating shall be put in good condition. Where reinstalled aboveground, all requirements for aboveground containers will apply.

(9) Safety Equipment

(aa) Each fixed facility shall have on hand, as a minimum, the following equipment for emergency and rescue purposes:

*(i) One full face gas mask with anhydrous ammonia refill canisters.

**(ii) One pair of protective gloves.

**(iii) One pair of protective boots.

**(iv) One protective slicker and/or protective pants and jacket.

(v) Easily accessible shower and/or at least 50 gallons of clean water in an open top container.

(vi) Tight fitting goggles or one full face shield.

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*NOTE: An ammonia canister is effective for short periods of time in light concentrations of ammonia, vapor, generally 15 minutes in concentrations of 3%, and will not protect breathing in heavier concentrations. If ammonia vapors are detected when mask is applied the concentration is too high for safety. The life of a canister in service is controlled by the percentage of vapors to which it is exposed. Canisters must not be opened until ready for use and may as well be discarded after use. Unopened canisters may be guaranteed for as long as three years. All should be dated when received because of this limited life. In addition to this protection, an independently supplied air mask of the type used by fire departments may be used for severe emergencies.

**NOTE: Gloves, boots, slickers, jackets and pants shall be made of rubber or other material impervious to ammonia.

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(10) Electrical Equipment

(aa) The conduit system and electrical equipment for use at ammonia storage installations may be general purpose, dust-tight, or weather-resistant as appropriate.

(bb) Electrical systems, such as for lighting, pump motors, etc. shall be installed and grounded in a manner approved by the National Electrical Code and/or local ordinance.

(e) Systems Mounted on Tank Trucks, Semi-Trailers, and Trailers for Transportation of Ammonia. This section applies specifically to systems mounted on trucks, semi-trailers and trailers (other than those covered under Section (f) and (g)) used for the transportation of ammonia. All basic Rules of Section (b) apply to this section unless otherwise noted. Systems for tank trucks and trailers for transportation of Anhydrous Ammonia, in addition to complying with the requirements of these regulations, shall also, comply, where required, with the requirements of the Interstate Commerce Commission and those of any other regulatory body which may apply.

(1) Design Pressure of Containers

(aa) Containers shall be constructed in accordance with Paragraph (b)(2) with a minimum design pressure of 250 psig, except that containers used in interstate commerce shall meet Interstate Commerce Commission Regulations.

(bb) The shell or head thickness of any container shall not be less than three sixteenths (3/16) of an inch.

(cc) Baffles are not required for cargo tanks designed for service in which under normal conditions the container is loaded to capacity and discharged at one unloading point. All other containers over 500 gallons caacity should be equipped with suitable (semi-rigid) baffle plates.

(dd) All container openings except safety relief valves, liquid level gaging devices and pressure gages, shall be labeled to designate whether they communicate with liquid or vapor space. Labels may be on valves.

(2) Mounting Containers on Truck

(aa) The means of attachment of any container to the cradle, frame or chassis of a vehicle shall be designed to withstand static loading in any direction equal to twice the weight of the container and attachments then filled with lading using a safety factor of not less than 4, based on the ultimate strength of the material to be used.

(bb) "Hold-down" devices, when used, shall anchor the container to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. These devices shall incorporate positive means for drawing the container down tight and suitable stops or anchors shall be provided to prevent relative movement between container and framing due to stopping, starting or changes in direction.

(cc) Whenever any vehicle is designed and constructed so that cargo tanks constitute in whole or in part the stress member used in lieu of a frame, such cargo tanks shall be designed to withstand the stresses thereby imposed in addition to those covered by the code under which the cargo tank was designed.

(dd) If a liquid withdrawal line is installed in the bottom of a container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the trailer axle.

(ee) Provisions shall be made to secure both ends of the hose while in transit.

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(ff) When the cradle and the container are not welded together, suitable material shall be used between them to eliminate metal-to-metal friction.

(3) Container Valves and Appurtenances

(aa) All containers shall be equipped with a fixed liquid level gage.

(bb) All containers shall be equipped with a pressure-indicating gage having a dial graduated from 0-400 psi.

(cc) Non-recessed container fittings and appurtenances shall be protected against damage by either: (1) their location, (2) the vehicle frame or bumper, or (3) a protective housing. The protective housing, if used, shall comply with the requirements under which the containers are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the container and attachments when filled with the lading using a safety factor of not less than 4, based on the ultimate strength of the material to be used. The housing shall be protected with a weather cover, if necessary, to insure proper operation of valves and safety devices.

(dd) Filling connections shall be provided with approved automatic valves to prevent back flow in case the filling connection is broken, except that where the filling and discharge connect on a common opening in the container shell, and that opening is fitted with a quick-closing internal valve as specified in paragraph (e)(3)(ee) the automatic valve shall not be required.

(ee) All other connections to containers, except safety relief valves and those specifically exempt in paragraphs (b)(5)(cc) and (b)(5)(dd) shall be provided with approved excess flow valves, or in lieu thereof may be fitted with approved quick-closing internal valves, which, except during delivery operations, shall remain closed. The control mechanism for such valves may be provided with a secondary control remote from the delivery connections and such control mechanism shall be provided with a fusible section (melting point 208°F to 220°F) which will cause the internal valve to close automatically in case of fire.

(ff) All containers shall be equipped with an approved vapor return valve of adequate capacity.

(4) Safety Devices

(aa) The discharge from safety relief valves shall be directed away from the container upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas. Loose fitting rain caps shall be used.

(bb) The unloading line shall be provided with an excess flow valve at the point where the hose leaves the truck.

(5) Marking of Container

(aa) Every container, whether loaded or empty, shall be conspicuously and legibly marked on each side and rear thereof on a background of sharply contrasting color with the words "COMPRESSED GAS" in letters at least four inches high; or with the words "ANHYDROUS AMMONIA" in letters at least four inches high; or in compliance with Interstate Commerce Commission Regulations and Minnesota fertilizer law.

(6) Piping, Tubing and Fittings

(aa) All piping, tubing and metering or dispensing devices shall be securely mounted and protected against damage.

(bb) Piping, tubing and fittings shall be suitable for a minimum pressure of 250 psig. Pipe shall be at least Schedule 80 if joints are threaded, or threaded and back welded. At least Schedule 40 (ASTM A-53 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal) shall be used if joints are welded, or welded and flanged.

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(7) Electrical Equipment and Lighting

(aa) Tank trucks, tank trailers, and tank semi-trailers, may not be equipped with any artificial light other than electric light. Electric lighting circuits shall have suitable overcurrent protection (fuses or automatic circuit breakers). The wiring shall have sufficient carrying capacity and mechanical strength, and shall be suitably secured, insulated and protected against physical damage.

(8) Trailers and Semi-Trailers

(aa) All trailers shall be firmly and securely attached to the vehicle drawing them by means of suitable drawbars, supplemented by suitable safety chains.

(bb) Every trailer or semi-trailer shall be equipped with a reliable system of brakes, and adequate provision shall be made for efficient operation of the brakes from the driver's seat of the vehicle drawing the trailer.

(cc) Every trailer or semi-trailer shall be provided with side lights and a tail light.

(dd) Four-wheeled trailers shall be of a type of construction which will prevent the towed vehicle from whipping or swerving dangerously from side to side and which will cause it to follow substantially in the path of the towing vehicle.

(ee) Where a fifth wheel is employed, it shall be ruggedly designed, securely fastened to both units, and equipped with a positive locking mechanism which will prevent separation of the two units, except by manual release.

(9) Safety Equipment

(aa) All tank trucks, trailers, and semi-trailers shall be equipped with the following for emergency and rescue purposes:

*(i) One full face gas mask with anhydrous ammonia refill canisters.

**(ii) One pair of protective gloves.

(iii) Tight-fitting goggles or one full face shield.

(iv) A container of not less than five gallons of readily available clean water.

(10) Transfer of Liquid

(aa) Truck and trailer containers shall be loaded by weight or by a suitable liquid level gaging device.

(bb) Pumps or compressors when designed and installed in accordance with paragraph (b)(10) and properly protected against physical damage may be mounted upon ammonia tank trucks and trailers.

(11) Protection Against Collision

(aa) Each tank truck and trailer shall be provided with properly attached steel bumpers or a chassis extension so arranged as to protect the container, piping, valves and fittings in case of collision.

*NOTE: An ammonia canister is effective for short periods of time, in light concentrations of ammonia vapor, generally 15 minutes in concentrations of 3%, and will not protect breathing in heavier concentrations. If ammonia vapors are detected when mask is applied, the concentartion is too high for safety. The life of a canister in service is controlled by the percentage of vapors to which it is exposed. Canisters must not be opened until ready for use and may as well be discarded after use. Unopened canisters may be guaranteed for as long as three years. All should be dated when received because of this limited life. In addition to this protection, an independently supplied air mask of the type used by fire departments may be used for severe emergencies.

**NOTE: Gloves should be made of rubber or other materials impervious to ammonia.

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(12) Chock Blocks

(aa) Chock blocks shall be provided. These blocks shall be placed at rear wheels to prevent rolling of the vehicle whenever it is parked, including and unloading operations.

(13) Skid Tanks

(aa) Where skid tanks are used in lieu of containers permanently mounted on trucks, semi-trailers or trailers for the day-to-day transportation of ammonia, they shall comply with all requirements of this Section.

(f) Systems Mounted on Farm Vehicles (Implement of Husbandry). This section applies to containers of 3000 gallons capacity or less and pertinent equipment mounted on farm vehicles (implements of husbandry). All Basic Rules of Section (b) apply to this section unless otherwise noted.

(1) Design Pressure of Container

(aa) Containers shall be constructed in accordance with Paragraph (b)(2) with a minimum design pressure of 250 psig.

(bb) The shell or head thickness of any container shall not be less than three-sixteenths (3/16) of an inch.

(cc) All containers over 500 gallons capacity should be equipped with suitable (semi-rigid) baffle plates.

(2) Mounting Containers

(aa) A suitable "stop" or "stops" shall be mounted on the vehicle or on the container in such a way that the container shall not be dislodged from its mounting due to the vehicle coming to a sudden stop. Back slippage shall also be prevented by proper methods.

(bb) A suitable "hold-down" device shall be provided which will anchor the container to the vehicle at one or more places on each side of the container.

(cc) When containers are mounted on four-wheel trailers, care shall be taken to insure that the weight is distributed evenly over both axles.

(dd) When the cradle and the container are not welded together, suitable material shall be used between them to eliminate metal-to-metal friction.

(3) Container Valves and Appurtenances

(aa) All containers shall be equipped with a fixed liquid level gage.

(bb) All containers with a capacity of 250 gallons or more shall be equipped with a pressure-indicating gage having a dial graduated from 0-400 psi.

(cc) The filling connection shall be fitted with an approved combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shut-off valve, in conjunction with either an internal back-pressure check valve or an internal excess-flow valve.

(dd) All containers with a capacity of 250 gallons or more shall be equipped with an approved vapor return valve.

(ee) All vapor and liquid connections, except safety relief valves and those specifically exempt in Paragraphs (b)(5)(cc) and (b)(5)(dd), shall be equipped with approved excess-flow valves or may be fitted with approved quick-closing internal valves, which, except during operating periods, shall remain closed.

(ff) Fittings shall be adequately protected from physical damage by means of a metal box or cylinder with open top securely fastened to the container; or by means of rigid guards, well braced, welded to the container on both sides of the fittings; or by means of a metal dome. If a metal dome is used, the relief valve shall be properly vented through the dome.

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(gg) If a liquid withdrawal line is installed in the bottom of a container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the vehicle axle.

(hh) Provision shall be made to secure both ends of the hose while in transit.

(4) Marking of Container

(aa) There shall appear on each side and on the rear of the container the words "Caution—Ammonia" on a background of sharply contrasting colors in letters at least four inches high, or the container shall be marked in accordance with the Interstate Commerce Commission Regulations and Minnesota fertilizer law.

(5) Farm Vehicles (Implements of Husbandry)

(aa) Farm vehicles (Iimplements of Husbandry) shall conform with the regulations of the State of Minnesota.

(bb) All trailers shall be securely attached to the vehicle drawing them by means of drawbars supplemented by suitable safety chains.

(cc) A trailer shall be constructed so that it will follow substantially in the path of the towing vehicle and will prevent the towed vehicle from whipping or swerving dangerously from side to side.

(dd) All vehicles shall carry a container of not less than five (5) gallons of readily available clean water.

(g) Systems Mounted on Farm Vehicles (Implements of Husbandry) for the Application of Ammonia. This section applies to systems mounted on farm vehicles and used for the field application of ammonia.

(1) Design Pressure of Containers

(aa) Containers shall be constructed in accordance with Paragraph (b)(2) with a minimum design pressure of 250 psig.

(bb) The shell or head thickness of any container shall not be less than three-sixteenths (3/16) of an inch.

(2) Mounting of Containers

(aa) All containers and flow-control devices shall be securely mounted.

(3) Container Valves and Appurtenances

(aa) Each container shall have a fixed liquid level gage.

(bb) The filling connection shall be fitted with an approved combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shut-off valve, in conjunction with either an internal back-pressure check valve or an internal excess-flow valve.

(cc) An excess-flow valve is not required in the vapor connection, provided the controlling orifice is not in excess of seven-sixteenths (7/16) of an inch in diameter and the valve is a hand-operated (attached hand wheel or equivalent) shut-off valve. To assist in filling applicator tanks, it is permissible to bleed vapors to the open air, providing the preceding requirements are met.

(dd) Regulation equipment may be connected directly to the container coupling or flange, in which case a flexible connection shall be used between such regulating equipment and the remainder of the liquid withdrawal system. Regulating equipment not so installed shall be flexibly connected to the container shut-off valve.

(ee) No excess-flow valve is required in the liquid withdrawal service line provided the controlling orifice between the contents of the container and the

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outlet of the shut-off valve (paragraph (b)(5)(bb)) does not exceed seven-sixteenths (7/16) of an inch in diameter.

(h) Refrigerated Storage. This section applies specifically to systems utilizing tanks for the storage of anhydrous ammonia under refrigerated condiitons. All Basic Rules of Section (b) apply to this section unless inconsistent with the requirements of this section.

(1) Design of Tanks

(aa) Tanks may be designed for any storage pressure desired as determined by economical design of the refrigerated system.

(bb) Tanks with a design pressure exceeding 15 psig shall be constructed in accordance with Sub-section (b)(2), and in addition the materials shall be selected from those listed in API Standard 620, tables 2.02, R2.2, R2.2(A), R2.2.1, or R2.3.

(cc) Tanks with a design pressure of 15 psig and less shall be constructed in accordance with the general requirements of the latest edition of API Standard 620, including Appendix R.

(dd) When austenitic steels or nonferrous materials are used, the ASME Code shall be used as a guide in selection of materials for use at the design temperature.

(2) Installation of Storage Tanks

(aa) Tanks shall be supported on suitable non-combustible foundations designed to accommodate the type of tank being used.

(bb) Adequate protection against flotation or other water damage shall be provided wherever high flood water might occur.

(cc) Tanks for product storage at less than 32°F shall be supported in such a way, or heat shall be supplied, to prevent the effects of freezing and consequent frost heaving.

(3) Tank Valves, Fill Pipes and Discharge Pipes

(aa) Shut-off valves shall be:

(i) Provided for all connections except those with a No. 54 drill size restriction, plugs, safety valves, thermometer wells, and

(ii) Located as close to the tank as practicable.

(bb) When operating conditions make it advisable, a check valve shall be installed on the fill connection and a remotely operated shut-off valve on other connections located below the maximum liquid level.

(4) Safety Relief Devices

(aa) Safety relief valves shall be set to start-to-discharge at a pressure not in excess of the design pressure of the tank and shall have a total relieving capacity sufficient to prevent a maximum pressure in a tank of more than 120% of the design pressure.

(bb) The total relieving capacity shall be the larger requirement of the following:

(i) Possible refrigeration system upset such as (aaa) cooling water failure, (bbb) power failure, (ccc) instrument air or instrument failure, (ddd) mechanical failure of any equipment, (eee) excessive pumping rates.

(ii) Either one of the following formulas for fire exposure, (aaa) for valve manufacturers who use weight of vapors to be relieved as basis for classifying valves:

$$W = \frac{34{,}500 \quad F\, A^{0.82}}{L}$$

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or (bbb) for valve manufacturers that classify valves on the basis of air flows:

$$Qa = \frac{633{,}000\ F\ A^{0.82}}{LC} \sqrt{\frac{ZT}{M}}$$

Where W = weight of vapors to be relieved in pound/hour at relieving conditions;

Qa = air flow in cubic feet per minute at standard conditions (60°F and 14.7 psi)

F = fireproofing credit. Use F = 1.0 except when an approved fireproofing material of recommended thickness is used, then use F = 0.2;

A = total surface area in square feet up to 25 feet above grade or to the equator of a sphere, whichever is greater;

Z = compressibility factor of ammonia at relieving conditions (If not known, use Z = 1.0);

T = temperature in degrees R (460 + temperature in degrees F of gas at relieving conditions);

M = molecular weight = 17 for ammonia;

L = latent heat of ammonia at relieving conditions;

C = constant based on relation of specific heats. (C may be obtained from the following table).

(If K is not known, use C — 315).

K	C	K	C	K	C
1.00	315	1.26	343	1.52	366
1.02	318	1.28	345	1.54	368
1.04	320	1.30	347	1.56	369
1.06	322	1.32	349	1.58	371
1.08	324	1.34	351	1.60	372
1.10	327	1.36	352	1.62	374
1.12	329	1.38	354	1.64	376
1.14	331	1.40	356	1.66	377
1.16	333	1.42	358	1.68	379
1.18	335	1.44	359	1.70	380
1.20	337	1.46	361	2.00	400
1.22	339	1.48	363	2.20	412
1.24	341	1.50	364		

$$K = \frac{Cp}{Cv}$$

and Cp = specific heat of vapor at constant pressure.

Cv = Specific heat of vapor at constant volume.

NOTE: If the relieving capacity required for fire exposure is greater than that required by Paragraph (h)(4)(bb)(i) the additional capacity may be provided by weak roof to shell seams in tanks operating at essentially atmospheric pressure and having an inherently weak roof to shell seam. The weak roof to shell seam is not to be considered as providing any of the capacity required by Paragraph (h)(4)(bb)(i).

(cc) All safety relief devices shall comply with the following:

(i) The discharge from safety relief valves shall be vented away from the tank at any desired angle above the horizontal using a vent stack suitably designed for weather protection. The size of discharge lines from safety relief valves shall not be smaller than the nominal size of relief valve outlet connections. Suitable provisions shall be made for draining condensate which may accumulate.

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(ii) If desired, discharge lines from two or more safety relief devices located on the same unit may be run into a common discharge header. Where safety relief valves from two or more units vent into the same discharge header, the header shall be designed for maximum back pressure of 10% of the lowest set pressure for conventional safety relief valves and 50% of the lowest set pressure for balanced valves when the maximum possible quantity of gas is flowing in the header.

(5) Protection of Tank Appurtenances

(aa) Refrigerated storage tanks shall comply with the provisions of Paragraph (d)(7).

(6) Reinstallation of Tanks

(aa) Tanks of such size as to require field fabrication shall when moved and reinstalled be reconstructed and reinspected in complete accordance with the code under which they were constructed. The tanks shall be subjected to a pressure retest, and if rerating is necessary, it shall be done in accordance with the applicable code procedures.

(7) Damage from Vehicles

(aa) Precaution shall be taken to avoid any damage by trucks, tractors, or other vehicles.

(8) Refrigeration Load and Equipment

(aa) The total refrigeration load shall be computed as the sum of the following:

(i) Load imposed by heat flow into the tank caused by the temperature differential between design ambient temperature and storage temperature.

(ii) Load imposed by heat flow into the tank caused by maximum sun radiation.

(iii) Maximum load imposed by filling the tank with ammonia warmer than the design storage temperature.

(bb) More than one storage tank may be handled by the same refrigeration system.

(cc) Compressors

(i) A minimum of two compressors shall be provided, either of which is of sufficient size to handle the loads listed in Paragraph (h)(8)(aa)(i) and (ii). Where more than two compressors are provided, minimum standby equipment equal to the largest normally operating equipment shall be installed. Filling compressors may be used as standby equipment for holding compressors.

(2) Compressors shall be sized to operate with a suction pressure at least 10% below the minimum setting of the safety valve(s) on the storage tanks and shall withstand a suction pressure at least equal to 120% of the design pressure of the tank. Discharge pressure will be governed by condensing conditions.

(dd) Compressor Drives

(i) Each compressor shall have its individual driving unit.

(ii) Any standard drive consistent with good design may be used.

(iii) An emergency source of power of sufficient capacity to handle the loads listed in Paragraph (h)(8)(aa)(i) and (ii) shall be provided, unless facilities are provided to safely dispose of vented vapors while the refrigeration system is not operating.

(ee) Automatic Control Equipment

(i) The refrigeration system shall be arranged with suitable controls to govern the compressor operation in accordance with the load as evidenced by the pressure in the tank or tanks.

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(ii) An emergency alarm system shall be installed to function in the event the pressure in the tank or tanks arises to the maximum allowable operating pressure.

(iii) An emergency alarm and shut-off shall be located in the condenser system to respond to excess discharge pressure caused by failure of the cooling medium.

(iv) All automatic controls shall be installed in a manner to preclude operation of alternate compressors unless the controls will function with the alternate compressors.

(ff) Separators

(i) An entrainment separator of suitable size and design pressure shall be installed in the compressor suction line. The separator shall be equipped with a drain and gaging device.

(ii) An oil separator of suitable size shall be installed in the compressor discharge line. It shall be designed for at least 250 psig and shall be equipped with a gaging device and drain valve.

(gg) Condensers

(i) The condenser system may be cooled by air or water or both. The condenser shall be designed for at least 250 psig. Provision shall be made for purging non-condensibles either manually or automatically.

(hh) Receiver and Liquid Drain

(i) A receiver shall be provided which is equipped with an automatic float valve to discharge the liquid ammonia to storage or with a high pressure liquid drain trap of suitable capacity. The receiver shall be designed for at least 250 psig operating pressure and be equipped with the necessary connections, safety valves and gaging device.

(ii) Insulation

(i) Where insulation is required, the insulation thickness shall be determined by good economical design.

(ii) Insulation on refrigerated tanks and pipe lines shall be suitably waterproofed. The insulating material should be fire retardant; the weather-proofing should be fire resistant.

(jj) Piping

(i) All piping shall be well supported and provision shall be made for expansion and contraction. All refrigeration system piping shall conform to the Refrigeration Piping Code (ASA B31.5—1962), a Section of the American Standard Code for Pressure Piping, as it applies to ammonia.

(9) Safety Equipment

(aa) All refrigerated storage plants shall have on hand the minimum safety equipment required under paragraph (d)(9)(aa);

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APPENDIX A

Minimum required rate of discharge in cubic feet per minute of air at 120 per cent of the maximum permitted start to discharge pressure for safety relief valves to be used on containers other than those constructed in accordance with Interstate Commerce Commission specifications.

Surface Area Sq. Ft.	Flow Rate CFM Air	Surface Area Sq. Ft.	Flow Rate CFM Air	Surface Area Sq. Ft.	Flow Rate CFM Air
20	258	185	1,600	900	5,850
25	310	190	1,640	950	6,120
30	360	195	1,670	1,000	6,380
35	408	200	1,710	1,050	6,640
40	455	210	1,780	1,100	6,900
45	501	220	1,850	1,150	7,160
50	547	230	1,920	1,200	7,410
55	591	240	1,980	1,250	7,660
60	635	250	2,050	1,300	7,910
65	678	260	2,120	1,350	8,160
70	720	270	2,180	1,400	8,410
75	762	280	2,250	1,450	8,650
80	804	290	2,320	1,500	8,900
85	845	300	2,380	1,550	9,140
90	885	310	2,450	1,600	9,380
95	925	320	2,510	1,650	9,620
100	965	330	2,570	1,700	9,860
105	1,010	340	2,640	1,750	10,090
110	1,050	350	2,700	1,800	10,330
115	1,090	360	2,760	1,850	10,560
120	1,120	370	2,830	1,900	10,800
125	1,160	380	2,890	1,950	11,030
130	1,200	390	2,950	2,000	11,260
135	1,240	400	3,010	2,050	11,490
140	1,280	450	3,320	2,100	11,720
145	1,310	500	3,620	2,150	11,950
150	1,350	550	3,910	2,200	12,180
155	1,390	600	4,200	2,250	12,400
160	1,420	650	4,480	2,300	12,630
165	1,460	700	4,760	2,350	12,850
170	1,500	750	5,040	2,400	13,080
175	1,530	800	5,300	2,450	13,300
180	1,570	850	5,590	2,500	13,520

Surface Area = Total Outside Surface Area of Container in Square Feet. When the Surface Area is not stamped on the name plate or when the marking is not legible the can be calculated by using one of the following formulas:

(1) Cylindrical container with hemispherical heads
Area = overall length in feet times outside diameter in feet times 3.1416.

(2) Cylindrical container with other than hemispherical heads
Area = (overall length in feet plus 0.3 outside diameter in feet) times outside daimeter in feet times 3.1416.

(3) Spherical container
Area = outside diameter in feet squared times 3.1416.

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Flow Rate = CFM Air = cubic feet per minute of air required at standard conditions, 60°F and atmospheric pressure (14.7 psia).

The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,500 sq. ft., the required flow rate can be calculated using the formula, Flow Rate CFM Air = 22.11 A00.82, where A = outside surface area of the container in square feet.

Adopted 2-20-67

insert new → (aR0004 35T); (aR0020 35T); (aR0051 5T); (aR0249 5T)

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PESTICIDE CONTROL

CHAPTER 15

3 MCAR § 1.0338

§ 1.0338 Pesticide control.

A. General.

1. Authority. The rule contained herein is prescribed pursuant to Minn. Stat. 1976, §§ 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides including, but not limited to herbicides, insecticides, rodenticides, and fungicides. The provisions specified in this rule are in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR § 1.0338, the following definitions and those definitions in Minn. Stat., ch. 18A, shall apply:

a. "Master structural pest control applicator" means a person who has the necessary qualifications to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, who is familiar with the laws, rules, and regulations governing the same, and is so licensed by the commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman structural pest control applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, who is engaged as an employee of or is working under the direction of a master structural pest control applicator and is so licensed by the commissioner.

c. "Structural pest control applicator's apprentice, trainee, or assistant" means a person, other than a master or journeyman structural pest control applicator, who is engaged as an employee of a master structural pest control applicator, or working under the immediate and personal supervision of either a master or journeyman structural pest control applicator for not more than 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the commissioner to so engage in structural pest control activities.

d. "Fumigator" means a person who has the necessary qualifications in the practical selection and application of fumigants with knowledge of their toxic effect on man and other living things and is so licensed by the commissioner.

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e. "Commercial pesticide applicator" means a person who is licensed under the Act, other than structural pest control applicators or fumigators, to use or supervise the use of pesticides for hire.

f. "Non-commercial pesticide applicator" means a person, including government officials, other than commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

g. "Pest" means, for the purposes of structural pest control, (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) or any other form of animal or plant life which has been declared by the commissioner to be a pest and which is found in, on, under, or within six (6) feet of any structure; including all animals of the order Rodentia, starlings, sparrows, grackles, common pigeons, shrews, moles, bats and all noxious weeds.

3. Incidents.

a. Persons involved in, or responsible for, an incident involving a pesticide such as flood, fire, tornado, motor vehicle accident, poisoning, exposure, spills or leaking container(s) likely to cause damage to humans or the environment shall immediately report such incident to the Minnesota Department of Agriculture, and provide information as may be requested by the commissioner. Notification of such incidents to the Department of Agriculture shall constitute compliance with Minn. Stat. § 115.061. The Department shall be responsible for immediately notifying the Minnesota Pollution Control Agency of incidents which may cause pollution of waters of the state.

4. Records.

a. In addition to those record keeping requirements set forth in Minn. Stat. § 18A.28, subds. 2 and 3, licensed commercial applicators and licensed or registered structural pest control applicators shall keep a record of and report to the commissioner the locations of all treatments.

b. All non-commercial pesticide applicators as defined in the Act shall submit to, and on forms provided by, the commissioner annually, but in no case later than January 30 following the year of license, a report which shall include true and accurate routine operational information on kinds, amounts, uses, dates and places of application of restricted use pesticides; and shall keep and maintain such records necessary to produce such reports. Records shall be maintained for two years.

B. Special local needs.

1. "Special local need" shall mean a pest problem presently existing or likely to occur within the state which cannot be effectively controlled because:

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a. There is no pesticide registered by EPA for such use; or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration; or,

c. An appropriate EPA registered pesticide product is not available.

2. Any person may make application for a special local need registration. Application shall be made in writing to the commissioner and shall include all information required in Minn. Stat. 1976. § 18A.23 and 40 CFR 162.150-162.158, Subpart B.

3. If the commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, § § 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B.

4. The commissioner shall, within 20 days of issuance of a special local need registration:

a. Publish a notice of the special local need registration in the State Register and the EQB Monitor.

b. Issue a news release with information stating that a special local need registration has been issued and stating the citizen's right to petition for a hearing to all legal newspapers of general circulation in the affected area and any other newspaper the commissioner deems appropriate.

5. A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the State Register to file written objections with the commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the commissioner shall order a hearing pursuant to Minn. Stat. 1976, ch. 15, for the purpose of revoking, amending, or upholding said registration.

6. The commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or the health, welfare, and safety of the public, or that the special local need no longer exists.

7. A special local need registration shall be valid for one calendar year or portion thereof unless revoked or suspended and may be reviewed annually by application in writing to the commissioner.

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C. Certification and/or recertification requirements; commercial, non-commercial, and structural pest control applicators.

1. Certification requirements. All Minnesota commercial, non-commercial, and structural pest control applicators shall be required to take and pass a proctored written examination or examinations related to the category classification selected by the applicant prior to certification and licensing. Upon passage of such an examination or examinations, the applicator will be certified for a period up to five years. Such examinations shall meet or exceed the requirements in FIFRA and Regulations 40 CFR 171.4 (b) and (c) and 40 CFR 171.6. Such examinations will be prepared and administered by the Commissioner or his designee.

2. Recertification requirements.

a. Commercial and non-commercial applicators certified in accordance with Section C. 1. may be recertified by:

(1) Satisfactorily completing an approved training program during the certification period; or

(2) Re-examination in accordance with procedures set forth in Section C. 1. 3. Participation at such a training program or re-examination will extend the applicator's certification for a period up to five years from the date of attendance or examination.

b. Structural pest control applicators may be recertified by participating in an approved training program or passing a written proctored examination annually for relicensing and recertification.

3. Re-examination procedures. If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of failure of the first examination. If any applicant fails to achieve a passing score upon retaking an examination, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. A failing applicant may retake an examination no more than three (3) times in one year. Upon submission to the commissioner in writing of specific reasons within 30 days from the date of notification of failure of third retaken examination, an appeal of the score may be made.

4. Certification alternatives.

a. Upon written application, the commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule, provided that:

(1) there is good cause why the individual cannot comply with the provision of this rule;

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(2) the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

(3) when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

(4) the intent of the act and this rule is not violated; and,

(5) the environment or the public will not be adversely affected by the alternative requirements or procedures.

b. Under no circumstance shall certification be waived.

D. Private applicator.

1. A private applicator shall be deemed certified when he/she has, within the past three years, completed one or more of the following state approved certification programs:

a. A state approved home study;

b. A state approved pesticide training session;

c. A personal interview by the commissioner; or,

d. A written or oral examination; and,

He/She reads the Label and follows all label directions for use and the precautions to protect the user and the environment from all restricted use pesticides he/she uses.

2. A private applicator or his/her agent shall sign a sales register when purchasing a restricted use pesticide from a licensed dealer attesting that the use and the precautions to protect the user and the environment and that the user has completed one or more of the state approved certification programs set forth in section D. 1. within the past three years.

E. License.

1. An applicant for a "master structural pest control applicators license" shall take and pass a written proctored examination prepared and administered by the commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "journeyman structural pest control applicator license" shall take and pass a written proctored examination prepared and administered by the commissioner. Such examination shall determine whether

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the applicant has adequate training, experience, and working knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for a "structural pest control fumigator license" shall, in addition to securing a master or journeyman license, take and pass a written proctored examination prepared and administered by the commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigants on man and other living things.

4. An applicant for a "restricted use dealer license" shall take and pass a written proctored examination prepared and administered by the commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety, and label and labeling comprehension.

5. Upon written application, the commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the intent of the act and this rule is not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

F. License renewal; structural, commercial, and non-commercial.

1. Every person licensed as a master or journeyman in structural pest control shall be required to attend annually at least one program of continuing education in the use of pesticides in structural pest control approved by the commissioner as a condition for renewal of the license under the Act. Failure to attend such programs as required may be grounds for revocation, termination, suspension, or refusal to renew said license.

2. Licensed commercial and non-commercial applicators must renew their license annually. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the

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use of pesticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the commissioner.

3. Failure to renew said license prior to the expiration date will require the applicant to revert to the status of a new applicant.

4. Upon written application, the commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the intent of the act and this rule is not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

G. Restricted use pesticides.

1. Restricted use pesticides shall be those so classified by the Administrator of the EPA.

2. Additionally, all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, as well as the pesticides listed in Sections G. 3. and 4. of this rule, shall, for the purposes of the administration of this rule, be classified as restricted use pesticides.

3. The following uses and procedures shall also be prescribed:

a. the following inorganic arsenical compounds: sodium arsenite, sodium arsenate, arsenic trioxide, arsenic acid, and arsenic pentoxide shall not be used for weed control.

b. Sodium fluoroacetate, "compound 1080", fluoroacetamide ("1081"), and phosphorus paste, including any mixture, formulation, dilution, or combination thereof shall be restricted as follows:

(1) All the above listed pesticides shall be kept in the custody and used under the direct supervision of a master structural pest control applicator and when held in storage shall be kept in a locked cabinet or vault.

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Containers and other equipment for weighing, measuring, or mixing of such pesticides shall be labeled "POISON" and kept in a locked cabinet or vault.

(2) The use of soft drink bottles or other food-type containers for storing products containing the pesticides listed above is prohibited.

(3) The use of the above listed pesticides in dwellings is prohibited. Under certain conditions of rodent infestations, the commissioner may grant a special use permit for this compound for a stated date and dwelling location upon written application and finding that:

(a) the applicant has shown good cause why an exception would be reasonable, practical, and should be granted;

(b) the environment and the public will not be adversely affected;

(c) precaution will be taken to protect the environment and the public; and,

(d) the intent of the act and this rule is not violated.

(4) The use of the above listed pesticides shall be prohibited, except upon special written authorization from the commissioner. A follow-up report shall be required in all instances.

4. No person shall use Lindane in any pest control activity except as follows:

Pest	Crop	Dosage	Remarks, Limitations
Soil insects	Corn, beans, small grains, sugar beets, sunflowers	1 oz. per bu.	Seed treatment only
Stored-food pests		Follow label directions	For use by structural pest control operators
Mange mites	Swine	0.06% as spray or dip 1.0% dust	Do not treat before animals are 3 months old or sows within 2 weeks of farrowing; must be 30 days before slaughter, dips 60 days. If growth rates approach 200 lbs. in 150 days, another chemical should be used.

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Pest	Crop	Dosage	Remarks, Limitations
Centipedes, symphylids		Follow label directions	For commercial greenhouse and floriculture use only.
Thrips, fungus gnats, mealy bugs, sowbugs (pillbugs), spittle bugs		Follow label directions	For commercial greenhouse and floriculture use only.

5. No person shall display for sale any restricted use pesticides in any public area of a store or other place to which the general public has access unless displayed by a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES—USER MUST BE CERTIFIED."

H. Storage, handling, and use of pesticides.

1. No person shall use, store, display, or handle any pesticide or container thereof in any manner inconsistent with labeling or so as to endanger humans, damage agricultural products, food, livestock, wildlife, pollinating insects, or pollute the environment.

2. All persons storing liquid pesticides in containers of a rated capacity of 500 gallons or more shall provide a means of containment of the amount of the rated storage in the event a leak or break should occur in the original storage unit in accordance with MPCA rule WPC 4. Storage must be provided with suitable lock up when unattended.

3. All persons shall maintain all equipment in proper working order and shall use only that equipment capable of performing all functions necessary to insure proper application of pesticides.

4. All persons shall use necessary safe pesticide handling procedures and personal protective equipment, respirators, protective clothing, and medical monitoring procedures as appropriate to each situation to protect himself/herself and his/her employees.

5. All persons shall use only measuring equipment which is accurately calibrated to the smallest unit in which the pesticide is to be weighed and measured for application.

6. All persons shall maintain a uniform mixture of pesticide in equipment during application.

7. All persons shall make all applications of pesticides in good workmanlike manner utilizing a pattern that will give uniform distribution of pesticides without creating hazard to non-target areas.

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8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to humans, agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of this rule and MPCA rules.

10. All persons using aircraft in the application of pesticides shall use and operate only aircraft that has equipment which will give uniform coverage to the area to which the pesticide is applied. All such aircraft shall also be equipped with a positive shut-off which shall prevent the leaking or dissemination of said pesticide on any non-target areas over which flight is made.

11. The license or registration certificate issued by the commissioner to a pesticide applicator company shall be prominently displayed to the public in their place of business.

12. All individuals licensed by the commissioner shall have such license, card, or document as issued by the commissioner to present upon demand as a means of identification when engaged in pesticide application activities.

I. Enforcement.

1. The commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976, §§ 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of an application for registration, an application for license, any records required to be maintained, any reports filed or any other information submitted to the commissioner pursuant to Minn. Stat. 1976, §§ 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

J. Financial responsibility.

1. "Commercial pesticide applicators and structural pest control applicators." Applicants for commercial pesticide applicator or structural pest control applicator licenses or renewals shall furnish evidence of financial responsibility acceptable to the commissioner prior to the issuance of such license. This requirement may be satisfied by:

a. A certificate of net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing net assets available to satisfy judgments equal to or greater than $50,000;

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b. A bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce or liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce for a minimum set forth in sections 2 and 3; or,

c. A combination of a. and b.

2. Commercial pesticide applicators.

a. Limits of liability:

(1) Fifty-thousand dollars ($50,000) for bodily injury or death, each person.

(2) Fifty-thousand dollars ($50,000) for bodily injury or death, each occurrence.

(3) Twenty-five thousand dollars ($25,000) for property damage, each occurrence.

b. The commissioner may accept a liability insurance policy or surety bond in the proper sum which as a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.

c. The commissioner may, when deemed in the public interest and the intent of the act, require limits of liability in an amount in excess of those set forth in 2.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

3. "Structural pest control applicators."

a. Limits of liability:

(1) One-hundred thousand dollars ($100,000) for bodily injury.

(2) Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurrence.

(3) Ten-thousand dollars ($10,000) for property damage, each occurrence.

b. The commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500).

c. The commissioner may, when deemed in the public interest and intent of the act, require limits of liability in an amount in excess of those set forth in 3.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

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4. Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

K. Reciprocal agreement.

1. Reciprocal agreements shall apply to all non-residents licensed and certified to apply pesticides so long as such license and certification has not been cancelled or suspended for cause by the jurisdiction issuing the license and certification on which issuance of the reciprocal license and certification is based.

2. In all cases, when a license and certification has been suspended or revoked by either jurisdiction in the agreement, the appropriate official of the reciprocating jurisdiction shall be notified detailing the reasons for such suspension or revocation.

3. The commissioner is authorized to enter into reciprocal agreements approved by the attorney general for form and legality with any other state which has a similar state plan for certification of pesticide applicators. Under such agreement, the designated person of the state party to the reciprocal agreement is granted full authority, including reciprocal recognition of licensing and recertification standards, training and testing procedures, and related matters in all states participating in such agreements.

4. The commissioner reserves the right to test any applicant from another state who is seeking certification in Minnesota.

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CHAPTER 17: AGR 368-387

COMMERCIAL FEEDS

Agr 368 Definitions and Terms

(a) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.

(b) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.

(c) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Minnesota Statutes, Section 25.33, Subd. 5: raw meat; and hay, straw, stover, silages, cobs, husks, hulls and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed or mixed with other materials; Provided that these commodities are not adulterated within the meaning of Minnesota Statutes, Section 25.37, (A), (B), (C) or (D).

Agr 369 Label Format

Commercial feeds shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format:

(a) Net weight.

(b) Product name and brand name, if any.

(c) If drugs are used:

(1) The word "medicated" shall appear directly following the product name in type size no smaller than one half the type size of the product name.

(2) The purpose of medication (claim statement).

(3) The required direction for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Regulations Agr 373 and 374 appear elsewhere on the label.

(4) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Regulation Agr 371(d).

(d) The guaranteed analysis of the feed as required under the provisions of Minnesota Statutes, Section 25.35, (A)(3) shall include the following items, unless exempted in Item (8) of this subsection, and in the order listed:

(1) Minimum percentage of crude protein.

(2) The percentage of equivalent protein from non-protein nitrogen as required in Regulation Agr 371(e).

(3) Minimum percentage of crude fat.

(4) Maximum percentage of crude fiber.

(5) Minerals, to include, in the following order: (a) minimum and maximum percentages of calcium (Ca); (b) minimum percentages of phosphorus (P); (c) minimum and maximum percentages of salt (NaCl); and (d) other minerals.

(6) Vitamins in such terms as specified in Regulation Agr 371(c).

(7) Total Sugars as Invert on dried molasses products or products being sold primarily for their molasses content.

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(8) Exemptions.

(aa) Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6½ percent of mineral elements.

(bb) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(cc) Guarantees for crude protein, crude fat, and crube fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(e) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Minnesota Statutes, Section 25.35, (A)(4).

(1) The name of each ingredient as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Commissioner.

(2) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

(aa) When a collective term for a group of ingredients is used on the label, individual ingredients within the group shall not be listed on the label.

(bb) The manufacturer shall provide the feed control official, upon request, with a listing of individual ingredients, within a defined group, that are or have been used in manufacturing facilities distributing in or into the state.

(3) The registrant may affix the statement, "Ingredients as registered with the State" in lieu of the ingredient list on the label. The list of ingredients must be on file with the Commissioner. This list shall be made available to the feed purchaser upon request.

(f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state and zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory.

(g) The information required in Minnesota Statutes, Section 25.35, (A)(1)-(5) must appear in its entirety on one side of the label or on one side of the container. The information required by Minnesota Statutes, Section 25.35, (A)(6)-(7) shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by Minnesota Statutes, Section 25.35, (A)(6)-(7) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "see back of label for directions for use." None of the information required by Minnesota Statutes, Section 25.35 shall be subordinated or obscured by other statements or designs.

Agr 370 Brand and Product Names

(a) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed", for example, must be suitable for that purpose.

(b) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings.

(c) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be

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one representing any components of a mixture unless all components are included in the name; Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(d) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

(e) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein"; Provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. When a figure is used in the brand name (except in mineral, viatmin, or other products where the protein guarantee is nil or unimportant), it shall be preceded by the word "number" or some other suitable designation.

(f) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Commissioner designates otherwise.

(g) The word "vitamin", or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Regulation Agr 371(c).

(h) The term "mineralized" shall not be used in the name of a feed, except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(i) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are from cattle, swine, sheep and goats.

Agr 371 Expression of Guarantees

(a) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage by weight.

(b) Commercial feeds containing 6½ percent or more mineral elements shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis, such shall be stated and conform to the following:

(1) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(2) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

(c) Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound of feed except that:

(1) Vitamin A, other than precursors of vitamin A, shall be stated in International or USP Units per pound.

(2) Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound.

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(3) Vitamin D for other uses shall be stated in International or USP Units per pound.

(4) Vitamin E shall be stated in International or USP Units per pound.

(5) Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with exception of the compounds Pyridoxin Hydrochloride, Choline Chloride, Thiamine, and d-Pantothenic Acid.

(6) Oil and premixes containing vitamin A or vitamin D or both may be labeled to show vitamin content in terms of units per gram.

(d) Guarantees for drugs shall be stated in terms of percent by weight, except:

(1) Antibiotics present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(2) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed shall be stated in grams per pound of commercial feed.

(3) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(4) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(1) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing 5% or more protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, _____%

(This includes not more than _____% equivalent protein from non-protein nitrogen)

(2) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

(3) Ingredient sources of non-protein nitrogen such as Urea, Di-Ammonium Phospate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum, _____%

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

(f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

Agr 372 *Ingredients*

(a) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the Commissioner, and must be shown in letters or type of the same size.

(b) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

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(c) The term "dehydrated" may precede the name of any product that has been artificially dried.

(d) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.

(e) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (e.g. sugar).

(f) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

Agr 373 Directions for Use and Precautionary Statements

(a) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

(1) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and,

(2) Include, but not be limited to, all information prescribed by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

(b) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Regulation Agr 374.

(c) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral or other dietary nutrient or compound.

Agr 374 Non-Protein Nitrogen

(a) Non-protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein and are not to be used in commercial feeds for other animals and birds.

(b) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement:

"CAUTION: USE AS DIRECTED"

The directions for use and the precautionary statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(c) On labels such as those for medicated feeds which bear adequate feeding directions and/or precautionary statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

Agr 375 Drug and Feed Additives

(a) Prior to approval of a registration application and/or approval of a label for commercial feeds which contain additives (including drugs, special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

(b) Satisfactory evidence of safety and efficacy of a commercial feed may be:

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(1) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "generally recognized as safe" for such use, or

(2) When the commercial feed is itself a drug as defined in Minnesota Statutes, Section 25.33, Subd. 8, and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360 (b).

Agr 376 Adulterants

(a) For the purpose of Minnesota Statutes, Section 25.37 (a), the terms "poisonous or deleterious substances "include but are not limited to the following:

(1) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceed 0.30% for cattle; 0.35% for sheep; 0.45% for swine; and 0.60% for poultry.

(2) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration above the following amounts: 0.009% for cattle; 0.01% for sheep; 0.014% for swine; and 0.035% for poultry.

(3) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

(4) Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B_1 (Thiamine).

(5) Artificial color that has not been cleared for safety for use in feeds. Evidence of safety must include a clearance for use of these color additives under the provisions of the Federal Food, Drug and Cosmetic Act. No artificial color material shall be used to enhance the natural color of the feed or feed ingredient whereby inferiority would be concealed.

(b) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the level of such viable weed seeds in the finished product shall not exceed the levels specified in Minnesota Statutes, Sections 21.71-21.78.

Agr 377 Good Manufacturing Practices

(a) For the purposes of enforcement of Minnesota Statutes, Section 25.37 (H), the Commissioner adopts the following as current good manufacturing practices:

(1) The regulations prescribing good manufacturing practices for medicated feeds as published in the Code of Federal Regulations, Title 21, Part 133, Sections 133.100-133.110.

(2) The regulations prescribing good manufacturing practices for medicated premixes as published in the Code of Federal Regulations, Title 21, Part 133, Sections 133.200-133.210.

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Chapter Eighteen: Candling and Grading of Eggs

3 MCAR S 1.0388 Authority; purpose. Rules 3 MCAR SS 1.0388-1.0404 are adopted by the commissioner pursuant to Minnesota Statutes, sections 29.23 and 29.27 to preserve and protect the public health by regulating the grading, candling, cleaning, breaking, buying and selling of eggs and egg products.

3 MCAR S 1.0389 Definitions.

A. Applicability. For the purposes of 3 MCAR SS 1.0388-1.0404, the terms defined in this rule have the meanings given them.

B. Adulterated eggs. "Adulterated eggs" has the meaning given in Minnesota Statutes, section 29.24.

C. Checks. "Checks" means eggs that have cracks or breaks in the shell but have intact shell membranes which do not leak.

D. Commissioner. "Commissioner" means the Commissioner of Agriculture or the commissioner's authorized representative.

E. Dealer. "Dealer" means a person, firm or corporation licensed by the department under Minnesota Statutes, section 28A.04, and subject to Minnesota Statutes, section 29.22, or a producer who offers or sells eggs directly to the consumer off the producer's premises.

F. Department. "Department" means the Department of Agriculture.

G. Dirties. "Dirties" means eggs with adhering dirt or foreign material or prominent or moderate stains covering more than one-fourth of the shell surface.

H. Grading. An "at destination" grade means the grading is done where the eggs are sold at retail or consumed. An "at origin" grade means the grading is done somewhere other than the destination.

I. Incubator rejects. "Incubator rejects" means eggs that have been subjected to incubation and have been removed during the hatching operation as infertile or otherwise unhatchable.

J. Inedible eggs. "Inedible eggs" has the meaning given in Minnesota Statutes, section 29.24.

K. Leakers. "Leakers" means eggs that have a crack or break in the shell and shell membrane to the extent that the contents are exuding or are free to exude through the shell.

L. Loss. "Loss" means eggs that are unfit for human food because they are smashed or broken so that their contents are

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leaking, because they are overheated, frozen, or contaminated, because they are incubator rejects, or because they contain bloody whites, large meat spots, a large quantity of blood or other foreign material.

M. Restricted eggs. "Restricted eggs" means eggs that contain dirties, checks, leakers, inedibles, loss and incubator rejects.

3 MCAR S 1.0390 Candling. Dealers must have adequate equipment and space and a room darkened sufficiently to make possible accurate quality determinations of the candled appearance of the eggs. The room shall be free from dirt, mustiness, foreign odors, and debris. Operations using mechanical equipment must have adequate light for all necessary procedures, including the detection of dirties, the detection of staining, and the determination of the condition of the packing material.

3 MCAR S 1.0391 Storage and refrigeration. Dealers must have adequate space and proper storage facilities with temperatures of 60 degrees Fahrenheit or less as required by law. All storage and transportation facilities must be maintained in a sanitary condition. Dealers must transport eggs in enclosed trucks that are sanitary and provide insulation or refrigeration necessary to maintain the quality and temperature of the eggs. Trucks with canvas tarpaulins, blankets or similar covers are not "enclosed" unless special permission is given when roads are officially posted for weight limits.

3 MCAR S 1.0392 Egg cleaning.

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A. Protection from soil. Eggs must, so far as reasonably possible, be protected from being soiled or dirtied by foreign matter in all stages of production, transportation and processing.

B. Wet cleaning. Wet cleaning of eggs using rags, sponges or other devices to scrub or wipe the eggs by hand is prohibited.

C. Dry cleaning. Dry cleaning with abrasive material reasonably free of bacterial contamination is permitted.

D. Washing equipment and procedures. Eggs may be washed subject to the following requirements:

1. Egg washing equipment and the surrounding area must be of such construction as to permit thorough cleaning.

2. Egg washing equipment and the surrounding area must be kept in a sanitary condition.

3. The water used in washing eggs must be potable and contain less than five parts of iron per million.

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4. The water temperature for both washing and rinsing must be thermostatically controlled.

5. The temperature of the wash water must be maintained at a minimum of 90 degrees Fahrenheit and must be at least 20 degrees Fahrenheit warmer than the temperature of the eggs. The rinse water temperature must exceed the wash water temperature by at least 10 degrees Fahrenheit. Prewetting must be accomplished by spraying a continuous flow of water over the eggs in a manner that permits the water to drain away.

6. Only approved cleaning and sanitizing compounds may be used. Refer to the United States Department of Agriculture list of compounds authorized for use under the meat, rabbit and egg products inspection programs.

7. Washed eggs must be spray rinsed with an approved sanitizing agent. The rinse must contain at least 50 parts per million and may contain no more than 200 parts per million of available chlorine or its equivalent.

8. Washed eggs must be reasonably dry prior to cartoning or casing.

9. Washers must be operated in accordance with the manufacturer's instructions in all instances which are not in conflict with 3 MCAR SS 1.0388-1.0404.

10. Immersion type washers may not be used.

11. All eggs must be removed from the washing and rinsing area of the egg washer and the scanning area where there may be a build up of heat when those areas are not in use.

3 MCAR S 1.0393 Candling and grading records.

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A. A dealer must keep an accurate candling and grading record, known as a "bench record," for each patron from whom eggs are purchased on a graded basis. Candling and grading bench records must be kept in a manner sufficient to indicate that the eggs purchased by the first dealer have been candled and graded and all inedible eggs removed. Bench records, consecutively numbered, must be written in ink or other nonerasable writing and must include the following data:

1. name and address of the dealer;

2. name or number and address of the producer or person selling eggs;

3. date received;

4. number of dozen eggs received;

5. exact number of eggs in each Minnesota purchase grade;

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6. deductions for inedible or adulterated eggs;

7. name or initial of candler and date candled; and

8. dirties and checks may be identified as such or may be grouped together in one column in order to simplify record keeping.

B. Permanent office records. Records must be kept in a neat and orderly manner, must be available to the commissioner at all reasonable times, and must be retained by the dealer for a period of at least 90 days after the date of purchase.

3 MCAR S 1.0394 Minnesota purchase grades required. A person buying eggs from a producer on a graded basis must do so on the basis of the purchase grades set in 3 MCAR S 1.0398.

3 MCAR S 1.0395 Minnesota consumer grades required. All candled and graded eggs which are purchased for resale, sold, transferred or consigned to consumers, dealers, brokers, retailers or wholesalers within the state, must be sold, transferred or consigned on the basis of the consumer grades set in 3 MCAR S 1.0398. All eggs sold, consigned or transferred, except eggs sold at retail, must be accompanied by an invoice to the receiver showing the number of cases of eggs of each consumer grade in each shipment.

3 MCAR S 1.0396 Containers and packaging material used in marketing eggs. Any container, including the packaging material inside the container, which is unfit for the marketing of eggs due to condition or contamination must, at the discretion of the inspector and under his supervision, be rendered unusable.

3 MCAR S 1.0397 Identification of eggs in the possession of dealers. Each case of eggs held by a dealer must be identified as to grade and size in a manner acceptable to the commissioner. Grade designation may not be abbreviated. Acceptable methods of identifying cases include stamping, marking with chalk or other legible marking, or a grade slip or label in or attached to each case. Each case or part of a case of eggs which has not been candled and graded must be identified with the producer's name and address in a manner satisfactory to the commissioner.

3 MCAR S 1.0398 Minnesota purchase and consumer grades.

A. Purchase grades.

1. Eggs may be purchased only on the basis of the standards of grades and weight classes established for consumer grades.

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2. Eggs may be purchased as "nest run" or "current receipts."

3. All restricted eggs, must be handled in a manner conforming to the requirements of the Federal Egg Products Inspection Act of 1970, regulations promulgated under that act, and Minnesota Statutes, section 29.235.

4. All eggs used in the manufacture of food products or by a restaurant, caterer, nursing home, school, charitable organization or similar establishment which prepares or serves food for human consumption must be of Grade B or better, except for checks and dirties which may be processed for human consumption by an official egg processing plant licensed by the department.

B. Consumer grades.

1. "Grade AA (at origin)" consists of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality not more than one percent may be B quality due to air cells over 3/8 inch, blood spots aggregating not more than 1/8 inch in diameter, or serious yolk defects. Not more than five percent checks are permitted and not more than 0.50 percent leakers, dirties or loss due to meat or blood spots are permitted in any combination except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

2. "Grade AA (at destination)" consists of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least ten percent A quality and the remainder shall be B quality, except that within the tolerance for B quality not more than one percent may be B quality due to air cells over 3/8 inch, blood spots aggregating not more than 1/8 inch in diameter, or serious yolk defects. Not more than seven percent checks are permitted and not more than one percent leakers, dirties, or loss due to meat or blood spots are permitted in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

3. "Grade A (at origin)" consists of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than one percent may be B quality due to air cells over 3/8 inch, blood spots aggregating not more than 1/8 inch in diameter, or serious yolk defects. Not more than five percent, or seven percent for jumbo size, checks are permitted and not more than 0.50 percent leakers, dirties or loss due to meat or blood spots are permitted in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

4. "Grade A (at destination)" consists of eggs which are at least 82 percent A quality or better. Within the maximum

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tolerance of 18 percent which may be below A quality, not more than one percent may be B quality due to air cells over 3/8 inch, blood spots aggregating not more than 1/8 inch in diameter, or serious yolk defects. Not more than seven percent, or nine percent for jumbo size, checks are permitted and not more than one percent leakers, dirties, or loss due to meat or blood spots are permitted in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

5. "Grade B (at origin)" consists of eggs which are at least 90 percent B quality or better. Not more than ten percent may be checks and not more than 0.50 percent may be leakers, dirties, or loss due to meat or blood spots in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

6. "Grade B (at destination)" consists of eggs which are at least 90 percent B quality or better. Not more than ten percent may be checks and not more than one percent may be leakers, dirties, or loss due to meat or blood spots in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

C. Quality standards specifications. Specifications for standards for quality of individual shell eggs must be in accordance with the United States Standards for Quality of Individual Shell Eggs and Weight Classes for Shell Eggs, 7 Code of Federal Regulations Part 2856, effective December 26, 1978, as amended October 1, 1981.

D. Weight classes for shell egg grades. Weight classes for shell egg grades are established in Exhibit 3 MCAR S 1.0398 E.-1.

Exhibit 3 MCAR S 1.0398 E.-1.

Weight Classes for Shell Egg Grades

Size or Weight Class	Minimum Net Weight per dozen, in ounces	Minimum Net Weight per 30 dozen, in pounds	Minimum Weight for Individual Eggs at Rate per dozen, in ounces
Jumbo	30	56	29
Extra Large	27	50 1/2	26
Large	24	45	23
Medium	21	39 1/2	20
Small	18	34	17

A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no

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individual case within the lot exceeds five percent.

3 MCAR S 1.0399 Invoices. Every dealer selling eggs to a retailer must give the retailer an invoice showing the grade of the eggs under 3 MCAR S 1.0398 B. A copy of each invoice must be kept on file by the seller and the retailer at their respective places of business for 30 days and must be available to and open for inspection at all reasonable times by the commissioner.

3 MCAR S 1.0400 Labeling. Any dealer exposing or offering eggs for sale to a consumer must give notice of the grade of eggs in the manner set out in this rule.

If eggs are exposed or offered for sale in cartons, bags or other containers, the cartons, bags or containers must be plainly and conspicuously printed in letters not smaller than one-quarter inch in height, or plainly and conspicuously stamped or marked in letters not smaller than one-half inch in height with the exact grade and size. If eggs are offered or exposed for sale in bulk, there must be a placard among or adjacent to the eggs which states the grade and size of the eggs and is in letters not smaller than one-half inch in height. Grade designations may not be abbreviated. All containers must also include the name and address of the producer, processor, or distributor. In the case of the processor or distributor, the words "packed for" or "distributed by" or some equivalent phrasing should be used.

3 MCAR S 1.0401 Advertising. Any advertisement of eggs at a given price must plainly and conspicuously indicate the grade and size. Grade designations may not be abbreviated.

All reference to grades of eggs in advertising or in any other manner, either for procurement or sale of eggs, must conform to the grade and size terminology for purchase and consumer grades promulgated by the commissioner.

3 MCAR S 1.0402 Misleading statements. No dealer may sell, offer for sale, or advertise for sale, eggs for human consumption if the package containing them, a label on the package, or any advertising accompanying them bears any statement or device which is in any way false or misleading.

3 MCAR S 1.0403 Coding and open dating.

A. Coding. Consumer grades of eggs must be code dated in type not smaller than eight-point capitals to indicate the date of delivery, which must not be more than three days from the date of candling and grading. All cartons must bear a code date and cases of eggs for bulk sales shall be plainly coded. If

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retailers carton eggs which have been delivered in bulk cases, the code date on the carton must be the same as on the cases.

B. Open dating. All consumer grade eggs must carry an "open date" in addition to the code date. The code date is the day of delivery and must be a Julian date so it is not confused with the open date by consumers. The open date or freshness date must be spelled out as the month or number of the month and day, for example: 2-1 or Feb. 1. The open date must have an explanatory clause, such as "Sell by" or "Use by," the word "Expires" or the abbreviation "Exp."

3 MCAR S 1.0404 Use of word "Fresh." The use of the word "Fresh" is limited to eggs of Grades AA, A and B quality which are less than 31 days old. The term "Fresh" or a similar term is not a substitute for grade designation.

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CHAPTER 19: AGR 418-433

PROCESSING OF LIQUID AND FROZEN EGGS FOR RESALE

Agr 418 Definition of Terms

(a) Liquid Eggs, Mixed Eggs, Liquid Whole Eggs, Mixed Whole Eggs; Identity Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs, are eggs of the domestic hen, broken from the shells and with yolk and white in their natural proportions as so broken. They may be mixed, or mixed and strained.

(b) Frozen Eggs, Frozen Whole Eggs, Frozen Mixed Eggs; Identity Frozen eggs, frozen whole eggs, frozen mixed eggs, are the food prepared by freezing liquid eggs.

(c) Egg Yolks, Liquid Egg Yolks, Liquid Yolks; Identity Egg Yolks, liquid egg yolks, liquid yolks of eggs of the domestic hen separated from the whites. They may be mixed or mived and strained.

(d) Frozen Yolks, Frozen Egg Yolks; Identity Frozen yolks, frozen egg yolks, are the food prepared by freezing egg yolks.

(e) Egg Whites, Liquid Egg Whites, Frozen Egg Whites; identity Egg Whites, liquid egg whites, frozen egg whites are the white (albumen) of eggs of the domestic hen separated from the yolks.

Agr 419 Quality of Egg (Breaking stock)

(a) Eggs may be broken that meet the following requirements:

(1) Eggs of interior quality equal to or better than Minnesota Consumer "C" quality.

(2) Eggs with small blood or meat spots that can be removed by an approved method.

(3) Eggs with adhering dirt after proper cleaning.

(4) Checks and cracks as long as the shell membranes are not broken, provided that the eggs on which the shell membrane is broken but with no egg meat exuding therefrom may be broken.

(5) Eggs stored or held for a period not to exceed 60 days from date of production.

(b) Inedible and adulterated eggs shall not be broken including but not limited to black rots, white rots, mixed rots (addled eggs) sour eggs with green whites, bloody whites, eggs with stuck yolks, crusted yolks, moldy eggs, musty eggs, developed embryos at or beyond the blood ring stage, eggs subjected to artificial incubation or any other eggs that are filthy, decomposed or putrid and any eggs with conditions which make washing or breaking without contamination impossible.

Agr 420 Sanitary Requirements

(a) Breaking Room

(1) Rooms shall be kept free from refuse, rubbish, waste materials, odors, insetcs, rodents, and from any conditions which may constitute a source of odors or engender insects and rodents. Materials and equipment not currently needed shall be handled or stored in a manner so as not to constitute a sanitary hazard.

(2) Doors and windows that open to the outside shall be protected against the entrance of flies and other insects. All doors leading into rooms where edible

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product is processed shall be of solid construction and such doors, other than freezer and cooler doors, shall be fitted with self-closing devices.

(3) There shall be an efficient drainage and plumbing system for the plant and premises. All drains and gutters shall be properly installed with approved traps and vents.

(4) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant, or portion thereof utilized for egg processing and handling operations, and for protection against contamination and pollution. A certificate of potability of the water supply shall be obtained from the department.

(5) The floors, walls, ceiling, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

(6) Lavatory accommodations including, but not being limited to, hot and cold running water, soap, and towels, shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products.

(7) Ventilation sufficient to cause a prompt and continuous removal of objectionable odors shall be provided by means of filtered air.

(b) Equipment and Utensils

Equipment and utensils used in processing shell eggs and egg products shall be of such design, material and construction as will (1) enable the examination, segregation and processing of such products in an efficient, clean and satisfactory manner, and (2) permit easy access to all parts to insure thorough cleaning and sanitizing. So far as is practicable all such equipment shall be made of metal or other impervious material, if the metal or other impervious material will not affect the product by chemical action or physical contact. Receptacles and packages used for shell eggs or egg products which are not fit for human food shall bear some conspicuous and distinctive identification.

(c) Personnel

(1) All personnel shall practice good personal hygiene.

(aa) Wash hands before returning to breaking room after leaving for any reason.

(bb) All workers coming into contact with liquid or frozen eggs shall wear clean (preferably white) outer garments which are not ordinarily used as street clothes.

(cc) Use hair nets or equivalent.

(2) No use of tobacco, perfume, or scented cosmetics in breaking room.

(3) All persons shall be free from communicable disease.

(4) All persons engaged in the process of breaking eggs shall have normal sense of smell and color distinction.

Agr 421 Operating Procedures

(a) General

(1) All breaking equipment coming in contact with the liquid eggs shall be cleaned and sanitized at least twice daily.

(2) All breaking equipment coming in contact with reject or dirty eggs or eggs with objectionable odors shall be removed from service until cleaned and sanitized.

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(3) All other equipment in breaking room must be kept clean at all times.

(4) Personnel should wash their hands often and must wash them after contact with reject or dirty eggs.

(5) All eggs with objectionable odors must be discarded in waste disposal container. Cups, knives and trays must be removed from service until cleaned and sanitized.

(6) Any substance or ingredient added in the processing of any egg products shall be clean and fit for human food.

(7) Shell particles and meat and blood spots falling into cup shall be removed with a clean spoon or by other approved procedures.

(8) Egg meat shall be processed in such a manner as to insure the removal of meat spots, shell particles and foreign materials.

(9) Liquid eggs must be strained after mixing to remove bits of shell.

(10) Can lids must be placed on cans immediately after filling can.

(11) Egg cases, fillers, flats and filler flats shall not be brought into the breaking room unless such items are constructed of such material as will permit their thorough cleaning and sanitizing.

(b) Sanitizing

(1) Sanitizing shall be accomplished by subjecting, for not less than one minute, the equipment surfaces to a hypochlorite or other approved sanitizing solution carrying a minimum initial strength of 200 PPM of chlorine or its equivalent. The solution shall be changed whenever the strength of the solution drops to 100 PPM of available chlorine or its equivalent.

(c) Cleaning Eggs Prior to Breaking

(1) Dry cleaning or sanding followed by rinse with proper strength detergent-sanitizer to effectively clean and sanitize each egg, clean warm water rinse and drying in sanitary manner is satisfactory.

(2) Washing with proper strength detergent-sanitizer to effectively clean and sanitize each egg followed by a clean warm water rinse and drying in a sanitary manner is satisfactory.

(3) When washing eggs, the temperature of the water shall be at least 20° warmer than the temperature of the eggs.

(d) Waste Disposal

(1) Shells shall be disposed of in a sanitary manner at least at the end of each day.

(2) Rots and rejects shall be placed in an identified container containing a denaturant.

(e) Containers

(1) New Containers

(aa) Containers shall be inspected for cleanliness. Facilities shall be available to wash or water-spray each can and lid prior to use.

(bb) Cans shall be stored and handled in an acceptable manner.

(cc) Polyethylene containers shall be sterile and stored in a manner which will insure against contamination.

(2) Used Containers — 30 pound Cans

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Egg products may be packed in used 30-pound tin containers only with the permission of the Department. Such permission will be granted only when:

(aa) Containers are not extensively dented.

(bb) Lacquer inside of each can is intact.

(cc) Inside of can is free from rust.

(dd) Bottom seams are not damaged to the extent that adequate cleaning is impossible.

(ee) Each can and cover is clean.

(ff) Seams are not ripped or split.

(gg) Either new lids, or lids which are as good as new, are used. (The can shall be capable of being sealed sufficiently tight so that filth cannot enter the containers after the lid is in place).

(hh) All old markings are removed.

Permission for the use of used cans shall be revoked at any time the above requirements are not met.

Agr 422 Pasteurization of Liquid Eggs

(a) Pasteurizing Facilities

Adequate pasteurizing equipment of approved construction shall be provided so that all of the liquid egg will be processed as provided in paragraph (b) of this section.

(b) Pasteurizing Operations

The strained or filtered liquid egg shall be flash heated to not less than 140°F. and held at this temperature for not less than 3½ minutes.

(c) Any other procedure for pasteurization must be submitted in writing and approved by the department prior to use.

Agr 423 Refrigeration and Freezing

(a) Shell Eggs to be broken

Eggs to be broken for sale as frozen eggs shall be refrigerated at all times (maximum of 60°F. except during candling).

(b) Liquid Egg Products

(1) Products sold without freezing

(aa) Eggs broken for sale as liquid eggs (unfrozen) shall be cooled to 40°F. or lower within 90 minutes after breaking and/or pasteurization.

(bb) Liquid eggs must be held at a temperature of 40°F. or lower (preferably 32°F.) and shall be utilized within two days of breaking.

(2) Liquid eggs to be frozen

(aa) All nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10°F. within 60 hours from time of draw-off and all pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10°F. within 60 hours from time of pasteurization.

(bb) Egg cans shall be stacked in a manner that will allow free air movement around the cans.

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Agr 424 Identification, Labeling and Inspection

(a) All containers of liquid or frozen egg products shall plainly and conspicuously be identified with (1) Identification of product (such as frozen whole eggs, frozen egg yolks, etc.). When whites and yolks are mixed and do not meet the requirements of Regulation 418, they shall be labeled "mixed whites and yolks." (2) Declaration of net content — (Weight). (3) Name of processor or distributor. (4) Lot number or date processed.

All identification and labeling information shall be applied to the container and shall not be applied to a detachable cover such as a lid.

(b) Egg products containing any added substance or ingredient such as sugar or salt shall show on the label, the proper name of the product together with the percentage of the added ingredient or ingredients.

(c) Unless otherwise stated on the label, egg products shall have minimum total solids content as follows:

Liquid or frozen whole eggs, liquid or frozen mixed whole eggs, liquid or frozen mixed eggs or "mixed whites and yolks." 24.7% solids

Liquid or frozen egg yolks — 43.0% solids

Liquid or frozen egg whites or albumen — 12.0% solids

The method used to determine egg solids shall be that method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(d) Edible turkey, guinea, duck and goose eggs may be processed provided they are processed separately and properly identified by labeling.

(e) All frozen egg products may be examined by a State inspector by organoleptic examination after freezing to determine their fitness for human food. Any such products which are found to be unfit for human food shall be denatured and disposed of in a manner acceptable to the department.

(f) Samples of all egg products may be taken by a State inspector for bacteriological examination and analysis by the department of agriculture laboratory.

(g) Pasteurization Requirements

All egg products sold or offered for sale for human consumption in Minnesota shall be pasteurized, or heat treated in a manner to render them Salmonella negative. This includes egg products to which ingredients are added and regardless of whether such products are sold or offered for sale in liquid, frozen, or dried form.

Agr 425 Sampling and Laboratory Analysis

(a) For liquid egg products which are required to be sampled for the presence of Salmonella, one sample per lot of 6,000 pounds or fraction thereof shall be submitted for laboratory analysis. The sample shall be a composite consisting of product drawn from each batch comprising the lot and such product shall be thoroughly churned prior to sampling. For continuous type operations, the sample shall be a composite consisting of product drawn from approximately each 300 pounds produced.

(b) Laboratory analyses for the presence of Salmonella shall be made by a laboratory approved by the department and continuing approval will be based on the results of confirmation samples submitted to the Minnesota Department of Agriculture laboratory.

Agr 426 Minnesota Certified Grade A Egg Products

(a) Purpose

The purpose of this grade is to encourage improvement in the quality of eggs used for egg products and improve practices in processing procedures to the end that the markets for egg products will be broadened, consumer acceptance of

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these products will be enhanced, which will result in improved income to producers.

(b) Participation

Any person, firm, or corporation licensed to engage in the business of breaking eggs in Minnesota, in accordance with M.S. 1961, Section 29.22, Subdivision 4, may participate.

(c) Supervision and Inspection

The processing of all egg products produced in connection with the program shall be done under continuous inspection and supervision by authorized personnel, which shall be either USDA resident inspectors or state inspectors. The cost of the inspection shall be paid by the participant.

(d) General Provisions

The minimum requirements contained in the Rules and Regulations relating to the processing of Liquid and Frozen Eggs for Resale shall apply in all cases where compatible.

(e) Specific Provisions

The specific provisions shall apply in all cases where they exceed the minimum requirements of the general provisions.

(1) Quality of eggs (Breaking Stock)

The quality of eggs to be broken shall be as follows:

Eggs to be broken must be of interior quality equal to or better than the Minnesota Consumer Grade "A" quality in all respects except for shell shape and texture. Such eggs shall have been held at a temperature of under 60°F. for a period of less than 15 days.

(2) Eggs to be broken must be transported in new cases and packaging material (fillers and flats or filler flats).

(3) Washing eggs to be used for breaking

All eggs to be broken must be washed and sanitized as they are moved into the breaking room. Eggs previously washed may be moved into the breaking room through a sanitizing solution only without being washed. Washing and sanitizing shall be done in accordance with Regulation Agr 390.

(4) Packaging

(aa) Egg products shall be packed in new, properly cleaned and sanitized cans; or

(bb) Sterile, polyethylene bags which have been approved for this purpose by the department.

(5) Identification and Labeling

(aa) Products produced in connection with this program shall be labeled in accordance with Regulation Agr 424 except that such identification may also include any distinctive emblem or seal authorized by the department and "Minnesota Certified Grade A" for example — frozen whole eggs may be identified as: Minnesota Certified Grade A Frozen Whole Eggs.

(6) Fees and Charges

In-plant inspection fees for continuous supervision shall be determined by the commissioner and shall be at a rate sufficient to reimburse the department for the costs involved.

Agr 427-433 Reserved for future use

Filed 10-25-61; 7-19-65; 4-5-68.

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CHAPTER 21: AGR 458-542

MINNESOTA-NATIONAL POULTRY IMPROVEMENT PLAN

Agr 458 Definitions

(a) Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

(1) Plan. The provisions of the National Poultry Improvement Plan contained in this part.

(2) Person. A natural person, firm, or corporation.

(3) Commissioner. The Commissioner of Agriculture.

(4) Department. The Minnesota Department of Agriculture, unless otherwise indicated.

(5) Board. The Minnesota State Livestock Sanitary Board.

(6) State. Any State, the District of Columbia, or Puerto Rico.

(7) Official State Agency. The State authority recognized by the United States Department of Agriculture to cooperate in the administration of the Plan.

(8) State Inspector. Any person employed or authorized by the Department to do inspection work under this program.

(9) Authorized Agent. Any person authorized by the Department to do flock selection work.

(10) Poultry. Domesticated fowl, including chickens, waterfowl and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

(11) Domesticated. Propagated and maintained under the control of a person.

(12) Affiliated flockowner. A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(13) Independent flockowner. A flockowner who is participating in the Plan through an agreement with the Department.

(14) Flock.

(aa) As applied to breeding. All poultry of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm.

(15) Hatchery. Hatchery equipment on one premises operated or controlled by any person for the production of baby poultry.

(16) Products. Poultry breeding stock, hatching eggs, baby poultry and started poultry.

(17) Dealer. A person dealing in hatching eggs, breeding stock or poultry who does not operate a hatchery.

(18) Baby Poultry. Newly hatched poultry (chicks, ducklings, goslings, keets, etc.) that have not been fed or watered.

(19) Started Poultry. Young poultry (chicks, pullets, cockerels, capons, ducklings, goslings, keets, etc.) that have been fed or watered and are less than six months of age.

(20) Strain. Poultry breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

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(21) Operating Year. The period from July 1 through June 30 or any portion thereof.

(22) Stock. A term used to identify the progeny of a specific breeding combination within a species of poultry. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.

(23) Trade name or number. A name or number compatible with State and Federal laws and regulations applied to a specified stock or product thereof.

(24) Franchise breeder. A breeder who normally sells products under a specific strain or trade name and who authorizes other hatcheries to produce and sell products under this same strain or trade name.

(25) Franchise hatchery. A hatchery which has been authorized by a franchise breeder to produce and sell products under the breeder's strain or trade name.

(26) Waterfowl. Domesticated fowl that normally swim, such as ducks and geese.

(27) Exhibition poultry. Domesticated fowl which are bred for the combined purposes of meat or egg production and competitive showing.

(28) Game birds. Domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

(29) USDA. United States Department of Agriculture.

Agr 459 Administration.

(a) As authorized by Chapter 29, Minnesota Statutes 1971, the Department cooperates with the United States Department of Agriculture through a Memorandum of Understanding in the administration of the Plan. The Department cooperatively with the Board, shall carry out the administration of the Plan within the State of Minnesota according to the applicable provisions of the Plan and Memorandum of Understanding.

(b) The Department may accept for participation an affiliated flock located in another state under a mutual understanding and agreement between the two official state agencies regarding conditions of participation and supervision.

(c) The Department may adopt regulations applicable to the administration of the Plan in the State of Minnesota further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

Agr 460 Participation.

(a) Any person proudcing or dealing in poultry products may participate in the Plan when he has (1) demonstrated, to the satisfaction of the Department, and the Board, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan; and (2) signed an agreement with the Department, and the Board, to comply with the general and the applicable specific provisions of the Plan and any regulations of the Department adopted in accordance with Agr 459.

Affiliated flockowners may participate without signing an agreement with the Department.

(b) Each participant shall comply with the Plan throughout the operating year of the Department, or until released by the Commissioner and the Executive Officer of the Board.

(c) A participant shall participate with all of his poultry hatching egg supply flocks and hatchery operations within the State.

(d) No person shall be compelled by the Department to qualify products for the classifications described in Agr 470(a) as a condition of qualification for participation in the Plan.

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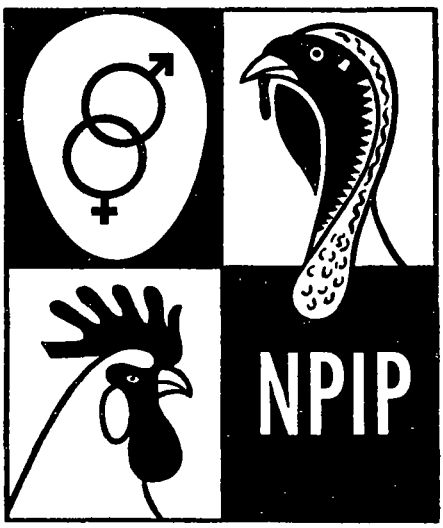
(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:



Agr 461 General provisions for all participants.

(a) Records of purchases, sales, eggs set, hatchability and the identity of products handled shall be maintained in a manner satisfactory to the Department. The purchaser shall keep on file for each lot of eggs or chicks purhased, an invoice or NPIP 15 from the seller stating the seller's name, address, date of shipment, quantity, breed and pullorum classification thereof.

(b) Products and the sales and purchases thereof, records of eggs set, hatchability and material used to advertise products shall be subject to inspection by the Department at any time.

(c) Advertising must be in accordance with the Plan, and applicable rules and regulations of the Department and the Federal Trade Commission. A participant advertising products as being of any official classification may include in his advertising reference to associated or franchised hatcheries only when such hatcheries produce the same kind of products of the same classification.

(d) Participants may not buy or receive for any purpose, products from nonparticipants, or sell products of nonparticipants, except with the permission of the Department and the Board for use in breeding flocks or for experimental purposes.

(e) The minimum weight of chicken hatching eggs sold shall be 1-11/12 oz. each for replacement stock and 1-10/12 oz. each for broiler stock, except as otherwise specified by the purchaser of the eggs.

(f) Each shipment of products to points outside the continental United States shall be accompanied by a properly executed Form NPIP-15F, Report of Sales of Hatching Eggs, Chicks and Poults (For Shipment Outside the United States).

Agr 462 Specific provisions for participating flocks.

(a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition acceptable to the Department. The participating flock, its

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eggs, and all equipment used in connection with the flock shall be separated from nonparticipating flocks in a manner acceptable to the Department and the Board.

(b) All flocks shall consist of healthy, normal individuals characteristic of the breed and variety, cross, or other combination which they are stated to represent.

(c) A flock shall be deemed to be a participating flock when it meets all requirements of the Department and in addition, has been officially qualified for a Minnesota-U.S. Pullorum Typhoid Clean classification by the Board.

(d) Each bird shall be identified with dye or an approved and sealed numbered band obtained from the Department.

Agr 463 Specific provisions for participating hatcheries.

(a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Department. The minimum requirements with respect to sanitation shall include the following:

(1) Incubator walls, floors and trays shall be kept free from broken eggs and egg shells.

(2) Tops of incubators and hatchers shall be kept clean (not used for storage).

(3) Entire hatchery, including sales room, shall be kept in a neat, orderly condition and free from accumulated dust.

(4) Hatchery residue such as egg shells, infertile eggs and dead germs shall be disposed of promptly.

(5) Hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch.

(b) A hatchery which keeps started poultry (poultry that has been fed or watered) must keep such poultry separated from the incubator room in a manner satisfactory to the Department. The minimum requirements with respect to brooder rooms shall include the following:

(1) Brooder rooms shall be separated from the incubator room by a solid partition preferably with an outside entrance. Doors opening from the brooder room into any incubator area shall be kept closed at all times except when in actual use.

(2) Tops of battery brooders shall be kept clean (not used for storage).

(3) Walls, ceilings, and floors shall be kept clean at all times.

(4) Ventilation system shall be separate from the incubator room ventilation system.

(5) Dead chicks, droppings and other refuse shall be removed and disposed of promptly.

(c) All poultry offered for sale under Plan terminology shall be normal and typical of the breed and variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell, typical for the breed and variety, strain, or cross thereof and reasonably uniform in shape. Hatching eggs shall be trayed and the poultry boxed with a view to uniformity of size.

(e) All hatcheries within a State which are operated under the ownership or management of the same person or persons or related corporations, or in which the same person or persons have a substantial financial interest as partners or otherwise, shall participate in the Plan if any of them are to participate.

Agr 464 Specific provisions for participating dealers. Dealers in poultry breeding stock or hatching eggs or poultry shall comply with all provisions in this part which apply to their operations.

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Agr 465 Supervision.

(a) The Department may designate qualified persons as Authorized Agents to do the selecting work provided for in Agr 462 and Agr 470.

(b) The Department shall employ or authorize qualified persons as State Inspectors to perform, or supervise the performance of, the selecting of participating flocks and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

(c) Authorities issued under the provisions of this section shall be subject to cancellation by the official State agency on the grounds of incompetence or failure to comply with the provisions of the plan or regulations of the official State agency. Such actions shall not be taken until a thorough investigation has been made by the official State agency and the authorized person has been given notice of the proposed action and the basis therefor and an opportunity to present his views.

Agr 466 Inspections.

(a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Department that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year a sample of the flocks selected by each Authorized Agent shall be inspected by a State Inspector. This must include the inspection of a minimum of 15 percent of the flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

Agr 467 Debarment from participation. Non-compliance with the provisions of the Plan, or regulations of the Department not corrected within the time specified by the Department, shall be grounds for the Department to bar a participant from further participation for a period to be determined in each case by the Department. Such action shall not be taken until thorough investigation has been made by the Department and the participant has been given an opportunity for a hearing.

Agr 468 Terminology and classification; general.

(a) The official classification terms defined in Regulations Agr 469 and Agr 470 and the various designs illustrative of the official classifications may be used only by those who are participating in the Plan with both the Department and the Board and to describe products that have met all the specific requirements of such classifications.

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by, or consigned to nonparticipants.

(c) Participating flocks and the eggs and poultry produced from them may be designated by their strain or trade name. When a breeder's name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either (1) birds hatched from eggs produced under the direct supervision of the breeder of such strain or (2) stock multiplied by persons designated and so reported by the breeder to each Official State Agency concerned.

Agr 469 Terminology and classification; hatcheries and dealers. Participating hatcheries and dealers shall be designated as "Minnesota National Plan Hatchery" and "Minnesota National Plan Dealer" respectively. Each participating hatchery or dealer may be assigned a permanent approval number by the USDA. This

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number may appear on each invoice and shipping label for each separate sale of products. The approval number shall be withdrawn when the hatchery or dealer no longer qualifies for participation in the Plan.

Agr 470 Terminology and classification; flocks and products. Participating flocks and the eggs and poultry produced from them, which have met the respective requirements specified in this section may be designated by the following terms or their illustrative designs.

(a) Minnesota-U.S. Approved. All males and females selected by Authorized Agents according to standards prescribed by the Department and the Department of Animal Science, University of Minnesota Institute of Agriculture and such standards are approved by the USDA.

Agr 471 Fees and Charges. The fees for inspection and supervision, and charges for supplies to be paid to the Department in connection with participation in the Plan shall be as follows:

(a) Annual minimum fees:

Hatcheries	$15.00
Dealers	$15.00
Independent flocks	$ 5.00

The annual minimum fee for hatcheries, dealers and independent flocks shall be paid at the time the agreement for participation is submitted to the Department.

(b) Capacity fees:

$0.50 per 1000 egg capacity actually used, including incubators and hatchers to 200,000 capacity.

$0.25 per 1000 egg capacity actually used, including incubators and hatchers, for that capacity in excess of 200,000 egg capacity. Provided that, the annual minimum hatchery fee shall be deducted from the capacity fee in the final accounting for the operating year. The capacity fee shall be paid to the Department on or before June 30 of each operating year.

(c) Identification bands. Aluminum Leg Bands $8.00 per 1000 bands.
When dye is used in lieu of bands to identify birds in supply flocks, the fee shall be $8.00 per 1000 birds retained in such flocks.

(d) The participant shall furnish transportation or reimburse the State for transportation for the State Inspector on flock inspection work.

Agr 472-542 Reserved for future use

Filed 9-30-59; 11-21-62; 11-12-73.

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§ 1.0543 Family farm security loans, application, eligibility, review.

A. Pursuant to the provisions of Laws of 1976, ch. 210 [Minn. Stat. §§ 41.51 - 41.61 (1976)] and these rules, the commissioner may aid farmers in obtaining credit for the acquisition of farm real estate by guaranteeing and making payment adjustments on family farm security loans to eligible applicants.

B. Applications. Any natural person wishing to participate in the family farm security program may make application to the commissioner jointly with a participating lender on forms provided by the lender, or in the case of seller-sponsored loans, if requested, on forms provided by the commissioner.

1. Responsibility of lenders. The lender shall process applications for family farm security loans using its existing real estate loan forms, supplementing these forms with additional information requested by the commissioner. It shall be the duty of the lender to review the application to make certain that all information required by the commissioner is included with the application, to attest that to the lender's best knowledge, all information contained in the loan application is true and correct, and to submit the application in duplicate to the commissioner. In the case of seller-sponsored loans, the commissioner, upon request, will provide forms and assist the applicant and the lender in preparing the loan application.

2. Land appraisal.

a. The lender shall include with the application an appraisal of the land for which a family farm security loan is requested. The appraisal shall include the market value and income potential of the land, and all other relevant information requested by the commissioner, and it shall be signed by the person who performed the appraisal or by an officer or officers of the lending institution, indicating there has been an actual appraisal of the land.

b. In the case of loans wholly financed by the seller, either the buyer or the seller shall pay to have the land appraised.

c. To protect the interests of the applicant, the lender, or the state, the commissioner may require an additional independent appraisal of any land for which a family farm security loan is requested. The costs of appraisals performed under this section shall be assessed to the loan applicant.

d. The commissioner shall not guarantee any loan if the sale price of the land exceeds the attested appraisal value.

C. Eligibility. To be eligible for a family farm security loan, an applicant shall meet the following criteria:

1. The applicant must reside in the state of Minnesota or submit a declaration that upon receipt of a family farm security loan the applicant will become a full-time resident of Minnesota.

Repealed 13 SR 78 7-19-82

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2. The applicant must have sufficient education, training or experience in agriculture to indicate to the commissioner that there is a likelihood the applicant will be successful in the farming operation proposed in the application.

3. The applicant must agree to participate in a program of farm management acceptable to the commissioner, including but not limited to, programs in farm record keeping or farm management offered by State Universities, the Agricultural Extension Service or Vocational-Agriculture Programs.

4. The total net worth of the applicant and the applicant's spouse and dependents as determined by generally accepted accounting principles, must be less than $50,000. The commissioner, upon request, will provide the applicant or the lender with forms and assistance in preparing the net worth statement.

5. The applicant must demonstrate a need for the loan. In determining the applicant's need for the loan, the commissioner may consider all relevant considerations, including but not limited to the applicant's financial statement and the possible availability and terms of a non-guaranteed loan from any lender. The commissioner may also consider the financial situation of the applicant's immediate family so far as said financial situation indicates the ability of the applicant to obtain financial assistance from the applicant's immediate family for the purchase of farmland.

6. The applicant must specifically detail the agricultural purposes for which the applicant intends to use the farmland.

7. The applicant must be credit worthy. A determination as to the credit worthiness of the applicant shall be based on all relevant considerations, including but not limited to the applicant's credit rating, spending habits and reputation for honesty.

D. Determination of ineligibility, reapplication. If the commissioner determines that an applicant does not meet one or more of the eligibility criteria in subsection C. above, the commissioner shall return a copy of the application to the lender with a notice to the applicant and the lender stating specifically why the applicant is not eligible for the loan. If the circumstances of the applicant change such that in the future the applicant becomes eligible for a family farm security loan, the applicant may reapply without prejudice.

E. Review of determination of ineligibility. An applicant who believes the commissioner erred in determining the applicant ineligible for a family farm security loan may, within 90 days of the applicant's receipt of notice of ineligibility, request that the application be reconsidered. The applicant may also present in writing any additional facts relevant to the reasons given by the commissioner for the determination of ineligibility. Upon receipt of this request for reconsideration, the commissioner shall, at the next regularly scheduled family farm advisory council meeting, present the application and accompanying materials to the council. The council shall review the applica-

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tion and the commissioner shall follow the recommendations of the council in determining the applicant's eligibility for a family farm security loan.

F. Criteria for granting family farm security loans. Upon a determination that an applicant meets the eligibility criteria of subsection C. above, the commissioner may approve the loan application. In deciding whether a specific family farm security loan shall be approved, the commissioner shall attempt to further the policy of Laws of 1976, ch. 210 [Minn. Stat. §§ 41.51 - 41.61 (1976)] by considering all factors relevant, including but not limited to:

1. The recommendation of the family farm advisory council which shall be based on the criteria contained herein.

2. The degree to which the applicant intends to make farming the applicant's principal occupation;

3. The proportion of the proposed loan that will be used for the acquisition of real property directly relating to the farming enterprise;

4. The extent to which the applicant demonstrates financial need for state assistance to acquire farmland;

5. The likelihood of success of the applicant's proposed farming operation;

6. The economic feasibility of the loan as evidenced by the applicant's present and past financial situation, the projected cash flow of the proposed farming operation, and an analysis of the loan ratios; and

7. The existence of, or provision for, financing for necessary equipment and operating costs.

G. Period for granting family farm security loans. The commissioner upon recommendation of the family farm advisory council, shall on a monthly basis, consider and act upon family farm security loan applications. An application meeting the eligibility requirements of subsection C. above, shall remain eligible for approval and may be acted upon by the commissioner for four months from the date of receipt, unless either the applicant or the lender requests in writing that the application be withdrawn. In addition, the lender or the applicant may request that a final decision concerning an application be made in less than four months, and the commissioner and the council shall, if possible, review and act upon the application within the requested time frame. Each time an eligible application is reviewed by the commissioner and not approved, the commissioner shall notify the applicant and the lender of this fact. Upon the expiration of the four month period, the commissioner shall return the application and notify the applicant and the lender that the application has not been approved. An eligible applicant not receiving a family farm security loan under these circumstances may reapply at any time in the future.

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§ 1.0544 Family farm security loan, guarantee, payment adjustment, closing.

A. Approval by the commissioner of a family farm security loan application shall result in the following:

1. Family farm loan guarantee. Upon approval of an application for a family farm security loan, the commissioner shall enter into an agreement with the lender providing that in the event of default by the applicant, the State of Minnesota shall pay the lender 90 percent of the sums due and payable under the first real estate mortgage. This loan guarantee shall be void only if the guaranteed loan was obtained by fraud or material misrepresentation of which the original lender or subsequent holder had actual knowledge.

2. Payment adjustment. If the approved family farm security loan has a term of 20 years or less and provides for payments at least annually so the loan is amortized over its term with equal annual payments, and if the applicant requests a payment adjustment, the commissioner shall annually pay to the lender, an amount of money equal to four percent of the principal balance of the family farm security loan, provided that:

a. The lender bills the commissioner when each payment adjustment is due;

b. Prior to December 15 of each year, the lender or the applicant submits to the commissioner a statement of current net worth for the applicant and the applicant's dependents and spouse. If the total net worth as determined by generally accepted accounting principles, exceeds $100,000, the applicant shall not be eligible for a payment adjustment for the next year of the loan, and the commissioner shall notify the applicant and the lender that the applicant is responsible for all interest payments for that year of the loan. The commissioner upon request, will provide the applicant or the lender with forms and assistance in preparing the net worth statement;

c. The applicant shall reimburse the commissioner within 90 days after the tenth anniversary of the date of the family farm security loan agreement for all sums paid as payment adjustments by the commissioner on the applicant's behalf, and this obligation shall be a lien against the property which shall be subordinate to the first real estate mortgage, provided that:

(1) The applicant may, at least 30 days before the payment adjustment is due, petition the commissioner for a ten year renewal of the payment adjustment. If the applicant has complied with all terms of the loan agreement the commissioner shall grant the renewal; and

(2) If the payment adjustment is renewed for an additional ten years, the applicant shall reimburse the commissioner within 90 days after the 20th anniversary of the date of the family farm security loan agreement for all sums paid as payment adjustments by the commissioner on the applicant's behalf and this obligation shall be a lien against the property which shall be subordinate to the first real estate mortgage.

7-19-82 Repealed 7 SR 98

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B. Closing and disbursement of loans. Upon receiving notice from the commissioner that a family farm security loan application has been approved, the lender shall close and disburse the loan in accordance with the terms and conditions upon which the loan and guaranty were approved. The lender shall cause to be executed a note and all necessary additional instruments, and the lender shall take other actions, consistent with prudent lending practices, required to protect or preserve the interests of the applicant, the lender, and the commissioner. Immediately after a loan is closed, the lender shall furnish the commissioner with a copy of the executed note and loan agreement. The commissioner shall also be entitled to examine on request copies of other security instruments or loan documents, or other records held by the lender or its agents, which relate to the applicant. The lender shall also execute all relevant statements or declarations required for loan transactions by federal or state law or regulations.

§ 1.0545 Family farm security loans, defaults.

A. The borrower in a family farm security loan shall be considered to be in default if:

1. The borrower does not pay the principal or interest payment on the date due;

2. The borrower breaches a material obligation in the note, loan agreement, or any instrument securing the loan, and the lender determines that this breach constitutes an adverse change in the borrower's ability to repay the guaranteed loan provided that under this section and subsection 1 above, the lender and the applicant may agree to take any steps reasonable to assure fulfillment of the loan obligation.

3. The borrower fails to maintain the farmland in active agricultural production for more than one year, provided that:

a. The borrower who fails to maintain the land in active agricultural production for more than one year, may, within 30 days of the expiration of the one year's time, petition the commissioner for a waiver of default; and

b. The commissioner shall waive the default if the borrower demonstrates to the satisfaction of the commissioner that the land was not utilized because of physical disability or other extenuating circumstances beyond the immediate control of the borrower, and that the land will be back in production within a reasonable time.

c. If the commissioner determines that a default should not be waived, the borrower is entitled to a contested case hearing pursuant to the provisions of Minnesota Statutes Chapter 15 to review this determination.

§ 1.0546 Transfer of family farm security loan note. The lender shall notify the commissioner in writing within 30 days after a family farm security loan

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note is sold or exchanged. The family farm security loan guarantee shall remain in effect if the commissioner is notified pursuant to this section, provided that the purchaser of the family farm security loan note assumes all duties and obligations of the original lender, and agrees to comply with all applicable requirements of Laws of 1976, ch. 210 and these rules.

§ 1.0547 Commissioner's right to information. The commissioner may at any time during the term of a family farm security loan, request information and documents from the lender on the applicant, to enable the commissioner to determine that all terms and conditions of the law, rules, and any agreements made pursuant to the law or rules are being complied with.

Effective: 2-7-77

insert new: 3 MCAR §§ 1.0548, 1.0549, 1.0550, 1.0551, 1.0552, 1.0553, 1.0554, 1.0555, 1.0556, 1.0557, 1.0558, 1.0559, 1.0560

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LICENSING AND BONDING OF LIVESTOCK MARKET AGENCIES, PUBLIC STOCKYARDS, LIVESTOCK DEALERS AND THEIR AGENTS, AND LIVESTOCK WEIGHING AND OTHER MATTERS

CHAPTER 23

3 MCAR §§ 1.0563 - 1.0568

§ 1.0563 Definitions.

A. As used in 3 MCAR §§ 1.0563 through 1.0568 the following definitions and those definitions in Minn. Stat. ch. 17A shall apply:

1. "Livestock market agency," commonly referred to as a livestock auction market or sales barn, means any person who sells consigned livestock for the account of others. It shall not include livestock breeder or feeder organizations or saddle clubs which conduct occasional special event, dispersal, or promotional sales.

2. "Feeder pig market" means a trading place where producers sell feeder pigs directly to livestock dealers and other farmers. It shall not include feeder pig markets required to be licensed as livestock market agencies.

§ 1.0564 Licensing.

A. Any person desiring to carry on business as a livestock market agency, livestock dealer and any agent thereof, or public stockyard shall make application for licensing to and on forms provided by the commissioner.

1. Financial statements and volume reports. Each new application for a license to operate as a livestock market agency or a livestock dealer shall file with the application a current balance sheet and financial statement on forms provided by the commissioner. With each subsequent annual application, the livestock market or livestock dealer shall file a report of its business volume for the preceding calendar or fiscal year, as appropriate, for the purpose of determining the amount and adequacy of the applicant's surety bond.

If the calendar year of the firm's fiscal year conflict with the date the report of business volume is due, the applicant may give notice to the commissioner prior to the original due date and file the report at such later date as the commissioner deems reasonable.

2. License requirements. Before a license is issued to a livestock market agency, a public stockyard, or a livestock dealer and its agents, the applicant shall:

a. Demonstrate that his assets exceed his liabilities;

b. Indicate that the applicant has not failed, without reasonable cause, to pay obligations incurred in connection with livestock transactions;

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c. Indicate that the applicant has complied with other statutes and rules administered by the commissioner and/or the Minnesota Livestock Sanitary Board; and,

d. In the case of a livestock market agency or a livestock dealer and his agents, file with the commissioner a valid and effective bond in the amount required in 3 MCAR § 1.0565.

3. Expiration.

a. The license of a livestock market agency or a public stockyard shall expire on December 31, each year.

b. The license of a livestock dealer and its agents shall expire on June 30, each year.

B. A livestock dealer license issued to a corporation, association, or partnership shall be used only by the one officer or partner designated in the application to use such license.

C. If he deems it necessary for the protection of the public, the commissioner may at any time require a renewal applicant or licensee to submit a current balance sheet and financial statement.

D. A livestock market agency or a livestock dealer and its agents shall be exempt from the licensing requirements of Minn. Stat. ch. 17A if their business is conducted exclusively at a public stockyard.

E. License fees.

1. Each applicant for a license to carry on the business of a livestock market agency, a livestock dealer, both a livestock market agency and livestock dealer, or a public stockyard shall submit to the commissioner with his application the fee or fees required in Minn. Stat., ch. 17A.

2. There shall be no refund or proration of a fee, in whole or in part, paid for a license surrendered for cancellation, after the effective date of the license. Where a license has not taken effect, the fee shall be refunded to the applicant in full upon the applicant's written request.

F. Refusal to license. In addition to grounds for refusal to license in Minn. Stat., ch. 17A.04, subd. 6, the commissioner may refuse to issue a license if the applicant has engaged in or used any unfair or deceptive practice or device in connection with marketing of livestock.

G. Discontinuance of licenses.

1. If a dealer voluntarily discontinues dealing in livestock, or fails to meet the requirements of Minn. Stat. ch. 17A or rules promulgated thereunder, his license, and the licenses of his agents, if any, shall automatically be invalid and shall be surrendered to the commissioner.

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2. Upon the written request of the dealer or when the dealer's license is cancelled, revoked, or becomes invalid, an agent's license shall be invalid and shall be surrendered to the commissioner.

3. If a livestock market agency voluntarily discontinues business or fails to meet the requirements of Minn. Stat. ch. 17A or rules promulgated thereunder, its license shall automatically be invalid and shall be surrendered to the commissioner.

4. Upon the termination of the surety bond governing the licensed operation, any license issued pursuant to Minn. Stat., ch. 17A, shall automatically become invalid and shall be surrendered to the commissioner.

§ 1.0565 Bonding.

A. Each livestock market agency and livestock dealer applying for a license shall file with the commissioner a valid and effective surety bond issued by a surety company licensed to do business in the State of Minnesota or otherwise meeting the requirements of 3 MCAR §§ 1.0563 through 1.0568.

B. Amount and form of surety bonds.

1. The amount of a surety bond shall be not less than $10,000 for a livestock market agency and $5,000 for a livestock dealer, or such larger amounts as:

a. Required by the Packers and Stockyards Administration; or,

b. Determined by the commissioner based on consideration of the principal's financial statement, the volume of business reported, or other factors the commissioner finds pertinent and necessary to protect the public interest.

2. A livestock market agency's surety bond shall be executed on a Packers and Stockyards Act form with the appropriate condition clauses deleted.

3. A livestock dealer's surety bond executed on a form provided by the commissioner shall be limited to the protection of claimants whose residence or principal place of livestock business is in the State of Minnesota at the time of transaction.

4. In lieu of a livestock dealer's surety bond executed on a form provided by the commissioner, a Packers and Stockyards Act surety bond executed on a Packers and Stockyards Act form with the appropriate condition clauses deleted shall be acceptable.

5. In lieu of a livestock market agency surety bond executed on a Packers and Stockyards Act form, a trust fund agreement executed in accordance with the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), shall be acceptable.

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6. If the dealer is registered with the Packers and Stockyards Administration, a surety bond or its equivalent in the form of a trust fund agreement executed in accordance with the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), shall be accepted in lieu of a dealer's surety bond executed on a Packers and Stockyards Act form.

7. If, in the judgment of the commissioner, an adjustment in the amount of an individual surety bond is necessary to protect the public interest, the commissioner may, at any time, raise or lower individual surety bond requirements.

§ 1.0566 Claims against surety bonds.

A. Any person claiming to be damaged by any breach of the conditions of a surety bond on a licensee may file a complaint with the commissioner stating in writing the facts constituting the claim accompanied by documentary proof of claim against the licensee. No such claim shall be considered unless it is filed within one year of the date of the alleged breach. However, if a livestock market agency or a livestock dealer has on file with the commissioner a Packers and Stockyards Act surety bond and is registered with the Packers and Stockyards Administration, the terms of the bond or that federal agency's regulations shall prevail in determining the time for filing claims.

In any case where a claim is timely filed, the commissioner shall have a power to require the licensee to appear in hearing for the purpose of determining all liability of the licensee under the terms of his surety bond. The procedures for such hearing shall be covered by Minn. Stat., ch. 17A and ch. 15.

§ 1.0567 Record keeping.

A. Every licensed livestock market agency, public stockyard, and livestock dealer shall make and retain such accounts, records, and memoranda as the commissioner deems necessary to fully and correctly disclose all transactions involved in his business, including the true ownership of such business, the date of transaction, names and addresses of buyer and seller, number, weight and price of each kind of animal purchased or sold.

B. Each feeder pig market shall register all buyers and maintain a record of registered buyers for each sale date and shall retain such records for at least one year. A certificate of sale, accurately showing the name and address of seller and buyer, number of pigs purchased, identification or description of pigs, and the sale price, shall be made on each transaction and a copy retained by the seller and the buyer for at least one year.

C. The commissioner shall at all reasonable times have access to and the right to copy any records of any livestock market agency, public stockyard, livestock dealer, or feeder pig market being investigated or proceeded against.

§ 1.0568 Packing plants and stockyards, weighing.

A. For the purpose of determining eligibility for weighing services, the

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average daily number of livestock shall be determined by dividing the total number of head of all classes of livestock bought or sold during the preceding one year by 260 business days.

B. Policies and procedures, weighing tickets.

1. Requirements regarding scale tickets evidencing weighing of livestock. The actual weight of the livestock as certified by the state weigher shall be imprinted on the Official Certificate of State Weight (scale ticket) before the livestock are removed from the scale platform.

a. The certified weight shall never be changed.

b. The weigher shall not erase or allow to be erased or obliterate the original entry on a scale ticket. Any such change or erasure shall invalidate the scale ticket.

c. Request for a correction or change shall be made by the firm for whom the livestock was weighed and signed by an authorized employee. Any official correction or change of information on scale tickets after livestock have left the scale must be made within 24 hours by the supervisor of livestock weighing, on a correction slip furnished for such purpose.

d. When reweighing is requested, the state weigher shall cooperate to the fullest extent practical under the circumstances. In the case of a dispute on weight while animals are still on the scale platform, the weigher shall reweigh the draft or may recommend that the animals be driven to another scale and reweighed. When such reweighing is actually made, the last weight shall be the governing weight, unless mutually agreed by the buyer and seller that a previous weighing shall be used.

e. Transfers of livestock to a second buyer shall be permitted when such livestock is still on the scales. To denote such a transfer, a new ticket shall be issued and the word "transfer" marked in the scale book after the entry and on the scale ticket. Tickets shall not be issued to cover transfers commonly known as "added weights".

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COMPENSATION FOR LIVESTOCK DESTROYED BY ENDANGERED SPECIES

Chapter 24

3 MCAR §§ 1.0583 - 1.0585

§ 1.0583 General.

A. Purpose and authority. The rules contained herein are prescribed pursuant to Minn. Stat. 1977 Supp., § 3.737 (Laws of Minnesota, 1977, ch. 450, §§ 4 and 5) by the Commissioner of Agriculture to implement procedures to compensate livestock owners for livestock that is destroyed, or is crippled and must be destroyed, by an animal classified as endangered under the federal Endangered Species Act of 1973. The procedures specified in these rules are in addition to those set forth in the act itself.

B. Definitions. For purposes of these rules, the following definitions shall apply:

1. "Claim form" means the form provided by the commissioner to be completed by the County Extension Agent, the conservation officer and the livestock owner, containing information upon which payment for a loss shall be based;

2. "Commissioner" means the Commissioner of Agriculture or his authorized agent;

3. "Conservation officer" means a conservation officer of the Department of Natural Resources or his designee;

4. "County extension agent" means the University of Minnesota Agricultural Extension Service's County Extension Director or his designee for the county in which the loss occurred;

5. "Endangered species" means an animal classified as endangered under the federal Endangered Species Act of 1973 at the time Minn. Stat. 1977 Supp., § 3.737 was enacted;

6. "Livestock" means cattle, sheep, poultry, swine, horses, mules, and goats;

7. "Livestock owner" means any individual, firm, corporation, copartnership, or association with an interest in livestock destroyed, or crippled so that it must be destroyed, by an endangered species; and,

8. "Loss" means livestock destroyed, or crippled so that it must be destroyed, by an endangered species.

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§ 1.0584 Reporting and investigation.

A. It shall be the responsibility of the livestock owner to notify either the conservation officer or the county extension agent of a suspected loss within two weeks of the effective date of these rules or 24 hours of the discovery of a loss, whichever is later. The livestock owner shall provide all information required to investigate the loss to the conservation officer or the county extension agent. A telephone call or personal contact shall constitute notification.

B. The conservation officer or the county extension agent contacted by the livestock owner shall be responsible for completing the claim forms.

C. The conservation officer or the county extension agent shall secure from the livestock owner a signed statement setting forth:

1. All persons owning an interest in the livestock involved;

2. The existence and details of any insurance coverage on the livestock;

3. A statement that, in the owner's best judgment, the destroyed livestock was killed by an endangered species, and the facts underlying that judgment and,

4. A description of the livestock owner's plan to dispose of the carcass, which must be approved by the conservation officer or the county extension agent.

D. The conservation officer or the county extension agent shall investigate the loss in a timely manner and shall make a finding in writing on the claim form regarding whether the livestock was destroyed or crippled by an endangered species, the type of endangered species that caused the loss, and the owner's eligibility for compensation under these rules. Such a finding shall be based upon physical and circumstantial evidence, including:

1. The livestock carcass presence and condition;

2. Animal tracks;

3. The number and location of animal bites on the carcass;

4. The area of the state where the loss occurred;

5. Sitings of endangered species in the area; and,

6. Any other circumstances determined to be pertinent by the conservation officer and the county extension agent.

The absence of any affirmative evidence may be grounds for denial of a claim.

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§ 1.0585 Payment.

A. The conservation officer and the county extension agent shall make a written finding on the claim form of the actual fair market value of the destroyed livestock, not to exceed $400 per animal, based upon any of the following criteria deemed to be pertinent by the county extension agent or the conservation officer:

1. The number of livestock determined by the conservation officer or the county extension agent in the loss;

2. The type of livestock;

3. The breed and breeding of the livestock;

4. The estimated size and weight of the livestock;

5. The estimated age of the livestock;

6. Registration of the livestock, upon proof of registration;

7. Selling price of livestock at the nearest public stockyard at the time of loss; and,

8. The replacement cost of the livestock.

B. Upon completion and signing of the claim form, the county extension agent or the conservation officer shall submit said claim form to the commissioner for review and payment. The commissioner shall return any incomplete claim form to the initiating authority, indicating the information necessary for proper completion.

C. If insurance coverage exists on the livestock, the commissioner shall withhold payment under these rules until the insurance claim has been paid, and evidence of payment has been submitted to the commissioner; at which time that insurance payment shall be deducted from the determined actual fair market value or $400 per animal, whichever is less. In no case shall the payment exceed $400 per animal.

D. The commissioner shall then make payment and return a copy of the claim form to the livestock owner(s), as their interests may appear, the conservation officers, and the county extension agent.

E. The commissioner shall make only one payment for any single livestock loss.

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WEATHER MODIFICATION

CHAPTER 25

3 MCAR §§ 1.0600-1.0603

§ 1.0600 General.

A. Purpose and authority. The rules contained herein are adopted pursuant to Minn. Stat. ch. 42 (Laws 1977, ch. 426) by the Commissioner of Agriculture to implement procedures and conditions for the licensing and permitting of weather modification operators and operations, criteria for submission of operational reports, and financial liability limits. The procedures and criteria specified in these rules are in addition to those set forth in the Act itself. Any violation of these rules is a misdemeaner pursuant to Minn. Stat. § 42.12.

B. Definitions. For purposes of these rules, the following definitions, as well as those in the Act, shall apply:

1. "The Act" means Minn. Stat. §§ 42.01 through 42.14 (supp., 1977);

2. "Operational area" means that geographic area and the atmosphere there above wherein a person or persons place or attempt to place any substance in the atmosphere or clouds within the atmosphere, for the purpose of producing, or attempting to produce, a certain modifying effect and the geographic area and the atmosphere there above wherein the weather is intended to be modified.

3. "Project office" means the Minnesota office of the person conducting weather modification activities in Minnesota.

4. "Managing agent" means that individual who shall be located in Minnesota during the duration of the operation and who shall directly supervise and/or conduct the weather modification activity in Minnesota.

§ 1.0601 Licensing.

A. Application for license. No person as defined in Minn. Stat. § 42.02, subd. 2 shall engage in any weather modification activity within the State of Minnesota without first obtaining a license as prescribed in the Act and these rules.

1. Application for license shall be made under oath on forms provided by the Commissioner. Such application shall contain the following:

a. name, business address, and phone number of the applicant;

b. name of the applicant's chief executive officer;

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c. name(s), business address(es), and phone number(s) of all the applicant's managing agents;

d. project office address(es) and phone number(s);

e. a list of other states in which the applicant is currently licensed;

f. documentary evidence demonstrating that the applicant:

(1) has at least eight years of experience at the professional level in weather modification field research or operations, at least three of these years as a professional director; or

(2) has obtained a baccalaureate degree in engineering, mathematics, or the physical sciences plus three years experience in weather modification field research or operations; or

(3) has obtained a baccalaureate degree in meteorology, or a degree in engineering or the physical sciences which includes, or is in addition to, the equivalent of at least 25 semester hours of meteorological course work and two years practical experience in weather modification operations or research.

g. a list of all adversary proceedings both pending and closed involving the applicant in any court or administrative agency;

h. the length of time the applicant has been in the business of conducting weather modification activities; and,

i. other information deemed necessary and relevant by the commissioner.

2. All applicants shall comply with the requirements set forth by the Secretary of State for conducting business in the state.

B. Change of managing agent. The applicant or licensee shall notify the commissioner of a change in the managing agent. The replacement must meet the same requirements as set forth in the Act and this rule for a managing agent.

C. Licenses shall be valid for one year from the date of issuance.

D. Renewal shall be automatic upon the following conditions:

1. receipt of a request for renewal by the licensee, including any changes from the original application;

2. receipt of the $100 license fee, if applicable; and,

3. compliance with all the requirements necessary for issuance of an original license.

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E. The commissioner shall refuse to renew a license, after notice and hearing, for the causes set forth in Minn. Stat. § 42.07.

§ 1.0602 Permits.

A. Application for permit. No person shall conduct any weather modification operation within the State of Minnesota without first obtaining a permit as prescribed in the Act and these rules. Each operation shall require a separate application and permit.

1. Application for permit shall be made under oath on forms provided by the commissioner. Such application shall contain:

a. name, business address, and phone number of the applicant;

b. name of the applicant's chief executive officer;

c. name, address, and phone number of the applicant's managing agent;

d. project office address and phone number;

e. a description of the method to be used in placing the substance into the atmosphere or clouds within the atmosphere;

f. demonstration that the applicant and the applicant's managing agent, by his/her knowledge of meteorology, cloud physics, and field experience, has the qualifications to conduct a weather modification operation using the method by which the applicant plans to place the substance into the atmosphere or clouds within the atmosphere;

g. the applicant's purpose and the anticipated effects of the operation;

h. information set forth in Minn. Stat. § 42.09, subd. 9; and,

i. other information deemed necessary and relevant by the commissioner.

2. Each application shall be accompanied by:

a. a fee for $100;

b. proof of notification of county boards and publication of "notice of intent" to engage in weather modification activities as required in sec. B. of this rule;

c. proof of financial responsibility demonstrating the applicant's ability to respond to damages for liability which might reasonable result from the operation for which the permit is sought. This proof shall be in the form

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of a liability insurance policy in the amount set by the commissioner commensurate with the extent of the operation, the person's experience, and adequate protection for the public, or such other proof as the commissioner may require;

d. a copy of all contractual agreements, including all financial agreements, relating to the operation; and,

e. copies of approval from the county boards of all counties required to give approval under Minn. Stat. § 42.05.

3. The applicant shall have filed in a timely manner all reports and documents required under the Act or these rules for all previous operations.

B. Notice.

1. "Notice of intent." Upon the filing of a permit application, the applicant shall publish a "notice of intent" to engage in weather modification activities in each county of which all or part may be within the proposed operational area. The "notice of intent" shall be published for a period of not less than two consecutive weeks in all "legal newspapers" and newspapers of general circulation in the proposed operational area. In addition, the use of radio and television spot announcements shall be encouraged. The notice shall:

a. describe the proposed operation area;

b. describe the area which might reasonable be effected;

c. specify the period of operation which need not be continuous, including starting and ending dates;

d. describe the general method of operation;

e. describe the intended effect of the operation;

f. state that complete details of the application for a permit will be available for examination in the Department of Agriculture;

g. state that the commissioner will receive written comments on the proposed operation for ten (10) days before determining whether to order and notice an informal hearing for the purpose of determining whether to issue a permit for the proposed operation; and,

h. contain other information deemed necessary and relevant by the commissioner.

2. Notice to county boards. Upon the filing of a permit application, the applicant shall notify in writing the county board of each county of which all or part may be within the proposed operational area and counties contiguous

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thereto. Such notice shall include all information required on the permit application.

C. No applicant shall be granted a permit without first filing with the commissioner resolutions from the county board of each county in the operational area approving such operation in or over their respective counties. Except under the provisions of Minn. Stat. § 42.09, subd. 4, the commissioner may issue a permit only after a period of at least ten (10) days has transpired from the date that the notice requirements set forth in this rule have been met.

D. A permit may not be assigned or transferred by the holder.

E. The commissioner may place or amend conditions and restrictions on any permit at any time necessary to protent the environment or the public health, welfare, or safety. Any revision in an existing permit shall be made only after proper notice and hearing pursuant to Minn. Stat. ch. 15, except as provided for in Minn. Stat. § 42.11, subd. 1 (b).

F. Before a permitee may modify the boundaries of a project for which a permit has previously been obtained, the permitee must make application to the commissioner and meet the requirements set forth in 3 MCAR § 1.0602 A.-E.

G. The permit shall be valid for one year from the date of issuance or until the operation terminates, whichever first occurs.

H. Renewal.

1. Permits shall be renewed by the commissioner upon the following conditions:

a. receipt of a request for renewal by the permitee including any changes from the original permit;

b. receipt of the $100 permit fee; and,

c. the permitee meets all the requirements necessary for issuance of an original permit.

2. The commissioner shall suspend, revoke or refuse to renew a permit under the provisions of Minn. Stat. § 42.10, subd. 2.

§ 1.0603 Reports.

A. All persons engaged in weather modification shall:

1. maintain at their project office a current (within 24 hours) log of all operations. This log shall be available for inspection during normal working

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hours or at other reasonable hours by persons authorized by the commissioner. The log shall include:

a. date of the operation;

b. location of the operation—including flight tracks;

c. type, rate, and amount of artificial cloud seeding material used;

d. time during which each weather modification devise was activated;

e. total hours of operation of each unit of equipment; and,

f. other information deemed necessary and relevant by the commissioner.

2. File monthly with the commissioner and with the county board of each county of which all or part may be within the operation area and counties contiguous thereto:

a. Reports of weather modification activities. Such reports shall be filed on later than the 15th day of the following month and shall contain a tabulation and summary of the daily operational logs for the preceding month.

b. Preliminary report within thirty (30) days after the end of each calendar year or within thirty (30) days after the end of an operation, whichever occurs first, and a final report on the operation no later than ninety (90) days thereafter. Such reports shall contain:

(1) the name, business address, and phone number of the person engaged in the weather modification activity;

(2) the name, Minnesota address, and phone number of the responsible person;

(3) information regarding the permitee's qualifications for performing the operation;

(4) the scope of the operation as set forth in the permit;

(5) the total number of days on which operations were conducted;

(6) the total number of seeding or other modification missions attempted and completed;

(7) the total number of hours of operation of each type of weather modification equipment;

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(8) the total amount of each seeding agent used;

(9) any significant environmental or public health, welfare, or safety impacts caused by the operation; and,

(10) other information deemed necessary and relevant by the commissioner.

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CHAPTER 41: AGR 975-993

PART B DAIRY INDUSTRY

GENERAL RULES

Agr 975 Beverages Composed of Milk Products and Flavorings. A beverage composed of milk, cream, skimmed milk or buttermilk, whether or not condensed, evaporated, concentrated, powdered, dried or desiccated or any of the fluid derivatives of any of them, to or with which has been added chocolate or cocoa or a mixture of both, with or without sugar, dextrose, corn sirup or corn sirup solids, shall bear a plain and conspicuous statement of percentage of milk fat present; provided, that a milk beverage to which chocolate or cocoa flavoring has been added, shall contain not less than 3.25 per cent milk fat, which milk fat content need not appear on the label. A product of this type cannot be sold under a name suggestive of whole milk and chocolate unless it is composed of these ingredients. A beverage containing a substantial portion of cocoa may be labeled "Chocolate Flavored".

Agr 976 Milk and Fluid Milk Products Served, Sold, Labeled, Bottled; Control of

(a) All milk and cream and products derived therefrom, served or sold at a restaurant, hotel, lunch counter or in any public eating place whatever, shall be considered as coming under the provisions of the dairy and food law and regulations and standards effective thereunder.

(b) All cream, whether served separately or with coffee, cereal or fruit or as a part of a meal or upon an order for cream and whether the word "cream" be named on the bill of fare or not, shall be considered as coming under the provisions of the dairy and food law and regulations and standards effective thereunder.

(c) Milk or cream served with a meal without additional charge is sold as part of the meal and therefore comes within the provisions of the dairy and food law and regulations and standards effective thereunder.

(d) The term "buttermilk" cannot be applied to a product consisting of milk or skimmed milk, ripened by the addition of a culture or a starter made from the culture. Such a product cannot be described by the unqualified name "buttermilk", but shall be plainly labeled in such a manner as to indicate its true character or may bear a distinctive name, as "fermilac", "bulgarzoon", etc.

(e) Bottling of raw milk, raw cream or fluid raw milk products shall be done on the farm where the milk was produced.

(f) All milk, cream or fluid milk products which have been pasteurized in accordance with the provisions of Minnesota Statutes 32.392 to 32.395, inclusive and acts amendatory thereof, shall be bottled at the plant of pasteurization and shall bear a label declaring same to be "pasteurized" together with the name of the product and the name and address of the pasteurizer and bottler. Net contents shall be stated on the label unless it appears elsewhere on the container.

(g) Hotels, soda fountains, restaurants, groceries and similar establishments selling or serving any milk or milk product shall sell or serve it in the original container in which it was received from the distributor or from an approved bulk container which has its cover sealed in place at two (2) points spaced at 180 degrees by use of two (2) seals embossed with the identity of the plant where filled and which is equipped with an approved dispensing device that thoroughly and automatically mixes the product each time it is dispensed, unless the product is homogenized; provided, that this requirement shall not apply to

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cream consumed on the premises, which may be served from the original bottle or from a dispenser approved by the commissioner for such purpose. Skim milk served from such a dispenser is exempt from the homogenization and mixing requirements.

Agr 977 "Cheese"; Term Unqualified. By the term "cheese", used without qualification, is meant a cheese made by the Cheddar process and commonly sold as "American Cheese", "American Cheddar Cheese".

Agr 978 Ice Cream; Production Reports; Labeling; Sale

(a) Every person manufacturing ice cream and frozen desserts under a license or certificate of registration issued by the commissioner shall on or before March 1st of each year and at such other time as the commissioner may fix, send to him a full and accurate report of the amount of business done during the year preceding, together with such statistical information as the commissioner may require.

(b) Ice cream flavored with artificial or synthetic fruit flavors or fruit ethers to imitate natural fruit, as strawberry, banana, pineapple, etc., is not fruit ice cream and is misbranded if sold under a name implying the presence of fruit.

(c) Ice cream flavored with an artificial or synthetic flavor to imitate a natural flavor is misbranded if sold under a name implying that the product is a natural flavored ice cream.

Agr 979 Rule for Calculation of Overrun in Manufacture of Butter. The amount of overrun is the difference between the amount of pure butterfat and the amount of butter manufactured from that given amount of fat. This difference, divided by the amount of fat and multiplied by 100, will give the percentage of overrun. The calculation of the overrun in the creamery should always be made from the fat basis on which the patrons are being paid and from the butter sold.

Agr 980 Dried Dairy Products; Containers; Permit to Pack

(a) All dry milk products intended for human consumption shall be packed at the time and place of manufacture in new wooden barrels or metal drums or such other containers as may be approved by the commissioner of agriculture, providing equal protection and of such character as to prevent contamination by dust and dirt or the absorption of moisture and foreign odors. All such containers shall be properly lined and sealed. All barrels shall be properly headed. All drums shall have a tight fitting cover. Burlap bags shall not be used for marketing dry milk products for human consumption.

(b) Packages and containers used for marketing all dried dairy products for human consumption shall bear a label giving the following information: Name of product, statement indicating process by which product was manufactured such as "Spray", "Vacuum Drum" or "Roller", statement of net weight and the name and address of the manufacturer, jobber or distributor. Each and every barrel or package must bear on the side of the barrel or package near the top in such position that it will not be destroyed when the container is opened, a factory or plant identification number of the manufacturer that has been assigned by the department of agriculture. All bags and packages containing dried skimmed milk, dried buttermilk or dried whey not manufactured for human consumption and not meeting specific standards for human consumption shall be stenciled in bold faced type not less than one (1) inch in height, "For Animal Food".

(c) No person, partnership, corporation or association shall manufacture dry milk products for human consumption without first having obtained a permit therefor from the commissioner of agriculture. Any person, partnership, corpora-

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tion or association desiring to manufacture dry milk products for human consumption shall apply to the commissioner of agriculture for a permit for each plant or establishment in such form as may be required by said commissioner. If the commissioner of agriculture shall find that the applicant maintains a proper place and sanitary equipment, he shall issue to the applicant a permit therefor and assign a plant identification number to each such plant.

Agr 981 Containers; Reuse

(a) All butter tubs and containers and cheese boxes, that have been used as containers for butter and cheese, before being used again in the marketing or transporting of butter and cheese, shall be reconditioned so as to be in good repair, clean and sanitary and free from adhering material, objectionable odors and mold.

(b) Every person who buys or receives any used butter tubs or containers and cheese boxes for the reuse of the same for their original purpose, shall keep available for inspection by the department all invoices of all used butter tubs and containers and cheese boxes bought or received by him.

(c) The cans ordinarily used for the hauling of milk and cream from the farm to a dairy plant, shall not be used for hauling or delivering of skimmed milk, buttermilk or whey from a dairy plant to the farm. Farmers and producers shall equip themselves with extra cans or other containers for the above mentioned purpose. Cans used for handling milk and cream should not be used for other purposes.

Agr 982 Dairy Products; Labeling

(a) All bottles, cans, packages, and other containers enclosing dairy products shall, in addition to other required information, be labeled plainly with the name and address of the manufacturer or distributor.

(b) When the name and address of the distributor appears on the label, it shall be identified as such and the identity of the manufacturer also shall be given. By identity of the manufacturer is meant:

(1) The actual name and address of the manufacturer, or

(2) An identification code or number consisting of the number from the IBM Numerical Code of States representing the state of original followed by a hyphen and the plant number corresponding to a permanent list of numbers assigned by the state regulatory agency having jurisdiction.

(3) If a dairy product is removed from the container in which it was placed by the manufacturer for further processing or packaging by another dairy plant, the identity of the dairy plant performing such further processing and packaging shall be given in lieu of the identity of the manufacturer on all labels bearing the name and address of a distributor.

(4) Such number may be printed, embossed or stamped on the container. If the manufacturer cannot be identified because of misuse of the identity code, the product shall be deemed to be misbranded.

Agr 983-993 Reserved for future use

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CHAPTER 42: AGR 994-1018

MILK AND CREAM AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 994 Milks

(a) Milk. Milk is defined as the whole, fresh, clean lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. When prepared for market in fluid form, milk shall contain not less than 8.25 per cent milk solids-not-fat and not less than 3.25 per cent of milk fat. The name "milk" unqualified, means cow's milk. Identical with Minnesota Statutes, Section 32.391, Subdivision 1.

(b) Goat Milk. Goat milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one (1) or more healthy goats. If labeled "Grade A", it shall comply with all the applicable requirements of Rules and Regulations of the Department of Agriculture, Chapter 47 and shall be designated by the name "Goat Milk".

(c) Ewe Milk. Ewe milk is a whole, fresh, clean lacteal secretion free from colostrum, obtained by the complete milking of one (1) or more healthy ewes.

Agr 995 Cream. Cream is the sweet, fatty liquid separated from milk, with or without the addition of milk or skim milk, which contains not less than 18 per cent milkfat.

(a) Homogenized Cream. Homogenized cream is cream which has been treated in such a manner as to insure break-up of the fat globules to such an extent that, after 48 hours of quiescent storage, no visible separation of the fat occurs and the fat percentage of the top 100 milliliters of cream in a quart bottle or a proportionate volume in containers of other sizes, does not differ by more than 10 per cent of itself from the fat percentage of the remaining cream as determined after thorough mixing.

(b) Sour Cream, Cultured Sour Cream. Sour cream or cultured sour cream is a fluid or semifluid cream resulting from the souring, by lactic-acid-producing bacteria or similar culture, of pasteurized cream, which contains not less than 0.20 per cent acidity expressed as lactic acid.

(c) Light Cream, Coffee Cream or Table Cream. Light cream, coffee cream, or table cream is cream which contains not less than 18 per cent but less than 30 per cent milkfat.

(d) Whipped Light Cream, Coffee Cream or Table Cream. Whipped light cream, coffee cream, or table cream is light cream, coffee cream, or table cream into which air or gas has been incorporated.[1]

Agr 996 Whipping Cream. Whipping cream is cream which contains not less than 30 per cent milkfat.

(a) Light Whipping Cream. Light whipping cream is cream which contains not less than 30 per cent but less than 36 per cent milkfat.

(b) Heavy Cream or Heavy Whipping Cream. Heavy cream or heavy whipping cream is cream which contains not less than 36 per cent milkfat.

(c) Whipped Cream. Whipped cream is whipping cream into which air or gas has been incorporated.[1]

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Agr 997 Half and Half; Sour Half and Half or Cultured Half and Half

(a) Half and Half. Half and half is a product consisting of a mixture of milk and cream which contains not less than 10.5 per cent milkfat.[1]

(b) Sour Half and Half or Cultured Half and Half. Sour half and half or cultured half and half is fluid or semifluid half and half derived from the souring by lactic-acid-producing bacteria or similar culture, of pasteurized half and half, which contains not less than 0.2 per cent acidity expressed as lactic acid.[1]

Agr 998 Concentrated and Dried Milk Products

(a) Dry Milk, Dry-Milk Solids. Dry-milk, dry-milk solids, is the product resulting from the removal of water from milk and contains, all tolerances allowed for, not less than 26 per cent of milkfat and not more than five (5) per cent of moisture.

(b) Nonfat Dry Milk; Instant Nonfat Dry Milk

(1) Nonfat Dry Milk. Nonfat dry milk is the product resulting from the removal of fat and water from milk and contains the lactose, milk proteins and milk minerals in the same relative proportion as in the fresh milk from which made. It contains not over five (5) per cent of moisture. The term "milk" when used in this subpart means fresh, sweet milk produced by healthy cows, that has been pasteurized before or during the manufacture of nonfat dry milk. It shall not contain buttermilk or any added preservative, neutralizing agent or other chemical.

(2) Instant Nonfat Dry Milk. Instant nonfat dry milk is nonfat dry milk which has been produced in such a manner as to substantially improve its dispersing and reliquefication characteristics over that produced by the conventional processes.

(c) Condensed Skim Milk, Evaporated Skim Milk, Concentrated Skim Milk. Condensed skim milk, evaporated skim milk, concentrated skim milk is the product resulting from the evaporation of a considerable portion of the water from skim milk, and contains, all tolerances being allowed for, not less than 20 per cent of milk solids.

(d) Sweetened Condensed Skim Milk. Sweetened condensed skim milk is the product resulting from the evaporation of a considerable portion of the water from skim milk to which sugar and/or dextrose has been added. It contains not less than 24 per cent of milk solids.

(e) Dry Buttermilk. Dry buttermilk is the product resulting from the removal of water from liquid buttermilk derived from the manufacture of butter. It shall contain not less than 4.5 per cent of butterfat and not more than five (5) per cent moisture.

(f) Dry Whey. Dry whey is the product resulting from the removal of water from whey.

(g) Malted Milk, Powdered Malted Milk. Malted milk, powdered malted milk is the product made by combining whole milk with the liquid separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate and potassium bicarbonate, in such a manner as to secure the full enzymic action of the malt extract and by removing water. The resulting product contains not less than 7.5 per cent of milk fat and not more than 3.5 per cent of moisture.

(h) Evaporated Milk; Identity; Label Statement of Optional Ingredients

(1) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 per cent of milk fat and not less

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than 25.9 per cent of total milk solids. It may contain one (1) or both of the following optional ingredients:

(aa) Disodium phosphate or sodium citrate or both, or calcium chloride added in a total quantity of not more than 0.1 per cent by weight of the finished evaporated milk.

(bb) Vitamin D in such quantity as to increase the total vitamin D content to not less than 25 U.S.P. units per fluid ounce of the finished evaporated milk. It may be homogenized. It is sealed in a container and so processed by heat as to prevent spoilage.

(2) When the optional ingredient specified in paragraph (1)(bb) of this regulation is present, the label shall bear the statement "with increased vitamin D content" or "vitamin D content increased". Such statement shall immediately and conspicuously precede or follow the name "Evaporated Milk", without intervening written, printed or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

(3) For the purpose of this regulation:

(aa) The word "milk" means cow's milk.

(bb) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk or by the addition of concentrated sweet skim milk.

(cc) The quantity of milk fat is determined by the method prescribed under "Fat-Official" on page 249 (Ed. note, 8th edition, 1955, p. 263, sec. 15.74) and the quantity of total milk solids is determined by the method prescribed under "Total Solids-Official" on page 248 (Ed. note, 8th edition, 1955, p. 263, sec. 15.72) of "Official Methods of Analysis of the Association of Official Agricultural Chemists", Seventh Edition, 1950.

(dd) Vitamin D content may be increased by the application of radiant energy or by the addition of a concentrate of vitamin D (with any accompanying vitamin A when such vitamin D in such concentrate is obtained from natural sources) dissolved in a food oil; but if such oil is not milk fat the quantity thereof added is not more than 0.01 per cent of the weight of the finished evaporated milk.

(ee) The quantity of vitamin D is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists", Seventh Edition, 1950, page 788 et. seq., (Ed. note, 8th edition, 1955, p. 839 et seq. secs. 38.64, 38.75) under the heading "Vitamin D in Milk-Official".

(i) Concentrated Milk, Plain Condensed Milk; Identity; Label Statement of Optional Ingredients. Concentrated milk, plain condensed milk, conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for evaporated milk by Regulation Agr 998 (h), except that:

(1) It is not processed by heat;

(2) Its container may be unsealed; and

(3) Optional ingredient [Regulation 998 (h)(1)(aa)] is not used.

(j) Sweetened Condensed Milk; Identity

(1) Sweetened condensed milk is the liquid or semiliquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or by any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 per cent of total milk solids and not less than 8.5 per cent of milk fat. The quantity of refined sugar (sucrose) or combination of such sugar and refined corn sugar(dextrose) used is sufficient to prevent spoilage.

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(2) For the purpose of this regulation:

(aa) The word "milk" means cow's milk.

(bb) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk or the addition of concentrated sweet skim milk.

(cc) Milk fat is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 281 (Ed. note, 8th edition, 1955, p. 264, sec. 15.86), under "Fat-Official".

(k) Condensed Milks Which Contain Corn Sirup; Identity

(1) Condensed milks which contain corn sirup are the foods each of which conforms to the definition and standard of identity prescribed for sweetened condensed milk by Regulation Agr 998 (j) except that corn sirup or a mixture of corn sirup and sugar is used instead of sugar or a mixture of sugar and dextrose. For the purpose of this regulation the term "corn sirup" means a clarified and concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch and includes dried corn sirup; the solids of such corn sirup contain not less than 40 per cent by weight of reducing sugars, calculated as anhydrous dextrose.

(2) The name of each such food is:

(aa) "Corn sirup condensed milk", "condensed milk with corn sirup" or "condensed milk prepared with corn sirup" if corn sirup alone is used; or

(bb) "_____% corn sirup solids _____% sugar condensed milk", "condensed milk with _____% corn sirup solids _____% sugar" or "condensed milk prepared with _____% corn sirup solids _____% sugar" if a mixture of corn sirup and sugar is used, the blanks being filled in with the whole numbers nearest the actual percentages of corn sirup solids and sugar in such food; alternately "_____% sugar" may precede "_____% corn sirup solids" in such names.

(l) Evaporated Cream, Clotted Cream. Evaporated cream, clotted cream is cream from which a considerable portion of water has been evaporated.

Agr 999 Fluid Milk Products Containing Less than 3.25 Per Cent Milk Fat

(a) Lowfat Milk. Lowfat milk is milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to not less than 0.50 per cent and not more than two (2) per cent.[1]

(b) Skim Milk or Skimmed Milk. Skim milk or skimmed milk is milk from which sufficient milkfat has been removed to reduce its milkfat content to less than 0.50 per cent.[1]

(c) Nonfat, Fat-free, Defatted Milk. Nonfat, fat-free, defatted milk is skim milk which contains not more than 0.1 per cent milkfat.[1]

(d) Buttermilk. Buttermilk is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8¼ per cent of milk solids-not-fat.[1]

Agr 1000 Flavored Milk Products. Flavored milk products shall mean milk or milk products to which have been added a flavor and/or sweetener.[1]

(a) Chocolate Flavored Milk. Chocolate flavored milk is a beverage or confection consisting of milk to which has been added chocolate or cocoa or a mixture of both, with or without a sweetener.[1]

(b) Chocolate Flavored Skim Milk or Chocolate Flavored Drink. Chocolate flavored skim milk or chocolate flavored drink is a beverage or confection con-

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sisting of skim milk to which has been added chocolate or cocoa or a mixture of both, with or without a sweetener.[1]

(c) Chocolate Flavored Reconstituted Milk. Cholocate flavored reconstituted milk is chocolate flavored milk made from reconstituted milk.[1]

(d) Chocolate Flavored Reconstituted Skim Milk or Chocolate Flavored Reconstituted Drink. Chocolate flavored reconstituted skim milk or chocolate flavored reconstituted drink is chocolate flavored skim milk or chocolate flavored drink made from reconstituted skim milk.

(e) Egg Nog. Egg nog is a fluid milk product consisting of a mixture of milk or milk product containing not less than six (6) per cent butterfat, not less than one (1) per cent egg yolk solids, and sweetener and flavoring, emulsifier, artificial coloring and not more than 0.5 per cent stabilizer may be added.

(f) Egg Nog Flavored Milk. Egg Nog flavored milk is a fluid milk product containing not less than 3.25 per cent butterfat, not less than 0.5 per cent egg yolk solids, and sweetener and flavoring. Emulsifier, artificial coloring and not more than 0.5 per cent stabilizer may be added.

(g) Egg Nog Flavored Lowfat Milk. Egg nog flavored lowfat milk is a fluid milk product containing not less than 0.5 per cent and not more than two (2) per cent butterfat, not less than 0.5 per cent egg yolk solids and sweetener and flavoring. Emulsifiers, artificial coloring and not more than 0.5 per cent stabilizer may be added.

(h) Egg Nog Flavored Skim Milk. Egg nog flavored skim milk is a fluid milk product containing less than 0.5 per cent butterfat, not less than 0.5 per cent egg yolk solids and sweetener and flavoring. Emulisfiers, artificial coloring and not more than 0.5 per cent stabilizer may be added.

Agr 1001 Cultured Milk Products

(a) Cultured Buttermilk. Cultured buttermilk is a fluid product resulting from the souring, by lactic-acid-producing bacteria or similar culture, of pasteurized skim milk or pasteurized lowfat milk.[1]

(b) Cultured Milk or Cultured Whole Milk Buttermilk. Cultured milk or cultured whole buttermilk is a fluid product resulting from the souring, by lactic-acid-producing bacteria or similar culture, of pasteurized milk.[1]

(c) Cottage Cheese. Cottage cheese is the soft uncured cheese prepared by the procedure set forth in subparagraph (1) of this paragraph. The finished cottage cheese contains not more than 80 per cent of moisture, as determined by the method prescribed under "Moisture-Official", on page 247 of "Official Methods of Analysis of the Association of Official Agricultural Chemists", Tenth Edition (1965) sec. 15.157.

(1) One (1) or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized. Calcium chloride may be added in a quantity of not more than 0.02 per cent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk and nonfat dry milk. If concentrated skim milk or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

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(3) For the purposes of paragraph (c) (2) of this regulation, the term "skim milk" means the milk of cows from which the milkfat has been separated and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(d) Creamed Cottage Cheese. Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with a creaming mixture as provided for in subparagraph (1) of this paragraph. The creaming mixture is used in such quantity that the milkfat added thereby is not less than four (4) per cent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 per cent of moisture, as determined by the method prescribed in paragraph (c) of this regulation.

(1) The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both, to which one or more of the following optional ingredients may be added, subject to the conditions set forth in this paragraph:

(aa) Salt

(bb) Nonfat dry milk, concentrated skim milk, sodium caseinate, ammonium caseinate, potassium caseinate, or dried milk protein may be added singly or in any combination to adjust the solids content, provided the weight of the solids added thereby does not exceed three (3) per cent of the weight of the creaming mixture.

(cc) A culture of harmless lactic acid and flavor-producing bacteria, with or without rennet.

(dd) A preparation of pasteurized skim milk or cottage cheese whey with added citric acid or sodium citrate, which preparation has been cultured with harmless flavor-and aroma-producing bacteria.

(ee) Lactic acid, citric acid, phosphoric acid.

(ff) Other Optional Ingredients

(i) A stabilizing ingredient consisting of one or any mixture of two or more of the following: Carob (locust) bean gum, guar gum, gum karaya, gum tragacanth, calcium sulfate; carrageenan or salts of carrageenan complying with the requirements of sections 121.1066 and 121.1067 of Chapter 4, Federal Food, Drug and Cosmetic Act; furcelleran or salts of furcelleran, complying with the requirements of sections 121.1068 and 121.1069 of Chapter 4, Federal Food, Drug and Cosmetic Act; gelatin, lecithin, algin (sodium alginate), propylene glycol alginate, sodium carboxymethylcellulose (cellulose gum).

(ii) Stabilizing ingredients used may be added in a mixture with a carrier consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sirup solids, dextrin, glycerin, propylene glycol. The quantity of the stabilizing ingredient, including any carrier used, is such that the weight of solids contained therein is not more than 0.5 per cent of the weight of the creaming mixture.

(iii) When one or more of the optional ingredients in subpart (i) of this subparagraph are used, dioctyl sodium sulfosuccinate, complying with the requirements of Sec. 121.1137 of Chapter 4, Federal Food, Drug and Cosmetic Act, may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients. The creaming mixture is pasteurized, except that the bacterial cultures permitted by this paragraph and the acids listed in subparagraph (ee) of this paragraph may be added after pasteurization.

(gg) Singly or in combination: Diacetyl, starter distillate, or other safe and suitable flavoring substances which contribute to the characteristic flavor and aroma associated with the food.

(2) For the purposes of this paragraph:

(aa) "Milk" means sweet milk of cows; "skim milk" means milk from

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which the milkfat has been separated; and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(bb) "Sodium caseinate", "ammonium caseinate", "calcium caseinate", and "potassium caseinate" mean the dried form of the reaction product resulting from treating casein precipitated from skim milk with a suitable alkali in such a manner that no excess alkali is present, as determined by a pH of not more than 8.0 in a two (2) per cent solution at 25°C.

(cc) "Dried milk protein" means the dried form of the reaction product resulting from treating coprecipitates of milk proteins of which casein and lactalbumin are the constituents of major content with a suitable alkali in such manner that no excess of alkali is present, as determined by a pH of not more than 8.0 in a two (2) per cent solution at 25°C.

(3) Label Statements

(aa) When one or a mixture of two or more of the optional ingredients listed in paragraphs (1) (ee) and (ff) (i) and (2)(bb) and (cc) of this paragraph is used, the label shall bear the statement "_____ added" or "with added _____", the blank being filled in with the common name or names of the optional ingredients used; provided, however, that the name "vegetable gum" may be used in lieu of the specific names for carob (locust) bean gum, guar gum, gum karaya, and gum tragacanth.

(bb) When any ingredient named under paragraph (1) (gg) is used, the label shall bear the statement "artificially flavored" or "artificial flavor added" or "with added artificial flavoring".

(cc) Whenever the name "creamed cottage cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the label declarations prescribed in subparagraphs (aa) and (bb) of this paragraph, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

Agr 1002 Fortified Milk and Milk Products

(a) Vitamin D Milk and Milk Products. Vitamin D milk and milk products are milk and milk products, the vitamin D content of which has been increased by a method approved by the commissioner to at least 400 USP units per quart. A declaration of the amount contained per quart must be stated on the label.

(b) Fortified Milk Products. Fortified milk products are milk products other than vitamin D milk and milk products, the vitamin and/or mineral content of which have been increased by a method and in an amount approved by the commissioner. A declaration of the kind and amount of vitamins and/or minerals added per quart must be stated on the label.[1]

Agr 1003 Reconstituted or Recombined Milk and Milk Products. Reconstituted or recombined milk and/or milk products shall mean milk or milk products defined in this chapter which result from the recombining of milk constituents with potable water.[1]

Agr 1004 Other Milk Products

(a) Sterilized Milk. Sterilized milk is milk that has been heated to the temperature of boiling water or higher for a length of time sufficient to kill all organisms present.

(b) Homogenized Milk and Homogenized Milk Products. Homogenized milk and homogenized milk products are milk and milk products which have been treated to insure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage at 45°F., no visible cream separation occurs in the

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milk or milk product, and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10 per cent from the fat percentage of the remaining milk or milk product as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.[1]

(c) Whey. Whey is the product remaining after the removal of fat and casein from milk in the process of cheese making.

(d) Concentrated Milk; to be Reconstituted for Fluid Use. Concentrated milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk, which, when combined with potable water, results in a product conforming with the standards for milkfat and solids-not-fat of milk as defined above.[1]

(e) Concentrated Milk Products. Concentrated milk products shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, fortified concentrated skim milk, concentrated lowfat milk, fortified concentrated lowfat milk, concentrated flavored milk, concentrated flavored milk products, and similar concentrated milk products made from concentrated milk or concentrated skim milk, and which, when combined with potable water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products in this chapter.[1]

(f) Acidified Milk and Milk Products. Acidified milk and milk products are milk and milk products obtained by the addition of food grade acids to pasteurized cream, half-and-half, milk, lowfat milk, or skim milk, resulting in a product acidity of not less than 0.20 per cent expressed as lactic acid.[1]

Agr 1005 Milk Products. Milk products as defined herein include cream, homogenized cream, sour cream, cultured cream, light cream, coffee cream, table cream, whipped light cream, coffee cream or table cream, whipping cream, light whipping cream, heavy cream or heavy whipping cream, whipped cream, half and half, sour half and half, cultured half and half, concentrated and dried milk products, dry milk or dry-milk solids, nonfat dry milk, or dried skim milk, or skim milk powder, instant nonfat dry milk, condensed skim milk, or evaporated skim milk, concentrated skim milk, sweetened condensed skim milk, dry buttermilk, dry whey, malted milk, or powdered malted milk, evaporated milk, concentrated milk or plain condensed milk, sweetened condensed milk, condensed milks which contain corn sirup, evaporated cream or clotted cream, fluid milk products containing less than 3.25 per cent milkfat, lowfat milk, skim milk, nonfat milk, buttermilk, flavored milk products, chocolate flavored milk, chocolate flavored lowfat milk, chocolate flavored skim milk or chocolate flavored drink, chocolate flavored reconstituted milk, chocolate flavored reconstituted skim milk or chocolate flavored reconstituted drink, egg nog, egg nog flavored milk, egg nog flavored lowfat milk, egg nog flavored skim milk, cultured milk products, cultured buttermilk, cultured milk or cultured whole milk, buttermilk, cottage cheese, creamed cottage cheese, fortified milk and milk products, vitamin D milk and milk products, vitamin and/or mineral fortified milk products, reconstituted milk products, reconstituted milk, reconstituted cream, reconstituted skim milk, sterilized milk or milk products, homogenized milk or milk products, whey, concentrated milk, concentrated milk products and acidified milk and milk products.[1]

Agr 1006 Optional Ingredients. Optional ingredients shall mean and include dry milk products, concentrated milk, concentrated milk products, flavors, sweeteners, fresh, frozen, or dried egg yolk solids or whole eggs, stabilizers, emulsifiers, acidifiers, vitamins, minerals and similar ingredients.

[1] Optional ingredients as defined in Regulation Agr 1006 may be used in this product.

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Agr 1007 Other Terms Defined

(a) Pasteurization. The terms "pasteurization", "pasteurized", and similar terms shall mean the process of heating every particle of milk or milk product to a temperature of not less than 145°F., and holding it continuously at or above this temperature for not less than 30 minutes, or to not less than 161°F., and holding it continuously at or above this temperature for not less than 15 seconds, in equipment which is properly operated and approved by the commissioner; provided, that milk products which have a higher milkfat content than milk and/or contain added sweeteners shall be heated to not less than 150°F., and held continuously at or above this temperature for not less than 30 minutes, or to not less than 166°F., and held continuously at or above this temperature for not less than 15 seconds, in equipment which is properly operated and approved by the commissioner; provided further, that egg nog and frozen food mix shall be heated to not less than 155°F., and held continuously at or above this temperature for not less than 30 minutes, or to not less than 175°F., and held continuously at or above this temperature for not less than 25 seconds in equipment which is properly operated and approved by the commissioner. Nothing in this definition shall be construed as excluding any other pasteurization process which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the commissioner.

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

(c) Milk Producer. A milk producer is any person who operates a dairy farm and provides, sells, or offers milk for sale to a dairy plant, receiving station, or transfer station.

(d) Milk Haulers. A milk hauler is any person who transports raw milk and/or raw milk products to or from a dairy plant, receiving station or a transfer station.

(e) Milk Distributor. A milk distributor is any person who offers for sale or sells to another any milk or milk products.

(f) Dairy farm. A dairy farm is any place or premises where one or more cows or goats are kept, and from which a part or all of the milk or milk product(s) is provided, sold, or offered for sale to a dairy plant, transfer station, or receiving station.

(g) Dairy Plant. A dairy plant is any place where a dairy product is manufactured, processed, or handled and includes milk receiving stations, creameries, cheese factories, condenseries, milk plants, transfer stations and other establishments, as those terms are used in Minnesota Statutes, Sections 17.27, 31, 32, 32A, and 33, and regulations adopted thereunder; but does not include a dairy farm or an establishment where no dairy products are processed, but dairy products are sold at wholesale or retail only.

(h) Receiving Station. A receiving station is any place, premises, or establishment where raw milk for pasteurization or manufacture is received, handled, or prepared for processing or for resale as unpasteurized milk or fluid milk products.

(i) Transfer Station. A transfer station is any place, premises, or establishment where milk or milk products are transferred directly from one transport tank to another.

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CHAPTER 43: AGR 1019-1103

CHEESES; PROCESSED CHEESES; CHEESE FOODS: CHEESE SPREADS AND RELATED FOODS: DEFINITION AND STANDARDS OF IDENTITY

Agr 1019 Cheddar Cheese, Cheese; Identity; Label Statement of Optional Ingredients

(a) Cheddar cheese, cheese, is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 39 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in paragraph (c) of this regulation. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 per cent (calculated as anhydrous calcium chloride) of the weight of the milk is added to set the milk to a semisolid mass. The mass is so cut, stirred and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of cheddar cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) Determine moisture and milk fat by the method prescribed by Regulation Agr 1090.

(d) Cheddar cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed by Regulation Agr 1091. Cheddar cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms when tested by the method prescribed in paragraph (f) of this regulation.

(3) During the cheese-making process the milk may be treated with hydrogen peroxide solution followed by addition of a suitable catalase preparation to

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eliminate the hydrogen peroxide. The hydrogen peroxide solution shall comply with the specifications of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain added preservative. The amount of the hydrogen peroxide solution used shall be such that the weight of the hydrogen peroxide added thereby does not exceed 0.05 per cent of the weight of the milk treated. The catalase preparation used shall be stable, and in potency, for eliminating added hydrogen peroxide from milk, it shall not be less than equivalent to livercatalase preparation testing 100 Keil units per gram. It shall be either a preparation that is not a food additive within the meaning of section 201 (s) of the Federal Food, Drug, and Cosmetic Act, or a preparation that is a food additive but which is used in conformity with regulations promulgated pursuant to the authority of section 409 of the act. The amount of catalase preparation used shall be such that the weight of the catalase added thereby does not exceed 20 parts per million of the weight of the milk treated.

(f) The method referred to in paragraph (e) (2) of this regulation is as follows:

REAGENTS

(1) Buffers

(aa) Barium Boratehydroxide Buffer. Dissolve 25.0 gm. of c. p. barium hydroxide ($Ba(OH)_2 8H_2O$, fresh, not deteriorated) in distilled water and dilute to 500 ml. Dissolve, in another flash or cylinder, 11.0 gm. of c. p., boric acid (H_3BO_3) and dilute to 500 ml. Warm each to 50°C. (122°F.), mix the two (2) together, stir, cool to approximately 20°C. (68°F.), filter and stopper the filtrate tightly (pH approximately 10.6). The buffer prepared thus is designated as the 25-11 buffer, the figures indicating the grams per liter of each of the respective reagents.

(bb) Color-development Buffer. Dissolve 6.0 gm. of sodium metaborate ($NaBO_3$) and 20 gm. of sodium chloride in water and dilute to a liter with water (pH9.8).

(cc) Color-dilution Buffer. Dilute 100 ml. of color-development buffer 1-b to a liter with water.

(dd) Standard Borax Buffer, 0.01-molar, for checking pH Meter, pH 9.18 at 25°C.[1]

Dissolve 0.9544 gm. of pure borax (Bureau of Standards Sample 187) in distilled water (distilled recently or freshly boiled and cooled) and dilute to 250 ml. Keep stoppered tightly.

(2) Buffer Substrates. Specify phenol-free crystalline disodium phenyl phosphate.

(aa) For Evaluating Pasteurization. Dissolve 0.10 gm. of the phenyl phosphate in 100 ml. of the appropriate (Table I) Barium Boratehydroxide Buffer (1) (aa).

(bb) For Quantitative Results with Raw-milk Cheese. Dissolve 0.20 gm. of the phenyl phosphate in 100 ml. of the appropriate (Table I) Barium Boratehydroxide Buffer (1) (aa).

(3) Protein Precipitants

(aa) Zinc-copper Precipitant for Unripened Cheese. Dissolve 6.0 gm. of zinc sulfate ($ZnSo_4.7H_20$) and 0.1 gm. of copper sulfate ($CuSO_4.5H_2O$) in water and dilute to 100 ml. with water. The precipitant prepared thus is designated as the 6.0-0.1 precipitant.

[1] All pH values reported herein were determined at 25° C. or corrected to that temperature.

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(bb) Zinc Precipitant for Ripened Cheese. Dissolve 6.0 gm. of zinc sulfate in water and dilute to 100 ml. with water. This precipitant is designated as the 6.0 precipitant.

(4) BQC (2, 6-dibromoquinone-chloroimine solution) (Gibbs' reagent). Dissolve 40 mg. of BQC powder in 10 ml. of absolute methyl alcohol and transfer to a dark-colored dropper bottle. This reagent remains stable for at least a month if kept in the ice tray of a refrigerator. Do not use it after it begins to turn brown.

(5) Other Reagents

(aa) Copper Sulfate, 0.05 per cent for Standards. Dissolve 0.05 gm. of copper sulfate in water and dilute to 100 ml.

(bb) Butyl Alcohol. Specify n-butyl alcohol, boiling point 116°-118°C. To adjust the pH, mix 50 ml. of the color-development Buffer (1) (bb) with a liter of the butyl alcohol.

(6) Phenol Standards

(aa) Stock Solution. Weigh accurately 1.0 gm of pure phenol, transfer to a liter volumetric flask, dilute to a liter with water and mix. One (1) ml. contains one (1) mg. (0.001 gm.) of phenol. Use this stock solution to prepare standard solutions. It is stable for several months in the refrigerator.

(bb) Preparation of Standards. Dilute 10.0 ml of the Stock Solution (6) (aa) to a liter with water and mix. One (1) ml. contains 10 micrograms (0.00001 gm., 10 gammas or 10 units) of phenol. Use this standard solution to prepare more dilute standard solutions; e.g., dilute 5, 10, 30 and 50 ml. to 100 ml. with water to prepare standard solutions containing 0.5, 1.0, 3.0 and 5.0 gammas or units of phenol per milliliter, respectively. Keep standard solutions in the refrigerator.

(i) In a similar manner, prepare from the stock solution such more concentrated standard solutions as may be needed, containing, for example, 20, 30 and 40 units per milliliter.

(ii) Measure appropriate quantities of the phenol standard solution into a series of tubes (preferably graduated at 5.0 and 10.0 ml.) to provide a suitable range of standards as needed, containing 0 (control blank), 0.5, 1.0, 3.0, 5.0, 10.0, etc., to 30 or 40 units. To increase the brightness of the blue color and improve the stability of the standards, add 1.0 ml. of 0.05 per cent Copper Sulfate Solution (5) (aa) to each.

(iii) Add 5.0 ml. of color dilution Buffer (1) (cc) and add water to bring the volume to 10.0 ml. Add four (4) drops (0.08 ml.) of BQC (4), mix and allow to develop for 30 minutes at room temperature. If the butyl alcohol extraction method is to be used in the test, extract the standards as described under "Conducting the Test".

(iv) Read the color intensities with a photometer, subtract the value of the blank from the value of each phenol standard and prepare a standard curve (straight line). When the standards are to be used for visual comparisons they should be stored in a refrigerator.

SAMPLING

(1) Hard Cheese. Take a sample from the interior with a clean Roquefort trier, place in a small tube, stopper the tube and keep it in a refrigerator.

(2) Soft and Semisoft Ripened Cheese. Harden the cheese by chilling it in the freezing chamber of a refrigerator. Taking special precaution to avoid contaminating the sample with phosphatase that may be present on the surface, use either of the following methods for sampling:

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(aa) Cut a portion from the end of the loaf or from the side of the cheese, extending in at least two (2) inches if possible or to a point somewhat beyond the center in the case of a small cheese. Cut a slit ¼ to ½ inch deep at least halfway around the portion and midway between the top and bottom. Break the portion into two (2) parts, pulling it apart so that it breaks on a line with the slit, being careful not to contaminate the freshly exposed, broken surface. Remove the sample from the freshly exposed surface at or near the center of the cheese.

(bb) Remove the surface of the area to be sampled—e.g., the end and the adjacent sides—with a clean knife or spatula, to a depth of ¼ inch. Clean the instrument and hands with hot water and phenol-free soap and wipe them dry. Remove the freshly exposed surface to a similar or greater depth and repeat the cleaning. Then take the sample from the center of the freshly exposed area, preferably at or near the center of the cheese in the case of a small cheese.

(3) Process Cheese, Spreads, Etc. Take the sample from beneath the surface with a clean knife or spatula. Avoid the use of samples contaminated with mold.

(4) Preservation. If a preservative is necessary, put one (1) to three (3) ml. of chloroform in the container, cover with a plug of cotton, insert sample and stopper container tightly. Label preserved samples, "Poison—Preservative Added".

CONDUCTING THE TEST

(1) Weigh, on a clean balance pan or watch glass, a 0.50-gm. sample (preferably two (2) samples in duplicate) and place in a culture tube 16 or 18 x 150 mm. Similarly, weigh another sample and place in a tube as a control or blank. If the cheese is sticky, weigh the sample on a piece of wax paper about 1 x 1 inch and insert the paper with the sample into the tube. Macerate the blank and the test with a glass rod about 8 x 180 mm.

(2) Add to the blank 1.0 ml. of the appropriate (Table I) Barium Buffer (1) (aa) (without substrate added), macerate with the rod, leave the rod in the tube, heat for about a minute to at least 85°C. (185°F.) in a beaker of boiling water with the beaker covered so that the entire tube becomes heated to approximately 85°C., cool to room temperature and macerate again with the rod.

(3) Add to the test 1.0 ml. of the appropriate (Table I) Barium Buffer Substrate (2) (aa) or (2) (bb) and macerate.

(aa) From this point, treat the blank and the test in a similar manner.

(bb) Add 9.0 ml. of the appropriate Barium Buffer Substrate (2) (aa) or (2) (bb) (total, 10.0 ml. added) and mix. The rod may be left in the tube during incubation; or, if removing it at this point, cut a piece of filter paper approximately 1 x 1 inch, wrap and hold it tightly around the rod, rotate the rod while withdrawing it from within the tube so as to wipe the rod clean, insert the paper with the adhering fat into the tube and stopper the tube.

(4) Incubate in a water bath at 37°-38°C. (99°-100°F.) for one (1) hour, mixing or shaking the contents occasionally.

(5) Place in a beaker of boiling water for nearly a minute, heating to 85°C. (185°F.) and cool to room temperature.

(6) Pipet in 1.0 ml. of the Zinc Precipitant (3) (bb) for ripened cheese or the Zinc-copper Precipitant (3) (aa) for unripened cheese and mix thoroughly (pH of mixture, 9.0-9.1).

(7) Filter (5-cm. funnel, 9-cm. Whatman No. 42 or No. 2 paper recommended) and collect 5.0 ml. of filtrate in a tube, preferably graduated at 5.0 and 10.0 ml.

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(8) Add 5.0 ml. of Color-development Buffer (1) (bb) (pH of mixture, 9.3-9.4).

(9) Add four (4) drops[2] of BQC (4), mix and allow the color to develop for 30 minutes at room temperature.

(10) Determine the amount of blue color by either of two (2) methods:

(aa) With a Photometer. Read the color intensity of the blank and that of the test, subtract the reading of the blank from that of the test and convert the result into phenol equivalents by reference to the standard curve described under "Phenol Standards". The butyl alcohol extraction method is ordinarily unnecessary when using a photometer.

(bb) With Visual Standards. For quantitative results in borderline instances, e.g., tests yielding 0.5 to 5 units of color, extract with Butyl Alcohol (5) (bb). Add 5.0 ml. of the alcohol and invert the tube slowly several times. Centrifuge if necessary to increase the clearness of the alcohol layer. Compare the blue color with the colors of standards in the alcohol.

(cc) With samples yielding more than five (5) units, compare the colors in aqueous tests with those of aqueous standards.

(11) Dilution Method for Quantitative Results

(aa) In tests that are observed during color development to be strongly positive, e.g., 20 units or more in which four (4) drops of BQC may be much less than sufficient to combine with all of the phenol, pipet an appropriate proportion of the contents into another tube, make up to 10.0 ml. with color-dilution Buffer (1) (cc) and add two (2) drops more of BQC in the case of unripened cheese or four (4) drops in the case of ripened cheese. With each test, dilute and treat the blank in the corresponding manner. Dilute each strongly positive test thus until the final color is within the range of the standards or photometer. Allow 30 minutes for color development after the last addition of BQC and make the reading at the end of the 30-minute period. Multiply, for example, by two (2) for a 5 + 5 dilution, 10 for a 1 + 9 dilution, and 50 for a 1 + 9 followed by a 2 + 8 dilution.

(bb) Alternatively, to reduce the amount of yellow off color, add two (2) instead of four (4) drops of BQC after each dilution and allow the color to develop. Then test the completeness of color development by adding a third drop; repeat the dilution procedure until the addition of an extra drop does not cause any further increase in the amount of blue color.

(12) Calculation and Evaluation of Results. When using 0.5 gm. of sample and adding a total of 11.0 ml. of liquid, multiply the value of the reading by 1.1 to convert it to units of color or phenol equivalents per 0.25 gm. of cheese. The result may, if desired, be converted to phenol equivalents per one (1) gm. by multiplying by 4.4.

PHOTOMETRIC DETERMINATION

(1) To read the color in aqueous solution, use a filter with maximum light transmission in the region of 610 m_u wave length.

(2) To read the color in butyl alcohol, extract the color as described above. If necessary, centrifuge the sample for five (5) minutes to break the emulsion and to remove the moisture suspended in the alcohol layer. A Babcock centrifuge can be adapted for this purpose by making special tube holders as follows: Slice a section ¼ inch thick from a rubber stopper of suitable diameter to fit in the bottom of the centrifuge cup. Glue together two (2) cork stoppers

[2] For merely detecting underpasteurization, in testing unripened cheese, two (2) drops is sufficient, provided the visual standards are prepared likewise with two (2) drops.

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of appropriate diameter, bore through the center a hole of proper size to hold the tube snugly and insert the double-cork section into the cup.

(3) After centrifuging, remove nearly all of the butyl alcohol by means of a pipet with a rubber bulb on the top end. Filter the alcohol into the photometer cell and read with a filter with maximum light transmission in the region of 650 m_u wave length.

(4) If more than approximately four (4) ml. of butyl alcohol is required for the photometer used, conduct the test in a larger tube and extract the color, in both the test and the standards, with the necessary quantity of butyl alcohol rather than with five (5) ml. specified above.

PRECAUTIONS

(1) The length of time that the crystalline disodium phenyl phosphate and the BQC powder will remain stable can be increased greatly by keeping them in the freezing chamber of a refrigerator and by keeping them dry.

(2) The glassware, stoppers and sampling tools should be scrupulously clean and it is desirable to soak them in hot, running water after cleaning.

(3) The solid barium hydroxide and the barium buffer must be kept stoppered tightly to prevent absorption of carbon dioxide. Phenolic contamination from plastic closures on reagent bottles has been encountered and therefore the use of plastic closures should be avoided. Rubber stoppers should not be used in flasks in which butyl alcohol is stored. Glass or cork stoppers should be used.

MODIFICATIONS FOR DIFFERENT CHEESES

(1) Different kinds of cheese and cheeses of different ages have differing buffering capacities and therefore some of them require modification of concentrations of the reagents. The Modifications of the barium buffer needed to produce optional pH conditions during incubation (9.85-10.20) and of the precipitant to yield uniformly clear filtrates and to minimize interference during color development under optional pH conditions (9.3-9.4), are specified in Table I.

(2) With some samples, especially those of unknown history, slight deviations from the optimal pH range may occur, but such deviations do not very materially affect the results. For example, pH values as low as 9.6 or as high as 10.35 during incubation have been found to result in an average decrease of not more than 20 per cent below the maximum in the quantity of phenol liberated. The use of the 25-11 buffer substrate with samples for which the 27-11 buffer substrate is specified yields pH values not lower than 9.8.

(3) In testing cheese of unknown history of age, information as to the percentage of solids, especially the nonfat solids, is useful as an indication of the correct buffer to use; cheese with a relatively high percentage of nonfat solids generally requires the use of a relatively concentrated buffer to adjust the pH of the mixture correctly.

(4) For precise quantitative results on unknown samples, adjust the pH to 10.0-10.05 for the incubation.

(5) Cottage cheese curd is heated in the presence of considerable acid during manufacture and, therefore, its phosphatase values are comparatively low. Alternatively, to increase the sensitivity of the test on cottage cheese, apply the following modifications: Use a 1.0-gm. sample, 27-11 buffer substrate, 2-hour incubation and 6.0-0.1 precipitant.

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Table 1—Phosphatase Test Modifications for Different Kinds of Cheese and Cheese of Different Ages

Kind of Cheese	Age or extent of curing; other details	Buffer for optimal pH (9.85-10.20)	Precipitant
Cheddar, granular, stirred curd, hard cheese	1 week	[3]25-11	[4]6.0-0.0
	1 week-1½ months	25-11	[5]6.0
	1½-4 months	26-11	6.0
	4 months	27-11	6.1
Washed curd, soaked curd, colby	1 week	25-11	6.0-0.0
	1 week-2 months	25-11	6.0
	2 months	26-11	6.0
Swiss, gruyere	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.1
	1-3 months	26-11	6.0
	3 months	27-11	6.0
Brick, muenster	1 week	25-11	6.0-0.0
	1 week-1 month	25-11	6.1
	1-2 months	25-11	6.0
	2 months	26-11	6.0
Edam, gouda	1 week	25-11	6.0-0.1
	1 week-2 months	25-11	6.0-0.1
	2-4 months	26-11	6.0
	4 months	27-11	6.0
Blue mold, blue	1 week	25-11	6.0-0.1
	1 week-1 month	26-11	6.0
	1-4½ months	27-11	6.0
	4½ months	28-11	6.0
Camembert, limburger	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1-2 months	26-11	6.0
	2 months	27-11	6.0
Monterey	1 week	25-11	6.0-0.1
	1 week-2 months	25-11	6.0
	2 months	26-11	6.0
High-moisture jack	1 week	25-11	6.0-0.1
	1 week-2½ months	25-11	6.0
	2½ months	26-11	6.0
Provolone, pasta filata	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1-3 months	26-11	6.0
	3 months	27-11	6.0
Parmesan, reggiano, monte, modena, romano, asiago old	1 week	25-11	6.0-0.1
	1 week-2 months	26-11	6.0
	2-6 months	27-11	6.0
	6 months-1 year	28-11	6.0
	1 year	29-11	6.0
Asiago fresh	Same as cheddar		
Asiago medium	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1-3 months	26-11	6.0
	3 months	27-11	6.0

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Kind of Cheese	Age or extent of curing; other details	Buffer for optimal pH (9.85-10.20)	Precipitant
Gorgonzola	Same as blue		
Cottage, cook cheese koch kaese	Dry	25-11	6.0-0.1
	Moist	[6]25-11(8+2)	4.5-0.1
Cream cheese		25-11(7+3)	6.0-0.1
Semisoft cheese	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1 month	26-11	6.0
Soft ripened cheese	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1 month	26-11	6.0
Nokkelost, kuminost, sage cheese	1 week	25-11	6.0-0.1
	1 week-1½ months	25-11	6.0
	1½-4 months	26-11	6.0
	4 months	27-11	6.0
Pasteurized process, pasteurized process pimento, pasteurized process with fruits, meats, etc.	Soft, mild	25-11	6.0
	Medium, firm	26-11	6.0
	Firm, sharp (including swiss, gruyere)	27-11	6.0
Pasteurized process cheese foods; pasteurized process cheese foods with fruits, meats, etc.	Same as pasteurized process		
Pasteurized process cheese spreads; pasteurized process cheese spreads with fruits, meats, etc.	Soft, high moisture, including cream spreads	25-11	6.0
	Less soft, including blue	26-11	6.0
Cold-pack, club; cold-pack cheese foods; cold-pack cheese foods with fruits, meats, etc.	Mild to medium flavored, soft	26-11	6.0
	Sharp, firm	27-11	6.0

[3]Grams $B_n(OH)_2$ $8H_2O$ and H_3BO_3 per liter, respectively.
[4]Grams $ZnSO_4$ $7H_2O$ and $CuSO_4$ $5H_2O$ per 100 ml., respectively.
[5]Grams $ZnSO_4$ $7H_2O$ per 100 ml.
[6]8 Parts of 25-11 buffer plus 2 parts water.

(g) Optional Ingredients; Labeling

(1) If cheddar cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this section, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used; e.g., "Sorbic acid and potassium sorbate added to retard mold growth."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in paragraph (g) (1), showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

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Agr 1020 Cheddar Cheese for Manufacturing; Identity. Cheddar cheese for manufacturing conforms to the definition and standard of identity prescribed for cheddar cheese by Regulation Agr 1019, except that the milk is not pasteurized, curing is not required and the provisions of paragraph (d) of that regulation do not apply.

Agr 1021 Washed Curd Cheese, Soaked Curd Cheese; Identity; Label Statement of Optional Ingredients

(a) Washed curd cheese, soaked curd cheese, is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this rgulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 42 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 per cent (Calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, cooled in water and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of washed curd cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, non-fat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Washed curd cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms when tested by the method prescribed in Regulation Agr 1019(f).

(3) During the cheese-making process the milk may be treated as provided in Agr 1019(a)(3).

(d) Washed curd cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

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(e) Optional Ingredients; Labeling

(1) If washed curd cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this section, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1022 Washed Curd Cheese for Manufacturing; Identity. Washed curd cheese for manufacturing conforms to the definition and standard of identity prescribed for washed curd cheese by Regulation Agr 1021, except that the milk is not pasteurized, curing is not required and the provisions of paragraph (d) of that regulation do not apply.

Agr 1023 Colby Cheese; Identity; Label Statement of Optional Ingredients

(a) Colby cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 40 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Harmless or artificial coloring may be added. Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 per cent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semi-solid mass. The mass is so cut, stirred and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of colby cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, non-fat dry milk, water, in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Colby cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms when tested by the method prescribed in Regulation Agr 1019(f).

(3) During the cheese-making process the milk may be treated as provided in Agr 1019(e)(3).

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(d) Colby cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) If Colby cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this section, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1024 Colby Cheese for Manufacturing; Identity. Colby cheese for manufacturing conforms to the definition and standard of identity prescribed for colby cheese by Regulation Agr 1023, except that the milk is not pasteurized, curing is not required and the provisions of paragraph (d) of that regulation do not apply.

Agr 1025 Cream Cheese; Identity; Label Statement of Optional Ingredients

(a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this regulation. The finished cream cheese contains not less than 33 per cent of milk fat and not more than 55 per cent of moisture, as determined by Regulation Agr 1090.

(b) Manufacturing Procedures

(1) Cream or a mixture of cream with one (1) or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one (1) or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one (1) or any mixture of two (2) or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 per cent of the weight of the finished cream cheese.

When one or more of the optional ingredients permitted in this subparagraph are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk and nonfat dry milk. If concentrated milk, concentrated skim milk or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this regulation, the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

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(c) When an optional ingredient listed in paragraph (b)(2) of this regulation is present in cream cheese, the label shall bear the statement " Added" or "With Added ", the blank being filled in with the word or words "vegetable gum", "carrageenan", "gelatin", "algin", or "propylene glycol alginate", or any combination of two or more of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to easily be seen under customary conditions of purchase, the statement specified in this regulation, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

Agr 1026 Neufchatel Cheese; Identity; Label Statement of Optional Ingredients

(a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this regulation. The finished neufchatel cheese contains not less than 20 per cent, but less than 33 per cent of milk fat and not more than 65 per cent of moisture, as determined by Regulation Agr 1090.

(b) Manufacturing Procedures

(1) Milk or a mixture of cream with one (1) or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one (1) or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese, one (1) or any mixture of two (2) or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 per cent of the weight of the finished neufchatel cheese.

When one (1) or more of the optional ingredients permitted in this subparagraph are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk and nonfat dry milk. If concentrated milk, concentrated skim milk or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this regulation the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b)(2) of this regulation is present in neufchatel cheese, the label shall bear the statement " Added" or "With Added ", the blank being filled in with the word or words "vegetable gum", "carrageenan", "gelatin", "algin", or "Propylene glycol alginate", or any combination of two or more of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this regulation, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

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Agr 1027 Cottage Cheese; Identity

(a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in subparagraph (b) of this paragraph. The finished cottage cheese contains not more than 80 per cent of moisture, as determined by the method prescribed under "Moisture-Official", on page 247 of "Official Methods of Analysis of the Association of Official Agricultural Chemists", Tenth Edition (1965) sec. 15.157.

(b) Manufacturing Procedures

(1) One (1) or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized. Calcium chloride may be added in a quantity of not more than 0.02 per cent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk and nonfat dry milk. If concentrated skim milk or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of paragraph (b)(2) of this regulation, the term "skim milk" means the milk of cows from which the milk fat has been separated and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

Agr 1028 Creamed Cottage Cheese; Identity

(a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with a creaming mixture as provided for in subparagraph (b) of this paragraph. The creaming mixture is used in such quantity that the milk fat added thereby is not less than four (4) per cent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 per cent of moisture, as determined by the method prescribed in Regulation Agr 1027(a).

(b) The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both, to which one or more of the following optional ingredients may be added, subject to the conditions set forth in this paragraph:

(1) Salt

(2) Nonfat dry milk, concentrated skim milk, sodium caseinate, ammonium caseinate, potassium caseinate, or dried milk protein may be added singly or in any combination to adjust the solids content, provided the weight of the solids added thereby does not exceed three (3) per cent of the weight of the creaming mixture.

(3) A culture of harmless lactic acid and flavor-producing bacteria, with or without rennet.

(4) A preparation of pasteurized skim milk or cottage cheese whey with added citric acid or sodium citrate, which preparation has been cultured with harmless flavor- and aroma- producing bacteria.

(5) Lactic acid, citric acid, phosphoric acid.

(6) Other Optional Ingredients

(aa) A stabilizing ingredient consisting of one (1) or any mixture of two (2) or more of the following: Carob (Locust) bean gum, guar gum, gum karaya, gum tragacanth, calcium sulfate; carrageenan or salts of carrageenan complying with the requirements of sections 121.1066 and 121.1067 of Chapter 4, Federal Food, Drug and Cosmetic Act; furcelleran or salts of furcelleran, comply-

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ing with the requirements of sections 121.1068 and 121.1069 of Chapter 4, Federal Food, Drug and Cosmetic Act; gelatin, lecithin, algin (sodium alginate), propylene glycol alginate, sodium carboxymethylcellulose (cellulose gum).

(bb) Stabilizing ingredients used may be added in a mixture with a carrier consisting of one (1) or any mixture of two (2) or more of the following: Sugar, dextrose, corn sirup solids, dextrin, glycerin, propylene glycol. The quantity of the stabilizing ingredient, including any carrier used, is such that the weight of solids contained therein is not more than 0.5 per cent of the weight of the creaming mixture.

(cc) When one (1) or more of the optional ingredients in sub-part (aa) of this subparagraph are used, dioctyl sodium sulfosuccinate, complying with the requirements of Sec. 121.1137 of Chapter 4, Federal Food, Drug and Cosmetic Act, may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients. The creaming mixture is pasteurized, except that the bacterial cultures permitted by this paragraph and the acids listed in subparagraph (5) of this paragraph may be added after pasteurization.

(7) Singly or in combination: Diacetyl, starter distillate, or other safe and suitable flavoring substances which contribute to the characteristic flavor and aroma associated with the food.

(c) For the purposes of this paragraph:

(1) "Milk" means sweet milk of cows; "skim milk" means milk from which the milkfat has been separated; and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(2) "Sodium caseinate", "ammonium caseinate", "calcium caseinate", and "potassium caseinate" mean the dried form of the reaction product resulting from treating casein precipitated from skim milk with a suitable alkali in such a manner that no excess alkali is present, as determined by a pH of not more than 8.0 in a two (2) per cent solution at 25°C.

(3) "Dried milk protein" means the dried form of the reaction product resulting from treating coprecipitates of milk proteins of which casein and lactalbumin are the constituents of major content with a suitable alkali in such manner that no excess of alkali is present, as determined by a pH of not more than 8.0 in a two (2) per cent solution at 25°C.

(d) Label Statements

(1) When one (1) or a mixture of two (2) or more of the optional ingredients listed in paragraphs (b)(5) and (6) (aa) and (c)(2) and (3) of this paragraph is used, the label shall bear the statement "_____ added" or "with added _____", the blank being filled in with the common name or names of the optional ingredients used; provided, however, that the name "vegetable gum" may be used in lieu of the specific names for carob locust bean gum, guar gum, gum karaya, and gum tragacanth.

(2) When any ingredient names under paragraph (b)(7) is used, the label shall bear the statement "artificially flavored" or "artificial flavor added" or "with added artificial flavoring".

(3) Wherever the name "creamed cottage cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the label declarations prescribed in subparagraph (1) and (2) of this paragraph, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

Agr 1029 Ricotta Cheese; Identity

(a) Ricotta cheese is the food prepared from heated milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this

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regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 80 per cent of moisture and not less than 11 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c).

(b) Milk, which may be warmed or pasteurized or both and which may be clarified or homogenized or both, is mixed with an acidifying agent prescribed by paragraph (d) of this regulation. Salt may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity of not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) may be added to set the milk. The mixture is heated until a temperature of about 180°F. is reached and it is held near that temperature until the curd separates. The curd is removed by skimming or the whey is drained or siphoned off. The curd is placed in perforated containers to permit further drainage. The containers may be placed in cold water for cooling and they are then removed from the water for further drainage. Additional curd may be obtained from the whey by the further addition of an acidifying agent prescribed by paragraph (d) of this regulation or by further heating or both. The curd may be whipped or beaten to obtain a finer texture.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in sufficient quantity to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Ricotta cheese shall be deemed not to have been prepared from properly pasteurized milk if 0.25 gram shows a phenol equivalent of more than three (3) micrograms, when tested by the method prescribed in Regulation Agr 1019(f), moist cottage cheese modification.

(d) The acidifying agents prescribed in paragraph (b) of this regulation are one (1) or a mixture of two (2) or more of the following: Culture of harmless lactic-acid-producing bacteria, a vinegar, fermented whey, lactic acid and citric acid.

Agr 1030 Part-skim Ricotta Cheese; Identity. Part-skim ricotta cheese conforms to the definition and standard of identity prescribed by Regulation Agr 1029 for ricotta cheese, except that it contains less than 11 per cent of milk fat, but not less than six (6) per cent.

Agr 1031 Granular Cheese, Stirred Curd Cheese; Identity; Label Statement of Optional Ingredients

(a) Granular cheese, stirred curd cheese, is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 39 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in

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a quantity not more than 0.02 per cent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass. The mass is so cut, stirred and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off. The curd is then alternately stirred and drained to prevent matting and to remove whey from curd. The curd is then salted, stirred, drained and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of granular cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091.

(3) During the cheese-making process the milk may be treated as provided in Regulation Agr 1019(e)(3).

(d) Granular cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) If granular cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1032 Granular Cheese for Manufacturing; Identity. Granular cheese for manufacturing conforms to the definition and standard of identity prescribed for granular cheese by Regulation Agr 1031, except that the milk is not pasteurized, curing is not required and the provisions of paragraph (d) of that regulation do not apply.

Agr 1033 Swiss Cheese, Emmentaler Cheese; Identity; Label Statement of Optional Ingredients

(a) Swiss cheese, emmentaler cheese, is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It has holes or eyes, developed throughout the cheese. It contains not more than 41 per cent of moisture and its solids contain not less than 43 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria,

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present in such milk or added thereto; harmless propionic-acid-producing bacteria also may be added. Authorized artificial coloring may be added. Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 per cent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126°F. Stirring is continued until the curd becomes firm. The acidity of the whey at this point, calculated as lactic acid, does not exceed 0.13 per cent. The curd is transferred to hoops or forms and pressed until the desired shape and firmness are obtained. The cheese is then salted by immersing it in a saturated salt solution for about three (3) days. It is then held at a temperature of about 50°F. to 60°F. for a period of five (5) to 10 days, after which it is held at a temperature of about 75°F. until it is approximately 30 days old or until the so-called eyes form. Salt, or a solution of salt in water, is added to the surface of the cheese at some time during the curing process. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of swiss cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c)(1) For the purposes of this regulation, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk. Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 per cent of the weight of the milk bleached, and the weight of potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six (6) times the weight of the benzoyl peroxide used. If the milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(c)(2) During the cheese-making process the milk may be treated as provided in Regulation Agr 1019(e)(3).

(d) Swiss cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1)(i) If swiss cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(ii) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

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

Agr 1034 Swiss Cheese for Manufacturing; Identity; Label Statement of Optional Ingredients. Swiss cheese for manufacturing conforms to the definition and standard of identity prescribed for swiss cheese by Regulation Agr 1033, except

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that the holes or eyes, have not developed throughout the entire cheese and the provisions of paragraph (d) of that regulation do not apply; however, the labeling requirements of paragraph (e)(2) of that regulation do apply.

Agr 1035 Gruyere Cheese; Identity; Label Statement of Optional Ingredients

(a) Gruyere cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 39 per cent of moisture and its solids contain not less than 45 per cent milk fat, as determined by the methods prescribed in Regulation Agr 1019(c). It contains small holes or eyes. It has a mild flavor, due in part to the growth of surface-curing agents. It is not less tthan 90 days old.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria also may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126°F. Stirring is continued until the curd becomes firm. The curd is transferred to hoops or forms and pressed until the desired shape and firmness are obtained. The cheese is surface-salted while held at a temperature of 48°F. to 54°F. for a few days. It is soaked for one (1) day in a saturated salt solution. It is then held for three (3) weeks in a salting cellar and wiped every two (2) days with brine cloth to insure growth of biological curing agents on the rind. It is then removed to a heating room and held at progressively higher temperatures, finally reaching 65°F., with a relative humidity of 85 to 90 per cent, for several weeks, during which time small holes, or so-called eyes, form. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gruyere cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

(d) Gruyere cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) If gruyere cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

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Agr 1036 Brick Cheese; Identity; Label Statement of Optional Ingredients

(a) Brick cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 44 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 88°F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ⅜ inch long and stirred and heated so that the temperature rises slowly to about 96°F. The stirring is continued until the curd is sufficiently firm. Part of the whey is then removed and the mixture diluted with water or salt brine to control the acidity. The curd is transferred to forms and drained. During drainage it is pressed and turned. After drainage the curd is salted and the biological curing agents characteristic of brick cheese are applied to the surface. The cheese is then cured to develop the charactistics of brick cheese. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of brick cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(1) The word "milk" means cow's milk which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Brick cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than five (5) micrograms when tested by the method prescribed in Regulation Agr 1019(f).

(d) Brick cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) If brick cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1037 Brick Cheese for Manufacturing; Identity. Brick cheese for manufacturing conforms to the definition and standard of identity prescribed for brick

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cheese by Regulation Agr 1036, except that the milk is not pasteurized, curing is not required and the provisions of paragraph (d) of that regulation do not apply.

Agr 1038 *Muenster Cheese, Munster Cheese; Identity;* Label Statement of Optional Ingredients

(a) Muenster cheese, munster cheese, is the food prepared from pasteurized milk and other ingredients specified in this regulation by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 46 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c).

(b) Milk which is pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is divided into small portions, stirred and heated, with or without dilution with water or salt brine, so as to promote and regulate the separation of whey and curd. The curd is transferred to forms permitting drainage of the whey. During drainage the curd may be pressed and turned. After drainage the curd is removed from the forms and is salted. The surface of the cheese may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of muenster cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "Pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Muenster cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms when tested by the method prescribed in Regulation Agr 1019(f).

(d) Muenster cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) If muenster cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

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Agr 1039 Edam Cheese; Identity; Label Statement of Optional Ingredients.

(a) Edam cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 45 per cent of moisture and its solids contain not less than 40 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days. Edam cheese is made in ball or loaf shapes and the surface is covered with a paraffin or other tightly adhering coating. The covering or coating may be natural in color or may be colored red or any other color.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately ⅜ inch long. The mass is stirred and heated to about 90°F. and so handled by further stirring, heating, dilution with water or salt brine and salting as to promote and regulate the separation of curd and whey. When the desired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage the curd is pressed and turned. After drainage the curd is removed from the forms and is salted and cured. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of edam cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Edam cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms when tested by the method prescribed in Regulation Agr 1019(f).

(d) Edam cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e)(1) If edam cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement " added to retard mold growth" or " added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

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Agr 1040 Gouda Cheese; Identity; Label Statement of Optional Ingredients. Gouda cheese conforms to the definition and standard of identity and complies with the requirement for label declaration of optional ingredients prescribed for edam cheese by Regulation Agr 1039, except that the fat content of its solids is not less than 46 per cent. It is made in the shape of a compressed sphere, in which the compressed sides are parallel and flat. The surface may or may not be covered with red-colored paraffin or similar tightly adhering coating.

Agr 1041 Blue Cheese; Identity; Label Statement of Optional Ingredients

(a) Blue cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 46 per cent moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019(c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed and which may be homogenized, is subjected to the action of harmless lactic-acid, producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semi-solid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms, permitting further drainage. While being placed in forms, spores of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd and it is held at a temperature of approximately 50°F., at 90 to 95 per cent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese may be scraped to remove surface growth of undesirable micro-organisms. The rind of the cheese may be coated with a vegetable food fat or oil (which may be hydrogenated), or any combination of two (2) or more such articles. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of blue cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 per cent of the weight of the milk being bleached and the weight of the potassium alum, calcium sulfate and magnesium carbonate, singly or combined, is not more than six (6) times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one (1) or more of the following: Cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk, water sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

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(d) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

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

Agr 1042 Gorgonzola Cheese; Identity; Label Statement of Optional Ingredients

(a) Gorgonzola cheese is the food prepared from cow's milk or goat's milk or mixtures of these and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It is characterized by the presence of bluish-green mold throughout the cheese. It is made in loaves weighing between 14 and 17 pounds. It contains not more than 42 per cent moisture and solids contain not less than 50 per cent milk fat, as determined by the methods prescribed in Regulation Agr 1019 (c). It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semi-solid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed into forms permitting further drainage. While being placed in forms, spores of the mold Penicillium glaucum are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd and it is held at a temperature of approximately 50°F. at 90 to 95 per cent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necessary, to remove surface growth of undesirable micro-organisms. The rind of the cheese may be coated with a vegetable food fat or oil (which may be hydrogenated), or any combination of two (2) or more such articles. A harmless preparation of enzymes of animals or plant origin capable of aiding in the curing or development of flavor of gorgonzola cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk or goat's milk or mixtures of these.

(2) Such milk may be bleached by the use of benzoyl peroxide or mixture of benzoyl peroxide with potassium alum, calcium sulfate and magnesium carbonate, but the weight of the benzoyl peroxide is not more than 0.002 per cent of the weight of the milk being bleached and the weight of the potassium alum, calcium sulfate and magnesium carbonate, singly or combined, is not more than six (6) times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one (1) or more of the following: (In the case of cow's milk) cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk; (in the case of goat's

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milk) the corresponding products obtained from goat's milk; water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

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

Agr 1043 Nuworld Cheese; Identity

(a) Nuworld cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced with the procedure set forth in paragraph (b) of this regulation is used. It is characterized by the presence of creamy-white mold throughout the cheese. It contains not more than 46 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring, in a quantity which neutralizes any natural yellow coloring in the curd, may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of a white mutant of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the form and salted with dry salt or brine. Perforations are then made in the shaped curd and it is held at a temperature of approximately 50°F., at 90 per cent to 95 per cent relative humidity, until the characteristic mold growth has developed. During storage, the surface of the cheese may be scraped to remove surface growth of undesirable micro-organisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of nuworld cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

Agr 1044 Roquefort Cheese; Sheep's Milk Blue-mold Cheese; Blue-mold Cheese from Sheep's Milk; Identity

(a) Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk, is the food prepared from sheep's milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 45 per cent moisture and its solids contain not less than 50 per cent milk fat, as determined

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by the methods prescribed in Regulation Agr 1019 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage of whey. Spores of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50°F., with relative humidity of 90 per cent to 95 per cent, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necessary, to remove surface growth of undesirable micro-organisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of roquefort cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation, the word "milk" means sheep's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto sheep's milk cream or skimmed sheep's milk.

Agr 1045 Limburger Cheese; Identity

(a) Limburger cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 50 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019 (c). If the milk used is not pasteurized, limburger cheese is held at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 92°F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ½ inch long. After a few minutes the mass is stirred and heated, gradually raising the temperature to 96°F. to 98°F. The curd is then allowed to settle, most of the whey is drained off and the remaining curd and whey dipped into molds. During drainage the curd may be pressed. It is turned at regular intervals. After drainage the curd is cut into pieces of desired size and dry-salted at intervals for 24 to 48 hours. The cheese is then cured with frequent applications of a weak brine solution to the surface, until the proper growth of surface-curing organisms is obtained. It is then wrapped and held in storage for development of as much additional flavor as is desired. When made from pasteurized milk, the milk is brought to a temperature of 89°F. to 90°F. after pasteurization. A culture of harmless lactic-acid-producing bacteria is added. Calcium chloride may be added, as to raw milk. The procedure then is the same as with raw milk, except that heating is to 94°F. After most of the whey is drained off, salt brine at a temperature of 66°F. to 70°F. is added, so that the pH of the curd is about 4.8. The mixed curd, whey and brine is dipped into molds and the same procedure followed as when raw milk is used. Whether pasteurized or unpasteurized milk is used, a harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of limburger cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

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(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "Pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091.

Agr 1046 Monterey Cheese; Monterey Jack Cheese; Identity; Label Statement of Optional Ingredients

(a) Monterey cheese, Monterey Jack cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 44 per cent of moisture and its solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019 (c).

(b) Milk, which is pasteurized and which may be clarified, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred and heated with continued stirring, as to promote and regulate the separation of whey and curd. Part of the whey is drained off and water or salt brine may be added. The curd is drained and placed in a muslin or sheeting cloth, forced into a ball and pressed; or the curd is placed in a cheese hoop and pressed. Later, the cloth bandage is removed and the cheese may be covered with paraffin or dipped in vegetable oil and may have rice flour sprinkled on the surface. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of Monterey cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Monterey cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms when tested by the method prescribed in Regulation Agr 1019 (f).

(d) Monterey cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) If monterey cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1047 High-moisture Jack Cheese; Identity; Label Statement of Optional Ingredients. High-moisture jack cheese conforms to the definition and standard of identity and is subject to the requirement for label statement of optional ingredients, prescribed for monterey cheese by Regulation Agr 1046, except that its moisture content is not less than 44 per cent, but less than 50 per cent.

Agr 1048 Provolone Cheese; Pasta Filata Cheese; Identity; Label Statement of Optional Ingredients

(a) Provolone cheese, pasta filata cheese, is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It has a stringy texture and may be made in several shapes. It contains not more than 45 per cent of moisture and its solids contain not less than 45 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019 (c). If the milk used is not pasteurized, the cheese so made is held at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off and the curd is matted and cut, immersed in hot water and kneaded and stretched until it is smooth and free from lumps. Then it is cut and molded. During the molding the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is then firmed by immersion in cold water, salted in brine and dried. Some shapes may be encased in ropes or twine before drying. Provolone cheese may be smoked. It is given some additional curing and covered with paraffin or similar wax. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of provolone cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Provolone cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms when tested by the method prescribed in Regulation Agr 1019 (f).

(3) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 per cent of the weight of the milk bleached, and the weight of the potassium alum,

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calcium sulfate, and magnesium carbonate, singly or combined, is not more than six (6) times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(d) Provolone cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) The name "Provolone cheese" ("Pasta filata cheese") may include the common name of the shape of the cheese, such as "Salami provolone". If provolone cheese is not smoked, the name includes the words "Not smoked".

(2) (i) If provolone cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(ii) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide".

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

Agr 1049 Caciocavallo Siciliano Cheese; Identity; Label Statement of Optional Ingredients

(a) Caciocavallo Siciliano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two (2) or all of these and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It has a stringy texture and is made in oblong shapes. It contains not more than 40 per cent of moisture and its solids contain not less than 42 per cent milk fat, as determined by the methods prescribed in Regulation Agr 1019 (c). It is cured for not less than 90 days at a temperature of not less than 35°F.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off and the curd is removed to another vat containing hot whey, in which it is soaked for several hours. This whey is withdrawn, the curd is allowed to mat and is cut into blocks. These are washed in hot whey until the desired elasticity is obtained. The curd is removed from the vat, drained, pressed into oblong forms, dried, salted in brine and cured. It may be paraffined. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of caciocavallo siciliano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

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(c) (1) For the purposes of this regulation, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two (2) or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 per cent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six (6) times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(d) Caciocavallo siciliano cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) When caciocavallo siciliano cheese is made solely from cow's milk, the name of such cheese is "Caciocavallo siciliano cheese". When made from sheep's milk or goat's milk or mixtures of these or one (1) or both of these with cow's milk, the name is followed by the words "made from _____", the blank being filled in with the name or names of the milks used, in order of predominance by weight.

(2) (i) If caciocavallo siciliano cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(ii) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide".

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

Agr 1050 Parmesan Cheese; Reggiano Cheese; Identity; Label Statement of Optional Ingredients

(a) Parmesan cheese, reggiano cheese, is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It is characterized by a granular texture and a hard and brittle rind. It grates readily. It contains not more than 32 per cent of moisture and its solids contain not less than 32 per cent of milkfat, as determined by the methods prescribed in Regulation Agr 1019 (c). It is cured for not less than 14 months.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria,

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present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into pieces no larger than wheat kernels, heated and stirred until the temperature reaches between 115°F. and 125°F. The curd is allowed to settle and is then removed from the kettle or vat, drained for a short time, placed in hoops and pressed. The pressed curd is removed and salted in brine or dry-salted. The cheese is cured in a cool, ventilated room. The rind of the cheese may be coated or colored. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of parmesan cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) (1) For the purposes of this regulation, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 per cent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(d) Parmesan cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide".

(2) If parmesan cheese in sliced or cut form contains an optional mold-inhibiting ingredient as provided for in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1051 Romano Cheese; Identity; Label Statement of Optional Ingredients

(a) Romano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two (2) or all of these and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It grates readily and has a granular texture and a hard and brittle rind. It contains not more than 34 per cent of moisture and its solids contain not less than 38 per cent of milkfat, as determined by the methods prescribed in Regulation Agr 1019 (c). It is cured for not less than five (5) months.

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(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles not larger than corn kernels, stirred and heated to a temperature of about 120°F. The curd is allowed to settle to the bottom of the kettle or vat and is then removed and drained for a short time, packed in forms or hoops and pressed. The pressed curd is salted by immersing in brine for about 24 hours and is then removed from the brine and the surface allowed to dry. It is then alternately rubbed with salt and washed at intervals. It may be perforated with needles. It is finally dry-cured. During curing it is turned and scraped. The surface may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of romano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) (1) For the purposes of this regulation, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 per cent of the weight of the milk bleached and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(d) Romano cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) When romano cheese is made solely from cow's milk, the name of such cheese is "Romano cheese made from cow's milk", and may be preceded by the word "Vaccino" (or "Vacchino"); when made solely from sheep's milk, the name is "Romano cheese made from sheep's milk", and may be preceded by the word "Caprino"; and when a mixture of two or all of the milk specified in this section is used, the name of the cheese is "Romano cheese made from _____", the blank being filled in with the names of the milks used, in order of predominance by weight.

(f) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide".

(2) If romano cheese in sliced or cut form contains an optional mold-inhibiting ingredient as provided for in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and state-

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ments prescribed by this regulation, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Agr 1052 Asiago Fresh Cheese, Asiago Soft Cheese; Identity; Label Statement of Optional Ingredients

(a) Asiago fresh cheese, asiago soft cheese, is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 45 per cent of moisture and its solids contain not less than 50 per cent of milkfat, as determined by the methods prescribed in Regulation Agr 1019 (c). It is cured for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred and heated to promote and regulate separation of the whey from the curd. The whey is drained off. When the curd is sufficiently firm, it is removed from the kettle or vat, further drained for a short time, packed into hoops and pressed. The pressed curd is salted in brine and cured in a well-ventilated room. During curing the surface of the cheese is occasionally rubbed with a vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding the curing or development of flavor of asiago fresh cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) (1) For the purposes of this regulation, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 per cent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(d) Asiago fresh cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Optional Ingredients; Labeling

(1) (i) If asiago fresh cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(ii) If the milk is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide"

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

Agr 1053 Asiago Medium Cheese; Identity

(a) Asiago medium cheese conforms to the definition and standard of identity prescribed by Regulation Agr 1052 for asiago fresh cheese, except that it contains not more than 35 per cent moisture, its solids contain not less than 45 per cent of milkfat, it is cured for not less than six (6) months and the provisions of paragraph (d) of that regulation do not apply.

Agr 1054 Asiago Old Cheese; Identity

(a) Asiago old cheese conforms to the definition and standard of identity prescribed by Regulation Agr 1052 for asiago fresh cheese, except that it contains not more than 32 per cent moisture, its solids contain not less than 42 per cent of milkfat, it is cured for not less than one (1) year and the provisions of paragraph (d) of that regulation do not apply.

Agr 1055 Cook Cheese, Koch Kaese; Identity

(a) Cook cheese, koch kaese, is the food prepared from skim milk and other ingredients specified in this regulation by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 80 per cent moisture as determined by the method therefor prescribed in Regulation Agr 1019 (c). When tested for phosphatase by the method prescribed in Regulation 1019 (f), 0.25 gm. of cook cheese shows a phenol equivalent of not more than three (3) micrograms.

(b) Skim milk or the optional dairy ingredients specified in paragraph (c) of this regulation, which may be pasteurized and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such dairy ingredients or added thereto. A culture of harmless white mold may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of milk) may be added to aid in setting the mix to a semisolid mass. The mass is cut, stirred and heated with continued stirring, so as to separate the curd and whey. The whey is drained from the curd and the curd is cured for two (2) or three (3) days. It is then heated to a temperature of not less than 180°F. until the hot curd will drop from a ladle with a consistency like that of honey. The hot cheese is filled into packages and cooled. Pasteurized cream, salt or caraway seed or any mixture of two (2) or more of these may be added.

(c) The optional dairy ingredients referred to in paragraph (b) of this regulation are: Skim milk or concentrated skim milk or nonfat dry milk or a mixture of any two (2) or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) For the purposes of this regulation, "Skim milk" means cow's milk from which the milk fat has been separated.

Agr 1056 Sap Sago Cheese; Identity

(a) Sap sago cheese is the food prepared from the skim milk of cows and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation. It has a pale green color and is made in the shape of a truncated cone. It contains not more than 38 per cent of moisture, as determined by the method prescribed in Regulation Agr 1019 (c).

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(b) Skim milk is allowed to become sour and is heated to boiling temperature, with stirring. Cold buttermilk may be added. Sufficient sour whey is added to precipitate the casein. The curd is removed, spread out in boxes and pressed and while under pressure is allowed to drain and ferment. It is ripened for not less than five (5) weeks. The ripened curd is dried and ground, salt and dried clover of the species Melitotus coerulea are added. The mixture is shaped into truncated cones. It is then cured for not less than five (5) months.

Agr 1057 Gammelost Cheese; Identity

(a) Gammelost cheese is the food prepared from the skim milk of cows and the other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation. It contains not more than 52 per cent of moisture, as determined by the method prescribed in Regulation Agr 1019 (c).

(b) Skim milk, which may be pasteurized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such skim milk or added thereto. The development of acidity is continued until the skim milk coagulates to a semisolid mass. The mass is stirred and heated until a temperature of about 145°F. is reached and is held at that temperature for not less than ½ hour. The whey is drained off and the curd removed and placed in forms and pressed. The shaped curd is placed in whey and heated for three (3) or four (4) hours. It is then removed from the whey and may again be pressed. It is then stored under conditions suitable for curing.

Agr 1058 Hard Cheeses; Identity; Label Statement of Optional Ingredients

(a) The cheeses for which definitions and standards of identity are prescribed by this regulation are hard cheeses for which specifically applicable definitions and standards of identity are not prescribed by other regulations of this Chapter. They are made from milk and the other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation. They contain not more than 39 per cent of moisture and their solids contain not less than 50 per cent of milk fat, as determined by the methods prescribed in Regulation Agr 1019 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, with or without other harmless flavor-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into small particles, stirred and heated. The curd is separated from the whey, drained and shaped into forms and may be pressed. The curd is salted at some stage of the manufacturing process. The shaped curd may be cured. The rind may be coated with paraffin or rubbed with a vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used. Harmless flavor-producing micro-organisms may be added and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two (2) or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk;

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(in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. A hard cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms, when tested by the method prescribed in Regulation Agr 1019 (f).

(d) Hard cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) The name of each hard cheese for which a definition and standard of identity is prescribed by this regulation is "Hard cheese", preceded or followed by:

(1) The specific common or usual name of such hard cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name that is not false or misleading in any particular.

(f) (1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____", the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If hard cheese in sliced or cut form contain an optional mold-inhibiting ingredient as provided for in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1059 Semisoft Cheeses; Identity; Label Statement of Optional Ingredients

(a) The cheeses for which definitions and standards of identity are prescribed by this regulation are semisoft cheeses for which specifically applicable definitions and standards of identity are not prescribed by other regulations of this chapter. They are made from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation. They contain more than 39 per cent, but not more than 50 per cent, of moisture and their solids contain not less than 50 per cent, of milk fat, as determined by the methods prescribed in Regulation Agr 1019 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one (1) or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey or part of it, is drained off and the curd is collected and shaped. It may be placed in forms and may be pressed.

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Harmless flavor-producing micro-organisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salts may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft cheese may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two (2) or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. A semisoft cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than five (5) micrograms when tested by the method prescribed in Regulation Agr 1019 (f).

(d) Semisoft cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) The name of each semisoft cheese for which a definition and standard of identity is prescribed by this regulation is "Semisoft cheese", preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(f) Optional Ingredients; Labeling

(1) When milk other than cow's milk is used in whole or in part the name of the cheese includes the statement "made from _____", the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If a semisoft cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1060 Semisoft Part-skim Cheeses; Identity; Label Statement of Optional Ingredients

(a) The cheeses for which definitions and standards of identity are prescribed by this regulation are semisoft part-skim cheeses for which specifically applicable definitions and standards of identity are not prescribed by other regulations of this chapter. They are made from partly skimmed milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this

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regulation. They contain not more than 50 per cent of moisture and their solids contain not less than 45 per cent, but less than 50 per cent, of milkfat, as determined by the methods set forth in Regulation Agr 1019 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F., for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride, in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one (1) or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms and it may be pressed. Harmless flavor-producing micro-organisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft part-skim cheese may be added in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two (2) or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. A semisoft part-skim cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than five (5) micrograms when tested by the method prescribed in Regulation Agr 1019 (f).

(d) Semisoft part-skim cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) The name of each semisoft part-skim cheese for which a definition and standard of identity is prescribed by this regulation is "semisoft part-skim cheese", preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(f) Optional Ingredients; Labeling

(1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____", the blank being filled in with the name or names of the milk used, in order of predominance by weight.

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(2) If a semisoft part-skim cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1061 Soft Ripened Cheeses; Identity; Label Statement of Optional Ingredients

(a) The cheeses for which definitions and standards of identity are prescribed by this regulation are soft ripened cheeses for which specifically applicable definitions and standards of identity are not prescribed by other regulations of this chapter. They are made from milk and the other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation. Their solids contain not less than 50 per cent of milkfat, as determined by the method prescribed therefor in Regulation Agr 1019 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one (1) or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey or part of it, is drained off and the curd is collected and shaped. It may be placed in forms and may be pressed. Harmless flavor-producing micro-organisms may be added. It is cured under conditions suitable for development of biological curing agents on the surface of the cheese and the curing is conducted so that the cheese cures from the surface toward the center. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of soft ripened cheeses may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two (2) or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091.

(d) The name of each soft ripened cheese for which a definition and standard of identity is prescribed by this regulation is "Soft Ripened Cheese" preceded or followed by:

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(1) The specific common or usual name of such soft ripened cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____", the blank being filled in with the name or names of the milk used, in order of predominance by weight.

Agr 1062 Spiced Cheeses; Identity; Label Statement of Optional Ingredients

(a) The cheeses for which definitions and standards of identity are prescribed by this regulation are spiced cheeses for which specifically applicable definitions and standards of identity are not prescribed by other regulations of this chapter. They are made from milk and the other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation. Their solids contain not less than 50 per cent of milkfat as determined by the method therefor prescribed in Regulation Agr 1019 (c). They contain one (1) or a mixture of two (2) or more spices, except any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety, in an amount not less than 0.015 ounce per pound of cheese and may contain spice oils. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste or extract of rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is divided into smaller portions and so handled by stirring, heating and diluting with water or salt brine as to promote and regulate the separation of whey and curd. The whey is drained off. The curd is removed and may be further drained. The curd is then shaped into forms and may be pressed. At some time during the procedure, spices are added so as to be evenly distributed through the finished cheese. Spice oils may be added. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of spiced cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used. Harmless flavor-producing micro-organisms may be added and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two (2) or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. Spiced cheeses shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent or more than three (3) micrograms, when tested by the method prescribed in Regulation Agr 1019 (f).

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(d) Spiced cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) The name of each spiced cheese for which a definition and standard of identity is prescribed by this regulation is "Spiced Cheese", preceded or followed by:

(1) The specific common or usual name of such spiced cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name that is not false or misleading in any particular.

(f) Labeling

(1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes that statement "made from _____", the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If spiced cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1063 Part-skim Spiced Cheeses; Identity; Label Statement of Optional Ingredients. Part-skim spiced cheeses conform to the definitions and standard of identity and are subject to the requirements for label statement of optional ingredients, prescribed for spiced cheeses by Regulation Agr 1062, except that their solids contain less than 50 per cent, but not less than 20 per cent, of milkfat.

Agr 1064 Hard Grating Cheeses; Identity; Label Statement of Optional Ingredients

(a) The cheeses for which definitions and standards of identity are prescribed by this regulation are hard grating cheeses for which specifically applicable definitions and standards of identity are not prescribed by other regulations of this chapter. They are made from milk and the other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation. They contain not more than 34 per cent of moisture and their solids contain not less than 32 per cent of milkfat, as determined by the methods prescribed in Regulation Agr 1019 (c). Hard grating cheeses are cured for not less than six (6) months.

(b) Milk, which may be pasteurized or clarified or both and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into small particles, stirred and heated. The curd is separated from the whey, drained, shaped into form, pressed, salted and cured. The rind may be colored or rubbed with vegetable oil or both. A harmless preparation of enzymes of animal

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or plant origin capable of aiding in the curing or development of flavor of hard grating cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) For the purposes of this regulation, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two (2) or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) Hard grating cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) The name of each hard grating cheese for which a definition and standard of identity is prescribed by this regulation is "Hard Grating Cheese", preceded or followed by:

(1) The specific common or usual name of such hard grating cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(f) Labeling

(1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____", the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If hard grating cheeses in sliced or cut form contain an optional mold-inhibiting ingredient as provided for in paragraph (d) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1065 Skim-milk Cheese for Manufacturing; Identity

(a) Skim-milk cheese for manufacturing is the food prepared from skim milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It contains not more than 50 per cent of moisture, as determined by the method therefor prescribed in Regulation Agr 1019(c). It is coated with blue-colored paraffin or other tightly adhering coating, colored blue.

(b) Skim milk or the optional dairy ingredients specified in paragraph (c) of this regulation, which may be pasteurized and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient

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rennet (with or without purified calcium chloride; in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. Proteins from the whey may be incorporated. The mass is cut into slabs which are handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by pouring or sprinkling water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of skim-milk cheese for manufacturing may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 per cent of the weight of the milk used.

(c) The optional dairy ingredients referred to in paragraph (b) of this regulation are: Skim milk or concentrated skim milk or nonfat dry milk or mixture of any two (2) or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) For the purposes of this regulation, "skim milk" means cow's milk from which the milkfat has been separated.

Agr 1066 Pasteurized Process Cheese; Identity; Label Statement of Optional Ingredients

(a) Identity

(1) Pasteurized process cheese is the food prepared by comminuting and mixing, with the aid of heat, one (1) or more cheeses of the same or two (2) or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese and skim milk cheese for manufacturing, with an emulsifying agent prescribed by paragraph (c) of this regulation into a homogeneous plastic mass. One (1) or more of the optional ingredients designated in paragraph (d)(1),(2),(3),(4),(5),(6) and (7) of this regulation may be used.

(2) During its preparation, pasteurized process cheese is heated for not less than 30 seconds at a temperature of not less than 150°F. when tested for phosphatase by the method prescribed in Regulation Agr 1019 (f), the phenol equivalent of 0.25 gm. of pasteurized process cheese is not more than three (3) micrograms.

(3) Pasteurized Processed Cheese from Single Varieties

(aa) The moisture content of a pasteurized process cheese made from a single variety of cheese is not more than one (1) per cent greater than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used; but in no case is more than 43 per cent, except that the moisture content of pasteurized process washed curd cheese or pasteurized process colby cheese is not more than 40 per cent; the moisture content of pasteurized process swiss cheese or pasteurized process gruyere cheese is not more than 44 per cent; and the moisture content of pasteurized process limburger cheese is not more than 51 per cent.

(bb) The fat content of the solids of a pasteurized process cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 per cent; except that the fat content of the solids of pasteurized process swiss cheese is not less than 43 per cent and the fat content of the solids of pasteurized process gruyere cheese is not less than 45 per cent.

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(4) Pasteurized Processed Cheese from Two (2) or More Varieties

(aa) The moisture content of a pasteurized process cheese made from two (2) or more varieties of cheese is not more than one (1) per cent greater than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used; but in no case is the moisture content more than 43 per cent, except that the moisture content of a pasteurized process cheese made from two (2) or more of the varieties cheddar cheese, washed curd cheese, colby cheese and granular cheese is not more than 40 per cent and the moisture content of a mixture of swiss cheese and gruyere cheese is not more than 44 per cent.

(bb) The fat content of the solids of a pasteurized process cheese made from two (2) or more varieties of cheese is not less than the arithmetical average of the minimum fat contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 per cent, except that the fat content of the solids of a pasteurized process gruyere cheese made from a mixture of swiss cheese and gruyere cheese is not less than 45 per cent.

(5) Moisture and fat are determined by the methods prescribed in Regulation Agr 1019 (c).

(6) The weight of each variety of cheese in a pasteurized process cheese made from two (2) varieties of cheese is not less than 25 per cent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese or gorgonzola cheese is not less than 10 per cent of the total weight of both and the weight of limburger cheese is not less than five (5) per cent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese made from three (3) or more varieties of cheese is not less than 15 per cent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese or gorgonzola cheese is not less than five (5) per cent of the total weight of all and the weight of limburger cheese is not less than three (3) per cent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American Cheese" as prescribed in paragraph (e)(2)(bb) of this regulation. Such mixtures are considered as one (1) variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this regulation, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, muenster cheese for manufacturing and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, muenster cheese and swiss cheese, respectively.

(b) Pasteurized process cheese may be smoked or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The emulsifying agent referred to in paragarph (a) of this regulation is one (1) or any mixture of two (2) or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium aluminum phosphate, sodium citrate, potassium citrate, calicum citrate, sodium tartrate and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agents is not more than three (3) per cent of the weight of the pasteurized process cheese.

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

(1) An acidifying agent consisting of one (1) or any mixture of two (2) or more of the following: A vinegar, lactic acid, citric acid, acetic acid and phos-

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phoric acid, in such quantity that the pH of the pasteurized process cheese is not below 5.3.

(2) Cream, in such quantity that the weight of the fat derived therefrom is less than five (5) per cent of the weight of the pasteurized process cheese.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(7) Pasteurized process cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of not more than 0.2 per cent by weight of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, or consisting of not more than 0.3 per cent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(e) The name of a pasteurized process cheese for which a definition and standard of identity is prescribed by this regulation is as follows:

(1) In case it is made from a single variety of cheese, its name is "Pasteurized process _____ cheese", the blank being filled in with the name of the variety of cheese used.

(2) In case it is made from two (2) or more varieties of cheese, its name is "Pasteurized process _____ and _____ cheese" or "Pasteurized process _____ blended with _____ cheese" or "Pasteurized process blend of _____ and _____ cheese", the blanks being filled in with the names of the varieties of cheeses used, in order of predominance by weight; except that:

(aa) In case it is made from gruyere cheese and swiss cheese and the weight of gruyere cheese is not less than 25 per cent of the weight of both, it may be designated "Pasteurized process gruyere cheese"; and

(bb) In case it is made of cheddar cheese, washed curd cheese, colby cheese or granular cheese or any mixture of two (2) or more of these, it may be designated "Pasteurized process American cheese"; or when cheddar cheese, washed curd cheese, colby cheese or granular cheese or any mixture of two (2) or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American Cheese".

(f) Smoked Pasteurized Process Cheese; Optional Ingredients; Labeling

(1) If the pasteurized process cheese is smoked or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the term "with added _____", the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the term "spiced" or "spice added" or "with added spice" or in lieu of the word "spice" the common or usual name of the spice.

(4) If it contains added flavoring, the label shall bear the term "flavoring added", "with added flavoring" or "flavored with _____", the blank being filled in with the common or usual name of the flavoring; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the term "flavored with _____".

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(5) If pasteurized process cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d)(7) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1067 Pasteurized Blended Cheese; Identity; Label Statement of Optional Ingredients

(a) Pasteurized blended cheese conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for pasteurized process cheese by Regulation Agr 1066, except that:

(1) In mixtures of two (2) or more cheeses, cream cheese or neufchatel cheese may be used.

(2) None of the ingredients prescribed or permitted for pasteurized process cheese by Regulation Agr 1066 (c) and (d)(1) is used.

(3) In case of mixtures of two (2) or more cheeses containing cream cheese or neufchatel cheese, the moisture content is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity for the varieties of cheeses blended, for which such limits have been prescribed.

(4) The word "process" is replaced by the word "blended" in the name prescribed by Regulation Agr 1066 (e).

Agr 1068 Pasteurized Process Cheese with Fruits, Vegetables or Meats; Identity; Label Statement of Optional Ingredients

(a) Unless a definition and standard of identity specifically applicable is established by another regulation of this part, a pasteurized process cheese with fruits, vegetables or meats or mixture of these is a food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by Regulation Agr 1066, except that:

(1) Its moisture content may be one (1) per cent more and the milkfat content of its solids may be one (1) per cent less than the limits prescribed by Regulation Agr 1066 for moisture and fat in the corresponding pasteurized process cheese.

(2) It contains one (1) or any mixture of two (2) or more of the following: Any properly prepared cooked, canned or dried fruit; any properly prepared cooked, canned or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables or meats contain fat, the method prescribed for the determination of fat by Regulation Agr 1019(c) is not applicable.

(b) The name of a pasteurized process cheese with fruits, vegetables or meats is the name prescribed by Regulation Agr 1066 for the applicable pasteurized process cheese followed by the term "with _____" the blank being filled in with the common or usual name or names of the fruits, vegetables or meats used, in order of predominance by weight.

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Agr 1069 Pasteurized Process Pimento Cheese; Identity; Label Statement of Optional Ingredients

(a) Pasteurized process pimento cheese is the food which conforms to the definition and standard of identity for pasteurized process cheese with fruits, vegetables or meats and is subject to the requirement for label statement of optional ingredients, except that:

(1) Its moisture content is not more than 41 per cent and the fat content of its solids is not less than 49 per cent.

(2) The cheese ingredient is cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two (2) or more of these in any proportion.

(3) For the purposes of this regulation, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing and granular cheese for manufacturing shall be considered as cheddar cheese, washed curd cheese, colby cheese and granular cheese, respectively.

(4) The only fruit, vegetable or meat ingredient is pimentos in such quantity that the weight of the solids thereof is not less than 0.2 per cent of the weight of the finished pasteurized process pimento cheese.

(5) The optional ingredients designated in Regulation Agr 1066 (b) and (d)(6) are not used.

Agr 1070 Pasteurized Blended Cheese with Fruits, Vegetables or Meats; Identity; Label Statement of Optional Ingredients

(a) Pasteurized blended cheese with fruits, vegetables or meats or mixtures of these is the food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for pasteurized blended cheese by Regulation Agr 1067, except that:

(1) Its moisture content may be one (1) per cent more and the milkfat content of its solids may be one (1) per cent less than the limits prescribed by Regulation Agr 1067 for moisture and milkfat in the corresponding pasteurized blended cheese.

(2) It contains one (1) or any mixture of two (2) or more of the following: Any properly prepared cooked, canned or dried fruit; any properly prepared cooked, canned or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables or meats contain fat, the method prescribed for the determination of fat by Regulation Agr 1019 (c) is not applicable.

(b) The name of a pasteurized blended cheese with fruits, vegetables or meats is the name prescribed by Regulation Agr 1067 for the applicable pasteurized blended cheese, followed by the term "with _____", the blank being filled in with the common or usual name or names of the fruits, vegetables or meats used, in order of predominance by weight.

Agr 1071 Pasteurized Process Cheese Food; Identity; Label Statement of Optional Ingredients

(a) Identity

(1) A pasteurized process cheese food is the food prepared by comminuting and mixing, with the aid of heat, one (1) or more of the optional cheese ingredients prescribed in paragraph (c) of this regulation, with one (1) or more of the optional dairy ingredients prescribed in paragraph (d) of this regulation, into a homogeneous plastic mass. One (1) or more of the optional ingredients specified in paragraph (e) of this regulation may be used.

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(2) During its preparation, a pasteurized process cheese food is heated for not less than 30 seconds, at a temperature of not less than 150°F. When tested for phosphatase by the method prescribed in Regulation Agr 1019 (f), the phenol equivalent of 0.25 gm. of pasteurized process cheese food is not more than three (3) micrograms.

(3) The moisture content of a pasteurized process cheese food is not more than 44 per cent and the fat content is not less than 23 per cent.

(4) Moisture and fat are determined by the methods prescribed in Regulation Agr 1019 (c), except that in determining moisture the loss in weight which occurs in drying for five (5) hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 per cent of the weight of the finished pasteurized process cheese food.

(6) The weight of each variety of cheese in a pasteurized process cheese food made with two (2) varieties of cheese is not less than 25 per cent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese or limburger cheese is not less than 10 per cent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese food made with three (3) or more varieties of cheese is not less than 15 per cent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese or limburger cheese is not less than five (5) per cent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American Cheese" as prescribed in paragraph (f)(6) of this regulation. Such mixtures are considered as one (1) variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this regulation, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, muenster cheese for manufacturing and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, muenster cheese and swiss cheese, respectively.

(b) Pasteurized process cheese food may be smoked or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this regulation are one (1) or more cheeses of the same or two (2) or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese and skim-milk cheese for manufacturing and except that hard grating cheese, semisoft part-skim cheese and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this regulation are cream, milk, skim milk, cheese whey or any mixture of two (2) or more of these or any of the foregoing from which part of the water has been removed and albumin from cheese whey and skim milk cheese for manufacturing.

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

(1) An emulsifying agent consisting of one (1) or any mixture of two (2) or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium aluminum phosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate and sodium potassium tartrate in such quantity that the weight of the

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solids of such emulsifying agent is not more than three (3) per cent of the weight of the pasteurized process cheese food.

(2) An acidifying agent consisting of one (1) or any mixture of two (2) or more of the following: A vinegar, lactic acid, citric acid, acetic acid and phosphoric acid, in such quantity that the pH of the pasteurized process cheese food is not below 5.0.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(7) Pasteurized process cheese food in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of not more than 0.2 per cent by weight of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two (2) or more of these, or consisting of not more than 0.3 per cent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(f) The label of a pasteurized process cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), (e)(1), (2), (3) and (4) of this regulation: and

(1) If the pasteurized process cheese food is smoked or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____", the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added", "with added flavoring" or "flavored with _____", the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____".

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color".

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two (2) or more of these, such cheese or such mixture may be designated as "American Cheese".

(7) If pasteurized process cheese food in sliced or cut form contains an optional mold-inhibiting ingredients as specified in paragraph (e)(7) of this regulation, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

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Agr 1072 Pasteurized Process Cheese Food with Fruits, Vegetables or Meats; Identity; Label Statement of Optional Ingredients

(a) Pasteurized process cheese food with fruits, vegetables or meats or mixtures of these is the food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for pasteurized process cheese food by Regulation Agr 1071, except that:

(1) Its milkfat content is not less than 22 per cent.

(2) It contains one (1) or any mixture of two (2) or more of the following: Any properly prepared cooked, canned or dried fruits; any properly prepared cooked, canned or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables or meats contain fat, the method prescribed for the determination of fat by Regulation Agr 1019(c) is not applicable.

(b) The name of a pasteurized process cheese food with fruits, vegetables or meats is "Pasteurized process cheese food with _____", the blank being filled in with the common or usual name or names of the fruits, vegetables or meats used, in order of predominance by weight.

(c) If the only vegetable ingredient is pimento and no meat or fruit ingredient is used, the weight of the solids of such pimentos is not less than 0.2 per cent of the weight of the finished food. The name of this food is "Pimento pasteurized process cheese food" or "Pasteurized process pimento cheese food".

Agr 1073 Pasteurized Process Cheese Spread; Identity; Label Statement of Optional Ingredients

(a) Identity

(1) Pasteurized process cheese spread is the food prepared by comminuting and mixing, with the aid of heat, one (1) or more of the optional cheese ingredients prescribed in paragraph (c) of this regulation, with or without one (1) or more of the optional dairy ingredients prescribed in paragraph (d) of this regulation, with one (1) or more of the emulsifying agents prescribed in paragraph (e) of this regulation and with or without one (1) or more of the optional ingredients prescribed by paragraph (f) of this regulation, into a homogeneous plastic mass, which is spreadable at 70°F.

(2) During its preparation, a pasteurized process cheese spread is heated for not less than 30 seconds at a temperature of not less than 150°F. When tested for phosphatase by the method prescribed in Regulation Agr 1019 (f) the phenol equivalent of 0.25 gm. of pasteurized process cheese spread is not more than three (3) micrograms.

(3) The moisture content of a pasteurized process cheese spread is more than 44 per cent but not more than 60 per cent and the milkfat content is not less than 20 per cent.

(4) Moisture and fat are determined by the methods prescribed in Regulation Agr 1019 (c), except that in determining moisture the loss in weight which occurs in drying for five (5) hours under the conditions prescribed in such method, is taken as the weight of the moisture.

(5) The weight of the cheese ingredient referred to in subparagraph (1) of this paragraph constitutes not less than 51 per cent of the weight of the pasteurized process cheese spread.

(6) The weight of each variety of cheese in a pasteurized process cheese spread made with two (2) varieties of cheese is not less than 25 per cent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese or limburger cheese is not less than 10 per cent

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of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese spread made with three (3) or more varieties of cheese is not less than 15 per cent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese or limburger cheese is not less than five (5) per cent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American Cheese" as prescribed in paragraph (g)(6) of this regulation. Such mixtures are considered as one (1) variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this regulation, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, muenster cheese for manufacturing and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, muenster cheese and swiss cheese, respectively.

(b) Pasteurized process cheese spread may be smoked or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this regulation are one (1) or more cheeses of the same or two (2) or more varieties, except that skim-milk cheese for manufacturing may not be used and except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this regulation are cream, milk, skim milk, cheese whey or any mixture of two (2) or more of these or any of the foregoing from which part of the water has been removed and albumin from cheese whey and skim-milk cheese for manufacturing.

(e) The emulsifying agents prescribed in paragraph (a) of this regulation are one (1) or any mixture of two (2) or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium aluminum phosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than three (3) per cent of the weight of the pasteurized process cheese spread.

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

(1) One (1) or any mixture of two (2) or more of the following: Carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, sodium carboxymethylcellulose (cellulose gum), carrageen, oat gum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid). The total weight of such substances is not more than 0.8 per cent of the weight of the finished food. When one or more of the optional ingredients are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients.

(2) An acidifying agent consisting of one (1) or any mixture of two (2) or more of the following: A vinegar, lactic acid, citric acid, acetic acid and phosphoric acid, in such quantity that the pH of the pasteurized process cheese spread is not below 4.0.

(3) A sweetening agent consisting of one (1) or any mixture of two (2) or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup and hydrolyzed lactose, in a quantity necessary for seasoning.

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(4) Water.

(5) Salt.

(6) Harmless artificial coloring.

(7) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(8) Pasteurized process cheese spread in consumer-sized packages may contain not more than 0.2 per cent by weight of sorbic acid.

(g) The label of a pasteurized process cheese spread shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), (e) and (f)(1), (2), (3), (4) and (5) of this regulation, except that carob bean gum, gum karaya, gum tragacanth, guar gum and oat gum may be designated as "vegetable gum": and

(1) If the pasteurized process cheese spread is smoked or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese spread or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____", the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice" or in lieu of the word "spice", the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added", "with added flavoring" or "flavored with _____", the blank being filled in with the common or usual name of the flavoring used; and if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____".

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color".

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two (2) or more of these, such cheese or such mixture may be designated as "American Cheese".

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative". In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative".

(8) If pasteurized process cheese spread in consumer-sized packages contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative".

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

Agr 1074 Pasteurized Cheese Spread; Identity; Label Statement of Optional Ingredients. Pasteurized cheese spread is the food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for pasteurized process cheese spread by Regulation Agr 1073, except that no emulsifying agent as prescribed by Regulation Agr 1073(e) is used.

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Agr 1075 Pasteurized Process Cheese Spread with Fruits, Vegetables or Meats; Identity; Label Statement of Optional Ingredients

(a) Pasteurized process cheese spread with fruits, vegetables or meats or mixtures of these is the food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for pasteurized process cheese spread by Regulation Agr 1073, except that:

(1) It contains one (1) or any mixture of two (2) or more of the following: Any properly prepared cooked, canned or dried fruit; any properly prepared cooked, canned or dried vegetables; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables or meats contain fat, the method prescribed for the determination of fat by Regulation Agr 1019(c) is not applicable.

(b) The name of a pasteurized process cheese spread with fruits, vegetables or meats is "Pasteurized process cheese spread with _____", the blank being filled in with the name or names of the fruits, vegetables or meats used, in order of predominance by weight.

Agr 1076 Pasteurized Cheese Spread with Fruits, Vegetables or Meats; Identity; Label Statement of Optional Ingredients

(a) Pasteurized cheese spread with fruits, vegetables or meats or mixtures of these is the food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for pasteurized cheese spread by Regulation Agr 1074, except that:

(1) It contains one (1) or any mixture of two (2) or more of the following: Any properly prepared cooked, canned or dried fruit; any properly prepared cooked, canned or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables or meats contain fat, the method prescribed for the determination of fat by Regulation Agr 1019(c) is not applicable.

(b) The name of a pasteurized cheese spread with fruits, vegetables or meats is "Pasteurized cheese spread with _____", the blank being filled in with the name or names of the fruits, vegetables or meat used, in order of predominance by weight.

Agr 1077 Cream Cheese with Other Foods; Identity; Label Statement of Optional Ingredients

(a) Cream cheese with other foods is the class of foods each of which is prepared by mixing, with or without the aid of heat, cream cheese with one (1) or a mixture of two (2) or more properly prepared foods (except other cheeses), such as fresh, cooked, canned or dried fruits or vegetables; cooked or canned meats; relishes, pickles or other foods suitable for blending with cream cheese. The amount of the added food or foods must be sufficient to so differentiate the mixture that it does not simulate cream cheese. The mixture may also contain:

(1) One or any mixture of two (2) or more of the following optional ingredients: Gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, sodium carboxymethylcellulose (cellulose gum), carrageen, oat gum, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid). The total quantity of any such substances, including that contained in the cream cheese, is not more than 0.8 per cent by weight of the finished food. When one (1) or more of the optional ingredients are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients.

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(2) Artificial coloring unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(b) No water other than that contained in the added food ingredients is used, but the moisture content of the mixture in no case is more than 60 per cent. The milkfat is not less than 33 per cent of the per cent by weight of the cream cheese used, but in no case is it less than 27 per cent of the finished food. Moisture and fat are determined by the methods prescribed in Regulation Agr 1019 (c), except that when the added food contains fat the method prescribed for the determination of fat is not applicable.

(c) The name of the food is "Cream cheese with _____" or "Cream cheese and _____", the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the name of the optional water-retaining ingredients used, except that carob bean gum, gum karaya, gum tragacanth, guar gum and oat gum or mixture of these may be named as "vegetable gum or vegetable gums", as the case may be.

(e) If artificial coloring is used, the label shall bear the statement "artificially colored", except that if the food added to the cream cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored", the blank being filled in with the name or names of the food so colored.

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

Agr 1078 Pasteurized Neufchatel Cheese Spread with Other Foods; Identity; Label Statement of Optional Ingredients

(a) Identity

(1) Pasteurized neufchatel cheese spread with other foods is the class of foods each of which is prepared by mixing, with the aid of heat, neufchatel cheese with one (1) or a mixture of two (2) or more properly prepared foods (except other cheeses), such as fresh, cooked, canned or dried fruits or vegetables; cooked or canned meats; relishes; pickles or other foods suitable for blending with neufchatel cheese. It may contain one (1) or any mixture of two (2) or more of the optional ingredients named in paragraph (b) of this regulation. The amount of the added food or foods must be sufficient to so differentiate the blend that it does not simulate neufchatel cheese. It is spreadable at 70°F.

(2) During its preparation the mixture is heated for not less than 30 seconds at a temperature of not less than 150°F. When tested for phosphatase by the method prescribed in Regulation Agr 1019 (f), the phenol equivalent of 0.25 gram of such food is not more than three (3) micrograms.

(3) Limitations

(aa) No water other than that contained in the ingredients used is added to this food, but the moisture content in no case is more than 65 per cent.

(bb) The milk fat is not less than 20 per cent by weight of the finished food.

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

(1) One (1) or any mixture of two (2) or more of the following: Gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid), guar gum, sodium carboxymethylcellulose (cellulose gum), carrageen, oat gum. The total quantity of any such substances, including that contained in the neufchatel cheese, is not more

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than 0.8 per cent by weight of the finished food. When one (1) or more of the optional ingredients are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(3) An acidifying agent consisting of one (1) or a mixture of two (2) or more of the following: A vinegar, acetic acid, lactic acid, citric acid, phosphoric acid.

(4) A sweetening agent consisting of one (1) or a mixture of two (2) or more of the following: Sugar, dextrose, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, maltose malt sirup, hydrolyzed lactose.

(5) Cream, milk, skim milk, cheese whey or any mixture of two (2) or more of these or any of the foregoing from which part of the water has been removed and albumin from cheese whey.

(c) The name of the food is "Pasteurized neufchatel cheese spread with _____ _____" or "Pasteurized neufchatel cheese spread and _____", the blank being filled in with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the names of any of the optional ingredients used designated in paragraph (b)(1), (3), (4) and (5) of this regulation, except that carob bean gum, gum karaya, gum tragacanth, guar gum and oat gum or mixtures of these may be named as "vegetable gum" or "vegetable gums", as the case may be.

(e) Optional Ingredients; Labeling

(1) If artificial coloring is used, the label shall bear the statement "artificially colored", except that if the food added to the neufchatel cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored", the blank being filled in with the name of the foods so colored.

(2) If an optional acidifying agent is used so that the pH of the finished food is less than 4.2, there shall appear after the name words "a chemical preservative". In case vinegar is the only acidifying agent added, it shall be considered to be acetic acid when the pH of the finished food is less than 4.2. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 4.2, only the name or names of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative".

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

Agr 1079 Cold-pack Cheese, Club Cheese, Comminuted Cheese; Identity; Label Statement of Optional Ingredients

(a) Identity

(1) Cold-pack cheese, club cheese, comminuted cheese, is the food prepared by comminuting, without the aid of heat, one (1) or more cheeses of the same or two (2) or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese and skim-milk cheese for manufacturing, into a homogeneous plastic mass. One (1) or more of the optional ingredients designated in paragraph (c) of this regulation may be used.

(2) All cheeses used in a cold-pack cheese are made from pasteurized milk or are held for not less than 60 days at a temperature of not less than 35°F. before being comminuted.

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(3) Cold-pack Cheese from Single Variety; Labeling

(aa) The moisture content of a cold-pack cheese made from a single variety of cheese is not more than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used. If there is no applicable definition and standard of identity or if such standard contains no provision as to maximum moisture content, no water is used in the preparation of the cold-pack cheese.

(bb) The fat content of the solids of a cold-pack cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 per cent, except that the fat content of the solids of cold-pack swiss cheese is not less than 43 per cent and the fat content of the solids of cold-pack gruyere cheese is not less than 45 per cent.

(4) Cold-pack Cheese from Two (2) or More Varieties; Labeling

(aa) The moisture content of a cold-pack cheese made from two (2) or more varieties of cheese is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is the moisture content more than 42 per cent, except that the moisture content of a cold-pack cheese made from two (2) or more of the varieties cheddar cheese, washed curd cheese, colby cheese and granular cheese is not more than 39 per cent.

(bb) The fat content of the solids of a cold-pack cheese made from two (2) or more varieties of cheese is not less than the arithmetical average of the minimum per cent of fat prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 per cent, except that the fat content of the solids of a cold-pack cheese made from swiss cheese and gruyere cheese is not less than 45 per cent.

(5) Moisture and fat are determined by the methods prescribed in Regulation Agr 1019(c).

(6) The weight of each variety of cheese in a cold-pack cheese made from two (2) varieties of cheese is not less than 25 per cent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese or gorgonzola cheese is not less than 10 per cent of the total weight of both, and the weight of limburger cheese is not less than five (5) per cent of the total weight of both. The weight of each variety of cheese in a cold-pack cheese made from three (3) or more varieties of cheese is not less than 15 per cent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese or gorgonzola cheese is not less than five (5) per cent of the total weight of all, and the weight of limburger cheese is not less than three (3) per cent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American Cheese" as prescribed in paragraph (d)(2) of this regulation. Such mixtures are considered as one (1) variety of cheese for the purpose of this subparagraph.

(b) Cold-pack cheese may be smoked or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing or it may contain substances prepared by condensing or precipitating wood smoke.

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

(1) An acidifying agent consisting of one (1) or any mixture of two (2) or more of the following: A vinegar, lactic acid, citric acid, acetic acid and phosphoric acid in such quantity that the pH of the finished cold-pack cheese is not below 4.5. For the purposes of this regulation vinegar is considered to be acetic acid.

(2) Water.

(3) Salt.

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(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(6) Cold-pack cheese in consumer-sized packages may contain not more than 0.2 per cent by weight of sorbic acid.

(d) Cold-pack Cheese; Label Statements

(1) The name of a cold-pack cheese for which a definition and standard of identity is prescribed by this regulation is "Cold-pack _____ cheese" or "_____ club cheese" or "comminuted _____ cheese", the blanks being filled in with the name or names of the varieties of cheeses used, in order of predominance by weight.

(2) If the cold-pack cheese is made of cheddar cheese, washed curd cheese, colby cheese or granular cheese or any mixture of two (2) or more of these, it may be designated "Cold-pack American Cheese"; or when cheddar cheese, washed curd cheese, colby cheese or granular cheese or any mixture of two (2) or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American Cheese".

(e) Optional Ingredients; Labeling

(1) If cold-pack cheese is smoked or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____", the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice" or in lieu of the word "spice" the common or usual name of the spice or spices used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added" or "with added flavoring" or "flavored with _____", the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____".

(5) If it contains an added acidifying agent as prescribed in paragraph (c) (1) of this regulation, the label shall bear the statement "_____ added as a chemical preservative", the blank being filled in with the name or names of the acidifying agents used.

(6) If cold-pack cheese in consumer-sized packages contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative".

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

Agr 1080 Cold-pack Cheese Food; Identity; Label Statement of Optional Ingredients

(a) Identity

(1) Cold-pack cheese food is the food prepared by comminuting and mixing, without the aid of heat, one (1) or more of the optional cheese ingredients prescribed in paragraph (c) of this regulation with one (1) or more of the optional dairy ingredients prescribed in paragraph (d) of this regulation, into a

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homogeneous plastic mass. One (1) or more of the optional ingredients specified in paragraph (e) of this regulation may be used.

(2) All cheeses used in a cold-pack cheese food are made from pasteurized milk or are held for not less than 60 days at a temperature of not less than 35°F. before being comminuted.

(3) The moisture content of a cold-pack cheese food is not more than 44 per cent and the fat content is not less than 23 per cent.

(4) Moisture and fat are determined by the methods prescribed in Regulation Agr 1019(c), except that in determining moisture the loss in weight which occurs in drying for five (5) hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 per cent of the weight of the finished cold-pack cheese food.

(6) The weight of each variety of cheese in the cold-pack cheese food made with two (2) varieties of cheese is not less than 25 per cent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese or limburger cheese is not less than 10 per cent of the total weight of both. The weight of each variety of cheese in the cold-pack cheese food made with three (3) or more varieties of cheese is not less than 15 per cent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese or limburgr cheese is not less than five (5) per cent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American Cheese" as prescribed in paragraph (f)(6) of this regulation. Such mixtures are considered as one (1) variety of cheese for the purposes of this subparagraph.

(b) Cold-pack cheese food may be smoked or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this regulation are: One (1) or more cheeses of the same or two (2) or more varieties, except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese and skim-milk cheese for manufacturing are not used and except that semisoft part-skim cheese, part-skim spiced cheese and hard grating cheese may not be used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this regulation are: Cream, milk, skim milk, cheese whey or any mixtures of two (2) or more of these or any of the foregoing from which part of the water has been removed, skim-milk cheese for manufacturing and albumin from cheese whey. All optional dairy ingredients used in cold-pack cheese food are pasteurized or made from products which have been pasteurized.

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

(1) An acidifying agent consisting of one (1) or any mixture of two (2) or more of the following: A vinegar, lactic acid, citric acid, acetic acid and phosphoric acid, in such quantity that the pH of the finished cold-pack cheese food is not below 4.5.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

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(6) A sweetening agent consisting of one (1) or any mixture of two (2) or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup and hydrolyzed lactose, in a quantity necessary for seasoning.

(7) Cold-pack cheese food in consumer-sized packages may contain not more than 0.2 per cent by weight of sorbic acid or not more than 0.3 per cent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(8) In the preparation of cold-pack cheese food, guar gum may be used in a quantity not to exceed 0.3 per cent of the weight of the finished food. When such optional ingredient is used, dioctyl sodium sulfusuccinate may be used in a quantity not in excess of 0.5 per cent by weight of such ingredient.

(f) The label of a cold-pack cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e)(1), (2), (3) and (6) of this regulation; and

(1) If it is smoked or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____", the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice" or in lieu of the word "spice", the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added", "with added flavoring" or flavored with _____", the blank being filled in with the common or usual name of the flavoring used. If the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the word "flavored" or the word "artificially" shall precede the statement "flavored with _____".

(5) If it contains added artificial coloring the label shall bear the statement "artificially colored" or "contains artificial color".

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese or granular cheese or any mixture of two (2) or more of these, such cheese or such mixture may be designated as "American Cheese".

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative". In case vinegar is the only acidifying agent added, it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative".

(8) If cold-pack cheese food in consumer-sized packages contains sorbic acid, or sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the name or names of the substance or substances used.

(9) When the optional ingredient guar gum is present in cold-pack cheese food, the label shall bear the statement "guar gum added" or "with added guar gum".

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

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Agr 1081 Cold-pack Cheese Food with Fruits, Vegetables or Meats; Identity; Label Statement of Optional Ingredients

(a) Cold-pack cheese food with fruits, vegetables or meats or mixtures of these is the food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients, prescribed for cold-pack cheese food by Regulation Agr 1080, except that:

(1) Its milk fat content is not less than 22 per cent.

(2) It contains one (1) or any mixture of two (2) or more of the following: Any properly prepared fresh, cooked, canned or dried vegetable; any properly cooked or canned meat.

(3) When the added fruits, vegetables or meats contain fat, the method prescribed for the determination of fat by Regulation Agr 1019(c) is not applicable.

(b) The name of a cold-pack cheese food with fruits, vegetables or meats is "Cold-pack cheese food with _____", the blank being filled in with the common or usual name or names of the fruits, vegetables or meats used, in order of predominance by weight.

Agr 1082 Whey Cheese. Whey cheese (so-called) is produced by various processes from the constituents of whey. There are a number of varieties, each of which bears a distinctive name, according to the nature of the process by which it has been produced, as for example, "Ricotta" "Zieger", "Primost", "Mysost". (Note: Not defined by Federal)

Agr 1083 Grated American Cheese Food; Identity; Label Statement of Optional Ingredients

(a)(1) Grated American cheese food is the food prepared by mixing, with or without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (b) of this regulation with one or more of the optional ingredients prescribed in paragraph (c) of this regulation, into a uniformly blended, partially dehydrated, powdered or granular mixture.

(2) Grated American cheese food contains not less than 23 per cent of milk fat, as determined by the methods prescribed in Agr 1019(c).

(b) The optional cheese ingredients referred to in paragraph (a) of this regulation are cheddar cheese, washed curd cheese, colby cheese, and granular cheese.

(c) The other optional ingredients referred to in paragraph (a) of this regulation are:

(1) Nonfat dry milk.

(2) Dried whey.

(3) An emulsifying agent consisting of one or any mixture of two or more of the emulsifying ingredients named in Agr 1071(e)(1), in such quantity that the weight of the solids thereof is not more than 3 per cent of the weight of the grated American cheese food.

(4) An acidifying agent consisting of one or more of the acid-reacting ingredients named in Agr 1071(e)(2).

(5) Salt.

(6) Artificial coloring.

(d)(1) The label of grated American cheese food shall bear the common name of the optional ingredients used as prescribed in paragraphs (b) and (c)(1), (2), (3), (4), and (5) of this regulation, except that the cheese ingredient may be designated as "American Cheese".

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(2) If artificial coloring is used, the label shall bear the statement "artificially colored" or "contains artificial color".

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

Agr 1084 Samsoe Cheese; Identity

(a) Samsoe cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. The shape of the cheese is flat cylindrical. Its weight is approximately 30 pounds (14 kilograms); its diameter is approximately 17 inches (44 centimeters); and its height is approximately 4 inches (10 centimeters). It has a small amount of eye formation of approximately uniform size of about 5/16-inch (8 millimeters). It contains not more than 41 per cent of moisture, and its solids contain not less than 45 per cent of milk fat, as determined by the methods prescribed in Agr 1019(c). The cheese so made is cured at a temperature of not less than 35°F. for not less than 60 days. The surface may be covered with plain or colored paraffin or other tightly adhering coating.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with the sides approximately 3/8-inch (1 centimeter). The mass is stirred and heated to about 102°F., and so handled by further stirring, heating, dilution with water, and salting as to promote and regulate the separation of curd and whey. When the desired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage, the curd is pressed. After drainage, the curd is removed from the forms and is further salted by immersing in a concentrated salt solution for about 3 days. The curd is then cured at a temperature of from 60° to 70°F. for 3 to 5 weeks to obtain the desired eye formation. Further curing is conducted at a lower temperature.

(c) For the purposes of this regulation, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

Agr 1085 Muenster Cheese for Manufacturing, Munster Cheese for Manufacturing; Identity. Muenster cheese for manufacturing conforms to the definition and standard of identity for muenster cheese prescribed by Agr 1038 except that the milk is not pasteurized and the provisions of paragraphs (d) and (e) of that regulation do not apply.

Agr 1086 Mozzarella Cheese; Scamorza Cheese; Identity

(a) Mozzarella cheese, scamorza cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation. It may be molded into various shapes. It contains more than 52 per cent but not more than 60 per cent of moisture, and its milk fat content, calculated on the solids basis, is not less than 45 per cent, as determined by the methods prescribed in Regulation Agr 1019 (c).

(b) Milk, which is pasteurized, is warmed to approximately 88°F. and subjected to the action of harmless lactic-acid-producing bacteria, which may be

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added thereto as starter. The milk may be acidified with vinegar. Liquid rennet may be added to aid in setting the milk to a semisolid mass. The mass is cut, and it may be stirred to facilitate separation of whey from the curd. The whey is drained and the curd may be washed with cold water and the water drained off. The curd may be collected in bundles for further drainage and for ripening. The curd may be iced, it may be held under refrigeration, and it may be permitted to warm to room temperature and ripen further. The curd may be cut. It is immersed in hot water or heated with steam and is kneaded and stretched until smooth and free of lumps. Then it is cut and molded. The molded curd is firmed by immersion in cold water and may be salted in brine and drained.

(c) For the purpose of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding cream or skim milk or both.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. The finished food shall be deemed not to have been made from pasteurized milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in Regulation Agr 1019 (f), provolone modification.

Agr 1087 Part-skim Mozzarella Cheese; Part-skim Scamorza Cheese; Identity. Part-skim mozzarella cheese, part-skim scamorza cheese conforms to the definition and standard of identity as prescribed for mozzarella cheese by Regulation Agr 1086, except that its milkfat content, calculated on the solids basis, is less than 45 per cent but not less than 30 per cent.

Agr 1088 Low Moisture Mozzarella Cheese; Low Moisture Scamorza Cheese; Identity; Label Statement of Optional Ingredients

(a) Low moisture mozzarella cheese is the food prepared from milk and other ingredients specified in this regulation, by the procedure set forth in paragraph (b) of this regulation, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this regulation is used. It may be molded into various shapes. Its moisture content is more than 45 per cent but not more than 52 per cent, and its milkfat content, calculated on the solids basis, is not less than 45 per cent, as determined by the method prescribed in Regulation Agr 1019 (c).

(b) Milk, which is pasteurized, and which may be clarified or homogenized or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, which may be added thereto as starter. The milk may be acidified with vinegar. Rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.2 per cent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to aid in setting the milk to a semisolid mass. The mass is cut, stirred, and allowed to stand. It may be reheated and again stirred. The whey is drained, and the curd may be cut and piled to promote further separation of whey. It may be washed with cold water and the water drained off. The curd may be collected in bundles for further drainage and ripening. The curd may be iced, it may be held under refrigeration, and it may be permitted to warm to room temperature and ripen further. The curd may be cut. It is immersed in hot water or heated with steam and is kneaded and stretched until smooth and free of lumps. Then it is cut and molded. In molding, the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is firmed by immersion in cold water and may be salted in brine and drained.

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(c) For the purposes of this regulation:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one (1) or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, and water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) All milk used for the manufacture of cheese which is labeled "pasteurized" shall be pasteurized according to the method prescribed in Regulation Agr 1091. The finished food shall be deemed not to have been made from pasteurized milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in Regulation Agr 1019 (f), provolone modification.

(d) Low moisture mozzarella cheese, low moisture scamorza cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these in an amount not to exceed 0.3 per cent by weight, calculated as sorbic acid.

(e) Label Statement of Optional Ingredients

(1) If low moisture mozzarella cheese, low moisture scamorza cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this section, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative", the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

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

Agr 1089 Low Moisture Part-skim Mozzarella Cheese; Low Moisture Part-skim Scamorza Cheese; Identity; Label Statement of Optional Ingredients. Low moisture part-skim mozzarella cheese, low moisture part-skim scamorza cheese conforms to the definition and standard of identity and complies with the requirements for label declaration of optional ingredients prescribed for low moisture mozzarella cheese, low moisture scamorza cheese by Regulation Agr 1088; except that its milk fat content, calculated on the solids basis, is less than 45 per cent but not less than 30 per cent.

Agr 1090 Moisture Tests; Fat Tests; Official

(a) Determine moisture by the method prescribed on page 247 Section 15.157 under "Moisture — Official" and milk fat by the method prescribed on page 248 Section 15.146 under "Fat — Official" of "Official Methods of Analysis of the Association of Official Agriculture Chemists", 10th edition, 1965.

(b) Subtract the per cent of moisture found from 100; divide the remainder into the per cent of fat found. The quotient, multiplied by 100, shall be considered to be the per cent of milk fat contained in the solids.

Agr 1091 Pasteurization Defined

(a) The terms "pasteurization", "pasteurized" and similar terms shall mean the process of heating every particle of milk or fluid milk products in properly operated equipment approved by the commissioner, to a temperature of not less than 145°F., and holding it continuously at or above this temperature for not less than 30 minutes or to not less than 161°F., and holding it continuously at or above this temperature for not less than 15 seconds.

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(b) Nothing contained in this regulation shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

Agr 1092 Phosphatase Tests; Phenol Modifications. All varieties of cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than three (3) micrograms, when tested by the method prescribed in Regulation Agr 1019 (f), except for variations in phenol equivalents for certain varieties as noted on pages 252 and 253, Section 15.180 of "Official Methods of Analysis of the Association of Official Agricultural Chemists", 10th edition, 1965.

Agr 1093-1103 Reserved for future use

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CHAPTER 44: AGR 1104-1113

BUTTERS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 1104 Butter. Butter is the food product usually known as butter and which is made exclusively from milk or cream or both with or without common salt and with or without additional coloring matter, and containing not less than 80 per cent by weight of milkfat, all tolerances having been allowed for.

Agr 1105 Renovated Butter, Process Butter. Renovated butter, process butter is the product; made in semblance of butter from melted, clarified or refined butterfat without the addition or use of any substance other than water, milk, cream or salt and with or without additional coloring matter and containing not less than 80 per cent by weight of milkfat, all tolerances having been allowed for.

Agr 1106 Sweet Cream Butter. Sweet cream butter is that butter churned from fresh sweet cream, untreated (except by pasteurization), no part of which has attained an acidity exceeding 0.2 per cent calculated as lactic acid and to which no ripening ferment has been added; with or without the addition of salt and/or coloring; nor shall the cream contain more than 35 per cent milkfat. It contains not less than 80 per cent by weight of milkfat, all tolerances having been allowed for.

Agr 1107 Cultured Sweet Cream Butter. Cultured sweet cream butter is that butter churned from sweet cream, no part of which has attained an acidity exceeding 0.2 per cent calculated as lactic acid and to which in the process of manufacture, a ripening ferment has been added; with or without the addition of salt and/or coloring; nor shall the cream contain more than 35 per cent of milkfat. It contains not less than 80 per cent by weight of milkfat, all tolerances having been allowed for.

Agr 1108-1113 Reserved for future use

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CHAPTER 45: AGR 1114-1135

DAIRY PLANTS; GENERAL REQUIREMENTS

Agr 1114 Sanitation Requirements

(a) No dairy product, goat milk or frozen food or mix or mix base therefor, as defined in Minnesota Statutes, Chapter 32, or in rules and regulations promulgated thereunder, may be processed or manufactured in this state unless plans showing the details of the plant, location of equipment and water supply and plumbing systems connected with such plant shall have been submitted to and approved by the commissioner of agriculture and are on file in his office.

(b) All construction or alteration of such plants shall be made only with the approval of the commissioner and duplicate plans for such construction or alteration shall be submitted to him for approval.

(c) In order to promote uniformity of compliance, the commissioner shall make available instructions for preparing and submitting such plans.

(d) The term "dairy product" as used hereinafter, shall mean and include milk, goat milk, milkfat or butterfat, cream, homogenized cream, sour cream, cultured cream, light cream, coffee cream, table cream, whipped light cream, coffee cream or table cream, whipping cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, half and half, sour half and half or cultured half and half, concentrated and dried milk products, dry milk or dry milk solids, nonfat dry milk or dried skim milk or skim milk powder, instant nonfat dry milk, condensed skim milk or evaporated skim milk, concentrated skim milk, sweetened condensed skim milk, dry buttermilk, dry whey, malted milk or powdered malted milk, evaporated milk, concentrated milk or plain condensed milk, sweetened condensed milk, condensed milk which contains corn sirup, evaporated cream or clotted cream, fluid milk products containing less than 3.25 per cent milkfat, lowfat milk, skim milk, nonfat milk, buttermilk, flavored milk products, chocolate flavored milk, chocolate flavored lowfat milk, chocolate flavored skim milk or chocolate flavored drink, chocolate flavored reconstituted milk, chocolate flavored reconstituted lowfat milk, chocolate flavored reconstituted skim milk or chocloate flavored reconstituted drink, eggnog, eggnog flavored milk, eggnog flavored lowfat milk, eggnog flavored skim milk, cultured milk products, cultured buttermilk, cultured milk or cultured whole milk buttermilk, cottage cheese, creamed cottage cheese, fortified milk and milk products, vitamin D milk and milk products, vitamin and/or mineral fortified milk products, reconstituted milk products, reconstituted milk, reconstituted cream, reconstituted skim milk, sterilized milk or milk products, homogenized milk or milk products, concentrated milk and milk products, acidified milk and milk products, butter, cheese, frozen foods, frozen food mix, frozen food mix base, whey, condensed whey, and any other product made by the addition of any approved substance to any of these dairy products and used for similar purposes and which, when designated as a dairy product by the commissioner, is known by its common or designated name.

(e) The coliform standard, but not the standard plate count standard, for milk and fluid milk products set forth in Minnesota Statutes, Chapter 32, shall apply to cottage cheese, creamed cottage cheese and all other cultured dairy products.

(f) Dairy plants shall conform to all of the items of sanitation described below; provided, that receiving stations shall conform to the requirements of items (1)p through (15)p, (17)p, (19)p, (21)p, (22)p and (23)p and to Regulations Agr 1115 and 1116, except that the partitioning requirements of Item (5)p shall not apply; provided further, that transfer stations shall comply with Items (1)p, (4)p, (5)p, (6)p, (7)p, (8)p, (9)p, (10)p, (11)p, (12)p, (13)p, (15)p, (19)p, (21)p, (22)p, and (23)p and to Regulations Agr 1115 and 1116;

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and as climatic and operating conditions require, the applicable provisions of Items (2)p and (3)p; provided, that in every case, overhead protection shall be provided.

(1)p Floors. The floors of all rooms in which dairy products are handled or stored or in which utensils are washed, but not including rooms in which packaged dry-milk products are stored, shall be constructed of concrete or other equally impervious and easily cleanable material and shall be smooth, sloped to drain properly, properly drained, provided with trapped drains which are so constructed that clogging is minimized and so installed and operated that no sewage can back up and flood the floor and shall be kept clean and in good repair; provided, that cold storage rooms need not be equipped with drains; provided further, that in frozen foods plants which purchase and freeze mix or mix base for sale only at retail on the premises, the construction requirements of this item shall be waived if the portion of the room in which the freezer is installed and the room in which containers or utensils are washed have impervious floors or solid floors covered with tightly sealed, approved, washable material. Floors of rooms used for storage of packaged dry-milk products shall be kept clean, dry and in good repair.

(2)p Walls and Ceilings. Walls and ceilings of rooms in which dairy products or their ingredients are handled or stored or in which containers or utensils are washed, shall have smooth, washable, light-colored surfaces constructed of cement plaster or other equally impervious material and shall be kept clean and in good repair; provided, that in frozen foods establishments which purchase and freeze mix or mix base for sale only at retail on the premises, the construction requirements of this item shall be waived if the walls and ceilings have smooth, washable, light-colored surfaces and are kept clean and in good repair. The construction requirements for the walls and ceilings of storage rooms for packaged dry-milk products are waived, but such walls and ceilings shall be kept clean and in good repair.

(3)p Doors and Windows. Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be screened effectively and doors shall be self-closing. Doors shall not lead directly from the outdoors into the rooms where pasteurization, cooling, freezing, packaging or other processing are performed except as provided under the exception for (5)p, (bb).

(4)p Lighting and Ventilation. All rooms in which dairy products or their ingredients are handled or stored or in which utensils are washed, shall be provided with adequate natural or artificial light or both and all such rooms shall be ventilated so as to avoid odors, dust and excessive moisture conditions.

(5)p Miscellaneous Protection from Contamination

(aa) The various plant operations shall be located and conducted so as to prevent any contamination of the dairy products, their ingredients, cleaned equipment or containers. All means necessary for the elimination of flies, other insects, and rodents shall be used. Only insecticides and rodenticides approved by the commissioner for use in food plants may be used.

(bb) To aid in the prevention of contamination, there shall be separate rooms for:

(i) The receiving of raw milk and fluid milk products,

(ii) The pasteurizing, processing, cooling, freezing and packaging operations,

(iii) The processing and packaging of dry-milk products, and

(iv) The washing and bactericidal treatment of containers for pasteurized products; provided,

(v) That requirement (i) may be satisfied if raw milk or fluid milk products

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(aaa) Are conducted through sanitary piping directly from tank transports into storage tanks or pasteurization vats located in the processing room, or

(bbb) Are received into a separate room in producer cans, dumped into a receiving vat and pumped into storage vats or pasteurization vats located in the processing room, or

(ccc) Are received into a room separate from the processing room in containers other than producers' cans and then dumped directly or conducted through sanitary piping, into storage tanks or pasteurization vats located in the process room; provided further,

(vi) That in frozen food establishments which purchase and freeze mix or mix base for sale only at retail on the premises and in which the freezing equipment is located in a room to which the public has access, requirement (ii) may be satisfied if all the mixing, freezing and packaging processes, but not necessarily the hardening and storage compartments,

(aaa) Are enclosed or protected by a tight glass or other sanitary enclosure which is open only on the side farthest from the public and which has a dust-tight top extending over the entire freezer, or

(bbb) A shield which protects the freezer openings from dust, drip, droplet and other contamination.

(vii) In frozen food establishments which purchase and freeze mix and mix base for sale only at retail on the premises and in which the freezing equipment is located in a room not accessible to the public but from which the public is served through service openings, such openings shall be provided with movable or hinged, dust-tight panels which are to be opened only during use for service.

(cc) Containers of ingredients for frozen foods shall not be unloaded directly into the room or rooms used for pasteurization and subsequent processes.

(dd) The plant containers, utensils and equipment used for pasteurization, handling, storage or manufacturing of dairy products or their ingredients shall be used for no purpose other than said pasteurization, handling, storage or manufacturing and the operations incident thereto, except as may be approved by the commissioner.

(ee) Rooms in which dairy products, cleaned utensils or containers are handled or stored shall not open directly into any stable or living quarters.

(ff) Manufacturing processes shall not be conducted in a basement or below grade level; provided, that such processes so located at the time of the adoption of this regulation shall be allowed to continue in such location, but only as long as flooding or sewer back-up does not occur or until major alterations are made.

(6)p Toilet Facilities

(aa) Every dairy plant shall be provided with toilet facilities conforming to the State Plumbing Code. No privies or earth closets are permitted. Toilet rooms shall not open directly into any room in which dairy products, their ingredients, equipment or containers are handled or stored. The doors to all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and shall be provided with mechanical ventilation.

(bb) A placard containing the following "Notification of Disease" instructions and a sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

"Notification of Disease"

(i) In order to protect the public health, no person who is affected with any disease in a communicable form or who is a carrier of such disease shall work in any capacity which will bring him in contact with dairy products, their ingredients, containers or equipment at any place where dairy products or their ingredients are manufactured, handled or dispensed.

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(ii) To further protect the public health, any processor, distributor or dispenser of dairy products or their ingredients, in whose plant any communicable disease occurs or who suspects that any employee has contracted any disease in communicable form or has become a carrier of such disease, shall notify the local health officer immediately.

(7)p Water Supply. The water supply used in the dairy operation shall be easily accessible, adequate and of a safe sanitary quality and shall comply with the standards for location, construction and operation prescribed by the Minnesota department of health and as adopted by the commissioner of agriculture; provided, that condensing water used only for refrigerator compressors or for milk evaporators may be from unapproved sources when accepted by the commissioner for these uses, but only when the following conditions are met:

(aa) The unapproved supply system is inaccessible to the approved supply system, **or**

(bb) If the unapproved system cannot be made inaccessible, its entire exposed portion shall be painted a bright color different from the color used on all other piping systems. It shall be plainly labeled with the letter "U", not less than 1½ inches high and one (1) inch wide in a contrasting color, such label to be applied at intervals of approximately eight (8) feet, either directly on the pipe or on substantially constructed signs attached thereto.

(cc) No service outlets shall be installed on the distribution system of the unapproved water supply except connections as are necessary to supply the condensers and compressors with this water.

(dd) The milk evaporators shall be constructed or controlled so as to preclude contamination of the evaporators or their contents by condensing water. The following include accepted means of preventing such contamination, but other means found acceptable to the commissioner are not excluded:

(i) Use of a surface type condenser in which the condensing water is separated physically from the vapors and condensate, **or**

(ii) Use of reliable safeguards to prevent the overflow of condensing water from the condenser into the evaporators which are constructed so as to prevent the entrance of condensing water into the product by splash or entrainment. Such accepted safeguards include:

(aaa) A barometric leg extending at least 35 feet vertically from the invert of the outgoing condensing water line to the free level at which the leg discharges, **or**

(bbb) A safety shut-off valve, located in the water feed line to the condenser, automatically actuated by a control which will shut off the inflowing water when the water level rises above a pre-determined point in the condenser. This valve may be actuated by water, air or electricity and shall be designed so that failure of the primary motivating power will stop, automatically and immediately, the flow of water into the condenser.

(ee) No condenser shall be connected directly to a sewer line unless such sewer line is suitably vented to prevent back siphonage, is properly trapped and is equipped with a check valve to prevent backflow.

(ff) If at any time it is found that a water supply for a condenser is gaining entrance to the product or that unapproved water is being used in the dairy plant for any purpose other than authorized herein, the plant operator may be required to suspend operations until the defect is remedied.

(8)p Hand-washing Facilities. Hand-washing facilities, including hot and cold or warm running water, soap and approved sanitary towels, shall be provided and shall be convenient to all operations. Lavatories shall be vented and shall have permanent sewer connections. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet without first washing his hands.

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(9)p Sanitary Piping. All piping used to conduct dairy products and their ingredients shall be "sanitary milk piping" of a type which has been approved by the commissioner and which can be cleaned easily. Pasteurized milk and milk products shall be conducted from one (1) piece of equipment to another only through sanitary milk piping.

(10)p Construction and Repair of Containers and Equipment

(aa) All multiuse containers and equipment with which dairy products come in contact shall be of smooth, impervious, noncorrodible, nontoxic material, shall be constructed and located so as to be cleaned easily and shall be kept in good repair.

(bb) All such multiuse containers and equipment which are purchased after the adoption of this regulation shall be considered to be in compliance with this section if they conform to the sanitary design and construction standards of the existing 3A Sanitary Standards or their equivalent, Serial Nos. 0100-2600, together with "3A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature-Short-Time Pasteurizers, Revised," dated July 11, 1966, which have been formulated by International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service and the Dairy Industry Committee and which are adopted by the commissioner of agriculture.

(cc) All single-service containers, closures, gaskets and other single-service articles used shall have been manufactured, packaged, transported and handled in a sanitary manner.

(11)p Plumbing and Disposal of Wastes, Surroundings

(aa) All wastes shall be disposed of properly. All plumbing and equipment shall be designed and installed so as to prevent contamination of the water supply, dairy products and dairy-product equipment by backflow, leakage or condensation. The immediate surroundings of the dairy plant shall be kept in a neat, clean condition. No trash nor garbage shall be present on the plant premises except in fully covered containers.

(bb) The surface areas where tank trucks or tank cars are loaded or unloaded at dairy plants shall be constructed of concrete or equally impervious material, shall be smooth, shall be sloped to drain properly and shall be kept clean and in good repair. If product spillage is such that frequent flushing becomes necessary for its removal, such spillage and flushings shall be drained into a proper trapped drain connected to a sanitary sewer.

(12)p Cleaning and Bactericidal Treatment of Containers and Equipment

(aa) All dairy product containers and equipment, except single-service containers, shall be cleaned thoroughly after each usage.

(bb) All such cleaned containers and equipment shall be subjected, immediately before usage, to a bactericidal treatment approved by the commissioner.

(cc) Dairy product pipelines intended to be cleaned in place shall be considered to be in compliance with this section if the equipment and procedures used conform to the applicable requirements of "3A Accepted Practices for Permanently Installed Sanitary Product-Pipelines and Cleaning Systems", June 9, 1966, or their equivalent, which have been formulated by International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service and the Dairy Industry Committee and which are adopted by the commissioner of agriculture.

(dd) When empty, and before being returned by a dairy plant to a producer or to another dairy plant, each multiuse dairy product container shall be cleaned effectively and subjected to an effective draining and drying process.

(13)p Storage of Containers and Equipment. After bactericidal treatment,

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all bottles, cans and other multiuse dairy product containers and equipment shall be stored in such manner as to be protected from contamination.

(14)p Handling of Containers and Equipment

(aa) Between bactericidal treatment and usage and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of dairy products.

(bb) Pasteurized dairy products or their ingredients shall not be permitted to come in contact with equipment with which unpasteurized dairy products have been in contact, unless the equipment first has been cleaned thoroughly and subjected to a bactericidal treatment approved by the commissioner.

(cc) No Grade A dairy products shall be permitted to come in contact with equipment with which a lower grade of dairy products has been in contact, unless the equipment first has been cleaned thoroughly and subjected to such bactericidal treatment.

(15)p Storage and Handling of Single-service Containers and Other Single-service Materials. Single-service containers and materials shall be purchased and stored only in sanitary packages, shall be kept therein in a clean, dry place above the floor until used and shall be handled in a sanitary manner.

(16)p Pasteurization

(aa) The terms "pasteurization", "pasteurized" and similar terms shall mean the process of heating every particle of milk or milk product to a temperature of not less than 145°F., and holding it continuously at or above this temperature for not less than 30 minutes, or to not less than 161°F., and holding it continuously at or above this temperature for not less than 15 seconds, in equipment which is properly operated and approved by the commissioner; provided, that milk products which have a higher milkfat content than milk and/or contain added sweeteners shall be heated to not less than 150°F., and held continuously at or above this temperature for not less than 30 minutes, or to not less than 166°F., and held continuously at or above this temperature for not less than 15 seconds, in equipment which is properly operated and approved by the commissioner; provided further, that eggnog and frozen food mix shall be heated to not less than 155°F., and held continuously at or above this temperature for not less than 30 minutes, or to a temperature of not less than 175°F., and held continuously at or above this temperature for not less than 25 seconds, in equipment which is properly operated and approved by the commissioner. Nothing in this definition shall be construed as excluding any other pasteurization process which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the commissioner.

(i) All milk and milk products shall be pasteurized prior to entrance of said milk and milk products into the evaporator or condensing equipment.

(ii) All condensed milk and milk products to be dried, except as provided in subpart (iii) of this part, shall be pasteurized at the plant at which they are dried. This shall not be construed as banning the transportation of pasteurized condensed milk or milk products to another drying plant for repasteurization and drying.

(iii) Whey which has been pasteurized in accordance with this section and which subsequently is condensed to contain more than 40 per cent solids may be transported to another plant and dried without being repasteurized; provided, that approval first is granted by the commissioner; and, provided further, that the condensed whey is transported in sealed and tagged sanitary transport tanks and is handled at all times in a manner approved by the commissioner.

(bb) Each pasteurization vat or pasteurizer shall be equipped with an approved indicating thermometer and an approved recording thermometer and each vat-type pasteurizer shall be equipped with an approved air-space thermometer.

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(i) Means shall be provided and used in pasteurization vats and pockets to keep the air space above the product at a temperature of not not less than 5°F. higher than the product temperature during the heating period and not less than 5°F. higher than the required temperature of pasteurization during the holding period.

(ii) Recorder charts shall be provided for each batch or run of dairy product showing the name of the product, the date, readings of the various thermometers, signature of the operator and such other information as the commissioner may require, shall not be used for more than one (1) day and shall be kept available for three (3) months for the information of the commissioner or his duly authorized representative.

(17)p Cooling

(aa) All milk received for fluid use or for use in cottage cheese, unless it is to be pasteurized within two (2) hours of receipt, shall be cooled immediately to a temperature of 50°F. or lower, in properly operated equipment approved by the commissioner and maintained at 50°F. or lower, until pasteurized; except, that mixed milk from two (2) or more consecutive milkings shall be at a temperature of 50°F. or lower, when received.

(bb) Dairy products for manufacturing purposes which are held in bulk storage in receiving stations or processing plants, unless they are to be pasteurized or otherwise manufactured within two (2) hours of receipt, shall be kept at a temperature of 45°F. or lower, until pasteurized or otherwise manufactured.

(cc) Immediately following pasteurization, all dairy products shall be cooled to a temperature of 45°F., or lower, in properly operated equipment approved by the commissioner and maintained at 45°F., or lower, until delivered, as determined in the case of Grade A milk and milk products in accordance with the requirements of Department of Agriculture Regulations, Chapter 47, Grade A Requirements for Milk, Milk Products, and Goat Milk; provided, however, that if the dairy products are to be cultured or dried immediately after pasteurization, then such cooling may be delayed until the culturing or drying process is completed and dried dairy products must be cooled to 110°F., or lower, following the drying process; provided further, that frozen foods mix shall be cooled to 45°F., or lower, until frozen.

(18)p Bottling and Packaging. Bottling and packaging of dairy products shall be done in a sanitary manner by methods approved by the commissioner.

(aa) Milk and fluid milk products shall be bottled or packaged at the place of pasteurization in approved mechanical equipment.

(bb) Dry-milk products shall be packaged at the place of manufacture in new containers. Such containers shall be sufficiently substantial to protect the contents from impairment of sanitary quality, contamination and moisture during customary handling.

(i) When permitted by the commissioner, dry-milk products may be packaged temporarily, at the place of manufacture, in clean, used fibre drums having new, single-service liners or in clean, sanitary multiservice containers, with repackaging performed by approved methods and at a place conforming to the requirements of this regulation.

(ii) Such used fibre drums and multiservice containers may be used to transport dry-milk products to food processors and may be returned to the place of manufacture for refilling; provided, that they are kept free of insect infestation and are otherwise in a reusable condition as set forth in this regulation.

(cc) Butter and cheese shall be protected from contamination during the packaging operation.

(dd) Packaging, cutting, molding and other preparations of frozen food mix, frozen foods and their ingredients shall be done in a manner to protect them from contamination. Containers shall be covered adequately immediately after

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filling. Caps or covers shall be handled in a manner which will prevent contamination of the contents of the package.

(ee) Containers of cottage cheese shall be protected during filling and consumer packages shall be filled by approved mechanical equipment.

(19)p Overflow or Spillage. Dairy products which have overflowed or spilled shall not be sold for human consumption. Returned milk and milk products shall not be used for Grade A milk or milk products.

(20)p Capping; Returns; Process Identity; Printing; Plant Identification Number

(aa) Capping of milk, fluid milk products and cottage cheese shall be done in a sanitary manner by mechanical equipment approved by the commissioner. Hand capping is prohibited. The cap or cover shall protect the pouring lip to at least its largest diameter in the case of milk and fluid milk products and shall extend over the top edge of the cottage cheese container.

(bb) After having been delivered, mix and frozen foods in broken and open containers may be returned to the plant for inspection, but shall not be used for making mix or frozen foods.

(cc) Cheese shall be identified in accordance with Minnesota Statutes, Section 32.383, as amended.

(dd) Butter shall be printed in a sanitary manner.

(ee) Each package or other container of dry-milk products shall be properly sealed and shall bear a factory or plant identification number as required in Regulation Agr 980 for dried dairy products.

(21)p Personnel Health

(aa) At the discretion of the commissioner, the local health officer or physician authorized by him shall examine and take a careful morbidity history of each person connected with a dairy plant or about to be employed by one, whose work brings him in contact with the processing, handling, storage or transportation of dairy products, their ingredients, containers or equipment. If such examination or history should suggest that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable disease likely to be transmitted through dairy products or their ingredients, the health officer or a physician authorized by him shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authority for such examinations, and if the results justify, such person shall be barred from such employment.

(bb) Such person shall furnish such information, submit to such physical examinations and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection. A copy of the results of examination of such person shall be kept on file in such plant for the information of the commissioner.

(cc) No person with an infected cut or lesion on his hands or arms shall handle dairy products, their ingredients, containers or equipment.

(22)p Personnel Cleanliness. All persons who handle dairy products, their ingredients, containers or equipment shall wear clean outer garments and shall keep their hands clean at all times while engaged in such work.

(23)p Vehicles

(aa) All vehicles used for the transportation of dairy products or their ingredients shall be constructed and operated so as to protect their contents from the sun, from freezing and from contamination. Such vehicles shall be kept clean and no substance capable of contaminating dairy products or their ingredients shall be transported therewith in such manner as to permit contamination.

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(bb) All vehicles used for the final distribution of dairy products shall have the name of the distributor prominently displayed in letters not less than two (2) inches in height.

(cc) Milk tank cars and tank trucks shall comply with construction, cleaning, bactericidal treatment, storage and handling requirements of paragraphs (5)p, (9)p, (10)p, (12)p, (13)p, and (14)p. Suitable facilities, either in a separate building or separate facilities within the dairy plant, shall be provided for the washing and bactericidal treatment of tank trucks and tank cars.

(dd) While containing milk, cream or milk products, they shall be sealed and labeled in a manner approved by the commissioner. For each tank shipment, a bill of lading or other means of identification containing the identity of the product, the amount shipped, the grade, the receiving point, the shipping point, the shipper's name, the consignee's name and whether the product is raw, pasteurized or heat treated, shall be prepared in triplicate and shall be kept on file by the shipper, the consignee and the carrier for a period of six months for the information of the commissioner.

(ee) All mix which is not frozen at the plant at which it is pasteurized shall be transported to the place of manufacturing or freezing in sealed containers and the mix shall be handled in a sanitary manner. All containers of mix shall be labeled in accordance with Minnesota Statutes, Section 32.62.

(ff) Cottage cheese, creamed cottage cheese and pasteurized dairy products used in the creaming of cottage cheese may be transported from one (1) dairy plant to another for the completion of processing and packaging but only in sealed containers. Each such container shall bear a label giving the identity of the product, the name and address of the pasteurization plant, the grade if the product is Grade A and the net contents of the container, unless it is a standard container, so embossed.

Agr 1115 Notice of Disease

(a) In order to protect the public health, no person who is affected with any disease in a communicable form or who is a carrier of such disease shall work in any capacity which will bring him in contact with dairy products, their ingredients, containers or equipment at any place where dairy products or their ingredients are manufactured, handled or dispensed.

(b) To further protect the public health, any processor, distributor or dispenser of dairy products or their ingredients in whose plant any communicable disease occurs or who suspects that any employee has contracted any disease in communicable form or has become a carrier of such disease, shall notify the local health officer immediately.

Agr 1116 Procedure When Infection is Suspected. When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of dairy products or their ingredients, the health officer is authorized to require any or all of the following measures:

(a) The immediate exclusion of that person from handling dairy products, their ingredients, equipment or containers;

(b) The immediate exclusion of such products concerned from distribution and use; and

(c) Adequate medical and bacteriological examination of the person, his associates and their body discharges.

Agr 1117 Bacterial Plate Count, Coliform Count of Pasteurized Mix, Mix Base or Frozen Foods, etc. The bacterial count of frozen foods, mix or mix base therefor shall not exceed 50,000 bacteria per gram, standard plate count nor 10

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per gram coliform count in more than two (2) of any four (4) consecutive samples taken on separate days.

Agr 1118 Ingredients

(a) All ingredients for mix and frozen foods shall be clean, have a fresh wholesome flavor and odor and a normal appearance, be of satisfactory quality and shall be handled or processed in an approved manner.

(b) Raw milk and milk products to be used in the preparation of raw mix for pasteurization shall conform to standards and grades for raw milk and milk products for manufacturing purposes as set forth in Minnesota Statutes Chapter 32 and rules and regulations promulgated thereunder.

(c) In determining the sanitary quality of ingredients other than milk and milk products, the commissioner shall employ the methods set forth in "Standard Methods for the Examination of Dairy Products, eleventh edition, 1960, of the American Public Health Association" and "The Official Methods of Analysis, tenth edition, 1965, of the Association of Official Agricultural Chemists" and may be guided by tentative standards recommended for such ingredients by the United States Public Health Service in its "Frozen Desserts Ordinance and Code", 1940 edition.

Agr 1119 Transferring and Dispensing Frozen Foods

(a) No person shall transfer frozen foods from one (1) container to another or package or prepare the same on the street or in any vehicle or in any place except a sanitary room under approved conditions.

(b) These requirements shall not prevent the direct sale of frozen foods in unwrapped packages or cones to the consumer at roadside stands or concessions where the sanitary conditions are approved by the commissioner.

(c) Between uses, all multiservice spoons, spatulas, dippers, scoops and similar apparatus shall be kept either in running water, with washing and bactericidal treatment applied just prior to the beginning of each day's operation or washed and stored dry with bactericidal treatment applied prior to the next usage.

(d) Unfilled cartons and other single-service materials or containers used in dispensing frozen foods shall be stored in a clean, dry place and shall be handled in a sanitary manner.

(e) In determining whether frozen foods are being dispensed in a sanitary manner, the commissioner shall have all rights of inspection set forth in Minnesota Statutes Chapter 32 and such frozen foods shall conform to all standards and definitions prescribed for them by laws, rules and regulations.

Agr 1120-1135 Reserved for future use

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CHAPTER 46: AGR 1136-1148

QUIESCENTLY FROZEN CONFECTIONS; ESTABLISHMENTS; METHODS; DEFINITIONS; STANDARDS OF IDENTITY; LABELING

Agr 1136 Definitions. Two (2) of the following three (3) definitions are general in nature setting out standards of identity for two (2) groups of products. The first, Quiescently Frozen Confections, includes those confections in which dairy ingredients are not generally used but does cover those items in which dairy ingredients are sometimes used in amounts insufficient to characterize these products as dairy confections. The second, Quiescently Frozen Dairy Confections, includes only those confections that are generally characterized by their dairy ingredients. The third definition is specific for milk products.

(a) Quiescently Frozen Confection. "Quiescently Frozen Confection" means a clean and wholesome frozen product made from a mixture of water, sugar and flavoring, with or without coloring, in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). This confection may be acidulated with harmless organic acid, may contain milk solids, may be made with or without added harmless natural and/or imitation flavoring, with or without added harmless coloring. The finished product may contain not more than ½ of one (1) per cent by weight of stabilizer composed of wholesome, edible material. The finished product shall contain not less than 17 per cent by weight of total food solids.

(b) Quiescently Frozen Dairy Confection. "Quiescently Frozen Dairy Confection" means a clean and wholesome frozen product made from water, milk products and sugar, with added harmless natural and/or imitation flavoring, with or without added harmless coloring, with or without added stabilizer and with or without added emulsifier; and in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). It contains not less than 13 per cent by weight of total milk solids, not less than 33 per cent by weight of total food solids, not more than ½ of one (1) per cent by weight of stabilizer and not more than ⅛ of one (1) per cent by weight of emulsifier. The stabilizer and emulsifier must be composed of wholesome, edible material.

(c) Milk Products. "Milk Products" means pure, clean and wholesome cream, dried cream, plastic cream — sometimes known as concentrated milk fat, butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, whey, concentrated whey and dry whey and shall include any of the foregoing products from which lactose has been wholly or partially removed and any other product made by the addition of any approved substance to any of these milk products and used for similar purposes and which, when designated as a milk product by the commissioner, is known by its common name.

Agr 1137 Manufacturing Limitations

(a) These Quiescently Frozen Confections and Quiescently Frozen Dairy Confections must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled and purveyed to the consumer in the original factory-filled package.

(b) In the production of these Quiescently Frozen Confections and Quiescently Frozen Dairy Confections, no processing or mixing prior to quiescent freezing

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shall be used that develops in the finished confection mix any physical expansion in excess of 15 per cent.

Agr 1138 Plant Sanitation Requirements. Plants in which Quiescently Frozen Confections and Quiescently Frozen Dairy Confections are manufactured shall conform with all the applicable items of sanitation described under Regulations Agr 1114(f)(1)p through (23)p, 1115, 1116, 1117, 1118 and 1119.

Agr 1139 Pasteurization and Cooling of Mix; Records. Mix for Quiescently Frozen Dairy Confections and for Quiescently Frozen Confections containing milk products, shall be pasteurized and cooled immediately after pasteurization in accordance with Minnesota Statutes, Section 32.64, Subdivisions 1 and 2 and records of such pasteurization and cooling shall be kept in accordance with Minnesota Statutes, Section 32.64, Subdivision 3.

Agr 1140 Bacterial Counts; Coliform Counts. At no time after pasteurization shall Quiescently Frozen Confections containing milk products, Quiescently Frozen Dairy Confections nor the mixes therefor nor shall Quiescently Frozen Confections not containing milk products nor the mix therefor, have bacterial counts exceeding 50,000 bacteria per gram nor coliform counts exceeding 20 coliforms per gram as determined in accordance with Minnesota Statutes, Section 32.64, Subdivision 4.

Agr 1141 Labeling. The containers for Quiescently Frozen Confections and Quiescently Frozen Dairy Confections shall be labeled. Such labels shall disclose the following information in a size and color of type on a contrasting background making it easy to read:

(a) The common or usual name of the food as defined herein. This shall include the terms: "Quiescently Frozen Confection" or "Quiescently Frozen Dairy Confection", as the case may be. Trademark names (brand names) may be used in conjunction therewith.

(b) The term "Artificial Flavoring and Coloring", if they are used.

(c) The quantity of the contents in terms of liquid measure shall be given in the terms of the United States gallon and its customary subdivisions, i.e., quarts, pints and fluid ounces.

(d) The name and address of the manufacturer or distributor provided, that when the name of the distributor is used, it shall be so identified and the identity of the manufacturer also shall be given. By identity of manufacturer is meant:

(1) The actual name and address of the manufacturer, or

(2) An identification code or number consisting of the number from the IBM Numerical Code of States representing the state of origin followed by a hyphen and the plant number corresponding to a permanent list of numbers assigned by the state regulatory agency having jurisdiction.

(3) Such number may be printed, embossed or stamped on the label. If the manufacturer cannot be identified because of misuse of the identity code, the product shall be deemed to be misbranded.

(e) Labels for individually wrapped Quiescently Frozen Confections may omit the name of the flavor used provided that the container from which they are individually dispensed bears such information in a clearly legible manner.

Agr 1142 Mixes; Individual Serving Packages Sold Unfrozen

(a) Mix for Quiescently Frozen Confections and Quiescently Frozen Dairy Confections which is sold packaged as individual servings in the unfrozen form

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shall conform to all applicable requirements of this regulation. The names of these products shall be "Mix for Quiescently Frozen Confection" or "Mix for Quiescently Frozen Dairy Confection" as the case may be.

(b) Mix for Quiescently Frozen Confections not containing dairy products may have sodium benzoate preservative added thereto in amount not to exceed 1/10 of one (1) per cent and when such preservative is so added, the label shall declare it as follows: "1/10% Benzoate of Soda Added as a Preservative" or "1/10% of Sodium Benzoate Added as a Preservative" or "Preserved by 1/10% Sodium Benzoate" or "Preserved by 1/10% Benzoate of Soda" or any other statement having the same meaning and having been approved by the commissioner.

Agr 1143-1148 Reserved for future use

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Department of Agriculture

Rules Governing Grade A Requirements for Milk, Milk Products, and Goat Milk (3 MCAR § § 1.1149-1.1167)

3 MCAR § 1.1149 Purpose and authority.

A. Purpose. A regulation defining "milk," "condensed milk," "dry milk products," "condensed whey," "dry whey," "cottage cheese," and certain "milk products," "milk producer," "pasteurization," etc.; prohibiting the sale of adulterated and misbranded milk and milk products; requiring permits for the sale of Grade A milk and Grade A milk products; regulating the inspection of Grade A dairy farms and Grade A milk plants, the examination, grading, labeling, pasteurization, distribution and sale of Grade A milk products; providing for the construction of future Grade A dairies and Grade A milk plants, and the enforcement of this regulation.

B. Authority. The rules contained herein are prescribed pursuant to Minn. Stat. § 32.394, subd. 4 by the commissioner to provide regulations regarding the identity, production and processing standards for milk, milk products and goat milk which are intended to bear the Grade A label.

C. Definitions. As used in 3 MCAR § 1.1149 through 3 MCAR § 1.1167, the following definitions shall apply:

1. "Regulatory agency" shall mean the commissioner of the Minnesota Department of Agriculture.

2. "Grade A Pasteurized Milk Ordinance" shall mean the "Grade A Pasteurized Milk Ordinance–1978 Recommendations" and the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey–Supplement I to the Grade A Pasteurized Milk Ordinance 1978 Recommendations", including all footnotes and appendixes, standards of the United States Public Health Service/Food and Drug Administration. A copy of this ordinance shall be filed in the office of the regulatory agency.

3 MCAR § 1.1150 Enforcement. The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products intended to bear the Grade A label and sold for ultimate consumption within the state of Minnesota, including the inspection of dairy herds, dairy farms, milk plants, receiving stations and transfer stations and the issuing and revocation of permits to milk producers, haulers, distributors, milk plants, receiving stations and transfer stations, shall be regulated in accordance with the provisions of the 1978 Grade A Pasteurized Milk Ordinance, with the following exceptions:

A. [Omit Sections 9, 16, and 17 in their entirety.]

B. The definitions of egg nog flavored milk and cottage cheese as set forth

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in 3 MCAR § 1.1151 and 3 MCAR § 1.1152 below shall be included in the definition of milk products.

3 MCAR § 1.1151 Egg nog flavored milk. Egg nog flavored milk is a milk product consisting of a mixture of at least 3.25 per cent butterfat, at least 0.5 per cent egg yolk solids, sweetener, and flavoring. Emulsifier and a maximum of 0.5 per cent stabilizer may be added. Egg nog flavored milk shall be pasteurized in approved and properly operating equipment so that every particle is heated and continuously held for the following minimum specified times and temperatures:

150°F. and held at or above this temperature for at least 30 minutes.
166°F. and held at or above this temperature for at least 15 seconds.

3 MCAR § 1.1152 Cottage cheese defined.

A. Cottage cheese. Cottage cheese is that product defined in the "Code of Federal Regulations," Title 21, Section 133.128.

B. Dry curd cottage cheese. Dry curd cottage cheese is that product defined in the "Code of Federal Regulations," Title 21, Section 133.129.

C. Lowfat cottage cheese. Lowfat cottage cheese is that product defined in the "Code of Federal Regulations," Title 21, Section 133.131.

3 MCAR § 1.1153 Minimum requirements. All references herein to municipalities, municipal ordinances or police jurisdiction shall refer to the local subdivisions of state government having jurisdiction, provided such local subdivisions' standards are not inconsistent herewith. In all other cases the provisions of this chapter shall apply and the state of Minnesota shall be the proper legal jurisdiction.

3 MCAR § 1.1154 Examination of milk and milk products. Sampling procedures and laboratory examinations shall be in substantial compliance with the Fourteenth Edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the Thirteenth Edition of Official Methods of Analysis of the Association of Official Analytical Chemists.

3 MCAR §§ 1.1155-1.1167 [Reserved for future use.]

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CHAPTER 48: AGR 1168-1187

GRADING AND LABELING OF BUTTER

Agr 1168 Definitions

(a) Butter. Butter is the food product usually known as butter and which is made exclusively from milk or cream or both with or without common salt and with or without additional coloring matter and containing not less than 80 per cent by weight of milk fat, all tolerances having been allowed for.

(b) Cream

(1) The term "cream" when used in this chapter means churning into butter.

(2) For the purposes of this regulation pasteurization shall mean that every particle of such cream shall be heated to a temperature of not less than 165°F. and held continuously at or above this temperature for not less than 30 minutes or to a temperature of not less than 185°F. and held continuously at or above this temperature for not less than 15 seconds in equipment which is properly operated and approved by the commissioner. Nothing in subpart (2) of this paragraph shall exclude other processes of pasteurization which are found to be equally efficient and are approved by the commissioner.

(3) Immediately following pasteurization, all such cream shall be cooled in equipment which is properly operated and approved by the commissioner to a temperature of 50°F., or lower, and held at such temperature until subjected to the churning process.

Agr 1169 Nomenclature of Minnesota Grades. The nomenclature of Minnesota grades is as follows:

(a) Minnesota Grade AA (93 Score);

(b) Minnesota Grade A (92 Score);

(c) Minnesota Grade B (90 Score); and

(d) Minnesota Undergrade (89 Score or below).

Agr 1170 Basis for Determination of Minnesota Grades. The basis for determination of Minnesota Grades of butter shall be as follows:

(a) The flavor shall be classified in accordance with Regulation Agr 1171 which follows;

(b) The defects in body, color and salt shall be classified in accordance with Regulation Agr 1172;

(c) The relation of the Minnesota grade of the butter to the flavor classification of it, as affected by total defects in body, color and salt, shall be determined in accordance with Regulation Agr 1173.

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Agr 1171 Classification of Flavors in Butter. Various identified flavors in butter shall be classified as follows:

Table I

Identified Flavors(*)	Flavor Classification AA (**)	A (***)	B	C
Feed	Slight	Definite		
Cooked (fine)	Definite			
Aged		Slight	Definite	
Bitter		do	do	
Coarse acid		do	do	
Flat		do		
Smothered		do	Definite	
Storage		do	do	
Cooked (coarse)		Definite		
Musty			Slight	Definite
Neutralizer			do	do
Scorched			do	do
Utensil			do	do
Weed			do	do
Whey			do	do
Woody			do	do
Old Cream			Definite	
Barny				Slight
Cheesy				do
Fruity				do
Metallic				do
Oily				do
Sour				do
Wild onion or garlic				do
Yeasty				do
Stale				Definite

(*) When more than one flavor is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest classification.

(**) Shall be fine, highly pleasing.

(***) Shall be pleasing and desirable.

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Agr 1172 Classification of Defects in Body, Color and Salt. The classification of defects in body, color and salt shall be as follows:

Table II

Body Defect	Degree	Rating	Degree	Rating
Crumbly	Slight	½	Definite	1
Gummy	Slight	½	Definite	1
Leaky	Slight	½	Definite	1
Mealy	Slight	½	Definite	1
Short	Slight	½	Definite	1
Spongy or weak	Slight	½	Definite	1
Sticky	Slight	½	Definite	1
Ragged boring	Slight	1	Definite	2
Grainy	Slight	1	Definite	2
Color				
Wavy	Slight	½	Definite	1
Mottled	Slight	1	Definite	2
Streaked	Slight	1	Definite	2
Specks	Slight	1	Definite	2
High Color			Definite	1
Salt				
Sharp	Slight	½	Definite	1
Gritty	Slight	1	Definite	2

Agr 1173 Relation of Minnesota Grade of Butter to the Flavor Classification as Affected by Total Defects in Body, Color and Salt

(a) The flavor classification and maximum defects in body, color and salt permitted for each Minnesota grade are as follows:

Table III

Flavor Classification	Maximum Defects Permitted	Minnesota Grade
AA	½	AA or 93
AA	1	A or 92
A	½	A or 92
AA	2½	B or 90
A	1½	B or 90
B	½	B or 90
A	2½	Minn. Undergrade
B	1½	Minn. Undergrade
C	1½	Minn. Undergrade

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(b) Examples of the relation of Minnesota grades to flavor classification and total defects in body, color and salt are as follows:

Table IV

Example No.	Flavor Classification	Body	Defects Color	Salt	Total Defects	Permitted Total Defects	Defects in Excess of Total Permitted	Minnesota Grades
1.....	AA	½	0	0	½	½	0	AA or 93
2.....	AA	0	1	0	1	½	½	A or 92
3.....	AA	1	0	½	1½	½	1	B or 90
4.....	AA	1	1	0	2	½	1½	B or 90
5.....	AA	1	1	½	2½	½	2	B or 90
6.....	A	½	0	0	½	½	0	A or 92
7.....	A	0	1	0	1	½	½	B or 90
8.....	A	1	0	½	1½	½	1	B or 90
9.....	A	1	1	0	2	½	1½	Undergrade
10.....	A	1	1	½	2½	½	2	Undergrade
11.....	B	½	0	0	½	½	0	B or 90
12.....	B	0	1	0	1	½	½	Undergrade
13.....	B	1	0	½	1½	½	1	Undergrade
14.....	C	1	0	0	1	1½	0	Undergrade
15.....	C	1	½	0	1½	1½	0	Undergrade

Agr 1174 Specifications for Minnesota Grades of Butter. The specifications for Minnesota grades of butter are as follows:

(a) General. Butter of all Minnesota grades shall be free of visible mold and foreign materials.

(b) Minnesota Grade AA (93 Score). Minnesota Grade AA (93 Score) butter conforms to the following:

(1) Possesses a fine, highly pleasing flavor. May possess a slight feed and a definite cooked (fine) flavor.

(2) It is made from sweet cream or cream of low natural acid to which a culture (starter) may or may not have been added.

(3) The permitted total defects in body, color and salt are limited to ½ in accordance with Table II.

(c) Minnesota Grade A (92 Score). Minnesota Grade A (92 Score) butter conforms to the following:

(1) Possesses a pleasing and desirable flavor.

(2) May possess any of the following flavors to a slight degree: Aged, bitter, coarse-acid, flat, smothered and storage.

(3) May possess feed and cooked (coarse) flavors to a definite degree.

(4) The permitted total defects in body, color and salt are limited to ½ in accordance with Table II unless the flavor classification permits these defects to exceed ½.

(5) Butter that has a flavor classification of AA and total defects in body, color and salt which exceed ½ but do not exceed one (1) in accordance with Table II shall be Minnesota Grade A or Minnesota 92 Score.

(d) Minnesota Grade B (90 Score). Minnesota Grade B (90 Score) butter conforms to the following:

(1) May possess any of the following flavors to a slight degree: Musty, neutralizer, scorched, woody, weed, whey and utensil.

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(2) May possess any of the following flavors to a definite degree: Aged, bitter, coarse-acid, old cream, smothered and storage.

(3) The permitted total defects in body, color and salt are limited to a total of ½ in accordance with Table II unless the flavor classification permits these defects to exceed ½.

(4) Butter that has a flavor classification of AA and total defects in body, color and salt which exceed one (1) but do not exceed 2½ in accordance with Table II shall be Minnesota Grade B or Minnesota 90 Score.

(5) Butter than has a flavor classification of A and total defects in body, color and salt which exceed ½ but do not exceed 1½ in accordance with Table II shall be Minnesota Grade B or 90 Score.

(e) Minnesota Undergrade Butter. Butter that is below the requirements for Minnesota Grade B.

Agr 1175 Explanation of Terms

(a) With respect to flavor:

(1) Slight; detected only upon critical examination.

(2) Definite; not intense but readily detectable.

(3) Aged; characterized by lack of freshness. Attributable to short or extended storage periods of the butter above freezer temperatures.

(4) Barny; associated with cow or stable odors. Attributable to odor absorption or bacterial action.

(5) Bitter; puckery, astringent taste.

(6) Cheesy; suggestive of cheese.

(7) Coarse acid; lacks fine flavor, but has no definite acid flavor.

(8) Cooked (fine); resulting from heat application to the cream, but not an intense flavor.

(9) Cooked (coarse), an intense flavor resulting from heat application to the cream.

(10) Feed; feed flavors (from normal feeds, such as alfalfa, sweet clover, silage or similar feed) in milk carried through into the butter.

(11) Flat; lacks definite natural butter flavor.

(12) Fruity; a sweetish fruit flavor.

(13) Metallic; suggestive of metal; attributable to contact with metal surfaces or bacterial action.

(14) Musty; suggestive of storage in damp cellar or cave.

(15) Neutralizer; flavor characteristic of neutralizing agents.

(16) Oily; suggestive of oil; characterized by an oily-like taste with an accompanying suggestion of oxidation of the fat.

(17) Old cream; aged cream characterized by lack of freshness.

(18) Sour; acid flavor and aroma.

(19) Scorched; a more intensified flavor than cooked (coarse).

(20) Smothered; suggestive of improperly cooled milk or cream; containers exposed to hot sun.

(21) Stale; characterized by aged cream of poor quality.

(22) Storage; characterized by lack of freshness; attributable to extended storage periods of the butter.

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(23) Utensil; suggestive of improper or inadequate washing and sanitizing of milking machines, separators, utensils or factory equipment; or of poorly tinned equipment.

(24) Weed; weed flavors from common weeds, that may be present in butter derived from milk or cream of cows that have eaten weedy hay or have grazed on weed-infested pastures; free from offensive weed flavors (such as, pepper grass or french weed).

(25) Whey; mildly acid flavor and aroma characteristic of whey; resulting from use of whey cream.

(26) Wild onion or garlic; may be present in butter derived from milk or cream of cows that have eaten wild onion or garlic.

(27) Woody; suggestive of wood; attributable to absorption from wood equipment.

(28) Yeasty; indicating yeast fermentation.

(b) With respect to body:

(1) Crumbly; particles lack cohesion.

(2) Gummy; does not melt readily.

(3) Grainy; granular consistency; more intense granular condition than mealy.

(4) Mealy; course granular consistency.

(5) Leaky; free water appearing as beads on the surface of the butter.

(6) Ragged boring; sticky-crumbly condition preventing drawing of a full trier.

(7) Short; excessively tight, fine texture.

(8) Spongy or weak; lacks compactness or firmness.

(9) Sticky; adheres to trier as a smear.

(c) With respect to color:

(1) High color; excessive coloring; unnatural.

(2) Mottled; light-colored areas giving a marbled appearance.

(3) Specks; color specks appearing in the butter.

(4) Streaked; long streaks of light-colored portions.

(5) Wavy; unevenness of color appearing as waves of different shades of yellow.

(d) With respect to salt:

(1) Sharp; characterized by taste suggestive of excessive salt.

(2) Gritty; coarse or sandlike particles.

Agr 1176 Grade Labeling

(a) Definition of Terms. "Label" means a display of written, printed or graphic matter on the outside container or wrapper of the retail package of butter.

(b) Grade Statement on Package Label. No person shall sell, offer or expose for sale or have in possession with intent to sell, any butter at retail in the State of Minnesota unless its label bears a statement of the grade determined under these regulations.

(1) The grade statement shall be "Minnesota Grade AA", "Minnesota Grade A", "Minnesota Grade B" or "Minnesota Undergrade", as the case may

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be. The letters "AA", "A" or "B" may immediately precede the term "Grade" and the name of the state may be abbreviated "Minn."

(2) The letters of the grade statement shall be not less than 12 point bold face type on a strongly contrasting background.

(3) The grade statement shall prominently appear on the part or panel of the label which is represented or displayed under customary conditions of purchase.

(4) ½ or ¼ pound sections of butter, individually wrapped, when displayed for sale at retail shall show on the wrapper the Minnesota Grade of such butter.

(5) The term "when graded" or similar qualifying terms shall not be used on the label in conjunction with the grade statement.

(c) Uniform Insignia for Minnesota Grade AA or A

(1) A uniform grade insignia may be used on the package label of butter which has been manufactured in Minnesota and which has been graded "Minnesota Grade AA" or "Minnesota Grade A".

(aa) The insignia shall consist of the grade statement enclosed by an outline map of Minnesota. The lines forming the map shall be not less than three (3) points in width.

(bb) The grade statement shall otherwise conform to the requirements in paragraph (b) of this regulation.

(cc) No other written, printed or graphic matter shall appear within the outline map.

(dd) No person shall use the grade insignia on the label of any butter except as herein provided; nor shall any person use any insignia in semblance thereof on the label of any butter.

(d) Exceptions U.S. or State Regulatory Department Graded Butter. The provision of this section shall not be applicable to any butter, the label of which bears the grade of any such butter as determined by official inspection under regulations and standards of either the federal or any state regulatory department having requirements for the various grades of butter and butter labeling equal to or in excess of, the standards and quality required by the State of Minnesota.

Agr 1177 Examination of Butter

(a) Samples of butter from stores and other places where butter is sold at retail shall be examined for grade as often as the commissioner may require.

(b) All proprietors of such places shall furnish the commissioner, upon his request, with the names of all distributors from whom butter is obtained.

(c) Such samples shall be forwarded to the department of agriculture, Saint Paul, Minnesota.

(d) Federal licensed graders shall grade all butter samples submitted for Grade in accordance with the foregoing standards.

Agr 1178-1187 Reserved for future use

Filed 9-28-55; 6-14-67.

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§ 1.1188 Grading procedure for milk.

A. All milk offered for sale and purchased for manufacturing purposes shall be purchased and paid for on the grades adopted herein.

B. Grading procedures. All of the following tests shall be used in determining the grades for milk for manufacturing purposes at the frequencies established by these rules:

1. Bacterial Content Estimates Test;
2. Sediment Test;
3. Abnormalities Detectable by Sight and Odor Test;
4. Antibiotics and Bacterial Growth Inhibitors Test; and,
5. Abnormal Milk Test.

C. Bacterial content estimates test.

1. Either the Resazurin reduction test, the direct microscopic count test, the standard plate count test, or the plate loop count test, described in "Standard Methods for the Examination of Dairy Products," published by the American Public Health Association and on file in the office of the commissioner, or other comparable tests approved by the commissioner, shall be used. The tests shall be made at least once during each calendar month.

2. The following grade classification, by bacterial content estimate, shall be used:

Grade classification	Direct microscopic count, standard plate count or plate loop count	Resazurin reduction time to Munsell color standard 5 P 7/4
Grade One (1)		
Can	Not over 500,000 per milliliter.	Not less than 2¼ hours.
Bulk	do	Not less than 3¼ hours.
Grade Two (2)		
Can	Not over 3,000,000 per milliliter.	Not less than 1½ hours.
Bulk	do	Not less than 2½ hours.
Undergrade		
Can	Over 3,000,000 per milliliter.	Less than 1½ hours.
Bulk	do	Less than 2½ hours.

D. Sediment test, methods.

1. Methods. The following shall be acceptable sediment test methods for the purpose of determining the grades of milk for manufacturing purposes:

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a. Off-the-bottom method. The off-the-bottom sediment test, described in "Standard Methods for the Examination of Dairy Products," published by the American Public Health Association and on file in the office of the commissioner shall be used for sediment testing milk delivered in cans. The sample of milk from which the sediment test is made shall consist of a pint of milk taken by drawing the sediment tester once across the bottom diameter of the original container of milk simultaneously with the upstroke of the plunger and discharged through a disc with an exposed area of 1-1/8 inch in diameter.

b. Mixed sample method. The mixed sample sediment test of milk from bulk tanks shall be made by drawing one pint of milk from the thoroughly agitated tank of milk and filtering the milk through a lintine disc with an exposed area of .40 inch in diameter.

c. Other methods. Other comparable methods of equal or greater reliability approved by the commissioner, may be used for sediment testing of milk delivered in cans or handled in bulk farm tanks. The following sample volumes of milk from the thoroughly agitated tank of milk and the following aperture sizes of lintine discs for filtering the milk shall be acceptable.

Milk Sample Volumes	Exposed Area of Lintine Disc
1 Pint	.40 inch aperture
4 oz.	.20 inch aperture
2 oz.	.14 inch aperture
1 oz.	.10 inch aperture

Such methods shall be acceptable April 3, 1978 and thereafter.

d. Official sediment chart. The sediment test shall be made no less frequently than once each month of a producer's milk deliveries and shall be classified according to the following standards:

Pad No. 1. . . . . .Not to exceed 0.50 mg sediment . . . (Acceptable)
Pad No. 2. . . . . .Not to exceed 1.50 mg sediment . . . (Acceptable)
Pad No. 3. . . . . .Not to exceed 2.50 mg sediment . . .(Probational)
Pad No. 4. . . . . .Excess of 2.50 mg sediment. . . . . (Illegal)

(1) Acceptable milk shall be milk yielding a sediment pad not to exceed Pad No. 2 (1.50 mg sediment).

(2) Probational milk shall be milk yielding a sediment Pad No. 3 (in excess of 1.50 mg sediment, but not to exceed 2.50 mg sediment) for a period not to exceed ten calendar days. After said period, such probational milk shall be classified as illegal milk.

(3) Illegal milk shall be all milk which contains visible foreign materials, is abnormal in any respect, or yields a sediment in excess of Pad No. 3 (2.5 mg sediment). Such milk shall be dealt with in accordance with 3 MCAR § 1.1191.

E. Abnormalities detectable by sight and odor test.

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1. Each delivery or pick up of milk shall be examined by sight and odor to determine the acceptability of the milk. The milk shall look and smell fresh and sweet, and shall be free from objectionable odors that would adversely affect the finished product. It shall have no visible abnormal condition including, but not limited to, curdled, ropy, bloody, or mastitic condition, or visible foreign matter.

F. Antibiotics and/or bacterial growth inhibitors test.

1. At least four times during each six month period, a separate or commingled sample of each producer's milk shall be tested for antibiotic residues and/or bacterial growth inhibitors. The test to be used shall be approved by the commissioner. When a producer's milk shows a positive test, the milk shall be immediately rejected from all markets and shall not be accepted until a subsequent test is negative.

G. Abnormal milk test.

1. Examination shall be made of each producer's milk at least four times in each six month period for the presence of unwholesome mammary secretions, whether of an inflammatory, infectious, physiological, or environmental origin.

2. When a herd milk sample exceeds any one of the following screening test results, a somatic cell count using the Direct Microscopic Count Method or equivalent, or the Electronic Cell Count Method shall be made on that sample and the results of the confirmatory test shall be the official result.

a. California Mastitis Test–Weak Positive (CMT 1+)

b. Modified Whiteside Test–Positive (1+)

c. Wisconsin Mastitis Test–WMT value of 21 mm

3. Whenever any of the above confirmatory tests indicate the presence of more than 1,500,000 somatic cells per ml, the dairy plant shall send a notice to the producer informing him of the excessive somatic cell count. The producer's milk may continue to be accepted. However, effective July 1, 1980, whenever two of the last four consecutive somatic cell counts exceed 1,500,000 cells per ml, the dairy plant shall notify in writing both the commissioner and the producer that this has occurred and should the next test also exceed 1,500,000 cells per ml, the producer's milk shall be rejected until abnormal milk tests indicate to the commissioner that satisfactory compliance has been obtained. This notice provision shall remain in effect as long as two of the last four consecutive samples exceed 1,500,000 cells per ml. The next milk sample shall be taken no less than three days and no more than 14 days from the taking of the previous sample. Until July 1, 1980, this provision shall be used as an educational instrument.

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H. Records.

1. A record of all tests shall be retained by the person taking the tests for a period of at least one (1) year thereafter.

I. Quality testing of milk from new producer.

1. Every purchaser of milk for manufacturing purposes or for resale to another for manufacturing purposes shall demand and receive with the first milk delivery received from a producer a copy of the record of quality tests of the producer's milk made by a former purchaser during three months immediately preceding such delivery, unless the producer has not delivered such products to any other purchaser during that period. If the previous purchaser, after receiving a written request for such record from the producers or from the new purchaser, refuses or is unable to comply with such request, the new purchaser shall immediately report such failure or refusal to the commissioner.

2. An examination shall be made on the first shipment of milk from all producers shipping milk to a plant for the first time or following an extended period of nonshipment. The milk shall meet all applicable standards for acceptable milk as defined in this rule. Thereafter, the milk shall be tested in accordance with procedures designated for regular producers.

§ 1.1190 Rejected milk.

A. Whenever a sample of a producer's milk is classified as undergrade under 3 MCAR § 1.1188, milk from that producer may be accepted for a period not to exceed four weeks. The producer shall be notified immediately that his milk is classified "undergrade milk."

B. Additional samples shall be tested and classified at least weekly and the producer shall be notified of these test results. If, at the end of the four week period, the producer's milk does not meet the bacterial standards provided for in 3 MCAR § 1.1188, the milk shall be rejected for sale and no milk from such producer's premises shall be offered for sale thereafter for human consumption nor shall it be accepted by a dairy plant, until such sale or acceptance is authorized by the commissioner.

C. The commissioner may authorize such sale or acceptance of milk by a dairy plant only after the producer demonstrates that the conditions causing unsanitary milk have been corrected.

§ 1.1191 Illegal milk.

A. Rejection. Purchases of milk for manufacturing purchasers shall reject all illegal milk immediately. They shall denature it by the addition of a harmless blue coal tar dye approved by the commissioner, shall affix to all cans or containers containing illegal milk a rejection tag provided by the commissioner and shall indicate on the tag the reason for rejection. Under no circum-

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stances shall such tags be removed from the cans or containers by the trucker, handler or any other person while such illegal milk is contained therein. Such illegal milk shall not be sold for human consumption.

B. Sediment. If a randomly selected can of milk yields sediment in excess of 2.5 mg., the remaining cans of that delivery of the producer's milk shall be tested and all cans yielding pads in excess of Pad No. 3 shall be declared illegal and shall be rejected, denatured, tagged and returned to the producer.

C. Sediment; subsequent deliveries. Thereafter, sediment tests shall be made of all the cans included in each subsequent delivery of said producer's milk until each can of milk in a delivery shows a sediment of 2.5 mg. or less, but such testing shall not be continued for more than ten (10) calendar days. If, after ten days, any can of the producer's milk yields sediment in excess of 2.5 mg., the producer becomes a rejected patron and no milk from such producer's premises shall be offered for sale thereafter for human consumption nor shall it be accepted by a dairy plant, until sale or acceptance is authorized by the commissioner.

Effective: 6-12-77.

Agr 1192 Price differential. All purchasers of milk for manufacturing purposes shall maintain a price differential of not less than three(3) percent between the purchase prices of Grade One (1) and Grade Two (2) milk and a price

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differential of not less than 10 per cent between the purchase prices of Grade One (1) and Undergrade milk, when such grades of milk are purchased.

Agr 1193 Payment Basis. The grade of milk paid for shall be based upon the quality and condition of the milk at the time of delivery to the dairy plant and the grade shall be one (1) of the established grades promulgated by the commissioner of agriculture. In the case of bulk pick-up, the grade of milk paid for shall be one (1) of the established grades and shall be based upon the quality and condition of the milk at the time of pick-up.

Agr 1194 Reports and Records. All purchasers and receivers of milk for manufacturing purposes shall keep such records and make such reports as the commissioner may require.

(a) Reports; Forms. All purchasers and receivers of milk for manufacturing purposes shall report to the commissioner, on forms furnished by him, the name and address of each patron whose milk has been rejected, in the manner provided in Regulation Agr 1194 (b), together with such other information as the commissioner may require.

(b) Reports; Time Limits. Reports shall be submitted to the commissioner within 48 hours after the four (4) consecutive tests have indicated the producer's milk to be reject milk and within 48 hours after the seventh consecutive delivery in the case of the producer who has become a rejected patron because of excess sediment in the milk delivered from his premises.

(c) Records; At Plant. Each purchaser of milk for manufacturing purposes shall maintain an accurate record of the test results used in determining grades purchased and shall record the grades paid for as well as the milk rejected on this same record. Such records shall be kept available at the plant for at least one (1) year from the time the determination is made.

(d) Reports; To Producers. The purchaser shall notify the producer, at the time of payment, of the grade of milk being paid for by using the official grade designation, Grade One (1), Grade Two (2) or Undergrade as the case may be.

Agr 1195-1200 Reserved for future use

Agr 1201 Grading Procedures for Cream. All cream offered for sale and purchased for manufacturing purposes shall be purchased and paid for on the basis of the grades adopted herein.

(a) Grading Procedures. The following tests shall be used in determining the grades for cream for manufacturing purposes.

(1) Acidity Test. The acidity of cream may be determined by a screening test or by the official test as indicated below.

(aa) Acidity Test; Screening Methods. The person determining the grade of cream may do so by taste or by one (1) of the quick acid methods unless it becomes necessary to settle disagreements as to grade or if the acidity approximates a grade limit, in which case the official method shall be used.

(bb) Acidity Test; Official Method. Weigh 9.0 grams of well mixed cream into a white cup or casserole. Add one (1) milliliter (approximately 20 drops) of one (1) per cent phenolphthalein solution. Using a graduated burette, add 0.1 normal NaOH (sodium hydroxide) dropwise with gentle stirring until a persistent faint pink color appears. This is the end point. Divide the number of milliliters of 0.1 normal NaOH used by 10 and record the result as per cent lactic acid present (_____% lactic acid).

Example: Nine (9) grams of cream require four (4) ml. of 0.1 normal NaOH to produce the faint pink color. Four (4) divided by 10 equals 0.4 per cent

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lactic acid which shows the cream to be of Grade Two (2) quality based on acidity.

(2) Sediment Test. The off-the-bottom sediment test described in the current edition of "Standard Methods for the Examination of Dairy Products", published by the American Public Health Association and on file in the office of the commisisoner or other comparable tests approved by the commissioner, shall be used for sediment testing cream delivered in cans. A record of all sediment tests taken shall be retained by the person taking them for a period of at least one (1) year thereafter. Sediment test pads of all legal cream shall be returned to the producer, but sediment test pads for all illegal cream shall be retained for at least 60 days at the plant where the cream is tested.

(aa) Sediment Test; Off-the-Bottom Method. The sample of cream from which the sediment test is made, using the off-the-bottom method, shall consist of a pint of cream taken by drawing the sediment tester once across the bottom diameter of the original container of cream simultaneously with the upstroke of the plunger. If the viscosity of the cream is such that dilution of the sample becomes necessary to enable forcing it through the filter disc, filtered water kept at a temperature of 130 - 180°F., or filtered water containing four (4) per cent sodium bicarbonate and kept at a temperature of 130 - 180°F. to neutralize acidity, may be used. If the two-stage quart sediment-testing gun is used, the pint sample of cream shall be drawn in first followed by the hot water or sodium bicarbonate solution as the case may be.

(bb) Sediment; Official Chart. The sediment test shall be classified according to the following standards and according to the official chart adopted by the commissioner:

Pad No. 1	clean	0.0 mg.
Pad No. 2		0.5 mg.
Pad No. 3		2.5 mg.
Pad No. 4		5.0 mg.
Pad No. 5		10.0 mg.

(3) Other Examination Procedures. In addition to the tests described above, each producer's cream shall be examined for visible foreign matter, abnormalities and for undesirable odors and flavors.

Agr 1202 Grading of Cream. All cream offered for sale and purchased for manufacturing purposes shall be purchased and paid for on the following grades, which shall be determined for each can of each delivery except in the case of sediment which shall be taken at least semimonthly.

(a) Grade One (sweet) Cream. Grade One (1) (sweet) cream shall consist of fresh, clean, fine-flavored cream, the acidity of which, calculated as lactic acid, at no time shall have exceeded .02 of one (1) per cent. It may have a slight feed flavor. The sediment from a can of cream selected at random shall not exceed 2.5 mg., as indicated by Pad No. 3; however, there shall be no evidence of rodent nor insect contamination.

(b) Grade Two Cream. Grade Two (2) cream shall consist of fresh, clean, fine-flavored cream, the acidity of which, calculated as lactic acid, exceeds .02 of one (1) per cent, but at no time shall have exceeded .05 of one (1) per cent. It may have a definite feed flavor and other off flavors such as bitter, smothered and heated, but only to a slight degree. The sediment from a can of cream selected at random shall not exceed 2.5 mg., as indicated by Pad No. 3; however, there shall be no evidence of rodent or insect contamination.

(c) Grade Three Cream. Grade Three (3) cream shall consist of cream that is too acid to grade as Grade Two (2) or contains off flavors such as old cream, utensil or bitter to a definite degree or weedy or musty only to a slight degree. The sediment from a can of cream selected at random shall not exceed 2.5 mg.,

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as indicated by Pad No. 3; however, there shall be no evidence of rodent nor insect contamination.

Agr 1203 Rejected Cream. Whenever cream is found to be Grade Three (3) by tests of four (4) consecutive deliveries, the cream becomes rejected for sale and no cream from such source shall be offered for sale thereafter for human consumption nor shall it be accepted by a purchaser until such sale or acceptance is authorized by the commissioner.

Agr 1204 Illegal Cream. Illegal cream is cream which has visible foreign material, is abnormal in any respect or which has a sediment test in excess of 2.5 mg., as indicated by Pad No. 3.

(a) Illegal Cream; Rejection. Purchasers of cream for manufacturing purposes shall reject all illegal cream immediately. They shall denature it by the addition of a harmless blue coal tar dye approved by the commissioner, shall affix to each can or container of illegal cream a rejection tag provided by the commissioner and shall indicate on the tag the reason for rejection. Under no circumstances shall such tags be removed from the can or container by the trucker, handler or any other person while such illegal cream is contained therein. Such illegal cream shall not be sold for human consumption.

(b) Illegal Cream; Sediment. If the random can of cream yields sediment in excess of 2.5 mg., as indicated by Pad No. 3, the remaining cans of that delivery of the producer's cream shall be tested. All cans yielding pads in excess of Pad No. 3 shall be declared illegal, shall be rejected, denatured, tagged and returned to the producer. In the case of such cream received by common carrier, it shall be destroyed immediately in lieu of denaturing, tagging and returning it to the shipper. An affidavit disclosing the reason for destroyal shall be mailed to the shipper.

(c) Illegal Cream; Sediment; Subsequent Deliveries. Thereafter, sediment tests shall be made of all the cans included in each subsequent delivery of said producer's cream until each can of cream in a delivery shows a sediment of 2.5 mg. or less, but testing shall continue for not more than four (4) consecutive deliveries. If, at the end of the fourth delivery, the producer's cream yields sediment in exceses of 2.5 mg., as indicated by Pad No. 3, the producer becomes a rejected patron and no cream from such producer shall be offered for sale thereafter for human consumption nor shall it be accepted by a purchaser, until such sale or acceptance is authorized by the commissioner.

Agr 1205 Price Differential Required

(a) Price Differential. All purchasers of cream or butterfat for manufacturing purposes shall maintain a price differential of not less than three (3) cents per pound of butterfat between Grade One (1) (sweet) cream and Grade Two (2) cream and a price differential of not less than eight (8) cents per pound of butterfat between Grade Two (2) cream and Grade Three (3) cream.

(b) Price Differential; Daily Payment; Posting. Each cream-buying station or dairy plant which makes daily payment for cream purchased shall post in a prominent place in the establishment the current daily price offered for each grade of cream.

Agr 1206 Payment Basis. The grade of cream paid for shall be based upon the quality and condition of the cream at the time of delivery to the dairy plant or cream station and the grade shall be one (1) of the established grades promulgated by the commissioner of agriculture.

Agr 1207 Reports and Records. All purchasers and receivers of cream for manufacturing purposes shall keep such records and make such reports as the commissioner may require.

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(a) Reports; Forms. All purchasers and receivers of cream for manufacturing purposes shall report to the commissioner, on forms furnished by him, the name and address of each patron whose cream has been rejected, in the manner provided in Regulation Agr 1207(b) together with such other information as the commissioner may require.

(b) Reports; Time Limit. Reports shall be submitted to the commissioner within 48 hours after the fourth consecutive delivery of Grade Three (3) cream has indicated the producer's cream to be reject cream and within 48 hours after the fourth consecutive delivery of illegal cream in the case of the producer who has become a rejected patron because of excessive sediment.

(c) Records, At Plant. Each purchaser of cream for manufacturing purposes shall maintain an accurate record of the test results used in determining grades purchased and shall record the grades paid for as well as the cream rejected on this same record. Such records shall be kept available for at least one (1) year from the time the determination is made.

(d) Reports to Producers. The purchaser shall notify the producers, at the time of payment, of the grade of cream being paid for by using the official grade designation, Grade One (1) (sweet), Grade Two (2) or Grade Three (3) as the case may be.

Agr 1208-1214 Reserved for future use

Agr 1215 Milk and Cream Trucks to be Sanitary and Enclosed. Exception. Every truck or other vehicle used for the transportation of milk or cream from farm to a receiving or processing plant shall be in a sanitary condition and shall be enclosed so as to protect the milk or cream from dust or other extraneous substances and from extreme heat or cold; provided, however, that this regulation shall not apply to farmers hauling their own milk or cream when such milk or cream is protected from dust or other extraneous substances and extreme heat or cold.

Agr 1216 Protection of Cans of Milk and Cream and Returned Clean Cans When Picked Up and Delivered at Roadside

(a) If the operator of the truck or other vehicle does not pick up the cans containing milk or cream from the cooling tank or milk house, but picks them up at the roadside, a structure shall be provided by the producer for protecting said cans of milk or cream from dust or other extraneous substances and from extreme heat or cold until picked up by the truck or other vehicle for hauling to the receiving or processing plant.

(b) When return cans are delivered to a roadside, the trucker shall place them in the structure provided therefor.

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CHAPTER 50: AGR 1221-1229

PRODUCERS; QUALITY RECORDS FOR MILK AND CREAM

Agr 1221 Licensed Purchaser to Maintain Quality Records One Year. Every licensed purchaser of milk and cream and butterfat shall maintain a record of all the quality tests made of milk and cream as required by Minnesota Statutes, Section 32.411, as amended and the rules and regulations promulgated by the commissioner of agriculture, for a period of at least one (1) year from the date of the test.

(a) Such record shall show the name and address of the producer and the patron's number assigned to him.

(b) The semi-monthly record shall show at least the day, month and year the test was made.

(1) Milk

(aa) Type of test. For example, Methylene Blue, Resazurin, Microscopic or other comparable test approved by the commissioner.

(bb) The result of the test.

(cc) Classification of milk sediment pad.

(dd) Grade of Milk.

(2) Cream

(aa) Classification of cream sediment pad.

(bb) Grade of cream. A monthly summary of the tests made as shown by the statement or statements given to the producer with his settlement checks showing the number of samples tested for grade and the number of samples in each grade.

(cc) The record delivered to the producer by the purchaser pursuant to Minnesota Statutes, Section 32.411, Subdivision 2, shall contain the information set forth in this regulation.

Agr 1222 Procedure When No Quality Record Is Available. A licensed purchaser who accepts milk or cream from a producer without receiving a copy of such producer's quality record for the three (3) months immediately preceding with the first delivery of milk or cream received shall make all quality tests required by law or promulgated by the commissioner and shall make and file with the commissioner a report of such patron's acceptance showing:

(a) Date first cream or milk received.

(b) Name and post office address of producer.

(c) Name and post office address of former licensed purchaser to whom deliveries were made during the three (3) months immediately preceding.

(d) Reason stated by producer for failure to deliver quality record as required by law.

(e) Results of quality tests of first four (4) deliveries:

(1)	Date of Quality Test	Kind of Test
1		
2		
3		
4		

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(2)	Results of Test	Grade Assigned
1		
2		
3		
4		

(f) Name and post office address of new licensed purchaser.

(g) _____
Signature of Owner, Operator or Manager

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Filed 11-29-55.

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CHAPTER 51: AGR 1230-1234

DAIRY PLANT MONTHLY REPORTS

Agr 1230 Monthly Report Required. Every dairy plant which purchases products containing milk fat from producers shall report such transactions each month on forms furnished him by the comissioner of agriculture which shall be substantially as follows:

C.E. 9-214

UNITED STATES DEPARTMENT OF AGRICULTURE
Statistical Reporting Service In Cooperation With

215

O. M. B. Number 40-R0034
Approval Expires 1-31-74
MINNESOTA
Department of Agriculture

DAIRY PLANT REPORT FOR MONTH OF MAY 1972

INSTRUCTIONS: This report is required from all dairy plants in Minnesota pursuant to Minnesota Statutes 1953, Chapter 32.19 as amended. Complete the report and mail in time to reach the Minnesota Department of Agriculture, 560 State Office Building, St. Paul, Minnesota 55101, as soon as possible but not later than the 25th of the month following operations reported. An official envelope which requires no stamp is enclosed for your use.

Both sides of this report must be filled out.

I HEREBY CERTIFY that the information given in this report is true and complete to the best of my knowledge and belief.

(Signature of manager)

(Signature of person preparing report)

Line No.	SECTION I - INTAKE Milk and Cream purchased during the month from all producers and/or production from own herd Item	Code No.	Quantity purchased Pounds	Code No.	Milkfat in milk or cream Pounds	Code No.	Total dollars paid 1/ Dollars
1	Whole milk, Grade A 2/ Bulk	0111		0112		0113	2/
2	Can	0111		0112		0113	2/
3	Whole milk, manufacturing grade Bulk	0211		0212		0213	
4	Can	0211		0212		0213	
5	Cream	0811		0812		0813	
6	Of the milk and cream reported above, how much was purchased from producers outside of Minnesota: Grade A milk	0121					
7	Manufacturing Grade milk	0221					
8	Cream			0822			

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Purchases from OTHER Plants and Receiving Stations in or out of Minnesota

	Item	Code No.	Quantity purchased Pounds	Code No.	Milkfat in milk or cream Pounds	Code No.	Total dollars paid Dollars
9	Cream (include whey cream)	0761		0762		0763	
10	Market Milk, Grade A	0161		0162		0163	
11	Manufacturing Milk	0261		0262		0263	
12	Skim milk (Nonfat Solids Pounds)	0461		0462		0463	
13	Buttermilk						
14							
15							
16							
17	TOTAL INTAKE MILKFAT AND DOLLARS (Sum of above, excluding line 8)						
18	Add beginning fat inventory						
19	Deduct closing fat inventory						
20	Net milkfat available for utilization						

1/ *Total dollars paid should be reported f.o.b. plant or your own receiving stations, whichever is the customary point for determining prices to producers. Show total before hauling costs are deducted, and include quality, quantity, bulk tank or any other premiums.*

2/ *Include all milk purchased as Grade A milk even though diverted to manufacturing.*

SECTION II – UTILIZATION OF MILK AND CREAM

Products Manufactured (Include all products manufactured in this plant, whether for own use or for sale and irrespective of source or ownership of raw materials.)

	Item	Code No.	Unit	Quantity	Milkfat content, if any	Total value
	FROZEN PRODUCTS					
21	Ice cream (include ice cream used in novelties)	5211	Gal.		Lb.	$
22	Ice milk and freezer-made milkshake (include ice milk used in novelties)	5221	Gal.		Lb.	$
23	Milk sherbet (include sherbet used in novelties)	5231	Gal.		Lb.	$
24	Other frozen dairy products (specify) _____ (_____ % milkfat)	5281	Gal.		Lb.	$
24a	Water ices	5500	Gal.			$
	MIX FOR FROZEN PRODUCTS					
25	Ice cream mix made (total for own use and for sale)	5110	Gal.		Lb.	$
26	Ice milk mix and milkshake mix made	5120	Gal.		Lb.	$
27	Milk sherbet mix made	5130	Gal.		Lb.	$

Over, please

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C.E. 9-214

UTILIZATION (Continued)

Line No.	Item	Code No.	Unit	Quantity	Milkfat content, if any	Total value
	NATURAL CHEESE					
28	American cheddar cheese	6110	Lb.			$
29	Other types of cheese (specify type) 3/		Lb.			$
30			Lb.			$
	COTTAGE CHEESE					
31	Cottage cheese curd made in this plant, including for own use and for sale	1910	Lb.			$
32	Cottage cheese, creamed (not less than 4% fat. Include production both from curd made in this plant and from curd received from other plants)	1920	Lb.			$
	PROCESSED CHEESE AND CHEESE FOODS					
33	Processed cheese (made from natural cheese)	7110	Lb.			$
34	Processed cheese foods, spreads and cold pack (exclude spreads made from Neufchatel and cream cheeses)	7120	Lb.			$
	CONDENSED OR EVAPORATED PRODUCTS					
35	Unsweetened (plain) condensed skim milk, bulk goods	3112	Lb.			$
36	Evaporated whole milk, case goods	3214	Lb.			$
37	Condensed whey	3500	Lb.			$
38	Other condensed products (specify products & give quantity separately) 4/					$
39						$
	DRY PRODUCTS					
40	Nonfat dry milk for human food (spray process)	4211	Lb.			$
41	Nonfat dry milk for human food (roller process)	4212	Lb.			$
42	Nonfat dry milk for animal feed (dry skim milk)	4220	Lb.			$
43	Dry whole milk (26% fat)	4110	Lb.			$
44	Other dry milk products containing milkfat (specify fat content _____%)		Lb.			$
45	Dry buttermilk (total, including for human food and animal feed)	4310	Lb.			$
46	Dry whey (human food)	4821	Lb.			$
47	Dry whey (animal feed)	4822	Lb.			$
	OTHER PRODUCTS					
48			Lb.			$
49			Lb.			$
50	Total Utilization of milkfat in manufacturing, excluding butter 5/		Lb.			$

3/ Includes Brick, Italian, Blue Mold, etc.
4/ Exclude all bulk condensed milk produced for canning in own plant(s) or transferred to other plants for canning. (Enter such quantity in line 59-65.)
5/ Include with totals of lines 66 and 76 for reconciliation on line 80.

Milk and Cream Sales and Shipments

Line No.	Item	Code No.	Unit	Quantity	Milkfat content, if any	Total value
	Plant Retail and Wholesale Sales:					
51	Milk, Packaged, Grade A (including dispenser milk)	1119	Lb.			$
52	Milk, Packaged, Other (including dispenser milk)	1189	Lb.			$
53	Cream, Packaged	1519	Lb.			$
54	Other fluid products	1809	Lb.			$
	Shipments to other plants in Minnesota:					
55	Bulk Grade A wholemilk	0171	Lb.			$
56	Bulk Manufacturing Grade Wholemilk	0271	Lb.			$
57	Bulk Cream	0771	Lb.			$
58	Skim milk	0471	Lb.			$
59	Buttermilk or other (specify _____)		Lb.			$
	Shipments to other plants outside Minnesota:					
60	Bulk Grade A Wholemilk	0181	Lb.			$
61	Bulk Manufacturing Grade Wholemilk	0281	Lb.			$
62	Packaged Milk		Lb.			$
63	Bulk Cream	0781	Lb.			$
64	Skim milk	0481	Lb.			$
65	Buttermilk or other (specify _____)		Lb.			$
66	Total Utilization of milkfat in milk and cream sales and shipments		Lb.			

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SECTION III - BUTTER SALES AND OVERRUN COMPUTATION

Butter Sales

	Item	Quantity	Net price per pound	Net amount received
67	Butter shipped	Lb.	¢	$
68	Butter sold locally (include patrons)	Lb.	¢	$
69	Add: Inventory, end of month	Lb.	¢	$
70	Total	Lb.		$
71	Deduct: Inventory, beginning of month	Lb.	¢	$
72	Total	Lb.		$
73	Deduct: Butter purchased for resale	Lb.	¢	$
74	Total Butter Manufactured	Lb.		$

Computation of Overrun

		Code	Unit	
75	Pounds of Butter manufactured	2100	Lb.	
76	Pounds of milkfat churned		Lb.	
77	Pounds of Overrun (gain from fat churned)		Lb.	
78	Percent of Overrun		%	

Reconciliation

79	Total milkfat to account for (line 20)	
80	Milkfat accounted for (lines 50, 66, 76)	
81	Shrinkage (not accounted for)	
82	Overage (excess accounted for)	

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Filed 11-7-55.

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CHAPTER 52: AGR 1235-1244

PROCEDURAL RULES FOR DAIRY PLANT LICENSE REVOCATION

Agr 1235 Cause for Hearings. When the commissioner is in possession of information that any person licensed under Minnesota Statutes Section 32.09 has been convicted of violation of any law of this state relating to the purchase, sale or handling of dairy products or any rule or regulation of the commissioner made and promulgated under the provisions of law or has continued in a course of conduct which deceives or defrauds producers or consumers, the commissioner may issue an order requiring such licensee to show cause why his license should not be revoked.

Agr 1236 Notice Required. A copy of such order to show cause shall be served on all persons entitled to be informed in accordance with Minnesota Rule of Civil Procedure and shall state:

(a) Time and place of hearing which shall be not less than 10 or more than 30 days from the date of such order.

(b) The legal authority and jurisdiction under which the hearing is to be held.

(c) The matters of fact and law asserted.

Agr 1237 Hearing to Establish Facts; Procedure

(a) The hearing by the commissioner shall be held in such a manner as to establish all pertinent facts bearing on the question of licensee's qualifications to retain a license.

(b) The licensee shall appear in person if an individual or partnership; if a corporation, by the officers and employees having responsibility for management control of the operations. Any person compelled to appear in person before the commissioner shall be accorded the right to be accompanied, represented and advised by counsel. When licensee is represented and advised by counsel the name and address of such counsel shall be noted on the record and service of all orders upon such counsel shall be service upon the licensee.

(c) So far as the orderly conduct of public business permits, any interested person may appear before the commissioner or responsible employees of the Department of Agriculture, for presentation, adjustment or determination of any issue or controversy in connection with the order to show cause.

Agr 1238 Evidence to be Acceptable

(a) Any oral or documentary evidence may be received, but the commissioner shall as a matter of policy provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence and no order shall be issued except upon consideration of the whole record or such portions thereof as may be cited by any party.

(b) The commissioner may take notice of judiciously cognizable facts and in addition may take notice of general, technical or scientific facts within his specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material so noticed and they shall be afforded an opportunity to contest the facts so noticed.

Agr 1239 Record to be Taken. The official record of all proceedings and testimony before the commissioner shall be taken by the official reporters at the expense of the state and transcript will be furnished upon application at expense of applicant.

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Agr 1240 Findings; Order; Conclusions

(a) Informal disposition, with the approval of the commissioner, may also be made of any contested case by stipulation, agreed settlement, consent order or default.

(b) After the hearing the commissioner shall enter his order vacating such order to show cause or suspending the license for a fixed period or revoking the license as the facts require.

(c) Such order shall become a part of the record and include a statement of findings and conclusions, upon all the material issues of fact, law or discretion presented on the record and the appropriate order of the commission.

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Filed 12-19-55.

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CHAPTER 53: AGR 1245-1265

STANDARD BABCOCK TEST AND ALTERNATIVE TESTS

Agr 1245 Apparatus

(a) Test Bottles. The standard Babcock test bottles for milk and cream shall be as follows:

(1) Eight (8) per cent, 18-gram, 6-inch milk test-bottle.

(2) Fifty (50) per cent, 9-gram, short neck, 6-inch cream-test bottle.

(3) Fifty (50) per cent, 9-gram, long neck, 9-inch cream-test bottle.

(4) Fifty (50) per cent, 18-gram, long neck, 9-inch cream-test bottle.

The following descriptions apply to (1), (2), (3) and (4) above:

(1) Eight (8) per cent, 18-gram, 6-inch milk-test bottle. The total height of the bottle shall be 150-165 mm. (5.9-6.5 inches). The bottom of the bottle shall be flat and the axis of the neck shall be vertical when the bottle stands on a level surface. The charge of milk for the bottle shall be 18 grams.

(aa) Bulb. The capacity of the bulb to the junction with the neck shall be not less than 45 cc. The shape of the bulb shall be either cylindrical or conical. If cylindrical, the outside diameter shall be between 34 and 36 mm.; if conical, the outside diameter of the base shall be between 31 and 33 mm. and the maximum diameter between 35 and 37 mm.

(bb) Neck. The neck shall be cylindrical and of uniform diameter from at least five (5) mm. below the lowest graduation mark to at least five (5) mm. above the highest. The top of the neck shall be flared to a diameter of not less than 10 mm. The graduated portion of the neck shall have a length of not less than 63.5 mm. The total per cent graduation shall be eight (8). The graduations shall represent whole per cent, .05 per cent and .01 per cent, respectively, from 0.0 to 8.0 per cent. The tenths per cent graduations shall be not less than three (3) mm. in length; the .05 per cent graduations shall be not less than four (4) mm. in length and shall project one (1) mm. to the left; the whole per cent graduations shall extend at least half way around the neck to the right and shall project at least two (2) mm. to the left of the tenths per cent graduations. Each whole per cent graduation shall be numbered, the number being placed to the left of the scale. The capacity of the neck for each whole per cent on the scale shall be 0.20 cc. The maximum error of the total graduation or any part thereof shall not exceed the volume of the smallest unit of the graduation.

(2) Fifty (50) per cent, 9-gram, short neck, 6-inch cream-test bottle. The total height of the bottle shall be 150-165 mm. (5.9-6.5 inches). The bottom of the bottle shall be flat and the axis of the neck shall be vertical when the bottle stands on a level surface. The charge of cream for the bottle shall be nine (9) grams.

(aa) Bulb. The capacity of the bulb to the junction with the neck shall be not less than 45 cc. The shape of the bulb shall be either cylindrical or conical. If cylindrical the outside diameter shall be between 34 and 36 mm. if conical, the outside diameter of the base shall be between 31 and 33 mm. and the maximum diameter between 35 and 37 mm.

(bb) Neck. The neck shall be cylindrical and of uniform diameter from at least five (5) mm. below the lowest graduation mark to at least five (5) mm. above the highest. The top of the neck shall be flared to a diameter of not less than 15 mm. The graduated portion of the neck shall have a length of not less than 63.5 mm. The total per cent graduation shall be 50. The graduations shall represent five (5) per cent , one (1) per cent and ½ per cent, respectively, from 0.0 to 50 per cent. The five (5) per cent graduations shall extend at least halfway around the neck to the right; the ½ per cent graduations shall be not less

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than three (3) mm. in length; the one (1) per cent graduations shall be intermediate in length between the five (5) per cent and the ½ per cent graduations and shall project two (2) mm. to the left of the ½ per cent graduations. Each five (5) per cent graduation shall be numbered (thus: 0, 5, 10—45, 50), the number being placed to the left of the scale. The capacity of the neck for each whole per cent on the scale shall be 0.1 cc. The maximum error in the total graduation or any part thereof shall not exceed the volume of the smallest unit of the graduation.

(3) Fifty (50) per cent, 9-gram, long neck, 9-inch cream-test bottle. The same specifications shall apply to this bottle as to the 50 per cent, 9-gram, 6-inch cream-test bottle, with the exceptions, however, that the total height of this bottle shall be 210-299 mm. (8.25-9.0 inches), and that the graduated portion of the neck shall have a length of not less than 120 mm.

(4) Fifty (50) per cent, 18-gram, long neck, 9-inch cream-test bottle. The same specifications shall apply to this bottle as to the 50 per cent, 9-gram, 9-inch cream-test bottle, with the exception, however, that the charge of cream for this bottle shall be 18 grams.

(5) Each bottle shall bear on the top of the neck above the graduation, in plain legible characters, a mark denoting the weight of the charge to be used, viz., "9 gms." or "18 gms.", as the case may be.

(6) Each bottle shall be constructed of necessary strength to withstand the stress to which it will be subjected in the centrifuge.

(7) The mercury and cork, alcohol and burette and alcohol and brass plunger methods may be employed for the rapid testing of the bottles, but the accuracy of any questionable bottle shall be determined by calibration with mercury (13.5471 grams of clean, dry mercury at 20°C., to be equal to five (5) per cent on the scale of an 18-gram bottle and 10 per cent on the scale of a 9-gram bottle), the bottle being previously filled to zero with mercury.

(b) Pipette. The standard milk pipette shall be as follows:

(1) Total length; not more than 330 mm.

(2) Outside diameter of suction tube; 6-8 mm.

(3) Length of suction tube; 130 mm.

(4) Outside diameter of delivery tube; 4.5-5.5 mm.

(5) Length of delivery tube; 100-120 mm.

(6) Distance of graduation mark above bulb; 15-45 mm.

(7) Nozzle; straight.

(8) Graduation; to contain 17.6 cc. of water at 20°C., when the bottom of the meniscus coincides with the mark on the suction tube.

(9) Delivery in 5-8 seconds.

(10) The maximum error in graduation shall not exceed 0.05 cc.

(11) The pipette is to be marked, "Holds 17.6 cc".

(12) The pipette shall be tested by measuring from a burette the volume of water (at 20°C.) which it holds up to the graduation mark.

(c) Acid Measure. The device employed to measure sulphuric acid, whether a graduated cylinder or the pipette attached to a Swedish acid bottle, shall be graduated to deliver 17.5 cc.

(d) Cream Weighing Scales. The standard cream scales shall have a sensibility reciprocal of 30 mg., i.e., the addition of 30 mg. to either pan of the scales, when loaded to capacity, shall cause a deflection of the pointer of at least one (1) division on the graduation. The scales shall be set level upon a stable support and be protected from drafts.

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(e) Weights. The standard cream test weights shall be nine (9) grams and 18 grams, respectively and shall be plainly marked "9 gm." or "18 gms.", as the case may be. They shall be made of material capable of resisting corrosion or other injury, shall preferably be of a low, squat shape, with rounded edges and shall be verified at frequent intervals by comparison with standardized weights.

(f) Centrifuge or "Tester". The standard centrifuge shall be constructed throughout and so mounted as to be capable, when filled to capacity, of rotating at the necessary speed with a minimum of vibration and without liability of causing injury or accident. It shall be securely fastened to a level, vibration-free foundation and operated by electrical power. It shall be heated electrically or otherwise to a temperature of at least 55°C. (130°F.) during the process of centrifugation. It shall be provided with a speed indicator, permanently attached, if possible. The proper rate of rotation may be ascertained by reference to the table below. By "diameter of wheel" is meant the distance between the inside bottoms of opposite cups measured through the center of rotation of the centrifuge wheel while the cups are horizontally extended.

Diameter of Wheel in Inches							
10	12	14	16	18	20	22	24
Number of Revolutions per Minute							
1,074	980	909	848	800	759	724	693

(g) Dividers or calipers. Dividers or calipers, for measuring the fat column shall be provided.

(h) Water Bath for Milk and Cream Samples. A water bath equipped with a thermometer and a temperature controlling device shall be provided for adjusting the temperature of milk and cream samples to and maintaining it at 90° - 100°F. (32° - 38°C.).

(i) Water Baths for Test Bottles

(1) Water baths shall be provided for adjusting the temperature of test bottles to and maintaining it at 130° - 140°F. (55° - 60°C.) until the test is read.

(2) The water bath shall be large enough to accommodate as many bottles as may be tested at one (1) time and deep enough to bring the water level above the level of the milk fat in the test bottle.

(3) The water bath shall be provided with an accurate thermometer and means for maintaining automatically a temperature from 130° to 140° F. (55° - 60°C.).

Agr 1246 Chemicals

(a) Commercial Concentrated Sulphuric Acid. Commercial concentrated sulphuric acid, of specific gravity 1.82-1.83 at 20°C. (68°F.).

(b) Glymol. Glymol or clear, white mineral oil, of specific gravity not to exceed 0.85 at 20°C. (68°F.). Oil-soluble artificial color may be added to the oil.

Agr 1247 Collection and Preparation of Samples

(a) Milk. The quantity of sample required will depend upon the number of determinations to be made. For the usual analysis collect 250-500 cc. (½-1 pint) of sample; for the fat determination only, 50-60 cc. (approximately 2 fl. oz.) will suffice.

(1) In the case of bottled milk collect one (1) or more bottles as prepared for sale. In sampling bulk milk thoroughly mix by pouring from one (1) clean vessel to another. Where this procedure is impracticable, thoroughly stir the milk

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for at least ½ minute with a suitable appliance long enough to reach to the bottom of the container. If cream has formed on the milk, continue the mixing until all cream is detached from the sides of the vessel and evenly emulsified throughout the liquid.

(2) Place the samples in nonabsorbent, air-tight containers and keep them in the cold, but at a temperature above freezing, until ready for examination. When transported by mail, express or otherwise, the containers should be completely filled, tightly stoppered and marked for identification. A necessary quantity of preservative (corrosive sublimate, potassium dichromate or formaldehyde) may be used, except where the presence of the preservative may be objectionable in connection with physical or chemical tests to be applied in addition to the determination of fat.

(3) Before withdrawing portions for analytical determinations, bring the sample to a temperature of 15° - 20°C. (56° - 68°F.) and mix thoroughly by pouring into a clean receptacle and back until a homogenous mixture is assured. If lumps of cream do not completely disappear, warm the sample to about 38°C. (100°F.), mix thoroughly, then cool to 15° - 20°C. (56° - 68°F.). In case a measured volume is required in a determination, bring the temperature of the sample to 20°C. (68°F.) before pipetting.

(b) Cream

(1) The same instructions regarding collection of cream samples and use of preservative therein apply as given under Regulation Agr 1537(a) Milk.

(2) Immediately before withdrawing portions for the determinations, mix the sample by shaking, pouring or stirring, until it pours readily and a uniform emulsion has been secured. If the sample is very thick, warm it to 30° - 35°C. (approx. 85°F.) and then mix. In case lumps of butter have separated, heat the sample to 38°C. (100°F.) or, if necessary, to 50°C. (112°F.) by placing in a warm water bath. Mix thoroughly and weigh immediately the portions for analysis. In commercial testing for fat by the Babcock method, it may be advisable to warm all samples to 38° - 50°C. (100° - 122°F.) in a water bath previous to mixing. Care must be exercised to avoid overheating the sample, thereby causing the cream to "oil off". This precaution is especially necessary in the case of thin cream.

Agr 1248 Determination of Fat

(a) Milk

(1) Transfer 18 grams of milk from the properly prepared sample to the milk-test bottle by means of the pipette. The milk remaining in the pipette tip after free outflow has ceased shall be blown out.

(2) Add 17.5 cc. of sulphuric acid, preferably not all at one time, pouring it down the side of the neck of the bottle in such a way as to wash any traces of milk into the bulb. The temperature of the acid shall be about 15° - 20°C. (56° - 68°F.).

(3) Shake until all traces of curd have disappeared; then transfer the bottle to the centrifuge; counter-balance it; and, after the proper speed has been attained, whirl five (5) minutes.

(4) Add soft water at 60°C. (140°F.) or above, until the bulb of the bottle is filled.

(5) Whirl two (2) minutes.

(6) Add hot water until the liquid column approaches the top graduation of the scale.

(7) Whirl one (1) minute longer at a temperature of 55° - 66°C. (30° - 140°F.).

(8) Transfer the bottle to the warm water bath maintained at a temperature

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of 130° - 140°F., immerse it to the level of the top of the fat column and leave it there until the column is in equilibrium and the lower fat surface has assumed a final form.

(9) Remove the bottle from the bath; wipe it and with the aid of dividers or calipers, measure the fat column, in terms of percentage by weight, from its lower surface to the highest point of the upper meniscus.

(b) Cream. Weigh nine (9) grams or 18 grams, as the case may be, of the prepared sample, directly into an appropriately marked cream-test bottle counterpoised on the weighing scales, then follow one (1) of the following methods:

(1) Method.

(aa) After the cream has been weighed into the test-bottle, add 8-12 cc. of the sulphuric acid, in the case of the 9-gram bottle or 14-17 cc. of the acid, in the case of the 18-gram bottle or add acid until the mixture of cream and acid, after shaking, has assumed a chocolate-brown color.

(bb) Shake until all lumps have completely disappeared; then add 5-10 cc. of soft water at 60°C. (140°F.) or above.

(cc) Transfer the bottle to the centrifuge; counter balance it; and after the proper speed has been attained, whirl five (5) minutes.

(dd) Add hot water until the liquid column approaches the top graduation of the scale; then whirl one (1) minute longer at a temperature of 55° - 60°C. (130° - 140°F.).

(ee) Adjust the temperature, as directed under (a)(8) Milk and with the aid of dividers or calipers, measure the fat column, in terms of percentage by weight, from its lower surface to the bottom of the upper meniscus.

(2) Method 2 (for 9-gram bottle only)

(aa) After the cream has been weighed into the test bottle, add nine (9) cc. of soft water and thoroughly mix; then add 17.5 cc. of surphuric acid and shake until all lumps have completely disappeared.

(bb) Transfer the bottle to the centrifuge; counterbalance it; and after the proper speed has been attained, whirl five (5) minutes.

(cc) Fill the bottle to the neck with hot water and whirl two (2) minutes.

(dd) Add hot water until the liquid column approaches the top graduation of the scale; then whirl one (1) minute longer at a temperature of 55° - 60°C. (130° - 140°F.).

(ee) Adjust the temperature and measure the fat column as directed in Method 1, (a)(8).

(3) If glymol is used, a few drops only should be introduced into the bottle just before the reading is made; it must not be dropped in, but must be allowed to flow down the side of the neck. The surface separating the glymol and the fat is to be regarded as representing the upper limit of the column for purpose of measurement.

(4) Whichever method is followed, the fat column, at the time of measurement, should be translucent or a golden yellow to amber color and free from visible suspended particles. Reject all tests in which the fat column is milky or shows the presence of curd or of charred matter or in which the reading is indistinct or uncertain.

Agr 1249 Milk and Cream Samples for Babcock and Alternative Tests

(a) The word "sample" and words "composite sample" and "stratified random sample" as used in this Chapter shall have the following meanings:

(1) Sample (unqualified) is hereby defined as consisting of a representative portion of any one delivery of milk or cream by a person, partnership, association, firm or corporation.

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(2) Composite sample is herein defined as consisting of representative portions of a series of deliveries of milk or cream by a person, partnership, association, firm or corporation.

(3) Stratified random sample is hereby defined as a sample meeting all requirements for a fresh milk sample as described in Agr 1249(a)(1) of this chapter except that testing shall be performed once during each of four approximately equal sampling periods determined:

(aa) By dividing the number of days in a month by four.

(bb) By selecting one day at random from each such period, and

(cc) By using the sample taken that day for the tests used to determine the basis for payment for the milk purchased.

(b) All persons, partnerships, associations, firms or corporations operating creameries, cream stations, cheese factories, renovating or process butter factories, condenseries or plants manufacturing dried milk products in this state buying or receiving milk or cream on the basis of the amount of butterfat contained therein, and who make daily payment or do credit account daily for each container or number of containers, delivered by same person, partnership, association, firm or corporation, shall before emptying each container or a number of containers, delivered by same person, partnership, association, firm or corporation, of any part of the milk or cream received therein and before adding any other substance thereto, thoroughly mix the entire contents thereof and procure therefrom by the use of a thoroughly cleaned and dried sampling device, a representative sample of which not less than two (2) ounces shall be immediately transferred to a thoroughly cleaned and dried sample jar or bottle, properly and securely fitted with such a cover as will prevent the escape of any of the content thereof.

(1) All samples of milk or cream so taken shall be indelibly labeled, marked or numbered to correspond with a record kept with the net weight of milk or cream, the percentage and amount of butterfat credited as being present in each container received and the amount of money paid for same.

(2) Except that in case more than one (1) container is used by the owner or owners in the delivery of a quantity of milk or cream, the entire contents, but only the original contents of such containers may be emptied into a tank or vat free from any other substance, where it shall be thoroughly mixed and a representative sample of not less than two (2) ounces procured, transferred to a sample jar or bottle and labeled to correspond with a record kept as herein provided.

(3) All samples shall be protected from extremes of temperature, shall be stored at 32°-40° F. (0°-5° C.) and shall be retained until three (3) o'clock of the day taken, except that samples taken after three (3) o'clock shall be retained until three (3) o'clock of the following day.

(4) Samples taken after three (3) o'clock on Saturday or on a day preceding a holiday shall be retained until three (3) o'clock of the following Monday or day following holiday.

(5) All receptacles containing such samples shall not be opened until retained for the period specified except by the commissioner of agriculture, his deputy or legal agent who may take and submit these samples to the laboratory of the department of agriculture for the purpose of determining the percentage of butterfat contained therein.

(c) All persons, partnerships, associations, firms or corporations operating creameries, cream stations, cheese factories, renovating or process butter factories, condenseries or plants manufacturing dried milk products in this state buying or receiving milk or cream on the basis of the amount of butterfat contained therein and which percentage and amount of butterfat is determined by means of a composite sample, shall before emptying each container or a number

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of containers, delivered by the same person, partnership, association, firm or corporation of any part of the milk or cream received therein and before adding any other substance thereto, thoroughly mix the entire contents thereof and procure therefrom by the use of a thoroughly cleaned and dried sampling device, a representative sample which shall be immediately transferred to a thoroughly cleaned and dried sample jar or bottle, properly and securely fitted with such a cover as will prevent the escape of any of the contents thereof.

(1) All samples of milk or cream so taken shall be indelibly labeled, marked or numbered to correspond with a record kept of the net weight of milk or cream.

(2) Representative samples shall be taken in the same manner each time milk or cream is delivered and each sample shall be added to those previously taken, care being taken that each person, partnership, association, firm or corporation has its sample placed in its sample jar or bottle.

(3) When such a composite sample has been completed, it shall consist of not less than two (2) ounces of milk or cream and then on the completed composite sample the percentage and amount of butterfat shall be determined and a record shall be kept of the total amount of milk or cream that has been received from each series of containers or number of containers and the percentage and amount of butterfat contained therein as determined from the composite sample, and the amount of money paid for same.

(4) Except that in case more than one (1) container is used by the owner or owners in the delivery of a quantity of milk or cream, the entire contents, but only the original contents of such containers may be emptied into a tank or vat free from any other substance, where it shall be thoroughly mixed and a representative sample procured and transferred to a sample jar or bottle and labeled to correspond with a record kept as herein provided.

(5) Representative samples shall be taken of such deliveries in the same manner as herein provided and the composite sample completed and its percentage and amount of butterfat determined as herein provided.

(6) All composite samples shall be protected from extremes of temperature, shall be stored at 32°-40° F. (0°-5° C.) and shall be retained for one week after the composite sample has been tested.

(7) All receptacles containing such composite samples, after they have been once tested to determine their percentage and amount of butterfat, shall not be opened again until retained for the time specified, except by the commissioner of agriculture, his deputy or legal agent, who may take and submit these samples to the laboratory of the department of agriculture for the purpose of determining the precentage of butterfat contained therein.

(8) The period for collecting composite samples for butterfat testing shall not exceed 16 days. The composite samples shall be tested for butterfat within three (3) days after the end of the compositing period excluding Sundays and legal holidays. Composite milk and cream samples shall not be removed from the dairy plant or taken out on the milk routes unless authorization is obtained from the commissioner of agriculture.

(d) All milk and cream sold, offered or exposed for sale or being transported for the purpose of manufacture, shall be delivered to the creamery, cream station or plant in the producer's can or container before the milk or cream is sampled, weighed, graded and transferred except when delivery is by bulk pickup.

Agr 1250 Alternative Tests. The following test mthods are accepted by the commissioner as being equivalent to the Babcock Test for fat in milk and fluid milk products as specified in each method described:

(a) The Milko Test method for measuring fat in raw milk as described in

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the Journal of the Association of Official Analytical Chemists, Volume 52, 1969, page 395, provided, that:

(1) Samples are collected and handled as prescribed in this chapter; and provided further that

(2) The Milko Tester is calibrated with fresh milk samples if fresh milk is to be tested and with preserved composite milk samples if preserved composite milk is to be tested, the fat content of said fresh or preseved composite samples used in the calibration first having been determined by the Standard Bacock Test or is calibrated by using a stock solution prepared for this purpose in accordance with the method published by the Association of Official Analytical Chemists.

(b) The Roese-Gottlieb Test (Mojonnier adaptation) as described in the Methods of Analysis, Association of Official Analytical Chemists, 10th edition, 1965.

(c) The Gerber Test as described in Standard Methods for the Examination of Dairy Products, 12th edition, 1967, published by the American Public Health Association, Inc., 1740 Broadway, New York, N.Y. 10019.

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CHAPTER 54: AGR 1266-1289

FROZEN DAIRY FOODS; DEFINITIONS; STANDARDS OF IDENTITY; LABELING; PROCESSING; BACTERIAL AND COLIFORM COUNTS

Agr 1266 Ice Cream; Identity; Label Statement of Optional Ingredients

(a) Ice cream is the food prepared by freezing, while stirring, a pasteurized mix composed of one (1) or more of the optional dairy ingredients specified in paragragh (c) of this section sweetened with one (1) or more of the optional sweetening ingredients specified in paragraph (d) of this section. One (1) or more of the optional characterizing ingredients specified in paragraph (b) of this section and one or more of the optional ingredients specified in paragraph (d)(5) to (10) may be used to characterize the ice cream. One (1) or more of the optional caseinates specified in paragraph (e) and one (1) or more of the optional ingredients specified in paragraph (f) of this section may be used, subject to the conditions hereinafter set forth. The mix may be seasoned with salt, and may be homogenized. The kind and quantity of optional dairy ingredients used as specified in paragraph (c) of this section, and the content of milk fat and nonfat milk solids therein, are such that the weights of milk fat and total milk solids are not less than 10 per cent and 20 per cent, respectively, of the weight of the finished ice cream; but in no case shall the content of milk solids not fat be less than six (6) per cent, except that when one (1) or more of the bulky optional ingredients as specified in paragraph (b)(3) to (8), inclusive, of this section, are used, the weights of milk fat and total milk solids (exclusive of such fat and solids in any malted milk used) are not less than 10 per cent and 20 per cent, respectively, of the remainder obtained by subtracting the weight of such optional ingredients, modified as prescribed below, from the weight of the finished ice cream; but in no case is the weight of milk fat or total milk solids less than eight (8) per cent and 16 per cent, respectively, of the weight of the finished ice cream. The optional caseinates specified in paragraph (e) of this section are not deemed to be milk solids. In calculating the reduction of milk fat and total milk solids from the use of bulky optional ingredients, chocolate and cocoa solids used shall be considered the bulky ingredients of paragraph (b)(3) of this section. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon. Artificial flavoring in any chocolate, cocoa, confectionery, or other ingredient used is an optional ingredient of the finished ice cream. Coloring, including artificial coloring, may be added.

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

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

(2) Artificial food flavoring.

(3) Chocolate or cocoa, which may be added as such or as a suspension in sirup, and which may contain disodium phosphate or sodium citrate in such quantity that the finished ice cream contains not more than 0.2 per cent by weight of disodium phosphate or sodium citrate. For the purposes of this section, the term "cocoa" means one (1) or any combination of two (2) or more of the following: Cocoa, breakfast cocoa, lowfat cocoa, and the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.

(4) Mature fruit or the juice of mature fruit, either of which may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be whole, shredded, or comminuted; it may be sweetened, thickened with pectin or with one (1) or more of the ingredients named in paragraph (f)(2) of this

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section, subject to the restriction on the total quantity of such substances in ice cream prescribed in that paragraph, and it may be acidulated with citric acid, ascorbic acid, or phosphoric acid. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. In the case of fruit or fruit juice from which part of the water is removed, the substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of the citrus fruits the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juice, coldpressed citrus oil may be added in an amount not exceeding that which would have been obtained if the peel from the whole fruit had been used. For the purposes of this section, the flesh of the coconut shall be considered a fruit.

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

(6) Malted milk.

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

(8) Properly prepared and cooked cereal.

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

(c) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 per cent, has a titratable acidity of not more than 0.17 per cent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any concentrated cheese whey and dried cheese whey used contribute not more than 25 per cent by weight of the total nonfat milk solids content of the finished food. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and as adjusted with water to a total solids content of 6.5 per cent, a titratble acidity of not more than 0.16 per cent, calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 per cent, a titratable acidity of not more than 0.18 per cent, calculated as lactic acid. The modified skim milk, when adjusted with water to a total solids content of nine (9) per cent, is substantially free of lactic acid as determined by titration with 0.1N NaOH and it has a pH value in the range of 8.0 to 8.3.

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

(1) Sugar (sucrose) or sugar sirup.

(2) Dextrose.

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(3) Invert sugar (in paste or sirup form).

(4) Corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.

(5) Maple sirup, maple sugar.

(6) Honey.

(7) Brown sugar.

(8) Malt sirup, maltose sirup, malt extract.

(9) Dried malt sirup, dried maltose sirup, dried malt extract.

(10) Refiner's sirup.

(11) Molasses (other than blackstrap).

(12) Lactose.

(13) Fructose.

(e) The optional caseinates referred to in paragraph (a) of this section which may be added to ice cream mix containing not less than 20 per cent total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali.

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

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, and dried egg yolks. Any egg ingredient used is added to the mix before it is pasteurized. The total weight of egg yolk solids in the finished ice cream from one (1) or a combination of two (2) or more such ingredients is less than the minimum prescribed for frozen custard by Regulation Agr 1267 of this chapter (1.4 per cent).

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

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

(4) Polyoxethylene (20) sorbitan tristearate, polysorbate 80, or both (complying with the provisions of § 121.1008 and § 121.1009 of Chapter 4, Federal Food, Drug and Cosmetic Act, including the limit on either used separately or both used in combination of not more than 0.1 per cent by weight of the finished frozen dessert).

(5) Propylene glycol alginate (complying with the provisions of § 121.1015 of Chapter 4, Federal Food, Drug and Cosmetic Act, including the limit of not more than 0.5 per cent by weight of the finished frozen desert).

(6) Microcrystalline cellulose, in a quantity not to exceed 1.5 per cent by weight of the finished frozen dessert.

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(7) When one or more of the optional thickening ingredients in subparagraph (2) or (5) of this paragraph are used, dioctyl sodium sulfosuccinate complying with the requirements of the Code of Federal Regulations Section 121.1137, Federal Food and Drug Administration Regulations, may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients.

(8) Neutral and Alkaline Mineral Salts

(aa) Sodium citrate, disodium phosphate, tetrasodium pyrophosphate, sodium Hexametaphosphate, or any combination of two or more of these; but the total quantity of the solids of such ingredients (exclusive of any disodium phosphate or sodium citrate present in chocolate or cacao, as permitted by paragraph (b) (3) of the regulation) is not more than 0.2 per cent by weight of the finished ice cream.

(bb) Calcium oxide, magnesium oxide, calcium hydroxide, magnesium hydroxide, or any combination of two or more of these; but the total quantity of the solids of such ingredients is not more than 0.04 per cent of the weight of the finished ice cream.

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

(2) (aa) If the food contains no artificial flavor, the label shall bear the common or usual name of the characterizing flavor, e.g., "vanilla", in letters not less than ½ the height of the letters used in the name of the food.

(bb) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the label shall bear wherever the name of the food appears so conspicuously as to be easily seen under customary conditions of purchase, the common name of the characterizing flavor, in letters not less than ½ the height of the letters used in the name of the food, followed by the word "flavored", in letters not less than ½ the height of the letters in the name of the characterizing flavor, e.g., "VANILLA flavored" or "PEACH flavored" or "VANILLA flavored and STRAWBERRY flavored".

(cc) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone, the label shall bear, wherever the name of the food appears so conspicuously, as to be easily seen under customary conditions of purchase, the common name of the characterizing flavor, in letters not less than ½ the height of the letters used in declaring the name of the food, preceded by "artificial" or "artificially flavored" in letters not less than ½ the height of the letters in the name of the characterizing flavor, e.g., "artificial VANILLA" or "artificially flavored STRAWBERRY" or "artificially flavored VANILLA and artificially flavored STRAWBERRY".

(3) If the food is subject to the requirements of subparagraph (2) (bb) of this paragraph or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial _____ flavor added", the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it. Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this subparagraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than one (1) pint, not less than 8-point on packages containing at least one (1) pint but less than ½ gallon, not less than 10-point on packages containing at least ½ gallon but less than one (1) gallon, and not less than 12-point on packages containing one (1) gallon or over; **Provided,** however, that where the characterizing flavor and a trade mark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trade mark or brand, may intervene if the required words are in such relation-

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ship with the trade mark or brand as to be clearly related to the characterizing flavor; and **provided further,** that if the finished product contains more than one (1) flavor of ice cream subject to the requirements of this subparagraph, the statements required by this subparagraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "VANILLA flavored, CHOCOLATE and STRAWBERRY flavored, artificial flavors added".

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor".

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(aa) In the case of vanilla beans or vanilla extract used in combination with vanillin, if the amount of vanillin used is greater than one (1) ounce per 13.35 ounces of vanilla beans or than one (1) unit of vanilla constitutent, as that term is defined in § 22.1(c) of Chapter 4, Federal Food, Drug and Cosmetic Act.

(bb) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than two (2) per cent in the case of citrus ice cream, six (6) per cent in the case of berry or cherry ice cream, and 10 per cent in the case of ice cream prepared with other fruits.

(cc) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream, the weight of the nut meats is less than two (2) per cent.

(dd) In the case of two (2) or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice, or nut meat is less than ½ the applicable percentage specified in subdivision (bb) or (cc) of this subparagraph, e.g., five (5) per cent banana plus one (1) per cent almond would qualify for "BANANA-ALMOND flavored"; five (5) per cent pineapple plus three (3) per cent strawberry would qualify for "PINEAPPLE-STRAWBERRY flavored"; three (3) per cent raspberry plus one (1) per cent orange would qualify for "RASPBERRY-ORANGE flavored".

(6) If two (2) or more flavors of ice cream are distinctively combined in one (1) package, e.g., "Neapolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

Because of the cross-reference employed, the amendments ordered in the standard for ice cream (Regulation Agr 1266) become applicable to the standards for frozen custard (Regulation Agr 1267) and ice milk (Regulation Agr 1268).

Agr 1267 Frozen Custard, French Ice Cream, French Custard Ice Cream; Identity; Label Statement. Frozen custard, french ice cream, french custard ice cream conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by Regulation Agr 1266, except that one (1) or more of the optional egg ingredients permitted by Regulation Agr 1266(f)(1) are used in such quantity that the total weight of egg yolk solids therein is not less than 1.4 per cent of the weight of the finished frozen custard: **Provided, however,** that when the ingredients named in Regulation Agr 1266 (b)(3) through (8), inclusive, are used the content of egg yolk solids may be reduced in proportion to the bulky ingredient or ingredients added, under the conditions prescribed by Regulation Agr

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1266 (a) for reduction in milk fat and total milk solids; but in no case is the content of egg yolk solids less than 1.12 per cent.

Agr 1268 Ice Milk; Identity; Label Statement of Optional Ingredients. Ice milk is the food prepared from the same ingredients and in the same manner prescribed in Regulation Agr 1266 for ice cream and complies with all the provisions of Regulation Agr 1266 (including the requirements for label statement of optional ingredients), except that:

(a) Its content of milk fat is more than two (2) per cent but not more than seven (7) per cent.

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

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

(d) The provision for reduction in milk fat and total milk solids from the addition of bulky ingredients in Regulation Agr 1266 (a) does not apply.

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

(f) When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored", "artificial coloring added", "with added artificial color", or "_____, an artificial color added", the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "_____ artificially colored".

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

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

Agr 1269 Fruit Sherbets; Identity; Label Statement of Optional Ingredients.

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

(b) The optional fruit characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph (e)(2) of this section, subject to the restriction on the total quantity of such substances in fruit sherbets prescribed in that paragraph. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh

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fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric acid, ascorbic acid, or phosphoric acid. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than two (2) per cent in the case of citrus sherbets, six (6) per cent in the case of berry sherbets, and 10 per cent in the case of sherbets prepared with other fruits. For the purposes of this section, tomatoes and rhubarb are considered as kinds of fruit.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 per cent, has a titratable acidity of not more than 0.17 per cent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 per cent, a titratable acidity of not more than 0.16 per cent calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 per cent, a titratable acidity of not more than 0.18 per cent, calculated as lactic acid.

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

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

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of egg yolk solids therein is less than 0.5 per cent of the weight of the finished fruit sherbet.

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

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

(4) Polyoxyethylene (20) sorbitan tristearate, polysorbate 80, or both (complying with the provisions of § 121.1008 and § 121.1009 of Chapter 4, Federal Food, Drug and Cosmetic Act, including the limit on either used separately or both used in combination of not more than 0.1 per cent by weight of the finished frozen dessert).

(5) Propylene glycol alginate (complying with the provisions of § 121.1015 of Chapter 4, Federal Food, Drug and Cosmetic Act, including the limit of not more than 0.5 per cent by weight of the finished frozen dessert).

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

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

(8) Any natural food flavoring.

(9) Any artificial flavoring.

(10) Coloring, including artificial coloring.

(f) The name of each such fruit sherbet is "_____ sherbet", the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two (2) or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

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

(1) The label shall designate artificial coloring by the statement "artificially colored", "artificial coloring added", "with added artificial coloring", or "_____ an artificial color added", the blank being filled in with the name of the artificial coloring used.

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

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

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

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

(i) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified

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in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

Agr 1270 Water Ices; Identity; Label Statement of Optional Ingredients

(a) Water ices are the foods, each of which is prepared by freezing, while stirring, a mix composed of one (1) or more of the optional characterizing fruit ingredients specified in paragraph (b) of this section, sweetened with one (1) or more of the optional sweetening ingredients specified in paragraph (c) of this section. One (1) or more of the optional ingredients specified in paragraph (d) of this section may be used, subject to the conditions hereinafter set forth. The titratable acidity of the finished water ice, calculated as lactic acid, is not less than 0.35 per cent. The mix, with or without added water, may be seasoned with salt, and may be homogenized. The finished water ice weighs not less than six (6) pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph (d)(1) of this section subject to the restriction on the total quantity of such substances in water ices prescribed in that paragraph. The fruit is prepared by the removal of pits, seeds, skins, and cores where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric acid, ascorbic acid, or phosphoric acid. In the case of fruit or fruit juices from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that in relation to the weight of the finished water ice, the weight of fruit or fruit juice as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is not less than two (2) per cent in the case of citrus ices, six (6) per cent in the case of berry ices, and 10 per cent in the case of ices prepared with other fruits.

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

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

(1) Agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly, or of any combination of two (2) or more such ingredients used (including any such ingredient added separately to the fruit ingredient), is not more than 0.5 per cent of the weight of the finished water ice. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

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

(3) Any natural flavoring.

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(4) Any artificial flavoring.

(5) Coloring, including artificial coloring.

(e) The name of each such water ice is "_____ ice", the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient used is obtained. When the names of two (2) or more fruits are included, such names shall appear in the order of predominance, if any, by weight of the respective fruit ingredients used.

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

(1) The label shall designate artificial coloring by the statement "artificially colored", "artificial coloring added", "with added artificial coloring", or "_____, an artificial color added", the blank being filled in with the name of the artificial coloring used.

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

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

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

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

Agr 1271 Frozen Malted Milk; Identity; Label Statement of Optional Ingredients. Frozen malted milk is the semifrozen food prepared from the same ingredients and in the same manner prescribed in Regulation Agr 1266 for ice cream and complies with the same provisions of Regulation Agr 1266 (including the requirements for label statement of optional ingredients), except that:

(a) It contains not less than seven (7) per cent by weight of milk fat.

(b) It contains not less than 14 per cent by weight of total milk solids.

(c) It contains not less than (3) per cent by weight of malted milk.

(d) It contains not less than 1 3/10 pounds of total food solids per gallon.

(e) The name of the food is "Frozen Malted Milk".

Agr 1272 Frozen Milk Shake; Identity; Statement of Optional Ingredients. Frozen milk shake is the semifrozen food prepared from the same ingredients and in the same manner as prescribed in Regulation Agr 1268 for ice milk and complies with all the provisions of Regulation Agr 1268 except that:

(a) It shall be sold or served only to the consumer and only in a semi-frozen state.

(b) The name of the food is "Frozen Milk Shake".

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Agr 1273 Frozen Malt; Identity; Statement of Optional Ingredients. Frozen malt is the semifrozen food prepared from the same ingredients and in the same manner as prescribed in Regulation Agr 1268 for ice milk and complies with all the provisions of Regulation Agr 1268 except that:

(a) It shall be sold or served only to the consumer and only in a semi-frozen state.

(b) It shall contain malt flavoring.

(c) The name of the food is "Frozen Malt".

Agr 1274 Identification of Manufacturer Required; Code. The number or code permitted by Minnesota Statutes 1961, Section 32.62, Subdivision 1, paragraph (5), as amended by Laws 1965, Chapter 119, Section 5, in lieu of the name and address of the manufacturer of mix, ice cream mix, mix base, ice cream mix base or frozen foods when a distributor's name and address appears on the label of the package or container in which such mix, ice cream mix, mix base, ice cream mix base or frozen foods are prepackaged for sale, shall conform to the following:

(a) The identification number or code shall consist of the number from the IBM Numerical Code of States representing the state of origin followed by a hyphen and the plant number corresponding to a permanent list of numbers assigned by the state regulatory agency having jurisdiction.

(b) Such number or code may be printed, embossed, or stamped on the package label.

(c) If the manufacturer of the mix, ice-cream mix, mix base, ice-cream mix base or frozen food cannot be identified because of the failure to use or misuse of the identity code, the product shall be deemed to be misbranded.

Agr 1275 Frozen Dairy Dessert, Identity; Label Statement of Optional Ingredients. Frozen dairy dessert is the frozen food prepared from the same ingredients and in the same manner prescribed in Regulation Agr 1266 for ice cream and complies with all the provisions of Regulation Agr 1266, including the label statement of optional ingredients, except that:

(a) Its content of milk fat is two (2) per cent or less.

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

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

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

(e) The quantity of food solids per gallon of the finished product is not less than 1.0 pounds.

(f) When any artificial coloring is used in frozen dairy dessert, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored", "artificial coloring added", "with added artificial color", "_____, an artificial color added", the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "_____ artificially colored".

(g) The name of the food is "frozen dairy dessert".

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

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Agr 1276 Pasteurization; Cooling, Bacterial Count, Coliform Count

(a) Pasteurization is hereby defined as the process of heating every particle of mix for frozen food in equipment which is properly operated and approved by the commissioner to a temperature of not less than 155°F., and holding it continuously at or above this temperature for not less than 30 minutes, or to not less than 175°F., and holding it continuously at or above this temperature for not less than 25 seconds, in equipment which is properly operated and approved by the commissioner.

(b) Cooling. Immediately after pasteurization frozen food mix shall be cooled in equipment which is properly operated and approved by the commissioner to a temperature of 45°F., or lower, and held at or below that temperature until frozen.

(c) Bacterial count, Coliform count. At no time after pasteurization shall frozen foods or mix or reconstituted mix base therefor have a bacterial count exceeding 50,000 bacteria per gram, standard plate count, or a coliform count exceeding 10 coliforms per gram in more than two (2) of any four (4) consecutive samples taken on separate days. Compliance shall be determined in accordance with "Standard Methods for the Examination of Dairy Products", eleventh edition, 1960, published by the American Public Health Association, Inc., 1790 Broadway, New York, N. Y.

Agr 1277 Artificial Sweeteners; Label Statements

(a) Frozen foods and mixes therefor may be sweetened with saccharin, sulfamate, or other artificial sweetening product approved by the commissioner, when such artificial sweeteners are completely substituted for sugar in frozen foods and mixes therefor.

(b) The container label for such artificially sweetened frozen food or mix therefor shall, in addition to other required information, be clearly and plainly labeled with the following information:

(1) "For Dietary Purposes", or "For Dietetic Use", or "Artificially Sweetened", or substantially similar statements approved by the commissioner, and a statement that the product contains saccharin, sulfamate or other approved artificial sweetener, as for example, "contains _____ saccharin (or name of other approved artificial sweetener as the case may be), a non-nutritive, artificial sweetener for use by persons who must restrict their intake of ordinary sweets", the blank to be filled in with the per cent by weight of the artificial sweetener used.

(2) The per cent by weight of protein, fat, and available carbohydrates in such food; and

(3) The number of available calories supplied by a specified quantity of such food.

Agr 1278 Frozen Vegetable Fat Dessert

(a) Ingredients.

(1) Frozen vegetable fat dessert is a frozen food which, among its ingredients, contains whey, concentrated whey or dry whey (whether lactose and minerals have been partially or totally removed therefrom by mechanical or chemical means) or caseinates, to which has been added or with which has been blended or compounded any vegetable fat or oil or combination of vegetable fats or oils. It is prepared or frozen as ice cream is customarily prepared or frozen and is in imitation or semblance of ice cream. Frozen vegetable fat dessert shall not include among its ingredients milk, cream, skimmed milk or any combination thereof (whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated) or milk fat.

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(2) Whey is the product remaining after the removal of fat and casein from cow's milk as in the process of cheese making.

(3) Concentrated whey is whey which has an alkalinity of ash not more than 115 milliliters 0.1N HCI per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 per cent, a titrable acidity of not more than 0.18 per cent calculated as lactic acid.

(4) Dry whey is whey which is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash not more than 225 milliliters 0.1N HCI per 100 grams, a bacterial count of not more than 50,000 per gram, and as adjusted with water to a total solids content of 6.5 per cent, a titrable acidity of not more than 0.6 per cent calculated as lactic acid.

(5) Caseinates include casein prepared by precipitation with gums, ammonium caseinates, calcium caseinates, potassium caseinate, and sodium caseinate. Caseinate may be used in liquid or dry form, but must be free of excess alkali.

(b) Manufacturing Requirements

(1) The mix shall be pasteurized and cooled in accordance with Minnesota Statutes, Section 32.64, and Agr 1276 and may include one or more of the optional characterizing ingredients specified in Agr 1266(b), one or more of the optional sweetening ingredients specified in Agr 1266(d), and one or more of the optional ingredients specified in Agr 1266(f).

(2) The mix may be seasoned with salt, and may be homogenized.

(3) The finished product shall contain not less than 1.6 pounds of total solids per gallon and shall not weigh less than 4.5 pounds per gallon.

(4) Artificial flavoring in any chocolate, cocoa, confectionary, or other ingredient used is an optional ingredient of the finished product.

(5) Coloring, including artificial coloring, may be added.

(6) All requirements of Minnesota Statutes, Section 32.55 to 32.645, and the rules and regulations adopted pursuant thereto, shall be complied with insofar as applicable.

(c) Labeling

(1) The distinctive name of the frozen food product is "Frozen Vegetable Fat Dessert."

(2) Before any frozen vegetable fat dessert is sold, transported, used, offered for sale or transportation or is in one's possession with the intent to use, sell or transport within this state, its package, container, or receptacle bearing its label shall be submitted to the Commissioner of Agriculture for approval as being in compliance with this regulation.

(3) In addition to compliance with the applicable provisions of Agr 4000 to 4029, the label of any frozen dessert shall plainly exhibit to the purchaser the following data or information:

(aa) List of ingredients in descending order of predominance.

(bb) The distinctive name of the vegetable fat or oil and the content of vegetable fat or oil by percentage of weight of the finished product, e.g. soybean oil 5% by weight. If the vegetable fat or oil is hydrogenated, the name of the oil or fat shall be preceded by the words "hydrogenated," "partially hydrogenated," or "hardened," as the case may be. If the product contains a combination of two or more vegetable fats or oils, they shall be listed in order of predominance, e.g. coconut oil 5% by weight, safflower oil, 2.5% by weight.

(cc) Statement of net contents

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(dd) Name and address of the manufacturer or distributor. When the name and address of the distributor is given on the label, the name and address of the manufacturer shall also be given or in lieu thereof an identification number or code assigned by the commissioner of agriculture to represent such manufacturer.

(4) Information as to flavor of the frozen vegetable fat dessert shall be contained on the label in accordance with the provisions of Agr 1266(g)(2) to (g)(6).

(5) Fictitious, trade or brand names may be used on the label, but no frozen vegetable fat dessert may be manufactured, sold, or exchanged under the name of any dairy product, including, but not limited to milk, cream, sour cream, butter cream, skimmed milk, ice cream, whipped cream, flavored milk or skim milk drink, dried or powdered milk, cheese, cream cheese, cottage cheese, creamed cottage cheese, ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk, or as a labeled imitation thereof. Notwithstanding any other regulation to the contrary, the words "imitation ice cream" shall not appear on the label or any part of the package, container, or receptacle.

(d) Identification of Frozen Vegetable Fat Dessert Served in Public Places

(1) When frozen vegetable fat dessert is sold, offered or exposed for sale in a package form, there shall be conspicuously printed thereon in ink upon a contrasting background, in type not less than 24-point Gothic capitals, the words "frozen vegetable fat dessert," or the words "frozen dessert" with the words "a vegetable fat product" appearing immediately below in letters not less than ½ of the size of the letters used in the words "frozen dessert." When offered for sale at retail in package form, such packages shall be separately displayed from and shall not be commingled with other frozen foods.

(2) When frozen vegetable fat dessert is served to a consumer, the owner, operator or manager of such retail establishment shall have signs conspicuously posted on the inside of such retail establishment with lettering large enough to be distinctly seen and read containing the words "frozen vegetable fat dessert sold here" or "frozen dessert, a vegetable fat product, sold here." Such signs shall remain posted so long as frozen vegetable fat dessert is sold or offered for sale to consumers. If menus are made available to the consumer for ordering food, the required lettering may appear on the menus in lieu of posting the required signs.

Agr 1279-1289 Reserved for future use

Filed 8-19-65; 6-14-67; 8-30-71.

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CHAPTER 55: AGR 1290-1310

MILK HOUSE FOR BULK TANKS

Preceding each regulation is a statement from Minnesota Laws 1965, Sections 32.212 and 32.213 which is explained by the regulation following it.

"32.212 . . . . The floor shall be constructed of concrete or other impervious material, maintained in good repair, and graded to provide proper drainage . . . ."

Agr 1290 Floors; Drainage

(a) Liquid wastes shall be disposed of in a sanitary manner; all floor drains shall be accessible and trapped if connected to a sanitary sewer. Drain openings through the walls are prohibited.

(b) The floor shall slope to drain so that there are no pools of standing liquid waste. (A slope of not less than ¼ inch per foot to the drain is recommended for all floors.) The joints between the floor and the walls shall be watertight.

(c) The floor shall be of such construction and of sufficient strength to avoid movement of the bulk tank thereby assuring year-round accuracy of milk measurements.

(d) Permanent scribe marks shall be made on the milk house floor indicating the position on which the bulk tank shall be located. Painted marks on the floor are not considered to be permanent.

"32.212 . . . . The walls and ceilings of the room shall be sealed and constructed of smooth easily cleaned material . . . ."

Agr 1291 Walls and Ceilings

(a) The walls and ceilings shall be kept clean and in good repair.

(b) The room shall be so constructed as to prevent the entrance of dust, dirt, flies or other pests or contaminating materials.

"32.212 . . . . All windows shall be screened and doors shall be self-closing . . . ."

Agr 1292 Doors and Windows

(a) All outside openings shall be effectively screened during fly season.

(b) All doors shall be solid and tight-fitting. Windows and solid doors shall be kept closed during dusty weather.

(c) There shall be no direct opening into any barn, stable, or room used for domestic purposes; except that an opening between the milkhouse and milking barn, stable, or parlor shall be permitted when a tight-fitting, self-closing solid door(s) hinged to be single or double acting is provided.

"32.212 . . . . It shall be well ventilated. No lights shall be placed directly over the bulk tank . . . ."

Agr 1293 Lighting and Ventilation

(a) The milk house or milk room shall be provided with adequate natural or artificial light, or both. (It is recommended that window space equal to 10 per cent of the floor area be installed. For bulk tank installation, one (1) watt of light per square foot of floor area plus a 150-watt bulb located beyond each end of the bulk tank is recommended.)

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(b) Ventilation shall be sufficient to avoid excessive moisture or condensation on floors, walls, ceilings and utensils.

(c) Sufficient heat shall be provided to prevent freezing. (Cold temperatures make washing conditions uncomfortable and hinders proper cleaning of equipment and facilities.)

"32.212 . . . . (1) The bulk tank shall not be located over a drain or under a ventilator. (2) The hose port shall be located in an exterior wall and fitted with a tight self-closing door . . . . (5) The bulk tank shall be properly located in the milk room for easy access to all areas for cleaning and servicing. (6) The milkhouse shall be used only for storage of milk, milk utensils, and supplies incidental to the production of milk . . . ."

Agr 1294 Miscellaneous Protection from Contamination

(a) The base of the hose port shall be at least six (6) inches above the milk room floor and means shall be provided to keep the milk hose from contacting the ground.

(b) Provision shall be made for activating the electric pump motor of the tank transport without opening the milk room doors or windows. (An external, all-weather outlet is recommended.)

(c) Storage of insecticides, rodenticides, herbicides, fungicides, medicinals and other articles not related to milk room activities shall not be permitted in the milk house or milk room.

(d) In order to facilitate cleaning and servicing of the bulk tank, it is recommended that when the tank is installed in the milk house not less than six (6) inches clearance be provided between the bottom of the tank and the floor, except that a four (4) inch minimum clearance is acceptable if the bottom of the tank slopes upward to at least six (6) inches in a horizontal distance of 12 inches, not less than 36 inches clearance be provided between the outlet valve end of the tank and the wall or stationary equipment and not less than 24 inches clearance be provided between the other three (3) sides of the tank and the walls or stationary equipment. Tanks designed for installation on concrete islands may be so installed if the island is not less than six (6) inches high, is sealed to or is an integral part of the floor of the milk house and if the tank is sealed to the island.

"32.212 . . . . (3) Each milk room shall have an adequate supply of water readily accessible with facilities for heating the water to insure the cleaning and sanitizing of the bulk tank, utensils and equipment and keeping of the milk room clean . . . ."

Agr 1295 Water Supply

(a) Each milk room shall have an adequate supply of water under pressure to rinse the farm bulk tank after it is emptied. (It is recommended that the dairy plant field service work with the producers to acquaint them with the water supply requirements.)

(b) Adequate facilities for heating water shall be provided in each milk room.

(c) When new water supplies are constructed, they shall be easily accessible, adequate, and of a safe sanitary quality. (When a new water supply is to be constructed, the dairy farmer should notify the well driller to locate the well site and to construct the well and distribution system in accordance with the standards for location, construction and operation as prescribed by the Minnesota Department of Health and as adopted by the commissioner of agriculture.)

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Agr 1296 Milk House Equipment; Containers

(a) All multiuse containers, equipment and utensils used in the handling, storage or transportation of milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials and shall be so constructed as to be easily cleaned. All containers, utensils and equipment shall be in good repair and shall be kept clean. (It is recommended that a two-compartment metal wash and rinse vat be provided for washing and rinsing utensils and equipment and that a sanitary utensil rack, preferably of metal, be provided which will store the utensils not less than 18 inches above the floor.)

(b) An enclosed storage cabinet shall be provided for the storage of filters, single-service gaskets and milk house supplies.

(c) All farm bulk tanks shall be equipped with an approved indicating thermometer having a minimum range of 32° to 100°F. with extensions on either side permitted and protected against damage at 0°F. and 220°F.

(d) All farm bulk tanks shall be so designed, constructed and operated as to cool the milk stored therein to 40°F., or lower, within two (2) hours after the completion of each milking period and to maintain the temperature at 45°F., or lower, until collected by the bulk milk hauler.

(e) All farm bulk tanks shall be equipped with permanently mounted motors to drive removable agitators of sufficient size and so powered as to provide proper agitation of the milk. (This should be accomplished within five (5) minutes.) If the agitator is nonremovable, it shall be readily cleanable, with all parts visible for inspection from outside of the tank.

(f) All containers and equipment which are purchased after the adoption of this regulation shall conform to the applicable requirements of the existing 3A Sanitary Standards, or their equivalent, Serial Nos. 0100-2600, together with "3A Accepted Practices for Permanently Installed Sanitary Product-Pipelines and Cleaning Systems" which have been formulated by International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service and the Dairy Industry Committee and which are adopted by the commissioner of agriculture.

Agr 1297 Cleaning and Bactericidal Treatment of Utensils and Equipment

(a) All milk contact surfaces shall be rinsed until visible solids are removed and such surfaces shall be thoroughly washed as soon as possible and before milk again is added to the bulk tank. (In order to avoid adulterating the milk with added water, rinsing should be delayed until the tanker hose has been disconnected from the outlet valve of the farm bulk tank.)

(b) The exterior surfaces of all farm bulk tanks shall be maintained in a clean sanitary condition.

(c) All multiuse containers, equipment and utensils used in the production, handling and storage of milk shall be thoroughly cleaned after each usage. Before each usage the cleaned equipment shall be subjected to an approved bactericidal treatment.

"32.212 . . . . (7) This act shall become effective July 1, 1965, for all subsequent installations of bulk tanks for milk produced for manufacturing purposes.

(8) On and after October 1, 1969, this act applies to all bulk tank installations existing prior to July 1, 1965.

(9) After October 1, 1969, no milk processor shall buy milk from any producer of milk using a bulk tank to be used for manufacturing purposes unless such producer has complied with the provisions of Section 32.212.

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(10) After July 1, 1965, no person shall install a bulk tank except in a milk room or milk house which complies with the provisions of this act.

(11) The enforcement of this act shall be administered by the Minnesota Department of Agriculture . . .

Sec. 2. No bulk tank designed for the cooling and storage of milk shall be sold to anyone other than a wholesaler or dealer in such bulk tanks after July 1, 1965, without the seller delivering to the buyer an exact copy of this statute at or prior to the time of delivery of such bulk tank to the buyer."

Agr 1298 Approval Required Before Bulk Tank Installation

(a) Each person who intends to install a farm bulk tank for the cooling and storage of milk for manufacturing shall conform to the applicable requirements of Section 32.212 and the regulation adopted herein.

(b) When all the requirements of the law and regulation relating to the milk house for a farm bulk tank and the equipment and its installation have been met, the commissioner shall cause to be issued to the producer a written inspection report indicating the date that initial approval was made.

(c) Before a milk processor purchases milk for manufacturing purposes from a person who handles it in a farm bulk tank, he shall determine if the applicable requirements of Section 32.212 and these regulations have been met and shall give such advice and assistance as are needed by the producer to meet such requirements. If, in his opinion, the applicable requirements have not been met, said milk processor shall notify the commissioner.

(d) The requirements of Regulations Agr 1290 through Agr 1298 shall take effect upon filing with the Secretary of State for all bulk tank installations made subsequent to their adoption; except that installations existing prior to the adoption of said regulations shall meet the requirements of Regulations Agr 1290 through Agr 1295 not later than October 1, 1969; provided, that equipment and utensils purchased and new water supplies established after the adoption of these regulations shall comply with the applicable requirements immediately; provided further, that the cleaning and bactericidal requirements of Regulation Agr 1297 shall apply to all installations upon the adoption of these regulations.

Agr 1299-1310 Reserved for future use

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CHAPTER 56: AGR 1311-1320

SKIM MILK AND BUTTERMILK BOUGHT BY WEIGHT; TESTS

Agr 1311 Procedures for Purchasing Skim Milk and Buttermilk

(a) Purchases of skim milk and buttermilk by one (1) dairy plant from another dairy plant for the purpose of resale as such or for manufacture into dairy products shall be made using the following procedures:

(1) The weight of each load of skim milk and buttermilk shall be accurately determined and the weight recorded.

(2) A representative sample of each load of skim milk and buttermilk shall be taken, the sample to be used for the determination of the percentage of total milk solids contained therein.

(3) The per cent of total milk solids of each such sample shall be determined by a method approved by the commissioner and a record of the test results shall be kept by the purchaser and shall be reported monthly and annually to the commissioner.

(b) A report of the weight and the test of each such load of skim milk and buttermilk shall be furnished to the plant from which the purchase was made, such report to be made not later than the day following delivery, except that reports for deliveries made on Saturday or Sunday may be made on Monday and for deliveries on holidays on the day following the holiday.

Agr 1312 Test Procedures. The test procedure to be used shall be as follows; provided, that the commissioner may permit other procedures which he has determined will give equally satisfactory results:

(a) Sampling. A well mixed sample of skim milk or buttermilk of sufficient size for the test shall be taken. If not tested immediately, the sample shall be stored at 32°-40°F. until tested. Preservatives shall not be added.

(b) Method

(1) The following method, "A Lactometer Method for Determining the Solids for Milk", prepared by the United States Department of Agriculture, Agricultural Research Service, No. ARS 73-10, April, 1956, shall be the official method adopted by the commissioner; provided, that the commissioner may approve other methods which have been found to provide equally satisfactory results.

(2) When alternate procedures in which lactometers are used are approved by the commissioner, a thermostatically controlled water bath for controlling the temperature of the sample during the test also must be employed.

(3) The lactometer used for the testing of solids in skim milk and buttermilk shall be certified as accurate by the manufacturer. The commissioner may determine its accuracy from time to time as he deems necessary.

(4) When buttermilk is tested, the procedures referred to under paragraph (1) of this regulation for determining total solids shall be used and the amount of butterfat shall be determined and the result used in calculating the total solids present.

Agr 1313-1320 Reserved for future use

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CHAPTER 57: AGR 1321-1330
CERTIFIED MILK LABORATORIES

Agr 1321 Purpose

A. It is the purpose of the rules and regulations contained herein to carry out and enforce the provisions of Minnesota Statutes 1974, Section 32.394, as amended by Minnesota Laws 1975, Chapter 412. The rules relate to certification of milk laboratories before such laboratories may conduct tests for the purpose of enforcement of requirements for the distribution of milk, milk products, or goat milk under the Grade A label and to the issuance to the laboratory of a permit to conduct such test.

Agr 1322 Definitions

A. As used in this section, the following words and terms shall have the meaning given:

1. "Commissioner" means the commissioner of agriculture.

2. "Milk laboratory" is a facility which conducts tests for distribution of milk, milk products (as defined in Minnesota State Regulations Agr 1005), or goat milk under the Grade A label.

3. "Certified milk laboratory" is a milk laboratory which meets the certification and permit requirements of these rules.

4. "Analyst" is a person employed in the milk laboratory for the purpose of conducting tests, the results of which are to be utilized for enforcement of the requirements for distribution of milk, milk products, or goat milk under the Grade A label.

Agr 1323 Requirements for Certification

A. A milk laboratory which desires to be certified to conduct tests for the purpose of enforcement of requirements for distribution of milk, milk products, or goat milk under the Grade A label must:

1. Utilize only analysts approved to conduct laboratory sampling procedures, bacterial counts, detection of inhibitory substances, coliform determinations, and/or phosphatase and temperature checks.

2. Employ sampling procedures and required laboratory examinations which are in substantial compliance with the most recent edition of *Standard Methods for Examination of Dairy Products* of the American Public Health Association and/or the most recent edition of *Official Methods of Analyses of the Association of Analytical Chemists.*

3. Otherwise meet the requirements of the Grade A Pasteurized Milk Ordinance 1965 Recommendation of the United States Public Health Service or subsequent editions.

Agr 1324 Evaluation of Laboratories for Certification

A. The following shall apply to evaluation of milk laboratories for the purpose of certification:

1. An assessment of the milk laboratory's operation relative to the requirements of the Grade A Pasteurized Milk Ordinance 1965 Recommendation, and subsequent editions, shall be made at the time of application for certification and

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not less frequently than once each two years thereafter, except that a certified laboratory of record on June 5, 1975, shall be deemed to meet the requirements for initial certification. In the case of a certified milk laboratory which moves to another building which uses another source of tap water, distilled water, and/or steam supply for the autoclave, a resurvey may be conducted even though no change in personnel or procedures is planned.

2. Approval of analysts to conduct required laboratory procedures shall be based on the ability of the analyst to meet the criteria established in *Evaluation of Milk Laboratories — Recommended by the United States Health Service,* and supplements thereto, issued by the Food and Drug Administration and the Public Health Service, relating to standards for sampling, preparation of cultures, viable counts, detection of inhibitory substances, coliform groups, phosphatase tests, and inspection of pasteurized milk containers. An analyst may be approved for one or more procedures and need not be approved to make all tests. Nonetheless, no analyst shall perform a procedure for which he or she has not been approved.

Agr 1325 Request for Approval of Analysts, Notification

A. When a certified laboratory employs as an analyst a person who has not been previously approved for the performance of laboratory procedures and tests, the results of which are to be used in the enforcement of requirements for distribution of milk, milk products, or goat milk under the Grade A label, the laboratory shall request in writing within 30 days an evaluation of that analyst. The evaluation will be the same as that applied to other analysts, and set forth in Agr 1324 (A) (2). The analyst shall be evaluated as soon as practical following notification of the Commissioner under this rule.

Agr 1326 Specification of Approved Analysts and Laboratory Tests

A. A list of names of approved analysts, and of laboratory tests each is approved to conduct, shall be attached to the permit issued by the Commissioner to a certified milk laboratory. After each evaluation of a milk laboratory or after an evaluation on an analyst not previously approved as required by Agr 1325, an amended list of names and approved analysts and the tests each is approved to conduct shall be issued by the Commissioner.

Agr 1327 Disputes Arising From Failure to Certify or Approve and Conditions for Revocation or Suspension of Permit

A. If the Commissioner refuses to certify a milk laboratory or to approve an analyst for any or certain work and the laboratory wishes to take exception to the determination, written objections must be filed with the Commissioner within 15 days of the issuance of the determination or any protest will be waived.

1. The Commissioner shall first seek to resolve the issue through negotiation with the party or parties involved.

2. In cases where disputes cannot be resolved through negotiation, the party or parties shall proceed in the manner provided for in the contested case procedures established by the rules of the Office of Hearing Examiners, HE 201 to HE 223 and any amendments thereto.

B. The permit issued by the Commissioner under the provisions of these rules shall remain valid without renewal unless suspended or revoked by the Commissioner for failure to comply with the requirements of these rules. In cases where the Commissioner seeks to suspend or revoke a permit, the procedural and hearing requirements shall be the same as for disputes arising from failure to certify a milk laboratory or to approve an analyst.

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Agr 1328 Issuance of Permit

A. The Commissioner shall issue a "Permit to Conduct Laboratory Tests on Milk, Milk Products, or Goat Milk for Distribution Under the Grade A Label" to milk laboratories complying with all applicable laws and regulations.

Agr 1329 Fees

A. An application for initial certification or for recertification following suspension or revocation of a permit shall be accompanied by a fee of not less than $50 nor more than $200. The amount of the application fee for an individual laboratory shall be based on the costs of conducting laboratory evaluation prior to issuance of the permit. The fee for each set of split samples required for evaluation of laboratories shall not be less than $20 nor more than $50. The actual fee shall be based on the direct costs to the State Laboratory for analysis of samples plus the cost of labor involved in providing the analysis. Fees may be adjusted annually within the prescribed range.

Agr 1330 Use of Certification in Advertising

A. A certified milk laboratory may indicate in its advertising that it holds a permit from the Commissioner for the analysis of Grade A dairy products provided that the laboratory shall clearly indicate those procedures for which it is certified.

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TESTING OF MILK ON THE BASIS OF PROTEIN
CHAPTER 58
(Revised 7/20/79)

3 MCAR § 1.1331 General.

A. Purpose and authority. The rules contained herein are prescribed pursuant to Minn. Stat. § 32.25 by the commissioner to provide for testing protein content of whole milk.

B. Definitions. For purposes of these rules the following definitions and those in Minn. Stat. § 32.01 shall apply:

1. "Producer" means any person who operates a dairy herd or herds producing milk commercially and whose milk is sold to, or received or handled by, a purchaser as defined in this rule.

2. "Purchaser" means any person purchasing whole milk from a producer and defined as a dairy plant in Minn. Stat. § 32.01, subd. 6.

3 MCAR § 1.1332 Testing procedures.

A. Samples collection and handling. Samples to be used for the testing of protein content shall be collected and handled in the same manner as samples used for bacterial tests as prescribed in "Standard Methods for the Examination of Dairy Products", Thirteenth Edition, published by the American Public Health Association. The minimum size for a fresh milk sample shall be two ounces (0.0592 liter).

B. Sample testing.

1. Only the following methods, as prescribed by the Association of Official Analytical Chemists, shall be used in the testing of whole milk for protein content pursuant to these rules:

a. Kjeldahl, Method No. 1.049 and 16.036, total nitrogen;

b. Dye Binding, Method No. 16.037, acid orange 12;

c. Pro-milk method for determination of protein in milk, amido black 10B, Journal of the Official Methods of Analysis of the Association of Official Analytical Chemists (Vol. 58, No. 4), 1975;

d. Infra-red. Milk Analysis, Method No. 16.097 and 16.080, part 2 protein; or

e. Any other method of equal or greater accuracy approved by the Association of Official Analytical Chemists and approved by the commissioner.

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2. Only testing equipment accurately calibrated as prescribed by the methods for calibration set forth in the above cited methods shall be used on conducting sample testing for protein content pursuant to these rules.

3. The commissioner may inspect and test any testing equipment with standardized solutions to determine their accuracy.

4. Frequency of sampling and testing.

a. When the calculation of protein content for whole milk tested pursuant to Minn. Stat. § 32.25 is based on a one (1) month period of production, four (4) or more test results on random samples taken from different deliveries shall be used to compute the arithmetic average of those test samples.

5. Sample retention and handling. All samples collected and used for protein testing pursuant to these rules shall be held at temperatures of 32 degrees F to 40 degrees F until tested and shall be returned to that temperature within two (2) hours of the last test made on the sample. All samples shall be retained at the place of testing until 3:00 p.m. of the day following the last testing date of the sample.

C. Test records.

1. Purchasers shall provide producers with a statement of the protein content of the milk with or in each settlement statement.

2. If the purchaser disqualifies abnormal milk for testing on a protein basis when whole milk is found to be abnormal pursuant to 3 MCAR § 1.1188, the purchaser's records shall indicate the results of the confirmatory tests. Only confirmatory tests approved pursuant to 3 MCAR § 1.1188 shall be used in determining the ineligibility of whole milk tested on a protein basis.

3. All test records and results for protein content pursuant to these rules shall be retained by the purchaser for a period of not less than one (1) year. All records relative to such tests shall be available for inspection during normal working or other reasonable hours by persons authorized by the commissioner.

3 MCAR § 1.1333 Licensed testers.

A. All persons engaged in the sampling and/or testing of whole milk for protein and purchase of same shall be licensed by the commissioner.

B. Any person desiring to secure such a license shall make application on forms provided by the commissioner. Before a license is issued, the commissioner shall determine that the applicant is competent and qualified to use such testing apparatus for determining protein content of whole milk and to make accurate tests with them.

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C. Every license issued by the commissioner shall be for a period ending on the December 31 following issuance and shall not be transferrable.

D. The fee for each initial license shall be $15 and each renewal thereof shall be $6 and shall be paid to the commissioner before any license or renewal thereof is issued.

E. The commissioner shall suspend or cancel any license issued pursuant to these rules, after notice and hearing, found to be in violation of Minn. Stat. § 32.25 of these rules.

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MINNESOTA CODE OF AGENCY RULES

RULES OF THE DEPARTMENT OF AGRICULTURE

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CHAPTER SEVENTY-SIX: AGR 1650-1679
MEAT AND MEAT PRODUCTS — GENERAL REGULATIONS

Agr 1650 Cereal and Nonfat Dry Milk in Sausage. Cereal, vegetable starch, starchy vegetable flour, soya flour, nonfat dry milk or dried milk may be added individually or collectively to sausage in amount not exceeding 3½ per cent in all providing the product be so labeled as to clearly show the presence of such added material.

Agr 1651 Added Water in Sausage. Water may be added to sausage in the course of preparation in amount not exceeding three (3) per cent, except that sausage of the class which is smoked or cooked such as Frankfurt style, Vienna style and bologna style may contain added water in excess of three (3) per cent, but not in excess of an amount necessary to make the product palatable.

Agr 1652 Smoked or Cooked Sausage; Added Water and Cereal; Labeling. Sausage belonging to that class the various members of which are smoked or cooked such as Frankfurt style, Vienna style and bologna style may contain in addition to water in excess of three (3) per cent, added cereal, starch or vegetable flour providing that the product is so labeled as to show the presence of such added material.

Agr 1653 Bulk Sausage; Added Water and Cereal; Placarding. When sausage is sold in bulk the required information to be given on the label in accordance with the above regulations shall be given by means of a placard display in such a manner as to clearly advise the purchaser of the nature of the product.

Agr 1654 Coloring and Preservatives Prohibited; Exception. No added coloring matters or preservatives of any kind, except as hereinafter specified in the definitions and standards for these products other than salt, sugar, wood smoke applied directly as generated, vinegar and spices may be used in meats and in meat products.

Agr 1655 Sulphites and Sulphurous Acid Prohibited. The addition of sulphurous acid or a sulphite to meat or a meat product imparts a fictitious color or appearance to the product, conceals damage and inferiority and is injurious to health. Therefore, the use of sulphurous acid or any of its compounds in the preparation of meat products is prohibited.

Agr 1656 Lard Compounds; Lard Substitutes

(a) A mixture or compound consisting of lard blended with other animal fat, oleo, sterin or vegetable fat or oil or a product derived from any of these materials shall bear upon the label the names of all the ingredients plainly stated in the order of their predominance and printed in uniform size of type.

(b) A product consisting of an animal or vegetable oil or fat manufactured and sold for use in the preparation of food or in cooking or baking shall be plainly labeled with the common name of the oil or fat. A product consisting of a mixture of two (2) or more edible oils or fats shall be labeled with the names of all of the ingredients plainly stated in the order of their predominance and printed in uniform size of type

Agr 1657 Labeling of Chicken and Noodle Combination. Products containing a mixture of chicken, noodles and broth sold under such descriptive terms as "Chicken and Egg Noodles", "Chicken Noodle Dinner", "Chicken and Egg Noodle Dinner", etc., shall contain at least 15 per cent by weight of chicken meat. Products containing less than 15 per cent by weight of chicken meat shall be sold under such description as "Egg Noodles and Chicken", "Noodle Chicken Dinner", "Egg Noodle and Chicken Dinner", etc.

Agr 1658 Marketing of Fish, Meat and Meat Products in Tranparent Wrappers. Fish, meats and meat products shall not be marketed in transparent wrappers such as cellophane, wax paper or other similar wrappers which are colored or

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printed with a shade of orange, red, yellow or amber or any combination thereof so as to be misleading or deceptive with respect to color, quality or kind of such products to which they are applied.

Agr 1659 Processing, Distribution, Labeling, Advertising and Sale of Certain Meat Products

(a) No person shall sell, distribute, offer or expose for sale or distribution in the state or have in his possession with the intent to sell any smoked meat product such as moist ham, moist pork shoulder, moist pork shoulder picnic or similar products which have been processed in any manner which has caused an addition of water in the product of more than 10 per cent over the weight of the fresh uncured article.

(b) No person shall sell, offer or expose for sale any moist ham, moist pork shoulder, moist pork shoulder picnic or similar products whether in whole, half, chunk, slice or piece form unless it is labeled, branded or stamped to include the word "moist" or the term "water added".

(c) The word "moist" or the term "water added" on moist pork product labels shall immediately and conspicuously precede or follow the name of the product without intervening written, printed or graphic matter.

(d) All advertisements of moist smoked pork products including moist hams, moist pork shoulders and moist pork shoulder picnics and similar products whether whole, in halves, chunks, slices or pieces shall include the word "moist" or the term "water added" immediately and conspicuously preceding or following the name of product without intervening verbal, written, printed or graphic matter.

(e) Use of the terms "cooked", "fully cooked" or "ready-to-eat" on heated and smoked pork products is acceptable only when the processing results in the product exhibiting the usual characteristics of a fully cooked article such as partial separation of the meat from thte bone, easy separation of the tissues and a cooked color, flavor and texture throughout the product. Cooked, fully cooked and ready-to-eat pork products shall be heated to an internal temperature of at least 148°F.

(f) "Picnic Ham" is a confusing and misleading term when used to label, advertise or sell a pork shoulder processed or prepared in any manner. The term "Picnic Ham" shall not be used as a product name or description of the product "pork shoulder" or "pork shoulder picnic".

Agr 1660 Transportation of Meat

(a) The following specifications shall apply to all vehicles used to transport meat or meat products for sale unless the vehicle is used to transport meat or meat products which are packaged, protected and transported as outlined in paragraph (b) of this regulation:

(1) The meat compartment must be completely enclosed and have floors, walls and ceilings which are constructed of smooth impervious, tight-fitting material that is designed to facilitate cleaning. The meat compartment must be kept in proper sanitary condition at all times when so used and must be thoroughly cleaned after each daily operation.

(2) Vehicles which are in compliance with the vehicle requirements of these regulations may be used to transport meat or meat products which are not wrapped or packaged provided that the product is properly hung on hooks or is stacked on clean smooth racks. Unwrapped meat or meat products transported under provisions of this section must be properly segregated and protected from other items of the load which might contaminate the product. Unwrapped meat or meat products shall not be allowed to come in contact with the floor or tail gate surface of a vehicle.

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(3) All meat and meat products must be securely wrapped or packaged if lugged or carried from a vehicle to a destination which necessitates carrying the product exposed to the elements outside of buildings, over public sidewalks, streets or alleys or through the customer area of a retail or wholesale market.

(b) Meat and meat products which are securely wrapped or packaged in a manner which will maintain proper temperature of the product and will provide complete protection of the product against contamination from dust, flies, vermin and other substances which might injuriously affect it may be transported by parcel post, express, common carrier, bus, train, automobile or other recognized means of transportation. The containers and packages of meat and meat products being transported under the provisions of this regulation shall be maintained in proper sanitary condition during all phases of shipment.

(c) The refrigerated temperature of meat and meat products being transported must be maintained in accordance with sound operating practices which will maintain proper quality and condition of the product.

Agr 1661 Use of Tenderizing Solutions. Meat tenderizing solutions consisting of water, salt, monosodium glutamate, papain or other ingredients approved by the Commissioner of Agriculture may be applied or injected into primal cuts or consumer cuts of beef provided:

(a) All treated beef cuts shall be branded, stamped or labeled with a term specifying the specific tenderizing solution applied such as "Dipped in a solution of Papain" or "Treated with a solution of Papain and Bromelin" in addition to all other required labeling during all stages of processing, storage, transportation and sale.

(b) Treated beef cuts shall be identified as required by this Section until received by the ultimate consumer or purveyor of meals.

(c) Treatment of the product shall not result in a gain in weight of more than three per cent above the weight of the untreated product.

Agr 1662 Use of Word "Fresh" in Products. The word "Fresh" shall not be used in selling, advertising or on labels of any meat product which contains any sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, or which has been salted or frozen for preservation.

Agr 1663 Labeling of Graded Meat. No person, as defined in Minnesota Statutes, Section 31.01, subdivision 2, shall advertise, label or sell any meat or meat product as "Prime", "Choice", "Good", "Commercial", "Standard" or "Utility" unless the meat or meat product so advertised, labeled or sold is derived from meat which actually bears the U.S.D.A. federal meat grading stamp designating such grade.

Agr 1664 Primal Cuts Terms Prohibited in Ground or Chopped Meat Products. Terms such as "Ground Chuck", "Chopped Chuck", "Ground Round", "Chopped Round", "Ground Sirloin", "Chopped Sirloin" and similar terms which indicate that ground or chopped meat product is derived from a primal cut or other specific portion of a carcass shall not be used as the name of meat products displayed for sale.

Agr 1665 Temperature of Product. The product temperature of all readily perishable meat, poultry and fish products intended for human consumption including but not limited to meat products which are labeled to include "Perishable", "Keep Refrigerated" or a similar term shall be maintained at a temperature of 40°F., or lower, or 150°F., or higher, during storage and while being displayed or offered for sale.

Agr 1666 Handling of Inedible Products. Inedible products including but not limited to hides, pelts, animal food, game heads, feathered game or poultry shall not be placed in or stored in the same cooler or freezer room with any meat product intended for human consumption unless:

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(a) such inedible products are segregated from products intended for human consumption during storage.

(b) such inedible products are stored in water tight containers with water tight covers including plastic type bags or other methods approved by the Commissioner of Agriculture, and

(c) such containers are clearly labeled with the words "Inedible" or "Animal Food".

Agr 1667 Restricted Use of Seasonings in Meat Products. Soluble seasonings consisting of spice extractives having a distinct red color (principally those including extract of paprika) shall not be used in fresh or frozen meat products including but not limited to hamburger, ground beef, fabricated steaks, cubed beef, meat patties because of the color enhancing properties of the seasoning. These soluble spice extracts may be used in the formulation of cured sausage and other meat food products, provided the amount used shall be controlled so that the color of the finished product will not be significantly different from that of products prepared with the same ingredients but without the soluble spice extract. This requirement is not intended to restrict the use of paprika as a natural spice in those products where it is considered to be a normal ingredient.

Agr 1668 Fat Limit in Sausage. "Frankfurters", "Weiners", "Vienna", "Bologna", "Garlic Bologna", "Knockwurst" and similar sausages which are prepared from one or more kinds of meat, meat by-products, poultry products and other permitted ingredients shall not contain more than 30 percent fat in the finished product.

Agr 1669 Samples of Products, etc., to be taken for examination. Samples of meat or meat products or the ingredients of meat products which are manufactured or prepared in any licensed establishment may be taken for examination as often as and in the amounts deemed reasonably necessary by the department for the efficient and proper conduct of inspection. Such samples may be obtained without cost to the department.

Agr 1670 Meat, Poultry and Fish Products Sold by Weight. Except for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal sold as a unit for consumption elsewhere than on the premises where sold, all meat, meat products, poultry (whole or parts), and all fish and seafood except shellfish, offered or exposed for sale or sold as food shall be offered or exposed for sale and sold by weight. When meat, poultry, fish or seafood is combined with or associated with some other food element or elements to form either a distinctive food product or a food combination, such food product or combination shall be offered or exposed for sale and sold by weight. The quantity representation shall be either the total weight of the product or combination or the separate weight of each of the several elements of the product or combination; Provided, that, for ready-to-cook, whole carcasses, stuffed poultry, ready-to-cook stuffed poultry roasts, rolls, bars and logs, and ready-to-cook stuffed poultry products designated by terms of similar import, the label must show the total net weight of the poultry product and in proximity thereto, a statement specifying the minimum weight of poultry in the product.

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Agr 1671 Labeling Ground Beef Products. Ground beef products intended as food for human consumption in sandwich, package, bulk or patty form which use "ground beef" or "chopped beef" as the name of the product or as part of the name of the product shall contain no meat or meat products other than meat or meat products which meet the requirements of Agr 1683 (i) (1) "Ground Beef".

Agr 1672 Labeling Hamburger Products. Hamburger products intended as food for human consumption in sandwich, package, bulk or patty form which use "hamburger" or "burger" as the name of the product or as part of the name of the product shall contain no meat or meat product other than meat or meat products which meet the requirements of Agr 1683 (h) "Hamburger".

Agr 1673 Labeling Fresh Meat Mixes, Mixtures or Patties Which Contain Extenders or Other Additives. When additives or extenders such as textured vegetable protein, soya flour, isolated soy protein, soy protein concentrate, cereal, flour, nonfat dry milk or similar products are used as permitted ingredients in fresh meat products intended as food for human consumption, their presence as an ingredient shall be declared as part of the name of the product or shall be declared as a qualifying statement contiguous to the name of the product or shall be declared in compliance with federal laws and regulations applicable thereto. The name of each additive or extender shall be shown on the product label if the product is in package form or on a placard easily readable by the purchaser if the product is sold or displayed in bulk form. Such products shall be labeled or placarded to show all other mandatory labeling information including a list of ingredients in order of descending predominance.

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CHAPTER SEVENTY-SEVEN: AGR 1680-1699 MEATS AND PRINCIPAL MEAT PRODUCTS; STANDARDS OF IDENTITY

Agr 1680 Meats

(a) Flesh. Flesh is any clean, sound, edible part of the striated muscle of an animal. The term "animal" as herein used indicates a mammal, a fowl, a fish, a crustacean, a mollusk or any other animal used as a source of food.

(b) Meat. Meat is the properly dressed flesh derived from cattle, from swine, from sheep or from goats sufficiently mature and in good health at the time of slaughter, but is restricted to that part of the striated muscle which is skeletal or that which is found in the tongue, in the diaphragm, in the heart or in the esophagus and does not include that found in the lips, in the snout or in the ears; with or without the accompanying and overlying fat and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the flesh and which may not have been separated from it in the process of dressing it for sale.

(c) Fresh Meat. Fresh meat is meat which has undergone no substantial change in character since the time of slaughter.

(d) Beef. Beef is meat derived from cattle nearly one (1) year of age or older.

(e) Veal. Veal is meat derived from young cattle one (1) year or less of age.

(f) Mutton. Mutton is meat derived from sheep nearly one (1) year of age or older.

(g) Lamb. Lamb is meat derived from young sheep one (1) year or less of age.

(h) Pork. Pork is meat derived from swine.

(i) Venison. Venison is flesh derived from deer.

Agr 1681 Meat By-Products. Meat by-products are any clean, sound and properly dressed edible parts other than meat which have been derived from one (1) or more carcasses of cattle, of swine, of sheep or of goats sufficiently mature and in good health at the time of slaughter.

Agr 1682 Prepared Meats

(a) Fresh Ham, Green Ham. "Fresh Ham", "Green Ham" is the thigh portion of a pork carcass which has been refrigerated or frozen but has undergone no substantial change in character since the time of slaughter.

(b) Sweet Pickled Ham, Cured Ham. "Sweet pickled ham", "cured ham" is fresh ham which has been salted or cured by soaking in or injecting into it an approved curing solution, but does not include smoked, cooked or baked products.

(c) Ham. "Ham" is cured ham which has been further processed by smoking, cooking or baking. The moisture content of ham shall not exceed the moisture content of the fresh uncured article.

(d) Moist Ham; Ham, Water Added. "Moist ham", "ham, water added" is ham with curing solution added. Moist ham or ham, water added, shall not contain added water in excess of 10 per cent of the weight of the fresh uncured article.

(e) Boiled Ham. "Boiled ham" is the product obtained by subjecting ham or moist ham to a cooking process which includes boiling the product in boiling water. Ham or moist ham cooked in the conventional manner, which does not include the use of boiling water, shall not be identified or labeled as "boiled ham".

(f) Fresh Pork Shoulder. "Fresh pork shoulder" is the shoulder portion of a pork carcass which may have been refrigerated or frozen, but has undergone no substantial change in character since the time of slaughter.

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(g) Fresh Pork Shoulder Picnic. "Fresh pork shoulder picnic" is the lower portion of a pork shoulder, trimmed across the top of the scapula and above the carpus which may have been refrigerated or frozen but has undergone no substantial change in character since the time of slaughter.

(h) Sweet Pickled Pork Shoulder, Sweet Pickled Pork Shoulder Picnic, Cured Pork Shoulder, Cured Pork Shoulder Picnic. "Sweet pickled pork shoulder", "Sweet pickled pork shoulder picnic", "Cured pork shoulder", "Cured pork shoulder picnic" is pork shoulder or fresh pork shoulder picnic which has been salted or cured by injecting into it, with or without soaknig it in an approved curing solution, but does not include smoked, cooked or baked products.

(i) Smoked Pork Shoulder, Smoked Pork Shoulder Picnic. "Smoked pork shoulder", "Smoked pork shoulder picnic" is cured pork shoulder which has been further processed by smoking and cooking or baking. The moisture content of smoked pork shoulder or smoked pork shoulder picnic shall not exceed the moisture content of the fresh uncured article.

(j) Moist Pork Shoulder; Moist Pork Shoulder Picnic; Pork Shoulder, Water Added; Pork Shoulder Picnic, Water Added. "Moist Pork Shoulder"; "Moist Pork Shoulder Picnic"; "Pork Shoulder, Water Added"; "Pork Shoulder Picnic, Water Added" is smoked pork shoulder or smoked pork shoulder picnic with curing solution added. "Moist Pork Shoulder"; "Moist Pork Shoulder Picnic"; "Pork Shoulder, Water Added" or "Pork Shoulder Picnic, Water Added" shall not contain added water in excess of 10 per cent of the weight of the fresh uncured article.

(k) Prepared Meat. Prepared meat is the clean, sound product obtained by subjecting meat to a process of comminuting, of drying, of curing, of smoking, of cooking, of seasoning or of flavoring or to any combination of such processes.

(l) Cured Meat. Cured meat is the product obtained by subjecting meat to a process of salting by the employment of dry common salt or of brine with or without the use of one (1) or more of the following: Sodium nitrite, sodium nitrate, potassium nitrate, sugar, dextrose, corn sirup, corn sirup solids, honey, spice.

(m) Dry Salt Meat. Dry salt meat is the prepared meat which has been cured by the application of dry common salt with or without the use of one (1) or more of the following: Sodium nitrite, sodium nitrate, potassium nitrate, sugar, dextrose, a sirup, honey, spice; with or without the injection into it of a solution of common salt to which may have been added one (1) or more of the following: sodium nitrite, sodium nitrate, potassium nitrate, sugar, dextrose, a sirup, honey.

(n) Corned Meat. Corned meat is the prepared meat which has been cured by soaking in, with or without injecting into it a solution of common salt, with or without one (1) or more of the following each in its proper proportion: Sodium nitrite, sodium nitrate, potassium nitrate, sugar, dextrose, a sirup, honey and with or without the use of spice.

(o) Sweet Pickled Meat. Sweet pickled meat is the prepared meat which has been cured by soaking in, with or without injecting into it a solution of common salt, with sugar, dextrose, corn sirup, corn sirup solids or honey together with one (1) or more of the following each in its proper proportion: Sodium nitrite, sodium nitrate, potassium nitrate and with or without the use of spice.

(p) Dried Meat. Dried meat is the clean, sound product obtained by subjecting fresh meat or cured meat to a process of drying, with or without the aid of artificial heat, until a substantial portion of the water has been removed.

(q) Smoked Meat. Smoked meat is the clean, sound product obtained by subjecting fresh meat, dried meat or cured meat to the direct action of the smoke either by burning wood or of similar burning material.

(r) Canned Meat. Canned meat is fresh meat or prepared meat packed in hermetically sealed containers, with or without subsequent heating for the purpose of sterilization.

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(s) Hamburg Steak. Hamburg steak, "Hamburger Steak" is comminuted fresh beef, with or without the addition of suet and/or of seasoning.

(t) Potted Meat, Deviled Meat. Potted meat, deviled meat is the clean, sound product obtained by comminuting and cooking fresh meat and/or prepared meat, with or without spice and is usually packed in hermetically sealed containers.

(u) Sausage Meat. Sausage meat is fresh meat or prepared meat or a mixture of fresh meat and prepared meat and is sometimes comminuted. The term "Sausage meat" is sometimes applied to bulk sausage containing no meat by-products.

Agr 1683 Meat Food Products

(a) Meat Food Products. Meat food products are any articles of food or any articles that enter into the composition of food which are not prepared meats but which are derived or prepared, in whole or in part, by a process of manufacture from any portion of the carcasses of cattle, swine, sheep or goats if such manufactured portion be all or a considerable and definite portion of the article except such preparations as are for medicinal purposes only.

(b) Meat Loaf. Meat loaf is the product consisting of a mixture of comminuted meat with spice and/or with cereals, with or without milk and/or eggs, pressed into the form of a loaf and cooked.

(c) Pork Sausage. Pork Sausage is chopped or ground fresh and/or frozen pork which shall not contain pork by-products. It may be seasoned with condimental substances such as herbs, spices, common salt, sugar, dextrose, corn sirup, corn sirup solids, and water. It shall not be made with any lot of product which in the aggregate contains more than 50 per cent trimmable fat, that is fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed three per cent of the total ingredient used, and shall not contain any binders or extenders.

(d) Brawn. Brawn is the product made from chopped or ground and cooked edible parts of swine, chiefly from the head, feet and/or legs, with or without the chopped or ground tongue.

(e) Head Cheese, Mock Brawn. Head cheese, mock brawn differs from brawn in that other meat and/or meat by-products are substituted, in whole or in part, for corresponding parts derived from swine.

(f) Souse. Souse is the product consisting of meat and/or meat by-products; after cooking, the mixture is commonly packed into containers and covered with vinegar.

(g) Scrapple. Scrapple is the product consisting of meat and/or meat by-products mixed with meal or the flour of grain and cooked with seasoning materials after which it is poured into a mold.

(h) Hamburger. Hamburger shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning. It shall not contain more than 30 per cent fat. Water shall not be added. It shall not contain binders, extenders, hearts, beef cheeks, tongues, tongue meat or other by-products. When beef cheek meat (trimmed beef cheeks) is used in the preparation of hamburger, the amount of such cheek meat shall be limited to 25 per cent and its presence shall be declared on the label in the ingredient statement, if any, or otherwise contiguous to the name of the product.

(i) Ground Beef, Regular Ground Beef or Chopped Beef:

(1) Ground Beef, Regular Ground Beef or Chopped Beef shall consist of ground or chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such. In no case shall the fat content exceed 30 per cent. Water shall not be added. It shall not contain binders, extenders, heart, beef cheeks, tongues, tongue meat or other by-products. When beef

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cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 per cent and its presence shall be declared on the label in the ingredient statement, if any, or otherwise contiguous to the name of the product.

(2) Lean Ground Beef, Lean Regular Ground Beef, or Lean Chopped Beef: Lean Ground Beef, Lean Regular Ground Beef, or Lean Chopped Beef shall meet the requirements of Agr 1683(i)(1) but shal not contain more than 22 per cent fat.

(3) Extra Lean Ground Beef, Extra Lean Regular Ground Beef, or Extra Lean Chopped Beef: Extra Lean Ground Beef, Extra Lean Regular Ground Beef, or Extra Lean Chopped Beef shall meet the requirements of Agr 1683(i)(1) but shall not contain more than 15 per cent fat.

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(j) Burger. Ground beef products intended as food for human consumption labeled or advertised to include the term "burger" or terms which are spelled or pronounced in a similar manner shall consist of chopped fresh or frozen beef with or without the addition of beef fat as such and/or seasoning. They shall not contain more than 30% fat. Water shall not be added. They shall not contain binders, extenders, hearts, beef cheeks, tongues, tongue meat or other by-products. When beef cheek meat (trimmed beef cheeks) is used in the preparation of products labeled to include the term "burger", the amount of such cheek meat shall be limited to 25% of the total ingredients and its presence shall be declared on the label in the ingredient statement, if any, or otherwise contiguous to the name of the product.

(k) Ground Meat. "Ground Meat", including ground meat mixtures such as chow mein meat, meat loaf meat, sausage meat, etc. intended as food for human consumption shall consist of ground or chopped fresh and/or frozen meat. The name of each species of meat contained shall be declared in order of predominance as part of the product name on the label if in package form or on a placard easily readable to the purchaser if displayed in bulk. (As an example: GROUND MEAT -- BEEF AND PORK.) It shall not contain more than 30% fat. Water shall not be added. It shall not contain binders, extenders, hearts, cheeks, tongues, tongue meat or other by-products.

(l) Beef Sausage. "Beef Sausage" shall consist of fresh and/or frozen beef with or without the addition of seasoning. It shall not contain more than 30% fat. It shall not contain binders, extenders, hearts, beef cheeks, tongues, tongue meat or other by-products. If seasoning or condiments are added, water or ice may be used to facilitate chopping or mixing in an amount not to exceed 3% of the total ingredients used. The provisions of this regulation do not apply to cooked, smoked or dried product.

Agr 1684 Lard

(a) Lard. Lard is the rendered fresh fat from hogs in good health at the time of slaughter, is clean, free from rancidity and contains, necessarily incorporated in the process of rendering, not more than one (1) per cent of substances other than fatty acids and fat.

(b) Leaf Lard. Leaf lard is lard rendered at moderately high temperatures from the internal fat of the abdomen of the hog excluding that adherent to the intestines and has an iodin number not greater than 60.

(c) Neutral Lard. Neutral lard is lard rendered at low temperatures.

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Agr 1685 Labeling Prepackaged Retail Meat Cuts Displayed For Sale.

(a) Species of Meat. The species of meat shall be declared on each retail meat cut label and shall be the leading term of the name of the product.

(b) Primal, Sub-Primal or Wholesale Meat Cut. The primal, sub-primal or wholesale meat cut from which the retail meat cut is derived shall be declared on the product label as part of the name of the product and shall be declared immediately following the species of meat.

(c) Names of primal, sub-primal or wholesale meat cuts are:

(1) Beef — Chuck, Rib, Loin, Round, Shank, Plate, Brisket, Flank.

(2) Pork — Shoulder, Loin, Leg.

(3) Veal — Shoulder, Rib, Loin, Leg, Breast, Shank.

(4) Lamb — Shoulder, Breast, Shank, Rib, Loin, Leg.

(d) The provisions of (a) do not apply to: side pork, bacon, ham, Canadian style bacon, salt pork.

(e) The provisions of (b) do not apply to: ground meat, cubed meat, cube steak, meat for stew, cutlets, soup bones, neck bones, hocks, feet, spare ribs, side pork, jowl, bacon, ham, Canadian style bacon, salt pork.

(f) Name of the Retail Meat Cut.

(1) The name of the primal cut on the label shall be followed by a name which accurately describes the retail cut derived therefrom. For example:

BEEF PLATE	PORK LOIN	VEAL LEG
SHORT RIBS	BLADE ROAST	SIRLOIN ROAST
BEEF LOIN	PORK LOIN	BEEF ROUND
SIRLOIN STEAK	SIRLOIN ROAST	TIP STEAK
BEEF ROUND STEAK	BEEF CHUCK ROAST	BEEF RIB STEAK

(2) Fanciful or distinctive names or terms including, but not limited to, "Family", "His and Hers", "Manhattan", "Premium", "Sandwich", "Bronco", "Penthouse", "Charcoal", "Ranch", "Texas", "Dinner", "Minute", "Pan", "Hollywood", "Delmonico", "New York", "California", "Bread and Butter", "Saratoga", "Boston", "English", shall not be used as the name or as part of the name of a retail meat cut on a primary or price meat cut label or on a placard used to identify retail meat cuts displayed for sale.

(3) The meat cut identification requirements of these regulations shall be considered as having been met if the retail meat cut label complies with the meat cut definitions and nomenclature of Chapter II of the "Uniform Retail Meat Identity Standards" of the National Live Stock and Meat Board provided, that identification of ground beef products shall be as required by Minnesota regulations; and provided further, that special or distinctive names for pretendered retail meat cuts are not permitted.

(4) If a specific name from the "Uniform Retail Meat Identity Standards" is used to identify a retail meat cut, it must conform to the cut listed therein.

(g) Placards, if used to identify unpackaged meat cuts shall not include fanciful names prohibited by these regulations.

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CHAPTER SEVENTY-EIGHT: AGR 1700-1739 ANIMAL, POULTRY AND RABBIT SLAUGHTERING, PACKING AND PROCESSING

Agr 1700 Scope

The following specifications shall apply in all licensed slaughtering, dressing and processing plants unless operations are of such limited volume or character that all items do not apply in which cases all applicable requirements shall be enforced.

(a) Minimum Requirements. Minimum requirements for all licensed slaughtering, dreessing and processing plants shall include separate facilities for the following operations:

(1) Receiving or holding animals, rabbits or poultry to be slaughtered.

(2) Slaughtering.

(3) Eviscerating, cutting, wrapping and packaging.

(b) Small Scale Operations. Notwithstanding the provisions of Regulations Agr 1700(a) and 1704(a), where the operations are conducted on a limited scale, the slaughtering and dressing including the removal of hides, pelts and feathers may be permitted in the same room in which eviscerating, cutting, wrapping and packaging is done, provided:

(1) Each individual operation otherwise shall meet sanitation requirements;

(2) Operations are segregated to permit their conduct in a sanitary manner;

(3) A sufficient time lag is allowed between each type of operation so that proper sanitation can be provided or the size of the processing room is large enough to permit all operations to be conducted at the same time without any possibility of contaminating the dressed poultry or meat.

(c) Lavatories, Utensil Cleaning, Toilet Facilities. All slaughtering operations shall include convenient hand-washing equipment consisting of a lavatory with hot and cold running water, soap and sanitary towels and separate washing facilities for adequate cleaning of knives and other equipment. Approved toilet facilities are to be provided for all permanently located slaughtering operations in which hired labor is employed.

Agr 1701 Protection of Carcasses and Dressed Meat

All slaughtering shall be done in such a manner as to comply with sanitation requirements that will adequately protect the carcass from contamination.

(a) Transportation of Carcasses. When animal carcasses are transported from the place of slaughter to the place in which chilling, cutting and other processing will be done, they shall be given proper protection from dust, filth, insects, vermin or other contamination in a closed vehicle or other approved, enclosed transportation.

(b) Protection of Dressed Meat and Poultry. Dressed meat and poultry must be adequately covered and properly protected from dust, filth, insects, vermin or other contamination at all times while being transported.

Agr 1702 Additional Specifications

Additional detailed specifications that are requirements in all licensed slaughter, dressing and processing plants wherever applicable are contained in Regulation Agr 1703 through Regulation Agr 1716.

Agr 1703 Buildings

The building in which the operations are conducted shall be of sound construction, in good repair and maintained in a sanitary condition at all times, free of rodents, insect pests and other vermin. Approval will not be granted for the

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construction or installation of any new slaughtering, packing or processing operations below grade level.

(a) Outside Openings

(1) The doors, windows, skylights and other outside openings of the plant except receiving rooms and feeding rooms shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors except in receiving rooms and feeding rooms shall be so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building. Doors shall be provided with self-closing devices where necessary to prevent the entry of vermin into processing and storage rooms.

Agr 1704 Rooms and Compartments

Rooms, compartments or receptacles used for edible products shall be separate and distinct from inedible products departments and from rooms where live poultry, rabbits and animals are held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(a) Rooms for Separate Operations. The plant shall have separate rooms for each of the following operations depending upon the various types of operations conducted but in no case shall the receiving or feeding of live poultry, rabbits or animals or killing operations be permitted in rooms in which eviscerating operations are performed:

(1) The receiving and feeding of live poultry, rabbits or animals.

(2) Killing, scalding and roughing operations.

(3) Pinning, finishing and chilling and packing operations for dressed poultry, rabbits or animals.

(4) Evisceration operations.

Final pinning of dressed poultry and chilling and packaging of edible products may be performed in this room. Openings in walls for conveyor lines are permissible.

(5) Inedible products departments.

(6) Refuse rooms.

Separate refuse room or other equally adequate facilities shall be required in eviscerating plants and in other plants where accumulations of refuse occur.

(b) Coolers and Freezers. Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of dressed poultry, rabbits or animals and ready-to-cook poultry prepared and otherwise handled in the plant to 36°F. within 24 hours unless other cooling facilities are available.

(c) Refuse Rooms. Refuse rooms shall be entirely separate from other rooms in the plant, shall have tight fitting doors and be properly ventilated.

(d) Storage and Supply Rooms. The storage and supply rooms shall be in good repair, kept dry and maintained in a sanitary condition.

(e) Boiler Room. The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where dressed poultry, rabbits or animals or edible products are prepared, processed, handled and stored.

(f) Toilet Rooms. Toilet rooms shall not open directly into rooms where poultry, rabbit or animal products are exposed; they shall have self-closing doors and shall be mechanically ventilated.

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Agr 1705 Floors, Walls, Ceilings, Etc.

The floors, walls, ceilings, partitions, posts, doors and other parts of all compartments shall be of such material, construction and finish as will make them susceptible of being readily and thoroughly cleaned.

(a) Floors

(1) All floors, except those in receiving rooms and feeding rooms and floors which are kept dry, shall be constructed of hardened concrete or of tile laid closely together with impervious joint material or of other similar impervious material and kept in good repair.

(2) The floors in killing, ice-cooling, ice-packing and eviscerating rooms shall be graded to permit run-off with no standing water and in new construction and renovated plants the pitch shall be not less than ¼ inch per foot to drains.

(3) In new construction the junction of the wall with the floor shall be covered on a radius of not less than two (2) inches and the window ledges shall be set at an angle of approximately 45° and all upper horizontal surfaces shall be kept to a minimum.

(b) Ceilings and Walls

(1) Ceilings and walls in rooms and compartments where exposed edible products are processed, handled or stored shall have tiled, enameled or other smooth surface impervious to moisture.

(2) Cooler and freezer rooms shall have interior surfaces impervious to moisture so as to permit thorough cleaning.

(c) Blood Disposal

(1) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(2) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least ½ inch per foot toward a smooth metal catch basin or basins, of sufficient capacity for a day's operation at peak production or shall be flushed continuously.

Agr 1706 Draining and Plumbing

There shall be an efficient draining and plumbing system for the plant and premises.

(a) Drains and Gutters. All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings and surface water around the plant and on the premises and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(b) Sewerage and Plant Wastes

(1) The sewerage system shall have adequate slope and capacity to remove readily all wastes from the various processing operations and to minimize and if possible to prevent stoppage and surcharging of the system.

(2) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from or loaded into vehicles. To facilitate cleaning such traps shall have inclined bottoms and be provided with suitable covers.

(3) In new construction, toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(4) All floor drains shall be equipped with traps constructed so as to minimize clogging and the plumbing shall be installed so as to prevent sewerage from backing up and from flooding the floor.

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(5) Floor drainage lines shall be of metal and at least four (4) inches in diameter and open into main drains of at least six (6) inches in diameter and shall be properly vented to the outside air.

(6) In new construction, valley or gutter drains shall have concave bottoms or the junctions of the sides and the bottoms shall be coved.

(7) Where refrigerators are equipped with drains, such drains shall be properly trapped and shall discharge through an air gap into the sewer system. All new installations and all replacement of refrigerators equipped with drains shall meet these requirements.

Agr 1707 Water Supply

The water supply shall be ample, clean and potable with adequate pressure and facilities for its distribution in the plant and its protection against contamination and pollution. The provisions of this section shall be considered as having been met if the water supply complies with the specifications set forth in Section VII of the Manual of Water Supply Sanitation of the Minnesota department of health, which Standards have been adopted by the commissioner of agriculture.

(a) Hot Water. Hot water at a temperature not less than 180°F. shall be available for sanitation purposes.

(b) Location of Hose Connections. Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(c) Refuse Rooms. The refuse rooms shall be provided with adequate facilities for washing cans and other equipment in the rooms and the rooms, cans and equipment shall be cleaned after each day's use.

Agr 1708 Lavatory Accommodations

Modern lavatory accommodations and properly located facilities for cleaning utensils and hands shall be provided.

(a) Adequate Lavatory and Toilet Accommodations. Adequate lavatory and toilet accommodations, including, but not being limited to, running hot and cold water, soap and towels shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(b) Covered Containers. Sufficient covered metal containers shall be provided for used towels and other wastes.

(c) Hand-washing Facilities. An adequate number of hand-washing facilities serving areas where dressed poultry, rabbits or animals and edible products are prepared shall be operated by other than hand-operated controls or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(d) Sanitary Signs. Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(e) Ample Toilet Facilities. Adequate toilet facilities shall be provided with respect to the number of employees in the plant.

Agr 1709 Lighting and Ventilation

There shall be ample light, either natural or artificial or both, of good quality and well distributed and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(a) Lighting Requirements. All rooms in which poultry, rabbits or animals are killed, eviscerated or otherwise processed shall be considered as having sufficient light if at least 30 foot candles of light intensity are provided on all working surfaces except that at the grading and inspection stations where such light intensity shall be of 50 foot candles. In all other rooms there shall be provided

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at least five (5) foot candles of light intensity when measured at a distance of 30 inches from the floor.

(b) Ventilation. All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

Agr 1710 Equipment and Utensils

Equipment and utensils used for the preparation, processing or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products. Insofar as it is practical, equipment and utensils shall be made of metal of other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(a) Batteries. Batteries shall be constructed entirely of metal and have metal dropping pans so as to permit proper and complete washing and cleaning. Batteries that are not made entirely of metal shall be replaced with metal batteries whenever replacement becomes necessary.

(b) Refuse Containers. Metal refuse containers with covers shall be provided and such containers shall be kept covered.

(c) Scalding Equipment for Poultry Processing Plants.

(1) Scalding equipment, tank or spray type, shall be made of metal and have smooth surfaces and be of such construction as to permit proper and complete washing and cleaning.

(2) The scalding tanks when used shall be so constructed as to prevent contamination of potable water lines and to permit water to enter continuously at the rate of ¼ gallon per bird per minute and to flow out through an overflow.

(3) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(4) The overflow, draw-off valves and sediment basin drain shall discharge into a floor or valley drain or onto the floor in close proximity to a floor or valley drain.

(d) Mechanical Pickers. When necessary, safety guards shall be installed around moving machine parts of mechanical pickers and such guards shall be of such construction as not to be difficult or laborious to remove or to keep clean. Sheet metal or metal grills fastened down with sufficient bolts and wing nuts are preferable.

(e) Wax Finishing. When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(f) Ice Chilling Vats

(1) Chilling vats or tanks used for chilling dressed poultry, rabbits or animals and all replacements thereof and all chilling vats or tanks used for chilling ready-to-cook poultry, rabbits or animals shall be made of metal or other hard-surfaced impervious material.

(2) Ice Shovels shall be smooth surfaced and made of metal.

(g) Grading and Packing Bins. Where grading bins are used for poultry, rabbits or animals, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins and all dressed poultry, rabbits or animals shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins, however, shall be of metal.

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(h) Rooms; Killing, Roughing, Pinning, Chilling, Packing, Equipment Used In. Except as otherwise provided herein, all equipment and utensils used in killing, roughing, pinning, chilling and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(i) Conveyors

(1) Any conveyors used in the plant shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

(2) Overhead conveyors and tracks shall be so constructed and maintained that they will not allow grease, oil or dirt to accumulate on the drop chain or shackle which shall be of noncorrosive metal.

(3) Nonmetallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(4) When individual trays or other acceptable equipment are not used during eviscerating operations, each carcass shall be suspended and a metal trough shall be provided beneath the conveyor to extend from the point where the carcass is opened to the point where the viscera has been completely removed and such troughs shall be flushed continuously by a water spray.

(5) The distance from the floor to the top of the track or rail used in a slaughter house for the suspension and movement of cattle carcasses shall not be less than 10 feet.

(j) Tables. Inspection, eviscerating and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(k) Plants Lacking Conveyors. In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(l) Water Spray Washing Equipment. Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(m) Waste Receptacles. Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry, rabbits or animals.

(n) Trucks and Receptacles for Diseased Carcasses. Watertight trucks and receptacles for holding or handling diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned.

(o) Freezing Rooms. Freezing rooms shall be adequately equipped to freeze ready-to-cook poultry, rabbits or animals solid in less than 60 hours. Freezing rooms shall be equipped with floor racks or pallets and fans to insure air circulation.

(p) Cooling Racks. Cooling racks shall be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

Agr 1711 *Equipment, Accessibility*

(a) All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.

(b) Mechanical Pickers. When used in the plant, mechanical pickers shall be so installed as to be accessible for thorough cleaning and removal of the accumulation of feathers.

Agr 1712 Premises

The premises shall be kept free from refuse, waste materials and all other sources of objectionable odors and conditions.

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Agr 1713 Cleaning of Rooms and Compartments

Rooms, compartments or other parts of the plant in which products are handled and kept shall be kept clean and in sanitary condition.

(a) Disposal of Offal. All feathers, blood, offal, birds, rabbits or animals or parts of poultry, rabbits or animals too severely damaged to be salvaged and all discarded containers and other materials shall be completely disposed of daily. A separate closed storage room vented to the outer air with a concrete floor shall be provided for the offal if not disposed of immediately following slaughter. Such offal cans shall be removed from the slaughter room to the storage room as soon as slaughtering is completed.

(b) Windows, Doors, Light Fixtures. All windows, doors and light fixtures in the plant shall be kept clean.

(c) Docks and Rooms. All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(d) Receiving Docks and Rooms Construction. Live poultry, rabbit or animal receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning.

(e) Feeding Room Floors. Floors in feeding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(f) Killing, Roughing, Pinning Room. The killing, roughing and pinning room shall be kept clean and free from offensive odors at all times.

(g) Walls, Floors, Equipment, Utensils. The walls, floors and all equipment and utensils used in the killing, roughing and pinning room shall be thoroughly cleaned after each day's operation.

(h) Killing Room Floors. The floors in the killing, roughing and pinning room shall be cleaned frequently during roughing and finishing operations and be kept reasonably free from accumulated blood, hides, feathers, bristles, manure, water and dirt.

(i) Toilet and Locker Room Sanitation. All equipment in the toilet and locker room as well as the room itself shall be kept clean, sanitary and in good repair.

(j) Cooler and Freezer Rooms. Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

Agr 1714 Cleaning of Equipment and Utensils

Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.

(a) Batteries and Holding Pens. Batteries, dropping pans and holding pens shall be cleaned regularly and the manure removed from the plant daily.

(b) Feed Mixer. The feed mixer shall be cleaned daily.

(c) Scalding Tanks. Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary but not less frequently than once a day.

(d) Ice Shovels. Ice shovels shall be kept clean, free of corrosion and shall be stored off the floor.

(e) Killing Room Equipment and Utensils. All equipment and utensils used in the killing, roughing and pinning rooms shall be thoroughly washed and cleaned after each day's operation. The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(f) Graders and Bins. Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

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(g) Chilling Vats or Tanks. Chilling vats or tanks not being used in a continuous flow system shall be emptied and rinsed after each use. All tanks shall be thoroughly cleaned once daily.

(h) Defrosting Tanks. When frozen poultry, rabbits or animals are to be defrosted in water, adequate facilities (tanks, vats or racks) shall be provided, including continuous running tap water of sufficient volume to thaw such poultry, rabbits or animals. Such poultry, rabbits or animals shall not be thawed in still water and the thawing tanks shall be emptied and rinsed after each use. The tanks shall be thoroughly cleaned once daily. If water is heated, it shall not be heated above 70°F. Thawing tanks shall be equipped with properly installed over-flow pipes to discharge over a floor drain or a valley drain. Where mechanical devices are not used for removing thawed carcasses from thawing, tanks shall be of a size as will enable employees to remove poultry, rabbits or animals without getting inside the tanks.

(i) Overhead Conveyors. When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(j) Tray Conveyors. When a conveyor tray operation is used, such trays shall be of metal of seamless construction and shall be completely washed and sanitized after each use.

(k) Utensils for Ready-to-Cook Products. Tables, shelves, bins, trays, pens, knives and all other tools and equipment used in the preparation of ready-to-cook poultry, rabbits or animals shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(l) Container Sanitation. Drums, cans, tanks, vats and other receptacles used to hold or transport dressed poultry, rabbits or animals or eviscerated poultry, rabbits or animals shall be kept in a clean and sanitary condition.

Agr 1715 *Operations and Procedures, Sanitation*

Operations and procedures involving the preparation, storing or handling of any product shall be strictly in accord with clean and sanitary methods.

(a) Material, Proper Storage. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments or other places in the plant where any product is prepared, stored or otherwise handled.

(b) Operations Segregated. The pinning and finishing operations shall be performed in a part of the room that is away from the killing and roughing operations.

(c) Killing Operation Isolated. Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

*(d) Finishing Dressed Poultry. In finishing and cleaning dressed poultry the carcass shall be singed, feed shall be removed from the crop and the fecal material in the cloaca shall be removed by venting and such operations shall be completed prior to chilling and packaging of such dressed poultry.

*(e) Head Cleanliness. The head of each dressed poultry carcass shall be washed thoroughly to remove feed from the mouth and blood from the head and mouth.

*(f) Final Cleaning. In the final washing the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

*(g) Packaging Operation Isolated. Grading and Packaging. Dressed poultry may be graded and packaged in the killing, roughing, pinning, chilling and packing room; however, such poultry shall be graded and packed in an area of the room which is well isolated from the killing and roughing operation.

*Applies to Poultry Processing Plants only.

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(h) Eviscerating Room Floors. The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(i) Plant Sanitation. Plant operation shall be conducted in such a manner as will result in sanitary processing, proper inspection and wholesome properly prepared ready-to-cook poultry, rabbits or animals.

(j) Packaging Equipment. Mechanized packaging equipment shall be maintained in good sanitary condition.

(k) Prompt Offal Removal. All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(l) Container Liners. Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product. Wooden containers to be used for packaging poultry, rabbits or animals shall be fully lined except when the individual birds, rabbits or animals to be packaged therein are fully wrapped.

(m) Protection of Products. Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt and insects), considering the means intended to be employed in transporting the products from the plant.

(n) Package Containers — Sanitation. Containers to be used for packaging dressed poultry, rabbits or animals and ready-to-cook poultry, rabbits or animals shall be clean, free from objectionable substances or odors and of sufficient strength and durability to adequately protect the product during normal distribution. Dressed and ready-to-cook poultry, rabbits or animals, other than that which is to be ice packed, shall be adequately drained to remove ice and free water prior to packing and packaging.

(o) Refuse Handling. Refuse may be moved directly to loading docks only for prompt removal.

(p) Personnel Hygiene. Cleanliness and hygiene of personnel.

(1) All employees coming in contact with dressed poultry, rabbits or animals, exposed edible products or edible products handling equipment shall wear clean garments and shall keep their hands clean at all times while thus engaged.

(2) Infections and Open Sores. Hands of employees handling dressed poultry, rabbits or animals or edible products or edible products handling equipment shall be free of infected cuts, boils and open sores at all times while thus engaged.

(3) Hand Washing. Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of dressed poultry, rabbits or animals or edible products or containers therefor or edible products handling equipment.

(4) Use of Tobacco Prohibited. Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed or otherwise handled.

Agr 1716 Temperatures and Cooling and Freezing Procedures

Temperatures and procedures which are necessary for cooling and freezing dressed and ready-to-cook poultry, rabbits or animals, including all edible portions thereof, shall be in accordance with sound operating practices which insure the

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prompt removal of the animal heat and as will maximize the preservation of the quality and condition of the poultry, rabbits or animals.

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CHAPTER EIGHTY-FOUR: AGR 1880-1899
FISH — GENERAL

Agr 1880 Fish

(a) All fish unfit for human food whether parasitic or not that are offered for sale for animal food shall be denatured or identified in such a manner so as to prohibit their use for human food. Such denaturing is to be accomplished either by cutting the fish in two immediately behind the abdominal cavity or by dyeing the fish with methyl violet or any similar harmless dye. The strength of the dye solution used shall not be less than one (1) part of dye to 5000 parts of water.

(b) All packing boxes and containers containing denatured fish shall bear thereon in a conspicuous manner in bold face type not less than ½ inch in height the statement "For Animal Food Only". Such statement shall be printed or form 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.

(c) Fish and fish products shall be free from added yellow, orange or red color either of coal tar or vegetable origin. The use of yellow, orange or red coloring in or on these products is prohibited even when declared.

Agr 1881 Fresh, Frozen and Salt Herring

(a) Packing Boxes

(1) Fresh fish shall be packed in boxes of 50 pound and 100 pound weights with not less than five (5) per cent extra weight for shrinkage and inspection. The boxes shall be of the following dimensions and construction: For 50 pounds of fish the inside measurements shall be 23 inches long, 14 inches wide and 10 inches high; the ends cleated outside and without extended handles. For 100 pounds of fish the inside measurements shall be 27 inches long, 17 inches wide and 12 inches high and have extended handles.

(2) In the case of frozen fish, 85 pounds of such fish can be marketed in the 100 pound standard box.

(3) Boxes for 100 pounds of frozen fish shall have inside measurements 27 inches long, 17 inches wide and 14 inches high; the ends cleated outside and without extended handles.

(4) All fish boxes shall be constructed of planed surface lumber. Cedar wood shall not be used in whole or in part in the construction of fish boxes.

(b) Only fish which are fresh, firm, free of blood clots and unnecessary punctures shall be sold.

(1) Fresh means that the fish have firm, elastic flesh, that does not pit readily on pressure, that they have a sweet, wholesome odor and their gills have their characteristic red color, that their eyes be full, prominent and bright and that the scales have their characteristic bright sheen.

(2) Fish shall be dressed in a careful manner by slitting down the belly with a straight, clean cut and be scraped clean of all blood and entrails.

(c) Fish shall be placed lengthwise in the box and be well iced when packed for shipment. Ice shall be placed on the bottom of the box and on top of the fish. In warm weather the ice shall be taken in boats so that fish can be iced immediately after removal from nets.

(d) Salted herring shall be packed 110 pounds net of well cured fish to the keg and shall be salted at point of production only. Herring shall be tightly packed with a circular pack and contain not less than 35 pounds of salt per keg except herring packed from October 1st to April 1st shall contain not less than

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30 pounds of salt per keg. All herring used for salting purposes shall consist of fresh fish and shall be properly cut, properly cleaned and washed free of blood and loose scales before curing.

(1) "Fresh" means fish that meet the requirements of the definition above.

(2) "Properly cut" means that the head and gills shall be completely removed and that the fish be cut down along side the backbone.

(3) "Properly cleaned" means that the cut fish shall be free of any gut, milt or roe and free of loose scales.

(e) Only fish meeting the requirements of fresh herring as defined above shall be frozen and entered into the channels of trade for human consumption.

(f) All boxes containing either fresh or frozen herring and all kegs of salted herring shall bear a label giving the following information:

(1) Name and address of producer

(2) Commercial fishing license number of producer

(3) Statement of net weight

(g) All herring, whether fresh, frozen or salted produced by fishermen living in the State of Minnesota shall be inspected and graded by an authorized grader of the department of agriculture when same are entered into the channels of trade.

(h) Boxes, kegs and packages of fresh, frozen or salted fish that pass inspection shall be tagged with an inspection certificate showing the date of inspection of the fish contained therein, which certificate shall be retained on said box, keg or package until contents thereof have been completely removed therefrom.

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CHAPTER EIGHTY-EIGHT: AGR 1960-1974 SHELL FISH; DEFINITIONS AND STANDARDS OF IDENTITY; FILL OF CONTAINER

Agr 1960 Canned Wet Pack Shrimp and Canned Dry Pack Shrimp in Nontransparent Containers; Fill of Container; Label Statement of Substandard Fill

(a) Fill of Container

(1) The standard of fill of nontransparent containers for canned wet pack shrimp is a fill such that the cut-out weight of shrimp taken from each can is not less than 64 per cent of the water capacity of the container and for canned dry pack shrimp (except that packed in the nontransparent cylindrical container which is 2 11/16 inches in diameter and four (4) inches in height), is a fill such that the cut-out weight of shrimp taken from each can is not less than 60 per cent of the water capacity of the container.

(2) The standard of fill for canned dry pack shrimp packed in the nontransparent cylindrical container which is 2 11/16 inches in diameter and four (4) inches in height is a cut-out weight of not less than 6 ½ avoirdupois ounces of shrimp for each container.

(3) Water capacity of containers is determined by the general method provided in Regulation Agr 630(a).

(4) Cut-out weight is determined by the following method:

(aa) Keep the unopened canned shrimp container at a temperature of not less than 68° nor more than 95°F. for at least 12 hours immediately preceding the determination.

(bb) After opening, tilt the container so as to distribute the shrimp evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the seive is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds, and 12 inches if such quantity is three (3) pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Seives", published March 1, 1940, in L.C.584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the seive as to facilitate drainage.

(cc) Two (2) minutes from the time drainage begins, weigh the sieve and the drained shrimp. The weight so found, less the weight of the seive, shall be considered to be the cut-out weight of the shrimp.

(b) Label Statement of Substandard Fill of Container. If canned wet pack shrimp or canned dry pack shrimp in nontransparent containers falls below the applicable standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill provided in Regulation Agr 631(b) in the manner and form therein specified.

Agr 1961 Canned Oysters; Identity; Label Statement of Optional Ingredients

(a) Identity. Canned oysters is the food prepared from one (1) or any mixture of two (2) or all of the forms of oysters specified in paragraph (b) of this regulation and a packing medium of water or the watery liquid draining from oysters before or during processing or a mixture of such liquid and water. The food may be seasoned with salt. It is sealed in containers and so processed by heat as to prevent spoilage.

(b) Preparation. The forms of oysters referred to in paragraph (a) of this regulation are prepared from oysters which have been removed from their shells and washed and which may be steamed while in the shell or steamed or blanched or both after removal therefrom and are as follows:

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(1) Whole oysters with such broken pieces of oysters as normally occur in removing oysters from their shells, washing and packing.

(2) Pieces of oysters obtained by segregating pieces of oysters broken in shucking, washing or packing whole oysters.

(3) Cut oysters obtained by cutting whole oysters.

(c) Name of Food

(1) When the form of oysters specified in paragraph (b)(1) of this regulation is used, the name of the food is "Oysters" or "Cove Oysters" if of the species Ostrea virginica "Oysters" or "Pacific Oysters" if of the species Ostrea gigas, "Oysters" or "Olympia Oysters" if of the species Ostrea lurida.

(2) When the form of oysters specified in paragraph (b)(2) of this regulation is used, the name of the food is "Pieces of ", the blank being filled in with the name "Oysters" or "Cove Oysters" if of the species Ostrea virginica "Oysters" or "Pacific Oysters" if of the species Ostrea gigas, "Oysters" or "Olympia Oysters" if of the species Ostrea lurida.

(3) When the form of oysters specified in paragraph (b)(3) of this regulation is used, the name of the food is "Cut ", the blank being filled in with the name "Oysters" or "Cove Oysters" if of the species Ostrea virginica, "Oysters" or "Pacific Oysters" if of the species Ostrea gigas, "Oysters" or "Olympia Oysters" if of the species Ostrea lurida.

(4) In case a mixture of two (2) or all such forms of oysters is used the name is a combination of the names specified in this paragraph of the forms of oysters used arranged in order of their predominance by weight.

Agr 1962 Canned Oysters; Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 per cent of the water capacity of the container.

(b) Water capacity of containers is determined by the general method provided in Regulation Agr 630(a).

(c) Drained weight is determined by the following method:

(1) Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95°F. for at least 12 hours immediately preceding the determination.

(2) After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds and 12 inches if such quantity is three (3) pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)", in Table 1 of "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the seive, so incline the sieve as to facilitate drainage.

(3) Two (2) minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the seive, shall be considered to be the drained weight of the oysters.

(d) If canned oysters fall below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 631(b) in the manner and form therein specified followed by the statement "A can of this size should contain _____ ounces of oysters. This can contains only _____ ounces", the blanks being filled in with the applicable figures.

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Agr 1963 Oysters, Raw Oysters, Shucked Oysters; Identity

(a) Oysters, raw oysters, shucked oysters are the class of foods each of which is obtained by shucking shell oysters and preparing them in accordance with the procedure prescribed in paragraph (b) of this regulation. The name of each such food is the name specified in the applicable definition and standard of identity prescribed in Regulations Agr 1964 to Agr 1973, inclusive.

(b) If water or salt water containing less than 0.75 per cent salt is used in any vessel into which the oysters are shucked, the combined volume of oysters and liquid when such oysters are emptied from such vessel is not less than four (4) times the volume of such water or salt water. Any liquid accumulated with the oysters is removed. The oysters are washed by blowing or otherwise in water or salt water or both. The total time that the oysters are in contact with water or salt water after leaving the shucker including the time of washing, rinsing and any other contact with water or salt water is not more than 30 minutes. In computing the time of contact with water or salt water that is agitated by blowing or otherwise, shall be calculated at twice its actual length. Any period of time that oysters are in contact with salt water containing not less than 0.75 per cent salt before contact with oysters, shall not be included in computing the time that the oysters are in contact with water or salt water. Before packing into the containers for shipment or other delivery for consumption the oysters are thoroughly drained and are packed without any added substance.

(c) For the purposes of this regulation:

(1) "Shell oysters" means live oysters of any of the species Ostrea virginica, Ostrea gigas, Ostrea lurida in the shell, which after removal from their beds have not been floated or otherwise held under conditions which result in the addition of water.

(2) "Thoroughly drained" means one (1) of the following:

(aa) The oysters are drained on a strainer or skimmer which has an area of not less than 300 square inches per gallon of oysters drained and has perforations of at least ¼ of an inch in diameter and not more than 1¼ inches apart or perforations of equivalent areas and distribution. The oysters are distributed evenly over the draining surface of the skimmer and drained for not less than five (5) minutes; or

(bb) The oysters are drained by any method other than that prescribed by subdivision (aa) of this subparagraph whereby liquid from the oysters is removed so that when the oysters are tested within 15 minutes after packing by draining a representative gallon of oysters on a skimmer of the dimentions and in the manner described in subdivision (aa) of this subparagraph for two (2) minutes, not more than five (5) per cent of liquid by weight is removed by such draining.

Agr 1964 Extra Large Oysters, Oysters Counts (or plants), Extra Large Raw Oysters, Raw Oysters Count (or plants), Extra Large Shucked Oysters Counts (or plants); Identity. Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants) are of the species Ostrea virginica and conform to the definition and standard of identity prescribed by oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters.

Agr 1965 Large Oysters, Oysters Extra Selects, Large Raw Oysters, Raw Oysters Extra Selects, Large Shucked Oysters, Shucked Oysters Extra Selects; Identity. Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains

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more than 160 oysters but not more than 210 oysters; a quart of the smallest oysters selected therefrom contains not more than 58 oysters and a quart of the largest oysters selected therefrom contains more than 36 oysters.

Agr 1966 Medium Oysters, Oysters Selects, Medium Raw Oysters, Raw Oysters Selects, Medium Shucked Oysters, Shucked Oysters Selects; Identity. Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains more than 210 oysters, but not more than 300 oysters; a quart of the smallest oysters selected therefrom contains not more than 83 oysters and a quart of the largest oysters selected therefrom contains more than 46 oysters.

Agr 1967 Small Oysters, Oysters Standards, Small Raw Oysters, Raw Oysters Standards, Small Shucked Oysters, Shucked Oysters Standards; Identity. Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards are of the species Ostrea virginica and conform to the definition and standards of identity prescribed for oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains more than 300 oysters but not more than 500 oysters; a quart of the smallest oysters selected therefrom contains not more than 138 oysters and a quart of the largest oysters selected therefrom contains more than 68 oysters.

Agr 1968 Very Small Oysters, Very Small Raw Oysters, Very Small Shucked Oysters; Identity. Very small oysters, very small raw oysters, very small shucked oysters, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains more than 500 oysters and a quart of the largest oysters selected therefrom contains more than 112 oysters.

Agr 1969 Olympia Oysters, Raw Olympia Oysters, Shucked Olympia Oysters; Identity. Olympia oysters, raw Olympia oysters, shucked Olympia oysters are of the species Ostrea lurida and conform to the definition and standard of identity prescribed for oysters in Regulation Agr 1963.

Agr 1970 Large Pacific Oysters, Large Raw Pacific Oysters, Large Shucked Pacific Oysters; Identity. Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters are of the species Ostrea gigas and conform to the definitions and standards of identity prescribed for oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains not more than 64 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Agr 1971 Medium Pacific Oysters, Medium Raw Pacific Oysters, Medium Shucked Pacific Oysters; Identity. Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains more than 64 oysters and not more than 96 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Agr 1972 Small Pacific Oysters, Small Raw Pacific Oysters, Small Shucked Pacific Oysters; Identity. Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains more than 96 oysters and not more than 144 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

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Agr 1973 Extra Small Pacific Oysters, Extra Small Raw Pacific Oysters, Extra Small Shucked Pacific Oysters; Identity. Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by Regulation Agr 1963 and are of such size that one (1) gallon contains more than 144 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Agr 1974 Reserved for future use.

Filed 11-14-45; 4-9-54; 5-19-58.

Chapters Eighty-Nine and Ninety: Reserved for future use.

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CHAPTER NINETY-ONE: AGR 2015-2034
FISH; DEFINITIONS AND STANDARDS OF IDENTITY; FILL OF CONTAINER

Agr 2015 Canned Tuna; Definition and Standard of Identity; Label Statement of Optional Ingredients

(a) Canned tuna is the food consisting of processed flesh of fish of the species enumerated in paragraph (b) of this regulation, prepared in one (1) of the optional forms of pack specified in paragraph (c) of this regulation, conforming to one (1) of the color designations specified in paragraph (d) of this regulation, in one of the optional packing media specified in paragraph (e) of this regulation and may contain one (1) or more of the seasonings and flavorings specified in paragraph (f) of this regulation. It is packed in hermetically sealed containers and so processed by heat as to prevent spoilage. It is labeled in accordance with the provisions of paragraph (h) of this regulation.

(b) The fish included in the class known as tuna fish are:

Thunnus thynnus	Bluefin tuna [1]
Thunnus maccoyii	Southern bluefin tuna [1]
Thunnus orientalis	Oriental tuna [2]
Thunnus germo	Albacore [3]
Parathunnus mebachi	Big-eyed tuna [3]
Neothunnus macropterus	Yellowfin tuna [3]
Neothunnus rarus	Northern bluefin tuna [2]
Katsuwonus pelamis	Skipjack [3]
Euthynnus alletteratus	Little tunny [2]
Euthynnus lineatus	Little tunny [2]
Euthynnus yaito	Kawakawa [4]

The description of each species will be found in the text to which reference is made.

(c) The optional forms of processed tuna consist of loins and other striated muscular tissue of the fish. The loin is the longitudinal quarter of the great lateral muscle freed from skin, scale, visible blood clots, bones, gills, viscera and from the nonstriated part of such muscle, which part (known anatomically as the median superficial muscle) is highly vascular in structure, dark in color because of retained blood and granular in form. Canned tuna is prepared in one (1) of the following forms of pack, the identity of which is determined in accordance with the methods prescribed in Regulation Agr 2016.

(1) Solid or solid pack consists of loins freed from any surface tissue discolored by diffused hemolyzed blood cut in transverse segments to which no free fragments are added.

(aa) In containers of one (1) pound or less of net contents, such segments are cut in lengths suitable for packing in one (1) layer.

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1 *A Comparison of the Bluefin Tunas, Genus Thunnus from New England, Australia and California,* by H. C. Godsil and Edwin K. Holmberg, State of California, Department of Natural Resources, Division of Fish and Game, Bureau of Marine Fisheries, Fish Bulletin No. 77 (1950).

2 *Contributions to the Comparative Study of the so-called Scombroid Fishes,* by Kamakichi Kishinouye, Journal of the College of Agriculture, Imperial University of Tokyo, Vol. VIII, No. 3 (1923).

3 *A Systematic Study of the Pacific Tunas,* by H. C. Godsil and Robert D. Byers, State of California, Department of Natural Resources, Division of Fish and Game, Bureau of Marine Fisheries, Fish Bulletin No. 60 (1944).

4 *A Descriptive Study of Certain Tuna-Like Fishes,* by H. C. Godsil, State of California, Department of Fish and Game, Fish Bulletin No. 97.

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(bb) In containers of more than one (1) pound net contents, such segments may be cut in lengths suitable for packing in one (1) or more layers of equal thickness.

(cc) Segments are placed in the can with the planes of their transverse cut ends parallel to the ends of the can. A piece of a segment may be added if necessary to fill a container.

(dd) The proportion of free flakes broken from loins in the canning operation shall not exceed 18 per cent.

(2) Chunk, chunks, chunk style consists of a mixture of pieces of tuna in which the original muscle structure is retained. The pieces may vary in size, but not less than 50 per cent of the weight of the pressed contents of a container is retained on a ½ inch mesh screen.

(3) Flake or flakes consist of a mixture of pieces of tuna in which more than 50 per cent of the weight of the pressed contents of the container will pass through a ½ inch mesh screen, but in which the muscular structure of the flesh is retained.

(4) Grated consists of a mixture of particles of tuna that have been reduced to uniform size that will pass through a ½ inch mesh screen and in which the particles are discrete and do not comprise a paste.

(5) Any of the specified forms of pack of canned tuna may be smoked. Canned smoked tuna shall be labeled in accordance with the provisions of paragraph (h)(5) of this regulation.

(d) Canned tuna, in any of the forms of pack specified in paragraph (c) of this regulation, falls within one (1) of the following color designations measured by visual comparison with matte surface neutral reflectance standards corresponding to the specified Munsell units of value determined in accordance with paragraph (g) of this regulation.

(1) White: This color designation is limited to the species Thunnus germo (albacore) and is not darker than Munsell value 6.3.

(2) Light: This color designation includes any tuna not darker than Munsell value 5.3.

(3) Dark: This color designation includes all tuna darker than Munsell value 5.3.

(4) Blended: This color designation may be applied only to tuna flakes specified in paragraph (c)(3) of this regulation, consisting of a mixture of tuna flakes of which not less than 20 per cent by weight meet the color standard for either white tuna or light tuna and the remainder of which fall within the color standard for either white tuna or light tuna and the remainder of which fall within the color standard for dark tuna. The color designation for blended tuna is determined in accordance with paragraph (g) of this regulation.

(e) Canned tuna is packed in one (1) of the following optional packing media:

(1) Any edible vegetable oil other than olive oil or any mixture of such oils not containing olive oil.

(2) Olive oil.

(3) Water.

(f) Canned tuna may be seasoned or flavored with one (1) or more of the following:

(1) Salt.

(2) Purified monosodium glutamate.

(3) Hydrolyzed protein.

(4) Hydrolyzed protein with reduced monosodium glutamate content.

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(5) Spices or spice oils or spice extracts.

(6) Vegetable broth in an amount not in excess of five (5) per cent of the volume capacity of the container, such broth to consist of a minimum of 0.5 per cent by weight of vegetable extractives and to be prepared from two (2) or more of the following vegetables: Beans, cabbage, carrots, celery, garlic, onions, parsley, peas, potatoes, green bell peppers, red bell peppers, spinach and tomatoes.

(7) Garlic.

(g) For determination of the color designations specified in paragraph (d) of this regulation, the following method shall be used: Recombine the separations of pressed cake resulting from the method prescribed in Regulation Agr 2016(b).

(1) Pass the combined portions through a sieve fitted with woven-wire cloth of ½ inch mesh which complies with the specifications for such wire cloth set forth in "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the U.S. Department of Commerce, National Bureau of Standards.

(2) Mix the sieved material and place a sufficient quantity into a 307 x 113 size container (bearing a top seam and having a false bottom approximately ½ inch deep and painted flat black inside and outside) so that after tamping and smoothing the surface of the sample the material will be ⅛ inch to ¼ inch below the top of the container.

(3) Within 10 minutes after sieving through the ¼ inch mesh woven-wire cloth, determine the Munsell value of sample surface.

(aa) Determine the Munsell value of the sample surface so prepared. The following method may be used employing an optical comparator, consisting of a lens and prism system which brings two (2) beams of light reflected from equal areas of sample surface and standard surface, respectively together within an eyepiece so as to show an equally divided optical field. The scanned areas of sample and standard surface are not smaller than two (2) square inches. Light reaching the eye is rendered sufficiently diffuse, by design of eyepiece and comparator so that detail of the sample surface will remain undefined to a degree such as to avoid visual confusion in observation of a match of over-all intensity of reflected light. The eyepiece contains a color filter centering at a wave-length between 550 m and 560 m. The filter does not pass appreciable visible radiation of wave lengths below 540 m or above 570 m. The passed wave length band is of a monochromaticity sufficient to cause a sample and a neutral standard of equal reflectance to appear of the same hue. The comparator is rigidly mounted on a vertical stand attached to a base in which arrangement is provided for securely and accurately positioning two (2) cans of size 307 x 113 in the two fields of view. Mounted on the base are two (2) shaded lamps, which direct the center of their beams of light at about a 45° angle to the plane of the sample and standard surfaces. The lamps are so positioned that light from one (1) bears mainly upon the sample and light from the other mainly on the standard surface and are so placed in relation to sample and standard that no shadows, as from the can rims, appear in the fields of view. The lamps are strong enough to furnish adequate and convenient illumination through eyepiece and filter. Means is provided to alter the light intensity of one (1) lamp in relation to the other, as may conveniently be achieved by using a 100-watt tungsten filament bulb in one (1) lamp and using in the other a similar 150-watt bulb connected with the power source through a suitable rheostat. The stand is equipped with nonglossy black curtains on the side of the observer to exclude variation in extraneous light reflected from the person of the observer.

(bb) To adjust the comparator place a pair of matte surface standards of Munsell value 5.3 mounted as described in subparagraph (dd) of this paragraph in position in the comparator base and adjust the intensity of the variable lamp until the two (2) halves of the optical field, viewed through the eyepiece, are of equal brightness. Then remove one (1) of the standards and replace it with the prepared sample. Without altering any other adjustment observe through the eyepiece whether the sample appears lighter or darker than the standard.

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In case of examination of albacore designated "white" conduct the procedure using standards of Munsell value 6.3.

(cc) The standards with which comparisons are made are essentially neutral matte-finish standards equivalent in luminous reflectance of light of 555 wave length to 33.7 per cent of the luminous reflectance of magnesium oxide (for Munsell value 6.3) and 22.6 per cent of the luminous reflectance of magnesium oxide (for Munsell value 5.3) as given by the relationship between Munsell value and luminous reflectance derived by a subcommittee of the Optical Society of America and published in the "Journal of the Optical Society of America", Volume 33, page 406 (1943).

(dd) These standards shall be cut in circles 3¼ inches in diameter and shall be mounted in 307 x 113 size containers bearing a top seam and painted flat black inside and outside so that the surfaces of the standards are 3/16 inch below the top of the containers in which they are mounted.

(ee) In the case of blended tuna, the foregoing method shall be varied by first separating the tuna flakes of the two (2) different colors before passing them through the ¼ inch mesh sieve, then proceeding with each portion separately for the determination of its color value employing, if necessary, a sample container with false bottom greater than ½ inch deep.

(h) Labeling

(1) The specified names of the canned tuna for which definitions and standards of identity are prescribed by this regulation except where water is the packing medium or where the tuna is smoked are formed by combining the designation of form of pack with the color designation by the tuna; for example, "Solid pack white tuna", "Grated dark tuna", etc. In the case of blended tuna there shall be used both applicable color designations of the blended flakes, in precedence determined in accordance with the predominating portion found in th container; for example, "Blended white and dark tuna flakes", "Blended dark and light tuna flakes".

(2) The specified name of canned tuna when water is used as the packing medium is formed as described in subparagraph (1) of this paragraph, followed by the words "in water"; for example, "Grated light tuna in water".

(3) When the packing medium is vegetable oil or olive oil, the label shall bear the name of the optional packing medium used, as specified in paragraph (e) of this regulation, preceded by the word "in" or the words "packed in". In case of the optional ingredient specified in paragraph (e)(1) of this regulation, the name or names of the oil used may be stated or the general term "vegetable oil" may be used.

(4) In case solid pack tuna is packed in olive oil the designation "Tonno" may also appear.

(5) In case any of the specified forms of canned tuna are smoked the word "smoked" shall appear as a part of the name on the label; for example, "Smoked light tuna flakes".

(6) Where the canned tuna contains one (1) or more of the ingredients listed in paragraph (f) of this regulation, the label shall bear the statement "Seasoned with _____", the blank being filled in with the name or names of the ingredient or ingredients used except that if the ingredient designated in paragraph (f)(6) of this regulation is used the blank shall be filled with the term "vegetable broth"; and if the ingredient designated in paragraph (f)(5) of this regulation is used alone, the label may alternatively bear either the statement "spiced" or the statement "with added spice"; and if salt is the only seasoning ingredient used, the label may alternatively bear any of the statements "salted", "with added salt", "salt added".

(7) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase the names of the optional ingredients used as specified by subparagraphs (3) and (6) of this para-

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graph, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter except that the common name of the species of tuna fish used may so intervene; but the species name "albacore" may be employed only for canned tuna of that species which meets the color designation "white" as prescribed by paragraph (d)(1) of this regulation.

Agr 2016 Canned Tuna; Fill of Containers; Label Statement of Substandard Fill

(a) The standard of fill of container for canned tuna is a fill such that the average weight of the pressed cake from 24 cans as determined by the method prescribed by paragraph (b) of this regulation, is not less than the minimum value specified for the corresponding can size and form of tuna ingredient in the following table:

(1) Can size and form of tuna ingredient	(2) Minimum value for weights of pressed cake (average of 24 cans)
	Ounces
211 x 109:	
Solid	2.25
Chunks	1.98
Flakes	1.98
Grated	2.00
307 x 113:	
Solid	4.47
Chunks	3.92
Flakes	3.92
Grated	3.96
401 x 206:	
Solid	8.76
Chunks	7.68
Flakes	7.68
Grated	7.76
603 x 408:	
Solid	43.2
Chunks	37.9
Flakes	37.9
Grated	38.3

If the can size in question is not listed, calculate the value for column 2 as follows:

(aa) From the list select as the comparable can size that one (1) having nearest the water capacity of the can size in question, multiply the value listed in column 2 for the same form of tuna ingredient by the water capacity of the can size in question and divide by the water capacity of the comparable can size. Water capacities are determined by the general method provided in Regulation Agr 630(a). For the purposes of this regulation, cans of dimensions 211 x 109 shall be deemed to have a water capacity at 69°F. of 3.55 avoirdupois ounces of water; cans of dimensions 307 x 113, a water capacity of 7.05 avoirdupois ounces of water; cans of dimensions 401 x 206, a water capacity of 13.80 avoirdupois ounces of water; and cans of dimensions 603 x 408, a water capacity of 68.15 avoirdupois ounces of water.

(b) The methods referred to in paragraph (a) of this regulation for determining the weight of the pressed cake and referred to in Regulation Agr 2015 (c)(1) for determining the per cent of free flakes and the per cent of pieces that pass through a ½ inch mesh sieve are as follows:

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(1) Have each of the 24 cans and contents at a temperature of 75° F. within ± 5°F. Test each can in turn as follows:

(2) Cut out the top of the can (code end), using a can opener that does not remove nor distort the double seam.

(3) With the cut top held on the can contents, invert the can and drain the free liquid by gentle finger pressure on the cut lids so that most of the free liquid drains from the can.

(4) With the cut lid still in place, cut out the bottom of the can with the can opener, then turn the can upright and remove the cut can top (code end). Scrape off any adhering tuna particles into the tuna particles into the tuna mass in the can.

(5) Place the proper size of press cylinder as provided in paragraph (c)(1) of this regulation in a horizontal position on a table; then, using the cut bottom of the can as a pusher, gently force the can contents from the can into the cylinder so that the flat side of the can contents lies in contact with the bottom of the cylinder. Remove the bottom of the can that was used as the pusher and scrape any adhering particles from the can body and bottom of the can and put them in the cylinder.

(6) Place the cylinder plunger on top of the can contents in the cylinder. Remove the eyebolt and put the cylinder and plunger in position on the press (paragraph (c)(3) of this regulation).

(7) Begin the operation of the press and as soon as liquid is observed coming from the cylinder start timing the operation. Apply pressure to the plunger slowly and at a uniform rate so that a full minute is used to reach a pressure of 384 pounds per square inch of plunger face in contact with the can contents. Hold this pressure for one (1) additional minute and then release the pressure and disengage the plunger from the press shaft. Tip the press cylinder so that any free liquid is drained out.

(8) Remove press cylinder with plunger from the press, insert eyebolt in plunger and withdraw it from the cylinder. Loosen the pressed cake from the cylinder with a thin blade and remove the entire pressed cake as gently as possible to keep the mass in a single cake during the operation. Place the pressed cake and any pieces that adhered to the plunger and cylinder in a tared receiving pan and determine the weight of the pressed material.

(9) For cans larger than 401 x 206 cut out the top of the can and drain off free liquid from the can contents as in operations described in subparagraphs (2) and (3) of this paragraph. Determine the gross weight of the can and remaining contents. Using a tared core cutter as provided for in paragraph (c)(2) of this regulation, cut vertically a core of the drained material in the can. Determine the weight of the core. With a thin spatula transfer the core to the pressing cylinder for 401 x 206 cans. Determine the weight of the pressed cake as in the operations described in subparagraphs (5) through (8) of this paragraph. Remove the remaining drained contents of the can reserving the contents for the determination of free flakes (subparagraph (11) of this paragraph), weigh the empty can and calculate the weight of the total drained material. Calculate the weight of pressed cake on the entire can basis by multiplying the weight of the pressed cake of the core by the ratio of the weight of the drained contents of the can to the weight of the core before pressing.

(10) Repeat the determination of weight of pressed cake on the remainder of the 24 cans and determine the average weight of pressed cake for the purpose of paragraph (a) of this regulation.

(11) Determination of free flakes: If the optional form of tuna ingredient is solid pack, determine the per cent of free flakes. Any flakes resulting from the operations described in this subparagraph or in other parts of this paragraph are to be weighed as free flakes. Only fragments that were broken in the canning procedure are considered to be free flakes. If the can is of such size that its entire

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drained contents were pressed as described in subparagraphs (1) to (8), inclusive, of this paragraph, examine the pressed cake carefully for free flakes. Using a spatula scrape free flakes gently from the outside of the cake. Weigh the aggregate free flakes that were broken from the loin segments in the canning procedure and calculate their percentage of the total weight of pressed cake. If the can is of such size that a core was cut for pressing as described in subparagraph (9) of this paragraph, make the examination for free flakes on a weighed portion of the drained material remaining after the core was removed. The weight of the portion examined should approximately equal the weight of the core before pressing. Calculate the weight of the free flakes that were broken from the loins in the canning procedure as a percentage of the weight of the portion examined.

(12) Determination of particle size: If the optional form of tuna ingredient is chunks, flakes or grated, the pressed cake resulting from the operations described in subparagraphs (1) to (9), inclusive, of this paragraph is gently separated by hand, care being taken to avoid breaking the pieces. The separated pieces are evenly distributed over the top sieve of the screen separation equipment described in paragraph (c)(4) of this regulation. Beginning with the top sieve lift and drop each sieve by its open edge three (3) times. Each time, the open edge of the sieve is lifted the full distance permitted by the device. Combine and weigh the material remaining on the three (3) top sieves (1½ inch, 1 inch screens) and determine the combined percentage retention by weight in relation to the total weight of the pressed cake.

(c) Testing Equipment

(1) The press cylinder and plunger referred to in paragraph (b) of this regulation are made of stainless steel. The press cylinders are made with a lip to facilitate drainage of the liquid. Plungers have a threaded center hole, about half as deep as the thickness of the plunger for receiving a ringbolt to assist in removing the plunger from the press cylinder. Dimensions for press cylinders and plungers are as follows:

For can size 211 x 109

Press cylinder:
Inside depth, approximately 3¾ inches.
Inside diameter, 2.593 inches.
Wall thickness, approximately ⅜ inch.
Plunger:
Thickness, approximately 1 inch.
Diameter, 2.568 inches.

For can size 307 x 113

Press cylinder:
Inside depth, approximately 4 inches.
Inside diameter, 3.344 inches.
Wall thickness, approximately ⅜ inch.
Plunger:
Thickness, approximately 1¼ inches.
Diameter, 3.319 inches.

For can size 401 x 206

Press cylinder:
Inside depth, approximately 4⅛ inches.
Inside diameter, 3.969 inches.
Wall thickness, approximately ½ inch.
Plunger:
Thickness, approximately 1¼ inches.
Diameter, 3.944 inches.

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For can sizes where the diameter is greater than 401 the core cutter described in subparagraph (2) of this paragraph shall be used and the resulting core pressed in the press cylinder for can size 401 x 206. For can sizes differing from those specified in this subparagraph special press cylinders and plungers may be used. Special press cylinders have inside diameters 1/10 inch less than the outside diameters at the double seam for the can sizes for which the cylinders are used; plunger diameters are 0.025 inch less than the inside diameters of the press cylinders.

(2) The core cutter referred to in paragraphs (b)(9) and (11) and (c)(1) of this regulation is made from a previously sealed 300 x 407 can. The cover including the top seam is cut out. The edge is smoothed and sharpened. A small hole to permit passage of air is made in the bottom.

(3) The hydraulic press referred to in paragraph (b)(6) to (10), inclusive, of this regulation is made by so mounting a hydraulic jack in a strong frame that it will press horizontally against the center of the plunger in the press cylinder used. The frame is so braced that it does not change shape when pressure is applied. The gauge on the hydraulic jack is so calibrated that it will indicate for the plunger being used when the plunger is pressing against the contents of the press cylinder with a pressure of 384 pounds per square inch of plunger face.

(4) The sieving device referred to in paragraph (b)(12) of this regulation consists of three (3) sieves each approximately 1 foot square loosely mounted, one (1) above the other in a metal frame. The mesh in the top sieve complies with the specifications for 1½ inch woven-wire cloth as set forth in "Standard Specifications for Sieves" as published March 1, 1940, in L.C. 584 of the U.S. Department of Commerce, National Bureau of Standards. The meshes in the sieves below comply with similar specifications for 1 inch and ½ inch woven-wire cloth as set forth in the same publication. The sides of each sieve are formed in a raised rim from ¾ inch x ⅛ inch metal strap. The frame has tracks made of ⅜ inch angle metal to support each sieve under each side. The tracks are so positioned as to permit each sieve a free vertical travel of 1¾ inches.

(d) If canned tuna falls below the applicable standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill provided in Regulation Agr 631(b) in the manner and form therein specified.

Agr 2017-2034 Reserved for future use.

Filed 11-14-45; 4-9-54; 5-19-58.

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CHAPTER NINETY-TWO: AGR 2035-2059
FISH PROCESSING ESTABLISHMENTS

Agr 2035 Definitions. For the purposes of these regulations the following words, phrases, names and terms shall be construed respectively to mean:

(a) Department. "Department" means the Minnesota department of agriculture.

(b) Commissioner. "Commissioner" means the commissioner of the Minnesota department of agriculture.

(c) Inspector. "Inspector" means an inspector of the department.

(d) Fish. "Fish" means any completely aquatic, water-breathing craniate vertebrates having the limbs (when present) developed as fins with a body commonly covered with scales or plates.

(e) Fish Product. "Fish Product" means any article of food or any article intended for or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part from any portion of any fish.

(f) Fish Processing or Processing. "Fish Processing" or "Processing" means any operation or combination of operations in an establishment whereby fish or fish products are cut, fabricated, cured, salted, heat treated, packed, repacked, dried, smoked or reprocessed for sale at wholesale as food for human consumption.

(g) Fish Processing Establishment. "Fish Processing Establishment" means the premises, buildings, structures and equipment (including, but not limited to, machines, utensils and fixtures) employed or used with respect to the processing of fish or fish products.

(h) Minnesota Condemned or Any Authorized Abbreviations Thereof. "Minnesota Condemned" or any authorized abbreviations thereof means the fish or fish product so marked or so identified is unsound, unhealthful, unwholesome or otherwise unfit for human food.

(i) Minnesota Retained or Any Authorized Abbreviation Thereof. "Minnesota Retained" or any authorized abbreviations thereof means the fish or fish product or any other article so marked or so identified is held for further examination by an inspector to determine its disposal.

(j) Minnesota Rejected or Any Authorized Abbreviation Thereof. "Minnesota Rejected" or any authorized abbreviation thereof means equipment, utensil, room or compartment so marked or so identified has been declared unclean or otherwise unsatisfactory for use by an inspector and shall not be used in any fish processing operation while so marked or so identified.

Agr 2036 Permits. After July 1, 1964, no person shall process fish in Minnesota for sale at wholesale without first obtaining a permit therefor from the commissioner. Applications for permits shall be made on forms provided by the commissioner and he shall cause the place to be inspected before granting a permit. If the commissioner finds that the applicant maintains a proper place and equipment, he shall issue a permit to the applicant. Permits shall expire on June 30, following their issue.

Agr 2037 Renewal of Permits. Permits shall be renewed annually on July 1. Applications for renewal of permits shall be filed on or before June 30. The commissioner may cause the place to be inspected before granting renewal of a permit. If the commissioner finds that the applicant maintains a proper place and equipment, he shall reissue a permit to the applicant.

Agr 2038 Revocation of Permit, Notice; Reinstatement. After giving the person to whom a permit has been issued at least seven (7) days notice of the

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date and place of hearing and an opportunity to be heard the commissioner may by order revoke any permit when the person to whom a permit has been issued fails to comply with any of the provisions of these regulations. Such notice may be given either by personal service upon the person to whom a permit has been issued or by mailing the same to him by registered mail. The commissioner may reinstate any permit when the person who originally held the permit has complied with the provisions of these regulations.

Agr 2039 Inspections; Corrective Orders

(a) The commissioner shall at such times as he deems necessary cause any fish processing establishment or place of business where fish are processed to be inspected and shall make such order as is necesesary to correct insanitary conditions in any such plant.

(b) Each order shall specify the time within which it shall be complied with and such order shall be served in person or by registered mail. The commissioner or any of his representatives or inspectors may enter any plant or any place of business in which fish processing operations are being conducted at any reasonable hour for inspection purposes. Free access to every part of the premises shall be offered and aid and assistance necesesary to enable the person making the inspection to make a thorough and complete examination shall be given.

Agr 2040 Tagging Insanitary Equipment, Utensils, Rooms or Compartments

(a) When, in the opinion of an inspector, any equipment, utensil, room or compartment at a fish processing establishment is unclean or its use would be in violation of any of these regulations he may attach a Minnesota Rejected Tag or notice thereto.

(b) No equipment, utensil, room or compartment so tagged shall again be used until made acceptable and approved for use by an inspector.

(c) Such tag or notice so placed shall not be removed from any equipment, utensil, room or compartment by anyone other than an inspector.

Agr 2041 Premises. The premises of the fish processing establishment shall be free from conditions objectionable to food processing operations and such conditions objectionable to food processing operations and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste and refuse within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards or parking lots; and

(d) Poorly drained areas.

The fish processing establishment buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light:

(1) Consistent with the use to which the particular portion of the building is devoted and

(2) To permit efficient cleaning.

(3) All rooms in which fish are processed shall be considered as having sufficient light if at least 30 foot candles of light intensity are provided on all working surfaces except that belts and tables on which picking, sorting or trimming operations are carried on shall be provided with at least 50 foot candles of light intensity.

(4) In all other rooms there shall be provided at least five (5) foot candles of light intensity when measured at a distance of 30 inches from the floor.

(b) If practicable there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure

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sanitary and suitable proceessing and operating conditions. If such ventilation does not prevent excessive condensation the commissioner may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents and shall be maintained in good repair and in proper working order.

(d) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors and other parts of all buildings and structures shall be of such materials, construction and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, concrete or other equally impervious material, shall have good surface drainage and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(e) Each room and each compartment in which any processed products are handled, processed or stored:

(1) Shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character;

(2) Shall be free from objectionable odors and vapors; and

(3) Shall be maintained in a clean and sanitary condition.

(f) Every practical precaution shall be taken to exclude dogs, cats and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, sirup and fishery products) are handled or stored. Screens or other devices adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

Agr 2043 Water Supply

(a) The water supply shall be ample, clean and potable with adequate pressure and facilities for its distribution in the plant and its protection against contamination and pollution. The provisions of this section shall be considered as having been met if the water supply complies with

(1) The specifications set forth in Section VII of the Manual of Water Supply Sanitation of the Minnesota Department of Health, which standards have been adopted by the commissioner of agriculture or

(2) The specifications set forth in Section X of the Manual of Water Supply Sanitation for Small Surface Water Supply Installations of the Minnesota Department of Health, which standards are hereby adopted by the commissioner of agriculture for private surface-water supplies for all fish processing plants.

(b) Hot Water. Hot water at a temperature not less than 180°F. shall be available for sanitation purposes.

(c) Hot water for cleaning rooms and equipment shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough clean up.

Agr 2044 Facilities. Each fish processing establishment shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms ample in size and conveniently located. Such rooms shall not open directly into

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rooms or compartments in which proceessed products are being manufactured, produced or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall be provided with mechanical ventilation.

(b) Conveniently located hand-washing facilities (lavatories) shall be provided for employees and inspectors. Each lavatory must be supplied with hot and cold running water, soap and an ample supply of sanitary towels in suitable dispensers and a suitable receptacle for used towels. The use of a common towel is prohibited. Lavatories shall be directly connected to the drainage system.

(c) Contatiners intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled or stored in any room, compartment or place where any processed product is manufactured, processed or handled.

(e) Suitable facilities for cleaning (e.g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers and steam pressure hose and guns) shall be provided at convenient locations throughout the fish processing establishment.

Agr 2045 Equipment. All equipment used for receiving, washing, segregating picking, processing, packaging or storing any processed products or any ingredients used in manufacture or production thereof shall be of such design, material and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean and sanitary manner and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

Agr 2046 Operations and Operating Procedures

(a) All operations in the receiving, transporting, holding, segregating, preparing, proceessing, packaging and storing of processed products and ingredients used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause:

(1) Any material increase in bacterial or other micro-organic content or

(2) Any deterioration or contamination of such processed products or ingredients thereof.

(3) Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grindng materals, decomposed food, filth, chemcals or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products which are not manufactured or prepared in accordance with the requirements of these regulations or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processing product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedure include, but are not limited to, the following requirements:

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(1) Containers, utensils, pans and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such a manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is or will be in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the commissioner, such changes shall be effectuated as soon as practicable.

Agr 2047 Personnel: Health. In addition to such other requirements as may be prescribed by the commissioner with respect to persons in any room or compartment where exposed ingredients are prepared, processed or otherwise handled the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting and the use of tobacco are prohibited and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to perspiration, hair, cosmetics and medicament).

Agr 2048-2059 Reserved for future use.

Filed 3-10-64.

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CHAPTER NINETY-THREE: AGR 2060-2084 FISH SMOKING ESTABLISHMENTS AND PROCESSING, LABELING, DISTRIBUTION AND HANDLING OF SMOKED FISH

Agr 2060 Definitions. For the purpose of these regulations the following words, phrases, names and terms shall be construed, respectively, to mean:

(a) Department. "Department" means the Minnesota department of agriculture.

(b) Commissioner. "Commissioner" means the commissioner of the Minnesota department of agriculture.

(c) Fish. "Fish" means any completely aquatic, water-breathing craniate vertebrates having the limbs (when present) developed as fins, with a body commonly covered with scales or plates.

(d) Fish Product. "Fish product" means any article of food or any other article intended for or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part, from any portion of any fish.

(e) Smoked Fish. "Smoked fish" means product obtained by subjecting fresh fish, frozen fish, dried fish or cured fish to the direct action of the smoke either of burning wood, wood sawdust or of similar burning material.

(f) Fish smoking establishment. "Fish smoking establishment" means the premises, building, structures and equipment (including, but not limited to, machines, utensils and fixtures) employed or used with respect to the smoking of fish or fish products.

(g) Air-tight. "Air-tight" means the absence of air movement into or out of a package due to the impervious nature of the package material or the method of closure. Water impervious packages with openings less than ¼ inch in diameter shall be considered as being air-tight.

Agr 2061 Permits. No person shall smoke fish for sale in Minnesota without first obtaining a permit therefor from the commissioner. Applications for permits shall be made on forms provided by the commissioner and he shall cause the fish smoking establishment to be inspected before granting a permit. If the commissioner finds that the applicant maintains a proper establishment and equipment all in conformity to this regulation and other applicable State laws and regulations, he shall issue a permit to the applicant. Permits shall expire on June 30, following their issue.

Agr 2062 Permits Granted to Establishments Not Located in Minnesota. The commissioner may issue a permit to smoke fish for sale in Minnesota to a fish smoking establishment located outside the boundaries of the State of Minnesota provided;

(a) Application for such permit shall be made on forms provided by the commissioner.

(b) The application shall include a statement or letter to the commissioner from the appropriate state department of agriculture or the public health authority in the area certifying that the applicant maintains facilities and processing procedures in compliance with the requirements of these rules and regulations.

(c) Permits issued under the provisions of this regulation shall expire on June 30, following their issue.

(d) Application for renewal of a permit issued under the provisions of this regulation shall be in accordance with Regulation Agr 2063 of these regulations and shall include the statement or letter required by paragraph (b) of this regulation.

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Agr 2063 Renewal of Permits. Permits shall be renewed annually on July 1. Application for renewal of permits shall be filed on or before June 30. The commissioner may cause the fish smoking establishment to be inspected before granting renewal of a permit. If the commissioner finds that the applicant maintains a proper fish smoking establishment and equipment, he shall reissue a permit to the applicant.

Agr 2064 Facilities and Equipment. No person shall operate a fish smoking establishment unless it conforms to the requirements of Minnesota Rules and Regulations Relating to Fish Processing Establishments, Regulations Agr 2035 through Agr 2059; provided, however, that, compliance with these regulations does not excuse failure to comply with all applicable sanitary ordinances, laws, rules and regulations of city, county, State, Federal or other agencies having jurisdiction over such plants and operations.

Agr 2065 Processing Procedures. No person shall smoke fish for sale in Minnesota unless the flesh of all such fish is heated during the smoking operation or immediately after packaging to an internal temperature of 180°F. or higher, and maintained at 180°F. or higher, for 30 minutes or longer and then shall be:

(a) Cooled immediately to 40°F. or lower, and maintained at 40°F. or lower, until sold and delivered; or

(b) Chilled and frozen immediately and kept in the frozen state until sold and delivered.

Agr 2066 Record of Heat Treatment of Smoked Fish. Every person who engages in the business of smoking fish for sale in Minnesota shall keep and maintain a complete and accurate record of the date, time and temperature of all fish being heat treated. This record shall be kept on the charts of a recording thermometer or shall be kept in a ledger or other suitable book of account which for the purposes of these regulations shall be known as the Fish Smoking Record. The time and temperature of each smoke house load or batch shall be recorded as follows:

(a) Each smoke house compartment load or batch of fish shall be identified on the chart of an approved recording thermometer or in the Fish Smoking Record at the time the fish are placed in the smoke house which entry shall indicate:

(1) The smoke house or compartment number;

(2) The type or species of fish being smoked;

(3) The date of smoking.

(b) If the required heat treatment is performed in a smoke house or smoking compartment, the internal temperature of the fish being smoked shall be:

(1) Obtained by inserting a thermocouple into the thickest flesh portion of one (1) of the largest fish being smoked. The thermocouple shall be properly connected to a recording thermometer equipped with a timing device which will automatically indicate and summarize the total time during which the thermocouple inserted in the fish has been exposed to a temperature of 180° F. or above; or

(2) Obtained by inserting an accurate thermometer into the thickest flesh portion of three (3) or more of the largest fish in the smoke house compartment. The coldest thermometer reading thus obtained shall be recorded in the Fish Smoking Record as being the internal temperature of fish being smoked. The internal temperature of fish being smoked shall be obtained and recorded with the time taken at least three (3) times during the operation of heating each load or batch of fish to an internal temperature of 180°F. or higher, for 30 minutes or longer at time intervals adequate to clearly indicate that the required heat treatment has been accomplished.

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(c) If the required heat treatment is performed immediately after packaging, during each such heat treatment operation the internal temperature of the fish being heat treated shall be determined by a method which has been submitted to and approved by the commissioner.

(d) Each entry of internal temperature in the Fish Smoking Record shall shol the time the temperature was taken and shall be recorded in the Fish Smoking Record immediately after such temperature is obatined.

(e) All entries made on the chart of an approved recording thermometer or in the Fish Smoking Record shall be certified as being true and correct by the plant operator or his representative within 12 hours after such entries are made.

(f) The Fish Smoking Record and all temperature recording charts used in recording thermometers shall be kept available for inspection at the fish smoking establishment for a minimum period of six (6) months.

(g) For the purposes of these regulations, the internal temperature shall be the lowest thermometer reading of accurate thermometers inserted in the thickest flesh portion of three (3) or more of the largest fish being heat treated, each time the internal temperature is taken or shall be the temperature recorded by an approved recording thermometer obtained from a thermocouple or other approved device inserted into the thickest flesh portion of one (1) of the largest fish in the smoke house.

Agr 2067 Handling of Smoked Fish. Every person who removes smoked fish from the smoke sticks, rods or screens and places them into packages shall, immediately before doing so, carefully wash his hands using soap and running water and then dry them with a single-service disposable towel. The person shall not then permit his hands to contact any raw fish or any container, equipment, work surface, clothing or any other thing of any kind which has been in contact with raw fish or raw fish products until he has completed the tasks of placing the smoked fish in packages.

Agr 2068 Air-Tight Packages Prohibited. No smoked fish shall be stored, transported or sold in air-tight or vacuum-pack containers. Smoked fish which have been stored or transported in air-tight or vacuum-pack containers shall not be sold in Minnesota.

Agr 2069 Product Temperature Requirements. No person shall store, transport, sell, offer or expose for sale, smoked fish unless the surface and internal temperature is 40°F. or lower; provided, that frozen smoked fish shall be kept solidly frozen at a temperature of 10°F. or lower, during all stages of storage, transportation and selling.

Agr 2070 Labeling Requirements. No person shall sell smoked fish which is unlabeled or improperly labeled. The wrapper, package or other container of all smoked fish shall be prominently labeled and except as provided for in Regulation Agr 2071 of these regulations, such label shall include the following information:

(a) The word "Frozen", if the fish is frozen and the word "Smoked" qualified by the common name of the fish or the common name of the fish qualified by the word "Smoked";

(b) The name of the processor and the place where processed;

(c) The serial number of the fish smoking permit issued by the commissioner to the processor;

(d) The net weight;

(e) The statement: "Perishable — Keep Refrigerated at 40°F. or Lower"; except, that in the case of frozen smoked fish, the wrapper, package or other container shall bear the statement "Perishable — Keep Frozen — Thaw in Refrigerator" in lieu of the statement "Perishable — Keep Refrigerated at 40°F. or Lower";

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(f) The date of smoking. No code date systems shall be used unless approved in writing by the commissioner.

Agr 2071 Provision for Packaging at Time of Retail Sale. The provisions of Regulation Agr 2070 do not apply to a retail dealer who removes smoked fish from a fully labeled wrapper, package or other container at the time of retail sale provided that;

(a) Unfrozen Smoked Fish sold under the provisions of this section shall be prominently labeled or stamped: "Perishable— Keep Refrigerated at 40°F. or Lower".

(b) Frozen Smoked Fish sold under the provisions of this regulation shall be prominently labeled or stamped "Perishable — Keep Frozen — Thaw in Refrigerator".

Agr 2072 Only Properly Identified Smoked Fish Shall be Sold. Except as provided in these regulations, no person shall sell, offer for sale or have in possession with intent to sell any smoked fish unless said product is identified as having been smoked in an establishment which has been issued a permit to smoke fish under the provisions of these regulations.

Agr 2073 Exemptions. Anything herein to the contrary notwithstanding, the provisions of Regulations Agr 2060 through Agr 2073 do not apply to the processing, labeling, distribution and handling of:

(a) Smoked Lox and Nova (Smoked Salt Salmon) or other smoked fish which have been dry salted and cured in a salt brine for 30 days or longer;

(b) Finnan Haddie, Smoked Cod Fillets, Smoked Scotch Kippers or other smoked fish which are to be cooked before being consumed;

(c) Boneless Smoked Salted Herring, Smoked Dry Salted Herring or Smoked "Blind Robins";

(d) Commercially Sterile Canned Smoked Fish; provided, that it has been processed in a State licensed establishment or an establishment under the direct supervision of the Federal Government.

Agr 2074-2084 Reserved for future use.

Chapters Ninety-Four and Ninety-Five: Reserved for future use.

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CHAPTER NINETY-SIX: AGR 2145-2324
MINNESOTA MEAT INSPECTION REGULATIONS

Agr 2145 Definitions. For the purposes of these regulations the following words, phrases, names, and terms shall be construed, respectively, to mean:

(a) Minnesota Meat Inspection Act. Chapter 31A-1, M.S. 1969.

(b) Department. The Minnesota Department of Agriculture.

(c) Commissioner. The Commissioner of the Minnesota Department of Agriculture or his Authorized Agent.

(d) Division. The Meat Industry Division of the Minnesota Department of Agriculture.

(e) Inspector. An inspector of the Department.

(f) Department Employees. Inspectors and all other individuals employed in or by the Department who are authorized by the Commissioner to do any work or perform any duty in connection with meat inspection.

(g) Official Establishment. Any premises of a commercial slaughter house, retail meat market, wholesale processing establishment or sausage plant and similar place which has been designated as an official establishment by the commissioner wherein inspection and identification of animals slaughtered and of meat processed is maintained under these regulations.

(h) Approved Municipal Inspection. The meat inspection program of a chartered or incorporated city or county that has been approved by the commissioner to enforce provisions of these regulations.

(i) "Inspected and Passed," or "Minn. Inspected and Passed," or "Minn. Inspected and Passed by Department of Agriculture," or any authorized abbreviations thereof: That the carcasses, parts of carcasses, meat, meat products, or meat food products so marked have been inspected and passed under these regulations, and that at the time they were inspected, passed, and so marked they were found to be sound, healthful, wholesome, and fit for human food.

(j) "Minn. Passed for Cooking." That the carcasses and parts of carcasses so marked have been inspected and passed on condition that they shall be rendered into lard, rendered pork fat, or tallow, as prescribed by Article 15, or otherwise sterilized by methods approved by the department.

(k) "Minn. Passed for Refrigeration." The meat and meat by-product so identified have been inspected and passed on condition that they be refrigerated or otherwise handled as prescribed by Article II of these regulations, or by a method approved by the department.

(l) "Minn. Inspected and Condemned", or any authorized abbreviation thereof: That the carcasses, parts of carcasses, meat, meat products or meat food products so marked are unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(m) "Minn. Retained." The carcass, viscera, part of carcass, meat, meat by-products, meat food product, or other article so marked or identified is held for further examination by an inspector to determine its disposal.

(n) "Minn. Suspect." The animal so marked is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

(o) "Minn. Condemned." The animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(p) Inspection Legend. A mark or a statement, authorized by these regula-

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tions, on a product or on the container of a product, indicating that the product has been inspected and passed for food by an inspector.

(q) Animal. Cattle, sheep, swine, or goat.

(r) Carcass. All parts, including viscera, of a slaughtered animal that are capable of being used for human food.

(s) Meat. The edible part of the muscle of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears.

(t) Meat By-Product. Any edible part other than meat which has been derived from one or more cattle, sheep, swine, or goats.

(u) Meat Food Product. Any article of food, or any article intended for or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, sheep, swine, or goat, except such articles as organotherapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.

(v) Product. Any part or all of meat, meat by-product, and meat food product.

(w) Immediate Container, or True Container. The unit, can, pot, tin, canvas, or other receptacle or covering in which any meat or product is customarily shipped.

(x) Shipping Container, or Outside Container. The box, bag, barrel, crate, or other receptacle or covering enclosing any product packed in one or more immediate or true containers.

(y) Person. Natural persons, individuals, firms, partnerships, corporations, companies, societies, and associations, and every agent, officer, or employee of any thereof. This term shall import both the singular and the plural as the case may be.

(z) Commercial Slaughter House. An establishment wherein animals are slaughtered and dressed and meat derived from such slaughter is sold or intended for sale as human food.

(zz) Custom Slaughter House. An establishment wherein animals are slaughtered and dressed and all meat derived from such slaughter is returned to the owner or owners of the animal.

Agr 2146 Exemptions

(a) Provisions of these regulations shall apply to all slaughtering, packing, meat canning, rendering, or similar establishments in this State, in which carcasses or parts are prepared solely for intrastate commerce and which includes but is not limited to slaughter houses, retail meat markets, wholesale meat processing establishments, frozen food processing plants, and sausage plants provided that; except as provided in (2) of this section the regulations requiring mandatory ante-mortem and post-mortem inspection of the slaughtering of animals in the preparation of carcasses shall apply to all commercial slaughter houses and shall not apply:

(1) To the slaughtering by any person of his own animals and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of his own animals exclusively for use by him and members of his household and his nonpaying guests and employees: nor

(2) To the custom slaughter by any person of cattle, sheep, swine, or goats delivered by the owner for slaughter, and the preparation by a slaughterer and

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transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of animals, exclusively for use, in the household of the owner, by him and members of his household and his nonpaying guests and employees; provided, that all meat derived from custom slaughter of cattle, sheep, swine, or goats shall be identified and handled as required by the commissioner, during all phases of slaughtering, chilling, cooling, freezing, preparation, storage and transportation; provided further, that the custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any animals capable of use as human food unless the carcasses, parts of carcasses, meat or meat food products have been inspected and passed and are identified as having been inspected and passed by the Minnesota Department of Agriculture or the United States Department of Agriculture.

(b) The commission may cause to be made, by inspectors, an examination and inspection of any animal in a slaughter house including custom slaughter houses and any animals found on inspection in any custom slaughter house to show symptoms of disease shall be disposed of in the same manner as is prescribed for such animals in an official establishment.

(c) The sanitation, adulteration and misbranding provisions of these regulations shall apply to articles which are exempted from mandatory inspection under this section.

Agr 2147 Only Inspected Meat May be Sold. No person shall sell, offer for sale, or have in possession with intent to sell any meat or meat food products unless such products have been inspected and passed by the U.S.D.A. or by the Minnesota Department of Agriculture.

Agr 2148 Designation Required. No person shall operate a Commercial Slaughter House unless such establishment is first designated as an Official Establishment under provisions of these regulations.

Agr 2149 Inspection Service. The Commissioner shall cause to be made by inspectors or other department employees, surveillance inspection of operations conducted in any establishment under the purview of Agr 2146(a). Such inspection shall include but is not limited to ante-mortem and post-mortem inspection of all animals commercially slaughtered in each commercial slaughter house.

Agr 2150 Designation of Official Establishments

(a) Designation as an Official Establishment may be issued by the Commissioner to any reputable person applying and who is the owner or operator of a meat processing establishment located in Minnesota, who makes written application to the department requesting designation as an official establishment, and who is found to be in compliance with these regulations.

(b) These regulations shall not apply to a federally inspected establishment provided, however, that federally inspected establishments may also apply for designation as an official establishment, under these regulations. In determining the qualification for designation of a federally inspected establishment the commissioner shall approve the facilities and inspectional procedures of such federally inspected establishments as being in full compliance with these regulations.

(c) When necessary funds and personnel are not available to render service under these regulations to all applicants the commissioner shall consider the best interests of the state and shall designate state approved municipal or county inspection service and designate official processing establishments as he sees fit.

Agr 2151 Animals and Product Entering Official Establishments. All cattle, sheep, swine, and goats and all meat and products entering an establishment at which inspection is furnished by these regulations, and all products prepared, in whole or in part, therein, shall be inspected, handled, prepared, marked and labeled as required by these regulations.

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Agr 2152 Appointments. Meat inspection is conducted under the direction of the Commissioner of Agriculture. All permanent employees engaged in the work of meat inspection are appointed upon certification of the State Civil Service Department.

Agr 2153 Applications for Inspection. The proprietor or operator of any commercial slaughter house, wholesale meat processing establishment or sausage plant shall make application to the Commissioner of Agriculture for designation as an official establishment.

Every application under this section shall be made on a form furnished by the department. In cases of change of ownership or change of location, a new application shall be made.

Agr 2154 Inspection: Drawings, Information to be Furnished, Subsidiary Establishments, Notice of Grant of Inspection, False Statements

(a) Triplicate copies of complete drawings, with specifications, consisting of floor plans showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand washing basins, and hose connections for cleanup purposes; roof plans; elevations; cross and longitudinal sections of the various buildings showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors and ceilings; and a plot plan showing such features as the limits of the plant's premises, locations in outline of buildings on the premises, Cardinal points of the compass, and roadways and railroads serving the plant, properly drawn to scale, shall accompany applications for inspection. Applicants for inspection may request information from the department concerning the requirements before submitting plans.

(b) Each application shall specify the names, addresses, and forms of organization of subsidiaries for which inspection is requested.

(c) Notice in writing shall be given to each applicant granted inspection, specifying the establishment to which the same applies.

(d) The Commissioner is hereby authorized to determine whether applications for designation as official establishment shall be granted or refused, and to revoke his prior approval of any application if he determines that any false statement was made in such application.

Agr 2155 Official Numbers: Subsidiary Establishments

(a) To each establishment granted inspection an official number shall be assigned. Such number shall be used to identify all inspected and passed meat and products prepared in the establishment. More than one number shall not be assigned to an establishment.

(b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.

(c) When inspection has been granted to a person at an establishment, it shall not be granted to any other person at the same establishment.

Agr 2156 Separation of Official from Unofficial Establishment

(a) Each official establishment shall be separate and distinct from any other official establishment, from any unofficial establishment in which any product is handled, and from any other unofficial establishment at the discretion of the Commissioner.

(b) Inspection shall not be inaugurated in any building any part of which is used as living quarters, unless the part for which inspection is requested shall be so constructed that the floors, walls, and ceilings are of solid concrete, brick, or similar material, and the floors, walls, and ceilings are without opening that

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directly or indirectly communicates with any part of the building used as living quarters.

Agr 2157 Sanitation and Adequate Facilities. Inspection service shall not be begun under provisions of Agr 2150, 2153, and 2158, if an establishment is not in a sanitary condition nor unless the establishment provides and agrees to maintain adequate facilities for conducting such inspection.

Agr 2158 Inauguration of Inspection. When an application for inspection service is granted, the Commissioner shall, at or prior to the inauguration of inspection, inform the proprietor or operator of the establishment of the requirements of these Regulations. The establishment shall adopt and enforce all necessary measures, and shall comply with all such directions as the Commissioner may prescribe, for carrying out the purposes of these regulations.

Agr 2159 Suspension of Inspection for Violations of Regulations. Inspection may be suspended from any official establishment which violates or fails to comply with any provision of the Minnesota Dairy and Food Laws or of these regulations.

Agr 2160 Reports of Violations of Regulations. Inspectors and other department employees shall report all violations and failure of which they have knowledge, to the Commissioner.

Agr 2161 Designation of Inspector and Assistants. The Commissioner shall designate an inspector at each official establishment, and assign to said inspector such assistants as may be necessary.

Agr 2162 Department Employees to have Access to Establishments at All Times. For the purpose of any examination or inspection necessary to enforce any of the provisions of these Regulations, department employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned.

Agr 2163 Identification of Inspectors. Each department employee will be furnished an official identification card which he shall not allow to leave his possession. This identification card shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned.

Agr 2164 Assignment of Inspectors Where Members of Family Employed; Soliciting Employment. Except as specifically authorized by the Commissioner, no department employee shall be detailed for duty at an establishment where any member of his family is employed by the establishment, nor shall any inspector acting in a supervisory capacity be continued on duty at an official district where any member of his family is employed by any establishment under his jurisdiction. Department employees are forbidden to solicit, for any person, employment at any official establishment, or by any officer, manager, or employee thereof.

Agr 2165 Interference or Abuse of Inspectors. No person shall resist, intimidate, delay, obstruct, hamper, abuse, or interfere with any inspector in the discharge, or attempt to discharge any duty of his office, nor shall any person attempt by means of any threat or violence to deter or prevent any inspector from performing his duty.

Agr 2166 Facilities for Department Employees. Furnished office space, including light, heat, and janitor service, shall be provided by official establishment, rent free, for the exclusive use, for official purposes, of the inspector and other department employees assigned thereto. The space or rooms set apart for this purpose shall meet with the approval of the Commissioner and shall be conveniently

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located, properly ventilated, and provided with lockers suitable for protection and storage of department supplies and with facilities suitable for the dressing of department employees.

Agr 2167 Hours of Operation of Official Establishments. Each official establishment shall inform the inspector when work in each department has been concluded for the day, and of the day and hour when work will be resumed therein. Whenever any product is to be overhauled or otherwise handled in an official establishment during unusual hours, the establishment shall, a reasonable time in advance, notify the inspector of the day and hour when such work will be commenced, and such articles shall not be so handled except after such notice has been given. No department of an official establishment shall be operated except under the supervision of a department employee. All slaughtering of animals and preparation of products shall be done within reasonable hours, and with reasonable speed, the facilities of the establishment being considered. No shipment of any product shall be made from an official establishment until after due notice has been given to the inspector.

Agr 2168 Designation of Days and Hours of Operation and Review

(a) When an inspector is detailed to conduct work at an official establishment where few animals are slaughtered, the Commissioner may designate the hours and days of the week during which slaughtering may be conducted under these regulations at such establishments.

(b) The owner or operator of such establishment upon a showing that such a time restriction causes undue hardship upon his business may petition the Commissioner for a review of the necessity and reasonableness of such time allocation which review shall be in the nature of a contested hearing.

Agr 2169 Overtime Work of Meat Inspection Employees. The management of an official establishment desiring to work under conditions which will require the services of an employee of the department on any Saturday, Sunday, or holiday, or for more than eight hours on any other day, shall, sufficiently in advance of the period of overtime, request the inspector to furnish inspection service during such overtime period, and shall pay the department therefor an amount sufficient to reimburse the department for the cost of the inspection services so furnished.

Agr 2170 Facilities and Conditions to be Provided by Establishment. When required by the Commissioner, the following facilities and conditions, and such others as may be essential to efficient conduct of inspection, and maintenance of sanitary conditions shall be provided by each establishment:

(a) Satisfactory pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking, and holding apart from passed animals those marked "Minn. suspect" and those marked "Minn. condemned." Pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes. Sufficient light shall be provided for the inspection.

(b) Sufficient natural light and abundant artificial light at all places and such times of the day when natural light may not be adequate for proper conduct of inspection. Rooms shall be kept sufficiently free of steam and vapors for inspection to be properly made. Equipment or substances which generate gases or odors shall not be used except as specifically permitted by the Commissioner.

(c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post-mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered animals so as to prevent contact with the floor; trucks, racks, marked receptacles, tables, or other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking.

(d) Tables, benches, and other equipment on which inspection is performed, of

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such design, material, and construction as to enable department employees to conduct their inspection in a ready, efficient, and cleanly manner.

(e) Sanitary, water-tight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "Minn. condemned," in letters not less than two inches high, and, when required by the Commissioner, to be equipped with facilities for locking or sealing.

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise.

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses may be conducted. Competent assistants for handling retained carcasses and parts shall be provided by the establishment. Final inspection place shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts, passed for food or cooking, from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection. The floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated by a curb, railing, or otherwise.

(h) In each establishment in which any condemned article is held until a day subsequent to its condemnation, a suitably located room or compartment in which the same shall be placed. This room or compartment shall be secure, rat proof, and susceptible of being kept clean, including a sanitary disposal of the floor liquids. It shall be equipped for secure locking, and shall be held under a lock furnished by the department, the key of which shall not leave the custody of a department employee. The door or doors of such room or compartment shall be conspicuously marked with the phrase, "Minn. condemned," in letters not less than two inches high.

(i) When deemed necessary by the Commissioner, rooms, compartments, and receptacles in such number and in such locations as the needs of the inspection in the establishment may require, in which carcasses and products may be held for further inspection. These shall be equipped for secure locking and shall be held under locks furnished by the department, the keys of which shall not leave the custody of department employees. Every such room, compartment, or receptacle shall be conspicuously marked with the phrase "Minn. retained," in letters not less than two inches high.

(j) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with these regulations. Tanks or other rendering equipment which, under these regulations, must be sealed, shall be properly equipped for sealing as may be specified by the Commissioner.

(k) Docks and receiving rooms, to be designated by the establishment, with the approval of the inspector, for the receipt and inspection of all meat and products as provided in Agr 2304.

(l) Suitable lockers in which brands bearing the inspection legend shall be kept locked when not in use. All such lockers shall be equipped for locking with locks to be supplied by the department, the keys of which shall not leave the custody of department employees.

Agr 2171. Inspectors to Furnish Implements and Maintain Hands and Implements in Sanitary Condition. Inspectors shall furnish their own work clothing and implements, such as knives, steels, flashlights, and triers, for conducting in-

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spection and shall cleanse their hands and implements as prescribed by Agr 2179 (c).

Agr 2172. Examination and Specifications for Equipment and Sanitation Prior to Granting Inspection. Prior to the inauguration of inspection, an examination of the establishment and premises shall be made by a department employee and the requirements for sanitation and the necessary factilities for inspection specified.

Agr 2173. Drawings and Specifications to be Furnished in Advance of Construction. Triplicate copies of drawings and specifications, complete as contemplated in Agr 2154 of these regulations, for remodeling plants of official establishments and for new structures shall be submitted to the department and approval obtained for the plans in advance of construction.

Agr 2174 Establishments; Sanitary Conditions; Requirements

(a) Establishments and premises on or in which animals are slaughtered or in which any meat or product is prepared or handled, shall be maintained in sanitary condition, and to this end the requirements of sub-sections (b) to (h), inclusive, of this section shall be complied with.

(b) There shall be abundant light, both natural and artificial, of good quality and well distributed, and sufficient ventilation for all rooms and compartments, to insure sanitary condition.

(c) There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with approved traps and vents.

(d)(1) The water supply shall be ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every establishment shall make known and, whenever required, shall afford opportunity for inspection of the source of its water supply, the storage facilities, and the distribution system. Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system. Nonpotable water is permitted only in those parts of the establishments where no edible product is handled or prepared, and then only for limited purposes such as on ammonia condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, in connection with equipment used for hashing and washing inedible products preparatory to tanking, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment involved in trucking materials to and from edible products departments, nor is it permitted in hog scalding vats, dehairing machines, or vapor lines serving edible product rendering equipment, or for clean-up of shackling pens, bleeding areas, or runways within the slaughtering department. In all cases, nonpotable water lines shall be clearly identified and shall not be cross-connected with the potable water supply unless this is necessary for fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by the Commissioner.

(2) Inspectors may permit the re-use of water in vapor lines leading from deodorizers used in the preparation of lard and similar edible product and in equipment used for the chilling of canned product after retorting, provided the re-use is for the identical original purpose and the following precautions are taken to protect the water that is re-used:

(aa) All pipe lines, reservoirs, tanks, cooling towers, and like equipment employed in handling the reused water are so constructed and installed as to facilitate their cleaning and inspection.

(bb) Complete draining and disposal of the reused water, effective cleaning of the equipment, and renewal with fresh, potable water is accomplished at such intervals as may be necessary to assure an acceptable supply of water for the purpose intended.

(cc) Effective chlorination (not less than approximately 1 part per million

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of residual chlorine at any point within the cooling system) of the reused water utilized for cooling canned product is maintained but with the understanding that chlorination alone is not to be relied upon entirely or to be accepted in lieu of the requirements listed in subdivisions (aa) and (bb) of this subparagraph.

(3) An ample supply of water at not less than 180° F. shall be furnished and used for the cleaning of inspection equipment and other equipment, floors, walls, and the like, which are subject to contamination by the dressing or handling of diseased carcasses, their viscera and parts. Whenever necessary to determine compliance with this requirement, conveniently located thermometers shall be installed to show the temperature of the water at the point of use.

(4) Hot water for cleaning rooms and equipment other than those mentioned in subparagraph (3) of this paragraph shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough clean-up.

(e) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept water-tight. The rooms and compartments used for edible products shall be separate and distinct from those used for inedible products.

(f) The rooms and compartments in which any meat or product is prepared or handled shall be free from dust and odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms and livestock pens.

(g) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from establishments. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as the Commissioner may prescribe. The use of bait poisons in hide cellars, inedible compartments, out-buildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the Commissioner may be used. So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

(h) Dogs and cats shall be excluded from establishments.

Agr 2175 Sanitary Facilities and Accommodations; Specific Requirements. Adequate sanitary facilities and accommodations shall be furnished by every establishment. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with windows to admit direct, natural light and shall have adequate facilities for artificial light. They shall be properly ventilated, and meet all requirements as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(b) Modern lavatory accommodations, including running hot and cold water, soap, towels, etc. These shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling any meat or product.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet bowls and urinals shall not be discharged into a grease catchbasin.

(d) Properly located facilities for disinfecting and cleansing utensils and hands of all persons handling any meat or product.

Agr 2176 Equipment to be Easily Cleaned; That for Inedible Products to be Marked. Equipment and utensils used for preparing, processing, and otherwise handling any product shall be of such materials and construction as will make

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them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible products.

Agr 2177 Scabbards for Knives. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., by workers and others at inspected establishments shall be constructed of rust-resisting metal or other impervious material, shall be of a type that may be readily cleaned, and shall be kept clean.

Agr 2178 Rooms, Compartments, Etc., to be Clean and Sanitary. Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the establishment, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where product is prepared, stored, or otherwise handled.

Agr 2179 Operations, Procedures, Rooms, Clothing, Utensils, Etc., to be Clean and Sanitary

(a) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with cleanly and sanitary methods.

(b) Rooms and compartments in which inspections are made and those in which animals are slaughtered or any product is processed or prepared shall be kept sufficiently free of steam and vapors to enable department employees to make inspections and to insure cleanly operations. The walls, ceilings, and overhead structures of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture.

(c) Butchers and others who dress or handle diseased carcasses or parts, shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water or in a prescribed disinfectant, followed by rinsing in clean water. The employees of the establishment who handle any product shall keep their hands clean and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implement used in the preparation of product.

(d) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed and only clean garments shall be worn.

(e) Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth, inflating lungs or casings, or testing with air from the mouth such receptacles as tierces, kegs, casks, and the like, containing or intended as containers of any product, are prohibited. Only mechanical means may be used for testing. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments and the like.

Agr 2180 Protective Coverings for Products. Inspectors shall require the use of such protective coverings for product as it is distributed from establishments as will afford adequate protection for the product against dust, dirt, insects and the like, considering the means intended to be employed in transporting the product from the establishment.

Agr 2181 Slack Barrels and Similar Containers and Cars for Product; Paper in Contact with Product

(a) When necessary to avoid contamination of product with wood splinters and the like, slack barrels and similar containers and vehicles and cars shall be lined with suitable material of good quality before packing.

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(b) Slack barrels and similar containers and vehicles and cars in which any product is transported shall be kept in a clean and sanitary condition.

(c) Paper used for covering or lining slack barrels and similar containers and cars shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

Agr 2182 Vehicles; Inspection, Sanitation and Identification of

(a) Vehicles used by establishments in transporting meat and product shall be regularly inspected for cleanliness and shall be kept free of all soil, accumulated grease, or debris.

When required such vehicles shall be thoroughly cleansed with hot water or steam and suitable detergent, followed by rinsing with clean water.

Should any such vehicle or the meat or product being transported therein become soiled or otherwise insanitary due to accident, adverse weather or any other causes, then such vehicle and cargo shall be restored to a sanitary condition and shall be reinspected by an inspector stationed at an official establishment before final delivery is made of cargo affected.

(b) No unwrapped or unpackaged meat or product shall be permitted to contact the floor of such vehicles.

(c) Vehicles regularly used by official establishments in transporting meat or product shall be identified by the name and address of the establishment in letters not less than four inches in height on the right side of the vehicle.

Agr 2183 Burlap Wrapping for Meat; Meat Wrapped in, to be Previously Wrapped in Paper or Cloth. Since burlap used without any other material as a wrapping for meat deposits lint on the meat and does not sufficiently protect it from outside contamination, the use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

Agr 2184 Second-hand Tubs, Barrels, Other Containers and Tank Cars; Inspection Cleaning

(a) Second-hand tubs, barrels, and boxes intended for use as containers of any meat or product shall be inspected when received at the establishment and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.

(b) Interiors of tank cars about to be used for the transportation of any meat food products shall be carefully inspected for cleanliness even though the last previous content was edible. Lye and soda solution used in cleaning must be thoroughly removed by rinsing with clean water. In their examinations department employees shall enter the tank with a light and examine all parts of the interior.

Agr 2185 Inedible Operating and Storage Rooms; Outer Premises, Docks, Driveways, Approaches, Pens, Alleys, Etc., Fly-breeding Materials; Nuisance. All operating and storage rooms and departments of establishments used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every establishment, embracing docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly paved and drained, and kept in clean and orderly condition. All catch-basins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors aand cleanliness. Catch-basins shall not be located in departments where product is prepared, handled, or stored. The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch con-

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tents, or manure, is forbidden. No nuisance shall be allowed in any establishment or on its premises.

Agr 2186 Employment of Diseased Persons. No establishment shall employ, in any department where any meat or meat product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.

Agr 2187 Rejecting Insanitary Equipment, Utensils, Rooms or Compartments. When, in the opinion of a department employee, any equipment, utensil or room at any slaughter house, retail meat market, wholesale meat processing plant, frozen food processing plant, or sausage plant is unclean or its use would be in violation of any of these regulations, he will attach a "Minn. Rejected" tag thereto. No equipment, utensil or room so tagged shall be used until made acceptable and the tag removed. Such tag so placed shall not be removed by anyone until the equipment, utensil or room so tagged has been placed in acceptable condition.

Agr 2188 Ante-Mortem Inspection in Pens of Official Establishments; Subjects

(a) An ante-mortem examination and inspection shall be made of all cattle, sheep, swine, and goats about to be slaughtered in an official establishment before their slaughter shall be allowed. Such ante-mortem inspection shall be made on the day of slaughter.

(b) Such ante-mortem inspection shall be made in pens on the premises of the establishment in which the animals are about to be slaughtered. When the holding pens of an official establishment are located in a public stockyard and are reserved for the exclusive use of the establishment, such pens shall be regarded as part of the premises of that establishment and the establishment shall be responsible therein for all requirements of these regulations.

(c) Every animal required to be marked as a suspect of ante-mortem inspection in the pens of an official establishment shall be set apart, and, except as hereinafter provided, shall be slaughtered separately from other animals at that establishment unless disposed of as otherwise provided.

Agr 2189 Animals Suspected of Being Diseased; Disposition of on Post-Mortem Inspection or Otherwise; Marking Suspects; Temperatures Where Disease Suspected

(a) Any animal which, on ante-mortem inspection, does not plainly show, but is suspected of being affected with, any disease or condition that, under this article, may cause condemnation of the carcass on post-mortem inspection, and any animal which shows, on ante-mortem inspection, any disease or condition that, under this article, would cause condemnation of only part of the carcass on post-mortem inspection, shall be so marked as to retain its identity as a suspect until final post-mortem inspection, when the carcass shall be marked and disposed of as provided elsewhere in this article, or until disposed of as otherwise provided for in this part.

(b) All animals required by these regulations to be treated as suspects, or to be marked as suspects, or to be marked so as to retain their identity as suspects, shall be marked by or under the supervision of a department employee "Minn. suspect", or with other distinctive mark or marks to indicate that they are suspects as the Commissioner may adopt, such as provided under Agr 2198. No such mark shall be removed except by a state or program employee.

(c) Any swine having a temperature of 106° F. or higher and any cattle, sheep or goats having a temperature of 105° F. or higher shall be marked "Minn. condemned". In case of doubt as to the cause of the high temperature, or when for other reasons such action appears warranted, any such animals may be held for a reasonable time, under the supervision of a department employee, for further observation and taking of temperature before final disposition of such animals is determined.

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(d) When any animal tagged "Minn. suspect" is released for any purpose or reason, as provided in this part, the tag shall be removed by a department employee and his action reported to the Commissioner.

Agr 2190 Marking Animals "Minn. Condemned" Found Diseased or in Dying Condition

(a) All animals plainly showing on ante-mortem inspection any disease or condition that under these regulations would cause condemnation of their carcasses on post-mortem inspection shall be marked "Minn. Condemned" and disposed of in accordance with Agr 2203.

(b) Animals received for slaughter and found in a dying condition on premises of an official establishment shall be marked "Minn. condemned" and disposed of in accordance with Agr 2203.

(c) Reactors to the tuberculin test, required by this section to be condemned, should be autopsied and the findings made the subject of a special report.

(d) Any animal found in a comatose or semicomatose condition or affected with any condition not otherwise covered in this part, which would not warrant release of the animal for slaughter for food shall be marked "Minn. condemned" and disposed of in accordance with Agr 2203 except that such animals may be set apart and held for further observation or treatment under department or other responsible official supervision.

Agr 2191 Cripples and Downers; Boars and Stags

(a) All seriously crippled animals and animals commonly termed "downers", if not marked "Minn. condemned," as required elsewhere in this part, shall be marked and treated as suspects in accordance with Agr 2189.

(b) All boars which are sexually mature, and swine stags which show evidence of recent castration, shall be marked and treated as suspects in accordance with Agr 2189.

Agr 2192 Immature Animals. Animals which are offered for ante-mortem inspection under this part, and which are regarded as immature, shall be marked "Minn. suspect," and, if slaughtered, the disposition of their carcasses shall be determined by the post-mortem findings in connection with the ante-mortem conditions. If not slaughtered as suspect, such animals shall be held under department or other responsible official supervision, and after sufficient development may be released for slaughter, or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease.

Agr 2193 Animals Showing Symptoms of Anaplasmosis, Letpospirosis, Listerellosis, Parturient Paresis, Rabies, Railroad Sickness, or Tetanus

(a) All animals showing on ante-mortem inspection symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, railroad sickness, or tetanus shall be marked "Minn. condemned" and disposed of in accordance with Agr 2203, except that cattle showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, or railroad sickness may be set apart and held for treatment under department or other responsible official supervision. If, at the expiration of the treatment period, animals upon examination are found to be free from disease, they may be released for any purpose in accordance with Agr 2203, except that when released for slaughter at the official establishment, animals which have been previously affected with listerellosis shall be marked "Minn. suspect."

(b) Animals which have reacted to a test for leptospirosis, but which show no symptoms of the disease shall be marked "Minn. suspect."

Agr 2194 Hog Cholera: Swine Injected with Hog Cholera Virus

(a) All hogs plainly showing on ante-mortem inspection that they are affected

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with hog cholera, shall be marked "Minn. condemned," and disposed of in accordance with Agr 2203.

(b) Reporting hog cholera; when any inspector determines or suspects the presence of swine affected with hog cholera he shall immediately report to the Meat Industry Division.

(c) All hogs, even though not themselves marked as suspects which are of lots one or more of which have been condemned or marked as suspects under Agr 2189 for hog cholera, shall, so far as possible, be slaughtered separately and apart from all other animals passed on ante-mortem inspection.

(d) A hog suspected of being affected with hog cholera may be set apart for and held for treatment under Department or other responsible official supervision. If at the expiration of the treatment period the animal, upon examination, is found to be free from disease, it may be released for any purpose, including slaughter.

(e) Swine, other than hyperimmune swine, shall be condemned on ante-mortem inspection if offered for slaughter with 28 days after injection with cholera virus.

(f) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with hog cholera virus shall be given ante-mortem inspection in conformity with these Regulations without reference to the injected virus.

(g) Hyperimmune swine shall be condemned on ante-mortem inspection if offered for slaughter within 10 days after hyperimmunization.

(h) Hyperimmune swine offered for slaughter after 10 days following hyperimmunization shall be given ante-mortem inspection in conformity with these Regulations without reference to the injected virus.

Agr 2195 Epithelioma of the Eye of Cattle

(a) Any animal found on ante-mortem inspection to be affected with epithelioma of the eye and of the orbital region in which the eye has been destroyed or obscured by enoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be marked "Minn. condemned" and disposed of in accordance with Agr 2203.

(b) Any animal found on ante-mortem inspection to be affected with epithelioma of the eye or of the orbital region to a lesser extent than in (a) shall be marked "Minn. suspect" and disposed of as provided in these Regulations.

Agr 2196 Animals Affected with Anthrax; Cleaning and Disinfection of Infected Livestock Pens and Driveways

(a) Any animal found on ante-mortem inspection to be affected with anthrax shall be marked "Minn. condemned" and disposed of in accordance with Agr 2203.

(b) No animal of a lot in which anthrax is found on ante-mortem inspection shall be presented for post-mortem inspection until it has been determined by a careful ante-mortem inspection that no infected animal remains in the lot. Apparently healthy animals other than hogs shall be held as provided for in paragraph (c) of this section. If desired, all apparently healthy animals of the lot may be segregated and held for treatment by a competent veterinarian under department or other responsible official supervision. No anthrax vaccine (live organisms) shall be used on the premises of an official establishment.

(c) Apparently healthy animals of a lot of cattle, calves, sheep, or goats in which anthrax is detected, and animals which have been treated with anthrax biologicals which do not contain living anthrax organisms, shall not be presented for post-mortem inspection in less than 21 days following the last treatment or the last death. Treatment with anthrax vaccine (live organisms) must be else-

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where than on the official premises and subject to the conditions stated in paragraph (d) of this section.

(d) Animals which have been injected with anthrax vaccines (live organisms) within six weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante-mortem inspection, or such animals may be held under department or other responsible official supervision until the expiration of the six-week period and the disappearance of any reaction to the treatment.

(e) When animals are found on ante-mortem inspection to be affected with anthrax, the cleaning and disinfection of exposed livestock pens and driveways of the official establishment shall consist of promptly and thoroughly removing and burning all straw, litter, and manure. This should be followed immediately by a thorough disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 per cent solution of sodium hydroxide or commercial lye prepared as outlined in Agr 2212 (e) (1) of these regulations, or other disinfectant approved by the Commissioner specifically for this purpose.

Agr 2197 Cattle Affected with Anasarca or Generalized Edema

(a) All cattle found on ante-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be marked "Minn. condemned" and disposed of in accordance with Agr 2203.

(b) Cattle found on ante-mortem inspection to be affected with anasarca to a lesser extent than in paragraph (a) of this section shall be marked "Minn. suspect" and disposed of as provided elsewhere in these Regulations.

(c) An animal suspected of being affected with anasarca may be set apart and held for treatment under department or other responsible official supervision. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose.

Agr 2198 Tuberculin Test Reactors. Animals which are known to have reacted to the tuberculin test and which are to be slaughtered at an official establishment shall be marked and treated as suspects in accordance with Agr 2189, except that animals bearing an official "USADE reacted" or similar state reactor tag should not be tagged "Minn. suspect."

Agr 2199 Swine Erysipelas

(a) All hogs plainly showing on ante-mortem inspection that they are affected with acute swine erysipelas shall be marked "Minn. condemned" and disposed of in accordance with Agr 2203.

(b) All hogs suspected on ante-mortem inspection of being affected with swine erysipelas shall be marked and treated as suspects and disposed of in accordance with these regulations.

(c) A hog suspected of being affected with swine erysipelas may be set apart and held under department or other responsible official supervision for treatment. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose.

Agr 2200 Onset of Parturition. Any livestock showing signs of the onset of parturition shall be withheld from slaughter until after parturition and passage of the placenta. Slaughter or other disposition may then be permitted if the animal is otherwise acceptable.

Agr 2201 Vaccine Animals. Vaccine animals with unhealed lesions of vaccina, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be reversed for removal from the premises.

Agr 2202 Emergency Slaughter; Inspection Prior to. In all cases of emergency slaughter, except as provided in Agr 2245, the animals shall be inspected imme-

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diately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the inspector so that such inspection may be made.

Agr 2203 Disposition of Condemned Animals. Except as otherwise provided in this article, animals marked "Minn. condemned" shall be killed by the official establishment, if not already dead. Such animals shall not be taken into an establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of and tanked in the manner provided for condemned carcasses in Agr 2268 through Agr 2273 of these regulations. The "Minn. condemned" tag shall not be removed from, but shall remain on, the carcass until it goes into the tank at which time the tag may be removed by a department employee only. The number of such tag shall be reported by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass. Any animal condemned on account of swine erysipelas, vesicular stomatitis, railroad sickness, parturient paresis, anasarca, anaplasmosis, leptospirosis, listerellosis, or inflammatory condition including pneumonia, enteritis, and peritonitis, may be set apart and held for treatment under department or other responsible official supervision. The "Minn. condemned" tag will be removed by a department employee either when the animal is released to a responsible official for treatment, or following treatment under department supervision if the animal is found to be free from disease. When an animal under the provisions of these regulations is to be released for a purpose other than slaughter, the official establishment or the owner of the animal shall first obtain permission for the movement of such animal from the department.

Agr 2204 Brucellosis-Reactor Goats. Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

Agr 2205 Vesicular Diseases

(a) Immediate notification shall be given to the state and federal livestock sanitary officials having jurisdiction when an animal is found to be affected with a vesicular disease.

(b) No animal under quarantine by state or federal livestock sanitary officials on account of a vesicular disease will be given ante-mortem inspection.

(c) If no quarantine is invoked, or if a quarantine is invoked and later lifted, ante-mortem inspection shall be as follows:

(1) Any animal affected with vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be marked "Minn. condemned" and disposed of in accordance with Agr 2203.

(2) Any animal affected with vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the animal shows a return to normal appetite and activity, shall be marked "Minn. suspect" and disposed of in accordance with Agr 2189, except that if desired, such animal may be set apart and held under Department or other responsible official supervision for treatment. If the animal is set aside for treatment, the "Minn. suspect" tag will be removed by a department employee, either when the animal is released for treatment to a responsible official, or following treatment while under the custody of a department employee if the animal is found to be free from disease. Such animal, found to be free from disease, may be released for slaughter or for purposes other than slaughter, provided that in the latter instance, the official establishment or the owner of the animal shall first obtain permission from the department.

Agr 2206 Extent and Time of Post-mortem Inspection. A careful post-mortem examination and inspection shall be made of the carcasses and parts thereof of all cattle, sheep, swine, and goats slaughtered at official establishments. Such inspec-

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tion and examination shall be made at the time of slaughter, except in cases of emergencies provided for in Agr 2245.

Agr 2207 Organs and Parts to be Held Pending Final Inspection of Carcasses. The head, tongue, tail, thymus gland, and all viscera, and all parts and blood to be used in the preparation of meat food products or medical products, shall be held in such manner as to preserve their identity until after post-mortem examination has been completed, in order that they may be identified in case the carcass is condemned, passed for cooking or held for refrigeration.

Agr 2208 Carcasses and Parts in Certain Instances to be Retained

(a) Each carcass, including all parts and detached parts and organs thereof, in which any lesion of disease or other condition is found that might render the meat or any organ unfit for food purposes, and which for that reason would require a subsequent inspection, shall be retained by the department employee at the time of inspection. The identity of every such retained carcass, detached part, and detached organ thereof shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the inspector.

(b) Such devices and methods as may be approved by the Commissioner may be used for the temporary identification of retained carcasses, parts, or organs. In all cases the identification shall be further established by affixing "Minn. retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by a department employee.

Agr 2209 Condemned Carcasses and Parts to be so Marked; Tanking; Separation. Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be conspicuously marked on the surface tissues thereof by a department employee at the time of inspection, "Minn. inspected and condemned." Condemned detached organs and parts of such character that they cannot be so marked shall be placed immediately in trucks or receptacles which shall be kept plainly marked "Minn. inspected and condemned" in letters not less than two inches high. All condemned carcasses, parts, and organs shall remain in the custody of a department employee and shall be tanked as required in these regulations at or before the close of the day on which they are condemned, or be locked in the "Minn. condemned" room or compartment. Condemned articles shall not be allowed to accumulate unnecessarily in the condemned room or compartment.

Agr 2210 Carcasses and Parts Passed for Cooking; Marking

(a) Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by a department employee at the time of inspection, "Minn. passed for cooking". All such carcasses and parts shall be cooked in accordance with Agr 2274 through 2277 and until so cooked shall remain in the custody of a department employee.

(b) In all cases where carcasses showing localized lesions are passed for food or for cooking the diseased parts shall be removed before the "Minn. retained" tag is taken from the carcass, and such parts shall be condemned.

(c) Spermatic cords shall be removed from hog carcasses, and pizzles from all carcasses.

Agr 2211 Passing and Marking of Carcasses and Parts. Carcasses and parts found to be sound, healthful, wholesome, and fit for human food shall be passed and marked as provided in these Regulations.

Agr 2212 Anthrax; Carcasses Not to be Eviscerated; Carcasses Affected to be Tanked Immediately; Hides, Hoofs, Horns, Hair, Viscera and Contents, and Fat to be Tanked; Handling of Blood and Scalding Vat Water; General Clean-up and Disinfection

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(a) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in Agr 2268 through 2273 of these Regualtions.

(b) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood and fat, found to be affected with Anthrax shall be condemned and immediately disposed of as provided in Agr 2268 through 2273 of these Regulations, except that the blood may be handled through the usual blood cooking and drying equipment.

(c) The part of any carcass contaminated with anthrax-infected material through contact with soiled instruments, or otherwise shall be immediately condemned and disposed of as provided in Agr 2268 through Agr 2273 of these Regulations.

(d) The scalding vat water through which hog carcasses affected with anthrax have passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in paragraph (e) of this section.

(e) (1) That portion of the slaughtering department (bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, hooks, and the like), as well as employees' boots and aprons contaminated through contact with anthrax-infected material, shall, except as provided in sub-paragraph (2) of this paragraph, be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant approved specifically for this purpose by the Commissioner:

(aa) A 5% solution of sodium hydroxide or commercial lye containing at least 94% of sodium hydroxide. The solution should be prepared freshly immediately before use by dissolving 2½ pounds of sodium hydroxide or lye in 5½ gallons of hot water and should be applied as near scalding hot as possible to be most effective. (Owing to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.

(bb) A solution of sodium hypochlorite containing approximately one-half of 1% (5,000 parts per million) of available chlorine. The solution should be freshly prepared.

(cc) When a disinfectant solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before again being used.

(2) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall extend from the head-dropper's station to the point where the disease is detected and the affected carcasses shall be cut down and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were part, slaughtering operations shall cease, and a thorough clean-up and disinfection shall be made, as provided in subparagraph (1) of this paragraph. If the slaughter of the lot has not been completed by close of the day, the clean-up and disinfection shall not be deferred beyond the close of the day on which anthrax was detected.

(3) The first and indispensable precautionary step for persons who have handled anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance should be used to insure the removal of all contaminating material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing, rather than spending the same amount of time in scrub-

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bing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap they may, if desired, be immersed for about one minute in a 1:1,000 solution of bichloride of mercury, followed by thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in the custody of the inspector. As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.

Agr 2213 Carcasses with Skin or Hide on; Cleaning Before Evisceration; Removal of Larvae of Oestrus Bovis

(a) When a cracass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the kosher method, the heads shall be removed from the carcasses before washing of the carcasses. The skin shall be removed at the time of post-mortem inspection from any calf carcass infested with the larvae of the "ox-warble" fly (hypoderma lineata and hypoderma bovis).

(b) All hair, scurf, and dirt, including all hoofs and claws, shall be removed from hog carcasses, and the carcasses thoroughly washed and cleaned, before any incision is made for inspection or evisceration.

Agr 2214 Sternum to be Split; Abdominal and Thoracic Viscera to be Removed. The sternum of each carcass shall be split and the abdominal and thoracic viscera removed at the time of slaughter in order to allow proper inspection.

Agr 2215 Carcasses or Parts Thereof Not to be Inflated; Transferring Caul or Other Fat. Carcasses or parts of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited.

Agr 2216 Handling of Bruised Parts. When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Agr 2268 through 2273 of these regulations, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion then removed and disposed of as provided above.

Agr 2217 Skins from Diseased Swine; Removal from Establishment; Disinfection; Separate Compartments. The skins from swine condemned for tuberculosis or any disease communicable to man or other animal may be removed from the establishment except as provided in Agr 2212 for tanning or other industrial use, but they shall be removed for these uses only after they have been disinfected as follows: Each skin shall be immersed for not less than five minutes in a 5 percent solution of liquor cresolis compositus, or a 5 percent solution of carbolic acid, or shall be otherwise treated as prescribed by the Commissioner. The process of skinning and disinfecting shall be conducted in a specially prepared place approved by the Commissioner.

Agr 2218 Inspection of Cattle, Calf and Sheep Lungs; Hot Lungs not to be Saved as Edible

(a) All cattle, calf and sheep lungs intended for food purposes shall be inspected to determine whether foreign matter is present in the air passages. The main bronchi and branches shall be slit my employees of the establishment as required by the inspector, and, if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned.

(b) Hog lungs shall not be saved as edible product.

Agr 2219 Inspection of Mammary Glands

(a) Lactating mammary glands and diseased mammary glands of cattle, sheep,

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swine, and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(b) Cow udders may be saved for food purposes, provided suitable facilities for handling and inspecting them are provided.

(c) The inspection of udders from cows which have been kept for breeding purposes only shall consist of examination by palpation and, when necessary, by incision. The inspection of udders from cows which have been used for dairy purposes shall include slicing in sections about two inches in thickness. This slicing shall be done by establishment employees. The udders in the sliced condition shall be given a careful examination by department employees. The inspector will designate the udders which are to be sliced. When there is any doubt as to whether the udder is from a cow which has been used for breeding purposes only, then the udder shall be sliced and inspected as provided for udders from cows used for dairy purposes. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been determined, when it may be further handled as the conditions warrant.

(d) The udders from cows officially designated as "Bang's disease reactors" or as "mastitis elimination cows" shall not be utilized for edible purposes.

(e) Lactating mammary glands of swine intended for edible purposes shall be handled and inspected in the same manner as provided in paragraph (c) of this section for the udders of cows used for dairy purposes, except that the sliced sections shall be about one inch in thickness. Glands that are passed may be distributed as such but their use in meat food products is limited to the preparation of rendered pork fat.

Agr 2220 Disposal of Diseased Carcasses and Parts; General

(a) The carcasses or parts of carcasses of all animals slaughtered at an official establishment and found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in other sections of this regulation shall be disposed of according to the section of this regulation pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a process becomes loathsome or a disease noxious, the decision as to the disposal of all carcasses, parts, or organs not specifically covered by these regulations shall be left to the inspector.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged should be sent to the department laboratories for examination.

Agr 2221 Tuberculosis; Principles for Guidance in Passing on Carcasses Affected

(a) The following principles are declared for guidance in passing on carcasses effected with tuberculosis:

Principle A. No meat should be passed for food if it contains tubercle bacilli, or if there is a reasonable possibility that it may contain tubercle bacilli, or if it is impregnated with toxic substance of tuberculosis or associated septic infections.

Principle B. Meat should not be destroyed if the lesions are localized and not numerous, if there is no evidence of distribution of tubercle bacilli through the blood or by other means to the muscles or to parts that may be eaten with the muscles, and if the animal is well nourished and in good condtion, since in this case there is no proof, or even reason to suspect, that the flesh is unwholesome.

Principle C. Evidences of generalized tuberculosis are to be sought in such distribution and number of tuberculosis lesions as can be explained only upon

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the supposition of the entrance of tubercle bacilli in considerable number into the systemic circulation. Significant of such generalization is the presence of numerous uniformly distributed tubercles throughout both lungs, also tubercles in the spleen, kidneys, bones, joints, and sexual glands, and in the lymph glands connected with these organs and parts, or in the splenic, renal, prescapular, popliteal, and inguinal glands, when several of these organs and parts are coincidentally affected.

Principle D. Localized tuberculosis is tuberculosis limited to a single or several parts or organs of the body without evidence of recent invasion of numerous bacillli into the systemic circulation.

(b) The carcasses of animals affected with tuberculosis shall be disposed of as follows:

(1) The entire carcass shall be condemned if any of the following conditions occur:

(aa) When it was observed before the animal was killed that it was suffering with fever.

(bb) When there is a tuberculous or other cachexia.

(cc) When the lesions of tuberculosis are generalized, as shown by their presence not only at the usual seats of primary infection but also in parts of the carcass or in the organs that may be reached by the bacilli of tuberculosis only when they are carried in the systemic circulation. Tuberculosis lesions in any two of the following mentioned organs are to be accepted as evidence of generalization when they occur in addition to local tuberculosis lesions in the digestive or respiratory tracts including the lymph glands connected therewith: Spleen, kidney, uterus, udder, ovary, testicle, adrenal gland, and brain or spinal cord or their membranes. Numerous tubercles uniformly distributed throughout both lungs also afford evidence of generalization.

(dd) When the lesions of tuberculosis are found in the muscles or intermuscular tissue or bones or joints, or in the body lymph glands as a result of draining the muscles, bones, or joints.

(ee) When the lesions are extensive in one or both body cavities.

(ff) When the lesions are multiple, acute, and actively progressive. (Evidence of active progress consists of signs of acute inflammation about the lesions, or liquefaction necosis, or the presence of young tubercles.)

(2) An organ or a part of a carcass shall be condemned under any of the following conditions:

(aa) When it contains lesions of tuberculosis.

(bb) When the lesion is localized but immediately adjacent to the flesh as in the case of tuberculosis of the parietal pleura or peritoneum. In this case not only the membrane or part affected but also the adjacent thoracic or abdominal wall is to be condemned.

(cc) When it has been contaminated by tuberculous material through contact with the floor or a soiled knife or otherwise.

(dd) Heads showing lesions of tuberculosis shall be condemned, except that when a head is from a carcass passed for food or for cooking and the lesions are slight, or calcified, or encapsulated, and are confined to lymph glands in which not more than two glands are involved, the head may be passed for cooking after the diseased tissues have been removed and condemned.

(ee) An organ shall be condemned when the corresponding lymph gland is tuberculous.

(ff) Intestines and mesenteries showing lesions of tuberculosis shall be condemned, except that when the lesions are slight and confined to the lymph glands and the carcass is passed without restriction, the intestines may be passed

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for use as casings and the fat passed for rendering after the corresponding lymph glands have been removed and condemned; provided, that the fat and intestines have not been contaminated with tuberculous material.

(3) Carcasses showing lesions of tuberculosis should be passed for food when the lesions are slight, localized and calcified or encapsulated, or are limited to a single or several parts or organs of the body (except as noted in subsection (b) (1), and there is no evidence of recent invasion of tubercle bacilli into the systemic circulation. Under this rule carcasses showing such lesions as the following examples may be passed, after the parts containing the lesions are removed and condemned in accordance with paragraph (2):

(aa) In the cervical lymph glands and two groups of visceral lymph glands in a single body cavity, such as the cervical, bronchial, and mediastinal glands, or the cervical, hepatic, and mesenteric glands.

(bb) In the cervical lymph glands and one group of visceral lymph glands and one organ in a single body cavity, such as the cervical and bronchial glands and the lungs, or the cervical and hepatic glands and the liver.

(cc) In two groups of visceral lymph glands and one organ in a single body cavity, such as the bronchial and mediastinal glands and the lungs, or the hepatic and mesenteric glands and the liver.

(dd) In two groups of visceral lymph glands in the thoracic cavity and one group in the abdominal cavity, or in one group of visceral lymph glands in the thoracic cavity and two groups in the abdominal cavity, such as the bronchial, mediastinal, and hepatic glands, or the bronchial, hepatic, and mesenteric glands.

(ee) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, such as the cervical, bronchial, and hepatic glands.

(ff) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, together with the liver when the latter contains but few localized foci. In this class of carcasses, which will be chiefly those of hogs, the lesions of the liver are considered to be primary, as the disease is practically always of alimentary origin.

(4) Carcasses which reveal lesions more severe or more numerous than those described for carcasses to be passed in Agr 2221 (b) (3) but not so severe, nor so numerous as the lesions described for carcasses to be condemned in Agr 2221 (b) (1), may be rendered into lard, rendered pork fat, or tallow, or otherwise cooked in accordance with Agr 2274 through 2277 if the distribution of the lesions is such that all parts containing tuberculous lesions can be removed.

Agr 2222 Hog Cholera; Disposition of Hog Carcasses on Account of

(a) The carcasses of all hogs affected with acute hog cholera shall be condemned.

(b) Inconclusive but suspicious symptoms of hog cholera observed during the ante-mortem inspection shall be duly considered in connection with post-mortem findings and when the carcass of such a "suspect" shows lesions in the kidneys and the lymph glands which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(c) Inasmuch as lesions resembling lesions of hog cholera occur in the kidneys and lymph glands of hogs not affected with hog cholera, carcasses of hogs in the kidneys or lymph glands of which appear any lesions resembling lesions of hog cholera shall be carefully further inspected for corroborative lesions. If on such further inspection the carcass shows such lesions in the kidneys or in the lymph glands or in both, accompanied by characteristic lesions in some organ or tissue, than all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

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(d) Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given post-mortem inspection in conformity with this part without reference to the injected virus.

(e) Carcasses of hyperimmune swine if presented for inspection after 10 days following hyperimmunization shall be given post-mortem inspection in conformity with this part without reference to the injected virus.

Agr 2223 Swine Erysipelas. Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

Agr 2224 Diamond-Skin Disease. Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for food after removal and condemnation of the affected parts, provided such carcasses are otherwise in good condition.

Agr 2225 Arthritis and Polyarthritis

(a) Carcasses affected with arthritis or polyarthritis when localized and not associated with systemic change may be passed for food after removal and condemnation of all affected parts, provided the carcasses are otherwise in good condition. Affected joints with corresponding lymph glands shall be removed and condemned. In order to avoid contamination of the meat which is passed a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis or polyarthritis characterized by the presence of periarticular abscesses which may or may not be connected with similar suppurative foci within the epiphyses of the bones shall be condemned in cases manifesting suppurative lesions in more than one joint. Otherwise, the condemnations shall be restricted to the affected parts if such carcasses are otherwise in good condition.

Agr 2226 Cattle Carcasses Affected with Anasarca or Generalized Edema

(a) Carcasses of cattle found on post-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(b) Carcasses of cattle, including their detached parts and organs, found on post-mortem inspection to be affected with anasarca to a lesser extent than in paragraph (a) of this section may be passed for food after removal and condemnation of the affected tissues provided the lesion is localized.

Agr 2227 Actinomycosis and Actinobacillosis; Disposition of Carcasses and Parts

(a) The definition of generalization as outlined for tuberculosis in Agr 2221 (a) shall apply for actinomycosis and anticobacillosis, and carcasses of animals so affected shall be condemned.

(b) Carcasses of animals in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed after the infected organs or parts have been removed and condemned, except as provided in paragraphs (c) and (d) of this section.

(c) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph gland involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph glands, the head, including the tongue, may be passed after the affected glands have been removed and condemned.

(d) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph glands, the head may be passed after removal and condemnation of the tongue and corresponding lymph glands.

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Agr 2228 Anthrax, Bacillary Hemoglobinuria in Cattle, Blackleg, Hemorrhagic Septicemia, Icterohematuria in Sheep, Malignant Epizootic Catarrh, Piroplasmosis, Pyemia, Septicemia, Unhealed Vaccine Lesions; Carcasses Affected with, to be Condemned. Carcasses of animals affected with or showing lesions of any of the following-named diseases or conditions shall be condemned;

(a) Anthrax

(b) Bacillary hemoglobinuria in cattle.

(c) Blackleg.

(d) Hemorrhagic septicemia.

(e) Icterohematuria in sheep.

(f) Malignant epizootic catarrh.

(g) Piroplasmosis.

(h) Pyemia.

(i) Septicemia.

(j) Unhealed vaccine lesions (vaccinia).

Agr 2229 Malignant Neoplasms; Disposition of Organs, Parts, or Carcasses. Any individual organ or part of a carcass affected with a malignant neoplasm shall be condemned. In case the malignant neoplasm involves any internal organ to a marked extent, or affects the muscles, skeleton, or body lymph glands, even primarily, the carcass shall be condemned, except as provided in Agr 2230. In case of metastasis to any other organ or part of a carcass, or if metastasis has not ocurred but there are present secondary changes in the muscles (serous infiltration, flabbiness, or the like), the carcass shall be condemned. Carcasses of cattle affected with epithelioma of the eye shall be disposed of according to Agr 2230.

Agr 2230 Epithelioma of the Eye of Cattle

(a) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph gland shall be condemned in their entirety if one of the following three conditions exists:

(1) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;

(2) There is metastasis from the eye, the orbital region, and/or the corresponding parotid lymph gland to other lymph glands, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or

(3) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(b) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph gland to a lesser extent than in paragraph (a) of this section may be passed for food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise in good condition.

Agr 2231 Carcasses Showing Disease Such as Generalized Melanosis, etc., Affecting the System to be Condemned. Carcasses of animals showing any disease such as generalized melanosis, luekemia, pseudo-lukemia, lymphoma, and the like, which affects the system of the animal, shall be condemned.

Agr 2232 Abrasions, Bruises, Tumors, Abscesses, Pus, etc., Disposition of Carcasses and Parts. All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed. Any organ

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or part of a carcass which is badly brused or which is affected by a tumor, an abscess, or a suppurating sore, shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Parts of carcasses which are contaminated by pus shall be condemned.

Agr. 2233 Brucellosis. Carcasses affected with localized lesions of brucellosis may be passed for food after the affected parts are removed and condemned.

Agr 2234 Carcasses so Infected that Consumption of the Meat May Cause Food Poisoning to be Condemned

(a) All carcasses of animals so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

(1) Acute inflammation of the lungs, pleura pericardium, peritoneum, or meninges.

(2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.

(3) Gangrenous or severe hemorrhagic eneritis or gastritis.

(4) Acute diffuse metritis or mammitis.

(5) Phlebitis of the umbiclical veins.

(6) Septic or purulent traumatic pericarditis.

(7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hypermia, general swelling of lymph glands, diffuse redness of the skin, cachexia, icteric discoloration of the carcass, or the like, either singly or in combination.

(b) Implements contaminated by contact carcasses affected with any of the diseased conditions mentioned in this section shall be thoroughly cleaned and disinfected as prescribed elsewhere in these Regulations. The equipment used in the dressing of such carcasses, such as viscera trucks, inspection tables, and the like, shall be disinfected with hot water having a minimum temperature of 180°F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within two hours.

Agr 2235 Necrobacillosis, Pyemia, Septicemia; Disposition of Carcasses. From the standpoint of meat inspection, necrobacillosis may be regarded as a local affection at the beginning, and carcasses in which the lesions are so localized may be passed for food if in a good state of nutrition, after removing and condemning those portions affected with necrotic lesions. On the other hand, when emaciation, cloudy swelling of the glandular organs, or enlargement and discoloration of the lymph glands are associated with the affection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass should therefore be condemned as both innutritious and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with Agr 2234.

Agr 2236 Caseous Lymphadenitis; Disposition of Carcasses and Parts

(a) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph glands, or such a carcass showing extensive lesions in any part, shall be condemned.

(b) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing well-marked lesions in the skeletal lymph glands with only slight lesions elsewhere may be passed for cooking.

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(c) A thin carcass showing only slight lesions in the skeletal lymph glands and in the viscera may be passed without restriction.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph glands with only slight lesions elsewhere may be passed without restriction.

(e) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph glands may be passed for cooking, but where the lesions in a well-nourished carcass are both numerous and extensive it shall be condemned.

(f) All affected organs and glands of carcasses passed without restriction or passed for cooking shall be removed and condemned. The term "thin" as used in this Section shall not be held applicable to a carcass which is anemic or emaciated.

Agr 2237 Icterus; Disposition of Carcasses. Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication, shall be condemned. Carcasses affected with icteric-like discoloration, the result of conditions other than those before stated in this section, but which lose such discoloration on chilling, shall be passed for food, while those which do not lose such discoloration may be passed for cooking. No carcass retained under this section may be passed for food unless the final inspection thereof is completed under natural light. Carcasses passed for cooking under this section shall not be processed other than by rendering.

Agr 2238 Urine or Sexual Odor; Disposition of Carcasses. Carcasses which give off the odor of urine or a sexual odor shall be condemned. When the final inspection of such carcasses is deferred until they have been chilled, the disposal shall be determined by the heating test.

Agr 2239 Mange and Other Skin Affections; Disposition of Carcasses

(a) Carcasses of animals affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

(b) Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema may be passed after detaching and condemning the affected skin, if the carcass is otherwise fit for food.

Agr 2240 Tapeworm Cysts (Cysticercus Bovis, Methods of Inspecting for; Carcasses and Parts of Cattle Infected with; Disposition of Carcasses and Parts; Conditions Under which Refrigeration Permitted; Calves Excepted

(a) Head. Prior to inspection the tongue shall be detached sufficiently from the head bones, by an employee of the establishment, to allow a proper inspection to be made of the internal muscles of mastication. These muscles shall be inspected after incising them in such manner as to split the muscles in a plane parallel with the lower jawbone. The masseter muscles also shall be incised, splitting the entire external layer between the outer and intermediate fasciae.

(b) Heart. The preparation inspection of hearts shall conform to one of the following methods:

(1) The surface of the heart shall be examined, and a longitudinal incision made extending from base to apex through the wall of the left ventricle and the interventricular septum, after which the cut surfaces and the inner surfaces of the auoricles shall be examined.

(2) After the external surface of the heart has been inspected the organ shall be prepared for further inspection by an establishment employee severing its

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attachments and cutting through the interventricular septum and such other tissues as will permit him to evert the organ completely. The inspector shall then examine the interior surfaces and make not more than four deep, lengthwise incisions into the muscles of the septum and left ventricular well, unless the presence of cysts is suspected, when more incisions shall be made. Under this method care shall be taken not to cut completely through the walls of hearts to be passed without restriction. If necessary to maintain the identity of hearts, the establishment shall provide consecutively numbered tags and appropriately mark the carcasses and hearts.

(c) Final inspection of Retained Carcasses. The external and internal muscles of mastication, the heart, and the muscular portion of the diaphragm including its pillars, should be carefully and thoroughly sliced to insure the finding of all cysts. Prior to the inspection of the diaphragm its peritoneum shall be removed. The tongue shall be carefully inspected by palpation, and if the presence of cysts in the muscles of this organ is suspected, the tongue shall be thoroughly sliced and all parts closely examined for cysts. In addition to the foregoing, the muscles of the oesophagus, the exposed muscles, and cut muscular surfaces of the split carcass shall be examined. Incisions may be made to expose additional surfaces for examination, but unnecessary mutilation of carcasses which may be passed shall be avoided.

(d) Carcasses of cattle (including the viscera) infested with tapeworm cysts known as cysticerous bovis shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose on most of the cut surfaces two or more cysts within an area the size of the palm of the hand.

(e) A carcass in which infestation with systicercus bovis is limited to one dead and degenerated cyst may be passed for food after removal and condemnation of the cyst.

(f) Carcasses of cattle showing a slight or moderate infestation other than that indicated in paragraph (e) of this Section but not so extensive as indicated in paragraph (d) of this Section, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and of portions of the carcass rendered visible by the process of dressing, may be passed for food after removal and condemnation of the cysts, with the surrounding tissues: Provided, that the carcasses and parts, appropriately identified by retained tags, are held in cold storage at a temperature not higher than 15° F. continuously for a period of not less than 10 days: And provided further, That the boned meat from such carcasses when in boxes, tierces, or like containers, appropriately identified by retained tags, is held at a temperatiure of not higher than 15° F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as herein provided, such carcasses and parts may be heated throughout to a temperature of at least 140° F.

(g) The edible viscera (except the lungs, fat, muscles of the oesophagus, and heart, which shall take the same disposition as the carcasses), of carcasses passed for food or for refrigeration under the provisions of paragraph (f) of this section may be passed for food without refrigerating or heating, provided they are found to be free from infestation upon final inspection. The intestines, weasands, and bladders from beef carcasses affected with cysticercus bovis, which have been passed for food or for refrigeration, may be used for casings after they have been subjected to the usual methods of preparation and may be passed for such purpose upon completion of the final inspection.

(h) The inspection for cysticercus bovis may be omitted in the case of calves under 6 weeks old. The routine inspection of calves over 6 weeks old for cysticercus bovis may be limited to a careful examination of the surface of the heart and such other surfaces as are rendered visible by the process of dressing.

Agr 2241 Hogs affected with Tapeworm Cysts (Cysticercus Cellulosae) Disposition. Carcasses of hogs affected with tapeworm cysts (Cysticercus cellulosae)

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may be passed for cooking, but if the infestation is excessive the carcass shall be condemned.

Agr 2242 Disposal of Carcasses, Organs, and Parts Showing Evidence of Infestation with Parasites not Transmissible to Man; Sheep Carcasses Affected with Tapeworm Cysts; Carcasses infected with GID Bladder Worms; Organs and Parts Infested with Hydatid Cysts; Livers Infested with Flukes.

(a) In the disposal of carcasses, edible organs, and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern:

If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the non-affected portion of the carcass, organ, or part of the carcass may be passed for food after removal and condemnation of the affected portions. If an organ or part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be passed for food. If the infestation is excessive the carcass shall be condemned. If the infestation is moderate the carcass may be passed for cooking, but in case such carcass is not cooked as required by Section 15 it shall be condemned.

(b) In the case of sheep carcasses affected with tapeworm cysts located in the muscles (Cysticercus ovis, so-called sheep measles, not transmissible to man) the carcass may be passed after the removal and condemnation of the affected portions: Provided, however, that if upon the final inspection of sheep carcasses retained on account of measles the total number of cysts found embedded in muscle or in immediate relation with muscular tissue, including the heart, exceeds five, this shall be taken to indicate that the cysts are so generally distributed and so numerous that their removal would be impracticable, and the entire carcass shall be condemned or passed for cooking, according to the degree of infestation. If not to exceed five cysts are found upon final inspection, the carcass may be passed after the removal and condemnation of the affected portions.

(c) Carcasses of animals found infested with gid bladder worms (Coenrus cerebralis, Multiceps multiceps) may be passed after condemnation of the affected organ (brain or spinal cord).

(d) Organs or parts of carcasses infested with hydatid cysts (Echinococcus) shall be condemned.

(e) Livers infested with flukes or fringed tape worms shall be condemned.

Agr 2243 Emaciated or Anemic Carcasses and Those Showing Slimy Fat Degeneration or Serous Muscular Infiltration. Carcasses of animals too emaciated or enemic to produce wholesome meat, and carcasses which show a slimy degeneration of the fat or a serous infiltration of muscles, shall be condemned. Mere leanness should not be classed as emaciation.

Agr 2244 Carcasses Showing Advance Pregnancy, etc.; Disposition. Carcasses of animals in advanced stages of pregnancy (showing signs of parturition, also carcasses of animals which have within 10 days given birth to young and in which there is no evidence of septic infection, may be passed for cooking and handled as provided in Agr 2274 through 2277 of these regulations; otherwise, they shall be condemned.

Agr 2245 Slaughter of Injured Animals at Unusual Hours. When it is necessary for humane reasons to slaughter an injured animal at night or on Sunday or a holiday when the inspector cannot be obtained, the carcass and all parts shall be

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kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not so kept for inspection, the carcass shall be condemned. If on inspection of a carcass slaughtered in the absence of an inspector any lesion or condition is found indicating that the animal was sick or diseased, or if there is lacking evidence of the condition which rendered emergency slaughter necessary, the carcass shall be condemned.

Agr 2246 Carcasses of Young Calves, Pigs, Kids, and Lambs; When Condemned

(a) Carcasses of young calves, pigs, kids, and lambs are unwholesome and shall be condemned if:

(1) The meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or

(2) Its color is grayish red; or

(3) Good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between muscles; or

(4) The tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow or grayish red, tough, and intermixed with islands of fat.

(b) All unborn and stillborn animals shall be condemned, and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

Agr 2247 Condemnation of Animals Suffocated and Hogs Scalded Alive. All animals which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

Agr 2248 Livers Affected with Carotenosis; Livers Designated as "Telangiectatic," "Sawdust," or "Spotted"; Disposal

(a) Livers affected with carotenosis shall be condemned.

(b) Cattle livers and calf livers showing the conditions sometimes designated as "Telangiectatic," "sawdust," or "spotted" shall be disposed of as follows:

(1) When any or all of the conditions are extensive and involve one-half or more of an organ, the whole organ shall be condemned.

(2) When any or all of the conditions are slight in an organ, the whole organ shall be passed without restriction.

(3) When any or all of the conditions involve the whole organ, and are less severe than extensive, but more severe than slight, the whole organ shall be cooked.

(4) When any or all of the conditions are less severe than extensive, but more than severe than slight in a portion of an organ, while in the remainder of the organ the conditions are slight the remainder shall be passed without restriction and the other portion shall be cooked.

(5) When any or all of the conditions are extensive and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed without restriction and the other portion shall be condemned.

(6) When any or all of the conditions are extensive and involve less than one-half of the organ, while in any or all of the remainder of the organ the conditions are more severe than slight yet less severe than extensive, all of the remainder shall be cooked and the extensively involved portion shall be condemned.

(7) The division of an organ into but two parts as herein contemplated for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

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(c) Livers and parts of livers which are required to be cooked shall be held and cooked in the establishment where produced. They shall be cooked sufficiently to impart a cooked appearance throughout the liver. After cooking, the liver may be released for any purpose.

Agr 2249 Vesicular Stomatitis

(a) Any carcass affected with vesicular stomatitis shall be condemned if the condition is acute or if the extent of the condition is such that affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with vesicular stomatitis to a lesser extent than in paragraph (a) of this section may be passed after removal and condemnation of affected parts, if the carcass is otherwise in good condition.

Agr 2250 Anaplasmosis

(a) Carcasses of cattle and calves found on post-mortem inspection to be affected with anaplasmosis shall be condemned.

(b) Carcasses of cattle and calves which are classed as recovered cases of anaplasmosis evidenced by the absence of abnormal symptoms on ante-mortem inspection but which show slight yellow coloration of tissues on post-mortem examination shall be passed for food provided the yellow coloration disappears on chilling. Those carcasses which do not lose such yellow coloration on chilling shall be condemned.

Agr 2251 *Listerellosis.* Carcasses of animals marked "Minn. suspect" because of a history of listerellosis shall be passed for food after condemnation of the head if the carcass is otherwise in good condition.

Agr 2252 Leptospirosis

(a) Carcasses of animals affected with leptospirosis shall be condemned.

(b) Carcasses of animals which have reacted to a test for leptospirosis and have been marked "Minn. suspect" on an ante-mortem inspection shall be passed for food when no evidence of the disease is found on post-mortem examination provided the carcasses are otherwise in good condition.

Agr 2253 Animals Slaughtered Without Ante-Mortem and Post-Mortem Inspection. Except as provided under provisions for custom processing in Agr 2324 through 2333 of these regulations; no carcass of an animal which has not had ante-mortem and post-mortem inspection in accordance with these regulations shall be brought into an official establishment.

Agr 2254 Tanks, Rooms, and Equipment Used for Inedible Products To Be Separate and Apart from those Used for Edible Products.

(a) All tanks and equipment used for rendering, preparing or storing inedible products shall be in rooms or compartments separate from those used for rendering, preparing or storing edible products. There shall be no connection between rooms or compartments containing inedible products and those containing edible products, except that there may be one connecting doorway between the slaghtering or viscera separating department and the tank charging room of the inedible products rendering department. Pipes and chutes installed in accordance with the requirements of the Commissioner may be used to convey inedible and condemned material from edible product departments to inedible product departments.

(b) Tanks, fertilizer driers and other equipment used in the preparation of inedible products shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparation.

Agr 2255 Carcasses of Animals Condemned on Ante-Mortem Inspection Not To Pass Through Compartments for Edible Products. In conveying to the inedible product tank carcasses of animals which have been condemned on ante-

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mortem inspection, they shall not be taken through rooms or compartments in which product is prepared, handled, or stored.

Agr 2256 Dead Animal Carcasses

(a) With the exception of dead animals which have died enroute and are received with animals for slaughter at an establishment, no dead animal may be brought on the premises of an establishment unless advance permission therefor is obtained from the Commissioner.

(b) Under no circumstances shall the carcass of any animal which has died otherwise than by slaughter be brought into any room or compartment in which any product is prepared, handled or stored.

Agr 2257 Inedible Fats from Outside of Establishments. Inedible fats from outside the premises of an official establishment shall not be received except into the tank room provided for inedible products, and then only when their receipt into the tank room produces no insanitary condition on the premises nor shall such fats be received in such volume as interferes with prompt disposal of inedible or condemned material produced at the establishment. When received, they shall not enter any room or compartment used for edible products.

Agr 2258 Condemned Carcasses and Product; Disposing of, by Tanking; Sealing of Tanks; Denaturing of Product

(a) Condemned carcasses and products at official establishments having facilities for tanking shall be disposed of by tanking as follows:

(1) The lower opening of the tank shall first be sealed securely by a department employee, except when permanently connected with a blow line, then the condemned carcasses and product shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for food purposes.

(2) The use of equipment such as crushers or hashers for pretanking preparation of condemned carcasses and product in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned carcasses and product are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of the crushed or hashed material need not be locked or sealed during the tanking operation. If the rendering tanks or other equipment contain condemned material not so crushed or hashed, the equipment shall be sealed as prescribed in subparagraph (1) of this paragraph. If the crushed or hashed material is not rendered in the establishment where produced it shall be denatured as provided for in Agr 2260.

(b) The seals of tanks shall be broken only by a department employee after the contents of the tanks have been treated as provided in paragraph (a) of this section. The rendered fat derived from condemned material shall be held until department employee shall have an opportunity to determine whether it conforms with the requirements of this section. Samples shall be taken by department employees as often as is necessary to determine whether the rendered fat is effectually denatured.

Agr 2259 Inedible Rendered Fats. Rendered animal fat derived from inedible or condemned materials and possessing the physical characteristics of color, odor, and taste of an edible product shall be denatured to effectually distinguish it from an edible product either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat denaturing oil, No. 2 fuel oil, or brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary.

Agr 2260 Disposition of Condemned Meat or Product at Official Establishments Having no Tanking Facilities

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(a) Any carcass or product condemned at an official establishment which has no facilities for tanking shall be denatured with crude carbolic acid, cresylic disinfectant, or other prescribed agent, or be destroyed by incineration under the supervision of a department employee. When such carcass or product is not incinerated it shall be slashed freely with a knife, before the denaturing agent is applied.

(b) Carcasses and products condemned on account of anthrax, and the materials identified in Agr 2212 of these regulations which are derived therefrom at establishments which are not equipped with tanking facilities shall be disposed of by (1) complete incineration, or (2) by thorough denaturing with a prescribed denaturant, and then disposed of in accordance with the requirements of the Livestock Sanitary Board, who shall be notified immediately by the inspector in charge.

Agr 2261 Specimens for Educational, Research, and Other Purposes; Permits for Required

(a) Specimens of diseased, condemned, and inedible materials, including pig or lamb embryos and specimens of animal parasites, may be released for educational purposes by the Commissioner: provided, that the party desiring such specimens makes a written application for same, stating the use to be made of them; and provided further, that the applicant arranges with and receives permission from the official establishment to obtain the specimens. If the application is satisfactory to the Commissioner, he shall issue a permit authorizing the removal of the specimens. Such permits shall be numbered and issued for not beyond the then current calendar year.

(b) Specimens of diseased, condemned, and inedible materials, including pig or lamb embryos and specimens of animal parasites, may be released for research and other purposes when authorized by the Commissioner: provided, that the applicant for such specimens shall have arranged with and received permission from the official establishment to obtain them. The application to the department for the release of such material for research purposes should include the following information:

(1) The name of the organization or individual conducting the research,

(2) The name of the official establishment from which the material is to be obtained, and

(3) The kind and amount of material desired.

In addition, the application should contain a statement that the material will be used for research purposes only and that the organization or individual conducting the research assumes full responsibility for the results of research involving this material.

(c) The collection and handling of the specimens referred to in paragraphs (a) and (b) of this section shall be at such time and place and in such manner as not to interfere with the inspection or to cause any objectionable condition.

Agr 2262 Livers Condemned Because of Parasitic Infestation and for Other Causes; Conditions Under Which May Be Disposed of as Fish Feed

(a) Livers condemned on account of fluke infestation may be forwarded as fish feed if they are first freely slashed, then denatured, and then frozen. The denaturing shall be accomplished by dipping the slashed livers in a hot solution composed of one part of FD & C Green #3 or Methyl Violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or by the application of finely powdered charcoal. Freezing shall be preceded by chilling the livers to a temperature not above 40° F. Livers packed in containers not more than seven inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15° F. or for a period of not less than five days at a temperature not higher than 10° F. Livers packed in containers over seven inches but less than 27 inches thick shall be held not less than

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20 days at a temperature not higher than 15° F., or for not less than 10 days at a temperature not higher than 10° F. In lieu of freezing, the livers may be thoroughly cooked and then slashed and denatured in the manner indicated above. It is essential that the livers be sufficiently denatured through discoloration by the dye or charcoal to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle held under department lock.

(b) Livers condemned on account of hydatids or fringed tapeworms may not be forwarded as fish feed unless thoroughly cooked, slashed, and denatured as indicated in paragraph (a) of this section.

(c) Livers condemned on account of parasites other than flukes, hydatids, or fringed tapeworms may be forwarded as fish feed without refrigeration or cooking after slashing and denaturing as indicated in paragraph (a) of this section.

(d) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, benign abscesses, or contamination when these conditions are not associated with infectious disease in the carcasses, may be forwarded as fish feed without refrigeration or cooking: Provided, All tissue affected with abscesses is removed and destroyed within the establishment: And provided further, That all livers are slashed and denatured as indicated in paragraph (a) of this section.

(e) Livers specified in the foregoing paragraphs shall be placed in containers plainly marked "fish feed — inedible."

Agr 2263 Disposal of Inedible or Condemned Carcasses, Parts or Products Through Rendering Works Not Under Official Supervision. Permit Required. Official establishments not equipped for the proper disposition of inedible or condemned carcasses, or products in accordance with these regulations or those desiring to dispose of such inedible or condemned carcasses, parts or products through reduction or rendering plants not under official supervision may do so after obtaining a written permit from the Commissioner. When applying for such a permit the applicant shall designate the name and location of such reduction or rendering plant whereupon, if the designated plant is approved by the Commissioner, a permit will be granted. Such permit may be revoked at any time when it is found that said reduction or rendering plant is conducted in an insanitary or obnoxious manner, or if said inedible or condemned carcasses, parts or products are not disposed of in accordance with these regulations.

Agr 2264 Carcasses and Parts Passed for Cooking; Rendering into Lard, Rendered Pork Fat, or Tallow. Carcasses and parts passed for cooking may be rendered into lard or rendered pork fat (in accordance with subparagraphs (18) and (20) respectively of Agr 2286 of these regulations) or rendered into tallow: Provided, such rendering is done in the following manner: When closed rendering equipment is used, the lower opening, except when permanently connected with a blow line, shall first be sealed securely by a department employee, then the carcasses or parts shall be placed in such equipment in his presence, after which the upper opening will be securely sealed by such employee. When the product passed for cooking in the tank does not consist of a carcass or whole primal part, the requirements for sealing shall be at the discretion of the Commissioner. Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, rendered pork fat, or tallow: Provided, all parts of the product are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes.

Agr 2265 Rendering Carcasses and Parts Passed for Cooking into Lard, Rendered Pork Fat or Tallow in Open Kettles. Establishments not equipped with steam rendering tanks or other closed equipment for rendering carcasses and parts into lard, rendered pork fat, or tallow, as provided in Agr 2264 may render such carcasses or parts in open kettles under the direct supervision of a department

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employee. Such rendering shall be done during regular hours of work and in compliance with the requirements as to temperature and time specified in Agr 2264.

Agr 2266 Carcasses and Parts Passed for Cooking not Rendered into Lard, Rendered Pork Fat or Tallow; Utilization of, for Food Purposes after Cooking.

(a) Carcasses and parts passed for cooking, except as specified in Agr 2237 of these regulations, may be used for the preparation of such products as canned meat, sausage, cooked or boiled meat, meat loaves, and similar products, provided all parts of such carcasses and parts which are so used are heated at a temperature not lower than 170° F. for a period of not less than 30 minutes, either before being used in or during the preparation of the finished product.

(b) When product passed for cooking is used as an ingredient of a meat food product as contemplated in paragraph (a) of this section at least 50 per cent of the meat and meat by-product ingredient shall consist of product passed for cooking. This requirement shall not apply when the product passed for cooking has been previously cooked as specified in paragraph (a) of this section before being used as an ingredient of a meat food product.

Agr 2267 Disposal of Product Passed for Cooking if not Handled According to this Part. Product passed for cooking if not handled and processed under the provisions of this part, shall be disposed of in accordance with Agr 2258 through 2263 of these regulations.

Agr 2268 Approval of Abbreviations of Marks of Inspection

(a) The Commissioner may approve and authorize the use of abbreviations of marks of inspection under the regulations. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

(b) Except for the purposes of submitting a sample or samples of the same to the Commissioner for approval, no person shall procure, make, or prepare, or cause to be procured, made or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product, without the written authority therefor of the Commissioner. However, when any sample label, brand, or other marking device is approved by the Commissioner, new supplies of such labels and new brands and other marking devices of a character exactly similar to such approved sample may be procured, made, or prepared, for use in accordance with the regulations, without further approval by the Commissioner.

(c) No person shall affix or place, or cause to be affixed or placed, the inspection legend, or any abbreviation, copy or representation thereof, to or on any product or container thereof, except under the supervision of a department employee.

(d) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing, or intended to bear, the inspection legend, or any abbreviation, copy, or representation thereof, except under the supervision of a department employee.

(e) The Commissioner may authorize the use of the label, "Minnesota Approved", or a facsimile thereof, in accordance with M.S. 31.632 for use in accredited establishments which are operated in accordance with these regulations.

Agr 2269 Brands and Marking Devices To Be Approved by the Commissioner; Control of Brands, etc.

(a) Official establishments shall furnish such ink brands, burning brands, and like devices for marking product as the Commissioner may require. The mark of

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inspection on such a device shall be a facsimile of one of the official brands in the form shown herewith, using the size best suited for the purpose intended:

In advance of manufacture, complete and accurate descriptions and designs of the same shall be submitted to and approved by the Commissioner. Every such brand and device which bears the inspection legend shall be delivered into custody of the inspector of the establishment, and shall be used only under his supervision. When not in use for marking inspected and passed product, all such brands and devices bearing the inspection legend shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of the inspector.

(b) No person shall remove or cause to be removed from an official establishment any article which these regulations require to be marked in any way unless the same is clearly and legibly marked in compliance with these regulations.

(c) All marks of inspection shall be carefully applied and securely affixed.

Agr 2270 Branding Ink To Be Furnished by Establishment: Approval by Department, color

(a) Official establishments shall furnish all ink for marking product. Such ink must be made with harmless ingredients that are approved for the purpose by the department. Samples of ink shall be submitted to the department laboratory from time to time as may be deemed necessary by the inspector.

(1) Only purple ink approved for the purpose shall be used to apply ink brands bearing the marks of inspection to carcasses and fresh meat cuts derived therefrom.

(2) Ink brands bearing the marks of inspection used for purposes other than in subparagraph (1) of this paragraph may be applied with branding ink of any color and composition that will assure ready legibility and permanence of marking, except as provided in subparagraph (3) of this paragraph. The color of the ink shall provide acceptable contrast with the color of the product to which it is applied.

(b) Product shall not be marked with green ink except that, if desired by the establishment, such ink may be used for holiday markings and designs.

Agr 2271 Control and Use of Brands and Marking Devices Furnished by Commissioner. All brands and devices furnished by the department for marking articles with the inspection legend, including self-locking seals, shall be used only under the supervision of a department employee, and, when not in use for marking, shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a department employee.

Agr 2272 Brands and Marking Devices Not To Be False or Misleading: Style and Size of Lettering. No brand or device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression.

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Agr 2273 Carcasses, Primal Parts, and Products: Marking with Inspection Legend

(a) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the inspection legend and with the number of the establishment.

(b) Except as provided otherwise in this part, each primal part of a carcass, the beef cod fat and beek kidney fat, and each liver, beef tongue, beef heart, and tail, which has been inspected and passed shall be marked with the inspection and the number of the establishment before it leaves the establishment in which it is first inspected and passed, and each inspected and passed product susceptible of being marked shall be marked with the inspection legend and the number of the establishment where it was last processed: Provided, that skinned bacon intended for slicing need not be so marked if packed in properly marked containers. Additional marks of inspection may be applied as desired to meet local conditions.

(c) Beef livers shall be marked with the inspection legend and the establishment number on the convex surface of the thickest portion of the organ.

Agr 2274 Moving and Handling of Primal Parts from One Establishment to Another. Primal parts of carcasses which have been inspected and passed but do not bear the inspection legend may be transported from one official establishment to another official establishment, for further processing, in a car, truck, or other closed container, if the car, truck, or container be sealed with a department seal bearing the inspection legend in compliance with these regulations.

Agr 2275 Marking of Meat Food Products in Casings

(a) Inspected and passed sausage and other products in casings of the ordinary "ring" variety or larger, shall be marked with the inspection legend and the number of the establishment. Inspected and passed sausage and other products in casings, of the smaller varieties, shall bear one or more inspection marks to each chain or two or more of such marks to each bunch, except in cases where such smaller varieties of sausage and products leave establishments completely enclosed in properly labeled cartons or wrappers, having a capacity of 10 pounds or less and containing a single kind of product: Provided, that the mark of inspection need appear only twice throughout the contents of containers, exceeding a capacity of 10 pounds, of sausages of the smaller varieties shipped to another official establishment for further processing. When such products are shipped to another official establishment for further processing, the inspector at the point of origin shall identify the shipment to the inspector at destination.

(b) Meat food products in casings, other than sausage, which possess the characteristics of or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: Provided, that such products in casings as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substances other than curing materials or condiments, and that meat rolls, bockwurst, and similar products in casings which do not contain cereal or vegetables, and that headcheese, souse, sulze, scrapple, blood pudding, and liver pudding in casings need not be so marked; other products in casings such as loaves, chili con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products, may bear on each link or piece the true name of the product in lieu of the word "imitation"; and imitation sausage packed in properly labeled containers having a capacity of one pound or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link or piece if no other marking or labeling is applied to the product.

(c) When cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk, or nonfat dry milk is added to sausage within the limits prescribed under Article 18 of these regulations, the product shall be marked with the name of each of such added ingredients, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soya flour added," "nonfat dry milk

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added," "cereal and nonfat dry milk added," etc., as the case may be. On sausage of the smaller varieties, the marking prescribed in this paragraph may be limited to links bearing the inspection legend.

(d) When approved antioxidants are added to unsmoked dried sausage in casings the product shall be legibly and conspicuously marked in an approved manner to show their presence and the purpose for which they are added, for example, with the statement "oxygen interceptor added to improve stability."

(e) A cloth bag, artificial casing, or similar container of sausage or other product of a size larger than that customarily sold at retail intact shall be printed with the mark of inspection and any other marks required under paragraphs (b) through (d), near each end of the product, so as to be clearly visible to the consumer: Provided, that such articles which are printed with a label in conformity with Agr 2280 through 2292 need not, in addition, show markings other than the mark of inspecion near each end.

(f) The markings indicated in paragraph (e) of this section shall be branded near each end of sausage or similar product prepared in animal casings when the article is of a size larger than that customarily sold at retail intact.

(g) All markings may be omitted from sausage and other meat food products in casings when these articles are to be processed in sealed containers.

Agr 2276 Marking Product with the List of Ingredients. A product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings," and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. The list of ingredients shall be applied legibly and securely to the product by means approved by the Commissioner, such as stamping, printing, or the use of paper bands, tags, or tied-in paper or fabric flaps on stuffed sausage, or tissue strips on loaf-like articles: Provided, that product for which a definition and standard of identity has been prescribed which conforms to such definition and standard, and which bears the name specified in the definition and standard, together with such declaration of optional ingredients and other labeling features as are required by the applicable definition and standard, need not bear a list of ingredients: Provided further, that bockwurst and sausages of the smaller varieties, such as frankfurters and pork sausage, shall bear the list of ingredients at least once on each two pounds of product: Provided further, that when such product is distributed from an official establishment in an immediate or true container of a type and size customarily sold at retail intact, the list of ingredients on the label of the package shall be sufficient: And provided further, that when sausages of the smaller varieties are shipped to another official establishment for further processing, the list of ingredients need appear only twice throughout the contents of containers and when so shipped may be omitted from the contents of containers of 10-pound size or less. When such products are shipped to another official establishment for further processing, the inspector at the point of origin shall identify the shipment to the inspector at destination.

Agr 2277 Marking of Shipping Containers

(a) Except as provided in subsection (b), (c), (d) of this section, when any inspected and passed product of such character, or so small that it cannot be marked, is moved from an official establishment the shipping container shall bear a "Meat Inspection Label" which has been submitted to and received the approval of the Commissioner, and conforms to the following specifications: State Meat Inspection Label — The label shall be either square or rectangular and may include a design to conform with the outline of the State boundaries of Minnesota. The design shall not be less than 3 x 3 inches in size. The phrase "Meat Inspection Label" shall be printed within the State boundary design, if used, and occupy the uppermost portion and followed by the phrases: "The Meat or Meat-Food Products Contained Herein are "Minnesota Inspected and passed,"

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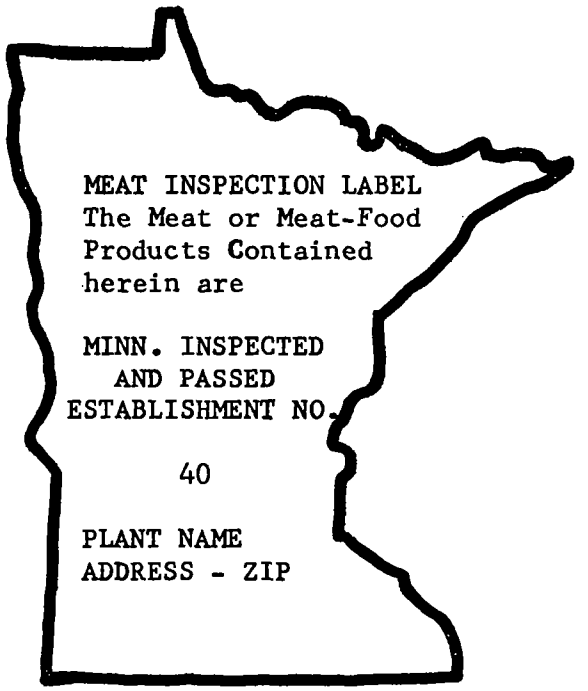
Establishment No. ____". The name and address of the firm or the name only may be printed on the label within the border and shall occupy the lower portion thereof.

No word or statement except as permitted by this section, and no picture or other advertising matter, device, or design shall appear upon the Meat Inspection Label which in form and substance shall be as follows:



The Meat Inspection Label shall be printed with black ink on white paper of good quality, except that in the case of fiberboard shipping containers it may be printed directly on such containers in black ink on any color background, except green, which offers sufficient contrast so that it is prominently and informatively displayed.

(b) When any product prepared in an official establishment has been inspected and passed and is enclosed in a cloth wrapping as a shipping container, such wrapping may bear, in lieu of the Meat Inspection Label, the inspection legend and establishment number applied by the approved 2½ inch rubber brand: Provided, the Meat Inspection Label or rubber brand may be omitted in those cases in which the inspection legend and establishment number on the articles themselves are clearly legible through the wrapping or the wrapping is labeled in accordance with Section 17 of these regulations: Provided further, that plain unprinted wrappings such as stockinettes, cheese cloth, paper and crinkled paper bags for properly marked fresh meat, including carcasses, and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear the marks of inspection.

(c) The use of Meat Inspection Labels is not required on containers bearing trade labels which have been approved by the department and on which the

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inspection legend appears in plain view after the package is prepared for shipment.

(d) Establishments using "Minnesota Approved", labels under provisions of Agr 2268(e) of these regulations may use the words "Minnesota Approved", in place of the words "Minnesota Inspected and Passed", on labels prescribed under this section.

Agr 2278 Tank Cars and Tank Trucks of Edible Product. Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the true name of the product, the inspection legend, the establishment number, and the words "date of loading," followed by a suitable space for the insertion of the date. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

Agr 2279 Denaturing of Inedible Grease, etc.; Marking "Inedible"

(a) Inedible grease, inedible tallow, or other inedible animal fat, or mixture containing such fat, having the physical characteristics of an edible product shall be denatured or otherwise destroyed for food purposes. Containers of such inedible grease, inedible tallow, or other inedible fat shall be marked conspicuously with the word "inedible". Such containers as tierces, barrels, and half barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the work "inedible" marked thereon in letters not less than 2 inches high, while on tank cars the letters shall not be less than 4 inches high.

(b) Inspected rendered animal fat which for any reason it is desired to classify as inedible may be shipped if handled as provided in paragraph (a) of this section for inedible fat having the physical characteristics of an edible product.

(c) Uninspected rendered animal fat, or mixtures containing such fat, having the physical characteristics of an edible product may be shipped if handled as provided in paragraph (a) of this section for inedible fat having the physical characteristics of an edible product.

Agr 2280 Labeling Required; Supervision by Department Employee

(a) When, in an official establishment, any inspected and passed product is placed or packed in any can, pot, tin, canvas, or other receptacle or covering constituting an immediate or true container, there shall be affixed to such container or covering a label as hereinafter described in this regulation: Provided, that plain wrappings for fresh meat, such as dressed carcasses and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation of storage need not bear a label: Provided further, that uncolored transparent coverings, such as cellophane, which bear no printed or graphic matter and which enclose any unpackaged or packaged product bearing all required markings need not bear a label if the required markings are clearly legible through such coverings: Provided further, that animal and transparent artificial casings bearing no marks or printed features other than those required under Section 16 of these regulations need not bear additional labeling: and provided further, that stockinettes used as "operative devices," such as those applied to cured meats in preparation for smoking, need not bear labels whether or not such stockinettes are removed following completion of the operations for which they were applied.

(b) Folders and similar coverings made of paper or like material, which do not completely enclose the product, and which bear any printed word or statement, shall bear all features required on a label for an immediate or true container.

(c) No container or covering which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in

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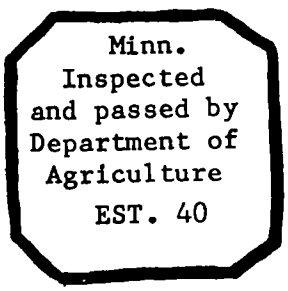
compliance with these regulations, which is sound, healthful, wholesome, and fit for human food, and which is strictly in accordance with the statements on the label. No such container or covering shall be filled, in whole or in part, and no label shall be affixed thereto, except under the supervision of a department employee.

Agr 2281 Labels: What To Contain, When and How Used

(a) Labels within the meaning of this Regulation shall include any printing, lithographing, embossing, or other markings on labels, stickers, seals, wrappers, or receptacles.

(b) Labels shall contain, prominently and informatively displayed: 1. the true name of the product; 2. the word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, except in the case of products for which definitions and standards of identity have been prescribed under these regulations; 3. the name and place of business of the manufacturer, packer, or person for whom the product is prepared; 4. an accurate statement of the quantity of contents; and 5. an inspection legend and the number of the establishment in the form shown herewith, on that portion of the label featuring the name of the product, or when there are two or more panels, then on the principal display panels: Provided, that in lieu of showing the inspection legend and the establishment number in such form, in the case of large size fiberboard immediate containers, a Meat Inspection Label may be printed directly on such containers in size, form and substance as provided in Agr 2277 (a) of these regulations for use on fiberboard shipping containers: Provided further, that the name and place of business of the manufacturer, packer, or person for whom the product was prepared may be omitted from labels for product not required to be labeled under Agr 2276; Provided further, that the establishment number may be omitted from labels on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number; and from a label lithographed directly on a can bearing the embossed or lithographed establishment number: And provided further, that a metal container on which an inspection legend is embossed or lithographed may, with the approval of the commissioner, bear an inspection legend of different design and in abbreviated form.



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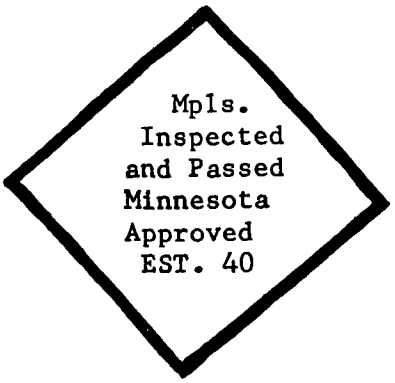

STATE APPROVED

(1) The name of a product shall be the common name, if any and on which clearly and completely identifies the article. Product which has been prepared by salting, smoking, drying, cooking, chopping, and the like shall be so described on the label unless the name on the article implies, or the manner of packaging

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shows, that the product was subjected to such procedure or procedures. The unqualified terms "meat," "meat by-product," "meat food product," and terms common to the meat industry, but not to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of articles unless accompanied with terms descriptive of the product or with a list of ingredients.

(2) The list of ingredients shall appear as part of or in addition to the true name of the product and shall show the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings," and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. The name of an ingredient shall not be a collective name but shall be a specific name, as, for example, "beef," "pork," "beef tripe," "sheep livers," "pork snouts," "flour," "corn flour," "potato flour," "water," "nonfat dry milk," "tomato puree," and "beef broth": Provided, that when a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears in connection with the name of the product, the ingredient statement need not make reference to the ingredients of such coating: And provided further, that when the label bears the designation "compound" or "shortening" the term "animal and vegetable fats" or "vegetable and animal fats" may be employed to designate the ingredients of mixtures of such edible fats. "Animal fats" as used herein means inspected and passed fat derived from cattle, sheep, swine, or goats.

(3) The name of the manufacturer or packer may appear without qualification on the label or the container of product. When the name of the manufacturer or packer is not that under which inspection is granted at the establishment but is the name of a tenant operating in the establishment, full information identifying the tenant and the scope of his operations shall be furnished to the Commissioner. When product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such product, as for example, "Prepared for _____."

(4) The statement of quantity shall represent in terms of avoirdupois weight or liquid measure the quantity of product in the package (exclusive of materials packed with it). When no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure if the product is liquid or in terms of weight if the product is solid, semi-solid, viscous, or a mixture of solid and liquid. Unless the statement is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement expresses actual quantity, variations incident to packing in accordance with good commercial practice shall be allowed but the average shall not be less than the quantity stated; Provided, that packages of product having a capacity of less than one-half avoirdupois or less than one-half fluid ounce shall not be required to be labeled with the statement of the quantity of contents.

(c) Stencils, box dies, inserts, tags, and like devices shall not bear an inspection legend or any abbreviation or representation thereof: provided, that with the approval of the Commissioner, box dies including the inspection legend and establishment number may be used in marking wooden boxes of light material having a maximum capacity of five pounds, fiberboard containers, and wood wirebound boxes and crates with at least 90 percent of the total wood surfaces being veneer wood not over one-sixth of an inch thick and of such quality that matter imprinted on it is legible.

(d) The establishment number shall be either embossed or lithographed on all sealed metal containers of inspected and passed product filled in an official establishment, except that such containers which bear labels lithographed directly on

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the can and in which the establishment number is incorporated need not have establishment number embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

(e) When any product is placed in a carton or in a wrapper of paper or cloth or in such other labeled container or covered as the Commissioner may approve, an inspection legend and the establishment number, in form and substance as specified in paragraph (b) of this section, may be embodied on a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved and designated for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel or panels. The inspection sticker shall not be used without the approval of the Commissioner and shall be affixed to the label under the supervision of a department employee.

(f) Meat and meat food products packaged in consumer-size impervious film containers which are usually displayed in self-service refrigerated counters shall have a statement such as "Keep Refrigerated" prominently displayed on the principal display panel of the label.

Agr 2282 Labels to Conform with Definitions and Standards of Identity. When inspected and passed products are labeled with the names of, or are represented as, articles for which definitions and standards of identity have been prescribed by regulation, the labels shall conform to such definitions and standards.

Agr 2283 Labels to be Approved by Commissioner

(a) Except as provided in paragraph (d) of this section no label shall be used on any product until it has been approved in its final form by the Commissioner. For the convenience of the establishment sketches or proofs of new labels may be submitted in duplicate through the inspector to the department for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in duplicate through the inspector to the department for approval.

(b) Each copy of any sketch, proof, photostat, or finished label for a meat or product fabricated from two or more ingredients, when submitted to the dept. for approval, shall be accompanied by a statement showing the kinds and percentage of the ingredients and mode of preparation. Approximate percentages may be given when the percentages of ingredients may vary from time to time, if the limits of variation are stated. In case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the craft paper sheet, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section.

(d) Stencils, labels, box dies, and brands may be used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates and large-size fiberboard containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the inspector. The inspection legend for use in combination with such markings shall be approved by the Commissioner whether the legend is applied in the form illustrated in Agr 2281 or by means of a Meat Inspection Label.

Agr 2284 Inspector to Permit Certain Modifications of Approved Labels. The inspector may permit the use of approved labels or other markings modified as follows provided the labeling or marking as modified is so used as not to be false or deceptive:

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(a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.

(b) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for "pound," "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation.

(c) When a master or stock label is approved from which the name and address of the distributor are omitted and such name and address are applied before being used. The words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval.

(d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required.

(e) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(f) When there is a change in the order of predominance of the ingredients on the label corresponding with a change in the formula used to prepare the product: Provided, That no new ingredients are added and none are omitted. Nothing in this paragraph shall be construed to modify any requirement of these regulations which provides either minimum or maximum limits for the use of certain ingredients.

Agr 2285 Approved Labels to be Used Only on Products to which They Are Applicable. Labels shall be used only on products for which they are approved. They shall not be applied to any product, the container or covering of which bears any statement that is false or misleading or is so made, formed, or filled as to be deceptive or misleading.

Agr 2286 False or Deceptive Labeling and Practices

(a) No product, and no container thereof, shall be labeled with any false or deceptive name, but established trade names which are usual to such articles and are not false or deceptive and which have been approved by the Commissioner may be used.

(b) A label for product which is in imitation of another food shall bear the word "Imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "Ingredients" and the names of the ingredients arranged in the order of their predominance.

(c) No statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality shall appear on any label. For example:

(1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style", "type," or "brand," as the case may be, in the same size and style of lettering as in the geographical term and accompanied with a prominent qualifying statement identifying the country, state, territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the locality represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or deceptive: Provided, that a geographical term which has come into general usage as a trade name and which has been approved by the Commissioner as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "Lebanon bologna," "braun-

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schweiger," "thuringer," "genoa," "leona," "berliner," "holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick,' and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts, need not be accompanied with the word "style," "type," or "brand" or a statement identifying the locality in which the product is prepared.

(2) Such terms as "farm," "country," and the like shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: Provided, That if the product is prepared in the same way as on the farm or in the country these terms, if qualified by the word "style" in the same size and style of lettering, may be used: Provided further, That the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(3) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any establishment from the requirement that its label shall not be misleading in any particular.

(4) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(5) Coverings shall not be of such color, design, or kind as to be misleading or deceptive with respect to color, quality or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give a false impression of leanness of the meat or product.

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, or which has been salted for preservation.

(7) The words "spice," "spices," and "spiced," without qualification, shall not be used unless they refer to genuine natural spices.

(8) As used on labels of meat or product, the term "gelatin" shall mean (A) the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (B) dry commercial gelatin or the jelly resulting from its use.

(9) Product (other than canned product) labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form.

(10) The term "baked" shall apply only to the product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160° F. and baked pork cuts shall be heated to an internal temperature of at least 170° F.

(11) When product such as loaves is browned by dipping in hot edible oil or by a flame, its label shall state such fact, the words "browned in hot cottonseed oil" or "browned by a flame," as the case may be, appearing as part of the name of product.

(12) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be misleading or deceptive.

(13) The word "ham," without any prefix indicating the species of animal from which derived, shall be used on labels only in connection with pork hams.

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Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(14) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

(15) Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels in connection with products prepared from organs or parts of the carcass other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef." Meat extract shall contain not more than 25 percent of moisture. Fluid extract of meat shall contain not more than 50 percent of moisture.

(16) When cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk, or nonfat dry milk is added to sausage within the limits prescribed under Section 18 of these regulations, there shall appear on the label in a prominent manner, contiguous to the name of the product the name of each such added ingredients, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soya flour added," "nonfat dry milk added," "cereal and nonfat dry milk added," as the case may be.

(17) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of product, as, for example, "frankfurts packed in brine," "lamb tongue packed in vinegar," or "beef tongue packed in agar jelly," as the case may be. The statement of the quantity of contents shall represent the weight of the drained product when removed from the container to the exclusion of packing substance. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.

(18) The term "lard" is applicable only to the fat rendered from fresh, clean, sound, fatty tissues from hogs in good health at the time of slaughter, with or without lard stearin or hydrogenated lard. The tissues do not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and the like, and are reasonably free from muscle tissue and blood.

(19) The term "leaf lard" is applicable only to lard prepared from fresh leaf fat.

(20) The term "rendered pork fat" is applicable to the fat other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs in good health at the time of slaughter, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

(21) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat," as the case may be.

(22) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170° F. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(23) When not more than 20% of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork

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fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin added," or "hardened vegetable fat added," as the case may be.

(24) The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin respectively.

(25) No rendered edible animal fat or mixture of fats containing rendered edible animal fat other than oleomargarine and puff-pastry shortening, shall contain added water. Puff-pastry shortening shall not contain more than 10% water.

(26) Containers of edible rendered animal fats and mixtures of edible fats containing animal fats shall, before or immediately after filling, be legibly marked with the true name of the product.

(27) Product labeled "chili con carne" shall contain not less than 40% of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25% of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8%, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk or nonfat dry milk.

(28) Product labeled "chili con carne with beans" shall contain not less than 25% of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25% of the meat ingredient under specific declaration on the label.

(29) Product labeled "hash" shall contain not less than 35% of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70% of the weight of the uncooked fresh meat.

(30) Products labeled as meat stews, for example, "beef stew," "lamb stew," and the like, shall contain not less than 25% of meat computed on the weight of the fresh meat.

(31) Tamales shall contain not less than 25% of meat computed on the weight of the fresh meat in relation to all ingredients of the tamales. When tamales are packed in gravy or sauce, that constituent shall be declared prominently as part of the name of the product; for example, "tamales with sauce" or "tamales with gravy." An article labeled "tamales with sauce" or "tamales with gravy" shall contain not less than 20% meat computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales with sauce or tamales with gravy.

(32) Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar product, shall contain not less than 12% of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12%, singly or collectively of farinaceous material, soya flour, nonfat dry milk and the like.

(33) Spaghetti sauce with meat shall contain not less than 6% of meat computed on the weight of the fresh meat.

(34) Scrapple shall contain not less than 40% of meat and/or meat by-products computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

(35) Hamburger shall consist of chopped fresh beef with or without the addition of beef fat as such and/or of seasoning and shall not contain more than 30% of fat.

(36) Liver sausage, liver loaf, liver paste, liver cheese, liver pudding, liver

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spread, and the like shall contain not less than 30% of liver computed on the weight of the fresh liver.

(37) Product labeled "ham spread," "tongue spread," and the like, shall contain not less than 50% of the meat ingredient names computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the named spread.

(38) Deviled ham may contain added ham fat: provided, that the total fat content shall not exceed 35% of the finished product. The moisture content of deviled ham, deviled tongue, and the like, shall not exceed that of the fresh unprocessed meat.

(39) Potted meat food product and deviled meat food product shall not contain cereal, vegetable flour, nonfat dry milk or similar substance. The amount of water added to potted meat food product and deviled meat food product shall be limited to that necessary to replace moisture lost during processing.

(40) Pork sausage and breakfast sausage, whether fresh, smoked, or canned, shall not be made with product which, in the aggregate for each lot, contains more than 50 percent total fat.

(41) Cooked, cured, or pickled pigs feet, pigs knuckles, and the like, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50% of the total weight of bones has been removed.

(42) Canned product labeled "Corned beef" and canned product labeled "roast beef parboiled and steam roasted" shall be prepared so that the weight of the finished product shall not exceed 70% by weight of the fresh beef, plus salt and flavoring material included in the product. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5% of the meat ingredient in the preparation of canned product labeled "corned beef" and canned product labeled "roast beef parboiled and steam roasted." When beef cheek meat, beef head meat, and beef heart meat are used in the preparation of these products, their presence shall be reflected in the statement of ingredients as required by Section 17 of these regulations.

(43) When monoglycerides and diglycerides are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as "with monoglycerides and diglycerides," "monoglycerides and diglycerides added," "with diglycerides and monoglycerides" or "diglycerides and monoglycerides added" as the case may be.

(44) Canned product labeled "tripe with milk" shall be prepared so that the finished canned article will contain at least 65% tripe, exclusive of the cooked-out juices and milk. The product shall be prepared with not less than 10% milk.

(45) Product labeled "beans with frankfurters in sauce," "sauerkraut with wieners and juice," and the like, shall contain not less than 20% frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

(46) Product labeled "lima beans with ham in sauce," "beans with ham in sauce," "beans with bacon in sauce," and the like, shall contain not less than 12% ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

(47) Product labeled "chow mein vegetables with meat"; "chop suey vegetables with meat"; "pork chop suey"; etc., shall contain not less than 12% meat computed on the weight of the fresh, uncooked meat prior to its inclusion with the other ingredients.

(48) Products labeled "pork with barbecue sauce" and "beef with barbecue sauce" shall contain not less than 50% meat computed on the weight of the

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cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70% of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72% meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, nonfat dry milk, or similar substances are used in preparing the products, such fact shall be prominently stated as a part of the name of the product.

(49) The terms "animal fat" and "meat fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for such meat products as shortening and uncolored oleomargarine. The terms "animal fat" or "meat fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock, and the like when prepared and packed as such.

(50) "Beef with gravy" and "gravy with beef" shall not be made with beef which, in the aggregate for each lot contains more than 30% trimmable fat, that is fat which can be removed by thorough practical trimming and sorting.

(51) The application of curing solution to beef briskets shall not result in an increase in the weight of the finished cured product of more than 20% over the weight of the fresh uncured briskets. The application of curing solution to other beef cuts, such as navels, clods, middle ribs, rumps and the like, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10% over the weight of the fresh uncured meat.

(52) Product labeled "Pressed Ham," and "Pressed Ham with Natural Juices," may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham. exclusive of the bones and that removed in boning operations, plus the weight of the curing ingredients and 3 percent moisture.

(53) When approved proteolytic enzymes are used on steaks or other meat cuts which are frozen or cooked within the official establishment where they are produced, there shall appear on the labels of the frozen or cooked cuts, contiguous to the name of the products, a prominent descriptive statement such as "Dipped in a Solution of Papain," to indicate the use of such enzymes.

Agr 2287 Labeling Product Prepared with Artificial Coloring, Artificial Flavoring, Antioxidants or Preservatives

(a) Product which bears or contains any artificial coloring, artificial flavoring, antioxidants, or preservatives, as permitted under these regulations, shall bear labeling stating that fact.

(b) When any artificial flavoring is permitted to be added to product there shall appear on the label in prominent letters and contiguous to the name of the product the words "artificially flavored," and the ingredient statement shall identify it as an artificial flavoring.

(c) When an antioxidant is added to product as permitted under these regulations there shall appear on the label in prominent letters and contiguous to the name of the product, a statement showing that fact and the purpose for which it is added, such as, "oxygen interceptor added to improve stability."

Agr 2288 Reuse of Inspection Marks; Reuse of Containers Bearing Marks of Inspection, Labels, Etc.; Requirements Regarding:

(a) No inspection legend which has been previously used shall be used again for the identification of any product, except as provided in subsection (b) of this section.

(b) All stencils, marks, labels, or other devices on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such stencils, marks, labels,

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or devices correctly indicate the article to be packed therein and such containers are refilled under the supervision of a department employee.

Agr 2289 Labling, Filling of Containers, Handling of Labeled Products to be Only in Compliance with Regulations

(a) All labeling of products required to be inspected by department employees shall be in compliance with these regulations.

(b) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an official establishment, or to any container thereof, except in compliance with these regulations.

(c) No person shall, in an official establishment, fill or cause to be filled, in whole or in part, any container with any product required by these regulations to bear a label, except in compliance therewith.

(d) No person shall remove or cause to be removed from an official establishment any product bearing a label unless such label be in compliance with these regulations.

Agr 2290 Relabeling Product, Requirements Regarding. When it is claimed by an official establishment that some of its labeled product which has been transported to a location other than an official establishment is in need of relabeling on account of the labels having become mutilated or otherwise damaged, the requests for relabeling the product shall be sent to the department and accompanied by a statement of the reasons therefor. Labeling material intended for relabeling inspection and passed product shall not be transported from an official establishment until permission has been received from the department. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector of the department.

Agr 2291 Distribution of Labels Bearing An Inspection Legend. Labels, wrappers, and cartons bearing an inspection legend with or without the establishment number may be transported from one official establishment to another: Provided, such shipments are made with the permission and under the supervision of the inspector at the establishment of origin, who will notify the inspector at destination concerning the date of shipment of the labeling material and the character and quantity of the materials involved. No such material shall be used at the establishment to which it is shipped unless it conforms with the requirements of these regulations.

Agr 2292 Rescindment of Label Approvals. Once a year or oftener if necessary, each official establishment should submit to the department, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of product or other designation showing the class of material.

Agr 2293 Reinspection of Products; Frozen Products

(a) All products, whether fresh or cured or otherwise prepared, even though previously inspected and passed, shall be reinspected by department employees as often as may be necessary, in order to ascertain whether they are sound, healthful, wholesome, and fit for human food at the time they leave official establishments. If upon reinspection any article is found to have become unsound, unhealthful, unwholesome, or in any way unfit for human food, the original mark, stamp, or label thereon shall be removed or defaced and the article condemned: provided, that:

(1) If an article becomes soiled or unclean by falling on the floor or in any other accidental way it may be cleaned (including trimming if necessary) and presented for reinspection.

(2) When an article is found to be affected by an unsound or unwholesome condition designated by the Commissioner as being capable of rehandling by ap-

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proved methods for food purposes, the official establishment may be permitted to rehandle if necessary steps are immediately taken in a manner prescribed by him. Included are such conditions as articles found to have absorbed a foreign odor, to contain mold or similar substance, and rendered animal fats in which there is present tank water in first stages of sourness. If upon final inspection the article is found to be sound and wholesome it shall be passed for human food; otherwise it shall be condemned.

(b) Care shall be taken to see that product is in good condition when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(1) Product, such as pork tenderloins, brains, sweetbreads, stews, chop suey, etc., shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Commissioner.

(2) Frozen product may be defrosted in water or pickle in a manner and with the use of facilities which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(c) Attention should be given particularly to the first draw-off from the bottoms of tank cars where a tank-watersour condition is sometimes found.

(d) Tagging Products "Minn. Retained" on Reinspection; Disposition Thereof. A "Minn. retained" tag shall be placed by a department employee at the time of reinspection on all products or the containers thereof which are suspected on reinspection at an official establishment or in the possession of such establishment of being unsound, unhealthful, unwholesome, or in any way unfit for human food. The employee who affixes the tag shall record the tag number and the kind and amount of the article retained. Such tag shall accompany such article to the retaining room or other special place for final inspection. When the final inspection is made, if the article is condemned, the original mark, stamp, or label thereon shall be removed or defaced and the Inspector shall stamp on or write across the face of the retained tag the phrase "Minn. inspected and condemned," and this tag shall accompany such article into the tank. The inspector shall make a complete record of the transaction and shall report his action to the Commissioner. If, however, upon final inspection the article is passed for food, the inspector shall remove the retained tag, record the transaction, and report his action to the Commissioner.

Agr 2294 Product Entering Official Establishments; Identification as Inspected and Passed; Disposition. Except as provided in Agr 2253 and Agr 2314 through 2323, no product shall be brought into an official establishment unless it has been federally inspected, state inspected or, state approved inspected and passed, nor unless it can be identified by marks, seals, brands, or labels as having been so inspected and passed. All products brought into an official establishment in compliance with these regulations shall be identified and reinspected at the time of receipt, and be subjected to further reinspection in such manner and at such times as may be deemed necessary. If upon such reinspection any article is found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, the original mark, stamp, or label shall be removed or defaced and the article condemned.

Agr 2295 Designation of Places of Receipt of Returned Products for Reinspection. Every official establishment shall designate, with the approval of the inspector, a dock or place at which returned products shall be received, and such products shall be received only at such docks or places and shall be there inspected by a department employee before entering the establishment.

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Agr 2296 Processes to be Supervised; Containers, Equipment, Processes of Manufacture to be Clean and Sanitary; Substances to be Clean and Wholesome

(a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by a department employee. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such materials and construction as will not contaminate the product and are clean and sanitary. All steps in the processes of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(1) All containers which are intended to be hermetically sealed shall be washed as required under Agr 2299 immediately before filling, except that the hermetically sealed cans in which lard is shipped may be examined immediately before being filled and if found to be acceptably clean, need not be washed.

(2) Equipment may be used interchangeably for the preparation of lard and rendered pork fat which are to be labeled as such. The Commissioner may grant permission for the restricted dual use of such equipment for the preparation of other products. The pipes and equipment used for edible fats shall be so arranged that the identity of the product will be maintained until the product is properly labeled.

(3) Pumps, pipes, conductors, and fittings used to conduct milk, skim milk, cream, or mixtures of these in the manufacture of oleomargarine shall be of sanitary construction, with smooth inner and outer surfaces of noncorrosive material or coated with nickel, tin, or other approved material, readily demountable for cleaning, and shall be kept clean and sanitary.

(4) The only animal casings that may be used as containers of product are those from cattle, sheep, swine, or goats.

(5) Casings for products shall be carefully inspected by department employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing, are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

(6) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of meat food product shall be presented for inspection turned with the fat surface exposed.

(7) Portions of casings which show infestation with Oesophagostonum or other nodule-producing parasite, and weasands infested with the larvae of Hypoderma lineatum, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

(8) The fermenting of intestines is not permitted in official establishments. The stripping and sliming of intestines shall be performed in a clean manner.

(9) Hog and sheep casings intended for use as containers of products may be treated by soaking in or applying thereto sound, fresh pineapple juice or a sound solution containing fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(b) All substances and ingredients used in the manufacture or preparation of any product shall be clean, sound, healthful, wholesome, and otherwise fit for human food.

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(1) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(2) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(3) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the tubinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(4) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys detached with kidney fat, shall be inspected before being used in or shipped from the establishment.

(5) Testicles if handled as an edible product may be shipped from the establishment as such, but they shall not be used as an ingredient of a meat food product.

(6) Cattle pauches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcasses.

(7) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(8) Hog blood shall not be used as an ingredient of meat food product. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals the carcasses of which are inspected and passed may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(9) No dye or artificial coloring matter, or preservatives, or chemicals, other than those permitted under Agr 2297 of these regulations, shall be brought into, or kept in an official establishment, or used as an ingredient in meat or product.

(10) Intestines shall not be used as ingredients of meat food products.

(11) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of a meat food product.

Agr 2297 Use in Preparation of Meat Food Products of Chemicals, Antioxidants, Coloring Matter, Flavoring, Water, Ice, Cereal, Vegetable Starch, Nonfat Dry Milk, Etc.

(a) No product shall contain any substance which impairs its wholesomeness or which is not approved by the Commissioner.

(b) There may be added to product, with appropriate declaration as required under labeling provisions of these regulations, common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate (saltpeter) and potassium nitrite.

(c) Monoglycerides and diglycerides may be added to rendered animal fat or a combination of such fat and vegetable fat with appropriate declaration as required in Agr 2280 through 2292 of these regulations.

(d) With appropriate declaration, as provided in Section 17 of these regulations, the following antioxidants may be added, in the amounts indicated, to rendered animal fat or a combination of such fat and vegetable fat:

(1) Resin guaiac not to exceed 1/10 of 1%; or

(2) Nordihydroguaiaretic acid not to exceed 1/100 of 1%; or

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(3) Tocopherols not to exceed 3/100 of 1% (A 30 percent concentration of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat"); or

(4) Lecithin: Provided, that nothing in this paragraph shall prevent the use of this substance as an emulsifier as approved by the Commissioner; or

(5) Butylated hydroxyanisole (a mixture of 2-tertiary butyl 4-hydroxyanisole and 3-tertiary butyl 4-hydroxyanisole) not to exceed 1/100 of 1%; or

(6) Butylated hydroxtoluene (2.6 di-tertiary butyl paracresol) (2.6 di-tertiary butyl 4-methyl phenol) not to exceed 1/100 of 1%; or

(7) Propyl gallate not to exceed 1/100 of 1%; or

(8) Combinations of two or more of the antioxidants listed in subparagraphs (2), (5), (6) and (7) of this paragraph not to exceed 2/100 of 1%; or

(9) Critic acid and/or phosphoric acid and/or monoisopropyl citrate not to exceed 1/100 of 1%, either alone or in combination with the antioxidants listed in subparagraphs (2), (5), (6), (7), or (8) of this paragraph.

(e) To facilitate chopping and/or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat and meat loaf; however, the total amount of water used shall not exceed 3% of the ingredients going into the preparation of the product and its presence shall be declared as required under Sections 16 and 17 of these regulations.

(f) Except as otherwise provided, sausage shall be prepared with meat, or meat and meat by-product, seasoned with condimental proportions of condimental substances.

(g) Under appropriate declaration as required in Sections 16 and 17 of these regulations, sausage may contain not more than 3½ percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, nonfat dry milk, or dried milk.

(h) For the purpose of facilitating chopping and mixing, and under appropriate declaration as required under Sections 16 and 17 of these regulations, water or ice may be used in the preparation of sausage which is not cooked, in an amount not to exceed 3% of the total ingredients used. Sausage of the kind which is cooked, such as frankfurter, vienna, and bologna, may contain not more than 10% of added water or moisture.

(i) Bicarbonate of soda, caustic soda, sodium carbonate, diatomaceous earth, fuller's earth, carbon, acetic acid, tannic acid, agents used exclusively as catalyzers such as nickel preparations, and such other substances as may be approved by the Commissioner, may be used in the preparation of rendered fats: Provided, that they are eliminated during the process of manufacturing.

(j) Caustic soda, sodium carbonate (soda ash or sal soda), trisodium phosphate, or sodium metasilicate, or a combination of these substances, or lime, or a combination of lime and sodium carbonate, and/or a solution of hydrogen peroxide, may be used in the preparation of tripe: Provided, that immediately following the treatment the tripe is thoroughly washed with clear water and the added substances removed.

(k) The use of sodium nitrite, potassium nitrite, sodium nitrate or potassium nitrate, or combinations of nitrite and nitrate, shall not result in the presence of more than 200 parts per million of nitrite in the finished product. Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly. The maximum amounts of sodium nitrite and/or potassium nitrite which may be used are as follows:

(1) 2 pounds in 100 gallons of pickle.

(2) 1 ounce for each 100 pounds of meat in dry salt, dry cure, or box cure.

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(3) ¼ ounce in 100 pounds of chopped meat and/or meat by-products.

(l) Harmless synthetic flavoring may be added to products for which they are approved by the Commissioner, and declared as "artificial flavoring," as required under Sections 16 and 17 of these regulations.

(m) The preparation of a ham for canning shall not result in an increase in weight of more than 8% over the weight of the fresh uncured ham; that is, the weight of the boneless cured ham at the time of canning, plus the weight of the skin, bones, fat, and trimmings removed from the ham, shall not exceed 108% of the weight of the fresh uncured ham.

(n) For the purpose of preventing coagulation, citric acid or sodium citrate, with or without water, may be added to fresh beef blood in an amount not to exceed 2/10 of 1% of the total mixture. When water is used to make a solution of the citric acid or sodium citrate added to the beef blood, not more than two parts of water to one part of citric acid or sodium citrate shall be used.

(o) Harmless bacterial starters of the acidophilus type may be used in the preparation of such kinds of sausage as thuringer, lebanon bologna, cervelat, salami and pork roll in the amount not to exceed ½ of 1%. When used, the harmless bacterial starter shall be included in the list of ingredients in the order of its predominance as required by Sections 16 and 17 of these regulations.

(p) When coloring matter is added to meat fat shortening containing artificial flavoring, the product shall be packed in conventional, round, shortening containers having a capacity no greater than 3 pounds.

(q) Corn syrup solids, corn syrup, or glucose syrup shall not be used individually or collectively in an amount exceeding 2% (calculated on a dry basis) of all the ingredients used in preparing such meat food products as sausage, meat loaf, luncheon meat, chopped ham, or pressed ham.

(r) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate and sodium acid pyrophosphate, may be added to the pumping pickle for cured hams and pork shoulder picnics and may be used in the preparation of canned chopped ham, provided such use shall not result in more than ½ of 1% of added phosphate in the finished product and provided that the maximum amount of such phosphate which may be so used is as follows:

(1) Pumping pickle shall not contain more than 5% of such phosphate. When dissolved in pumping pickle, a small quantity of a crystalline precipitate material may be formed. Such pickle shall be filtered or the precipitate allowed to settle so that only the clear solution is injected into product.

(2) With appropriate declaration as required under the labeling provisions of these regulations, such phosphate may be used in the preparation of canned chopped ham in an amount not to exceed 8 ounces for each 100 pounds of the fresh uncured comminuted ham.

(s) Ascorbic acid or sodium ascorbate may be used in the preparation of cured pork and beef products and comminuted meat food products as follows:

(1) Pickle used for pumping, curing, or packing pork and beef products shall not contain more than 7½ ounces of ascorbic acid or sodium ascorbate to each 100 gallons of pickle.

(2) With appropriate declaration as required under Sections 16 and 17 of these regulations, ascorbic acid or sodium ascorbate may be used in the preparation of cooked, cured, comminuted meat food products in amounts not to exceed ¾ ounce of ascorbic acid or ⅞ ounce of sodium ascorbate for each 100 pounds fresh meat or meat food product. A solution containing not more than 5% acid or sodium ascorbate in water or brine may be applied to the outer surface of sliced or unsliced cured pork and beef products and comminuted meat food products prior to packaging. The use of such solution shall not result in the addition of a significant amount of moisture to the product.

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(t) With appropriate declaration as required under Sections 16 and 17 of these regulations, not more than 3/1000 of 1% of butylated hydroxyanisole and 1/1000 of 1% of citric acid may be used in unsmoked dry sausage which is held during preparation in a drying room for purposes of trichinae treatment for the periods prescribed in these regulations.

Agr 2298 Samples of Products, Water, Etc., to be Taken for Examination. Samples of products, water, chemicals, spices, or other articles in any official establishment shall be taken, without cost to the department, for examination, as often as may be deemed necessary for the efficient conduct of the inspection.

Agr 2299 Canning with Heat Processing and Hermetically Sealed Containers; Cleaning Containers; Closure; Code Marking; Heat Processing; Incubation

(a) Containers shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently.

(b) Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180°F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers.

(c) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent establishment employees immediately after closing, and containers which are defectively filled, defectively closed or those showing inadequate vacuum, shall not be processed until the defect has been corrected. The containers shall again be inspected by establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within six hours following the sealing of the containers or completion of the heat processing, as the case may be, except that (1) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38°F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; (2) short vacuum or overstuffed cans of product which have not been handled in accordance with the above may be incubated under department supervision, after which the cans shall be opened and the sound product passed for food; and (3) short vacuum or overstuffed cans of product of a class permitted to be labeled, "perishable, keep under refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(e) Canned products shall not be passed unless after cooling to atmospheric temperature, they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the inspector.

(g) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the Commissioner and labeled "perishable, keep under refrigeration."

(h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

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(i) Facilities shall be provided to incubate at least representative samples of the product of fully processed canned product. The incubation shall consist of holding the canned product for at least 10 days at about 98°F.

Agr 2300 Preparation of Dog Food or Similar Uninspected Article at Official Establishments; Edible Products Department; Inedible Products Department; Denaturing

(a) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of products. Where necessary, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible product departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The preparation of the uninspected article shall be limited to those hours during which the establishment generally operates under inspectional supervision. That is, there shall be no handling, other than receiving at the establishment, of any of the meat, meat by-products, or meat food product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the preparation of the uninspected article shall not be such as would interfere with the inspection of product or the maintenance of sanitary conditions in the department. The uninspected article may be stored in, and distributed from, edible product department: Provided, that adequate facilities are furnished, that there is no interference with the maintenance of sanitary conditions, and that it is properly identified.

(b) When dog food or similar uninspected article is prepared in a part of an official establishment other than an edible product department, the area in which the dog food is prepared shall be separated from edible product departments in a manner similar to that required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Nothing in this paragraph shall be construed as permitting any deviation from the requirement that inedible materials, dead animals, and the like, of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional supervision similar to that exercised over inedible product departments. There shall be no return of any product to edible product departments. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers.

(c) Dog food or other animal food prepared, in whole or in part, from materials derived from cattle, sheep, swine, goats, or horses, shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, retort processed, conventional retail size containers, as, for example, "dog food" will be considered sufficient. If not in such containers, the product must not only be properly identified, but it must be of such character or so treated (denatured or decharacterized) as to be readily distinguishable from an article of human food. Dog food shall not be represented as being a human food.

Agr 2301 Mixtures Containing Product But Not Amenable to Meat Inspection Law. Mixtures containing product, but not classed as coming under the provisions of the Minnesota Meat Inspection Act shall not bear the inspection legend or any abbreviation or representation thereof. When such article is prepared in any part of an official establishment, the sanitation of that part of the establish-

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ment shall be supervised by department employees and the preparation of such article shall not cause any deviation from the requirement that no uninspected product be brought into the establishment.

Agr 2302 Contamination of Product by Flood Water, Etc.; Procedure for Handling

(a) Any product which has been contaminated by flood water, harbor water, or like polluted water, shall be condemned.

(b) After flood water has receded, the establishment shall, under the supervision of a department employee, thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein. An adequate supply of hot water, under pressure, is essential for effective cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately ½ of 1% available chlorine (5,000 parts per million), or other disinfectant approved by the Commissioner should be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion.

(c) Hermetically sealed containers of product which has been submerged or otherwise contaminated as in paragraph (a) of this Section shall be rehandled promptly under supervision of a department employee as follows:

(1) Separate and condemn all product, the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

(2) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved specifically for this purpose by the Commissioner, and rinse in clean fresh water and dry thoroughly.

(3) After handling as in subparagraph (2) of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of the containers.

Agr 2303 Glands and Organs for Use in Preparing Pharmaceutical, Organotherapeutic, or Technical Products

(a) (1) Glands and organs which are not used as food products, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suparenal and thyroid glands, may be saved and prepared by establishments operating under inspection: Provided, that the containers shall be plainly marked "for pharmaceutical purposes," "for organotherapeutic purposes," or "for technical purposes," without any reference to inspection.

(2) Organs in this category may be brought into and stored in edible product departments of inspected establishments or shipped with edible product if packaged in suitable containers which will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection.

(b) Glands or organs which are regarded as food products, such as pancreatic glands, livers, testicles, and thymus may be shipped or brought into official establishments for pharmaceutical, organotherapeutic, or technical purposes, only if federally inspected, state inspected or, state approved inspected and passed and so identified.

Agr 2304 Retaining Chemicals, Cereals, Spices, Etc., "Minn. Retained." When any chemical, cereal, spice, or other substance is presented for use in an official establishment, it shall be examined by a department employee, and if found to

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be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "Minn. retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the inspector may require, shall not be used until the tag is removed, and such removal shall be only by a department employee after finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

Agr 2305 Product for Educational Uses, Laboratory Examination, and Other Purposes. When authorized by the Commissioner, product of special type or kind may be shipped or transported from official establishments for educational uses, laboratory examination, and other purposes.

Agr 2306 Prescribed Treatment of Pork and Products Containing Pork to Destroy Trichinae

(a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (b) of this section, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.

(b) Products named in this paragraph, and products of the character thereof, containing pork muscle tissue (including hearts, pork stomachs and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams; Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; panchetta (rolled bacon); capcollo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, shoulder picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); frozen breaded pork products over ½ inch in thickness; cured boneless pork loins; boneless back bacon, smoked pork cuts such as hams, shoulders, loins and pork shoulder picnics. Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

(c) The treatment shall consist of heating, refrigerating, or curing, as follows:

(1) Heating. All parts of the pork muscle tissue shall be heated to a temperature not lower than 137°F. and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights of products undergoing treatment it is impracticable to specify details of procedures for all cases.

Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

(2) Refrigerating. At any stage of preparation and after preparatory chilling to a temperature of not above 40°F. or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of those specified in Table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

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Table 1—Required Period of Freezing at Temperature Indicated.

Temperature ° F.	Group 1 Days	Group 2 Days
5	20	30
-10	10	20
-20	6	12

Group 1 comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in creates or boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

Group 2 comprises product in pieces, layers, or within containers, the thickness of which exceeds 6 inches but not 27 inches, and product in containers including tierces, barrels, kegs, and cartons having a thickness not exceeding 27 inches.

The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5° F., -10° F., or -20° F., as the case may be.

During the period of refrigeration the product shall be kept separate from other products and in the custody of the department. Rooms or compartments equipped for being made secure with department lock or seal shall be provided. The rooms or compartments containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed freezing of pork to be used in the preparation of the product covered by paragraph (b) of this section, the pork shall be kept under close supervision of an inspector until it is prepared in finished form as one of the articles enumerated in paragraph (b) of this section, or until it is transferred under department control to another establishment for preparation in such finished form.

Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment, for use in the preparation of product covered by paragraph (b) of this section. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto department seals, and such containers as tierces and kegs shall be held in department custody by sealing with wax impressed with a department metal brand. Railroad cars, motortrucks, and trailers shall, when necessary, be sealed with department car seals. Properly sealed and marked closed containers may be shipped with other meat in unsealed railroad cars, motortrucks, and trailers. Containers such as boxes, barrels, and tierces shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork product _____ degrees F. _____ days' refrigeration," indicating the temperature at which the product was refrigerated and length of time so treated. For each consignment there shall be promptly issued and forwarded to the inspector at destination a report showing the character of the containers, and that the contents are "pork product _____ degrees F. _____ days' refrigeration." A duplicate copy shall be forwarded to the St. Paul office of the department.

(3) Curing (aa) Sausage. Sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any stage of treating the sausage for the destruction of live trichinae, except as provided in Method 5, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of drying. In the preparation of sausage, one of the following methods may be used:

Method No. 1. The meat shall be ground or chopped into pieces not exceed-

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ing three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3⅓ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45° F., except that in sausage of the variety known as pepperoni, if in casings not exceeding 1⅜ inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casings not exceeding the size specified, may be released at the expiration of 20 days from the time the curing materials are added. Sausage in casings exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

Method No. 2. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3⅓ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80° F., and finally held in a drying room not less than 10 days at a temperature not lower than 45° F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.

Method No. 3. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3⅓ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34° F. for not less than 36 hours. After being stuffed the sausage shall be held at a temperature not lower than 34° F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle-curing medium of not less than 50° strength (salometer reading) at a temperature not lower than 44° F. Finally, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90° F.; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall at no time be lower than 90° F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128° F. shall be attained gradually during a period of not less than 4 hours.

Method No. 4. The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 2½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a tem-

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perature not lower than 36° F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3½ inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45° F. for the remainder of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if a concern deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85° F., or subjected to smoking at a temperature not lower than 80° F., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35-day holding period specified.

Method No. 5. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3⅓ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed the sausage shall be held for not less than 65 days at a temperature not lower than 45° F. The coverings for sausage prepared according to this method may be coated at any stage of the preparation before or during the holding period with paraffin or other substance approved by the Commissioner.

(bb) Capocollo (Capicola, Capacola). Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36° F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butt shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80° F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(cc) Coppa. Boneless pork butts for coppa shall be curing in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36° F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45° F.

(dd) Hams. In the curing of hams either of the following methods may be used.

Method No. 1. The hams shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36° F. The hams shall be laid down in salt, not less than 4 pounds to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. When placed in cure the hams may be pumped with pickle if desired. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall finally be dried or smoked not less than 10 days at a temperature not lower than 95° F.

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Method No. 2. The hams shall be cured by a dry-salt curing process at a temperature not lower than 36° F. for a period of not less than 3 days for each pound of weight (green) of the individual hams. The time of cure of each lot of hams placed in cure should be calculated on a basis of the weight of the heaviest ham of the lot. Hams cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), with 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The hams shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. At least once during the curing process the hams shall be over-hauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from the cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall then be dried or smoked not less than 48 hours at a temperature not lower than 80° F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(ee) Boneless Pork Loins and Loin Ends. In lieu of heating or refrigerating to destroy trichinae in boneless loins, the loins shall be cured for a period of not less than 25 days at a temperature not lower than 36° F. by the use of one of the following methods:

Method No. 1. A dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meat.

Method No. 2. A pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

Method No. 3. A pickle solution added to the approved dry-salt cure provided the pickle solution is not less than 80° strength (salometer).

After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70° F. or washed under a spray but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.

Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100° F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125° F.

Finally, the product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45° F.

(d) General Instructions. When necessary to comply with these instructions, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy trichinae shall be suitably equipped, by the establishment, with accurate automatic recording thermometers. Inspectors are authorized to approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service.

To insure the effective administration of the foregoing, inspectors who supervise the handling and treatment of pork to destroy live trichinae shall:

(1) Recognize the importance of safeguarding the consumer and follow carefully the instructions concerning the treatment of pork to destroy trichinae.

(2) Check the internal temperatures, with department thermometers, of all products subjected to the heating method.

(3) Test frequently, with department thermometers, the reliability of establishment thermometers (including automatic recording thermometers) and reject for use any found to be inaccurate and unreliable.

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(4) Observe department thermometers carefully in order that none be used which have become defective or of questionable accuracy.

(5) Supervise in a methodical manner the handling, in drying, refrigerating, and curing departments, of pork product under treatment for the destruction of live trichinae, and keep conveniently available, at the official establishment for department use, such records as may be necessary and informative of each lot of product under treatment.

(e) The requirements of this section to destroy possible live trichinae in the products of a kind enumerated in paragraph (b) of this section apply to products which are exempted from inspection.

Agr 2307 Inspection Reports. Reports of the work of inspection carried on in every official establishment and elsewhere shall be forwarded to the department by the inspector, and approved municipal inspection departments, on such forms and in such manner as may be specified by the Commissioner.

Agr 2308 Daily Reports. Department employees shall make daily reports of the amounts of articles handled or prepared in the subdivisions of the establishments to which they are assigned, and of such other things as the Commissioner may require.

Agr 2309 Establishments to Furnish Information for Reports. Each official establishment shall furnish to the inspector accurate information as to all matters needed by him for making his reports pursuant to Agr 2308.

Agr 2310 Reports on Sanitation. Reports on sanitation shall be made by the department employees assigned to the various departments of official establishments to the Commissioner.

Agr 2311 Appeals from Meat Inspection Actions. When the action of an inspector in condemning any meat or product is questioned, appeal may be made to the Commissioner whose decision shall be final.

Agr 2312 Dairy and Food Laws. Inspected and passed meat and products, like uninspected meat and products, shall comply with the provisions of the Minnesota Dairy and Food Laws in every respect.

Agr 2313 Corned Beef Hash; Identity; Label Statement of Optional Ingredients

(a) Corned beef hash is the semi-solid meat food product in the form of a compact mass which is prepared with beef, potatoes, curing agents, seasoning, and any of the optional ingredients listed under paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph and the provisions of paragraph (c) of this section.

(1) Either fresh beef, cured beef, or canned corned beef, or a mixture of two or more of these ingredients, may be used, and the finished product shall contain not less than 35% of beef computed on the weight of the cooked and trimmed beef. The weight of the cooked meat used in this calculation shall not exceed 70% of the weight of the uncooked fresh meat.

(2) Potatoes refers to fresh potatoes, dehydrated potatoes, cooked dehydrated potatoes, or a mixture of two or more of these ingredients.

(3) Curing agents refers to either salt, sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or a combination of two of more of these ingredients. When sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite is used it shall be used in amounts not exceeding those specified in Agr 2297 (k) of these regulations.

(4) Seasoning refers to salt, sugar (sucrose or dextrose), spice, and/or flavoring, including essential oils, oleo-resins, and other spice extractives.

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(b) Corned beef hash may contain one or more of the following optional ingredients:

(1) Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat exclusive of the heart cap, may be used individually or collectively to the extent of 5% of the meat ingredient.

(2) Onions, including fresh onions, dehydrated onions, or onion powder.

(3) Garlic, including fresh garlic, dehydrated garlic, or garlic powder.

(4) Water.

(5) Beef broth or beef stock.

(6) Monosodium glutamate.

(7) Hydrolyzed plant protein.

(8) Beef fat.

(c) The finished product shall not contain more than 15% fat nor more than 72% moisture.

(d) (1) The label shall bear the name "corned beef hash."

(2) When any ingredient specified in paragraph (b) (1) of this section is used, the label shall bear the following applicable statement: beef cheek meat constitutes 5% of the meat ingredient, or beef head meat constitutes 5% of the meat ingredient, or beef heart meat constitutes 5% of the meat ingredient. When two or more of the ingredients are used the word "constitutes 5% of meat ingredient" need only appear once.

(3) Whenever the words "corned beef hash" are featured on the label so conspicuously as to identify the contents, the statements prescribed in subparagraph (2) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

Agr 2314 Chopped Ham: Identity; Optional Ingredients; Labeling

(a) Chopped ham is the semisolid meat food product, in the form of a compact mass with a limited amount of cooked out juices, which is prepared with ham, curing agents, seasonings and any of the optional ingredients listed in paragraph (b) of this section, in accordance with the provisions of suparagraph (1), (2), and (3) of this paragraph.

(1) Fresh ham, cured ham, or smoked ham, or a mixture of two or more of such meat components may be used. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham and fresh uncured ham shank meat if any is used, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

(2) The curing agents which may be used, singly or in combination, are salt, sodium nitrate, sodium nitrite, potassium nitrate, and potassium nitrite. When sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite is used, singly or in combination, the amount thereof shall not exceed that permitted in Agr 2297 (k) of these regulations.

(3) The seasonings which may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice and flavoring, including essential oils, oleo resins and other spice extractives.

(b) Chopped ham may contain one or more of the following optional ingredients:

(1) Finely chopped ham shank meat (fresh, cured or smoked, or a combination thereof) to the extent of not more than 25 percent over that normally present in the boneless ham.

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(2) Water, for the purpose of dissolving the curing agents, and not in excess of the amount permitted in paragraph (a) (1) of this section.

(3) Monosodium glutamate.

(4) Hydrolyzed plant protein.

(5) Corn syrup solids, corn syrup and glucose syrup, singly or in combination, in an amount not to exceed 2 percent (calculated on a dry basis) of all the ingredients used in preparing the chopped ham.

(6) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, singly or in combination, in an amount not to exceed that permitted in Agr 2297 (k) of these regulations.

(7) Ascorbic acid, sodium ascorbate, isoascrobic acid or sodium isoascrobate in an amount not to exceed that permitted in Agr 2297 (s) of these regulations.

(8) Dehydrated onions or onion powder.

(9) Dehydrated garlic or garlic powder.

(c) The label shall bear the name "chopped ham."

Agr 2315 Labeling Custom Processed Carcasses. Each carcass and all edible parts of custom slaughtered animals shall be clearly marked, tagged, branded or stamped to include the statement, "Minnesota Custom Processed", "Not for Sale" and the establishment number assigned to the establishment by the Commissioner or the name and address of the establishment.

Example of required mark, tag or brand:

MINNESOTA
CUSTOM PROCESSED
NOT FOR SALE
EST. 40

Agr 2316 Carcass Must be Identified at Time of Slaughter. In state licensed establishments each custom processed carcass must be identified as described in Agr 2315 of these regulations immediately after being slaughtered, eviscerated, and rinsed. Such identification must be made of each carcass and part of carcass prior to being moved from the slaughter room to the drip cooler or elsewhere.

Agr 2317 Custom Processed Product Must be Labeled as Such. All product on hand which is being or has been custom processed must be clearly identified as required in Agr 2315 of these regulations during all stages of processing, cooling, packaging, freezing, storage, and shipment.

Agr 2318 Marking Sausage Emulsions, Hamburger, Trimmings, etc., During Processing. Each batch of custom processed product being ground, chopped, mixed or cut up must be identified as required in Agr 2315 of these regulations by using a tag or other approved device placed directly on the product or the container, table, shelf, equipment holding such product.

Agr 2319 Handling Product Derived from Farm Slaughter. All meat products received at a state licensed establishment shall be carefully examined by the plant management and any product showing evidence of spoilage, disease of filth shall not be accepted into the establishment. All meat derived from slaughter operations which are not state licensed or federally inspected must be carefully handled, kept segregated and clearly identified and **may not be legally sold.**

Agr 2320 Identifying Product Derived from Farm Slaughter. Any product received at a state licensed establishment which does not bear the federal or

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state meat inspection legend must be immediately identified and kept marked and identfied as required by Agr 2315 through Agr 2318 of these regulations.

Agr 2321 Product Derived from Game. Venison and other product derived from game animals received for custom processing or storage at a state licensed establishment must be handled and identified in the same manner as is specified for products under Agr 2315 through Agr 2318 of these regulations.

Agr 2322 Condemned Animals. In a licensed establishment, any animal which has died other than by slaughter or an animal which has been inspected and found to be affected with any condition or disease that would cause the meat derived therefrom to be unfit for human food shall be condemned and denatured in a manner approved by the Commissioner so as to prevent such product being used as human food.

Agr 2323 Condemned Product. In a licensed establishment any carcass or product which is found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be condemned and denatured in a manner approved by the Commissioner so as to prevent such product being used for human food.

Agr 2324 Denaturing Condemned Product. Condemned product may be denatured by slashing with a knife and adding crude carbolic acid, cresylic disinfectant, or other prescribed agent, or may be destroyed by incineration.

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CHAPTER 125: AGR 4000-4100

FOOD — GENERAL RULES

Agr 4000 Food in Package Form. A food product is "in package form" when it is contained in a case, carton, can, box, wrapping, barrel, tub, bottle, phial or other receptacle or covering of any kind whatsoever which is used by a manufacturer, producer, jobber, packer or retail dealer for the purpose of transporting, handling, storing or offering for sale.

Agr 4001 Label

(a) The term "label", as used in the law, includes any legend or descriptive matter or design appearing upon an article of food or its container and also includes circulars, pamphlets and the like, which are packed and go with the article to the purchaser and such letters, circulars and pamphlets to which reference is made either on the label attached to the package or on the package itself.

(b) The label shall consist, first, of all information specifically required by the dairy and food law, second, of the name of the product or article of food and third, whenever required by ruling, of any or all of the following data, or information, to-wit: the percentage and true composition of the food article, its quality, strength, quantity, source of its manufacture or production, and the person by whom or for whom the product is manufactured, produced, packed or shipped. All of the above required information shall appear upon the label without any intervening descriptive or explanatory reading matter. Also, in conjunction with the name of the article of food, such phrases as "artificially colored", "contains sodium benzoate" or any other such descriptive phrase or phrases required to be announced shall be conspicuously displayed. Such statements of weight or measure as are required by law or rulings shall appear upon the label in plain terms.

(c) A label in a foreign language shall conform to these regulations and shall bear all the information required by the law in English, as well as in each of the foreign languages used to describe the article of food.

(d) The size of type used to declare the information required to be printed upon the label shall not be smaller than eight-point (brevier) capitals: provided, that in case the size of the package will not permit the use of eight-point type, the size of the type may be reduced proportionately.

(e) The label shall be free from any statement, design or device regarding the article or the ingredients or substances contained therein or quality thereof or place of origin, which is false or misleading in any particular. The terms "design" and "device" include abbreviations, characters, signs and pictorial matter of any description.

(f) With the exception of imitations, an article containing more than one food product is misbranded if named after a single constituent.

(g) 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.

(h) 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.

(i) An article of food, which, under the law or regulations, required 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.

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(j) Any article of food, which, under the preceding provisions, 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.

(k) 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.

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

(m) 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.

Agr 4002 Name and Address of Manufacturer

(a) The name of the manufacturer or producer or person responsible for the food product and the place where manufactured must be given upon the label.

The words "packed for .....", "distributed by .. .. " or some equivalent phrasing, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer or the name of the place not the actual place of manufacture or production.

(b) When a person, firm or corporation manufactures or produces an article of food in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when the mention of any place, to the exclusion of the others, deceives or misleads.

(c) If the name of the place be one which is found in different states, territories or countries, the name of the state, territory or country, as well as the name of the place, shall be stated.

Agr 4003 Character of Name

(a) A simple or unmixed food product shall be sold by its common name in the English language.

(b) 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.

(c) A name which is distinctive of a product of a foreign country shall not be used upon an article not manufactured or produced in that country, except as an indication of type or style or quality of manufacture and then only when the product possesses substantially the characteristic qualities of the product of that foreign country. Such name shall be so qualified as to remove any impression that the article was manufactured or produced in the country in which the name is distinctive.

(d) The use of a geographical name in connection with a food product will not be deemed a misbranding when by reason of long usage such geographical name has come to represent a generic term and is used to indicate the style, type or brand; but in all such cases the state or territory where any such article is manufactured or produced shall be stated upon the label.

(e) An arbitrary or fanciful name used on the label to designate a manufacturer or distributor shall not give a false indication of the character or quality of the product.

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Agr 4004 Distinctive Name

(a) A "distinctive name" is a name which is purely arbitrary or fanciful and distinguishes a particular article of food from all other articles of food.

(b) A distinctive name shall not give a false indication of origin, character, composition, ingredients or place of manufacture and shall not lead the purchaser to suppose that the product is other than what it is.

(c) A distinctive name shall not be one representing any single constituent of a mixture or a compound.

(d) A name or any device indicative of a natural product or a defined product shall not be used as part of a distinctive name unless the product is made wholly from the natural product or the defined product indicated, or unless the product be labeled "imitation" or "compound", as the case may be.

(e) A compound bearing a distinctive name shall not be an imitation of another article of food, whether simple, mixed or compound or offered for sale under the name of another article.

(f) A product sold under its distinctive name shall, where necessary to prevent fraud or deception or in order to convey to the purchaser the true nature of the product, bear on the label a plain statement of the ingredients. If such statement of the ingredients alone be insufficient for the purpose herein designated the percentage of such ingredient shall in addition be required.

(g) The use of a distinctive name shall not remove an article of food from the operation of the law or any regulation thereunder.

Agr 4005 Compounds, Mixtures and Imitations

(a) The terms "compound" and "mixture" are interchangeable.

(b) The term "imitation" applies to a product made to resemble or simulate another product. A product is an imitation when it consists of a combination of ingredients with or without a substantial amount of one or more natural products and when the imitation ingredients predominate in any one or more of the valuable or essential characteristic qualities of the finished product.

(c) 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.

(d) An imitation product shall be labeled with the word "imitation" in conjunction and equally conspicuous with the name of the imitated product and the ingredients which give the product its characteristics as an imitation shall be plainly declared.

(e) A compound for which no standard of purity or quality has been established shall be labeled 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.

Agr 4006 Substitution. When a substance of a recognized quality commonly used in the preparation of a food product is replaced by another substance not injurious or deleterious to health and not prohibited by law, the name of the substituted substance shall appear on the label.

Agr 4007 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.

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Agr 4008 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.

Agr 4009 Coloring, Powdering and Coating

(a) Such coal tar dyes or colors as are certified as harmless for use in food by the Secretary of the United States Department of Agriculture under the United States Food and Drugs Act or the rules and regulations for its enforcement, in addition to their use in confectionery and in still or carbonated beverages and candies as permitted by Minnesota Statutes 31.01, Subdivision 19, may also be used in all food products wherever an artificial color is permitted. It is prohibited to sell or dispense a coal tar dye or color preparation in connection with the sale or disposal of an article of food in the manufacture of which the use of coal tar dye or color is not permitted by Minnesota law or regulation.

(b) Colors, even though harmless and permitted by Minnesota law or regulation, are prohibited in food products where the use of such colors may tend to conceal inferiority or damage or to make the products appear better than they really are.

(c) 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.

(d) 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.

Agr 4010 Preservatives

(a) The use of boric acid or borates, salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphites, 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.

(b) Exception will be made in the case of food products found to contain sulphurous acid as the result of the application for bleaching purposes of the fumes of burning sulphur to those food products which contain sugars or other substances with which sulphurous acid may combine, providing that the total amount of sulphur 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 sulphur dioxide.

(c) A food product prepared with the use of a preservative not prohibited by law shall be plainly and conspicuously labeled to show the name of the preservative as follows: "preserved with _____", or "_____ added as a preservative" the blank being filled in with the comon name of the preservative ingredient.

(d) 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.

(e) 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.

Agr 4011 Food Products Misbranded or Adulterated

(a) 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 31.10 of the food law.

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(b) 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.

(c) A food product which on examination shows evidence of filth, putrescence or decomposition and therefore 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.

(d) 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.

Agr 4012 Statement of Weight, Measure or Count

(a) Except as otherwise provided by law or regulation, a package of food shall be plainly and conspicuously marked with the quantity of the contents in terms of weight, measure or numerical count on the outside of the container or of the covering of the package usually delivered to the consumer.

(b) The quantity of the contents so marked shall be the quantity of food in the package.

(c) The statement of the quantity of food shall be plain and conspicuous and shall not be a part of or obscured by any legend or design or device and shall be so placed and of such character as to be legible and readily seen by the purchaser.

(d) When the quantity of food is stated by weight or measure it shall be given in terms of the largest unit contained in the package. For example: if the package contains a pound or a number of pounds and a fraction of a pound, the contents shall be expressed in terms of pounds and fraction thereof or of pounds and ounces and not merely in ounces and provided also that no fraction with a denominator greater than eight be used.

(e) Statement of weight shall be in terms of the avoirdupois pound and ounce; statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and its customary subdivisions, i.e., quarts, pints or fluid ounces and shall express the volume of the liquid at 68° F. (20° C); statement of dry measure shall be in terms of the United States standard bushel of 2150.42 cubic inches and its customary subdivisions, i.e., pecks, quarts or pints or in the case of articles in barrels, in terms of the United States standard barrel and its lawful subdivisions, i.e., third, half or three-quarters barrel, as fixed by the Act of Congress, March 4, 1915 (38 Stat. 1186); provided, that statement of quantity may also be in terms of metric weight or measure. Statement of metric weight shall be in terms of kilograms or grams. Statement of metric measure shall be in terms of liters or cubic centimeters.

(f) The quality of food shall be stated in terms of weight or measure, unless the package be marked in terms of numerical count and such numerical count gives accurate information as to the quantity of food in the package.

(g) The quantity of food in solid form shall be stated in terms of weight and the quantity of food in liquid form in terms of measure. The quantity of viscous or semisolid foods or of mixtures of solids and liquids may be stated either by weight or measure, but the statement shall be definite and shall indicate whether the quantity is expressed in terms of weight or measure, as, for example, "weight 12 ounces avoirdupois", "volume 12 ounces" or "12 fluid ounces".

(h) The quantity of food may be stated in terms of minimum weight, minimum measure or minimum count, for example, "minimum weight 10 ounces", "minimum volume 1 gallon" or "not less than 4 fluid ounces", but in such case the statement must approximate the actual quantity and there shall be no tolerance below the stated minimum.

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(i) The following tolerances and variations from the quantity of the contents marked on the package shall be allowed:

(1) Discrepancies due exclusively to errors in weighing, measuring or counting which occur in packing conducted in compliance with good commercial practice.

(2) Discrepancies due exclusively to differences in the capacity of bottles and similar containers, resulting solely from unavoidable difficulties in manufacturing such bottles or containers so as to be of uniform capacity; provided, that no greater tolerance shall be allowed in case of bottles or similar containers, which, because of their design, cannot be made of approximately uniform capacity than is allowed in case of bottles or similar containers which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in weight or measure due exclusively to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of the packages to evaporation or to the absorption of water. Discrepancies under classes (1) and (2) of this paragraph shall be as often above as below the marked quantity. The reasonableness of discrepancies under class (3) of this paragraph will be determined on the facts in each case.

(j) A package containing one avoirdupois ounce of food or less is "small" and shall be exempt from marking in terms of weight.

(k) A package containing one fluid ounce of food or less is "small" and shall be exempt from marking in terms of measure.

(l) When a package is not required by paragraph (g) to be marked in terms of either weight or measure and the units of food therein are six or less, it shall, for the purpose of this regulation, be deemed "small" and shall be exempt from marking in terms of numerical count.

Agr 4013 Concentrates and Fountain Sirups

(a) A fruit sirup, fountain sirup 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 sirup or corn sirup solids.

(b) A fruit sirup, fountain sirup, nectar or concentrate, flavored with an essential oil fruit flavor or a synthetic fruit essence, with or without sugar, dextrose, corn sirup or corn sirup solids, with or without artificial coloring matter, shall contain a minimum of eight (8) 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.

(c) 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.

(d) 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.

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Agr 4014 Jellies, Jams, Preserves, Marmalades, Fruit Butters

(a) A product prepared as a substitute for or in imitation of pure fruit preserve, jelly, jam, marmalade or fruit butter shall be labeled "imitation". The word "imitation" shall appear in conjunction and equally conspicuous with the name of the imitated product and the ingredients composing the product shall be clearly declared in the order of their predominance.

(b) The term "jelly", without qualification, is applicable only to a product conforming with the definition of a fruit jelly, the gelatinous consistency of which is derived from the fruit. A product prepared wholly or chiefly from a solution of gelatin in water or which thickened by means of gelatin is not a fruit jelly and must be labeled in such a manner as to clearly indicate its character.

Agr 4015 Mixed Sirups and Sugars

(a) The term "sirup", as applied to a table sirup, pancake sirup or any food sirup consisting of one sirup ingredient, shall be plainly qualified by the common name of the sirup. The qualifying name shall be printed on the label with a prominence equal to that of the term "sirup". A sirup consisting of a mixture of two or more edible sirups 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 sirup containing 50 per cent or more by weight of maple sirup shall be labeled with the name "maple sirup" preceding the name of the other sirup, as for example "maple sirup and can sirup".

(c) A sirup containing 15 per cent or more and less than 50 per cent by weight of maple sirup shall be labeled with the name "maple sirup", following the name of the other sirup, as for example, "refiners sirup and maple sirup".

(d) A sirup containing less than 15 per cent, by weight of maple sirup shall be labeled with the statement "with a trace of Maple Sirup added" following the name of the sirup as for example "Sugar Sirup with a trace of Maple Sirup added".

(e) A sugar containing 50 per cent 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 per cent or more and less than 50 per cent 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 per cent 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 sirup, molasses or sugar with which the maple sugar or sirup is mixed.

Agr 4016 Powdered Sugar. Powdered sugar may be mixed with starch provided the amount of starch does not exceed three (3) per cent and also provided that the package in which it is sold shall be plainly labeled stating the percentage and kind of starch contained therein.

Agr 4017 Buckwheat Flour. A product sold in place of or for buckwheat flour and which is not composed wholly of pure bolted buckwheat meal shall be labeled "compound buckwheat and ..... flour" or "buckwheat and ..... flour mixture", inserting in the blank space the name or names of the flour ingredients other than pure buckwheat flour printed in uniform size of type.

Agr 4018 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.

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Agr 4019 Baking Powder. A product manufactured for sale or use as baking powder or as a substitute therefor shall bear on its label a statement giving the names of the ingredients contained therein, in words as follows: "This baking powder is composed of the following ingredients and none other", and immediately thereafter there shall be printed in uniform type the name of each ingredient contained in such baking powder, using the name by which each ingredient is commonly known.

Agr 4020 Salad Oils and Cooking Oils

(a) The term "salad oil", as applied to a product consisting of an edible oil, shall be plainly qualified by the common name of the oil. The qualifying name shall be printed on the label with a prominence equal to that of the term "salad oil".

(b) A product or compound made wholly or in part out of any fats, oils or oleaginous substances, whether of animal and/or vegetable origin, other than that produced from pure unadulterated milk or cream, shall be free from artificial coloration or any added ingredients causing it to look like, be in resemblance of or in imitation of butter of a shade of yellow.

Agr 4021 Vinegar

(a) 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.

(b) By the term "Vinegar", used without qualification, is meant cider vinegar.

(c) Any vinegar other than cider vinegar, sold or offered for sale under the name "Vinegar", unqualified, will be held to be misbranded.

(d) 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.

(e) 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.

(f) 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.

Agr 4022 Kosher Food Products

(a) Rabbinical Council Defined. For the purposes of this regulation, 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.

(b) Branding Ink—Approval, Color. 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 this regulation, the term "branding ink" shall include all marking materials such as branding ink, crayons and pencils.

(c) Markings—Legibility. All required markings and labels shall be applied in such a manner as to be clearly legible.

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(d) Labeling

(1) All kosher food products shall be identified:

(aa) with the word "kosher" and

(bb) except as provided for in section (k) hereof, the name of the rabbinical council supervising their preparation and

(cc) such other information as provided for in these rules and regulations.

(2) When kosher food products are sold in package form, the labeling requirements for foods sold in package form also apply.

(e) 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.

(1) Labeling—Additional Markings—Kosher Fresh Beef, Veal and 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 approximte 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.

(2) 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.

(3) 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.

(4) 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.

(f) 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.

(g) 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".

(h) Labeling — 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".

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(i) 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 preparation. 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.

(1) 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:

(aa) Use of branding ink applied directly to the product.

(bb) Use of casings with the required information printed thereon.

(cc) 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.

(2) Labeling—Prepackaged Kosher Meats—Restrictions. No prepackaged fresh, frozen or processed meats may be labeled "kosher" unless all prepackaging is done under supervision of a recognized rabbinical council.

(j) Labeling — Other Kosher Food Products. Each individual package of kosher food products shall be labeled with: (1) the word "kosher" and (2) except as provided for in Section (k) hereof, the name of the rabbinical council under whose supervision the product was prepared and packaged.

(k) Labeling — Use of Duly Adopted Rabbinical Symbol

(1) The requirements of Regulation Agr 4022(d)(1(bb) and (j)(2) hereof 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.

(2) A duly adopted rabbinical symbol is a symbol which is:

(aa) 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.

(bb) Filed with the commissioner before it first is used and refiled on or before January 1 of each year thereafter; and

(cc) 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.

(l) Meat Preparations Defined. The term "meat preparations" includes all foods made in whole or in part from meat or poultry or any products derived therefrom.

(m) Identification of Kosher Meats and Meat Products Sliced, Cut, Ground or Chopped in Advance of Sale and Stored or Exposed for Sale to the Ultimate Consumer as "Kosher".

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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.

(n) Word "Kosher" Limited to Kosher Foods. Except as provided for in the Kosher Food Law (Minnesota Statutes 31.651-31.681), 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 section shall not apply to the labeling of cucumber pickles in package form.

(o) Invoices; 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:

(1) The name and address of the consignor.

(2) The name and address of the consignee.

(3) The date of shipment.

(4) 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.

Agr 4023 Catsups and Tomato Sauces. Catsups and tomato sauces shall be free from added artificial color, either of coal tar or vegetable origin.

Agr 4024 Oleomargarine

(a) Oleomargarine stamps are issued by the department in denominations of $0.10 and may be purchased at the office of the department. Manufacturers and distributors must use the Order Form distributed by the department when purchasing Oleomargarine Tax Stamps.

(b) Each package containing a statutory quantity of oleomargarine to be sold in the state of Minnesota shall before removal from the bonded factory premises where made or before removal from the warehouse of the importer, have securely affixed to the side thereof the proper oleomargarine stamp or stamps of such denominations as will fully cover the tax on the net weight of the contents.

(c) All stamps shall be cancelled prior to the removal from said package of oleomargarine by stamping or writing across the face thereof the date of cancellation, the name and address of the manufacturer or distributor and the oleomargarine license number of the seller, if any.

Agr 4025 Colored Oranges

(a) 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.

(b) 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 (¾) 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.

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Agr 4026 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.

Agr 4027 General Regulation Relating to Definitions and Standards for Food

(a) The definitions and interpretations of terms contained in Minnesota Statutes 31.01 and 31.02 shall be applicable also to such terms when used in regulations promulgated under the act.

(b) If a regulation prescribing a definition and standard of identity for a food has been promulgated under Minnesota Statutes 31.10 and 32.021, Subd. 2 and the name therein specified for the food is used in any other regulation under Minnesota Statutes 31.10 and 32.021, Subd. 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 regulation.

(c) No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under Minnesota Statutes 31.10 and 32.021, Subd. 2 shall be construed as in any way affecting the concurrent applicability of the general provisions of the act and the regulations thereunder relating to adulteration and misbranding. For example all regulations under Minnesota Statutes 31.10 and 32.021, Subd. 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 regulations 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.

Agr 4028 General Methods for Water Capacity and Fill of Containers. For the purposes of regulations promulgated under Minnesota Statutes 31.10 and 32.021, Subd. 2:

(a) The term "general method for water capacity of containers" means the following method:

(1) 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.

(2) Wash, dry and weigh the empty container.

(3) Fill the container with distilled water at 68° F. to 3/16 inch vertical distance below the top level of the container and weigh the container thus filled.

(4) Subtract the weight found in subparagraph (2) from the weight found in subparagraph (3) 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 subparagraphs (2)-(4) of this paragraph (except that under subparagraph (3) fill the container to the level of the top thereof).

(b) The term "general method for fill of containers" means the following method:

(1) 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.

(2) Measure the vertical distance from the top level of the container to the top level of the food.

(3) Remove the food from the container; wash, dry and weigh the container.

(4) 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 subparagraph (3) of this paragraph.

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(5) Maintaining the water at the temperature recorded in subparagraph (4) of this paragraph, draw off water from the container as filled in subparagraph (4) to the level of the food found in subparagraph (2), weigh the container with remaining water and determine the weight of the remaining water by subtracting the weight of the container found in subparagraph (3) of this paragraph.

(6) Divide the weight of water found in subparagraph (5) by the weight of water found in subparagraph (4) and multiply by 100. The result shall be considered to be the per cent 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 subparagraphs (2)-(6) of this paragraph, except that under subparagraph (4), fill the container to the level of the top thereof.

Agr 4029 General Statement of Substandard Quality and Substandard Fill of Container. For the purposes of regulations promulgated under Minnesota Statutes 31.10 and 32.021, Subd. 2:

(a) 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 1 pound, the type of the first line is 12-point and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line is 14-point and of the second, 10-point. Such statement is enclosed within lines, not less than 6 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.

(b) 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 1 pound, the statement is in 12-point type; if such quantity is 1 pound or more, the statement is in 14-point type. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in paragraph (2) of this regulation 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 of representation appears so conspicuously as to be easily seen under customary conditions of purchase.

Agr 4030 Delivery of Food; Definitions; Requirements; Delivery Equipment; Construction; Operation; Maintenance; Identification

(a) Definitions

(1) "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 man, whether simple, mixed or compound. (M.S. 31.421, Subd. 4).

(2) "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.

(3) "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.

(4) "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.

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(5) For the purposes of this regulation, 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 definitions (a)(2), (a)(3), and (a)(4) of this regulation.

(6) "Delivery Equipment" shall mean any vehicle or conveyance, together with its appurtenances, 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 contracted for with a common carrier.

(7) "Commissioner" shall mean the commissioner of the Minnesota Department of Agriculture or his agents.

(b) Requirements

(1) Delivery Equipment; Construction, Operation, Maintenance

(aa) 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.

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

(cc) 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°F. during the delivery process; provided, that where lower temperatures are required by State regulations, such requirements shall supercede 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.

(dd) Such delivery equipment used for handling frozen food shall be capable of maintaining the product temperature at 0°F. or lower; provided, that during defrost cycles, loading and unloading such product temperature shall not exceed 10°F.

(ee) Such delivery equipment used to handle hot food shall be designed to maintain a product temperature of 140°F. or higher during the delivery process.

(ff) The delivery equipment and temperature requirements contained herein shall not apply to a retail grocer while making deliveries of foods directly to the ultimate consumer; provided, that readily perishable foods shall be delivered in a manner whereby the product temperature shall be in accordance with product-temperature requirements of this regulation and frozen foods shall be delivered in a frozen condition.

(2) Delivery Equipment; Identification

(aa) 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 he will operate during the license year.

(bb) 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

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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 for the use to which it is put.

(cc) 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. 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 this regulation, any manufacturer, processor or distributor, not subject to licensing by the commissioner, or his contract hauler or common carrier, nevertheless shall be subject to the applicable provisions of this regulation.

Agr 4031-4100 Reserved for future use

Filed 11-14-45; 11-12-48; 4-9-54; 9-20-56; 5-19-58; 1-5-60; 7-1-63; 8-15-67; 8-18-67.

Agr 4031 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.

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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 regulation is 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 his experience and judgment to supply this information to the consumer.

(a) Definitions.

The following terms have the meanings given to them.

(1) "Person" means any individual, partnership, copartnership, society, association, company, or corporation.

(2) "Commissioner" means the commissioner of agriculture or designee.

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(3) "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. As used herein, "meat" is the properly prepared flesh derived from cattle, swine, sheep, goats, poultry and fish and includes meat products, fish products and poultry products.

(4) "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 regulation, on the outside container or wrapper, if any there be, of the retail package of such article.

(5) "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.

(6) "Quality assurance date" means any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wiltage, drying or any other forseeable and natural phenomenon, lose its palatability or its desired or nutritive properties. As used in this regulation, "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 paragraph (7) of this section.

(7) "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:

(aa) **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.

(bb) **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.

(cc) **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.

(dd) **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.

(ee) **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.

(ff) **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.

(b) 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, Subd. 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 this regulation.

(c) 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

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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.

(d) 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.

(e) 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.

(f) 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 one-sixteenth inch in height. Regardless of the type size used, the information shall be easily readable. Other information required in section (d) and permitted in section (e) except as provided in section (j) shall be given in letters not smaller than one-sixteenth inch high, shall be located as to be easily noticed and shall be easily readable.

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

(1) 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.

(2) 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.

(h) 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:

(1) The name or the abbreviation or numerical designation for the month and the day of the month for open dates from eight (8) 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.

(2) The name or abbreviation for the day of the week for open dates from one (1) to seven (7) 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 (1) to seven (7) 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 section (r) of this regulation. 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,

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label or labeling unless it is displayed under a sign or placard declaring it to be over age.

(i) 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.

(j) In lieu of placing an open date on each package, container, or wrapping into which perishable food is placed for sale, service or take-out service, the following rules shall apply:

(1) 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.

(2) 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.

(k) 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 his own initiative or because of complaints from consumers disclose that these aged foods have lost their palatability or desired or nutritive properties, he may require by regulation adopted after a hearing held in accordance with the administrative procedures act that all such perishable foods bear an open date on the package or label of such perishable foods in accordance with this regulation. Compliance with this rule 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 regulations adopted thereunder.

(l) Perishable foods having quality assurance dates of more than 90 days need not bear open dates. If investigations by the commissioner on his own initiative or because of complaints from consumers disclose that those products have lost their palatability or their desired or nutritive properties, he may require by regulation adopted after a hearing held in accordance with the administrative procedures act that all such perishable foods bear an open date on the package or label of such perishable foods in accordance with this regulation.

(m) 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.

(n) 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 this regulation.

(o) 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

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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.

(p) 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 regulation are hereby exempt from the requirements of the Minnesota open dating law and regulation.

(q) 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 this regulation shall be permitted to be sold without such open date labeling.

(r) All labels for perishable foods ordered after January 1, 1974, shall conform to the requirements of this regulation, or to the regulations of another state or the federal government when such regulations are equal to or greater than these regulations. All labeling in existence before January 1, 1974, which is used after January 1, 1974, shall be exempt from the requirements of this regulation except that the quality assurance open date only shall be shown as required by this regulation 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.

(s) In addition to remedies provided in this regulation and by Minnesota Statutes, Section 31.783, Subd. 4, any manufacturer or processor who believes that this regulation should not apply to open dating of perishable food which he produces, or who experiences inability to comply with the requirements of this regulation, may petition the commissioner for relief.

(t) Compliance with the requirements of this regulation does not excuse any manufacturer or processor or retailer from complying with other laws and regulations relating to food and the labeling of food.

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Minnesota Food Products Logo

3 MCAR S 1.4035 Authority and purpose.

A. 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.

B. Authority. Rules 3 MCAR SS 1.4035-1.4040 are prescribed by the commissioner pursuant to Minnesota Statutes, section 17.102, subdivision 1.

3 MCAR S 1.4036 Definitions.

A. Applicability. For the purposes of 3 MCAR SS 1.4035-1.4040 the terms in this rule have the meanings given them.

B. Agricultural products. "Agricultural products" means livestock, dairy products, poultry or poultry products, fish, fruit of all kinds, vegetables, grains, bees, and apiary products.

C. 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.

D. Commissioner. "Commissioner" means the Commissioner of Agriculture or his authorized representative.

E. Commodity council. "Commodity council" means any of the agricultural research and promotion councils created under the provisions of Minnesota Statutes.

F. Department. "Department" means the Department of Agriculture.

G. 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.

H. Improper use. "Improper use" means an unauthorized use of the logo or a use of the logo inconsistent with 3 MCAR SS 1.4035-1.4040.

I. Labeling statement. "Labeling statement" means the phrase "Minnesota Food Product" or other words signifying

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Minnesota origin.

J. Logo. "Logo" means the Minnesota food products logo. A facsimile of the logo appears in Exhibit 3 MCAR S 1.4036 J.-1.

K. 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.

L. 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.

M. 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.

N. Trade association. "Trade association" means a Minnesota-based organization of producers, processors, manufacturers, or retailers of food products.

O. 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.

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3 MCAR S 1.4037 Eligibility for application to use the logo.

A. 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.

B. 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

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product in Minnesota.

3 MCAR S 1.4038 Application; authorization; renewal.

A. Application.

1. An eligible producer, processor, or manufacturer of Minnesota food products may apply to use the logo.

2. 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.

3. Application to use the logo with any food product not listed with the commissioner may be made between renewals of a previous application.

B. Authorization.

1. Authorization to use the logo is dependent upon approval of the application by the commissioner and extends for three years from the authorization date.

2. 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.

3. When used on a food product, the logo must be accompanied by an approved labeling statement.

4. 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.

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5. 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.

C. Renewal.

1. Every three years the commissioner shall notify authorized users of the logo 60 days prior to the scheduled renewal date.

2. 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.

3. 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.

3 MCAR S 1.4039 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 3 MCAR S 1.4039 where Minnesota food products are being promoted.

3 MCAR S 1.4040 Enforcement.

A. 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 3 MCAR SS 1.4035-1.4040.

B. 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.

C. 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

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applicable minimum requirements for producing, processing, or manufacturing the food product in Minnesota.

D. Other law. Compliance with 3 MCAR SS 1.4035-1.4040 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.

Exhibit 3 MCAR S 1.0436 J.-1

Minnesota Food Products Logo

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CHAPTER 126: AGR 4101-4150

CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4101 Cacao Nibs, Cocoa Nibs, Cracked Cocoa, Identity; Label Statement of Optional Ingredients

(a) Cacao nibs, cocoa nibs, cracked cocoa is the food prepared by heating and cracking dried or cured and cleaned cacao beans and removing shell therefrom. Cacao nibs or the cacao beans from which they are prepared may be processed by heating with one or more of the following optional alkali ingredients, adding as such or in aqueous solution: Bicarbonate, carbonate or hydroxide of sodium, ammonium or potassium; or carbonate or oxide of magnesium; but for each 100 parts by weight of cacao nibs used, as such or before shelling from the cacao beans, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than the neutralizing value of 3 parts by weight of anhydrous potassium carbonate. The cacao shell content of cacao nibs is not more than 1.75 per cent by weight (calculated to an alkali-free basis if they or the cacao beans from which they were prepared have been processed with alkali), as determined by the method prescribed under "Shell in Cacao Nibs - Tentative" beginning on page 208 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940.

(b) When cacao nibs or the cacao beans from which they are prepared are processed, in whole or in part, with any optional alkali ingredient specified in paragraph (a) of this section, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

Agr 4102 Chocolate Liquor, Chocolate, Baking Chocolate, Bitter Chocolate, Cooking Chocolate, Chocolate Coating, Bitter Chocolate Coating, Identity; Label Statement of Optional Ingredients

(a) Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating is the solid or semiplastic food prepared by finely grinding cacao nibs. To such ground cacao nibs, cacao fat or a cocoa or both may be added in quantities needed to adjust the cacao fat content of the finished chocolate liquor. (For the purposes of this section the term "Cocoa" means breakfast cocoa, cocoa, low-fat cocoa or any mixture of two or more of these.) Chocolate liquor may be spiced, flavored or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients specified in subparagraphs (1), (2), or (3) which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin or extract.

(3) Vanillin, ethyl vanillin or other artificial food flavoring.

(4) Butter, milk fat, dried malted cereal extract, ground coffee, ground nut meats.

(5) Salt. Any optional ingredient used with the cacao beans or cacao nibs from which such chocolate liquor is prepared or used with any cocoa added in preparing such chocolate liquor shall be considered to be an optional ingredient

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used with such chocolate liquor. The optional alkali ingredients specified for use with cacao nibs in Regulation Agr 4101(a) may be used as optional ingredients with chocolate liquor; but for each 100 parts by weight of cacao nibs used in preparing the chocolate liquor, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished chocolate liquor contains not less than 50 per cent and not more than 58 per cent by weight of cacao fat. Unless the chocolate liquor is seasoned with butter, milk fat or ground nut meats, the percentage of cacao fat is determined by the method prescribed under "Fat Method I — Official" beginning on page 202 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940.

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

(1) When the food is seasoned with an optional ingredient specified in subparagraph (a)(1) of this section, the label shall bear the statement "Spiced", "Spice Added", "With Added Spice", "Spiced With ....." or "With Added .....", the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in paragraph (a)(2) of this section, the label shall bear the statement "Flavored", "Flavoring Added", "With Added Flavoring", "Flavored With .....", "..... Added", or "With Added .....", the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a)(3) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", or "With Artificial Flavoring".

(4) When the food is seasoned with an optional ingredient specified in paragraph (a)(4) of this section, the label shall bear the statement "Seasoned With .....", the blank being filled in with the specific common name of the substance used as seasoning.

(5) When any optional alkali ingredient specified in Regulation Agr 4101(a) is used, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Label statements prescribed by subparagraphs (1) to (4), inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla and Coumarin, An Artificial Flavoring".

Agr 4103 Breakfast Cocoa, High Fat Cocoa, Identity; Label Statement of Optional Ingredients

(a) Breakfast cocoa, high fat cocoa is the food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs. It may be spiced, flavored or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin or extract.

(3) Vanillin, ethyl vanillin or other artificial food flavoring.

(4) Salt.

Any optional ingredient used with the cacao beans, cacao nibs or ground cacao nibs from which such breakfast cocoa is prepared shall be considered to be an optional ingredient used with such breakfast cocoa. The optional

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alkali ingredients specified for use with cacao nibs in Regulation Agr 4101(a) may be used as optional ingredients with breakfast cocoa; but for each 100 parts by weight of cacao nibs used in preparing the breakfast cocoa, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished breakfast cocoa contains not less than 22 per cent of cacao fat, as determined by the method prescribed under "Fat Method I — Official" beginning on page 202 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940.

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

(1) When the food is seasoned with an optional ingredient specified in paragraph (a)(1) of this regulation, the label shall bear the statement "Spiced", "Spice Added", "With Added Spice", "Spiced With ....." or "With Added .....", the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in subparagraph (a)(2) of this regulation, the label shall bear the statement "Flavored", "Flavoring Added", "With Added Flavoring", "Flavored With .....", "..... Added" or "With Added .....", the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a)(3) of this regulation, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With ....." or "With ....., An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(4) When any optional alkali ingredient specified in Regulation Agr 4101(a) is used, the label shall bear the statement "Processed with Alkali" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Label statements prescribed by subparagraphs (1)-(4), inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla and Ethyl Vanillin, An Artificial Flavoring"

Agr 4104 Cocoa, Medium Fat Cocoa, Identity; Label Statement of Optional Ingredients. Cocoa, medium fat cocoa conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for breakfast cocoa by Regulation Agr 4103, except that it contains less than 22 per cent but not less than 10 per cent of cacao fat as determined by the method referred to in Regulation Agr 4103(a).

Agr 4105 Low-fat Cocoa, Identity; Label Statement of Optional Ingredients. Low-fat cocoa conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for breakfast cocoa by Regulation Agr 4103, except that it contains less than 10 per cent of cacao fat as determined by the method referred to in Regulation Agr 4103(a).

Agr 4106 Sweet Chocolate, Sweet Chocolate Coating, Identity; Label Statement of Optional Ingredients

(a) Sweet chocolate, sweet chocolate coating is the solid or semiplastic food, the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) sweetened with one of the optional saccharine ingredients specified in paragraph (b) of this

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regulation. It may be spiced, flavored or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin or other artificial food flavoring. One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 per cent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 per cent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof. One or any mixture of two or more of the following optional dairy ingredients may be used in such quantity that the finished sweet chocolate contains less than 12 per cent by weight of milk constituent solids:

(5) Butter, milk fat, cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, concentrated buttermilk, dried buttermilk, malted milk. If chocolate liquor with any optional ingredient specified in Regulation Agr 4102 (a) is used, such ingredient shall be considered to be an optional ingredient used with the sweet chocolate. The finished sweet chocolate contains not less than 15 per cent by weight of chocolate liquor, calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished sweet chocolate and multiplying the quotient by 100. Bittersweet chocolate is sweet chocolate which contains not less than 35 per cent by weight of chocolate liquor, calculated in the same manner.

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

(1) Sugar or partly refined cane sugar or both.

(2) Any mixture of dextrose and sugar or partly refined cane sugar or both in which the weight of the solids of the dextrose used is not more than one-third of the total weight of the solids of all the saccharine ingredients used.

(3) Any mixture of dried corn sirup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn sirup used is not more than ¼ of the total weight of the solids of all the saccherine ingredients used.

(4) Any mixture of dextrose, dried corn sirup, and sugar or partly refined cane sugar or both, in which three times the weight of the solids of the dextrose used plus four times the weight of the solids of the dried corn sirup used is not more than the total weight of the solids of all the saccharine ingredients used.

(c) For the purpose of this regulation:

(1) The term "dextrose" means the anhydrous refined monosaccharide obtained from hydrolyzed starch.

(2) The term "dried corn sirup" means the product obtained by drying incompletely hydrolyzed cornstarch; its solids contain not less than 58 per cent by weight of reducing sugars

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(d) "Semisweet chocolate", "bittersweet chocolate", "semisweet chocolate coating" and "bittersweet chocolate coating" are alternate names for sweet chocolate which contains not less than minimum quantity of chocolate liquor prescribed for bittersweet chocolate by paragraph (a) of this regulation.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicously precede or follow such name, without intervening written, printed or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this regulation, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With ....." or "With ....., An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this regulation is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier"

(3) When any optional alkali ingredient specified in Regulation Agr 4101(a) is used the label shall bear the statement "Processed with Alkali", but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Ethyl Vanillin, An Artificial Flavoring".

Agr 4107 Milk Chocolate, Sweet Milk Chocolate, Milk Chocolate Coating, Sweet Milk Chocolate Coating, Identity; Label Statement of Optional Ingredients

(a) Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) and one or more of the optional dairy ingredients specified in paragraph (b) of this regulation, sweetened with one of the optional saccharine ingredients specified in Regulation Agr 4106(b) and (c). It may be spiced, flavored or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, or other artificial food flavoring. One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 per cent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 per cent by weight of the emulsifying ingredient or mixture).

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivates thereof. If chocolate liquor with any optional ingredient specified in Regulation Agr 4102(a) is used, such ingredient shall be considered to be an optional ingredient used with the milk chocolate. The finished milk chocolate contains not less than 2.66 per cent by weight of milk fat, not less than 12 per cent by weight of milk solids and not less than 10 per cent by weight of chocolate liquor as calculated by sub-

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tracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished milk chocolate and multiplying the quotient by 100.

(b) The optional dairy ingredients referred to in paragraph (a) of this regulation are milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, butter, milk fat, cream, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk and nonfat dry milk solids; but in any such ingredient or combination of two or more of such ingredients used, the weight of nonfat milk solids is not more than 2.43 times and not less than 1.20 times the weight of milk fat therein.

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

(1) When the food is flavored with an optional ingredient specified in paragraph (a)(2) of this regulation, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With ....." or "With ....., An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a)(3) or (4) of this regulation is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier".

(3) When any optional alkali ingredient specified in Regulation Agr 4101(a) is used the label shall bear the statement "Processed With Alkali", but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Ethyl Vanillin, An Artificial Flavoring".

Agr 4108 Skim Milk Chocolate, Sweet Skim Milk Chocolate, Skim Milk Chocolate Coating, Sweet Skim Milk Chocolate Coating, Identity; Label Statement of Optional Ingredients. Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for milk chocolate by Regulation Agr 4107, except that:

(a) The dairy ingredients used are limited to skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids and any combination of two or more of these.

(b) The finished skim milk chocolate contains less than 3.66 per cent by weight of milk fat and instead of milk solids it contains not less than 12 per cent by weight of skim milk solids.

Agr 4109 Buttermilk Chocolate, Buttermilk Chocolate Coating, Identity; Label Statement of Optional Ingredients. Buttermilk chocolate, buttermilk chocolate coating conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for milk chocolate by Regulation Agr 4107, except that:

(a) The dairy ingredients used are limited to sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk or any combination of two or all of these.

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(b) The finished buttermilk chocolate contains less than 3.66 per cent by weight of milk fat and instead of milk solids it contains not less than 12 per cent by weight of sweet cream buttermilk solids.

Agr 4110 Mixed Dairy Product Chocolates, Mixed Dairy Product Chocolate Coatings, Identity; Label Statement of Optional Ingredients

(a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for milk chocolate by Regulation Agr 4107, except that:

(1) The dairy ingredient used in each such article is a mixture of two or more of the following four components:

(aa) Any dairy ingredient or combination of such ingredients specified in Regulation Agr 4107(b) which is within the limits of the ratios specified therein for nonfat milk solids to milk fat.

(bb) One or more of the five skim milk ingredients specified in Regulation Agr 4108.

(cc) One or more of the three sweet cream buttermilk ingredients specified in Regulation Agr 4109.

(dd) Malted milk.

(2) Each of the finished articles may contain less than 3.66 per cent by weight of milk fat and instead of milk solids it contains not less than 12 per cent by weight of milk constituent solids of the components used. The quantity of each component used in any such mixture is such that no component contributes less than ⅓ of the weight of milk constituent solids contributed by that component used in largest proportion. When any such mixture is of components (aa) and (bb) of subparagraph (1), the quantity of nonfat milk solids in such mixture is more than 2.43 times the quantity of milk fat therein. For the purposes of paragraph (b) of this regulation, the designation of each of the components listed above is respectively "Milk", "Skim Milk", "Buttermilk" and "Malted Milk".

(b) The name of each such article is "chocolate" or "chocolate coating" preceded by the designations prescribed by paragraph (a) of this regulation for each component of the dairy ingredients used, such designations appearing in the order of predominance, if any, of the weight of milk constituent solids in each such component. (For example, "Milk and Skim Milk Chocolate".)

Agr 4111 Sweet Chocolate and Vegetable Fat (other than cacao fat) Coating, Identity; Label Statement of Optional Ingredients

(a) Sweet chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for sweet chocolate by Regulation Agr 4106, except that:

(1) In its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat or combination may be hydrogenated and which has melting point lower than that of cacao fat.

(2) The requirement of Regulation Agr 4106(a) that the milk constituent solids be less than 12 per cent by weight does not apply.

(b) The provisions of this regulation shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than

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cacao fat as a carrier of emulsifying ingredients, as authorized and within the limit prescribed by Regulation Agr 4106(a).

Agr 4112 Sweet Cocoa and Vegetable Fat (other than cacao fat) Coating, Identity; Label Statement of Optional Ingredients. Sweet cocoa and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for sweet chocolate by Regulation Agr 4106, except that:

(a) In its preparation cocoa is used instead of chocolate liquor in such quantity that the finished food contains not less than 6.8 per cent by weight of the nonfat cacao portion of such cocoa, calculated by subtracting from the weight of cocoa used the weight of cacao fat therein and the weight therein of alkali and seasoning ingredients, if any, dividing the remainder by the weight of the finished food and multiplying the quotient by 100. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa or any mixture of two or more of these.)

(b) In its preparation is added one or any combination of two or more vegetable food oils, vegetable food fats or vegetable food stearins, other than cacao fat, which oil, fat, stearin or combination has a melting point higher than that of cacao fat. Any such oil or fat may be hydrogenated.

(c) The requirement of Regulation Agr 4106(a) that the milk constituent solids be less than 12 per cent by weight does not apply.

Agr 4113-4150 Reserved for future use

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CHAPTER 127: AGR 4151-4200
CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY
SUBPART A: AGR 4151-4173
Wheat Flour and Related Products

Agr 4151 Flour, White Flour, Wheat Flour, Plain Flour; Identity; Label Statement of Optional Ingredients

(a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat other than durum wheat and red durum wheat; to compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour or any combination of two or more of these, may be used, but the quantity of malted barley flour so used is not more than 0.25 per cent. One of the cloths through which the flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The flour is freed from bran coat or bran coat and germ, to such extent that the per cent of ash therein, calculated to a moisture-free basis, is not more than the sum of 1/20 of the per cent of protein therein, calculated to a moisture-free basis, and 0.35. Its moisture content is not more than 15 per cent. Unless such addition conceals damage or inferiority of the flour or makes it appear better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching or in case such ingredient has an artificial aging effect in a quantity not more than sufficient for bleaching and such artificial aging effect:

(1) Oxides of nitrogen

(2) Chlorine

(3) Nitrosyl chloride

(4) Chlorine dioxide

(5) One part by weight of benzoyl peroxide mixed with not more than six parts by weight of one or any mixture of two or more of the following: potassium alum, calcium sulfate, magnesium carbonate, sodium aluminum sulfate, dicalcium phosphate, tricalcium phosphate, starch, calcium carbonate.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached". Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this regulation:

(1) Ash is determined by the method prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 212 under "Method I—Official". (Ed. note, 8th edition, 1955, p. 207, sec. 13.6). Ash is calculated to a moisture-free basis by subtracting the per cent of moisture in the flour from 100, dividing the remainder into the per cent of ash and multiplying the quotient by 100.

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(2) Protein is 5.7 times the nitrogen as determined by the method prescribed in such book on page 26 under "Kjeldahl-Gunning-Arnold Method—Official" (Ed. note, 8th edition, 1955, p. 12 "Improved Kjeldahl method for nitrate-free samples", sec. 2.23). Protein is calculated to a moisture-free basis by subtracting the per cent of moisture in the flour from 100, dividing the remainder into the per cent of protein and multiplying the quotient by 100.

(3) Moisture is determined by the method prescribed in such book on page 211 (Ed. note, 8th edition, 1955, p. 206, secs. 13.2, 13.3), under "Vacuum Oven Method-Official".

Agr 4152 Enriched Flour; Identity; Label Statement of Optional Ingredients. Enriched flour conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for flour by Regulation Agr 4151, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe);

(b) Vitamin D may be added in such quantity that each pound of the finished enriched flour contains not less than 250 U.S.P. units and not more than 1,000 U.S.P. units of vitamin D;

(c) Calcium may be added in such quantity that each pound of the finished enriched flour contains not less than 500 milligrams and not more than 625 milligrams of calcium (Ca), except that enriched flour may be acidified with monocalcium phosphate irrespective of the minimum limit for calcium (Ca) prescribed in this paragraph.

(d) It may contain not more than five (5) per cent by weight of wheat germ or partly defatted wheat germ; and

(e) In determining whether the ash content complies with the requirements of this regulation allowance is made for ash resulting from any added iron or salts of iron or calcium. Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this regulation may be added in a harmless carrier which does not impair the enriched flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

Agr 4153 Bromated Flour; Identity; Label Statement of Optional Ingredients. Bromated flour conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for flour by Regulation Agr 4151, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished bromated flour, and is added only to flours whose baking qualities are improved by such addition.

Agr 4154 Enriched Bromated Flour; Identity; Label Statement of Optional Ingredients. Enriched bromated flour conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for enriched flour by Regulation Agr 4152, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished enriched bromated flour and is added only to enriched flours whose baking qualities are improved by such addition.

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Agr 4155 Durum Flour; Identity

(a) Durum flour is the food prepared by grinding and bolting cleaned durum wheat. One of the cloths through which such flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the U. S. Department of Commerce, National Bureau of Standards. If is freed from bran coat and germ to such extent that the per cent of ash therein, calculated to a moisture-free basis, is not more than 1.5 per cent. Its moisture content is not more than 15 per cent.

(b) For the purposes of this regulation, ash and moisture are determined by the methods therefore referred to in Regulation Agr 4151(c).

Agr 4156 Self-rising Flour, Self-rising White Flour, Self-rising Wheat Flour; Identity; Label Statement of Optional Ingredients

(a) Self-rising flour, self-rising white flour, self-rising wheat flour, is an intimate mixture of flour, sodium bicarbonate and the acid-reacting substance monocalcium phosphate or sodium acid pyrophosphate or both. It is seasoned with salt. When it is tested by the method prescribed in paragraph (c) of this regulation not less than 0.5 per cent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of flour used. Subject to the conditions and restrictions prescribed by Regulation Agr 4151(a), the bleaching ingredients specified in such regulation may be added as optional ingredients. If the flour used in making the self-rising flour is bleached, the optional bleaching ingredient used therein (see Regulation Agr 4151(a)) is also an optional ingredient of the self-rising flour.

(b) Optional Bleaching Ingredients, Labeling.

(1) When any optional bleaching ingredient is used, the label shall bear the word "Bleached".

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) The method referred to in paragraph (a) of this regulation is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, beginning on page 186 (Ed. note, 8th edition, 1955, p. 127, secs. 17.2, 17.3), under "Gasometric Method with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "6—Determination":

(1) Weigh 17 grams of the official sample into flask A, add 15-20 glass beads (4-6 mm. diameter) and connect this flask with the apparatus (fig. 22). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.)

Allow the apparatus to stand 1-2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within

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the apparatus and slowly run into the decomposition flask from burette F.45 cc. of sulfuric acid (1 + 5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for ten minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 24—Chapter XLIII (Ed. note, 8th edition, 1955, sec. 42.29) for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent per cent by weight of carbon dioxide in the official sample.

(2) Correct the apparent per cent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

(3) Prepare the synthetic sample with 16.2 grams of flour, 0.30 grams of monocalcium phosphate, 0.30 gram of salt and a sufficient quantity of sodium bicarbonate U.S.P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

(4) Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

(5) Divide the quotient into the apparent per cent of carbon dioxide in official sample to obtain per cent of carbon dioxide evolved from the official sample.

Agr 4157 Enriched Self-rising Flour; Identity; Label Statement of Optional Ingredients. Enriched self-rising flour conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for self-rising flour by Regulation Agr 4156, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe), not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca);

(b) Vitamin D may be added in such quantity that each pound of the finished enriched self-rising flour contains not less than 250 U.S.P. units and not more than 1,000 U.S.P. units of vitamin D;

(c) It may contain not more than five (5) per cent by weight of wheat germ or partly defatted wheat germ;

(d) When calcium is added as dicalcium phosphate, such dicalcium phosphate is also considered to be an acid-reacting substance; and

(e) When calcium is added as carbonate, the method set forth in Regulation Agr 4156(c) does not apply as a test for carbon dioxide evolved; but in such case the quantity of carbon dioxide evolved under ordinary conditions of use of the enriched flour is not less than 0.5 per cent of the weight thereof. Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this regulation may be added in a harmless carrier which does not impair the enriched self-rising flour;

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such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

Agr 4158 Phosphated Flour, Phosphated White Flour, Phosphated Wheat Flour; Identity; Label Statement of Optional Ingredients. Phosphated flour, phosphated white flour, phosphated wheat flour, conforms to the definition and standard of identity and is subject to the requirements for label declaration of optional ingredients prescribed for flour by Regulation Agr 4151, except that:

(a) Monocalcium phosphate is added in a quantity not less than 0.25 per cent and not more than 0.75 per cent of the weight of the finished phosphated flour; and

(b) In determining whether the ash content complies with the requirements of this section, allowance is made for the added monocalcium phosphate.

Agr 4159 Whole Wheat Flour, Graham Flour, Entire Wheat Flour; Identity; Label Statement of Optional Ingredients

(a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c)(2) of this regulation, not less than 90 per cent passes through a No. eight (8) sieve and not less than 50 per cent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour or any combination of two or more of these may be used; but the quantity of malted wheat flour so used is not more than 0.5 per cent and the quantity of malted barley flour so used is not more than 0.25 per cent. The moisture content of whole wheat flour is not more than 15 per cent. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient chlorine dioxide, chlorine or a mixture of nitrosyl chloride and chlorine may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached". Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this regulation:

(1) Moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, p. 211 (Ed. note, 8th edition, 1955, p. 206, secs. 13.2, 13.3). Under "Vacuum Oven Method—Official"

(2) The method referred to in paragraph (a) of this regulation is as follows: Use No. eight (8) and No. 20 sieves, having standard eight (8)-inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. eight (8) sieve into a No. 20 sieve. Attach bottom pan to the No. 20 sieve. Pour 100 grams of the sample into the No. eight (8) sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the

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sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. eight (8) sieve and the material which passes through the No. 20 sieve.

Agr 4160 Bromated Whole-Wheat Flour; Identity; Label Statement of Optional Ingredients. Bromated whole wheat flour conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for whole wheat flour by Regulation Agr 4159, except that potassium bromate is added in a quantity not exceeding 75 parts to each million parts of finished bromated whole wheat flour.

Agr 4161 Whole Durum Wheat Flour; Identity; Label Statement of Optional Ingredients. Whole durum wheat flour conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for whole wheat flour by Regulation Agr 4159, except that cleaned durum wheat, instead of cleaned wheat other than durum wheat and red durum wheat, is used in its preparation.

Agr 4162 Crushed Wheat, Coarse Ground Wheat; Identity. Crushed wheat, coarse ground wheat, is the food prepared by so crushing cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in definition Regulation Agr 4159(c)(2), 40 per cent or more passes through a No. eight (8) sieve and less than 50 per cent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Crushed wheat contains not more than 15 per cent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, p. 353 (Ed. note, 8th edition, 1955, p. 367, secs. 22.2, 22.3), under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official".

Agr 4163 Cracked Wheat; Identity. Cracked wheat is the food prepared by so cracking or cutting into angular fragments cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in Regulation Agr 4159(c)(2), not less than 90 per cent passes through a No. eight (8) sieve and not more than 20 per cent passes through a No. 20 sieve. The proportions of the nautral constituents of such wheat, other than moisture, remain unaltered. Cracked wheat contains not more than 15 per cent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, p. 353 (Ed. note, 8th edition, 1955, p. 367, secs. 22.2, 22.3), under "Preparation of Sample — Official" and "Moisture I. Drying with Heat — Official".

Agr 4164 Farina; Identity

(a) Farina is the food prepared by grinding and bolting cleaned wheat, other than durum wheat and red durum wheat, to such fineness that, when tested by the method prescribed in paragraph (b)(2) of this regulation, it passes through a No. 20 sieve, but not more than three (3) per cent passes through a No. 100 sieve. It is freed from bran coat or bran coat and germ to such extent that the per cent of ash therein, calculated to a moisture-free basis, is not more than 0.6 per cent. Its moisture content is not more than 15 per cent.

(b) For the purposes of this regulation:

(1) Ash and moisture are determined by the methods therefore referred to in Regulation Agr 4151(c).

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(2) The method referred to in paragraph (a) of this regulation is as follows: Use No. 20 and No. 100 sieves, having standard eight (8)-inch full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 20 Sieve into a No. 100 sieve. Attach bottom pan to the No. 100 sieve. Pour 100 grams of the sample into the No. 20 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 20 sieve and the material which passes through the No. 100 sieve.

Agr 4165 Enriched Farina; Identity; Label Statement of Optional Ingredients

(a) Enriched farina conforms to the definition and standard of identity prescribed for farina by Regulation Agr 4164, except that:

(1) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide and not less than 13.0 milligrams of iron (Fe).

(2) Vitamin D may be added in such quantity that each pound of the finished enriched farina contains not less than 250 U.S.P. units of the optional ingredient vitamin D.

(3) Calcium may be added in such quantity that each pound of the finished enriched farina contains not less than 500 milligrams of the optional ingredient calcium (Ca).

(4) It may contain not more than eight (8) per cent by weight of the optional ingredient wheat germ or partly defatted wheat germ.

(5) It may contain not less than 0.5 per cent and not more than one (1) per cent by weight of the optional ingredient disodium phosphate.

(6) In determining whether the ash content complies with the requirements of this regulation, allowance is made for ash reesulting from any added iron or salts of iron or calcium or from any added disodium phosphate or from any added wheat germ or partly defatted wheat germ. Iron and calcium may be added only in forms which are harmless and assimilable. Dried irradiated yeast may be used as a source of vitamin D. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched farina; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the farina.

(b) When the optional ingredient disodium phosphate is used, the label shall bear the statement "Disodium phosphate added for quick cooking". Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed or graphic matter, which is also a part of such trade-mark or brand, may so intervene if such statement is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

Agr 4166 Semolina; Identity

(a) Semolina is the food prepared by grinding and bolting cleaned durum wheat to such fineness that, when tested by the method prescribed in Regula-

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tion Agr 4164(b)(2), it passes through a No. 20 sieve, but not more than three (3) per cent passes through a No. 100 sieve. It is freed from bran coat or bran coat and germ to such extent that the per cent of ash therein, calculated to a moisture-free basis, is not more than 0.92 per cent. Its moisture content is not more than 15 per cent.

(b) For the purposes of this regulation, ash and moisture are determined by the methods therefore referred to in Regulation Agr 4151(c).

Agr 4167-4173 Reserved for Future Use

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SUBPART B: AGR 4174-4194
Corn Flour and Related Products

Agr 4174 White Corn Meal; Identity

(a) White corn meal is the food prepared by so grinding cleaned white corn that when tested by the method prescribed in paragraph (b)(2) of this regulation not less than 95 per cent passes through a No. 12 sieve, not less than 45 per cent through a No. 25 sieve, but not more than 35 per cent through a No. 72 grits gauze. Its moisture content is not more than 15 per cent. In its preparation coarse particles of the ground corn may be separated and discarded or reground and recombined with all or part of the material from which they were separated, but in any such case the crude fiber content of the finished corn meal is not less than 1.2 per cent and not more than that of the cleaned corn from which it was ground and its fat content does not differ more than 0.3 per cent from that of such corn. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) For the purposes of this regulation:

(1) Moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 6th edition, p. 259, secs. 20.70 and 20.71 (Ed. note, 8th edition, 1955, p. 220, secs. 13.54, 13.55), fat is determined by the method prescribed on pages 259 and 260, secs. 20.70 and 20.73 (Ed. note, 8th edition, 1955, p. 220, secs. 13.54 and 13.59); and crude fiber determined by the method prescribed on pages 259 and 260, secs. 20.70 and 20.74 (Ed. note, 8th edition, 1955, p. 220, secs. 13.54 and 13.57).

(2) The method referred to in paragraph (a) of this regulation is as follows:

(aa) Use No. 12 and No. 25 sieves, having standard eight (8)-inch diameter, full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the Bureau of Standards, U. S. Department of Commerce. A sieve with frame of the same dimensions as the Nos. 12 and 25 and fitted with 72 XXX grits gauze is used as the third sieve. It is referred to hereafter as the No. 72 sieve. The 72 XXX grits gauze has openings equivalent in size with those of No. 70 woven wire cloth, complying with specifications for such cloth contained in such "Standard Specifications for Sieves". Attach bottom pan to No. 72 sieve. Fit the No. 25 sieve into the No. 72 sieve and the No. 12 sieve into the No. 25 sieve.

(bb) Pour 100 grams of sample into the No. 12 sieve, attach cover and hold the assembly in a slightly inclined position and shake the assembly of sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the assembly of sieves about ⅙ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two (2) minutes.

(cc) Weigh separately the material remaining on each sieve and in the pan, and calculate each weight as per cent of sample. Sometimes when meals are tested, fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture on the paper to the sieve, reassemble the sieves, and shake in the same manner as before for one (1) minute. Repeat cleaning procedure if necessary until a five (5)-gram or less loss in weight occurs in any sieve during a one (1) minute shaking.

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(dd) The per cent of sample passing through No. 12 sieve shall be determined by subtracting from 100 per cent, the per cent of material remaining on the No. 12 sieve. The per cent passing through a No. 25 sieve shall be determined by adding the per cents remaining on the No. 72 sieve and the per cent in pan. The per cent in the pan shall be considered as the per cent passing through a No. 72 XXX grits gauze.

Agr 4175 Yellow Corn Meal; Identity. Yellow corn meal conforms to the definition and standard of identity prescribed by Regulation Agr 4174 for white corn meal, except that cleaned yellow corn is used instead of cleaned white corn.

Agr 4176 Bolted White Corn Meal; Identity

(a) Bolted white corn meal is the food prepared by so grinding and sifting cleaned white corn that:

(1) Its crude fiber content is less than 1.2 per cent but its fat content is not less than 2.25 per cent; and

(2) When tested by the method prescribed in Regulation Agr 4174(b)(2), except that a No. 20 standard sieve is used instead of the No. 12 sieve, not less than 95 per cent passes through a No. 20 sieve, not less than 45 per cent through a No. 25 sieve, but not more than 25 per cent through No. 72 XXX grits gauze. Its moisture content is not more than 15 per cent. In its preparation particles of ground corn which contain germ may be separated, reground and recombined with all or part of the material from which it was separated; but in any such case the fat content of the finished bolted white corn meal does not exceed by more than 0.3 per cent the fat content of the cleaned corn from which it was ground. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) For the purposes of this regulation, moisture, fat and crude fiber are determined by the methods therefore referred to in Regulation Agr 4171(b)(1).

Agr 4177 Bolted Yellow Corn Meal; Identity. Bolted Yellow corn meal conforms to the definition and standard of identity prescribed by Regulation Agr 4176 for bolted white corn meal, except that cleaned yellow corn is used instead of cleaned white corn.

Agr 4178 Degerminated White Corn Meal, Degermed White Corn Meal; Identity

(a) Degerminated white corn meal, degermed white corn meal, is the food prepared by grinding cleaned white corn and removing bran and germ so that:

(1) On a moisture-free basis, its crude fiber content is less than 1.2 per cent and its fat content is less than 2.25 per cent; and

(2) When tested by the method prescribed in Regulation Agr 4174(b)(2), except that a No. 20 standard sieve is used instead of a No. 12 sieve, not less than 95 per cent passes through a No. 20 sieve, not less than 45 per cent through a No. 25 sieve, but not more than 25 per cent through No. 72 XXX grits gauze. Its moisture content is not more than 15 per cent.

(b) For the purposes of this regulation, moisture, fat and crude fiber are determined by methods therefore referred to in Regulation Agr 4174(b)(1).

Agr 4179 Degerminated Yellow Corn Meal, Degermed Yellow Corn Meal; Identity. Degerminated yellow corn meal conforms to the definition and standard of identity prescribed by Regulation Agr 4178, for degerminated white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

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Agr 4180 Self-rising White Corn Meal; Identity

(a) Self-rising white corn meal is an intimate mixture of white corn meal, sodium bicarbonate and the acid-reacting substance monocalcium phosphate.

It is seasoned with salt. When it is tested by the method prescribed in paragraph (b) of this regulation, not less than 0.5 per cent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of white corn meal used.

(b) The method referred to in paragraph (a) of this regulation is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 6th edition, beginning on page 208 (Ed. note, 8th edition, 1955, p. 127, secs. 7.2, 7.3), under "Gasometric Method (2) with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "17.6—Determination":

(1) Weigh 17 grams of the official sample into flask A, add 15-20 glass beads (4-6 mm. diameter) and connect this flask with the apparatus (fig. 25). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1-2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock; lower the leveling bulb somewhat to reduce the pressure within the apparatus and slowly run into the decomposition flask from burette F, 45 cc. of sulfuric acid (1 + 5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for 10 minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 44.30 (Ed. note, 8th edition, 1955, sec. 42.29), Reference Tables for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent per cent by weight of carbon dioxide in the official sample.

(2) Correct the apparent per cent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

(3) Prepare the synthetic sample with 16.2 grams of corn meal, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U.S.P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

(4) Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

(5) Divide the quotient into the apparent per cent of carbon dioxide in official sample to obtain per cent of carbon dioxide evolved from the official sample.

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Agr 4181 Self-rising Yellow Corn Meal; Identity. Self-rising yellow corn meal conforms to the definition and standard of identity prescribed by Regulation Agr 4180 for self-rising white corn meal, except that yellow corn meal is used instead of white corn meal.

Agr 4182 White Corn Flour; Identity

(a) White corn flour is the food prepared by so grinding and bolting cleaned white corn that when tested by the method prescribed in paragraph (b)(2) of this regulation, not less than 98 per cent passes through a No. 50 sieve and not less than 50 per cent passes through No. 70 woven wire cloth. Its moisture content is not more than 15 per cent. In its preparation part of the ground corn may be removed, but in any such case, the content (on a moisture-free basis) of neither the crude fiber nor fat in the finished white corn flour exceeds the content (on a moisture-free basis) of such substance in the cleaned corn from which it was ground.

(b) For the purposes of this regulation:

(1) Moisture, fat and crude fiber are determined by methods therefore referred to in Regulation Agr 4174(b)(1).

(2) The method referred to in paragraph (a) of this regulation is as follows:

(aa) Weigh five (5) grams of sample into a tared truncated metal cone (top diameter five (5) centimeters, bottom diameter two (2) centimeters, height four (4) centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the Bureau of Standards, U. S. Department of Commerce.

(bb) Attach cone to a suction flask. Wash with 150 ml. of petroleum ether applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for two (2) minutes after washing is completed, then shake the cone for two (2) minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as per cent by weight of sample shall be considered the per cent passing through No. 70 wire cloth.

(cc) Transfer the residue from cone to a No. 50 sieve having a standard eight (8)-inch diameter full height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves". Shake for two (2) minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as per cent by weight of sample and subtract from 100 per cent to obtain the per cent of sample passing through the No. 50 sieve.

Agr 4183 Yellow Corn Flour; Identity. Yellow corn flour conforms to the definition and standard of identity prescribed by Regulation Agr 4182 for white corn flour except that cleaned yellow corn is used instead of cleaned white corn.

Agr 4184 Grits, Corn Grits, Hominy Grits; Identity

(a) Grits, corn grits, hominy grits, is the food prepared by so grinding and sifting cleaned white corn, with removal of corn bran and germ, that:

(1) On a moisture-free basis its crude fiber content is not more than 1.2 per cent and its fat content is not more than 2.25 per cent; and

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(2) When tested by the method prescribed in paragraph (b)(2) of this regulation, not less than 95 per cent passes through a No. 10 sieve but not more than 20 per cent through a No. 25 sieve.

(b) For the purposes of this regulation:

(1) Moisture, fat and crude fiber are determined by methods therefore referred to in Regulation Agr 4174(b)(1).

(2) The method referred to in paragraph (a) of this regulation is as follows:

(aa) Use No. 10 and No. 25 sieves, having standard eight (8)-inch diameter full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach bottom pan to No. 25 sieve. Fit the No. 10 sieve into the No. 25 sieve.

(bb) Pour 100 grams of sample into the No. 10 sieve, attach cover and hold assembly in a slightly inclined position, shake the sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution each time in the same direction after each 25 strokes. Continue shaking for two (2) minutes.

(cc) Weigh separately the material remaining on the No. 10 sieve and in the pan and calculate each weight as per cent of sample.

(dd) The per cent of sample passing through a No. 10 sieve shall be determined by subtracting from 100 per cent the per cent remaining on the No. 10 sieve. The per cent of material in the pan shall be considered as the per cent passing through a No. 25 sieve.

Agr 4185 Yellow Grits, Yellow Corn Grits, Yellow Hominy Grits; Identity. Yellow grits, yellow corn grits, yellow hominy grits, conforms to the definition and standard of identity prescribed by Regulation Agr 4184 for grits, except that yellow corn is used instead of cleaned white corn.

Agr 4186 Quick Grits, Quick Cooking Grits; Identity

(a) Quick grits, quick cooking grits are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of grits by Regulation Agr 4184 or 4185, except that in process of preparation the grits are lightly steamed and slightly compressed so as to fracture the particles.

(b) The name of each kind of grits is "Quick" or "Quick Cooking" followed by the name of the kind of grits used which is prescribed in the definition and standard of identity therefore.

Agr 4187 Enriched Corn Meals; Identity

(a) Enriched corn meals are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of corn meal by Regulations Agr 4174-4181 inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg., and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide and not less than 13 mg. and not more than 26 mg. of iron (Fe);

(2) It may contain in each pound not less than 250 U.S.P. units and not more than 1,000 U.S.P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca). Iron and calcium may be added only in forms

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which are harmless and assimilable. The substances referred to in this subparagraph and in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched corn meal; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn meal used. Dried yeast in quantities not exceeding 1.5 per cent by weight of the finished food may be used.

(b) The name of each kind of enriched corn meal is the word "Enriched" followed by the name of the kind of corn meal used which is prescribed in the definition and standard of identity therefore.

Agr 4188 Enriched Corn Grits; Identity

(a) Enriched corn grits are the foods, each of which conforms to the definition and standard of identity prescribed for grits, yellow grits or quick cooking grits by Regulation Agr 4184 to 4186, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg., and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide, not less than 13 mg. and not more than 26 mg. of iron (Fe);

(2) It may contain in each pound not less than 250 U.S.P. units and not more than 1,000 U.S.P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca.). Iron and calcium may be added only in forms which are harmless and assimilable. The vitamins referred to in subparagraph (1) of this paragraph may be combined with harmless substances to render them insoluble in water if the water insoluble products are assimilable. The substances referred to in this subparagraph and in subparagraph (1) and (2) of this paragraph may be added in a harmless carrier; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn grits used. Dried yeast in quantities not exceeding 1.5 per cent by weight of the finished food may be used. When the finished food is tested by the method prescribed in paragraph (c) of this regulation, it complies with the requirements set forth therein.

(b) The name of each kind of enriched corn grits is the word "Enriched" followed by the name of the kind of corn grits used which is prescribed in the definition and standard of identity therefore.

(c) The method referred to in paragraph (a) of this regulation is as follows:

(1) Transfer 100 grams of enriched grits to a two (2)-liter Erlenmeyer flask containing one (1) liter of water at 25°C. Stopper the flask and rotate it for exactly ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute then pour off 850 cc. of the water along with any floating or suspended matter.

(2) Determine thiamine, riboflavin, niacin and iron in the wet grits and water remaining in the flask. Calculate as mg. per pound of the grits before rinsing.

(3) The amounts found by this procedure are not less than 85 per cent of the minimum amounts of thiamine, riboflavin, niacin and iron prescribed by the standard for enriched grits.

Agr 4189-4194 Reserved for future use.

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SUBPART C: AGR 4195-4200
Rice and Related Products

Agr 4195 Enriched Rice; Identity

(a) The foods for which definitions and standards of identity are prescribed by this section are forms of milled rice (except rice coated with talc and glucose and known as coated rice), to which nutrients have been added so that each pound of the rice contains;

(1) Not less than 2.0 milligrams and not more than 4.0 milligrams of thiamine; not less than 1.2 milligrams and not more than 2.4 milligrams of riboflavin; not less than 16 milligrams and not more than 32 milligrams of niacin; and not less than 13 milligrams and not more than 26 milligrams of iron (Fe).

(2) Each pound may contain not less than 250 U.S.P. units and not more than 1,000 U.S.P. units of vitamin D.

(3) Each pound may contain not less than 500 milligrams and not more than 1,000 milligrams of calcium (Ca). Calcium carbonate derived from the use of this substance in milling rice, when present in quantities that furnish less than 500 milligrams per pound of calcium, is considered a normal ingredient of the milled rice used and not an optional ingredient of the enriched rice unless such enriched rice is labeled to show it contains the optional ingredient calcium. Iron and calcium may be added only in forms that are harmless and assimilable. The vitamins referred to in subparagraphs (1) and (2) of this paragraph may be combined with harmless substances to render them insoluble in water, if the water-insoluble products are assimilable.

(b) The substances referred to in paragraph (a)(1), (2) and (3) of this regulation may be added in a harmless carrier. Such carrier is used only in the quantity necessary to affect an intimate and uniform mixture of such substances with the rice.

(c) Unless the label of the food bears the statement "To retain vitamins do not rinse before or drain after cooking", immediately preceding or following the name of the food and in letters not less than ¼ the point size of type used for printing the name of the food (but in no case less than eight (8)-point type) and the label bears no cooking directions calling for washing or draining, the substances named in paragraph (a)(1), (2) and (3) of this regulation shall be present in such quantity or in such form that when the enriched rice is washed as prescribed in paragraph (e) of this regulation, the washed rice contains not less than 85 per cent of the minimum quantities of the substance named in paragraph (a)(1) of this regulation, as required for enriched rice; and in case any optional ingredients named in paragraph (a)(2) and (3) of this regulation are used, the washed rice also contains not less than 85 per cent of the minimum quantity specified for the substance or substances used.

(d) The name specified for each food for which a definition and standard of identity is prescribed by this section is the common name of the kind of milled rice to which the enriching substances are added, preceded by the word "Enriched" as, for example, "Enriched Rice" or "Enriched Parboiled Rice".

(e) The method referred to in paragraph (c) of this regulation is as follows:

(1) Mix the contents of one or more containers and transfer ½ pound thereof to a four (4)-liter flask containing two (2)-liters of distilled water at room temperature (but not below 20° C.).

(2) Stopper the flask and swirl it moderately for ½ minute so that the rice is in motion and in uniform suspension.

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(3) Allow the rice to settle for ½ minute, then pour off 1,600 milliliters of the water together with any floating and suspended matter and discard.

(4) To the contents of the flask, add 1,600 milliliters of distilled water and 20 milliliters of 10 N hydrochloric acid. Agitate vigorously and wash down the sides of the flask with 150 milliliters of 0.1 N hydrochloric acid.

(5) In order to avoid excess foaming during the extraction, heat the mixture slowly to about 100°C., agitate gently if neceessary and maintain at this temperature until air is expelled.

(6) Again wash down the sides of the flask with 150 milliliters of 0.1 N hydrochloric acid.

(7) Heat the mixture in an autoclave at 120°C. to 123°C. for 30 minutes, remove and cool to room temperature.

(8) Dilute the mixture with distilled water so that the total volume is 2,500 milliliters. Swirl the flask and while the solids are in uniform suspension pour off about 250 milliliters of the mixture for later determination of iron (and calcium, if this is to be determined).

(9) With filter paper that has been shown not to absorb thiamine, riboflavin or niacin, filter enough of the remaining mixture for determination of thiamine, riboflavin and niacin. (In the case of a mixture difficult to filter, centrifuging or filtering through fritted glass or both, using a suitable analytical filter-aid, may be substituted for or may precede filtering through paper.)

(10) Dilute an aliquot of filtrate with 0.1 N hydrochloric acid, so that each milliliter contains about 0.2 microgram of thiamine and determine thiamine by the method entitled "Rapid Flurometric Method-Official", beginning with section 38.32 of the book "Official Methods of Analysis of the Association of Official Agricultural Chemists", 8th edition, 1955.

(11) With a suitable aliquot determine riboflavin by the method entitled "Flurometric Method—Official" in the same book, beginning with the third sentence of the second paragraph in section 38.35(a), "Adjust, with vigorous agitation **** ".

(12) Determine niacin in a 200 milliliter aliquot of the filtrate by the method entitled "Chemical Method—Official" in the same book, beginning in the second sentence of the first paragraph in section 38.47(a), "adjust to pH 4.5 with **** ".

(13) Evaporate to dryness a 100-milliliter aliquot of the nonfiltered material withdrawn while agitating and if required, determine iron using the method on page 208 of the same book entitled "Iron—Official" and if required, determine calcium as directed, on page 209 of the same book, entitled "Calcium—Official".

Agr 4196-4200 Reserved for future use

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CHAPTER 128: AGR 4201-4250

ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4201 Macaroni Products; Identity; Label Statement of Optional Ingredients

(a) Macaroni products are the class of food each which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour or any combination of two or more of these, with water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (5), inclusive:

(1) Egg white, frozen egg white, dried egg white or any two or all of these in such quantity that the solids thereof is not less than 0.5 per cent and not more than 2.0 per cent of the weight of the finished food.

(2) Disodium phosphate, in a quantity not less than 0.5 per cent and not more than 1.0 per cent of the weight of the finished food.

(3) Onions, celery, garlic, bay leaf or any two or more of these in a quantity which seasons the food.

(4) Salt, in a quantity which seasons the food. The finished macaroni product contains not less than 87 per cent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 235, under "Vacuum Oven Method—Official".

(5) Gum gluten, in such quantity that the protein content of the finished food is not more than 13 per cent by weight.

(b) Macaroni is the product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(c) Spaghetti is the macaroni product the units of which are tube-shaped or corn-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) The name of each food for which a definition and standard of identity is prescribed by this regulation is "Macaroni Product"; or alternately, the name is "Macaroni", "Spaghetti", or "Vermicelli", as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c) or (d) respectively, of this regulation.

(f) Labeling Requirements.

(1) When disodium phosphate is used the label shall bear the statement "Disodium phosphate added for quick cooking".

(2) When any ingredient specified in paragraph (a)(3) of this regulation is used, the label shall bear the statement "Seasoned with .....,", the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced", "Spice added" or "Spiced with bay leaves".

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

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Agr 4202 Milk Macaroni Products; Identity; Label Statement of Optional Ingredients

(a) Milk macaroni products are the class of food each of which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for macaroni products by Regulation Agr 4201(a) and (f)(2) and (3), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the milk ingredients specified in paragraph (f) of this regulation is used, with or without water, in such quantity that the weight of milk solids therein is not less than 3.8 per cent of the weight of the finished milk macaroni products; and

(2) None of the optional ingredients permitted by Regulation Agr 711(a)(1) and (2) is used. When the optional ingredient gum gluten [Regulation Agr 4201(a)(5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 per cent of the weight of the finished food.

(b) Milk macaroni is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by Regulation Agr 4201(b).

(c) Milk spaghetti is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by Regulation Agr 4201(c).

(d) Milk vermicelli is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by Regulation Agr 4201(d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Milk Macaroni Product"; or alternately, the name is "Milk Macaroni", "Milk Spaghetti" or "Milk Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraph (b), (c) or (d), respectively, of this regulation.

(f) The milk ingredients referred to in paragraph (a)(1) of this regulation are concentrated milk, evaporated milk, dried milk and a mixture of butter with skim milk, concentrated skim milk, evaporated skim milk, defatted milk solids (dried skim milk) or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.275 times the weight of milk fat therein.

Agr 4203 Whole Wheat Macaroni Products; Identity; Label Statement of Optional Ingredients

(a) Whole wheat macaroni products are the class of food each of which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for macaroni products by Regulation Agr 4201(a) and (f)(2) and (3), except that:

(1) Whole wheat flour or whole durum wheat flour or both are used as the sole wheat ingredient; and

(2) None of the optional ingredients permitted by Regulation Agr 4201(a)(1), (2) and (5) is used.

(b) Whole wheat macaroni is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by Regulation Agr 4201(c).

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(c) Whole wheat spaghetti is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by Regulation Agr 4201(c).

(d) Whole wheat vermicelli is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by Regulation Agr 4201(d).

(e) The name of each food for which a definition and standard of identity is prescribed by this regulation is "Whole Wheat, Macaroni Product"; or alternately, the name is "Whole Wheat Macaroni", "Whole Wheat Spaghetti" or "Whole Wheat Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraph (b), (c) or (d), respectively, of this regulation.

Agr 4204 Wheat and Soy Macaroni Products; Identity; Label Statement of Optional Ingredients

(a) Wheat and soy macaroni products are the class of food each of which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for macaroni products by Regulation Agr 4201(a) and (f) (2) and (3), except that:

(1) Soy flour is added in a quantity not less than 12.5 per cent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom); and

(2) None of the optional ingredients permitted by Regulation Agr 4201(a) (1) and (2) is used. When the optional ingredient gum gluten [Regulation Agr 4201(a)(5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 per cent of the weight of the finished food.

(b) Wheat and soy macaroni is the wheat and soy macaroni products the units of which conform to the specifications of shape and size prescribed for macaroni by Regulation Agr 4201(b).

(c) Wheat and soy spaghetti is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by Regulation Agr 4201(c).

(d) Wheat and soy vermicelli is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by Regulation Agr 4201(d).

(e) The name of each food for which a definition and standard of identity is prescribed by this regulation is "Wheat and Soy Macaroni Product", "Wheat and Soybean Macaroni Product", " ..... and Soy Macaroni Product" or " ..... and Soybean Macaroni Product", the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in Regulation Agr 4201(a); or alternately, the name is "Wheat and Soy Macaroni", "Wheat and Soybean Macaroni", " ..... and Soy Macaroni" or " ..... and Soybean Macaroni" when the units of the food comply with the requirements of paragraph (b) of this regulation; or "Wheat and Soy Spaghetti", "Wheat and Soybean Spaghetti", " ..... and Soy Spaghetti" or " ..... and Soybean Spaghetti", when such units comply with the requirements of paragraph (c) of this regulation; or "Wheat and Soy Vermicelli", "Wheat and Soybean Vermicelli", " ..... and Soy Vermicelli" or " ..... and Soybean Vermicelli", when such units comply with the requirements of paragraph (d) of this regulation, the blank in each instance

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being filled in with the name whereby the wheat ingredient used is designated in Regulation Agr 4201(a).

Agr 4205 Vegetable Macaroni Products; Identity; Label Statement of Optional Ingredients

(a) Vegetable macaroni products are the class of food each of which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for macaroni products by Regulation Agr 4201(a) and (f)(2) and (3), except that:

(1) Tomato (of any red variety), artichoke, beet, carrot, parsley or spinach is added in such quantity that the solids thereof is not less than three (3) per cent by weight of the finished vegetable macaroni product (the vegetable used may be fresh, canned, dried or in the form of puree or paste); and

(2) None of the optional ingredients permitted by Regulation Agr 4201(a) (1) and (2) is used. When the optional ingredient gum gluten [Regulation Agr 4201(a)(5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from the semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 per cent of the weight of the finished food.

(b) Vegetable macaroni is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by Regulation Agr 4201(b).

(c) Vegetable spaghetti is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by Regulation Agr 4201(c).

(d) Vegetable vermicelli is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by Regulation Agr 4201(d).

(e) The name of each food for which a definition and standard of identity is prescribed by this regulation is " ..... Macaroni Product", the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this regulation; or alternately, the name is " ..... Macaroni", " ..... Spaghetti" or " ..... Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraph (b), (c) or (d), respectively, the blank in each instance being filled in with the name whereby the vegetable used is designated in paragraph (a) of this regulation.

Agr 4206 Noodle Products; Identity; Label Statement of Optional Ingredients

(a) Noodle products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour or any combination of two or more of these, with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks or any combination of two or more of these, with or without water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (3) inclusive.

(1) Onions, celery, garlic, bay leaf or any two or more of these, in a quantity which seasons the food.

(2) Salt, in a quantity which seasons the food.

(3) Gum gluten, in such quantity that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 per cent of the weight of the finished food. The finished noodle product contains not less than 87 per cent of total solids as determined by the method prescribed in "Official and

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Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 235, under "Vacuum Oven Method—Official". The total solids of noodle products contains not less than 5.5 per cent by weight of the solids of egg or egg yolk.

(b) Noodles, egg noodles, is the noodle product the units of which are ribbon-shaped.

(c) Egg macaroni is the noodle product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(d) Egg spaghetti is the noodle product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(e) Egg vermicelli is the noodle product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(f) The name of each food for which a definition and standard of identity is prescribed by this regulation is "Noodle Product" or "Egg Noodle Product"; or alternately, the name is "Noodles" or "Egg Noodles", "Egg Macaroni", "Egg Spaghetti' or "Egg Vermicelli", as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), (d) or (e), respectively, of this regulation.

(g) When any ingredient specified in paragraph (a) (1) of this regulation is used the label of the noodle product shall bear the statement "Seasoned with .....", the blank being filled in with the common name of the ingredient, or the case of bay leaves the statement "Spiced", "Spice added" or "Spiced with bay leaves". Whenever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the ingredients used shall immediately and conspicuously precede or follow or in part precede and in part follow, such name without intervening written, printed or other graphic matter.

Agr 4207 Wheat and Soy Noodle Products; Identity; Label Statement of Optional Ingredients

(a) Wheat and soy noodle products are the class of food each of which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for noodle products by Regulation Agr 4206(a) and (g), except that soy flour is added in a quantity not less than 12.5 per cent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom).

(b) Wheat and soy noodles, wheat and soy egg noodles, is the wheat and soy noodle product the units of which are ribbon-shaped.

(c) Wheat and soy egg macaroni is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by Regulation Agr 4206(c).

(d) Wheat and soy egg spaghetti is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by Regulation Agr 4206(d).

(e) Wheat and soy egg vermicelli is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by Regulation Agr 4206(e).

(f) The name of each food for which a definition and standard of identity is prescribed by this regulation is "Wheat and Soy Noodle Product", "Wheat

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and Soy Egg Noodle Product", "Wheat and Soybean Noodle Product", "Wheat and Soybean Egg Noodle Product", " ..... and Soy Noodle Product", " ..... and Soy Egg Noodle Product", " ..... and Soybean Noodle Product" or " ..... and Soybean Egg Noodle Product", the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in Regulation Agr 4206(a); or alternately, the name is "Wheat and Soy Noodles", "Wheat and Soy Egg Noodles", "Wheat and Soybean Noodles", "Wheat and Soybean Egg Noodles", " ..... and Soy Noodles", " ..... and Soy Egg Noodles", " ..... and Soybean Noodles" or " ..... and Soybean Egg Noodles" when the units of the food comply with the requirements of paragraph (b) of this regulation; or "Wheat and Soy Egg Macaroni", "Wheat and Soybean Egg Macaroni", " ..... and Soy Egg Macaroni", or " ..... and Soybean Egg Macaroni" when such units comply with the requirements of paragraph (c) of this regulation; or "Wheat and Soy Egg Spaghetti", "Wheat and Soybean Egg Spaghetti", " ..... and Soy Egg Spaghetti" or " ..... and Soybean Egg Spaghetti", when such units comply with the requirements of paragraph (d) of this regulation; or "Wheat and Soy Egg Vermicelli", "Wheat and Soybean Egg Vermicelli", " ..... and Soy Egg Vermicelli" or " ..... and Soybean Egg Vermicelli", when such units comply with the requirements of paragraph (e) of this regulation, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in Regulation Agr 4206(a).

Agr 4208—Vegetable Noodle Products; Identity; Label Statement of Optional Ingredients

(a) Vegetable noodle products are the class of food each of which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for noodle products by Regulation Agr 4206(a) and (g), except that tomato (of any red variety), artichoke, beet, carrot, parsley or spinach is added in such quantity that the solids thereof is not less than three (3) per cent by weight of the finished vegetable noodle product (the vegetable used may be fresh, canned, dried or in the form of puree or paste).

(b) Vegetable noodles, vegetable egg noodles, is the vegetable noodle product the units of which are ribbon-shaped.

(c) Vegetable egg macaroni is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by Regulation Agr 4206(c).

(d) Vegetable egg spaghetti is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by Regulation Agr 4206(d).

(e) Vegetable egg vermicelli is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by Regulation Agr 4206(e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is " ..... Noodle Product" or " ..... Egg Noodle Product", the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this regulation; or alternately, the name is " ..... Noodles" or " ..... Egg Noodles", " ..... Egg Macaroni", " ..... Egg Spaghetti" or " ..... Egg Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), (d) or (e), respectively, the blank in each instance being filled in with the name whereby the vegetable is designated in paragraph (a) of this regulation.

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Agr 4209 Enriched Macaroni Products; Identity; Label Statement of Optional Ingredients

(a) Enriched macaroni products are the class of food each of which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for macaroni products by Regulation Agr 4201(a) and (f), except that:

(1) Each such food contains in each pound not less than four (4) mgs. and not more than five (5) mgs. of thiamine, not less than 1.7 mgs. and not more than 2.2 mgs. of riboflavin, not less than 27 mgs. and not more than 34 mgs. of niacin or niacinamide and not less than 13 mgs. and not more than 16.5 mgs. of iron (Fe);

(2) Each such food may also contain as optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U.S.P. units and not more than 1,000 U.S.P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mgs. and not more than 625 mgs. of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed five (5) per cent of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2) and (3) through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour or through the direct additions of any of the substances prescribed in subparagraphs (1), (2) and (3). Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched macaroni product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched macaroni product.

(b) Enriched macaroni is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by Regulation Agr 4201(b).

(c) Enriched spaghetti is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by Regulation Agr 4201(c).

(d) Enriched vermicelli is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by Regulation Agr 4201(d).

(e) The name of each food for which a definition and standard of identity is prescribed by this regulation is "Enriched Macaroni Product"; or alternately, the name is "Enriched Macaroni", "Enriched Spaghetti" or "Enriched Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c) or (d) respectively of this regulation.

Agr 4210 Enriched Noodle Products; Identity; Label Statement of Optional Ingredients

(a) Enriched noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for noodle products by Regulation Agr 4206(a) and (g), except that:

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(1) Each such food contains in each pound not less than four (4) mgs. and not more than five (5) mgs. of thiamine, not less than 1.7 mgs. and not more than 2.2 mgs. of riboflavin, not less than 27 mgs. and not more than 34 mgs. of niacin or niacinamide and not less than 13 mgs. and not more than 16.5 mgs. of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U.S.P. units and not more than 1,000 U.S.P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mgs. and not more than 625 mgs. of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed five (5) per cent of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2) and (3), through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour or through the direct additions of any of the substances prescribed in subparagraphs (1), (2) and (3). Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (a)(1) and (2) of this regulation may be added in a harmless carrier which does not impair the enriched noodle product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched noodle product.

(b) Enriched noodles, enriched egg noodles, are the enriched noodle products the units of which conform to the specifications of shape and size prescribed for noodles in Regulation Agr 4206(b).

(c) Enriched egg macaroni is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni in Regulation Agr 4206(c).

(d) Enriched egg spaghetti is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti in Regulation Agr 2406(d).

(e) Enriched egg vermicelli is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli in Regulation Agr 4206(e).

(f) The name of each food for which a definition and standard of identity is presecribed by this section is "Enriched Noodle Product" or "Enriched Egg Noodle Product"; or alternately, the name is "Enriched Noodles" or "Enriched Egg Noodles", "Enriched Egg Macaroni", "Enriched Egg Spaghetti" or "Enriched Egg Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), (d) or (e) respectively of this regulation.

Agr 4211-4250 Reserved for future use.

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CHAPTER 129: AGR 4251-4300

BAKERY PRODUCTS; DEFINITIONS, STANDARDS OF IDENTITY AND LABELING; SANITARY REQUIREMENTS FOR BAKERIES, APPURTENANCES, DISTRIBUTION VEHICLES AND BAKERY PRODUCTS

Scope

For the purpose of Minnesota Statutes, Chapters 17 and 31, the following rules and regulations shall be the statewide sanitary requirements for bakeries, appurtenances, distribution vehicles and bakery products and the statewide standards of identity and labeling for bakery products.

Agr 4251 Bread, White Bread and Rolls, White Rolls or Buns, White Buns; Identity; Label Statement of Optional Ingredients

(a) Each of the foods bread, white bread, rolls, white rolls, buns, white buns is prepared by baking a kneaded yeast-leavened dough, made by moistening flour with water or with one or more of the optional liquid ingredients specified in this regulation or with any mixture of water and one or more of such ingredients. The term "flour", unqualified, as used in this regulation, includes flour, bromated flour and phosphated flour. The potassium bromate in any bromated flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the bread or rolls. Each of such foods is seasoned with salt, and in its preparation one or more of the optional ingredients specified in this paragraph and the optional gluten ingredient specified in paragraph (b) (2) of this regulation may be used:

(1) Shortening, in which or in conjunction with which may be used one or any combination of two or more of the following:

(aa) Lecithin, hydroxylated lecithin complying with the provisions of 21 Code of Federal Regulations, Section 121.1027 (either of which may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained).

(bb) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of 21 Code of Federal Regulations, Section 121.1113 or a combination of two or more of these. The total weight of these ingredients used does not exceed 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and prophylene glycol monester does not exceed 8 per cent by weight of the combination; but if purified or concentrated mono-glyceride alone is used, the amount does not exceed 10 per cent by weight of the combination.

(2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed partly skimmed milk, sweetened condensed skim milk, nonfat dry milk, or any combination of two or more of these; except that any such ingredient or combination, together with any butter and cream used, is so limited in quantity or composition as not to meet the requirements for milk or dairy ingredients prescribed for milk bread by Agr 4253. Whenever milk solids not fat in any of the forms referred to in this subparagraph are used, carrageenan or salts of carrageenan conforming to the requirements of Section 121.1066 and 121.1067 of the 21 Code of Federal Regulations may be used, in a quantity not in excess of 0.8 percent by weight of such milk solids not fat.

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(3) Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, cheese whey, concentrated cheese whey, dried cheese whey, milk proteins, or any combination of two or more of these.

(4) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, dried yolks, egg white, frozen egg white, dried egg white, or any combination of two or more of these.

(5) Sugar, invert sugar (in congealed or sirup form), light-colored brown sugar, refiner's sirup, dextrose, honey, corn sirup, glucose sirup, dried corn sirup, dried glucose sirup, nondiastatic malt sirup, nondiastatic dried malt sirup, molasses (except blackstrap molasses), or any combination of two or more of these.

(6) One or any combination of the following:

(aa) Malt sirup, dried malt sirup, malted barley flour, malted wheat flour, each of which is diastatically active.

(bb) Harmless preparations of enzymes obtained from Aspergillus oryzae or bromelain preparations obtained from pineapple, either or both of which may be added in a suitable, harmless carrier but the quantity of any such carrier shall be no greater than reasonably necessary to effect a uniform mixture of the enzymes with the flour used.

(7) Inactive dried yeast, singly or in combination, of Saccharomyces cerevisiae or Candida utilis (torula), complying with all the provisions of Section 121.1125 of 21 Code of Federal Regulations; but the total quantity thereof is not more than 2 parts for each 100 parts by weight of flour used.

(8) Harmless lactic-acid producing bacteria.

(9) Corn flour (including finely ground corn meal), potato flour, rice flour, wheat starch, cornstarch, milo starch, potato starch, sweet potato starch (any of which may be wholly or in part dextrinized), dextrinized wheat flour, soy flour, or any combination of two or more of these; but the total quantity thereof is not more than 3 parts for each 100 parts by weight of flour used.

(10) Ground dehulled soybeans, which may be heat-treated and from which oil may be removed, but which retain enzymatic activity; but the quantity thereof is not more than 0.5 part for each 100 parts by weight of flour used.

(11) Calcium sulfate, calcium lactate, calcium carbonate, dicalcium phosphate, ammonium phosphates, ammonium sulfate, ammonium chloride, or any combination of two or more of these; but the total quantity of such ingredients is not more than 0.25 part for each 100 parts by weight of flour used.

(12) Dough Conditioners; Bleaches.

(aa) Potassium bromate, calcium bromate, potassium iodate, calcium iodate, calcium peroxide, or any combination of two or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(bb) Azodicarbonamide, complying with the requirements of Section 121.1085 of 21 Code of Federal Regulations, in a carrier consisting of starch (as permitted by and complying with the limitations prescribed in subparagraph (9) of this paragraph) to which tricalcium phosphate may be added as an anticaking agent; but the total quantity of azodicarbonamide, including any quantity in the flour used, is not more than 0.0045 part for each 100 parts by weight of flour used.

(13) Sequestrants; Preservatives; Neutralizers; Buffers.

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(aa) Monocalcium phosphate, but the total quantity thereof, including the quantity in any phosphated flour used and any quantity added, is not more than 0.75 part by weight for each 100 parts by weight of flour used.

(bb) A vinegar, in a quantity equivalent in acid strength to not more than 1 pint of 100-grain distilled vinegar for each 100 pounds of flour used; or

(cc) Calcium propionate, sodium propionate, or any mixture of these, but the total quantity thereof is not more than 0.32 part for each 100 parts by weight of flour used; or

(dd) Sodium diacetate, but the quantity thereof is not more than 0.4 part for each 100 parts by weight of flour used; or

(ee) Lactic acid, in such quantity that the pH of the finished bread is not less than 4.5.

(14) Spice, with which may be included spice oil and spice extract.

(15) Calcium stearyl-2-lactylate, lactylic stearate, sodium stearyl fumarate, succinylated-monoglycerides, alone or in combination, complying with the provisions of Sections 121.1047, 121.1048, 121.1183, and 121.1195, respectively, of 21 Code of Federal Regulations; but the quantity of each is not more than 0.5 part for each 100 parts by weight of flour used.

(16) L-Cysteine (which may be added in the form of the hydrochloride salt, including hydrates thereof), in a quantity not to exceed 0.009 part for each 100 parts by weight of flour used.

Each of such foods contains not less than 62 per cent of total solids, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists", 7th edition, 1950, page 209, section 13.70, under "Total Solids in an Entire Loaf of Bread", (Ed. note, 10th edition, 1965, p. 203, section 13.077) except that if the baked unit weighs 1 pound or more, one entire unit is used for the determination and if the baked unit weighs less than 1 pound, such number of entire units as weigh 1 pound or more is used for the determination.

(b) Unit Weights Specified; Optional Gluten Ingredient; Tests

(1) Bread, white bread is baked in units each of which weighs one-half pound, one pound, one and one-half pounds or any multiple of one pound. Rolls, white rolls, and buns, white buns are baked in units each of which weighs less than one-half pound after cooling.

(2) The optional gluten ingredient referred to in paragraph (a) of this regulation is suitable wheat gluten in such quantity that for each 100 parts by weight of flour used the added gluten does not exceed 2 parts for dough used to make loaves and does not exceed 4 parts for dough used to make rolls or buns. For the purposes of this regulation "suitable wheat gluten" means gluten which is not denatured as determined by the test prescribed in this subparagraph. It is made from wheat flour from which starch has been removed by washing with water until the gluten contains not less than 75 per cent protein on a moisture-free basis. The flour used for preparing such gluten complies with the requirements of the definition and standard of identity for wheat flour in Section 15.1 of 21 Code of Federal Regulations, except that the ash content may exceed the limit specified in the standard, but may not exceed 2.3 per cent on a moisture-free basis. The ash content of the flour and the protein content of the gluten are determined by the methods prescribed in Section 15.1(c) of 21 Code of Federal Regulations. To determine whether the wheat gluten is denatured, use a laboratory sigma mixer of 1-pint capacity (Carl Heinrich Company, Boston, Massachusetts, or other mixer which will give equivalent results). With 100 milliliters of water at 25°C. in the mixer, start it operating and

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sprinkle in 30 grams of the gluten to be tested. Observe the suspension for a visual change of consistency, indicating that the gluten is beginning to agglomerate, and when this is noted, stop the mixer. If the pieces of agglomerated gluten can be combined into a single homogeneous mass of dough which shows definite elasticity and film-forming properties, the gluten is deemed not to be denatured. If the pieces cannot be so combined, put them back in the water and continue the mixing. If a dough with the properties specified in this subparagraph is not obtainable within a total mixing time of 1 hour, the gluten is deemed to be denatured.

(c) Optional Ingredients; Labeling

(1) When any optional ingredient permitted by paragraph (a)(13) of this regulation is used, except a vinegar and except monocalcium phosphate, in a quantity less than 0.25 part for each 100 parts by weight of flour, the label shall bear the statement " ..... added to retard spoilage", the blank being filled in with the name by which the ingredient used is designated in such paragraph.

(2) When an optional ingredient permitted by paragraph (a)(14) of this regulation is used, the label shall bear the statement "spiced" or "spice added" or "with added spice"; but in lieu of the word "spice" in such statements, the common or usual name of the spice may be used.

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

Agr 4252 Enriched Bread and Enriched Rolls or Enriched Buns; Identity; Label Statement of Optional Ingredients

(a) Each of the foods enriched bread, enriched rolls, enriched buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for bread by Regulation Agr 4251(a) and (c), except that:

(1) Each such food contains in each pound not less than 1.1 milligrams and not more than 1.8 milligrams of thiamine, not less than 0.7 milligrams and not more than 1.6 milligrams of riboflavin, not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacinamide and not less than 8.0 milligrams and not more than 12.5 milligrams of iron (Fe).

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 150 United States Pharmacopoeia units and not more than 750 United States Pharmacopoeia units of vitamin D.

(3) Each such food may also contain as an optional ingredient added harmless calcium salts in such quantity that each pound of the finished food contains not less than 300 milligrams and not more than 800 milligrams of calcium (Ca).

(4) Each such food may also contain as an optional ingredient wheat germ or partly defatted wheat germ; but the total quantity thereof, including any wheat germ or partly defatted wheat germ in any enriched flour used, is not more than 5 per cent of the flour ingredient.

(5) Enriched flour may be used, in whole or in part, instead of flour.

(6) The limitation prescribed by Regulation Agr 4251(a)(2) on the quantity and composition of milk and dairy ingredients does not apply. As used in this

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regulation, the term "flour", unqualified, includes bromated flour and phosphated flour; the term "enriched flour" includes enriched bromated flour. The prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph may be supplied or partly supplied through the use of enriched flour; through the direct addition of such substance under the conditions permitted by Section 15.10 of 21 Code of Federal Regulations for supplying such substance in the preparation of enriched flour; through the use of any ingredient containing such substance, which ingredient is required or permitted by Regulation Agr 4251 (a) within the limits, if any, prescribed by such regulation, as modified by subparagraph (6) of this paragraph; through the use of wheat germ; or through any two or more of such methods.

(b) Unit Weights Specified; Optional Gluten Ingredient Restricted

(1) Enriched bread is baked in units each of which weighs one-half pound, one pound, one and one-half pound or any multiple of one pound. Enriched rolls or enriched buns are baked in units each of which weighs less than one-half pound after cooling.

(2) The optional gluten ingredient described in Regulation Agr 4252(b)(2) may be added in such quantity that for each 100 parts by weight of flour used the added gluten does not exceed 2 parts for dough used to make loaves and does not exceed 4 parts for dough used to make rolls or buns.

Agr 4253 Milk Bread and Milk Rolls or Milk Buns; Identity; Label Statement of Optional Ingredients

(a) Each of the foods milk bread, milk rolls, milk buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by Regulation Agr 4251(a), (b)(2) and (c), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough or in lieu of milk one or more of the dairy ingredients prescribed in paragraph (c) of this regulation is used, with or without water, in a quantity containing not less than 8.2 parts by weight of milk solids for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used).

(2) No ingredient permitted by Regulation Agr 4251(a)(3) is used.

(b) Milk bread is baked in units each of which weighs one-half pound, one pound, one and one-half pound or any multiple of one pound. Milk rolls or milk buns are baked in units each of which weighs less than one-half pound after cooling.

(c) The dairy ingredients referred to in paragraph (a)(1) of this regulation are concentrated milk, evaporated milk, sweetened condensed milk, dried milk and a mixture of butter or cream or both with skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, sweetened condensed partly skimmed milk, nonfat dry milk or any two or more of these in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.3 times and not less than 1.2 times the weight of the milk fat therein.

Agr 4254 Raisin Bread and Raisin Rolls or Raisin Buns; Identity; Label Statement of Optional Ingredients

(a) Each of the foods raisin bread, raisin rolls, raisin buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by Regulation Agr 4251(a) and (c), except that:

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(1) Not less than 50 parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used).

(2) Water extract of raisins may be used, but not to replace raisins.

(3) The baked units may bear icing or frosting.

(4) The limitation prescribed by Regulation Agr 4251(a)(2) on the quantity and composition of dairy ingredients does not apply.

(5) In determining its total solids, instead of following the direction "Grind sample just to pass 20-mesh sieve" (Official Methods of Analysis of the Association of Official Agricultural Chemists, 7th edition, 1950, page 209, section 13.70 (Ed. Note, 9th ed., 1960, p. 170, section 13.077), under "Total Solids in an Entire Loaf of Bread") comminute the sample by passing it twice through a food chopper.

(6) The optional gluten ingredient described in Regulation Agr 4251(b)(2) may be added in such quantity that for each 100 parts by weight of flour used the added gluten does not exceed 4 parts for dough used to make loaves, rolls, or buns.

(b) Raisin bread is baked in units each of which weighs one-half pound, one pound, one and one-half pound or any multiple of one pound. Raisin rolls or raisin buns are baked in units each of which weighs less than one-half pound after cooling.

Agr 4255 Whole Wheat Bread, Graham Bread, Entire Wheat Bread and Whole Wheat Rolls, Graham Rolls, Entire Wheat Rolls or Whole Wheat Buns, Graham Buns, Entire Wheat Buns; Identity; Label Statement of Optional Ingredients

(a) Each of the foods whole wheat bread, graham bread, entire wheat bread, whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, entire wheat buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for bread, rolls and buns by Regulation Agr 4251(a) and (c), except that:

(1) The dough is made from whole wheat flour and no flour or gluten ingredient as described in Regulation Agr 4251(b)(2) is used therein.

(2) The limitation prescribed by Regulation Agr 4251(a)(2) on the quantity and composition of dairy ingredients does not apply.

(3) The total weight of calcium propionate, sodium propionate or mixtures of these used is not more than 0.38 part for each 100 parts by weight of the whole wheat flour used. As used in this regulation, the term "flour", unqualified, includes flour, enriched flour, bromated flour, enriched bromated flour and phosphated flour; the term "whole wheat flour" includes whole wheat flour and bromated whole wheat flour. The potassium bromate in any bromated whole wheat flour used shall be deemed to be an optional ingredient in the whole wheat bread or whole wheat rolls.

(b) Whole wheat bread, graham bread or entire wheat bread is baked in units each of which weighs one-half pound, one pound, one and one-half pound or any multiple of one pound. Whole wheat rolls, graham rolls, entire wheat rolls or whole wheat buns, graham buns, entire wheat buns are baked in units each of which weighs less than one-half pound after cooling.

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Agr 4257 Labeling of Bakery Products

(a) Where a bakery product is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such bakery products, such as "manufactured for and packed by .....", "distributed by ....." or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) If a person manufactures, packs or distributes a bakery product at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each bakery product was manufactured, or packed or is to be distributed, if such statement is not misleading in any particular.

(d) Bread; Labeling. Every loaf or twin loaf of bread sold within this state shall have affixed on the loaf or on the outside of the wrapper in a plain statement the weight of the loaf or twin loaf of bread, together with the name and address of the manufacturer or distributor.

(e) Additional Labeling Requirements. When bakery products are sold in package form, the labeling requirements for foods sold in package form also apply.

Agr 4258 Unit Weights, Bread, Rolls, Buns; Net Weight Construed

(a) All bread shall be baked in units each of which weighs one-half pound, one pound, one and one-half pound or any multiple of one pound. Rolls and buns shall be baked in units each of which weighs less than one-half pound after cooling.

(b) The weights specified in Agr 4251 (b) (1), 4252 (b) (1), 4253 (b), 4254 (b), 4255 (b) and 4258 (a) shall be construed to mean net weights within a period of 24 hours after baking. A variation at the rate of one ounce per pound over or one ounce per pound under the specified weight of each individual loaf shall not be a violation of the said regulations; provided, that the total weight of 25 loaves of bread of a given variety shall in no case fall below 25 times the unit weight.

Agr 4259 Definitions

(a) Bakery. A building or part thereof used in the processing, storing or selling of bakery products.

(b) Bakery Products. Products manufactured in a bakery; for example: bread, rolls, buns, cakes, cookies, crackers, doughnuts, pies, pastries, pretzels and potato chips.

(c) Processing. Steps in the manufacture or preparation of a bakery product into the final form; this may include freezing.

(d) Production Area. The room or area in which processing occurs.

(e) Product Area. The production area and all other areas where the product, ingredients, and packaging materials are handled or stored.

(f) Product Contact Surface. All surfaces which are exposed to the product or from which liquid may drain, drop or be drawn into the product.

(g) Corrosion Resistant Material. A material which is capable of resisting abrasion during ordinary use and able to maintain its surface characteristics under

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the prolonged exposure to ingredients, product, cleaning and sanitizing compounds and solutions.

(h)Commissioner. Commissioner means the commissioner of the Department of Agriculture.

(i) Perishable, Readily Perishable Food. Food or ingredients which require refrigeration at 45° F. or lower before and/or after fabrication and until sold to the consumer.

(j) Sanitize. Sanitize is to make sanitary and, for the purpose of this regulation, 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.

(k) Misbranded, Misbranding. Applies to all articles of food as described in Minnesota Statutes, Section 31.01, Subdivision 5.

(l) 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.

Agr 4260 Premises; Requirements, Satisfactory Compliance

(a) Requirements. 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.

(b) Satisfactory compliance. The premises shall be considered satisfactory when the following conditions are met:

(1) 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.

(2) The area is well drained and free of pools of water and liquid wastes.

(3) The area is free of weeds, debris and cluttered, unused equipment and material.

(4) The area is free of waste materials which are stored or handled in such a manner as to be a potential health hazard.

(5) The area is free of conditions or materials that are a harborage or breeding area for insects, rodents, birds or other animals.

(6) The approaches to receiving and shipping docks are kept clean and are maintained to minimize dust.

Agr 4261 Bakery Products and Ingredients

(a) Sanitary Condition

(1) 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 esthetic 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.

(2) Satisfactory compliance. The sanitary condition of the product and its ingredients shall be considered satisfactory when the following conditions are met:

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(aa) The ingredients are free from adulteration or are within tolerances specified by the Federal Food and Drug Administration regulations.

(bb) 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.

(cc) Production, delivery, and other handling procedures are inspected for the determination and subsequent elimination of unsanitary conditions or practices.

(dd) 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.

(b) Perishable Products

(1) Refrigeration; Protection. Bakeries shall keep perishable supplies and products in suitable refrigeration facilities, protected from contamination and adulteration and to prevent spoilage and bacterial growth.

(2) Satisfactory compliance. Refrigerated storage facilities shall be considered satisfactory when the following conditions are met:

(aa) 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.

(bb) Refrigeration facilities are clean and free of mold and objectionable odors.

(cc) Refrigeration facilities are adequate to promptly cool and keep perishable supplies and products at temperatures of 45° F. or below.

(dd) Supplies and products are stored off the floor if the product container is not moisture-proof.

(ee) Supplies and products in storage are covered or kept intact in their original containers.

(ff) Supplies are rotated so that the oldest are used first, and are arranged in an orderly, easily accessible manner.

(gg) Refrigeration facilities are equipped with a temperature indicating or recording device. This device should be accurate so that its reading is within ±2° F. of the internal product temperature.

(hh) Transportation facilities keep readily perishable products at or below 45° F.

(ii) 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.

(c) Nonperishable Products and Supplies

(1) Storage. 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.

(2) Satisfactory compliance. Dry storage facilities shall be considered adequate when the following conditions are met:

(aa) Supplies and products are stored in a sanitary manner to prevent spoilage and bacterial growth and are protected from contamination and adulteration.

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(bb) Dry storage rooms are clean, dry, well-ventilated and free of objectionable odors and vapors.

(cc) Supplies and products are covered or kept intact in their original containers.

(dd) 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 6 skids on a side.

(ee) Supplies and products are protected against damage from unfavorable temperatures and humidity.

(ff) Supplies and products are stored at least 6 inches off of the floor.

(gg) Supplies and products are rotated and are arranged in an orderly manner to make easy their inspection, cleaning, and use.

Agr 4262 Bakery Construction and Facilities

(a) Building

(1) 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.

(2) Satisfactory compliance. The construction of the building shall be considered adequate when the following conditions are met:

(aa) The building is of sound construction and furnishes adequate protection from environmental contamination such as weather elements, insects, birds, rodents and other animals.

(bb) The building is large enough to accommodate the operations without hampering sanitary practices.

(cc) The plant is maintained in good repair.

(dd) Walls, ceilings, partitions and exposed structural supports are free of flaked paint or other scaling material.

(ee) Doors, walls, partitions, ceilings and exposed structural supports are constructed of smooth, easy-to-clean material.

(ff) Walls, floors, partitions, ceilings and exposed structural supports are free of crevices or openings which may harbor rodents or insects.

(gg) Floors are smooth, easy-to-clean and do not absorb the substances that normally contact them in the course of processing and cleaning.

(hh) Wooden floors are coated with a protective compound which effectively eliminates cracks and crevices.

(ii) 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.

(jj) Drains are constructed to minimize clogging, allow for thorough drainage, prevent back flow and prevent vermin and sewage gas from entering the plant.

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(kk) 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.

(ll) Cracks at wall-floor junctures are sealed.

(mm) Walls of all utensil and equipment-washing rooms or areas have a washable, nonabsorbent surface up to the level reached by splash or spray.

(nn) Windows are intact.

(oo) 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.

(pp) Production rooms are partitioned off or are separated from the garage area and maintenance shop.

(qq) Elevated platforms or mezzanine floors are constructed to prevent contamination of equipment on the lower floor by operations conducted on the upper floor.

(rr) The bakery is separated from living quarters or rooms used for domestic purposes.

(b) Toilet and Dressing Rooms

(1) Requirements. 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 inclosed 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.

(2) Satisfactory compliance. The toilet and dressing room facilities shall be considered satisfactory when the following conditions are met:

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

(bb) Only flush-type toilets and urinals are used.

(cc) Hot and cold or warm potable water is available at the hand-washing facilities. The minimum temperature for the warm water is 100° F.; if mixer faucets are installed, the temperature of the hot water shall not exceed 130° F.

(dd) Hand soap or equivalent product and individual single-service towels are provided at or near each basin.

(ee) Waste-disposal containers of sanitary design are present.

(ff) Hand-washing signs are prominently displayed.

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(gg) 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.

(hh) 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.

Agr 4263 Lighting and Ventilation

(a) Lighting

(1) Requirement. 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.

(2) Satisfactory compliance. Lighting shall be considered satisfactory when the following conditions are met:

(aa) Production rooms are provided with a minimum of 25-foot candles of light (as is determined at a point 30 in. above the floor).

(bb) Areas where a detailed inspection of products, ingredients, processes or operations occurs are provided with a minimum of 45-foot candles of light at the point of inspection.

(cc) Storage areas and rooms are provided with a minimum of 10-foot candles of light (as is determined at a point 30 in. above the floor).

(dd) Locker rooms, toilet rooms, shower rooms and washrooms are provided with a minimum of 15-foot candles of light (as is determined at a point 30 in. above the floor).

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

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

(b) Ventilation

(1) Requirements. 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.

(2) Satisfactory compliance. Ventilation shall be considered satisfactory when the following conditions are met:

(aa) Rooms are reasonably free of undesirable odors and vapors.

(bb) Processing and packaging rooms are reasonably free of dust.

(cc) 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.

(dd) Areas where steam or hot air vapors are predominant are effectively exhaust-ventilated.

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(ee) 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.

(ff) 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.

(gg) Exhaust fan vents are equipped with screens or self-closing louvers.

Agr 4264 Control of Insects, Rodents, Birds and other Animals

(a) Requirements. 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.

(b) Satisfactory compliance. The control of insects, rodents, birds and other animals will be considered satisfactory when the following conditions are met:

(1) The establishment is free of insects, rodents, birds and other animals.

(2) The product contact area and the product area are free of insects, rodents, birds and other animals.

(3) Control programs are carried out in a safe, acceptable manner.

(4) 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.

(5) Powder forms of insecticides and rodenticides are not used inside the bakery.

(6) Poisoned bait, when used, is in liquid, granular or meal form and is contained in locked, fastened-in-place bait boxes.

Agr 4265 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 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 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.

Agr 4266 Waste Disposal

(a) Requirements. 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.

(b) Satisfactory compliance. Waste material shall be considered disposed of satisfactorily when the following conditions are met:

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(1) 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.

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

(3) Garbage is kept in suitable metal or equally nonabsorbent leak-proof receptacles.

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

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

(6) Multi-use garbage containers are thoroughly cleaned after using.

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

(8) 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.

Agr 4267 Construction and Design of Equipment and Utensils

(a) Requirements. 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.

(b) Satisfactory Compliance. Construction and design of equipment and utensils shall be considered satisfactory when the following conditions are met:

(1) Product contact surfaces are constructed of smooth, nontoxic, corrosion-resistant, odorless material.

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

(3) Equipment is positioned for easy cleaning; it is a minimum of 6 inches from the floor and 18 inches from the walls and ceiling, except such stationery 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.

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

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

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

(7) 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.

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

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(9) Equipment and utensils are used only for the purpose intended.

(10) Equipment and utensile are kept in good repair.

(11) Bakery equipment, when purchased or replaced shall be of the design, construction, materials and shall be installed as to comply with the standards of the Baking Industry Sanitation Standards Committee as follows:

"Baking Industry Sanitation Standards Committee Equipment Standards: Standard No.

1. Flour Handling Equipment, December 1, 1952, as revised to become effective on March 1, 1962.

2. Dough Troughs, February 1, 1953, as revised to become effective on April 1, 1967.

3. Mechanical Intermediate Proofers, February 1, 1953, as revised to become effective on June 1, 1967.

4. Pan, Rack and Utensil Washers & Industrial Sinks, July 1, 1953.

5. Cake Depositors, Fillers and Icing Machines, March 1, 1954, as revised to become effective on October 1, 1967.

6. Horizontal Mixers and Vertical Mixers, November 1, 1954, as revised to become effective on January 1, 1968.

7. Conveyors, November 1, 1954, as revised to become effective on October 1, 1967.

8. Dividers, Rounders and Bun Machines, January 1, 1956, as revised to become effective on January 1, 1968.

9. Bread Moulders, January 1, 1956, as revised to become effective on October 1, 1967.

10. Prefabricated Enclosures and Air Conditioning Equipment for Fermentation, Proofing, Cooling and Retarding, January 1, 1956, as revised to become effective on April 1, 1967.

11. Ingredient Water Coolers and Ice Makers (Atmospheric Type), January 1, 1956, as revised to become effective on January 1, 1968.

12. Coating Equipment, March 1, 1958, as revised to become effective on January 1, 1968.

13. Bread, Cake and Roll Slicing, Wrapping and Bagging Machines, February 1, 1959, as revised to become effective on October 1, 1967.

14. Mechanical Ovens, February 1, 1959, as revised to become effective on January 1, 1968.

15. Caster Assemblies and Wheels, June 1, 1967.

16. Doughnut Equipment, October 1, 1959.

17. Pan Greasers, July 1, 1960, as revised to become effective on October 1, 1967.

18. Emulsifiers and Homogenizers, February 1, 1960, as revised to become effective on January 1, 1968.

19. Spindle Mixers, February 1, 1961, as revised to become effective on January 1, 1968.

20. Liquid Ferment and Continuous Mix Processing Equipment, March 1, 1962, as revised to become effective on January 1, 1968.

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21. Dough Chutes, Dough Hoppers, Dough Trough Hoists and Automatic Dough Trough Dumps, March 1, 1962.

22. Depanners and Delidders for Bakery Products, March 1, 1963, as revised to become effective on June 1, 1967.

23. Floor Scales and Ingredient Scales, September 1, 1963, as revised to become effective on January 1, 1968.

24. Racks, Pan Trucks, Dollies, Skids and Reusable Pallets, February 1, 1959, as revised to become effective on January 1, 1968.

25. Kettles and Kettle Agitators, June 1, 1967.

26. Liquid Measuring Systems, June 1, 1967.

27. Facilities for Handling and Storing Refined Liquid and Dry Sweetening Products as revised to become effective on January 1, 1968.

Agr 4268 Cleaning and Sanitizing

(a) Requirements. 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.

(b) Satisfactory compliance. Cleaning and sanitizing procedures shall be considered satisfactory when the following conditions are met:

(1) Equipment is cleaned at frequencies necessary to prevent contamination of the product.

(2) A dust-free method of cleaning is used wherever possible.

(3) Production areas are kept reasonably clean during operations.

(4) Production wastes are removed at least daily from processing areas.

(5) Sifters are cleaned at least once a week.

(6) Flour-handling equipment and equipment housings that remain dry and structural surfaces are cleaned at least once every 4 weeks or more frequently when necessary to remove accumulations.

(7) Product contact surfaces and equipment housings that get wet are cleaned daily.

(8) Cleaning schedules for equipment and the general product area are available on request to the inspector.

(9) 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.

(10) Cleanup personnel are trained in the proper methods of cleaning and in the effective utilization of the necessary cleaning, and sanitizing materials and equipment.

(11) 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.

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Agr 4269 Health and Hygiene Practices of Personnel

(a) Requirements. 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.

(b) Satisfactory compliance. Health and hygiene practices of personnel shall be considered satisfactory when the following conditions are met:

(1) Personnel wear clean, washable, light-colored outer working garments.

(2) Personnel wear suitable head coverings.

(3) Personnel do not wear fingernail polish or costume jewelry.

(4) Gloves are kept in a sanitary condition.

(5) Clothing, shoes, boots and other personal effects are not stored in processing rooms.

(6) Production employees keep their hands clean and fingernails trimmed and clean; they wash their hands before starting to work and again after each interruption.

(7) 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.

(8) Personnel affected with or carriers of communicable or infectious diseases are excluded from all product areas.

Agr 4270-4300—Reserved for future use

Filed 11-14-45; 4-9-54; 5-19-58; 8-18-67.

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CHAPTER 130: AGR 4301-4325
DRESSINGS FOR FOODS

Agr 4301 Mayonnaise, Mayonnaise Dressing; Identity; Label Statement of Optional Ingredients

(a) Mayonnaise, mayonnaise dressing, is the emulsified semisolid food prepared from edible vegetable oil, one or both of the acidifying ingredients specified in paragraph (b) of this regulation and one or more of the egg-yolk-containing ingredients specified in paragraph (c) of this regulation. It may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice or any spice oil or spice extract, except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the mayonnaise a color simulating the color imparted by egg yolk.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations), provided it does not impart to the mayonnaise a color simulating the color imparted by egg yolk. Mayonnaise may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. Mayonnaise contains not less than 65 per cent by weight of vegetable oil.

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

(1) Any vinegar or any vinegar diluted with water to an acidity, calculated as acetic acid, of not less than (2) ½ per cent by weight or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 per cent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated or dried form or any one or more of these diluted with water to an acidity, calculated as citric acid, of not less than two (2) ½ per cent by weight.

(c) The egg-yolk-containing ingredients referred to in paragraph (a) of this regulation are: liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs or any one or more of the foregoing with liquid egg white or frozen egg white.

(d) Optional Ingredients, Labeling

(1) When the additional optional acidifying ingredient as provided in paragraph (b)(1) of this regulation is used, the label shall bear the statement "Citric acid added" or "With added citric acid".

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

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Agr 4302 French Dressing; Identity; Label Statement of Optional Ingredients

(a) French dressing is the separable liquid food or the emulsified viscous fluid food prepared from edible vegetable oil and one or both of the acidifying ingredients specified in paragraph (b) of this regulation. It may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice or spice oil or spice extract.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations).

(6) Tomato paste, tomato puree, catsup, sherry wine. French dressing may be emulsified. Subject to the conditions hereinafter prescribed, one or both of the optional emulsifying ingredients specified in paragraph (c)(1) and (2) of this regulation may be added. French dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. French dressing contains not less than 35 per cent by weight of vegetable oil.

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

(1) Any vinegar or any vinegar diluted with water or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 per cent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated or dried form or any one or more of these diluted with water.

(c) The optional emulsifying ingredients referred to in paragraph (a) of this regulation are:

(1) Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose or any mixture of two (2) or more of these.

(2) Liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs or any one or more of these with liquid egg white or frozen egg white. For the purpose of this paragraph, the quantity of egg-yolk-containing ingredient is calculated as the weight of the egg-yolk solids contained therein. The quantity of any such emulsifying ingredient or mixture used amounts to not more than 0.75 per cent by weight of the finished French dressing.

(d) Optional Ingredients, Labeling

(1) When the additional optional acidifying ingredient as provided in paragraph (b)(1) of this regulation is used, the label shall bear the statement "Citric acid added" or "With added citric acid". When an optional emulsifying ingredient as provided in paragraph (c)(1) of this regulation is used, the label shall bear the statement " ..... added" or "With added .....", the blank being filled in with the common name or names of the emulsifying ingredient or mixture of emulsifying ingredients used, as specified in paragraph (c)(1) of

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this regulation; or, alternatively, with the words "algin derivative", if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya or gum tragacanth, is used; or with the words "vegetable gums" if two or more such vegetable gums are used. Label statements specified in this paragraph for declaring the presence of optional ingredients may be combined as for example, "with added citric acid and sodium carboxymethylcellulose".

(2) Wherever the name "French Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in subparagraph (1) of paragraph (d), showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

Agr 4303 Salad Dressing; Identity; Label Statement of Optional Ingredients

(a) Salad dressing is the emulsified semisolid food prepared from edible vegetable oil, one or both of the acidifying ingredients specified in paragraph (b) of this regulation, one or more of the egg-yolk-containing ingredients specified in paragraph (c) of this regulation and a cooked or partly cooked starchy paste prepared with a food starch, tapioca flour, wheat flour, rye flour or any two or more of these. In the preparation of such starchy paste water may be added. Salad dressing may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice or any spice oil or spice extract, except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the salad dressing a color simulating the color imparted by egg yolk.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations), provided it does not impart to the salad dressing a color simulating the color imparted by egg yolk. Subject to the conditions hereinafter prescribed, one or more of the optional emulsifying ingredients specified in paragraph (d) of this regulation may be added. Salad dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. Salad dressing contains not less than 30 per cent by weight of vegetable oil and not less egg-yolk-containing ingredient than is equivalent in egg-yolk solids content to four (4) per cent by weight of liquid egg yolks.

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

(1) Any vinegar or any vinegar diluted with water or any such vinegar or diluted vineger mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 per cent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated or dried form or any one or more of these diluted with water.

(c) The egg-yolk-containing ingredients referred to in paragraph (a) of this regulation are: liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen

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whole eggs or any one or more of the foregoing with liquid egg white or frozen egg white.

(d) The optional emulsifying ingredients referred to in paragraph (a) of this regulation are: gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose or any mixture of two or more of these. The quantity used of any such emulsifying ingredient or mixture amounts to not more than 0.75 per cent by weight of the finished salad dressing.

(e) Optional Ingredients, Labeling

(1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this regulation is used, the label shall bear the statement "Citric acid added" or "with added citric acid". When an optional emulsifying ingredient as provided in paragraph (d) of this regulation is used, the label shall bear the statement ".....added" or "with added.....", the blank being filled in with the common name or names of the emulsifying ingredient or mixture of emulsifying ingredients used, as specified in paragraph (d) of this regulation; or, alternatively, with the words "algin derivative", if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya or gum tragacanth, is used; or with the words "vegetable gums", if two or more such vegetable gums are used. Label statements specified in this paragraph for declaring the presence of optional ingredients may be combined, as for example, "with added citric acid and sodium carboxymethylcellulose".

(2) Wherever the name "Salad Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in paragraph (e) (1) showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

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CHAPTER 131: AGR 4326-4350

FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4326 Fruit Butter; Identity; Label Statement of Optional Ingredients

(a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semisolid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in paragraph (b) (1) of this regulation) of one or any combination of two, three, four or five of the optional fruit ingredients specified in paragraph (c) of this regulation to each two parts by weight (see paragraph (e) (1) of this regulation) of one of the optional saccharine ingredients specified in paragraph (d) of this regulation, except that the use of such saccharine ingredient is not required when optional ingredient five (5) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring (other than artificial flavoring).

(3) Salt.

(4) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid or any combination of two or more of these. Such mixture may also contain the optional ingredient:

(5) Fruit juice or diluted fruit juice or concentrated fruit juice, in a quantity not less than ½ the weight of the optional fruit ingredient. Such mixture is concentrated by heat to such point that the soluble-solids content of the finished fruit butter is not less than 43 per cent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists", 7th edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades and Preserves—First Action", except that no correction is made for water-insoluble solids.

(b) Optional Fruit Ingredient, Weight Determination

(1) Any requirement of the regulation with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated or diluted, means the weight determined by the following method:

Determine the per cent of soluble solids in the optional fruit ingredient by the method prescribed for determining soluble solids in paragraph (a) of this regulation; multiply the per cent so found by the weight of such ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in paragraph (c) of this regulation. The result is the weight of the optional fruit ingredient.

(2) For the purposes of this regulation, the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient (a) (5)) from a fruit specified in paragraph (c) of this regulation is the weight of such juice, as determined by the method prescribed in paragraph (b) (1) of this regulation, except that the per cent of soluble solids is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists", 7th edition, page 495, under "Solids by Means of Refractometer—Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

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(c) Each of the optional fruit ingredients referred to in paragraph (a) of this regulation is prepared by cooking one of the following fresh, frozen, canned and/or dried (evaporated mature fruits, with or without added water, and screening out skins, seeds, pits and cores:

Factor referred to in paragraph (b) (1) of this regulation

Name of fruit:

Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

In any combination of two, three, four or five fruit ingredients, the weight of each is not less than ⅛ of the weight of the combination.

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

(1) Sugar.

(2) Invert sugar sirup.

(3) Brown sugar.

(4) Invert brown sugar sirup.

(5) Honey.

(6) Any combination of two or more of optional saccharine ingredients (1), (2), (3) and (4).

(7) Any combination of dextrose and optional saccharine ingredient (1), (2), (3), (4) or (6).

(8) Any combination composed of corn sirup, dried corn sirup, glucose sirup or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), (4), (6) or (7), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup or the sum of the weight of the solids of corn sirup, dried corn sirup and glucose sirup, in case two or more of these are used, doees not exceed ¾ of the total weight of the solids of the combined saccharine ingredients.

(9) Any combination of honey and optional saccharine ingredient (1), (2), (3), (4), (6) or (7), in which the weight of the solids of each component except honey is not less than 1/10 of the weight of the solids of such combination and the weight of honey solids is not less than ⅝ of the weight of the solids of such combination.

(e) For the purpose of this regulation:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

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(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 per cent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "invert brown sugar sirup" means a sirup made by inverting or partly inverting brown sugar.

(5) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each fruit butter for which a definition and standard of identity is prescribed by this regulation is as follows:

(1) In case the fruit butter is made from a single fruit ingredient, the name is "Butter", preceded by the name whereby such fruit is designated in paragraph (c) of this regulation.

(2) In case the fruit butter is made from a combination of two, three, four or five fruit ingredients, the name is "Butter" preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in paragraph (c) of this regulation, in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(g) Optional Ingredients, Labeling

(1) When optional ingredient (a) (1) of this regulation is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (2) of this regulation is used, the label shall bear the statement "flavoring added" or "with added flavoring". The word "flavoring" in such statements may be preceded by the common name of the kind of flavoring used.

(3) When optional ingredient (a) (5) of this regulation is used, the label shall bear the words "prepared with ..... juice", the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used, the word "cider" may be used in lieu of "apple juice".

(4) When optional saccharine ingredient (d) (5) of this regulation is used, the label shall bear the statement "prepared with honey".

(5) When optional saccharine ingredient (d) (9) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this regulation, in the order of predominance, if any, of the weights of such components in the combination. Such name shall be preceded by the words "prepared with".

(6) When optional saccharine ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "prepared from" or "prepared in part from", as the case may be, followed by the word "evaporated" or "dried", followed by the name whereby such fruit is designated in paragraph (c) of this regulation. When two or more such optional fruit ingredients are used, such

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names, each preceded by the word "evaporated" or "dried", shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(7) When a combination of two, three, four or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter", the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in paragraph (c) of this regulation, in the order of predominance, if any, of the weights of such ingredients in the combination.

(8) The label statements required by subparagraphs (1) and (2) of paragraph (g) may be combined, as for example, "cinnamon oil and cloves added". The label statements required by two or more of subparagraphs (3), (4), (5), (6) and (7) of paragraph (g) may be combined, as for example, "prepared with cider, apples, dried prunes and honey".

(h) Whenever the names specified in paragraph (f) of this regulation appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this regulation, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene.

Agr 4327 Fruit Jelly; Identity; Label Statement of Optional Ingredients

(a) The jellies for which definitions and standards of identity are prescribed by this regulation are the jelled foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in paragraph (b) of this regulation) of one or any combination of two, three, four or five of the fruit juice ingredients specified in paragraph (c) of this regulation to each 55 parts by weight (see paragraph (e)(1) of this regulation) of one of the optional saccharine ingredients specified in paragraph (d) of this regulation. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(4) Sodium citrate, sodium potassium tartrate or any combination of these in a quantity the proportion of which is not more than three (3) ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(6) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished jelly is not less than 65 per cent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists", 7th edition, page 495, under "Solids by Means of Refractometer—Official".

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(b) Any requirement of this regulation with respect to the weight of any fruit juice ingredient, whether concentrated, unconcentrated or diluted, means the weight determined by the following method: Determine the per cent of soluble solids in such fruit juice ingredient by the method of soluble solids referred to in paragraph (a) of this regulation; multiply the per cent so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (c) of this regulation. The result is the weight of the fruit juice ingredient.

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this regulation is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned.

Name of fruit:	Factor referred to in paragraph (b) of this regulation
Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, logenberry and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0
Loganberry	9.5
Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage and prune)	7.0
Pomegranate	5.5
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	9.5
Strawberry	12.5
Youngberry	10.0

In any combination of two, three, four or five of such fruit juice ingredients the weight of each is not less than ⅛ of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

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

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2) or (3).

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3) or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup or the sum of the weights of the solids of corn sirup, dried corn sirup and glucose sirup, in case two or more of these are used, does not exceed ¼ of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2) or (3), in which the weight of the solids of each component except honey is not less than 1/10 of the weight of the solids of such combination and the weight of honey solids is not less than 2/5 of the weight of the solids of such combination.

(e) For the purposes of this regulation:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar syrup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 per cent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each jelly for which a definition and standard of identity is prescribed by this regulation is as follows:

(1) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly", preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in paragraph (c) of this regulation.

(2) In case the jelly is made with a combination of two, three, four or five fruit juice ingredients, the name is "Jelly", preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (c) of this regulation, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

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(g) Optional Ingredients, Labeling

(1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a)(5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid" or "sodium benzoate and benzoic acid", as the case may be, followed by the words "added as preservative".

(3) When optional ingredient (a)(6) is used, the label shall bear the statement "flavoring and artificial coloring added" or "with added flavoring and artificial coloring". The word "flavoring" in such statement may be preceded by the word "mint".

(4) When optional saccharine ingredient (d)(7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this regulation, in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "prepared with".

(5) When optional saccharine ingredient (d)(6) is used, the label shall bear the statement "prepared with honey".

(6) When a combination of two, three, four or five fruit juice ingredients is used, and the jelly is designated on its label by the word "Jelly", preceded or followed by the words "Mixed Fruit", the label shall bear the names of synonyms whereby such fruits are designated in paragraph (c) of this regulation, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(h) Wherever the name specified in paragraph (f) of this regulation appears on the label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

Agr 4328 Preserves, Jams; Identity; Label Statement of Optional Ingredients

(a) The preserves or jams for which definitions and standards of identity are prescribed by this regulation are the viscous or semisolid foods each of which is made from a mixture composed of not less than 45 parts by weight (see paragraph (c) of this regulation) of one of the fruit ingredients specified in paragraph (b) of this regulation to each 55 parts by weight (see paragraph (e) (1) of this regulation) of one of the optional saccharine ingredients specified in paragraph (d) of this regulation. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit ingredient.

(4) Sodium citrate, sodium potassium tartrate or any combination of these, in a quantity the proportion of which is not more than three (3) ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

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(5) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative. Such mixture, with or without added water, is concentrated by heat to such point that the soluble-solids content of the finished preserve is not less than 68 per cent if the fruit ingredient is specified in Group I of paragraph (b) of this regulation, and not less than 65 per cent if the fruit ingredient is specified in Group II of paragraph (b) of this regulation. The soluble-solids content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists", 7th Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades and Preserves—First Action", except that no correction is made for water-insoluble solids.

(b) The fruit ingredients referred to in paragraph (a) of this regulation are the following mature, properly prepared fruits which are fresh, frozen and/or canned:

GROUP I

Blackberry (other than dewberry)	Huckleberry
Black raspberry	Loganberry
Blueberry	Orange
Boysenberry	Pineapple
Cherry	Raspberry, red raspberry
Crabapple	Rhubarb
Dewberry (other than boysenberry, loganberry and youngberry)	Strawberry
	Tangerine
Elderberry	Tomato
Grape	Yellow tomato
Grapefruit	Youngberry

Any combination of two, three, four or five of such fruits in which the weight of each is not less than ⅛ of the weight of the combination; except that the weight of pineapple may be not less than 1/10 of the weight of the combination.

GROUP II

Apricot	Peach
Cranberry	Pear
Damson, damson plum	Plum (other than greengage plum and damson plum)
Fig	Quince
Gooseberry	Red currant, currant (other than black currant)
Greengage, greengage plum	
Guava	
Nectarine	

Any combination of two, three, four or five of such fruits or one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than ⅛ of the weight of the combination; except that the weight of pineapple may be not less than 1/10 of the weight of the combination. Any combination of apple and one, two, three or four of the individual fruits specified in this group or Group I in which the weight of each is not less than ⅛, and the weight of apple is not more than ½, of the weight of the combination; except that the weight of pineapple may be not less than 1/10 of the weight of the combination. In any combination of two, three, four or five fruits, each such fruit is an optional ingredient. For the purposes of this regulation, the word "fruit" includes the vegetables specified in paragraph (b).

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(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits or fruit ingredient means:

(1) The weight of fruit exclusive of the weight of any sugar, water or other substance added for any processing or packing or canning, or otherwise added to such fruit;

(2) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores or other parts, the weight of such fruit, exclusive of the weight of all such substances removed therefrom; and

(3) In the cases of apricots, cherries, grapes, nectarines, peaches and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit, exclusive of the weight of such pits and seeds.

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

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combinations composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2) or (3).

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3) or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup or the sum of the weights of the solids of corn sirup, dried corn sirup and glucose sirup, in case two or more of these are used, does not exceed ¼ of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2) or (3), in which the weight of the solids of each component except honey is not less than 1/10 of the weight of the solids of such combination and the weight of honey solids is not less than 2/5 of the weight of the solids of such combination.

(e) For the purposes of this regulation:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 per cent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each preserve or jam for which a definition and standard of identity is prescribed by this regulation is as follows:

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(1) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam", preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this regulation.

(2) If the fruit ingredient is a combination of two, three, four or five fruits, the name is "Preserve" or "Jam", preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this regulation, in the order of predominance, if any, of the weights of such fruits in the combination.

(g) Optional Ingredients, Labeling

(1) When optional ingredient (a)(1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a)(5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid" or "sodium benzoate and benzoic acid", as the case may be, followed by the words "added as preservative".

(3) When optional saccharine ingredient (d)(7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this regulation, in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "prepared with".

(4) When optional saccharine ingredient (d)(6) is used, the label shall bear the statement "prepared with honey".

(5) When the fruit ingredient is a combination of two, three, four or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam", preceded or followed by the words "Mixed Fruit", the label shall bear the names or synonyms whereby such fruits are designated in paragraph (b) of this regulation, in the order of predominance, if any, of the weights of such fruits in the combination.

(h) Wherever the name specified in paragraph (f) of this regulation appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that the varietal name of the fruit used in preparing such preserve may so intervene.

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CHAPTER 132: AGR 4351-4400

FRESH FRUITS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4351 Fruit. Fruit is the clean, sound, edible, fleshy fructification of a plant and is characterized by its sweet, acid and/or ethereal flavor.

Agr 4352 Fresh Fruit. Fresh fruit is fruit which has undergone no material change other than ripening since the time of gathering.

Agr 4353 Grapefruit, Pomelo. Grapefruit, Pomelo, is the sound, mature fruit of Citrus Grandis Osbeck. The juice of the mature fruit contains not less than seven (7) parts of soluble solids to each part of acid calculated as citric acid without water of crystallization.

Agr 4354 Orange. Orange (common sweet, or round) is the sound, mature fruit of Citrus Sinensis Osbeck. The juice of the mature fruit contains not less than eight (8) parts of soluble solids to each part of acid calculated as citric acid without water of crystallization.

Agr 4355 Dried Fruit

Dried fruit is the clean, sound product resulting from the evaporation of the greater portion of the water from properly prepared fresh fruit.

(a) The term "sundried" is commonly used to designate the product dried without the use of artificial heat.

(b) The terms "evaporated" and "dehydrated" are commonly used to designate the product dried by the use of artificial heat.

Agr 4356 Evaporated Apples. Evaporated apples are peeled, cored and sliced apples from which the greater portion of the moisture has been evaporated. The finished product contains not more than 24 per cent of moisture.

Agr 4357 Dried Apricots. Dried apricots are halved and pitted ripe apricots from which the greater portion of the moisture has been evaporated. Before packing, the dried fruit is commonly processed by washing. The finished product contains not more than 26 per cent of moisture.

Agr 4358 Dried Peaches. Dried peaches are halved and pitted ripe peaches from which the greater portion of the moisture has been evaporated. Before packing, the dried fruit is commonly processed by washing. The finished product contains not more than 26 per cent of moisture.

Agr 4359 Dried Prunes. Dried prunes are whole, ripe prune plums from which the greater portion of the moisture has been evaporated. Before packing, the dried fruit is commonly processed by treatment with boiling water or steam. The finished product contains, in the fleshy portion, not more than 25 per cent of moisture.

Agr 4360 Cold-pack Fruit. "Cold-pack" fruit is the clean, sound product obtained by packing, in a suitable container, properly prepared fresh fruit, with or without the addition of sugar (sucrose) and maintaining it at temperature sufficiently low to insure its preservation.

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Agr 4361 Fruit Juice. Fruit juice is the clean, unfermented liquid obtained from the first pressing of sound, ripe, fresh fruit or of its pulp, and conforms in name to the fruit from which it is obtained.

Agr 4362 Grape Juice. Grape juice is the clean, unfermented juice of sound, ripe grapes. It is obtained by a single pressing of the fruit, with or without the aid of heat and with or without the removal of insoluble matter.

Agr 4363 Orange Juice. Orange juice is the clean, unfermented juice obtained from sound, ripe, sweet oranges. It may contain a portion of the pulp and/or of the volatile oil.

Agr 4364-4400 Reserved for future use.

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Chapter 133: AGR 4401-4425

FRESH VEGETABLES AND RELATED PRODUCTS;
DEFINITIONS AND STANDARDS OF IDENTITY

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Agr 4401 Vegetables. Vegetables are the succulent, clean, sound edible parts of herbaceous plants used for culinary purposes.

Agr 4402 Dried vegetables. Dried vegetables are the clean, sound products made by drying properly matured and prepared vegetables in such a way as to take up no harmful substance and conform in name to the vegetables used in their preparation; sun-dried vegetables are dried vegetables made by drying without the use of artificial means; evaporated vegetables are dried vegetables made by drying with the use of artificial means.

Agr 4403 Pickles and pickled vegetables; standards of identity; labeling.

(a) Pickles. Pickles are the clean, sound, properly prepared cucumbers which may or may not have been subjected to fermentation and curing in salt brine, and which are safely and suitably preserved in an acetic or lactic acid solution to which may have been added other vegetables, spices, flavorings, salt, turmeric, natural sweeteners, or other food additives or natural or artificial color additives for food as provided for by the Federal Food, Drug and Cosmetic Act, as amended, and as specified in Title 21, Code of Federal Regulations, Part 121 and Part 8, as revised, and in accordance with the state law. This definition does not include salt pickles as described in Regulation Agr 4404.

(b) Pickled vegetables. Pickled vegetables are vegetables other than cucumbers prepared as described under paragraph (a) above, and conform in name to the vegetable used.

(c) Labeling. The labels for such pickles and pickled vegetables, in addition to all other information required by Minnesota food law and regulation, shall bear a list of ingredients in the descending order of predominance; provided, that spices, flavorings and colorings may be designated as spices, flavorings and colorings without naming each, and preservatives, if used, shall be listed by their common or usual names in one of the following qualifying statements: "_____, added as a preservative", or "_____, a preservative", or "preserved with _____", the blank to contain the name of the preservative used.

Agr 4404 Salt pickles. Salt pickles are clean, sound, immature cucumbers, preserved in a solution of common salt, with or without spices.

Agr 4405 Sweet pickles. Sweet pickles are pickled cucumbers or other vegetables sweetened with sugar, dextrose, corn sirup or corn sirup solids.

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Agr 4406 Sauerkraut; standard of identity; labeling.

(a) Sauerkraut. Sauerkraut is the clean, sound product of characteristic acid flavor, obtained by the full fermentation, chiefly lactic, of properly prepared and shredded cabbage in the presence of not less than two (2) per cent nor more than three (3) per cent of salt. It contains upon completion of the fermentation, not less than one (1) per cent of acid, expressed as lactic acid, to which may be added additional lactic acid, peppers, pickled vegetables, spices, flavorings, salt, and other food additives as provided by the Federal Food, Drug and Cosmetic Act, as amended, and as specified in Title 21, Code of Federal Regulations, Part 121, as revised in accordance with the Administrative Procedure Act.

(b) Labeling. The label for sauerkraut, in addition to all other information required by Minnesota food law and regulation, shall bear a list of ingredients in descending order or predominance; provided, that spices and flavorings may be designated as spices and flavorings without naming each, and preservatives, if used, shall be listed by their common or usual names in one of the following qualifying statements: "_____, added as a preservative", or "_____, a preservative", or "preserved with _____", the blank to contain the name of the preservative used.

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CHAPTER 134: AGR 4426-4475

SUGAR AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4426 Sugar. Sugar is the product chemically known as sucrose (saccharose), chiefly obtained from sugar cane, sugar beets, sorgham, maple and palm.

Agr 4427 Granulated, Loaf, Cut, Milled and Powdered Sugars. Granulated, loaf, cut, milled and powdered sugars, are different forms of sugar and contain at least 99.5 per cent of sucrose.

Agr 4428 Maple Sugar, Maple Concrete. Maple sugar, maple concrete, is the solid product resulting from the evaporation of maple sap or maple sirup.

Agr 4429 Massecuite, Melada, Mush Sugar and Concrete. Massecuite, melada, mush sugar and concrete, are products made by evaporating the purified juice of a sugar-producing plant or a solution of sugar to a solid or semi-solid consistence and in which the sugar chiefly exists in a crystalline state.

Agr 4430 Molasses. Molasses is the product left after separating the sugar from massecuite, melada, mush sugar or concrete and contains not more than 25 per cent of water and not more than five (5) per cent of ash.

Agr 4431 Refiners' Sirup, Treacle. Refiners' sirup, treacle, is the residual liquid product obtained in the process of refining raw sugars and contains not more than 25 per cent of water and not more than eight (8) per cent of ash.

Agr 4432 Sirup. Sirup is the sound product made by purifying and evaporating the juice of a sugar-producing plant without removing any of the sugar.

Agr 4433 Sugar-Cane Sirup. Sugar-cane sirup is sirup made by the evaporation of the juice of the sugar-cane or by the solution of sugar-cane concrete and contains not more than 30 per cent of water and not more than 2.5 per cent of ash.

Agr 4434 Sorghum Sirup. Sorghum sirup is the sirup obtained by the clarification and concentration of the juice of the sugar sorghum and contains not more than 30 per cent of water nor more than 6.25 per cent of ash calculated on a dry basis.

Agr 4435 Maple Sirup. Maple sirup is sirup made by the evaporation of maple sap or by the solution of maple concrete and contains not more than 35 per cent of water and weighs not less than 11 pounds to the gallon (231 cu. in.).

Agr 4436 Sugar Sirup. Sugar sirup is the product made by dissolving sugar to the consistency of a sirup and contains not more than 35 per cent of water.

Agr 4437 Dextrose. Dextrose is a crystalline sugar made by hydrolyzing starch of a starch-containing substance until a greater part of the starch is converted into dextrose. The nondextrose materials are removed after crystallization. Dextrose appears in commerce in two forms, the anhydrous and hydrous. The former is crystallized without water of crystallization and contains not less than 99 per cent dextrose and not more than .05 per cent ash. The latter, crystallized with water of crystallization, contains not less than 90 per cent dextrose and not more than .10 per cent ash. The ash consists chiefly of sodium chloride.

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Agr 4438 Corn Sirup. Corn sirup is a viscous noncrystallizing solution produced by the partial hydrolysis of corn starch, the conversion being accomplished by the use of one of or a combination of acid, alkaline or enzymatic catalysis. The degree of conversion is indicated by the percentage of reducing sugars calculated as dextrose on a solids basis and referred to as dextrose equivalent (D.E.). The D.E. of commercial corn sirup will range between 24 and 70. The moisture of corn sirup depends upon the dextrose equivalent and the degree of concentration. It is usually offered at concentrations of 41 to 46 degrees Baume, reported at 100°F. or it may be offered in a dry form under the name of corn sirup solids. Corn sirup is relatively free from color, odor or flavor and contains not more than 0.50 per cent ash.

Agr 4439 Candy. Candy is a product made from a saccharine substance or substances, with or without the addition of harmless coloring, flavoring or filling materials, and contains no terra alba, barytes, talc, chrome yellow or other mineral substances or poisonous colors or flavors or other ingredients deleterious or detrimental to health or any vinous, malt or spirituous liquor or compound or narcotic drug.

Agr 4440-4475 Reserved for future use

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CHAPTER 135: AGR 4476-4490

TEA AND COFFEE; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4476 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 (4) per cent nor more than seven (7) per cent of ash; and meets the provisions of the act of Congress approved March 2, 1897, as amended, regulating the importation and inspection of tea.

Agr 4477 Coffee. Coffee is the seed of cultivated varieties of Coffea arabica, C. liberica and C. robusta.

(a) 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.

(b) Roasted coffee, "coffee", is properly cleaned green coffee which by the action of heat (roasting), has become brown and has developed its characteristic aroma.

Agr 4478-4490 Reserved for future use

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CHAPTER 136: AGR 4491-4550

EDIBLE VEGETABLE OILS AND FATS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4491 Edible Fats and Edible Oils. Edible fats and edible oils are such glycerids of the fatty acids as are recognized to be wholesome foods. They are dry and sweet in flavor and odor.

Agr 4492 Cacao Fat, Cocoa Fat. Cacao fat, cocoa fat, is edible fat obtained from sound cacao beans (seed of Theobroma cacao L. or other closely related species), either before or after roasting.

Agr 4493 Coconut Oil, Copra Oil. Coconut oil, copra oil, is the edible oil obtained from the kernels of the coconut (Cocos mucifera L. or Cocoa butyracea L.).

Agr 4494 Cochin Oil. Cochin oil is coconut oil prepared in Cochin (Malabar).

Agr 4495 Ceylon Oil. Ceylon Oil is coconut oil prepared in Ceylon.

Agr 4496 Corn Oil, Maize Oil. Corn oil, maize oil, is the edible oil obtained from the germ of Indian corn, maize (Zea mays L.).

Agr 4497 Cottonseed Oil. Cottonseed oil is the edible oil obtained from the seed of the cotton plant (Gossypium herbaceum L.) or from the seed of other species of Gossypium.

Agr 4498 Olive Oil, Sweet Oil. Olive oil, sweet oil, is the edible oil obtained from the sound, mature fruit of the olive tree (Olea europaea L.).

Agr 4499 Palm Kernel Oil. Palm kernel oil is the edible oil obtained from the kernel of the fruit of the palm tree (Elaeis guineensis L. or Elaeis melanococca Gart).

Agr 4500 Peanut Oil, Arachis Oil, Earthnut Oil. Peanut oil, arachis oil, earthnut oil, is the edible oil obtained from the peanut (Arachis phpogaea L.).

Agr 4501 Poppy Seed Oil. Poppy seed oil is the edible oil obtained from the seeds of the poppy (Papaver somniferum L.).

Agr 4502 Rapeseed Oil, Rape Oil, Colza Oil. Rapeseed oil, rape oil, colza oil, is the edible oil obtained from the seed of the rape plant (Brassica napus L.), or from the seed of closely related Brassica species, which yield oils similar in composition and character to the oil obtained from the seed of Brassica papus L.

Agr 4503 Soybean Oil, Soy Oil, Soja Oil. Soybean oil, soy oil, soja oil, is the edible oil obtained from the seed of the soy bean plant (Soja max. (L.) Piper, Glycine soja Sieb, 7 Zucc.;—Soja hispida Moench).

Agr 4504 Sesame Oil, Gingili Oil, Teel Oil, Benne Oil. Sesame oil, gingili oil, teel oil, benne oil, is the edible oil obtained from the seed of the sesame plant (Sesamum indicum, De. Candolle; Sesamum radiatum, Schum and Thonn; Sesamum orientale L.).

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Agr 4505 Sunflower Oil. Sunflower oil is the edible oil obtained from the seed of the sunflower (Helianthus annuus L.).

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CHAPTER 137: AGR 4551-4625

SPICES AND CONDIMENTS; DEFINITIONS AND STANDARDS OF IDENTITY

As used in the following schedule, the term "dried" refers to the air-dried product and the term "starch" refers to starch as determined by the official diastase method of the Association of Official Agricultural Chemists.

Agr 4551 Spices. Spices are aromatic vegetable substances, used for the seasoning of food. They are clean, sound and true to name and from them no portion of any volatile oil or other flavoring principle has been removed.

Agr 4552 Allspice, Pimento. Allspice, pimento, is the dried, nearly ripe fruit of Pimenta officinallis Lindl. It contains not less than eight (8) per cent of quercitannic acid (calculated from the total oxygen absorbed by the aqueous extract), not more than 25 per cent of crude fiber, not more than six (6) per cent of total ash nor more than 0.4 per cent of ash insoluble in hydrochloric acid.

Agr 4553 Anise, Aniseed. Anise, aniseed, is the dried fruit of Pimpinella anisum L. It contains not more than nine (9) per cent of total ash nor more than 1.5 per cent of ash insoluble in hydrochloric acid.

Agr 4554 Bay Leaves. Bay leaves are the dried leaves of Laurus nobilis L.

Agr 4555 Capers. Capers are the flower buds of Capparis spinosa L.

Agr 4556 Caraway, Caraway Seed. Caraway, caraway seed, is the dried fruit of Carum carvi L. It contains not more than eight (8) per cent of total ash nor more than 1.5 per cent of ash insoluble in hydrochloric acid.

Agr 4557 Cardamon. Cardamon is the dried, nearly ripe fruit of Elettarin cardamon Maton.

Agr. 4558 Cardamon Seed. Cardamon seed is the dried seed of cardamon. It contains not more than eight (8) per cent of total ash nor more than three (3) per cent of ash insoluble in hydrochloric acid.

Agr 4559 Red Pepper. Red pepper is the red, dried, ripe fruit of any species of Capsicum. It contains not more than eight (8) per cent of total ash nor more than one (1) per cent of ash insoluble in hydrochloric acid.

Agr 4560 Cayenne Pepper, Cayenne. Cayenne pepper, cayenne, is the dried, ripe fruit of Capsicum frutescens L., Capsicum baccatum L. or some other small-fruited species of Capsicum. It contains not less than 15 per cent of nonvolatile ether extract, not more than 1.5 per cent of starch, not more than 28 per cent of crude fiber, not more than eight (8) per cent of total ash nor more than 1.25 per cent of ash insoluble in hydrochloric acid.

Agr 4561 Paprika. Paprika is the dried, ripe fruit of Capsicum annum L. It contains not more than 8.5 per cent of total ash nor more than one (1) per cent of ash insoluble in hydrochloric acid. The iodin number of its extracted oil is not less than 125 nor more than 136.

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Agr 4562 Hungarian Paprika. Hungarian paprika is paprika having the pungency and flavor characteristic of that grown in Hungary.

(a) Rosenpaprika, rozsapaprika, rose paprika, is Hungarian paprika prepared by grinding specially selected pods of paprika, from which the placentae, stalks and stems have been removed. It contains no more seeds than the normal pods, not more than 18 per cent of nonvolatile ether extract, not more than 23 per cent of crude fiber, not more than six (6) per cent of total ash nor more than 0.4 per cent of ash insoluble in hydrochloric acid.

(b) Koenigspaprika, king's paprika, is Hungarian paprika prepared by grinding whole pods of paprika without selection and includes the seeds and stems naturally occurring with the pods. It contains not more than 18 per cent of nonvolatile ether extract, not more than 23 per cent of crude fiber, not more than 6.5 per cent of total ash nor more than 0.5 per cent of ash insoluble in hydrochloric acid.

Agr 4563 Pimenton, Pimiento, Spanish Paprika. Pimenton, pimiento, Spanish paprika, is paprika having the characteristics of that grown in Spain. It contains not more than 18 per cent of nonvolatile ether extract, not more than 21 per cent of crude fiber, not more than 8.5 per cent of total ash nor more than one (1) per cent of ash insoluble in hydrochloric acid.

Agr 4564 Celery Seed. Celery seed is the dried fruit of Celeri graveolens (L.) Britton (Apium graveolens L.). It contains not more than 10 per cent of total ash nor more than two (2) per cent of ash insoluble in hydrochloric acid.

Agr 4565 Cinnamon. Cinnamon is the dried bark of cultivated varieties of Cinnamomum zeylanicum Nees or of C. cassia (L.) Blume, from which the outer layers may or may not have been removed.

Agr 4566 Ceylon Cinnamon. Ceylon cinnamon is the dried inner bark of cultivated varieties of Cinnamomum zeylanicum Nees.

Agr 4567 Siagon Cinnamon, Cassia. Siagon cinnamon, cassia, is the dried bark of cultivated varieties of Cinnamomum cassia (L.) Blume.

Agr 4568 Ground Cinnamon, Ground Cassia. Ground cinnamon, ground cassia, is the powder made from cinnamon. It contains not more than five (5) per cent of total ash nor more than two (2) per cent of ash insoluble in hydrochloric acid.

Agr 4569 Cloves. Cloves are the dried flower buds of Caryophyllus aromaticus L. They contain not more than five (5) per cent of clove stems, not less than 15 per cent of volatile ether extract, not less than 12 per cent of quercitannic acid (calculated from the total oxygen absorbed by the aqueous extract), not more than 10 per cent of crude fiber, not more than seven (7) per cent of total ash nor more than 0.5 per cent of ash insoluble in hydrochloric acid.

Agr 4570 Coriander Seed. Coriander seed is the dried fruit of Coriandrum savitum L. It contains not more than seven (7) per cent of total ash nor more than 1.5 per cent of ash insoluble in hydrochloric acid.

Agr 4571 Cumin Seed. Cumin seed is the dried fruit of Cuminum cyminum L. It contains not more than 9.5 per cent of total ash, not more than 1.5 per cent of ash insoluble in hydrochloric acid nor more than five(5) per cent of harmless foreign matter.

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Agr 4572 Curcuma, Turmeric. Curcuma, turmeric, is the dried rhizome or bulbous roots of Curcuma longa L.

Agr 4573 Dill Seed. Dill seed is the dried fruit of Anethum graveolens L. It contains not more than 10 per cent of total ash not more than three (3) per cent of ash insoluble in hydrochloric acid.

Agr 4574 Fennel Seed. Fennel seed is the dried fruit of cultivated varieties of Foeniculum vulgare Hill. It contains not more than nine (9) per cent of total ash nor more than two (2) per cent of ash insoluble in hydrochloric acid.

Agr 4575 Ginger. Ginger is the washed and dried or decorticated and dried, rhizome of Zingiber officinale Roscoe. It contains not less than 42 per cent of starch, not more than eight (8) per cent of crude fiber, not more than one (1) per cent of lime (CaO), not less than 12 per cent of cold-water extract, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid nor less than two (2) per cent of ash soluble in cold water.

Agr 4576 Jamaica Ginger. Jamaica ginger is ginger grown in Jamaica. It contains not less than 15 per cent of cold-water extract and conforms in other respects to the standards for ginger.

Agr 4577 Limed Ginger, Bleached Ginger. Limed ginger, bleached ginger, is whole ginger coated with carbonate of calcium. It contains not more than four (4) per cent of carbonate of calcium nor more than 10 per cent of total ash and conforms in other respects to the standards for ginger.

Agr 4578 Horse-radish. Horse-radish is the root of Radicula armoracia (L.) Robinson.

Agr 4579 Prepared Horse-radish. Prepared horse-radish is comminuted horse-radish, with or without a vinegar.

Agr 4580 Mace. Mace is the dried arillus of Myristica fragrans Houtt. It contains not less than 20 per cent nor more than 30 per cent of nonvolatile ether extract and not more than 10 per cent of crude fiber, not more than three (3) per cent of total ash nor more than 0.5 per cent of ash insoluble in hydrochloric acid.

Agr 4581 Macassar Mace, Papua Mace. Macassar mace, papua mace, is the dried arillus of Myristica argentea Warb.

Agr 4582 Marjoram, Leaf Marjoram. Marjoram, leaf marjoram, is the dried leaves with or without a small proportion of the flowering tops, of the Majorana Hortensis Moench. It contains not more than 16 per cent of total ash, not more than 4.5 per cent of ash insoluble in hydrochloric acid nor more than 10 per cent of stems and harmless foreign material.

Agr 4583 Mustard Seed. Mustard seed is the seed of Sinapis alba L. (white mustard), Brassica nigra (L.) Koch (black mustard), B. Juncea (L.) Cosson or varieties or closely related species of the types of B. nigra and B. juncea.

(a) Sinapis alba (white mustard) contains no appreciable amount of volatile oil. It contains not more than five (5) per cent of total ash nor more than 1.5 per cent of ash insoluble in hydrochloric acid.

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(b) Brassica nigra (black mustard) and B. juncea yield 0.6 per cent of volatile mustard oil (calculated as allylisothiocyanate). The varieties and species closely related to the types of B. nigra and B. juncea yield not less than 0.6 per cent of volatile mustard oil, similar in character and composition to the volatile oils yielded by B. nigra and B. juncea. These mustard seeds contain not more than five (5) per cent of total ash nor more than 1.5 per cent of ash insoluble in hydrochloric acid.

Agr 4584 Ground Mustard Seed, Mustard Meal. Ground mustard seed, mustard meal, is the unbolted, ground mustard seed and conforms to the standards for mustard seed.

Agr 4585 Mustard Cake. Mustard cake is ground mustard seed, mustard meal, from which a portion of the fixed oil has been removed.

Agr 4586 Mustard Flour, Ground Mustard, "Mustard". Mustard flour, ground mustard, "mustard", is the powder made from mustard seed with the hulls largely removed and with or without the removal of a portion of the fixed oil. It contains not more than 1.5 per cent of starch, nor more than six (6) per cent of total ash.

Agr 4587 Prepared Mustard. Prepared mustard is a paste composed of a mixture of ground mustard seed and/or mustard flour and/or mustard cake, with salt, a vinegar and with or without sugar and/or dextrose, spices or other condiments. In the fat, salt and sugar free solids it contains not more than 24 per cent of carbohydrates, not more than 12 per cent of crude fiber nor less than 5.6 per cent of nitrogen, the carbohydrates being calculated as starch.

Agr 4588 Nutmeg. Nutmeg is the dried seed of Myristica fragrans Houtt, deprived of its testa, with or without a thin coating of lime (CaO). It contains not less than 25 per cent of nonvolatile ether extract, not more than 10 per cent of crude fiber, not more than five (5) per cent of total ash nor more than 0.5 per cent of ash insoluble in hydrochloric acid.

Agr 4589 Macassar Nutmeg, Papua Nutmeg, Male Nutmeg, Long Nutmeg. Macassar nutmeg, papua nutmeg, male nutmeg, long nutmeg, is the dried seed of Myristica argentea Warb., deprived of its testa.

Agr 4590 Paradise Seed, Grains of Paradise, Guinea Grains, Melegueta Pepper. Paradise seed, grains of paradise, Guinea grains, melegueta pepper, is the seed of Amomum melegueta Roscoe.

Agr 4591 Parsley Leaves. Parsley leaves are the leaves of Petroslinum hortense Hoffm. (P. sativum Hoffm.)

Agr 4592 Black Pepper. Black pepper is the dried immature berry of Piper nigrum L. It contains not less than 6.75 per cent of nonvolatile ether extract, not less than 30 per cent of starch, not more than seven (7) per cent of total ash nor more than 1.5 per cent of ash insoluble in hydrochloric acid.

Agr 4593 Ground Black Pepper. Ground black pepper is the product made by grinding the entire berry of Piper nigrum L. It contains the several parts of the berry in their normal proportions.

Agr 4594 Long Pepper. Long pepper is the dried fruit of Piper longum L.

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Agr 4595 White Pepper. White pepper is the dried mature berry of Piper nigrum L. from which the outer coating or the outer and inner coatings have been removed. It contains not less than seven (7) per cent of nonvolatile ether extract, not less than 52 per cent of starch, not more than five (5) per cent of crude fiber, not more than 3.5 per cent of total ash nor more than 0.3 per cent of ash insoluble in hydrochloric acid.

Agr 4596 Saffron. Saffron is the dried stigma of Crocus sativius L. It contains not more than 10 per cent of yellow styles and other foreign matter, not more than 14 per cent of volatile matter when dried at 100° C., not more than 7.5 per cent of total ash nor more than one (1) per cent of ash insoluble in hydrochloric acid.

Agr 4597 Sage. Sage is the dried leaf of Salvia Officinalis L. It contains not more than 12 per cent of stems (excluding petioles) and other foreign material.

Agr 4598 Savory, Summer Savory. Savory, summer savory, is the dried leaf and flowering tops of Satureja hortensis L.

Agr 4599 Star Aniseed. Star aniseed is the dried fruit of Illicium verum Hook. It contains not more than five (5) per cent of total ash.

Agr 4600 Tarragon. Tarragon is the dried leaves and flowering tops of Artemisia dracunculus L.

Agr 4601 Thyme. Thyme is the dried leaves and flowering tops of Thymus vulgaris L. It contains not more than 14 per cent of total ash nor more than four (4) per cent of ash insoluble in hydrochloric acid.

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CHAPTER 138: AGR 4626-4700

FLAVORING EXTRACTS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4626 Flavoring Extract. A flavoring extract is a solution in which the primary solvent is ethyl alcohol of proper strength of the sapid and odorous principles of the fruit or plant with or without its coloring matter or added color and conforms in name to the fruit or plant used in its preparation.

Agr 4627 Almond Extract. Almond extract is the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid and contains not less than one (1) per cent by volume of oil of bitter almonds.

Agr 4628 Oil of Bitter Almonds, Commercial. Oil of bitter almonds, commercial, is the volatile oil obtained from the seed of the bitter almond (Amygdalus communis L.), the apricot (Prunus armeniaca L.) or the peach (Amygdalus persica L.).

Agr 4629 Anise Extract. Anise extract is the flavoring extract prepared from oil of anise, and contains not less than three (3) per cent of volume of oil of anise.

Agr 4630 Oil of Anise. Oil of anise is the volatile oil obtained from the anise seed.

Agr 4631 Celery Seed Extract. Celery seed extract is the flavoring extract prepared from celery seed or the oil of celery seed or both and contains not less than 0.3 per cent by volume of oil of celery seed.

Agr 4632 Oil of Celery Seed. Oil of celery seed is the volatile oil obtained from celery seed.

Agr 4633 Cinnamon Extract, Cassia Extract, Cassia Cinnamon Extract. Cinnamon extract, cassia extract, cassia cinnamon extract, is the flavoring product prepared from oil of cinnamon and contains not less than two (2) per cent by volume of oil of cinnamon.

Agr 4634 Oil of Cinnamon, Oil of Cassia, Oil of Cassia Cinnamon. Oil of cinnamon, oil of cassia, oil of cassia cinnamon, is the lead-free volatile oil obtained from the leaves or bark of Cinnamomum cassia (L.) Blume and contains not less than 80 per cent by volume of cinnamic aldehyde.

Agr 4635 Ceylon Cinnamon Extract. Ceylon cinnamon extract is the flavoring extract prepared from oil of Ceylon cinnamon and contains not less than two (2) per cent by volume of oil of Ceylon cinnamon.

Agr 4636 Oil of Ceylon Cinnamon. Oil of Ceylon cinnamon is the lead-free volatile oil obtained from the bark of the Ceylon cinnamon (Cinnamomum zeylanicum Nees) and contains not less than 65 per cent by weight of cinnamic aldehyde and not more than 10 per cent by weight of eugenol.

Agr 4637 Clove Extract. Clove extract is the flavoring extract prepared from oil of cloves and contains not less than two (2) per cent by volume of oil of cloves.

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Agr 4638 Oil of Cloves. Oil of cloves is the lead-free volatile oil obtained from cloves.

Agr 4639 Ginger Extract. Ginger extract is the flavoring extract prepared from ginger and contains in each 100 cubic centimeters the alcohol-soluble matters from not less than 20 grams of ginger.

Agr 4640 Lemon Extract. Lemon extract is the flavoring extract prepared from oil of lemon, from lemon peel or both and contains not less than five (5) per cent by volume of oil of lemon.

Agr 4641 Oil of Lemon. Oil of lemon is the volatile oil expressed, without the aid of heat, from the fresh peel of the lemon (Citrus limonia Osbeck) with or without previous separation of the pulp and peel.

Agr 4642 Terpeneless Extract of Lemon. Terpeneless extract of lemon is the flavoring extract prepared by shaking oil of lemon with dilute alcohol or by dissolving terpeneless oil of lemon in dilute alcohol and contains not less than 0.2 per cent by weight of citral derived from oil of lemon.

Agr 4643 Terpeneless Oil of Lemon. Terpeneless oil of lemon is oil of lemon from which all or nearly all of the terpenes have been removed.

Agr 4644 Nutmeg Extract. Nutmeg extract is the flavoring extract prepared from oil of nutmeg and contains not less than two (2) per cent by volume of oil of nutmeg.

Agr 4645 Oil of Nutmeg. Oil of nutmeg is the volatile oil obtained from nutmegs.

Agr 4646 Orange Extract. Orange extract is the flavoring extract prepared from oil of orange or from orange peel or both and contains not less than five (5) per cent by volume of oil of orange.

Agr 4647 Oil of Orange. Oil of orange is the volatile oil obtained by expression or alcoholic solution from the fresh peel of the orange (Citrus aurantium L.) and has an optical rotation (25° C.) of not less than +95° in a 100-millimeter tube.

Agr 4648 Terpeneless Extract of Orange. Terpeneless extract of orange is the flavoring extract prepared by shaking oil of orange with dilute alcohol or by dissolving terpeneless oil of orange in dilute alcohol and corresponds in flavoring strength to orange extract.

Agr 4649 Terpeneless Oil of Orange. Terpeneless oil of orange is oil of orange from which all or nearly all of the terpenes have been removed.

Agr 4650 Peppermint Extract. Peppermint extract is the flavoring extract prepared from oil of peppermint or from peppermint or both and contains not less than three (3) per cent by volume of oil of peppermint.

Agr 4651 Peppermint. Peppermint is the leaves and flowering tops of Mentha piperita L.

Agr 4652 Oil of Peppermint. Oil of peppermint is the volatile oil obtained from peppermint and contains not less than 50 per cent by weight of menthol.

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Agr 4653 Rose Extract. Rose extract is the flavoring extract prepared from attar of roses with or without red rose petals and contains not less than 0.4 per cent by volume of attar of roses.

Agr 4654 Attar of Roses. Attar of roses is the volatile oil obtained from the petals of Rosa Damascena Mill., R. Centifolin L. or R. Moschate Herrm.

Agr 4655 Savory Extract. Savory extract is the flavoring extract prepared from oil of savory or from savory or both and contains not less than 0.35 per cent by volume of oil of savory.

Agr 4656 Oil of Savory. Oil of savory is the volatile oil obtained from savory.

Agr 4657 Spearmint Extract. Spearmint extract is the flavoring extract prepared from oil of spearmint or from spearmint or both and contains not less than three (3) per cent by volume of oil of spearmint.

Agr 4658 Spearmint. Spearmint is the leaves and flowering tops of Mentha spicata L.

Agr 4659 Oil of Spearmint. Oil of spearmint is the volatile oil obtained from spearmint.

Agr 4660 Star Anise Extract. Star anise extract is the flavoring extract prepared from oil of star anise and contains not less than three (3) per cent by volume of oil of star anise.

Agr 4661 Oil of Star Anise. Oil of star anise is the volatile oil distilled from the fruit of the star anise (Illicium verum Hook).

Agr 4662 Sweet Basil Extract. Sweet basil extract is the flavoring extract prepared from oil of sweet basil or from sweet basil or both and contains not less than 0.1 per cent by volume of oil of sweet basil.

Agr 4663 Sweet Basil. Sweet basil is the leaves and tops of Ocymum basilicum L.

Agr 4664 Oil of Sweet Basil. Oil of sweet basil is the volatile oil obtained from basil.

Agr 4665 Sweet Marjoram Extract, Marjoram Extract. Sweet marjoram extract, marjoram extract, is the flavoring extract prepared from the oil of marjoram or from marjoram or both and contains not less than one (1) per cent by volume of oil of marjoram.

Agr 4666 Oil of Marjoram. Oil of marjoram is the volatile oil obtained from marjoram.

Agr 4667 Thyme Extract. Thyme extract is the flavoring extract prepared from oil of thyme or from thyme or both and contains not less than 0.2 per cent by volume of oil of thyme.

Agr 4668 Oil of Thyme. Oil of thyme is the volatile oil obtained from thyme.

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Agr 4669 Tonka Extract. Tonka extract is the flavoring extract prepared from tonka bean with or without one or more of the following: Sugar, dextrose, glycerin. It contains not less than 0.1 per cent by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof.

Agr 4670 Tonka Bean. Tonka bean is the seed of Coumarouna odorata Aublet (Ditperyx odorata Aubl.) Willd.

Agr 4671 Wintergreen Extract. Wintergreen extract is the flavoring extract prepared from oil of wintergreen and contains not less than three (3) per cent by volume of oil of wintergreen.

Agr 4672 Oil of Wintergreen. Oil of wintergreen is the volatile oil distilled from the leaves of the Gaultheria procumbens L.

Agr 4673 Food Extracts, Flavors; Definitions and Standards of Identity

(a) Definitions

(1) The term "vanilla beans" means the properly cured and dried fruit pods of Vanilla planifolia Andrews and of Vanilla tahitenis Moore.

(2) The term "unit weight of vanilla beans" means, in the case of vanilla beans containing not more than 25 per cent moisture, 13.35 ounces of such beans; and, in the case of vanilla beans containing more than 25 per cent moisture, it means the weight of such beans equivalent in content of moisture-free vanilla-bean solids to 13.35 ounces of vanilla beans containing 25 per cent moisture. (For example, one unit weight of vanilla beans containing 33.25 per cent moisture amounts to 15 ounces.) The moisture content of vanilla beans is determined by the method prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists, 9th edition, 1960, sections 22.004 and 22.005, except that the toluene used is blended with 20 per cent by volume of benzene and the total distillation time is 4 hours. To prepare samples for analysis, the pods are chopped into pieces approximately ¼-in in longest dimension, using care to avoid moisture change.

(3) The term "unit of vanilla constituent" means the total sapid and odorous principles extractable from one unit weight of vanilla beans, as defined in paragraph (2) of this section, by an aqueous alcohol solution in which the content of ethyl alcohol by volume amounts to not less than 35 per cent.

(b) Vanilla extract; identity; label statement of optional ingredients.

(1) Vanilla extract is the solution in aqueous ethyl alcohol of the sapid and odorous principles extractable from vanilla beans. In vanilla extract the content of ethyl alcohol is not less than 35 per cent by volume and the content of vanilla constituent, as defined in (a)(3), is not less than one unit per gallon. The vanilla constituent may be extracted directly from vanilla beans or it may be added in the form of concentrated vanilla extract or concentrated vanilla flavoring or vanilla flavoring concentrated to the semisolid form called vanilla oleoresin. Vanilla extract may contain one or more of the following optional ingredients:

(aa) Glycerin.

(bb) Propylene glycol.

(cc) Sugar (including invert sugar).

(dd) Dextrose.

(ee) Corn sirup (including dried corn sirup).

(2) Name, Label Statements, Location

(aa) The specified name of the food is "vanilla extract" or "extract of vanilla."

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(bb) When the vanilla extract is made in whole or in part by dilution of vanilla oleoresin, concentrated vanilla extract, or concentrated vanilla flavoring, the label shall bear the statement "made from ....." or "made in part from .....," the blank being filled in with the name or names "vanilla oleoresin," "concentrated vanilla extract," or "concentrated vanilla flavoring," as appropriate. If the article contains two or more units of vanilla constituent, the name of the food shall include the designation "..... fold," the blank being filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per gallon of the article.

(cc) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the labeling required by subparagraph (bb) of this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

(c) Concentrated vanilla extract; identify; label statement of optional ingredients

(1) Concentrated vanilla extract conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla extract by (b) hereof, except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in (a)(3) hereof. The content of ethyl alcohol is not less than 35 per cent by volume.

(2) The specified name of the food is "concentrated vanilla extract ..... fold" or ".....fold concentrated vanilla extract," the blank being filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per gallon of the article. (For example, "concentrated vanilla extract 2-fold.")

(d) Vanilla flavoring; identity; label statement of optional ingredients

(1) Vanilla flavoring conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla extract by (b) hereof, except that its content of ethyl alcohol is less than 35 per cent by volume.

(2) The specified name of the food is "vanilla flavoring."

(e) Concentrated vanilla flavoring; identity; label statement of optional ingredients

(1) Concentrated vanilla flavoring conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla flavoring by (d) hereof, except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituents as defined in (a)(3) hereof.

(2) The specified name of the food is "concentrated vanilla flavoring ..... fold" or ".....fold concentrated vanilla flavoring," the blank being filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per gallon of the article. (For example, "concentrated vanilla flavoring 3-fold.")

(f) Vanilla-vanillin extract; identity; label statement of optional ingredients

(1) Vanilla-vanillin extract conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla extract by (b) hereof, except that for each unit of vanilla constituent, as defined in (a)(3) hereof, contained therein, the articles also contains not more than 1 ounce of added vanillin.

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(2) The specified name of the food is "vanilla-vanillin extract .....fold" or ".....fold vanilla-vanillin extract," followed immediately by the statement "contains vanillin, an artificial flavor (or flavoring)." The blank in the name is filled in with the whole number (disregarding fractions) expressing the sum of the number of units of vanilla constituent plus the number of ounces of added vanillin per gallon of the article. However, if the strength of the article is less than 2-fold, the term ".....fold" is omitted from the name.

(g) Vanilla-vanillin flavoring; identity; label statement of optional ingredients

(1) Vanilla-vanillin flavoring conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla-vanillin extract by (f) hereof, except that its content of ethyl alcohol is less than 35 per cent by volume.

(2) The specified name of the food is "vanilla-vanillin flavoring ..... fold" or "..... fold vanilla-vanillin flavoring," followed immediately by the statement "contains vanillin, an artificial flavor (or flavoring)." The blank in the name is filled in with the whole number (disregarding fractions) expressing the sum of the number of units of vanilla constituent plus the number of ounces of added vanillin per gallon of the article. However, if the strength of the article is less than 2-fold, the term ".....fold" is omitted from the name.

(h) Vanilla powder; identity; label statement of optional ingredients

(1) Vanilla powder is a mixture of ground vanilla beans or vanilla oleoresin or both, with one or more of the following optional blending ingredients:

(aa) Sugar.
(bb) Dextrose.
(cc) Lactose.
(dd) Food starch including food starch-modified.
(ee) Dried corn sirup.

Vanilla powder may contain one or any mixture of two or more of the anticaking ingredients specified in paragraph (2) of this section, but the total weight of any such ingredient or mixture is not more than 2 per cent of the weight of the finished vanilla powder. Vanilla powder contains in each 8 pounds not less than one unit of vanilla constituent, as defined in (a)(3) hereof.

(2) The anticaking ingredients referred to in paragraph (1) of this section are:

(aa) Aluminum calcium silicate.
(bb) Calcium silicate.
(cc) Calcium stearate.
(dd) Magnesium silicate.
(ee) Tricalcium phosphate.

(3) Name, Label Statements, Location

(aa) The specified name of the food is "vanilla powder .....fold" or "..... fold vanilla powder," except that if sugar is the optional blending ingredient used, the word "sugar" may replace the word "powder." The blank in the name is filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per 8 pounds of the article. However, if the strength of the article is less than 2-fold, the term "..... fold" is omitted from the name.

(bb) The label of vanilla powder shall bear the common names of any of the optional ingredients specified in paragraphs (1) and (2) of this section that are used, except that where the alternative name "vanilla sugar" is used for designating the food it is not required that sugar be named as an optional ingredient.

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(cc) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the labeling required by subparagraph (bb) of this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

(i) Vanilla-vanillin powder; identity; label statement of optional ingredients

(1) Vanilla-vanillin powder conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla powder by (h) hereof, except that for each unit of vanilla constituent as defined in (a)(3) contained therein, the article also contains not more than 1 ounce of added vanillin.

(2) The specified name of the food is "vanilla-vanillin powder ..... fold" or ".....fold vanilla-vanillin powder," followed immediately by the statement "contains vanillin, an artificial flavor (or flavoring)." If sugar is the optional blending ingredient used, the word "sugar" may replace the word "powder" in the name. The blank in the name is filled in with the whole number (disregarding fractions) expressing the sum of the number of units of vanilla constituent plus the number of ounces added vanillin per 8 pounds of the article. However if the strength of the article is less than 2-fold, the term "..... fold" is omitted from the name.

(j) The term "extract" is applicable only to substances for food flavoring purposes where the primary solvent is alcohol of proper strength and contains the same kinds and proportions of active flavoring ingredients required by the definitions and standards for extracts. The term "flavor" is applicable only to flavoring products prepared with solvents other than alcohol and shall be labeled "flavor" provided they contain the same kinds and proportions of active flavoring ingredients as are required by the definitions and standards for extracts.

(k) Imitations, fanciful names

(1) Extracts and flavors which contain harmless artificial or synthetic compounds made to resemble the flavors of natural fruit or plant products shall be labeled with the word "imitation" printed as a part of the name of the product and in type of the same size and color as the word designating the fruit or plant, and the label shall bear no statement, design or device whereby the purchaser may be misled into believing that the product is prepared from natural fruit or plant.

(2) A food for which no standard of identity is established and which contains harmless artificial or synthetic compounds made to resemble the flavors of natural fruit or plant regardless of the type of solvent used, shall be labeled "imitation ..... flavor." The blank being filled in with the name of the fruit or plant flavor imitated.

(l) Fanciful trade names or coined names applied to imitation extracts and flavors must not simulate the names of genuine products and must be incapable of producing a false or misleading impression in the mind of the consumer. Such fanciful or coined names must furthermore be followed by comparably conspicuous declarations that the products are imitations, together with the other information required by law, rules or regulations.

(m) An extract or flavor, consisting of a solution of vanillin, ethyl vanillin or heliotropin or mixture of any two or more, with or without added color or any other ingredient, which imitates a vanilla extract or a non-alcoholic vanilla flavor, shall be plainly labeled "Imitation Vanilla Extract" or "Imitation Vanilla Flavor" as the case may be and the ingredients which give the product its characteristics as an imitation shall be plainly declared on the label. Imitation extracts and flavors shall have a minimum flavoring strength not less than that produced by 0.7 per cent solution of vanillin. Ethyl Vanillin, when substituted for

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vanillin, is considered three times as strong and heliotropin two times as strong as vanillin in flavoring strength. Vanilla Extract should not be listed as an ingredient of an imitation vanilla extract unless it contains at least 5 per cent by volume of pure vanilla extract in a minimum strength product. Distinctive or fanciful names, all other rules or regulations notwithstanding, shall not be used as descriptive of these imitation products.

(n) An extract or flavor which consists of a mixture of extract of vanilla bean and extract of tonka bean shall be labeled "Extract of Vanilla and Tonka" or "Extract of Tonka and Vanilla", as the case may be, the names of the flavoring ingredients being given in the order of their predominance.

(o) The terms "double", "triple", etc., when applied to extracts and flavors, are held to mean respectively two and three times the minimum standard strength.

(p) The term "concentrated" as applied to extracts and flavors is false and misleading unless accompanied by a plain statement as to the degree of concentration in terms of the standard product.

(q) An extract or flavor whether it be an imitation sold under its own name or designated by a coined name and intended to be used in lieu of the extract or flavor imitated shall be of the strength of the product imitated.

CHAPTER 139: AGR 4701-4725

VINEGARS; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4701 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°C.) not less than four (4) grams of acetic acid.

Agr 4702 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°C.), not less than four (4) grams of acetic acid.

Agr 4703 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°C.), not less than four (4) grams of acetic acid.

Agr 4704 Sugar Vinegar. Sugar vinegar is the product made by the alcoholic and subsequent acetous fermentations of solutions of sugar, sirup, molasses or refiners' sirup and contains, in 100 cubic centimeters (20°C.), not less than four (4) grams of acetic acid.

Agr 4705 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°C.), not less than four (4) grams of acetic acid.

Agr 4706 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°C.), not less than four (4) grams of acetic acid.

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CHAPTER 140: AGR 4726-4750

ALMOND PASTE AND KERNEL PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

Agr 4726 Almond Paste. Almond Paste is the plastic product obtained by cooking blanched and ground sweet almonds with blanched and ground bitter almonds, water, sugar and/or dextrose. It contains not more than 14 per cent of water nor more than 40 per cent of total sugars expressed as invert sugar.

Agr 4727 Kernel Pastes. Kernel pastes are the plastic products obtained by cooking, with water, sugar and/or dextrose, the blanched and ground kernels of one or more of the following: apricots, peaches, plums (prunes). They are free from hydrocyanic acid and contain not more than 14 per cent of water nor more than 40 per cent of total sugars expressed as invert sugar. A kernel paste conforms in name to the kind or kinds of kernels employed in its production.

CHAPTER 141: AGR 4751-4775

BAKING POWDER; DEFINITION AND STANDARD OF IDENTITY

Agr 4751 Baking Powder

(a) Baking powder is the leavening agent produced by the mixing of an acid-reacting material and sodium bicarbonate, with or without starch or flour.

(b) It yields not less than 12 per cent of available carbon dioxide.

(c) The acid-reacting materials in baking powder are:

(1) Tartaric acid or its acid salts,

(2) Acid salts of phosphoric acid,

(3) Compounds of aluminum, or

(4) Any combination in substantial proportions of the foregoing.

CHAPTER 142: AGR 4776-4800

SALT; DEFINITION AND STANDARD OF IDENTITY

Agr 4776 Table Salt, Dairy Salt. Table salt, dairy salt, is fine-grained crystalline salt containing, on a water-free basis, not more than 1.4 per cent of calcium sulphate ($CaSO_4$) nor more than 0.5 per cent of calcium and magnesium chloride ($CaCl_2$ and $MgCl_2$) nor more than 0.1 per cent of matters insoluble in water.

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Chapter 143: 3 MCAR §§ 1.4801-1.4850 Nonalcoholic Beverages; Definitions; Standards, Restrictions; Labeling; Manufacturing Requirements; Beer and Other Malt Beverages

3 MCAR § 1.4801 Soda water; identity; label statement of optional ingredients.

A. 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°F. It may contain buffering agents as provided in B. 5. of this rule. It either contains no alcohol or only such alcohol (not in excess of 0.5 per cent 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 C. of this rule 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 per cent by weight.

B. 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 therefor. The optional ingredients that may be used in soda water in such proportions as are reasonably required to accomplish their intended effects are:

1. Nutritive sweetners consisting of the dry or liquid form of sugar, invert sugar, dextrose, corn sirup, glucose sirup, sorbitol, or any combination of two or more of these.

2. One or more of the following flavoring ingredients may be added in a carrier consisting of ethyl alcohol, glycerin, or propylene glycol;

a. Fruit juices (including concentrated fruit juices), natural flavoring derived from fruits, vegetables, bark, buds, roots, leaves, and similar plant materials.

b. Artificial flavoring.

3. Natural and artificial color additives.

4. One or more of the acidifying agents acetic acid, adipic acid, citric acid, fumaric acid, lactic acid, malic acid, phosphoric acid, or tartaric acid.

5. 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.

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6. Emulsifying, stabilizing or viscosity-producing agents.

a. 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, poly-glycerol esters of fatty acids, propylene glycol alginate, sodium carboxy-methylcellulose, sodium metaphosphate (sodium hexametaphosphate).

b. When one or more of the optional ingredients in B. 6. a. of this rule are used, dioctyl sodium sulfosuccinate complying with the requirements of 21 CFR Section 172.810 (Federal Food and Drug Administration Regulations) may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients.

7. One or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice or glycyrrhiza, yucca (Joshua-tree), yucca (Mohave).

8. Caffeine, in an amount not to exceed 0.02 per cent by weight of the finished beverage.

9. Quinine, as provided in 21 CFR Section 172.575 (Federal Food and Drug Administration Regulations), in an amount not to exceed 83 parts per million by weight of the finished beverage.

10. 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, sufur 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 subparagraph.

11. The defoaming agent dimethylpolysiloxane in an amount not to exceed 10 parts per million.

C. Names of beverages.

1. The name of the beverage for which a definition and standard of identity is established by this rule, which is neither flavored nor sweetened, is soda water, club soda, or plain soda.

2. The name of each beverage containing flavoring and sweetening ingredients as provided for in paragraph B. of this regulation 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, "grade soda".

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3. 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 subparagraphs 1. and 2. of this rule. For the purposes of this rule, 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 C. 1. and C. 2. of this rule.

D. Soda water that contains the optional ingredient caffeine as provided for in B. 8. of this rule, 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 B. 10. of this rule, 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.

E. The label statements prescribed in D. of this rule 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 this section is so placed as to be conspicuously related to the name of the beverage.

3 MCAR § 1.4802 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.

3 MCAR § 1.4803 Purified water; identity; label statement of process requirement. Purified water is a water produced by distillation, deionization or by reverse osmosis and shall not contain more than ten (10) 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 ex-

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ample, "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 paragraph the use of the names "distilled water," "dionized 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.

3 MCAR § 1.4804 Other beverages; identity, labeling, restrictions.

A. 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.

B. 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.

C. 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.

D. 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.

E. 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 sirup or corn sirup solids, has been added, shall be plainly labeled so as to indicate such modification or addition, as for example, grape juice with added sugar.

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Agr 4805 Capping; Restrictions. 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.

Agr 4806 Wooden Ladle or Paddle Prohibited. The use of wooden ladle or paddle for mixing carbonated, still beverages, sirups and other beverages is prohibited.

Agr 4807 Dispensers, Containers and Coolers

(a) 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.

(b) 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 these regulations.

(c) 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 (3) inches of beverage containers from becoming submerged in water or ice.

(d) Each cooler shall be provided with a drain in the bottom to facilitate cleaning.

(e) All coolers shall be cleaned daily.

(1) 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°F., for a minimum period of three (3) minutes or to a chemical germicidal treatment approved by the commissioner or his agents.

(2) 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 his agents shall be added in minimum amounts of 200 parts per million of the available active ingredient of the germicide used.

(f) 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.

(g) 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.

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(h) Dispensers and/or storage containers for storing and dispensing carbonated or still beverages shall be of either glass, stoneware or acid resistant steel construction.

(i) The addition of ice directly to the beverage stored in dispensers or other closed containers is prohibited.

(j) 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.

Agr 4808 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 regulations 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.

Agr 4809 Bottling of Beer and Other Malt Beverages

(a) No person shall fill bottles, cans or other containers with beer or other malt beverages without first having obtained a permit therefor from the commissioner.

(b) Any person desiring to bottle beer and other malt beverages shall apply to the commissioner for a permit therefor in such form and furnish such information as he may require. If the commissioner finds that the applicant maintains a proper place and equipment necessary for the bottling of such beverages then the commissioner shall issue to the applicant a permit therefor.

(c) 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.

(d) 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.

(e) 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 (5) minutes in a solution of not less than four (4) per centum of alkali of which not less than 60 per centum shall be caustic soda or sodium hydroxide heated to not less than 130°F. and then thoroughly rinsed in pure and potable running water until free from caustic. Caustic testing equipment must be provided and used.

(f) 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 (8) point type or larger.

(g) Beer and other malt beverages shall be protected from contamination throughout the entire bottling process.

(h) 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

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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°F. for not less than 10 minutes or with chemical sterilizers and methods approved by the commissioner.

(i) 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.

(j) 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 regulations.

Agr 4810 Scope of Requirements for Manufacturing Beverage Bases and Sirups and All Beverages Including Waters.

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

(a) Building and Premises. Buildings or portions thereof within the scope of this regulation shall be used for no other purposes. After the adoption of this regulation 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.

Satisfactory Compliance: This item is deemed to be satisfied when:

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

(2) 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.

(3) 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 sirups, bottling and/or treating of water and/or the packaging of carbonated or non-carbonated (still) beverages shall be installed hereafter in basements or in subgrade areas.

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

(b) Floors: 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.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) The floors of those areas where sirup, 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.

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(2) 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.

(3) All trapped drains are of adequate size to minimize clogging and provide accessibility.

(4) The floors are kept clean and free of litter. The sirup 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.

(c) Walls and Ceilings: Walls and ceilings in the sirup 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.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) 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.

(2) 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 micro-organisms or harboring of insects and rodents. (The use of sound retarding materials where appropriate is encouraged to maintain noise level to a minimum.)

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

(d) Doors and Windows: Effective means shall be provided to prevent entrance of flies into sirup room or container filling area. Exterior hinged doors as well as door into sirup room and toilet room shall be outward opening and self closing. Windows shall be glazed. Windows in sirup room and container filling area if opened are effectively screened unless other effective means are provided to prevent the entrance of flies.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) Windows in sirup 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.

(2) All exterior hinged doors, sirup room door, toilet room doors are tight and self closing and shall open outward.

(e) Lighting and Ventilation: All processing and storage areas shall be well lighted and ventilated.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) Adequate light sources are provided (natural, artificial or a combination of both) which furnish at least 20 foot-candles of light in all rooms or areas where sirups, 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 5 foot-candles of light.

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

(3) Pressurized ventilating systems if used, shall be equipped with clean air intake.

(4) Artificial lights are equipped with protective shield in sirup room and in container filling areas.

(f) Toilet and Lavatory Facilities: 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.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) Toilet rooms are completely enclosed and have tight-fitting, self-closing doors.

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

(3) 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 handwashing facilities.

(4) Hand washing facilities are convenient to all toilets.

(5) 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.

(6) 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.

(g) Bottle Washing: 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 transporation and storage, they need not be washed or rinsed by air or water.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) All returnable and unclean or contaminated one-trip bottles are sanitized in 3 per cent alkali solution of which not less than 60 per cent is caustic (sodium hydroxide), for a period of not less than five (5) minutes at a temperature of not less than 130°F., or to an equivalent cleansing and sanitizing process approved by the commissioner.

(2) Bottles washed with alkali solution are rinsed free of alkali solution with potable water.

(3) 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.

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

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

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

(7) All other one-trip containers shall be suitably protected from contamination.

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

(9) 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.

(10) All air cleansing devices shall be equipped so as to use only properly filtered air.

(h) Filling and Sealing: Beverage containers shall be filled and sealed in a sanitary manner. The operator or his clothes shall not come in contact with any portion of the container or machinery which might result in contamination of the product. 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 non-carbonated water must have a tamper-proof tight closure which will show evidence of tampering or opening prior to use.

Satisfactory Compliance: This item is deemed to be satisfied when:

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

(2) 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.

(3) 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.

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

(5) All sealed bottles containing non-carbonated water shall be sealed with closures, caps, crowns or seals which shall be constructed and designed to show evidence of tampering or prior opening.

(i) Sirup and Base Handling Equipment: Sirups and base shall be prepared in a sanitary manner. Every precaution shall be taken to prevent the contamination of sirups and base during the preparation and subsequent storage. Sirup 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. Sirup or base tanks shall be kept covered if sirup room air is not treated to control air purity.

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Satisfactory Compliance: This item is deemed to be satisfied when:

(1) All sirup tanks, pipe lines, filters and other apparatus employed in the preparation of acidified sirups are in a clean, sanitary condition and are of sanitary, nontoxic and acid resistant construction. No sirup tanks, pipes, filters, apparatus or equipment employed in the preparation of acidified sirups, base or beverages which are constructed of galvanized iron, lead, zinc, copper or brass-lined materials shall be installed after adoption of this regulation.

(2) Sirup tanks are free from recesses and constructed so that all parts may be easily cleaned and sanitized.

(3) Sirup, base and other ingredients are mixed by mechanical means in such a manner as to prevent contamination of the sirup or base.

(4) 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.

(j) Packaging and Filling Area: 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.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) 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.

(2) The light intensity is no less than 20 foot-candles. A minimum of 30 foot-candles 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.

(3) 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 micro-organisms or harboring of insects and rodents and is maintained in a clean and sanitary condition.

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

(k) Sirup Room: Separate rooms shall be provided for the manufacturing, compounding and mixing of sirups 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.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) Separate rooms are provided for the manufacture, compounding and mixing of sirups or base. Sirup room doors are self-closing and of solid construction.

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(2) 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.

(3) Light intensity is not less than 20 foot-candles. Artificial lights are equipped with protective shields where their breakage could cause contamination of product.

(4) 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.

(5) Hot and cold running water are properly plumbed to taps or faucets conveniently located in the sirup room.

(l) Construction and Repair of Equipment: All equipment, containers, and utensils used in the handling, processing, compounding, mixing and storage of sirup, 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.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) 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.

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

(3) All joints are smooth and free from pits, cracks, or inclusions.

(m) 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 sirup 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 sirup 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 regulation shall contain at least 5 parts per million residual chlorine during such transportation and in storage, if stored before use.

(n) Water Supply: Water used for compounding flavored beverage base or sirups, bottling or packaging of water or packaging carbonated or non-carbonated

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(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.

Satisfactory Compliance: This item is deemed to be satisfied when:

(1) 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.

(2) 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.

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

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

(5) 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 insure against the growth of bacteria.

(o) 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 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.

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CHAPTER 144: AGR 4851-4900

CANNED FRUITS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Agr 4851 Canned Peaches; Identity; Label Statement of Optional Ingredients

(a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) of this regulation and one of the optional packing media specified in paragraph (c) of this regulation. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar;

(4) Peach pits; except in the cases of peeled whole peaches and unpeeled whole peaches, in a quantity not more than one (1) peach pit to each eight (8) ounces of finished canned peaches; and

(5) Peach kernels, except in the cases of peeled whole peaches and unpeeled whole peaches, and except when optional ingredient (4) is used. Such food is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The optional peach ingredients referred to in paragraph (a) of this regulation are prepared from mature peaches of the yellow freestone, white clingstone or white freestone varietal group and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units prepared from each such varietal group is an optional peach ingredient. Each such ingredient, except in the case of peeled whole peaches and unpeeled whole peaches, is pitted. For the purpose of paragraph (e) of this regulation, the names of such optional peach ingredients are the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone", "Yellow Free" or "Yellow Freestone" or "White Free" or "White Freestone", as the case may be, preceded or followed by the word or words "Whole", "Unpeeled Whole", "Halves" or "Halved", "Unpeeled Halves", or "Unpeeled Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", or "Mixed Pieces of Irregular Sizes and Shapes", as the case may be.

(c) Optional Packing Media

(1) The optional packing media referred to in paragraph (a) of this regulation are:

(aa) Water

(bb) Peach juice

(cc) Slightly sweetened water

(dd) Light sirup

(ee) Heavy sirup

(ff) Extra heavy sirup

(gg) Slightly sweetened peach juice

(hh) Light peach juice sirup

(ii) Heavy peach juice sirup

(jj) Extra heavy peach juice sirup

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As used in this subparagraph the term "water" means, in addition to water, any mixture of water and peach juice; and the term "peach juice" means the fresh or canned expressed juice of mature peaches of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

(2) Each of packing media (1)(cc) to (jj), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (1)(cc) to (ff), inclusive, are prepared and peach juice is the liquid ingredient from which packing media (1)(gg) to (jj), inclusive, are prepared. The saccharine ingredient from which packing media (1)(cc) to (jj), inclusive, are prepared is one of the following: sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half of the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (1)(jj), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of packing media (1)(cc) to (jj), inclusive, as measured on the Brix hydrometer 15 days or more after the peaches are canned, are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(1)(cc) and (gg)	Less than 14°
(1)(dd) and (hh)	14° or more but less than 19°
(1)(ee) and (ii)	19° or more but less than 24°
(1)(ff) and (jj)	24° or more but not more than 35°

(d) For the purposes of this regulation:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined or partly refined sucrose, the solids of which contain not more than 0.3 per cent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 per cent by weight of reducing sugars.

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup".

(e) The label shall bear the name of the optional peach ingredient used, as specified in paragraph (b) of this regulation and the name whereby the optional packing medium used is designated in paragraph (c) of this regulation, preceded by "In" or "Packed in". When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this regulation is

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used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Spice" or in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring" or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with.....Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Peach Pits";

(5) "Seasoned with Peach Kernels".

When two or more of the optional ingredients specified in paragraph (a)(1), (2), (3) and (4) or (5) of this regulation are used, such words may be combined, as for example, "Seasoned with Cider, Vinegar, Cloves, Cinnamon Oil and Peach Kernels".

(f) Wherever the name "peaches" appears on the label so conspicously as to be easily seen under the customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicously precede or follow such name without intervening written, printed or graphic matter, except that the specific varietal name of the peaches may so intervene.

Agr 4852 Canned Peaches; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned peaches is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this regulation are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than 3/5 ounce and 3/10 ounce, respectively;

(3) In the cases of whole peaches, halves and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled peaches, there is present in the finished canned peaches not more than one (1) square inch of peel per each one (1) pound of net contents;

(5) Not more than 20 per cent of the units in the container are blemished with scab, hail injury, discoloration or other abnormalities;

(6) In the case of whole peaches, halves, quarters and slices, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than five (5) per cent of the units in a container of 20 or more units and not more than one (1) unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned peaches shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a)(1) of this regulation:

(1) So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel.

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(2) The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with verticle sides; or rectangular in shape, ¾ inch by one (1) inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by one (1) inch cannot be trimmed.

(3) Test the piece by means of a round metal rod 5/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device.

(4) Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming.

(5) Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned peaches falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029 (a), in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality....." the blank to be filled in with the words specified after the corresponding number of each clause of paragraph (a) of this regulation which such canned peaches fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves" or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name "Peaches" and any words and statements required or authorized to appear with such name by Regulation Agr 4851(b).

Agr 4853 Canned Peaches, Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned peaches is the maximum quantity of the optional peach ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredients.

(b) If canned peaches fall below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029 (b), in the manner and form therein specified.

Agr 4854 Canned Peaches with Rum; Identity; Label Statement of Optional Ingredients. Canned peaches with rum conforms to the definitions and standard of identity and is subject to the requirements for label statement of optional ingredients, prescribed for canned peaches by Regulation Agr 4851, except that it contains added rum in such amount that its alcohol content is more than three (3) per cent but less than five (5) per cent by weight.

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Agr 4855 Canned Apricots; Identity; Label Statement of Optional Ingredients

(a) Canned apricots is the food prepared from one of the optional apricot ingredients specified in paragraph (b) of this regulation and one of the optional packing media specified in paragraph (c) of this regulation. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar;

(4) Apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than one (1) apricot pit to each eight (8) ounces of unfinished canned apricots;

(5) Apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots and except when optional ingredient (4) is used.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional apricot ingredients referred to in paragraph (a) of this regulation are prepared from mature apricots and are in the following forms of units: unpeeled whole, peeled whole, unpeeled halves, peeled halves, unpeeled quarters, peeled quarters, unpeeled slices, peeled slices, unpeeled mixed pieces of irrgular sizes and shapes, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional apricot ingredient. Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted. For the purposes of paragraph (e) of this regulation, the names of such optional apricot ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Mixed Pieces of Irregular Sizes and Shapes", as the case may be, preceded or followed by "Unpeeled" or "Peeled", as the case may be.

(c) Optional Packing Media

(1) The optional packing media referred to in paragraph (a) of this regulation are:

(aa) Water

(bb) Apricot Juice

(cc) Slightly sweetened water

(dd) Light sirup

(ee) Heavy sirup

(ff) Extra heavy sirup

(gg) Slightly sweetened apricot juice

(hh) Light apricot juice sirup

(ii) Heavy apricot juice sirup

(jj) Extra heavy apricot juice sirup

As used in this subparagraph the term "water" means, in addition to water, any mixture of water and apricot juice; and the term "apricot juice" means the fresh or canned expressed juice of mature apricots to which no water is added, directly or indirectly.

(2) Each of packing media (1)(cc) to (jj), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from

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which packing media (1)(cc) to (ff), inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (1)(gg) to (jj), inclusive are prepared. The saccharine ingredient from which packing media (1)(cc) to (jj), inclusive, are prepared is one of the following: sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three (3) times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (1)(gg) to (jj), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of packing media (1)(cc) to (jj), inclusive, as measured on the Brix hydrometer 15 days or more after the apricots are canned, are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(1)(cc) and (gg)	Less than 16°
(1)(dd) and (hh)	16° or more but less than 21°
(1)(ee) and (ii)	21° or more but less than 25°
(1)(ff) and (jj)	25° or more but not more than 40°

(d) For the purposes of this regulation:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted refined or partly refined sucrose, the solids of which contain not more than 0.3 per cent by weight of ash, and which is colorless, odorless and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 per cent by weight of reducing sugars.

(4)The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup".

(e) The label shall bear the name of the optional apricot ingredient used, as specified in paragraph (b) of this regulation and the same whereby the optional packing medium used is designated in paragraph (c) of this regulation, preceded by "In" or "Packed In". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the labels shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice" or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring" or, in lieu of the word "Flavoring", the common name of the flavoring;

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(3) "Seasoned with Vinegar" or "Seasoned with.....Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Apricot Pits";

(5) "Seasoned with Apricot Kernels".

When two (2) or more of the optional ingredients specified in paragraph (a)(1), (2), (3) and (4) or (5) of this regulation are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Apricot Kernels".

(f) Wherever the name "apricots" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed or graphic matter, except that the specific varietal name of the apricots may so intervene.

Agr 4856 Canned Apricots; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned apricots is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this regulation are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than 2/5 ounce and 1/5 ounce, respectively;

(3) In the cases of whole apricots, halves and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Not more than 20 per cent of the units in the container are blemished with scab, hail injury, discoloration or other abnormalities;

(5) In the cases of whole apricots, halves and quarters, all units are untrimmed or are so trimmed as to preserve normal shape; and

(6) Except in the case of mixed pieces of irregular sizes and shapes, not more than five (5) per cent of the units in a container of 20 or more units and not more than one (1) unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned apricots shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a)(1) of this regulation:

(1) So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel.

(2) The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by one (1) inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by one (1) inch cannot be trimmed.

(3) Test the piece by means of a round metal rod 3/16 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added.

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The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device.

(4) Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming.

(5) Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned apricots falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a), in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality .....", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this regulation which such canned apricots fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves" or "Small Quarters", as the case may be: (3) "Mixed Sizes"; (4) "Blemished"; (5) "Unevenly Trimmed"; (6) "Partly Crushed or Broken". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name "Apricots" and any words and statements required or authorized to appear with such name by Regulation Agr 4855(b).

Agr 4857 Canned Apricots; Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned apricots is the maximum quantity of the optional apricot ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned apricots fall below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029(b), in the manner and form therein specified.

Agr 4858 Canned Apricots with Rum; Identity; Label Statement of Optional Ingredients. Canned apricots with rum conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for canned apricots by Regulation Agr 4855, except that it contains added rum in such amount that its alcohol content is more than three (3) per cent but less than five (5) per cent by weight.

Agr 4859 Canned Pears; Identity; Label Statement of Optional Ingredients

(a) Canned pears is the food prepared from one of the optional pear ingredients specified in paragraph (b) of this regulation and one of the optional packing media specified in paragraph (c) of this regulation. Such food may be seasoned with one (1) or more of the following optional ingredients:

(1) Spice;
(2) Flavoring, other than artificial flavoring; and
(3) A vinegar.

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Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional pear ingredients referred to in paragraph (a) of this regulation are prepared from mature pears and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional pear ingredient. Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored. For the purposes of paragraph (e) of this regulation, the respective names of such optional pear ingredients are "Whole", "Halved" or "Halves", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", "Mixed Pieces of Irregular Sizes and Shapes", preceded or followed in case the units are whole or halves and are unpeeled, by the word "Unpeeled".

(c) Optional Packing Media

(1) The optional packing media referred to in paragraph (a) of this regulation are:

(aa) Water

(bb) Pear Juice

(cc) Slightly sweetened water

(dd) Light sirup

(ee) Heavy sirup

(ff) Extra heavy sirup

(gg) Slightly sweetened pear juice

(hh) Light pear juice sirup

(ii) Heavy pear juice sirup

(jj) Extra heavy pear juice sirup

As used in this subparagraph the term "water" means, in addition to water, any mixture of water and pear juice; and the term "pear juice" means the fresh or canned expressed juice of mature pears to which no water is added, directly or indirectly.

(2) Each of packing media (1)(cc) to (jj), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (1)(cc) to (ff), inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (1)(gg) to (jj), inclusive, are prepared. The saccharine ingredient from which packing media (1)(cc) to (jj), inclusive, are prepared is one of the following: sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (1)(gg) to (jj), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

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(3) The respective densities of packing media (1)(cc) to (jj), inclusive, as measured on the Brix hydrometer 15 days or more after the pears are canned, are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(1) (cc) and (gg)	Less than 14°
(1) (dd) and (hh)	14° or more but less than 18°
(1) (ee) and (ii)	18° or more but less than 22°
(1) (ff) and (jj)	22° or more but not more than 35°

(d) For the purposes of this regulation:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose the solids of which contain not more than 0.3 per cent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 per cent by weight of reducing sugars.

(4) The term "glucose sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup".

(e) The label shall bear the name of the optional pear ingredient used, as specified in paragraph (b) of this regulation and the name whereby the optional packing medium used is designated in paragraph (c) of this regulation, preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this regulation is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice" or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring" or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with ..... Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a)(1), (2) and (3) of this regulation are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves and Cinnamon Oil".

(f) Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words specified in this regulation, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed or graphic matter, except that the specific varietal name of the pears may so intervene.

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Agr 4860 Canned Pears; Quality Label Statement of Substandard Quality

(a) The standard of quality for canned pears is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this regulation are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than 3/5 ounce and 3/10 ounces, respectively;

(3) In the cases of whole pears, halves and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled pears, there is present in the finished canned pears not more than one (1) square inch of peel per each one (1) pound of net contents;

(5) Not more than 20 per cent of the units in the container are blemished with scab, hail injury, discoloration or other abnormalities;

(6) In the cases of whole pears, halves and quarters, all units are untrimmed or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 10 per cent of the units in a container of 10 or more units and not more than one (1) unit in a container of less than 10 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned pears shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a)(1) of this regulation:

(1) So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface trim the piece from the firmest part. If the piece is unpeeled remove the peel.

(2) The top of the receptacle is circular in shape of 1 ⅛ inches inside diameter, with vertical sides or rectangular in shape, ¾ inch by one (1) inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by one (1) inch cannot be trimmed.

(3) Test the piece by means of a round metal rod 5/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device.

(4) Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming.

(5) Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

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(c) If the quality of canned pears falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a), in the manner and form therein specified, but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality .....", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this regulation which such canned pears fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves" or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name "Pears" and any words and statements required or authorized to appear with such names by Regulation Agr 8459(b).

Agr 4861 Canned Pears; Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned pears is the maximum quantity of the optional pear ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned pears fall below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029(b), in the manner and form therein specified.

Agr 4862 Canned Pears with Rum; Identity; Label Statement of Optional Ingredients. Canned pears with rum conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for canned pears by Regulation Agr 4859, except that it contains added rum in such amount that its alcohol content is more than three (3) per cent but less than five (5) per cent by weight.

Agr 4863 Canned Cherries; Identity; Label Statement of Optional Ingredients

(a) Canned cherries is the food prepared from one of the optional cherry ingredients specified in paragraph (b) of this regulation and one of the optional packing media specified in paragraph (c) of this regulation. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional cherry ingredients referred to in paragraph (a) of this regulation are prepared from mature cherries of the red sour, light sweet or dark sweet varietal group. Pitted cherries of each such group and unpitted cherries of each such group are an optional cherry ingredient. For the purposes of paragraph (e) of this regulation, the names of such optional cherry ingredients are the words "Red Sour" or "Red Tart", "Light Sweet" or "Dark Sweet", as the case may be, preceded or followed by the word "pitted" in case such ingredients are pitted.

(c) Optional Packing Media

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(1) The optional packing media referred to in paragraph (a) of this regulation are:

(aa) Water
(bb) Cherry juice
(cc) Slightly sweetened water
(dd) Light sirup
(ee) Heavy sirup
(ff) Extra heavy sirup
(gg) Slightly sweetened cherry juice
(hh) Light cherry juice sirup
(ii) Heavy cherry juice sirup
(jj) Extra heavy cherry juice sirup

As used in this subpargraph the term "water" means, in addition to water, any mixture of water and cherry juice; and the term "cherry juice" means the fresh or canned expressed juice of mature cherries, of any varietal group specified in paragraph (b) of this regulation, to which no water is added directly or indirectly.

(2) Each of packing media (1)(cc) to (jj), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (1)(cc) to (ff), inclusive, are prepared and cherry juice is the liquid ingredient from which packing media (1)(gg) to (jj), inclusive, are prepared. The saccharine ingredient from which packing media (1)(cc) to (jj), inclusive, are prepared is one of the following: sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (1)(gg) to (jj), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of packing media (1)(cc) to (jj), inclusive, as measured on the Brix hydrometer 15 days or more after the cherries are canned, are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
In case of sweet cherries:	
(1)(cc) and (gg)	Less than 16°
(1)(dd) and (hh)	16° or more but less than 20°
(1)(ee) and (ii)	20° or more but less than 25°
(1)(ff) and (jj)	25° or more but not more than 35°
In case of red sour cherries:	
(1)(cc) and (gg)	Less than 18°
(1)(dd) and (hh)	18° or more but less than 22°
(1)(ee) and (ii)	22° or more but less than 28°
(1)(ff) and (jj)	28° or more but not more than 45°

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(d) For the purposes of this regulation:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 per cent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 per cent by weight of reducing sugars.

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup'.

(e) The label shall bear the name of the optional cherry ingredient used, as specified in paragraph (b) of this regulation and the name whereby the optional packing medium used is designated in paragraph (c) of this regulation, preceded by "In" or "Packed In". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this regulation is used, the label shall bear the words set forth below after the number of such subparagraphs:

(1) "Spiced" or "Spice Added" or "With Added Spice" or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring" or, in lieu of the word "Flavoring" the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with ..... Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a)(1), (2) and (3) of this regulation are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves and Cinnamon Oil".

(f) Wherever the name "cherries" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words specified in this section showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed or graphic matter except that the specific varietal name of the cherries may so intervene.

Agr 4864 Canned Cherries; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned cherries is as follows:

(1) In the case of pitted cherries, not more than one (1) pit is present in each 20 ounces of canned cherries, as determined by the method prescribed in paragraph (b)(1) of this regulation;

(2) In the case of unpitted cherries, the weight of each cherry in the container is not less than 1/10 ounce;

(3) In the case of unpitted cherries, the weight of the largest cherry in the container is not more than twice the weight of the smallest cherry therein;

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(4) In the case of unpitted cherries, the total weight of pits is not more than 12 per cent of the weight of drained cherries, as determined by the method prescribed in paragraph (b)(2) of this regulation; and

(5) Not more than 15 per cent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue or other abnormality. A unit showing skin discoloration having an aggregate area not exceeding that of a circle 3/16 inch in diameter and not extending into the fruit tissue shall not be considered as blemished.

(b) Tests for Standards of Quality

(1) Pitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a)(1) of this regulation:

(aa) Take at random such number of containers as to have a total quantity of contents of at least 24 pounds. Open the containers and weigh the contents.

(bb) Count the pits and pieces of pit shell in such total quantity. Count a piece of pit shell equal to or smaller than one-half pit shell as one-half pit and a piece of pit shell larger than one-half pit shell as one pit; but when two (2) or more pieces of pit shell are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less and as one pit if their combined size is equivalent to that of more than one-half pit shell.

(cc) From the total number of pits so counted and the combined weight of the contents of all the containers, calculate the number of pits present in each 20 ounces of canned cherries.

(2) Unpitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a)(4) of this regulation:

(aa) Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds or 12 inches if such quantity is three (3) pounds or more. The bottom of the sieve is No. 8 woven-wire cloth which complies with the specification for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by United States Department of Commerce, National Bureau of Standards. Without shifting the cherries, so incline the sieve as to facilitate drainage.

(bb) Two minutes from the time drainage begins, weigh the sieve and drained cherries. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained cherries.

(cc) Pit the cherries and wash the pits free from adhering flesh.

(dd) Drain and weigh the pits by the method prescribed above.

(ee) Divide the weight of pits so found by the weight of drained cherries, and multiply by 100.

(c) If the quality of canned cherries falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a), in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality .....", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this

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regulation which such canned cherries fail to meet, as follows: (1) "Partially Pitted"; (2) "Small"; (3) "Mixed Sizes"; (4) "Thin Fleshed"; (5) "Blemished". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name "Cherries" and any words and statements required or authorized to appear with such name by Regulation Agr 1012(b).

Agr 4865 Canned Cherries; Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned cherries is the maximum quantity of the optional cherry ingredients which can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient.

(b) If canned cherries fall below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029(b), in the manner and form therein specified.

Agr 4866 Canned Cherries with Rum; Identity; Label Statement of Optional Ingredients. Canned cherries with rum conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for canned cherries by Regulation Agr 4863, except that it contains added rum in such amount that its alcohol content is more than three (3) per cent but less than five (5) per cent by weight.

Agr 4867 Canned Fruit Cocktail, Canned Cocktail Fruits, Canned Fruits for Cocktail; Identity; Label Statement of Optional Ingredients

(a) Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fruit ingredients prescribed in paragraph (b) of this regulation, in the forms and proportions therein prescribed and one of the optional packing media specified in paragraph (c) of this regulation. It is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The fruit ingredients referred to in paragraph (a) of this regulation, the forms of each and the per cent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) Peaches of any yellow variety, which are pitted, peeled and diced, not less than 30 per cent and no tmore than 50 per cent;

(2) Pears of any variety, which are peeled, cored and diced, not less than 25 per cent and not more than 45 per cent;

(3) Whole grapes of any seedless variety, not less than six (6) per cent and not more than 20 per cent;

(4) Pineapples of any variety, which are peeled, cored and cut into sectors or into dice, not less than six (6) per cent and not more than 16 per cent; and

(5) One of the following optional cherry ingredients, each of which is stemmed, pitted and cut into approximate halves, not less than two (2) per cent and not more than six (6) per cent;

(aa) Cherries of any light, sweet variety;

(bb) Cherries artificially colored red; or

(cc) Cherries artificially colored red and artificially flavored.

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Each such fruit ingredient is prepared from mature fruit which is fresh or canned. Notwithstanding the preceding provisions of this paragraph, each 4½ ounces avoirdupois of the finished canned fruit cocktail and each fraction thereof greater than two (2) ounces avoirdupois contain not less than two (2) sectors or three (3) dice of pineapple and not less than one (1) approximate half of the optional cherry ingredient.

(c) Optional Packing Media

(1) The optional packing media referred to in paragraph (a) of this regulation are as follows:

(aa) Water

(bb) Fruit juice

(cc) Light sirup

(dd) Heavy sirup

(ee) Extra heavy sirup

(ff) Light fruit juice sirup

(gg) Heavy fruit juice sirup

(hh) Extra heavy fruit juice sirup

(2) Each of packing media (1)(cc), (dd) and (ee) is prepared with water as its liquid ingredient and each of packing media (1)(ff), (gg) and (hh) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d)(6) of this regulation, each of packing media (1)(cc) to (hh) is prepared with any one of the following saccharine ingredients: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose and corn sirup or glucose sirup in which the weight of the solids of the dextrose used multiplied by two, added to the weight of the solids of the corn sirup or the glucose sirup used multiplied by three (3), is not more than the weight of the solids of the sugar used. The respective densities of packing media (1)(cc) to (hh), inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(1)(cc) and (ff)	14° or more but less than 18°
(1)(dd) and (gg)	18° or more but less than 22°
(1)(ee) and (hh).....	22° or more but not more than 35°

(d) For the purposes of this regulation:

(1) The term "water" means, in addition to water, both the liquid drained from any fruit ingredient previously canned in water as its sole packing medium and any mixture of water and fruit juice, including the liquid drained from any fruit ingredient previously canned in such mixture.

(2) The term "fruit juice" means the fresh or canned, expressed juice or juices of one or more of the mature fruits named in paragraph (b) of this regulation including the liquid drained from any fruit ingredient previously canned in such juice or juices as its sole packing medium, to which no water has been added directly or indirectly. Fruit juice may be strained or filtered.

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(3) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous sirup of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 per cent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(4) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolyzed starch.

(5) Corn Sirup and Glucose Sirup Defined

(aa) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of corn starch and includes dried corn sirup; the solids of corn sirup and dried corn sirup contain not less than 58 per cent by weight of reducing sugars.

(bb) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup".

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup, it shall be considered to be light sirup, heavy sirup or an extra heavy sirup, as the case may be and not a light fruit juice sirup, heavy fruit juice sirup or an extra heavy fruit juice sirup.

(7) The term "light sirup", "heavy sirup" or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, the term "light fruit juice sirup", "heavy fruit juice sirup" or "extra heavy fruit juice sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredients previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light fruit juice sirup, heavy fruit juice sirup or extra heavy fruit juice sirup.

(e) Optional Ingredients, Labeling

(1) The optional ingredients specified in paragraphs (b)(5)(bb) and (cc) and (c)(1)(aa) to (hh) of this regulation, inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

(2) Such names shall immediately and conspicuously, without intervening written, printed or graphic matter, precede or follow the name "fruit cocktail", "cocktail fruits" or "fruits for cocktail" wherever it appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

Agr 4868 Canned Fruit Cocktail, Canned Cocktail Fruits, Canned Fruits for Cocktail; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned fruit cocktail is as follows:

(1) Not more than 20 per cent by weight of the units in the container of peach or pear or of pineapple if the units thereof are diced, are more than ¾ inch in greatest edge dimensions or pass through the meshes of a sieve desig-

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nated as 5/16 inch in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the National Bureau of Standards, United States Department of Commerce. If the units of pineapple are in the form of sectors, not more than 20 per cent of such sectors in the container fail to conform to the following dimensions: The length of the outside arc is not more than ¾ inch but is more than ⅜ inch; the thickness is not more than ½ inch but is more than 5/16 inch; the length (measured along the radius from the inside arc to the outside arc) is not more than 1¼ inches but is more than ¾ inch.

(2) Not more than 10 per cent of the grapes in a container containing 10 grapes or more and not more than one (1) grape in a container containing less than 10 grapes, is cracked to the extent of being severed into two (2) parts or is crushed to the extent that their normal shape is destroyed.

(3) Not more than 10 per cent of the grapes in a container containing 10 grapes or more and not more than one (1) grape in a container containing less than 10 grapes, has the cap stem attached.

(4) There is present in the finished canned fruit cocktail not more than one (1) square inch of pear peel per each one (1) pound of drained weight of units of pear plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of the units of pear, bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in Regulation Agr 1018.

(5) There is present in the finished canned fruit cocktail not more than one (1) square inch of peach peel per each one (1) pound of drained weight of units of peach plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of units of peach, bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in Regulation Agr 4869.

(6) Not more than 15 per cent of the units of cherry ingredient and not more than 20 per cent of the units of peach, pear or grape, in the container is blemished with scab, hail injury, scar tissue or other abnormality.

(7) If the cherry ingredient is artificially colored, the color of not more than 15 per cent of the units thereof in a container containing more than six (6) units and of not more than one (1) unit in a container containing six (6) units or less, is other than evenly distributed in the unit or other than uniform with the color of the other units of the cherry ingredient.

(b) If the quality of canned fruit cocktail falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a), in the manner and form therein specified.

Agr 4869 Canned Fruit Cocktail, Canned Cocktail Fruits, Canned Fruits for Cocktail; Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 per cent of the water capacity of the container, as determined by the general method for water capacity of containers prescribed in Regulation Agr 4028. Such total weight of drained fruit is determined by the following method:

(1) Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previoulsly weighed. The diameter of the sieve is eight (8) inches if the quantity of contents of the container is less than three (3) pounds and 12 inches if such quantity is three (3) pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table

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I of "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage.

(2) Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(b) If canned fruit cocktail falls below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029(b), in the manner and form therein prescribed.

Agr 4870 Canned Pineapple; Identity; Label Statement of Optional Ingredients

(a) Canned pineapple is the food prepared from one of the following optional forms of units obtained from peeled, cored, mature fruits of the pineapple plant:

(1) Sliced, slices; consisting of whole circular slices cut across the axis of the peeled, cored fruit cylinders.

(2) Half sliced, half slices; consisting of semicircular halves of slices. A unit that is approximately one-half slice is considered to be a half slice.

(3) Broken sliced, broken slices; consisting of arc-shaped portions cut or broken from slices, which portions are not uniform in size or shape.

(4) Tidbits; consisting of sectors cut from slices. Tidbits are reasonably uniform in size and shape; they are predominantly from 5/16 inch to ½ inch thick and, except for an occasional unit, each sector is not larger than ⅛ of the slice from which cut.

(5) Chunks; consisting of short, thick pieces cut from thick slices or from peeled, cored fruit. Chunks may or may not be symmetrical or uniform in shape and size. Predominantly, the units have a thickness greater than one-half inch, a width greater than 9/16 inch, but a longest dimension (along any edge) not greater than 1½ inches.

(6) Cubes, diced; consisting of cube-shaped pieces cut from slices or from peeled, cored fruit. Except for an occasional unit, the longest dimension (along any edge) of each unit is not greater than 9/16 inch.

(7) Spears, fingers; consisting of long, slender pieces cut parallel to the core axis from peeled, cored fruit cylinders. The units are not larger than ⅛ of the cylinder from which they are cut and they are not less than 2½ inches long.

(8) Crushed, consisting of shredded or finely cut pieces of fruit flesh. The optional forms of units specified by subparagraphs (1) through (7) of this paragraph are canned with one of the optional packing media specified in paragraph (b) of this regulation. The optional form of unit specified by subparagraph (8) of this paragraph may be canned with one of the optional packing media specified in paragraph (b)(2) through (6) of this regulation or with one of the optional sweetening ingredients specified in paragraph (d) of this regulation.

The food is sealed in containers and is so processed by heat, either before or after sealing, as to prevent spoilage.

(b) The optional packing media referred to in paragraph (a) of this regulation are:

(1) Water

(2) Pineapple juice

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(3) Clarified juice

(4) Light sirup

(5) Heavy sirup

(6) Extra-heavy sirup

(c) For the purposes of this regulation:

(1) Pineapple juice conforms to the definition and standard of identity for unsweetened pineapple juice as specified in Regulation Agr 4873 except that it is not required to be separately sealed in containers and so processed by heat as to prevent spoilage. Clarified juice is the liquid collected from cutting various forms of units from pineapple fruits or the liquid expressed wholly or in part from pineapple cores, shells or from pineapple flesh or parts thereof, which liquid is clarified and may be further refined or concentrated; but if the concentration is such that the packing medium conforms to the density range for one of the sirups hereinafter specified, such concentrated liquid is considered to be light sirup, heavy sirup or extra-heavy sirup, as the case may be.

(2) Except as the concentrated, clarified juice is considered to be a sirup packing medium as above provided, each of the packing media light sirup, heavy sirup, and extra-heavy sirup consists of an optional sweetening ingredient as specified in paragraph (d) of this regulation, dissolved in one (1) or any mixture of two (2) or more of the liquids designated in subparagraphs (1), (2) and (3) of paragraph (b) of this regulation. The sirup packing media have respective densities as determined by the method specified in "Official Methods of Analysis of the Association of Official Agricultural Chemists", 8th edition, on page 533, under the heading "Solids-By Means of Spindle-Official", using the Brix hydrometer 15 days or more after the pineapple is canned, which are within the ranges specified for each in the following list:

Packing medium:	Brix measurement
Light sirup	14° or more but less than 18°
Heavy sirup	18° or more but less than 22°
Extra-heavy sirup	22° or more but not more than 35°

(3) In the case of crushed pineapple (paragraph (a)(8) of this regulation), the juice resulting from cutting or shredding the pineapple flesh is considered to be pineapple juice, without regard to whether it has or has not been drained away from the pieces of pineapple.

(d) The optional sweetening ingredients referred to in paragraphs (a) and (c) of this regulation, are:

(1) Sugar

(2) Invert sugar sirup

(3) Any mixture of optional sweetening ingredients designated in subparagraphs (1) and (2) of this paragraph.

(4) Any of the optional sweetening ingredients designated in subparagraphs (1), (2) and (3) of this paragraph with dextrose, provided that the weight of the solids of dextrose does not exceed one-third of the total weight of the solids of the combined sweetening ingredients.

(5) Any of the optional sweetening ingredients designated in subparagraphs (1), (2) and (3) of this paragraph with corn sirup or with dried corn sirup or with glucose sirup or with dried glucose sirup or with any two (2) or more of these, provided that the weight of the solids of corn sirup, dried corn

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sirup, glucose sirup, dried glucose sirup or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup and dried glucose sirup, in case two (2) or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined sweetening ingredients.

(6) Any mixture of the optional ingredients designated in subparagraphs (4) and (5) of this paragraph.

(e) For the purpose of this regulation:

(1) The term "sugar" means refined sugar (sucrose).

(2) The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 per cent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(3) The term "dextrose" means the hydrated or anhydrous monosaccharide obtained from hydrolyzed starch.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by incomplete hydrolysis of cornstarch and includes dried corn sirup. The solids of corn sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup that conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch and includes dried glucose sirup.

(f) The name of the canned pineapple prepared from each of the optional forms of pineapple ingredient specified in paragraph (a) of this regulation is as follows:

(1) If the optional form is one designated in paragraph (a)(1) to (7), inclusive, of this regulation, the name is "pineapple", preceded or followed, for each of the indicated optional forms of units, by the words here specified:

(aa) "Sliced" or "slices"

(bb) "Half sliced" or "half slices"

(cc) "Broken sliced" or "broken slices"

(dd) "Tidbits"

(ee) "Chunks"

(ff) "Cubes" or "diced"

(gg) "Spears" or "fingers"

(2) If the optional form is one designated in paragraph (a)(8) of this regulation, the name is "pineapple", preceded or followed by the word "crushed". If the crushed pineapple, when drained by the method specified in Regulation Agr 4871(b)(1) yields not less than 73 per cent but less than 78 per cent by weight of drained material, the word "crushed" or the words "crushed pineapple" in the name of the food may be preceded or followed by the words "heavy pack" and if it yields 78 per cent or more by weight of drained material the word "crushed" or the words "crushed pineapple" may be preceded or followed by the words "solid pack".

(g) Optional Packing Media, Labeling

(1) The labels of canned pineapple prepared from the optional forms of pineapple specified in paragraph (a)(1) to (7), inclusive, of this regulation shall bear the name of the optional packing medium used as specified in paragraph (b)

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of this regulation, preceded by "In" or "Packed In". Whenever the optional packing medium pineapple juice, as specified in paragraph (b)(2) of this regulation, is used, the words "pineapple juice" may be preceded by the word "unsweetened". The labels of crushed pineapple canned with the optional packing media specified in paragraph (b) (2) to (6), inclusive, of this regulation shall bear the statement "In ....." or "Packed in .....", the blank being filled in with the name of the optional packing medium used as specified in paragraph (b) of this regulation, but in lieu of such statement crushed pineapple canned with pineapple juice (paragraph (b)(2) of this regulation) may be labeled, "unsweetened" and crushed pineapple canned with pineapple juice and sugar may be labeled "lightly sweetened" or "heavily sweetened" or "extra heavily sweetened", if the drained liquid conforms to the density ranges specified in paragraph (c) of this regulation for light sirup, heavy sirup or extra-heavy sirup, respectively.

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall conspicuously precede or follow the name, without intervening written, printed or graphic matter, except that the adjectival designation of the state, territory or possession of the United States or of the foreign country in which the pineapples were grown may intervene.

Agr 4871 Canned Pineapple; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned pineapple is as follows:

(1) In the case of broken slices, not more than 10 per cent of the drained weight may consist of pieces having an arc of less than 90° and not more than five (5) per cent of the drained weight of the contents of the container, as determined by the method prescribed in paragraph (b)(1) of this regulation:

(aa) Consists of pieces that measure in thickness less than 5/16 inch or more than one (1) inch; or

(bb) Consists of pieces that measure less than ¾ inch in width as measured from the outer edge to the inner edge.

(2) In the case of cubes or diced pineapple:

(aa) Not more than 10 per cent of the drained weight consists of units of such size that they pass through the screen when tested by the method prescribed in paragraph (b)(4) of this regulation; and

(bb) Not more than 15 per cent of the drained weight consists of pieces weighing more than 3/32 ounce each.

(3) In the case of chunks, not more than 15 per cent of the drained weight consists of pieces weighing less than 3/16 ounce each.

(4) Slices and Spears; Half Slices

(aa) In the case of slices and spears, the drained weight of the largest unit in the container is not more than 1.4 times the weight of the smallest.

(bb) In the case of half slices, the drained weight of the largest unit in the container is not more than 1.75 times the weight of the smallest (except for an occasional broken piece due to splitting or an occasional whole slice not quite completely cut through).

(5) In the case of broken slices, not more than five (5) per cent of the drained weight of the contents of the can consists of broken slices having an outside diameter differing by as much as ⅜ inch from that of those present in greatest proportion by weight.

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(6) In the case of tidbits, not more than 15 per cent of the drained weight consists of tidbits each of which weighs less than ¾ as much as the average weight of all the untrimmed tidbits in the container.

(7) In the case of slices and half slices, not more than 7½ per cent by count of the units in a container may be excessively trimmed, but in any container having not more than 10 units, one unit may be excessively trimmed and in any container having more than 10 units, but not more than 27 units, two (2) units may be excessively trimmed. Such slices and half slices are excessively trimmed if the portion trimmed away exceeds five (5) per cent of the apparent physical bulk of the perfectly formed unit and if such trimming destroys the normal circular shape of the outer or inner edge of the unit.

(8) In the case of broken slices and spears, not more than 15 per cent by count of the total units in the container and, in the case of tidbits, not more than 15 per cent of the drained weight, consist of units excessively trimmed. Broken slices, spears and tidbits are excessively trimmed if the normal shape of these units is destroyed by such trimming.

(9) In the case of slices, half slices, broken slices, spears, chunks, cubes and tidbits, not more than 12½ per cent by count of the units in any container may be blemished, but in containers having not more than five (5) units, one (1) unit may be blemished; in containers having more than five (5) units but not more than 10 units, two (2) units may be blemished; and in containers having more than 10 units, but not more than 32 units, four (4) units may be blemished. Blemishes include:

(aa) Any of the following, if in excess of 1/16 inch in the longest dimension on the exposed of the unit: eyes, pieces of shell, brown spots.

(bb) Deep fruit eyes.

(cc) Bruised portions.

(dd) Other abnormalities that it is possible to detect in good commercial practice before sealing in the containers.

(10) In the case of crushed pineapple, not more than 1¼ per cent of the drained weight of the contents of the can consists of fragments bearing such blemishes.

(11) In the case of spears, not more than one (1) unit per container is mashed; in the case of slices and half slices, not more than one (1) unit in containers of 25 units or less and not more than three (3) units in containers of more than 25 units are mashed; in the case of broken slices, not more than five (5) per cent by count of the units in the container is mashed; in the case of chunks, not more than three (3) of the units in containers of less than 70 units or five (5) per cent of the units in containers of 70 units or more is mashed; in the case of tidbits, not more than three (3) of the units in containers of less than 150 units or two (2) per cent of the units in containers of 150 units or more, is mashed. (A unit that has lost its normal shape because of ripeness and which bears no mark of mechanical injury shall not be considered as mashed.)

(12) In the case of all forms of canned pineapple, not more than 1.1 ounces of core is contained in one (1) pound of drained fruit, as determined by the method prescribed in paragraph (b)(8) of this regulation.

(13) In the case of all forms of canned pineapple, not more than 1.35 grams of acid, as determined by the method prescribed in paragraph (b)(9) of this regulation and calculated as anhydrous citric acid, is contained in 100 milliliters of the liquid drained from the product 15 days or more after the pineapple is canned.

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(14) In the case of crushed pineapple, the drained weight of pineapple, as determined by the method prescribed in paragraph (b)(1) of this regulation, is not less than 63 per cent of the net weight of the contents of the container.

(b) The methods to be employed to determine whether canned pineapple meets the requirements of paragraph (a) of this regulation are as follows:

(1) Determine the drained weight of the canned pineapple by the following procedure: Pour the contents of the can on a round sieve made from No. 8 woven-wire cloth complying with the specifications for such cloth in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards. Use a sieve eight (8) inches in diameter for containers of less than three (3) pounds net contents and a sieve 12 inches in diameter for larger containers. Incline the sieve, without shifting the contents, to facilitate draining. Allow to drain for two (2) minutes from the time the contents of the container are poured on the sieve. Immediately transfer the drained pineapple to a clean, dry, tared pan by inverting the sieve over the pan in one (1) moderately rapid motion, and determine the weight of the drained pineapple.

(2) In the case of broken slices and spears, check the dimensions and weight of each unit against the requirements of paragraph (a)(1), (4) and (5) of this regulation.

(3) In the case of cubes, chunks and tidbits, check the weight of the units against the requirements of paragraph (a)(2)(bb), (3) and (6) of this regulation.

(4) Test cubes for compliance with paragraph (a)(2)(aa) of this regulation by placing the cubes, a few at a time, on the meshes of a sieve designated as 5/16 inch in Table I of "Standard Specifications for Sieves", described in subparagraph (1) of this paragraph. After shaking gently, remove those that remain on the sieve before testing the next portion. Continue portion-wise until all units are tested, then determine the aggregate weight of those units that have passed through the sieve.

(5) Except in the case of cubes, chunks and crushed pineapple, inspect all the units in the container to determine those that have been excessively trimmed, as defined in paragraph (a)(7) or (8) of this regulation.

(6) Except in the case of crushed pineapple, segregate and count each unit that is blemished, as defined in paragraph (a)(9) of this regulation. In the case of crushed pineapple, segregate each fragment of crushed pineapple bearing a blemish and determine the aggregate weight of such fragments to determine compliance with paragraph (a)(10) of this regulation.

(7) Except in the case of cubes and crushed pineapple, count the total units in the container and the number of mashed units, to determine compliance with paragraph (a)(11) of this regulation.

(8) In the case of each form of optional pineapple ingredient, identify and separate any core material cleanly from each of the units in the container and weigh the aggregate of such core material. Calculate the weight of the core material per pound of drained fruit, to determine compliance with paragraph (a)(12) of this regulation.

(9) Determine the total acidity of the drained liquid by titration, using the following method. Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250 milliliter Erlenmeyer flask. Add 25 milliliters of freshly boiled, distilled water and 0.3 milliliter of one (1) per cent phenolphthalen solution. Titrate with 1/10 normal sodium hydroxide solution to a faint, permanently pink coloration. Multiply the number of milliliters of 1/10 normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid.

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(c) If the quality of canned pineapple falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a) of this subchapter, in the manner and form therein specified. However, if the quality of canned pineapple falls below standard with respect to only one of the factors of quality specified in paragraph (a)(1) through (14) of this regulation, there may be substituted for the second line of such general statement of substandard quality a new line as specified below, after the number corresponding to each subparagraph of paragraph (a) of this regulation that such canned pineapple fails to meet, as follows:

(1) "Small broken pieces" or "Thick broken pieces", as the case may be.

(2) "Irregular and Mixed Sizes"

(aa) "Irregular small pieces";

(bb) "Mixed sizes". (These words are to be used only where the cubes are of mixed sizes and the tolerance for units larger than maximum size is exceeded.)

(3) "Irregular small pieces".

(4) "Mixed sizes".

(5) "Mixed sizes".

(6) "Mixed sizes"

(7) "Excessively trimmed".

(8) "Excessively trimmed".

(9) "Blemished" or "Contains blemished pieces".

(10) "Blemished" or "Contains blemished pieces".

(11) "Mashed units" or "Contains mashed units".

(12) "Poorly cored" or "Excessive core".

(13) "Excessively tart".

(14) "Contains excess liquid".

Agr 4872 Canned Crushed Pineapple; Fill of Containers; Label Statement of Substandard Fill

(a) The standard of fill of container for canned crushed pineapple is a fill of not less than 90 per cent of the total capacity of the container, as determined by the general method for fill of container prescribed in Regulation Agr 4028.

(b) If canned crushed pineapple falls below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029(b), in the manner and form therein specified.

Agr 4873 Canned Pineapple Juice; Identity; Label Statement of Optional Ingredients

(a) Canned pineapple juice is the unconcentrated juice from the flesh or parts thereof or from the cores or from both such flesh and cores of mature pineapples. Canned pineapple juice may be extracted cold or heat may be used in the extraction, but in neither case is water added. Canned pineapple juice contains finely divided insoluble solids, but it does not contain pieces of shell, seeds or other coarse or hard substances. It may be sweetened with sugar. Before or after sealing in the container, canned pineapple juice is so processed by heat as to prevent spoilage.

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(b) For the purposes of this regulation, the term "sugar" means refined sugar (sucrose).

(c) The name of the food is "pineapple juice". If no sugar is added, the word "unsweetened" may immediately precede or follow the words "pineapple juice".

(d) If the optional sweetening ingredient sugar is used, the label shall bear the statement "sugar added".

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words herein specified, showing the optional ingredient used, shall conspicuously precede or follow the name, without intervening written, printed or graphic matter, except that the adjectival designation of the state, territory or possession of the United States or of the foreign country in which the pineapples were grown may intervene.

Agr 4874 Canned Pineapple Juice; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned pineapple juice is as follows:

(1) The soluble solids content is not less than 10.5° Brix, as determined by the method prescribed in paragraph (b)(1) of this regulation.

(2) The acidity, as determined by the method prescribed in paragraph (b)(2) of this regulation, is not more than 1.35 grams of anhydrous citric acid per 100 milliliters of the juice.

(3) The ratio of the degrees Brix to total acidity, as determined by the method prescribed in paragraph (b)(3) of this regulation, is not less than 12.

(4) The quantity of finely divided "insoluble solids", as determined by the method prescribed in paragraph (b)(4) of this regulation, is not less than five (5) per cent nor more than 30 per cent.

(b) The methods referred to in paragraph (a) of this regulation are as follows:

(1) Determine the degrees Brix of the canned pineapple juice by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists", "Solids—By Means of Spindle—Official", 8th edition, page 533, section 29.9.

(2) Determine the total acidity of the canned pineapple juice by titration by the method prescribed in Regulation Agr 4871(b)(9).

(3) Divide the degrees Brix determined as prescribed in subparagraph (1) of this paragraph by the grams of anhydrous citric acid per 100 milliliters of juice, determined as prescribed in subparagraph (2) of this paragraph and report the results as ratio of degrees Brix to total acidity.

(4) Determine the quantity of "insoluble solids" in canned pineapple juice as follows: Measure 50 milliliters of thoroughly stirred pineapple juice into a cone-shaped graduated tube of the long-cone type, measuring approximately 4⅞ inches from tip to top calibration and having a capacity of 50 milliliters. Place the tube in a suitable centrifuge the approximate speed of which is related to diameter of swing in accordance with the table immediately below. The word "diameter" means the over-all distance between the tips of opposing centrifuge tubes in operating position.

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Diameter (inches):	Approximate revolutions per minute
10	1,609
10 ½	1,570
11	1,534
11 ½	1,500
12	1,468
12 ½	1,438
13	1,410
13 ½	1,384
14	1,359
14 ½	1,336
15	1,313
15 ½	1,292
16	1,271
16 ½	1,252
17	1,234
17 ½	1,216
18	1,199
18 ½	1,182
19	1,167
19 ½	1,152
20	1,127

The milliliter reading at the top of the layer of "insoluble solids", after centrifuging three (3) minutes, is multiplied by two (2) to obtain the percentage of "insoluble solids".

(c) If the quality of canned pineapple juice falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a), in the manner and form therein specified.

Agr 4875 Canned Pineapple Juice; Fill of Containers; Label Statement of Substandard Fill

(a) The standard of fill of container for canned pineapple juice is a fill of not less than 90 per cent of the total capacity of the container, as determined by the general method for fill of container prescribed in Regulation Agr 4028.

(b) If canned pineapple juice falls below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the statement of substandard fill specified in Regulation Agr 4029(b), in the manner and form therein specified.

Agr 4876 Canned Prune Juice; Identity; Label Statement of Optional Ingredients

(a) Canned prune juice is the food prepared from a water extract of dried prunes and contains not less than 18.5 per cent by weight of water-soluble solids extracted from dried prunes. The quantity of prune solids may be adjusted by the concentration or dilution or both of the water extract or extracts made. Such food may contain one (1) or more of the optional acidifying ingredients specified in paragraph (b) of this regulation, in a quantity sufficient to render the food

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slightly tart. Such food is sealed in a container and so processed by heat, before or after sealing, as to prevent spoilage.

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

(1) Lemon juice

(2) Lime juice

(3) Citric acid

(c) The name of the food is "Prune juice — A water extract of dried prunes".

(1) For the purposes of the Federal Food, Drug and Cosmetic Act concerning the label declaration of the name of the food, the explanatory statement "A water extract of dried prunes" may appear immediately below the words "prune juice", but there shall be no intervening written, printed or graphic matter and the type used for the words "A water extract of dried prunes" shall be of the same style and not less than half the point size of the type used for the words "prune juice".

(2) When one (1) or more of the acidifying ingredients specified in paragraph (b) of this regulation are used, the label shall bear the statement "..... added" or "with added .....", the blank being filled in with the name or names of the optional ingredients used.

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

Agr 4877 Canned Figs; Definition and Standard of Identity; Label Statement of Optional Ingredients

(a) Canned figs is the food prepared from one (1) of the optional fig ingredients specified in paragraph (b) of this regulation and one (1) of the optional packing media specified in paragraph (c) of this regulation to which citric acid or lemon juice or concentrated lemon juice is added, if necessary, in such quantity as to reduce the pH of the finished product to 4.9 or below. One (1) or more of the following optional ingredients may be added to flavor, garnish or season the canned figs:

(1) Spice

(2) Flavoring, other than artificial flavoring

(3) A vinegar

(4) Unpeeled segments of citrus fruits

(5) Salt

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional fig ingredients referred to in paragraph (a) of this regulation are prepared from mature figs of the light or dark varieties. Figs (or whole figs), split figs (or broken figs) or any combination thereof are optional fig ingredients. A fig (whole fig) is one that is whole or only slightly cracked and retains its natural conformation without exposing the interior. A split fig (or broken fig) is one that is open to such an extent that the seed cavity is exposed, the shape of the fruit may be distorted and the fruit may or may not be broken apart into entirely separate pieces.

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(c) Optional Packing Media

(1) The optional packing media referred to in paragraph (a) of this regulation are:

(aa) Water

(bb) Light sirup

(cc) Heavy sirup

(dd) Extra heavy sirup

(2) Each of the packing media in subparagraph (1)(bb) through (dd) of this paragraph, inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media in subparagraph (1)(bb) to (dd) of this paragraph, inclusive, are prepared. The saccharine ingredient from which packing media in subparagraph (1)(bb) through (dd) of this paragraph, inclusive, are prepared is one of the following: sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than ½ the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than ⅓ the weight of the solids of the sugar used; or any combination of sugar, dextrose and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three (3) times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used.

(3) The respective densities of packing media in subparagraph (1)(bb) to (dd), of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the figs are canned, are within the range prescribed for each in the following list:

Name of packing medium	Brix measurement
Light sirup	16° or more but less than 21°
Heavy sirup	21° or more but less than 26°
Extra heavy sirup	26° or more but less than 35°

(d) For the purposes of this regulation:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 per cent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolyzed starch.

(3) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch and includes dried corn sirup. The solids of corn sirup and of dried corn sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose.

(4) The term "glucose sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup".

(e) The label shall name the optional fig ingredient used, as specified in paragraph (b) of this regulation (where combinations of figs and split figs are used,

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the ingredient present in larger proportion by weight shall be named first and the name whereby the optional packing medium is designated in paragraph (c) of this regulation, preceded by "In" or "Packed In". When any of the optional ingredients permitted by one (1) of the following specified subparagraphs of paragraph (a) of this regulation is used the label shall bear the words set forth after the number of such subparagraph:

(1) "Spiced" or "Spice added" or "With added spice" or in lieu of the word "Spice", the common name of the spice.

(2) "Flavoring added" or "With added flavoring" or, in lieu of the word "Flavoring", the common name of the flavoring.

(3) "Seasoned with vinegar" or "Seasoned with ..... vinegar", the blank being filled in with the name of the vinegar used.

(4) "With added .....", the blank being filled in with the name or names of the citrus segment or segments used.

(5) "Seasoned with salt" or "Salt added". When the addition of lemon juice (including concentrated lemon juice) or citric acid lowers the pH of the canned figs to less than 4.3, the label shall bear the statement "With added lemon juice" or "With added concentrated lemon juice" (if such is used) or "With added citric acid". When two (2) or more of the optional ingredients specified in paragraph (a) of this regulation are used, such words may be combined, as for example, "With added spices, orange slices and lemon juice".

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed or graphic matter, except that the varietal name of the figs may so intervene.

Agr 4878-4900 Reserved for future use.

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CHAPTER 145: AGR 4901-4950

CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Agr 4901 Canned Peas; Identity; Label Statement of Optional Ingredients

(a) Canned peas is the food prepared from one of the following optional pea ingredients:

(1) Shelled, succulent peas (Pisum sativum) of Alaska or other smooth skin varieties.

(2) Shelled, succulent peas (Pisum sativum) of sweet, wrinkled varieties.

(3) Shelled, dried peas (Pisum sativum) of Alaska or other smooth skin varieties.

(4) Shelled, dried peas (Pisum sativum) of sweet, wrinkled varieties.

(b) To one such optional pea ingredient water is added.

(c) The following optional ingredients may be used:

(1) Salt;

(2) Monosodium glutamate;

(3) Sugar;

(4) Dextrose;

(5) Spice;

(6) Flavoring;

(7) Artificial coloring;

and in the case optional pea ingredient (1) or (2) is used,

(8) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide, or magnesium carbonate or any mixture or combination of them in such quantity that the pH of the finished canned peas is not more than eight (8), as determined by the glass electrode method for the hydrogen ion concentration.

(d) The food may be seasoned with one (1) or more of the following optional seasonings:

(1) Green peppers;

(2) Mint leaves;

(3) Onions;

(4) Garlic;

(5) Horseradish.

(e) The food is sealed in a container and so processed by heat as to prevent spoilage.

(f) Optional Ingredients, Labeling

(1) The label shall name the optional pea ingredient present by the use of the word or words "Early" or "June" or "Early June", "Sweet" or "Sweet Wrinkle" or "Sugar", Dried Early" or "Dried June" or "Dried Early June", "Dried Sweet" or "Dried Sweet Wrinkled" or "Dried Sugar"

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(2) If spice is present, the label shall bear the word or words "Spiced" or "With Added Spice" or "Spice Added".

(3) If flavoring is present, the label shall bear the words "With Added Flavoring" or "Flavoring Added".

(4) If artificial coloring is present, the label shall state that fact in such manner and form as is provided in Regulation Agr 4902(c).

(5) If an optional seasoning ingredient is used, the label shall bear the words "Seasoned with Green Peppers", "Seasoned with Mint Leaves", "Seasoned with Garlic" or "Seasoned with Horseradish", as the case may be.

(6) If one (1) or more of the optional ingredients named in paragraph (c)(8) of this regulation is used, the label shall bear the statement "Traces of ..... Added", the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of Alkalis Added".

(7) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate".

(8) Wherever the name "Peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed or graphic matter, except that the specific varietal name of the peas may so intervene.

Agr 4902 Canned Peas; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned peas is as follows:

(1) Not more than four (4) per cent by count of the peas in the container are spotted or otherwise discolored;

(2) Standard canned peas are normally colored, not artificially colored;

(3) The combined weight of pea pods and other harmless extraneous vegetable material is not more than ½ of one (1) per cent of the drained weight of peas in the container;

(4) The weight of pieces of peas is not more than 10 per cent of the drained weight of peas in the container;

(5) The skins of not more than 25 per cent by count of the peas in the container are ruptured to a width of 1/16 inch or more;

(6) Not less than 90 per cent by count of the peas in the container are crushed by a weight of not more than 907.2 grams (two (2) pounds); and

(7) The alcohol-insoluble solids of Alaska or other smooth skin varieties of peas in the container, is not more than 23.5 per cent and of sweet, wrinkled varieties, not more than 21 per cent.

(b) Canned peas shall be tested by the following methods to determine whether or not they meet the requirements of paragraph (a) of this regulation:

(1) After determining the fill of the container as prescribed in Regulation Agr 4903(a), distribute the contents of the container over the meshes of a circular sieve made with No. 8 woven-wire cloth which complies with the specification for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by the United States Department of Commerce, National Bureau of Standards. The diameter of the sieve used is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds or 12

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inches if such quantity is three (3) pounds or more. Without shifting the peas, so incline the sieve as to facilitate drainage. Two (2) minutes from the time drainage begins, remove the peas from the sieve and weigh them. Such weight shall be considered to be the drained weight of the peas.

(2) From the drained peas obtained in subparagraph (1) of this paragraph, promptly segregate and weigh the pea pods and other harmless extraneous vegetable material and the pieces of peas.

(3) From the drained peas obtained in subparagraph (1) of this paragraph, take at random a subdivision of 100 to 150 peas and count them. Immediately cover these peas with a portion of the liquid obtained in subparagraph (1) of this paragraph and add the remaining liquid to the drained peas from which the subdivision was taken. Count those peas in the subdivision which are spotted or otherwise discolored and also those peas the skins of which are ruptured to a width of 1/16 or more.

(4) Immediately after each pea is examined by the method prescribed in subparagraph (3) of this paragraph, test it by removing its skin, placing one (1) of its cotyledons, with flat surface down, on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon and measuring the height of the cotyledon. The disc is of rigid material and is affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc is a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod and device to 100 grams. After measuring the height of the cotyledon and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to ¼ its previously measured height or until the combined weight of disc, rod and device is 907.2 grams (two (2) pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to ¼ its original height.

(5) Drain the liquid from the peas which remained after taking the subdivision as prescribed in subparagraph (3) of this paragraph. Transfer the peas to a pan and rinse them with a volume of water equal to twice the capacity of the container from which such peas were drained in subparagraph (1) of this paragraph. Immediately drain the peas again by the method prescribed in subparagraph (1) of this paragraph. After the two (2) minutes draining, wipe the moisture from the bottom of the sieve. Comminute the peas thus drained, stir them to a uniform mixture and weigh 20 grams of such mixture into a 600 cc. beaker. Add 300 cc. of 80 per cent alcohol (by volume), stir, cover beaker and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for two (2) hours at 100°C., covering the dish with a tight-fitting cover, cooling it in a desiccator and promptly weighing. After the filter paper is fitted to the funnel apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 per cent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for two (2) hours at 100° C. Place the cover on the dish, cool it in a desiccator and promptly weigh. From this weight, subtract the weight of the dish, cover and paper, as previously found. The weight in grams thus obtained, multiplied by five (5), shall be considered to be the per cent of alcohol-insoluble solids.

(c) If the quality of canned peas falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a), in the manner and form

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therein specified; but in lieu of such general statement of substandard quality when the quality of canned peas falls below the standard in only one (1) respect, the label may bear the alternative statement "Below Standard in Quality .....", the blank to be filled in with the words specified after the corresponding subparagraph number of paragraph (a) of this regulation which such canned peas fail to meet, as follows:

(1) "Excessive Discolored Peas";

(2) "Artificially Colored";

(3) "Excessive Foreign Material";

(4) "Excessive Broken Peas";

(5) "Excessive Cracked Peas";

(6) "Not Tender";

(7) "Excessively Mealy".

Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name "Peas" and any words and statements required or authorized to appear with such name by Regulation Agr 4905(c).

Agr 4903 Canned Peas; Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned peas is a fill such that, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level 3/16 inch vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to the level ½ inch vertical distance below the top of the container.

(b) If the canned peas fall below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029(b), in the manner and form therein specified.

Agr 4904 Canned Green Beans; Identity; Label Statement of Optional Ingredients

(a) Canned green beans is the food prepared from stemmed, succulent pods of the green-bean plant and water. It may be seasoned with salt, monosodium glutamate, sugar or dextrose or any two (2) or all of these. The pods are prepared in one (1) or more of the following forms:

(1) Whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length or transversely cut pods not less than 2¾ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product.

(2) Pods sliced lengthwise.

(3) Pods cut transversely into pieces less than 2¾ inches in length but not less than ¾ inch in length, with or without shorter end pieces resulting therefrom.

(4) Pieces of pods of which not less than 75 per cent by count are less than ¾ inch in length and not more than one (1) per cent by count are more than 1¼ inches in length.

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Any such form is an optional ingredient. Mixtures of two (2) or more optional ingredients may be used. The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) Optional Ingredients, Labeling

(1) When optional ingredient specified in paragraph (a)(1) of this regulation is used the label shall bear the word "Whole". If the pods are packed parallel to the sides of the container the word "Whole" shall be preceded or followed by the words "Vertical Pack", except that when the pods are cut at both ends and are of substantially equal lengths, the words "Asparagus Style" may be used in lieu of the words "Vertical Pack".

(2) When optional ingredient specified in paragraph (a)(2) of this regulation is used the label shall bear the words "Sliced Lengthwise" or "French Style".

(3) When optional ingredient specified in paragraph (a)(3) of this regulation is used the label shall bear the word "Cut" or "Cuts".

(4) When optional ingredient specified in paragraph (a)(4) of this regulation is used the label shall bear the words "Short Cut" or "Short Cuts", ".... Inch Cut" or ".... Inch Cuts", the blank to be filled in with the fraction of an inch which denotes the approximate length of the pieces.

(5) When a mixture of two (2) or more of the optional ingredients specified in paragraphs (a)(1) to (a)(4), inclusive, of this regulation is used, the label shall bear the statement "Mixture of .....", the blank to be filled in with the combination of the names "Whole", "Sliced Lengthwise", "Cut", "Cuts" and "Short Cut" or "Short Cuts" designating the optional ingredients present and arranged in the order of predominance, if any, by weight of such ingredients.

(6) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate".

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (b) of this regulation shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless", where the beans are in fact stringless and (3) the description of the green beans as "Stringless", which may also be used between the words "Green" and "Beans", where the beans are in fact stringless.

Agr 4905 Canned Green Beans; Quality; Label Statement of Substandard Quality

(a) The standard of quality of canned green beans is as follows when tested by the method prescribed in paragraph (b) of this regulation:

(1) In the case of cut beans (Regulation Agr 4904(a)(3)) and mixtures of two (2) or more of the optional ingredients specified in Regulation Agr 4904(a)(1) to (a)(4), inclusive, not more than 60 units per 12 ounces drained weight are less than ½ inch long; provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 per cent by count of the total units are less than ½ inch long.

(2) The trimmed pods contain not more than 25 per cent by weight of seed and pieces of seed.

(3) In case there are present pods or pieces of pods 27/64 inch or more in diameter, there are not more than 12 strings per 12 ounces of drained weight which will support ½ pound for five (5) seconds or longer.

(4) The deseeded pods contain not more than 0.15 per cent by weight of fibrous material.

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(5) There are not more than eight (8) per cent by count of blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter.

(6) There are not more than six (6) unstemmed units per 12 ounces of drained weight.

(7) The combined weight of loose seed and pieces of seed is not more than five (5) per cent of the drained weight. This provision does not apply in case the greenbean ingredient is pods sliced lengthwise (Regulation Agr 4904(a)(2)).

(8) The combined weight of leaves, detached stems and other extraneous vegetable matter is not more than 0.6 ounce per 60 ounces drained weight.

(b) Canned green beans shall be tested by the following method to determine whether they meet the requirements of paragraph (a) of this regulation.

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds and 12 inches if such quantity is three (3) pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 8 of "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two (2) minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count the total number of units. For the purpose of this count, loose seed, pieces of seed, loose stem and extraneous material are not to be included. Divide the number of units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of units per 12 ounces drained weight.

(3) Examine the drained material in the tray, counting and recording the number of blemished units, number of unstemmed units and, in case the material consists of the optional ingredient specified in paragraph (a)(3) of this regulation or a mixture of two (2) or more of the optional ingredients specified in Regulation Agr 4904(a)(1) to (4), inclusive, count and record the number of units which are less than ½ inch long.

(aa) If the number of units per 12 ounces is 240 or less, divide the number of units which are less than ½ inch long by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of such units per 12 ounces drained weight.

(bb) If the number of units per 12 ounces exceeds 240, divide the number of units less than ½ inch long by the total number of units and multiply by 100 to determine the percentage by count of the total units which are less than ½ inch long.

(cc) Divide the number of blemished units by the total number of units in the container and multiply by 100 to obtain the percentage by count of blemished units in the container.

(dd) Divide the number of unstemmed units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(4) Except in the case of pods sliced lengthwise remove the loose seed and pieces of seed, weigh and record weight and return to tray. Divide the

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weight of loose seed and pieces of seed by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 100 to obtain the percentage by weight of loose seed and pieces of seed in the drained material.

(5) Remove from the tray the extraneous vegetable material, weigh, record weight and return to tray.

(6) Remove from the tray one (1) or more representative samples of 3½ to four (4) ounces, covering each sample as taken to prevent evaporation. If the tray includes pods or pieces of pods 27/64 inch or more in diameter, weigh and record weight in ounces of each representative sample.

(7) From each representative sample selected in subparagraph (6) of this paragraph discard any loose seed and extraneous vegetable material and detach and discard any attached stems.

(aa) Except with optional ingredient specified in Regulation Agr 4904(a)(2) pods sliced lengthwise, trim off, as far as the end of the space formerly occupied by the seed, any portion of pods from which seed have become separated.

(bb) Remove and discard any portions of seed from the trimmings and reserve the trimmings for subparagraph (9) of this paragraph.

(cc) Weigh and record the weight of the trimmed pods.

(dd) Deseed the trimmed pods and reserve the deseeded pods for subparagraph (9) of this paragraph.

(ee) If the original container contained pods 27/64 inch or more in diameter, remove strings from the pods during the deseeding operation. Reserve these strings for testing as prescribed in subparagraph (8) of this paragraph.

(ff) Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any liquid drains away. Weigh the seed, divide by the weight of the trimmed pods and multiply by 100 to obtain the percentage by weight of seed in the trimmed pods.

(gg) In the case of pods sliced lengthwise, remove seed and pieces of seed or reserve the deseeded pods for use as prescribed in subparagraph (9) of this paragraph.

(8) If stings have been removed for testing, as prescribed in subparagraph (7) of this paragraph, test them as follows:

(aa) Fasten clamp, weighted to ½ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string), and lift gently.

(bb) Count the string as tough if it supports the ½ pound weight for at least five (5) seconds. If the string breaks before five (5) seconds, test such parts into which it breaks as are ½ inch or more in length and if any such part of the string supports the ½ pound weight for at least five (5) seconds count the string as tough.

(cc) Divide the number of tough strings by the weight of the sample recorded in subparagraph (6) of this paragraph and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight.

(9) Combine the deseeded pods with the trimmings reserved in subparagraph (7) of this paragraph and, if strings were tested as prescribed in subparagraph (8) of this paragraph, add such strings, broken or unbroken.

(aa) Weigh and record weight of combined material.

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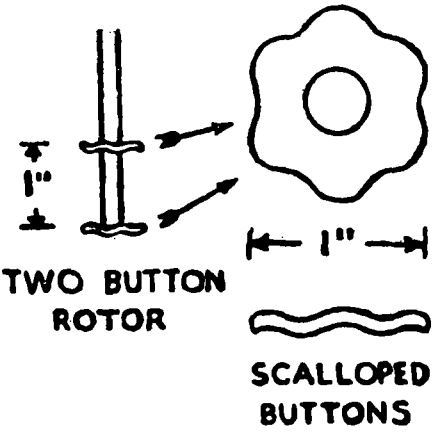
(bb) Transfer to the metal cup of a malted milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water.

(cc) Bring mixture nearly to a boil, add 25 cc. of 50 per cent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, one (1) cc. of capryl alcohol may be added.)

(dd) Boil for five (5) minutes, then stir for five (5) minutes with a malted milk stirrer capable of a no-load speed of at least 7200 r.p.m. Use a rotor with two (2) scalloped buttons shaped as shown in the diagram in Exhibit 1.

EXHIBIT 1



(ee) Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to four (4) inches and side walls about one (1) inch high and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube three (3) inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼ inch inside diameter.

(ff) Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphtalein solution, does not show any red color after standing five (5) minutes.

(gg) Again wash to remove phenolphthalein.

(hh) Dry the screen containing the fibrous material for two (2) hours at 100°C., cool, weigh and deduct weight of screen.

(ii) Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings and strings and multiply by 100 to obtain the percentage of fibrous material.

(10) If the drained weight recorded in subparagraph (1) of this paragraph was less than 60 ounces, open and examine separately for extraneous material, as directed in subparagraph (5) of this paragraph, additional containers until a total of not less than 60 ounces of drained material is obtained. To determine the combined weight of extraneous vegetable material per 60 ounces of drained weight, total the weights of extraneous vegetable material found in all containers opened, divide this sum by the sum of the drained weights in these containers and multiply by 60.

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(c) If the quality of the canned green beans falls below the standard of quality prescribed by paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a), in the manner and form therein specified, but in lieu of the words prescribed for the second line inside the rectangle the following words may be used, when the quality of canned green beans falls below the standard in one only of the following respects:

(1) "Excessive Number Very Short Pieces", if the canned green beans fail to meet the requirements of paragraph (a)(1) of this regulation.

(2) "Excessive Number Blemished Units", if they fail to meet the requirements of paragraph (a)(5) of this regulation.

(3) "Excessive Number Unstemmed Units", if they fail to meet the requirements of paragraph (a)(6) of this regulation.

(4) "Excessive Foreign Material", if they fail to meet the requirements of paragraph (a)(8) of this regulation.

Agr 4906 Canned Wax Beans; Identity; Label Statement of Optional Ingredients

(a) Canned wax beans conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for canned green beans by Regulation Agr 4904(a) and (b), except that it is prepared from stemmed, succulent pods of the wax-bean plant.

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (a) of this regulation shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless" where the beans are in fact stringless and (3) the description of the wax beans as "Stringless", which may also be used between the words "Wax" and "Beans", where the beans are in fact stringless.

Agr 4907 Canned Wax Beans; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned wax beans is that prescribed for canned green beans by Regulation Agr 4903(a) and (b).

(b) If the quality of canned wax beans falls below the standard of quality prescribed by paragraph (a) of this regulation the label shall bear the statement of substandard quality in the manner and form specified in Regulation Agr 4903(c) for canned green beans.

Agr 4908 Canned Corn, Canned Sweet Corn, Canned Sugar Corn; Identity; Label Statement of Optional Ingredients

(a) Canned corn, canned sweet corn, canned sugar corn is the food consisting of one (1) of the corn ingredients specified in paragraph (b) of this regulation, with water necessary for proper preparation and processing. It may be seasoned or garnished with one (1) or more of the following optional ingredients:

(1) Salt;

(2) Monosodium glutamate;

(3) Sugar (sucrose);

(4) Pieces of sweet red peppers or sweet green peppers or hot red peppers or hot green peppers or a mixture of any two (2) or more of these.

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It is sealed in a container and so processed by heat as to prevent spoilage.

(b) The corn ingredients referred to in paragraph (a) of this regulation consist of succulent sweet corn of the white or yellow color groups or mixtures of these and are as follows:

(1) Cut kernels from which the hulls have not been separated.

(2) Pieces of the inner portion of the corn kernel substantially free from hull.

(3) Ground kernels from which the hulls have not been separated.

(4) A mixture of the form described in subparagraph (1) of this paragraph with one or both of the forms described in subparagraphs (2) and (3) of this paragraph. When necessary to insure smoothness, starch may be added, in a quantity not more than sufficient for that purpose.

(5) Cut and cooked kernels from which most of the moisture has been evaporated. In preparing each of the foregoing corn ingredients, the tip caps are removed.

(c) Canned Corn; Descriptive Labeling

(1) The name of the food is: "Corn" or "Sweet Corn" or "Sugar Corn" with the name of the color group used, "White", "Yellow" or "Golden" or with the names of the color groups used, "White and Yellow" or "White and Golden", when the white color group predominates and "Yellow and White" or "Golden and White", when the yellow color group predominates and with:

(aa) The words "Whole Kernel" or "Whole Grain", when the corn ingredient specified in paragraph (b)(1) of this regulation is used. When the weight of the liquid in the container as determined by the method prescribed in Regulation Agr 4909(b)(1), is not more than 20 per cent of the net weight and the container is closed under conditions creating a high vacuum in the container, the words "Vacuum Pack" or "Vacuum Packed" also are part of the name.

(bb) The word "Fritter", when the corn ingredient specified in paragraph (b)(2) of this regulation is used.

(cc) The word "Ground", when the corn ingredient specified in paragraph (b)(3) of this regulation is used.

(dd) The words "Cream Style", when the corn ingredient specified in paragraph (b)(4) of this regulation is used.

(ee) The word "Evaporated", when the corn ingredient specified in paragraph (b)(5) of this regulation is used.

(2) The parts of the name as specified in subparagraph (1) of this paragraph may be arranged in any order of precedence. The varietal name of the corn used may intervene between parts of the name of the food. For the purpose of arrangement of the name, the words "Sweet" and "Corn" may be treated as separate parts of the name. When the varietal name immediately precedes or follows the name or intervenes between parts of the name of the food and it accurately designates the color of the corn ingredient, no other designation of the color group need be made.

(d) Optional Seasoning Ingredients, Labeling

(1) When the optional seasoning or garnishing ingredient specified in paragraph (a)(4) of this regulation is used, the label shall bear the words "With .....peppers", the blanks being filled in with the words "red" or "green" or both, to show the color of peppers used and "sweet" or "hot" or both, to show the kind of peppers used, as for example "With green sweet peppers" or "With hot red peppers".

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(2) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate".

(3) When the optional starch ingredient specified in paragraph (b)(4) of this regulation is used, the label shall bear the statement "Starch added to insure smoothness".

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (d) of this regulation shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that the varietal name of the corn used may so intervene.

Agr 4909 Canned Corn, Canned Sweet Corn, Canned Sugar Corn; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned corn is as follows:

(1) When tested by the method prescribed in paragraph (b) of this regulation, canned corn in which the corn ingredient is whole-kernel corn (Regulation Agr 4908(b)(1) or evaporated corn (Regulation Agr 4908(b)(5)):

(aa) Contains not more than one (1) brown or black discolored kernel or piece of kernel for each two (2) ounces of drained weight;

(bb) Contains not more than one (1) cubic centimeter of pieces of cob for each 14 ounces of drained weight;

(cc) Contains not more than one (1) square inch of husk for each 14 ounces of drained weight; and

(dd) Contains not more than seven (7) inches of silk for each one (1) ounce of drained weight.

(2) When tested by the method prescribed in paragraph (c) of this regulation, canned corn in which the corn ingredient is fritter corn (Regulation Agr 4908(b)(2)), ground corn (Regulation Agr 4908(b)(3)) or cream-style corn (Regulation Agr 4908(b)(4)):

(aa) Contains not more than one (1) brown or black discolored kernel or piece of kernel for each two (2) ounces of net weight;

(bb) Contains not more than one (1) cubic centimeter of pieces of each 20 ounces of net weight;

(cc) Contains not more than one (1) square inch of husk for each 20 ounces of net weight;

(dd) Contains not more than six (6) inches of silk for each one (1) ounce of net weight; and

(ee) Has a consistency such that the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 12 inches, except that, in the case of cream-style corn the washed drained material of which contains more than 20 per cent of alcohol-insoluble solids, the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 10 inches.

(3) Alcohol-Insoluble Solids; Limit.

(aa) The weight of the alcohol-insoluble solids of whole-kernel corn (Regulation Agr 4908(b)(1) does not exceed 27 per cent of the drained weight, when tested by the method prescribed in paragraph (b) of this regulation.

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(bb) The weight of the alcohol-insoluble solids of the washed drained material of cream-style corn (Regulation Agr 4908(b)(4)) does not exceed 27 per cent of the weight of such material, when tested by the method prescribed in paragraph (c) of this regulation.

(b) The method referred to in paragraph (a) of this regulation for testing whole-kernel corn (Regulation Agr 4908(b)(1)) and evaporated corn (Regulation Agr 4908(b)(5)) is as follows:

(1) Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of an eight (8)-mesh circular sieve which has previously been weighed. The diameter of the sieve is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds and 12 inches if such quantity is three (3) pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two (2) minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the per cent of drained liquid in the net weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per two (2) ounces of drained material. Remove pieces of silk more than ½ inch long, husk, cob and any pieces of material other than corn. Measure the aggregate length of such pieces of silk and calculate the length of silk per one (1) ounce of drained weight. Spread the husk flat, measure its aggregate area and calculate the area of husk per 14 ounces of drained weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume can be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 14 ounces of drained weight.

(3) If the corn is whole-kernel (Regulation Agr 4908(b)(1)), comminute a representative 100-gram sample of the drained corn from which the silk, husk, cob and other material which is not corn (i.e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to nearest 0.01 gram a portion of the comminuted material equivalent to approximately 10 grams of the drained corn into a 600-cubic centimeter beaker. Add 300 cubic centimeters of 80 per cent alcohol (by volume), stir, cover beaker and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for two (2) hours at 100°C., covering the dish with a tight-fitting cover, cooling it in a desiccator and promptly weighing to the nearest 0.001 gram. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 per cent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for two (2) hours at 100°C. Place the cover on the dish, cool it in a desiccator and promptly weigh to the nearest 0.001 gram. From this weight subtract the weight of the dish, cover and paper as previously found. Calculate the remainder to percentage.

(c) The method referred to in paragraph (a) of this regulation for testing

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fritter corn (Regulation Agr 4908(b)(3)), ground corn (Regulation Agr 4908 (b)(4)) and cream-style corn (Regulation Agr 4908(b)(2)), is as follows:

(1) Allow the container to stand at least 24 hours at a temperature of 68°F. Determine the gross weight, open, transfer the contents into a pan and mix thoroughly in such a manner as not to incorporate air bubbles. (If the net contents of a single container is less than 18 ounces, determine the gross weight, open and mix contents of the least number of containers necessary to obtain 18 ounces.) Fill level full a hollow, truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of three (3) inches, inside top diameter of two (2) inches and height of 4 27/32 inches. As soon as the cone is filled, lift it vertically. Determine the average of the longest and shortest diameters of the approximately circular area on the plate covered by the sample 30 seconds after lifting the cone. Dry and weigh each empty container and subtract the weight so found from the gross weight to obtain the net weight.

(2) Transfer the material from the plate, cone and pan onto an eight (8)-mesh sieve as prescribed in paragraph (b)(1) of this regulation. The diameter of the sieve is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds, and 12 inches if such quantity is three (3) pounds or more. Set the sieve in a pan. Add enough water to bring the level within ⅜ inch to ¼ inch of the top of the sieve. Gently wash the material on the sieve by combined up-and-down and circular motion for 30 seconds. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage and drain for two (2) minutes.

(3) From the material remaining on the eight (8)-mesh sieve count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per two (2) ounces of net weight. Remove pieces of silk more than ½ inch long, husk, cob and other material which is not corn (i.e., peppers). Measure aggregate length of such pieces of silk and calculate the length per ounce of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 20 ounces of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 20 ounces of net weight. If the corn is cream-style corn (Regulation Agr 4908(b)(4)), take a representative 100-gram sample of the material remaining on the eight (8)-mesh sieve (if such material weighs less than 100 grams take all of it) and determine the alcohol-insoluble solids as prescribed in paragraph (b)(3) of this regulation for whole-kernel corn.

(d) If the quality of canned corn falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029(a), in the manner and form therein specified; however, if the quality of the canned corn falls below standard with respect to only one of the factors of quality specified by subdivisions (aa) to (dd) of paragraph (a)(1) of this regulation or by subdivisions (aa) to (ee) of paragraph (a)(2) of this regulation, there may be substituted for the second line of such general statement of substandard quality, "Good Food-Not High Grade", a new line as specified after the corresponding subdivision designation of paragraph (a) of this regulation which the canned corn fails to meet:

(1)(aa) or (2)(aa) "Excessive discolored kernels".

(1)(bb) or (2)(bb) "Excessive cob".

(1)(cc) or (2)(cc) "Excessive husk".

(1)(dd) or (2)(dd) "Excessive silk".

(2)(ee) "Excessive liquid".

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Agr 4910 Canned Corn, Canned Sweet Corn, Canned Sugar Corn Where the Corn Ingredient is in One of the Forms Known as Fritter Corn, Ground Corn or Cream-Style Corn; Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned corn where the corn ingredient is in one of the forms known as fritter corn (Regulation Agr 4908(b)(2)), ground corn (Regulation Agr 4908(b)(3)) or cream-style corn (Regulation Agr 4908(b)(4)) is a fill of not less than 90 per cent of the total capacity of the container, as determined by the general method for fill of containers prescribed in Regulation Agr 4028.

(b) If canned fritter corn, canned ground corn or canned cream-style corn, falls below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029(b), in the manner and form therein specified.

Agr 4911 Canned Field Corn; Identity; Label Statement of Optional Ingredients

(a) Canned field corn conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for canned corn by Regulation Agr 4908, except that the corn ingredient consists of succulent field corn or a mixture of succulent field corn and succulent sweet corn.

(b) The name of the food conforms to the name specified in Regulation Agr 4908(c), except that the words "Corn", "Sweet Corn" and "Sugar Corn" are replaced by the words "Field Corn" and the term "Golden Field Corn" is not used.

Agr 4912 Canned Field Corn Where the Corn Ingredient is in One of the Forms Known as Fritter Field Corn, Ground Field Corn or Cream-style Field Corn; Fill of Container; Label Statement of Substandard Fill. Each of the foods canned fritter field corn, canned ground field corn and canned cream-style field corn conforms to the standard of fill of container and label statement of substandard fill prescribed for canned fritter corn, canned ground corn and canned cream-style corn by Regulation Agr 4910(a) and (b).

Agr 4913 Canned Mushrooms; Fill of Container; Label Statement of Substandard Fill

The standard of fill of container for canned mushrooms is a fill such that:

(a) The weight of drained mushrooms in a container the dimensions of which are specified in the following table is not less than the weight of drained mushrooms prescribed in such table for such container:

Trade designation	Over-all Dimensions sealed can: Diameter Inches	Over-all Dimensions sealed can: Height Inches	Weight of drained mushrooms Ounces (avoirdupois)
202 X 204	2⅛	2¼	2
211 X 212	2 1/16	2¾	4
300 X 400	3	4	8
307 X 510	3 7/16	5⅝	16
603 X 700	6 3/16	7	68

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(b) The drained weight of mushrooms in containers of a size not specified in paragraph (a) of this regulation is not less than 56 per cent of the water capacity of the container, if such water capacity is less than 11.0 ounces avoirdupois; not less than 59 per cent of the water capacity of the container, if such water capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 per cent of the water capacity of the container, if such water capacity is 25 ounces avoirdupois or more.

(c) Water capacity of containers is determined by the general method provided in Regulation Agr 4028.

(d) Drained weight is determined by the following method:

(1) Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is eight (8) inches if the quantity of contents of the container is less than three (3) pounds, and 12 inches if such quantity is three (3) pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 8 of "Standard Specifications for Sieves", published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards.

(2) Without shifting the material on the sieve, so incline the sieve as to facilitate drainage.

(3) Two (2) minutes after drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained mushrooms.

(e) If the canned mushrooms fall below the applicable standard of fill of container prescribed in paragraph (a) or (b) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029 (b), in the manner and form therein specified.

Agr 4914 Canned Vegetables Other Than Those Specifically Regulated; Identity; Label Statement of Optional Ingredients

(a) The canned vegetables for which definitions and standards of identity are prescribed by this regulation are those named in column I of the table set forth in paragraph (b) of this regulation. The vegetable ingredient in each such canned vegetable is obtained by proper preparation from the succulent vegetable prescribed in column II of such table if two (2) or more forms of such ingredient are designated in column III of such table, the vegetable in each such form is an optional ingredient.

(b) The table referred to in paragraph (a) of this regulation is as follows:

I	II	III
Name or synonym of Canned Vegetable	**Source**	**Optional Forms of Vegetable Ingredient**
Artichokes.	Flower buds of the artichoke plant.	Whole; half or halves or halved; whole hearts; halved hearts; quartered hearts.
Asparagus.	Edible portions of sprouts of the asparagus plant, as follows:	
	Three and three-quarter inches or more of upper end.	Stalks or spears.
	Three and three-quarter inches or more of peeled upper end.	Peeled stalks or peeled spears.

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I Name or synonym of Canned Vegetable	II Source	III Optional Forms of Vegetable Ingredient
	Not less than two and three-quarter inches but less than three and three-quarter inches of upper end.	Tips.
	Less than two and three-quarter inches of upper end.	Points.
	Sprouts cut in pieces.	Cut stalks or cut spears.
	Sprouts from which the tip has been removed, cut in pieces.	Bottom cuts or cuts — tips removed.
Bean sprouts.	Sprouts of the Mung bean.	
Shelled beans.	Seed shelled from green or wax bean pods, with or without snaps (pieces of immature unshelled pods).	
Lima beans or butter beans.	Seed shelled from the pods of the lima bean plant.	
Beets.	Root of the beer plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Beet greens.	Leaves, or leaves and immature root, of the beet plant.	
Broccoli.	Heads of the broccoli plant.	
Brussels sprouts.	Sprouts of the Brussels sprout plant.	
Cabbage.	Cut pieces of the heads of the cabbage plant.	
Carrots.	Root of the carrot plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Cauliflower.	Cut pieces of the head of the cauliflower plant.	
Celery.	Stalks of the celery plant.	Cut; hearts.
Collards.	Leaves of the collard plant.	
Dandelion.	Leaves of the dandelion plant.	
Kale.	Leaves of the kale plant.	
Mushrooms.	Cap and stem of the mushroom.	Buttons; whole; slices or sliced; pieces and stems.

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I Name or synonym of Canned Vegetable	II Source	III Optional Forms of Vegetable Ingredient
Mustard greens.	Leaves of the mustard plant.	
Okra.	Pods of the okra plant.	Whole; cut.
Onions.	Bulb of the onion plant.	Whole; cut.
Parsnips.	Root of the parsnip plant.	Whole; quarters or quartered; slices or sliced; cut; shoestring or French style or julienne.
Black-eye peas or black-eyed peas.	Seed shelled from pods of the black-eye pea plant, with or without snaps (pieces of immature unshelled pods).	
Field peas.	Seed shelled from pods of the field pea plant (other than the black-eye pea plant), with or without snaps (pieces of immature unshelled pods).	
Green sweet peppers.	Green pods of the sweet pepper plant.	Whole; halves or halved; pieces.
Red sweet peppers.	Red-ripe pods of the sweet pepper plant.	Whole; halves or halved; pieces.
Pimientos or pimentos.	Red-ripe pods of the pimiento or pimento, pepper plant.	Whole; halves or halved; pieces.
Potatoes.	Tuber of the potato plant.	Whole; slices or sliced; dice or diced; pieces; shoestring or French style or julienne.
Sweet potatoes.	Tuber of the sweet potato plant.	Whole; pieces; mashed.
Rutabagas.	Root of the rutabaga plant.	Whole; quarters or quartered; slices or sliced; dice or diced; cut.
Salsify.	Root of the salsify plant.	
Spinach.	Leaves of thte spinach plant.	
Swiss chard.	Leaves of the Swiss chard plant.	
Truffles.	Fruit of the truffle.	
Turnip greens.	Leaves of the turnip plant.	
Turnips.	Root of the turnip plant.	Whole; quarters or quartered; slices or sliced; dice or diced; cut.

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(c) To the vegetable ingredient water is added; except that pimentos may be canned with or without added water and sweet potatoes in mashed form are canned without added water and asparagus may be canned with added water, asparagus juice or a mixture of both. For the purposes of this regulation, asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the asparagus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the case of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the cases of all vegetables (except artichokes, in which such ingredient is prescribed and except canned mushrooms, in which no such ingredient is permitted), in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimentos.

(3) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate or any mixture of two (2) or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in a quantity such that the calcium contained in any such calcium salt or mixture is more than 0.051 per cent of the weight of the finished food.

(4) Snaps, in the cases of shelled bean, black-eyed peas and field peas.

(5) Salt may be added to any of the canned vegetables in this regulation in a quantity sufficient to season the food.

(6) In the cases of all vegetables (except canned mushrooms), one (1) or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

(aa) A vinegar

(bb) Spice

(cc) Refined sugar (sucrose)

(dd) Refined corn sugar (dextrose)

(7) In the case of canned mushrooms, ascorbic acid (vitamin C) may be added in a quantity not to exceed 37.5 milligrams for each ounce of drained weight of mushrooms.

(8) In the cases of all vegetables, monosodium glutamate may be added in a quantity sufficient to season the food. The food is sealed in a container and so processed by heat as to prevent spoilage.

(d) The name of each canned vegetable for which a definition and standard of identity is prescribed by this regulation is the name of any synonym thereof whereby such vegetable is designated in Column I of the table in paragraph (b) of this regulation.

(e) If two (2) or more forms of the vegetable are specified in Column III of the table in paragraph (b) of this regulation, the label shall bear the specified word or words or in case synonyms are so specified, one (1) of such synonyms, showing the form of the vegetable ingredient present.

(f) Optional Ingredients; Labeling

(1) If the optional ingredient specified in paragraph (c)(2) of this regulation is present, the label shall bear the statement "..... Oil Added" or

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"With Added ..... Oil", the blank being filled in with the common or usual name of oil.

(2) If the optional ingredient specified in paragraph (c)(3) of this regulation is present, the label shall bear the statement "Trace of ..... Added" or "With Added Trace of .....", the blank being filled in with the words "Calcium Salt" or "Calcium Salts", as the case may be or with the name or names of the particular calcium salt or salts added.

(3) If the optional ingredient specified in paragraph (c)(4) of this regulation is present, the label shall bear the statement "With Snaps".

(4) If optional seasoning ingredient of paragraph (c)(6)(aa) of this regulation is present, the label shall bear the statement "Seasoned with Vinegar" or "Seasoned with ..... Vinegar", the blank being filled in with the common or usual name of the vinegar.

(5) If optional seasoning ingredient of paragraph (c)(6)(bb) of this regulation is present, the label shall bear the statement "Spice Added" or "With Added Spice".

(6) If a vinegar, spice and vegetable oil or any two (2) of these are present, the label may bear, in lieu of the statements prescribed in this regulation, showing the presence of such ingredients, a combination of such statements, as for example, "With Added Cider Vinegar, Spice and Olive Oil".

(7) If asparagus juice is used as a packing medium in canned asparagus, the label shall bear the statement "Packed in Asparagus Juice".

(8) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate".

(g) Wherever the name of the vegetable appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in paragraphs (e) and (f) of this regulation shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that the varietal name of the vegetable may so intervene.

Agr 4915-4950 Reserved for future use.

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CHAPTER 146: AGR 4951-5000

TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Agr 4951 Tomato Juice; Identity. Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding, followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

Agr 4952 Yellow Tomato Juice; Identity. Yellow tomato juice is the unconcentrated liquid extracted from mature tomatoes of yellow varieties. It conforms, in all other respects, to the definition and standard of identity for tomato juice prescribed in Regulation Agr 4951.

Agr 4953—Catsup, Ketchup, Catchup; Identity; Label Statement of Optional Ingredients

(a) Catsup, ketchup, catchup, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds and other coarse or hard substances. It is concentrated and seasoned with salt, a vinegar or vinegars, spices or flavorings or both and onions or garlic or both and is sweetened with sugar or a mixture of sugar and dextrose or a mixture of sugar (or sugar and dextrose) with corn sirup or dried corn sirup or both or with glucose sirup or dried glucose sirup or both, in such quantity that the weight of the solids of the corn sirup or dried corn sirup or both or glucose sirup or dried glucose sirup or both, is not more than ⅓ of the weight of the solids of such mixture. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) Corn Sirup and Glucose Sirup Defined.

(1) For the purposes of this regulation, the term "corn sirup" means refined corn sirup (including dried corn sirup) the solids of which contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose.

(2) The term "glucose sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 per cent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup".

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(c) When optional ingredient specified in paragraph (a)(2) of this regulation, is present, in whole or in part, the label shall bear the statement "Made From ..... " (or "Made in Part From ..... ", as the case may be), "Residual Tomato Material from Canning". When optional ingredient specified in paragraph (a)(3) of this regulation is present, in whole or in part, the label shall bear the statement "Made From ..... " (or "Made in Part From ..... ", as the case may be), "Residual Tomato Material from Partial Extraction of Juice". If both such ingredients are present, such statements may be combined in the statement "Made From ..... " (or "Made in Part From ..... ", as the case may be), "Residual Tomato Material from Canning and from Partial Extraction of Juice". Wherever the name "Catsup", "Ketchup" or "Catchup" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this paragraph showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

Agr 4954 Tomato Puree, Tomato Pulp; Identity; Label Statement of Optional Ingredients

(a) Tomato puree, tomato pulp, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds and other coarse or hard substances. It is concentrated and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.37 per cent, but less than 25.00 per cent, of salt-free tomato solids, as determined by the following method: Determine total solids by the method prescribed on page 499 (Ed. note, 8th edition, 1955, p. 570, sec. 30.2), under "Total Solids—Tentative", and sodium chloride by the method prescribed on page 500 (Ed. note, 8th edition, 1955, p. 571, sec. 30.8. Title changed to "Sodium Chloride Method I—Official", under "Sodium Chloride—Official"), of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th edition, 1935. Subtract the per cent of sodium chloride found from the per cent of total solids found; the difference shall be considered to be the per cent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a)(2) of this regulation is present, in whole or in part, the label shall bear the statement, "Made from ..... " (or "Made in Part from ..... ", as the case may be) "Residual Tomato Material from Canning". When optional ingredient specified in paragraph (a)(3) of this regulation is present, in whole or in part, the label shall bear the statement "Made from ..... " (or "Made in Part from ..... ", as the case may be) "Residual Tomato Material from Partial Extraction of Juice". If both such ingredients are present, such statements may be combined in the statement "Made from ..... " (or "Made in Part from ..... ", as the case may be), "Residual Tomato Material from Canning and from Partial Extraction of Juice". Wherever the name "Tomato Puree" or "Tomato Pulp" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this section, showing the optional ingredients present shall immediately and

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conspicuously precede or follow such name, without intervening written, printed or graphic matter.

Agr 4955 Tomato Paste; Identity; Label Statement of Optional Ingredients

(a) Tomato paste is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds and other coarse or hard substances. It is concentrated and may be seasoned with one or more of the optional ingredients:

(4) Salt

(5) Spice

(6) Flavoring

It may contain, in such quantity as neutralizes a part of the tomato acids, the optional ingredient:

(7) Baking soda

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 25.00 per cent of salt-free tomato solids, as determined by the following method: Determine total solids by the method prescribed on page 499 (Ed. note, 8th edition, 1955, p. 570, sec. 30.2), under "Total Solids—Tentative" and sodium chloride by the method prescribed on page 500 (Ed. note, 8th edition, 1955, p. 571, sec. 30.8), under "Sodium Chloride—Official", of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th edition, 1935. Subtract the per cent of sodium chloride found from the per cent of total solids found; the difference shall be considered to be the per cent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a)(2) of this regulation is present, in whole or in part, the label shall bear the statement "Made from ....." (or "Made in Part from .....", as the case may be), "Residual Tomato Material from Canning". When optional ingredient specified in paragraph (a)(3) of this regulation is present, in whole or in part, the label shall bear the statement "Made from .....", (or "Made in Part from.....", as the case may be), "Residual Tomato Material from Partial Extraction of Juice". If both such ingredients are present, such statements may be combined in the statement "Made from ....." (or "Made in Part from .....", as the case may be), "Residual Tomato Material from Canning and from Partial Extraction of Juice". When optional ingredient specified in paragraph (a)(5) or (6) of this regulation is present the label shall bear the statement or statements, "Spice Added" or "With Added Spice", "Flavoring Added" or "With Added Flavoring", as the case may be. When optional ingredient specified in paragraph (a)(7) of this regulation is present, the label shall bear the statement "Baking Soda Added". If two or all of the optional ingredients specified in paragraph (a)(5), (6) and (7) of this regulation are present, such statements may be combined, as for example, "Spice, Flavoring and Baking Soda Added". In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used.

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(c) Wherever the name "Tomato Paste" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

Agr 4956 Canned Tomatoes; Identity; Label Statement of Optional Ingredients

(a) Canned tomatoes are mature tomatoes of red or reddish varieties which are peeled and cored and to which may be added one or more of the following optional ingredients:

(1) The liquid draining from such tomatoes during or after peeling and coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

(4) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 per cent of the weight of the finished canned tomatoes.

It may be seasoned with one or more of the optional ingredients:

(5) Salt

(6) Spices

(7) Flavoring

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient specified in paragraph (a)(2) of this regulation is present, the label shall bear the statement "With Added Strained Residual Tomato Material from Preparation for Canning". When one or more of the optional ingredients specified in paragraph (a)(4) of this regulation is present the label shall bear the statement "Trace of ..... Added" or "With Added Trace of .....", the blank being filled in with the words "Calicum Salts" as the case may be or with the name or names of the particular calcium salt or salts added. When optional ingredient specified in paragraph (a)(6) or (7) of this regulation is present, the label shall bear the statement or statements "Spice Added" or "With Added Spice", "Flavoring Added" or "With Added Flavoring", as the case may be. If two or more of optional ingredients specified in paragraph (a) (2), (6) and (7) of this regulation are present, such statements may be combined, as for example, "With Added Strained Residual Tomato Material from Preparation for Canning, Spice and Flavoring". In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomatoes" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

Agr 4957 Canned Tomatoes; Quality; Label Statement of Substandard Quality

(a) The standard of quality for canned tomatoes is as follows:

(1) The drained weight, as determined by the method prescribed in paragraph (b)(1) of this regulation, is not less than 50 per cent of the weight of

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water required to fill the container, as determined by the general method for water capacity of containers prescribed in Regulation Agr 630;

(2) The strength and redness of color as determined by the method prescribed in paragraph (b)(2) of this regulation, is not less than that of the blended color of any combination of the color discs described in such method, in which ⅓ the area of disc one (1) and not more than ⅓ the area of disc two (2), is exposed;

(3) Peel, per pound of canned tomatoes in the container, covers an area of not more than one (1) square inch; and

(4) Blemishes, per pound of canned tomatoes in the container, cover an area of not more than ¼ square inch.

(b) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a)(1) and (2) of this regulation:

(1) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve used is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds or 12 inches if such quantity is three (3) pounds or more. The meshes of such sieve are made by so weaving wire of 0.054 inch diameter as to form square openings 0.446 inch by 0.446 inch. Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained tomatoes. The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(2) Remove from the sieve the drained tomatoes obtained in subparagraph one (1) of this paragraph. Cut out and segregate successively those portions of least redness until 50 per cent of the drained weight, as determined under subparagraph one (1) of this paragraph, has been so segregated. Comminute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least one (1) inch. Free the mixture from air bubbles and skim off or press below the surface all visible seeds. Compare the color of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter or the color equivalents of such discs:

(aa) Red—Munsell 5 R 2.6/13 (glossy finish).
(bb) Yellow—Munsell 2.5 YR 5/12 (glossy finish).
(cc) Black—Munsell N 1/(glossy finish).
(dd) Grey—Munsell N 4 (mat finish).

(c) If the quality of canned tomatoes falls below the standard prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard quality specified in Regulation Agr 4029 (a) in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ......"; the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this regulation which such canned tomatoes fail to meet, as follows:

(1) "Excessively Broken Up";
(2) "Poor Color";
(3) "Excessive Peel";
(4) "Excessive Blemishes".

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If such canned tomatoes fail to meet both three (3) and four (4), the words "Excessive Peel and Blemishes" may be used instead of the words specified after the corresponding numbers of such clauses. Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name "Tomatoes" and any statements required or authorized to appear with such name by Regulation Agr 4956 (b).

Agr 4958 Canned Tomatoes, Fill of Container; Label Statement of Substandard Fill

(a) The standard of fill of container for canned tomatoes is a fill of not less than 90 per cent of the total capacity of the container, as determined by the general method for fill of containers prescribed in Regulation Agr 4028.

(b) If canned tomatoes fall below the standard of fill of container prescribed in paragraph (a) of this regulation, the label shall bear the general statement of substandard fill specified in Regulation Agr 4029 (b), in the manner and form therein specified.

Agr 4959-5000 Reserved for future use.

Filed 11-14-45; 11-12-48; 4-9-54; 5-19-58.

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CHAPTER 147: AGR 5001-5050

COMMERCIAL CANNERIES; SANITATION AND OPERATION

Agr 5001 Definitions

(a) Commercial Cannery. See Minnesota Statutes, Section 31.31.

(b) Case. The term "case", when used for assessment purposes under Minnesota Statutes, Section 31.39, shall mean twenty-four 303 x 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 31.33, 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 this regulation.

(c) 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 twenty-four 303 x 406 cans shall have the equivalent of 1.0.

(d) 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:

(1) 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

(2) Any 50 pounds of food, other than those products named in (d)(1) of this regulation, 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.

Agr 5002 Premises

(a) 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.

(b) No litter, waste or refuse shall be allowed to accumulate in or around the buildings or yards.

(c) 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.

(d) Factories preparing food products shall be located so as to receive and distribute their products promptly without danger of damage or deterioration and

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shall not be located in the immediate vicinity or any other industry which may be objectionable.

Agr 5003 Buildings

(a) All factory buildings shall be well lighted and ventilated.

(b) Ground floors of all buildings shall be of concrete.

(c) 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.

(d) Windows, window ledges and other places where dirt and dust may accumulate shall be cleaned whenever they become soiled or dirty.

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

(f) 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) sirup rooms; at pea canneries, filling, inspection and brine and (or) sirup rooms.

(g) All floors, walls, ceilings, tables and other fixtures shall be maintained in such condition 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 water-tight and where there is necessity for drainage, shall have sufficient pitch to insure 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.

(h) All factory floors, fixtures, utensils or other apparatus and machinery used in the manufacture, handling or storing of canned food shall be kept clean.

(i) 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.

(j) 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.

(k) 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 he may investigate the conditions of the grounds and drainage.

Agr 5004 Water Supply. Adequate, safe and easily accessible water supply must be provided for all purposes, including cleaning, cooling, washing and drinking.

Agr 5005 Machinery and Equipment

(a) 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.

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(b) An ample supply of steam and water, hose and other equipment necessary for proper cleaning of equipment and machinery must be available.

(c) 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.

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

Agr 5006 Cans and Containers

(a) Proper storage must be provided for cans and other containers.

(b) Cans and other containers must be properly cleaned immediately before being used.

Agr 5007 Vegetables and Fruits for Canning; Handling; Quality

(a) Vegetables and fruits shall be washed before being canned, except cabbage, from which damaged or soiled leaves shall be removed.

(b) No decayed or damaged vegetables or fruits shall be used in canning.

(c) 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.

(d) Peas shall be canned as soon after vining as possible and in no case shall be held over to the next day.

Agr 5008 Toilets

(a) 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 5½ 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 non-absorbent, 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.

(b) Toilet room within the cannery shall be provided with proper flushing facilities and connected with a sewer or proper adequate septic tank.

(c) 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.

Agr 5009 Lavatories. Adequate washing facilities shall be provided in or near every toilet room with separate facilities for each sex. They shall be provided

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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.

Agr 5010 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.

Agr 5011 Prevention of Contamination. All products before being canned, shall be washed, sorted, trimmed and inspected. This rule shall not be construed so as to require the washing of cabbage for sauerkraut.

Agr 5012 Requirements Affecting Employees

(a) 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.

(b) Spitting on the floors or walls or other parts of the canneries shall be prohibited and smoking will be allowed only in rooms provided for that purpose.

(c) Employees handling food products shall wear clean, washable clothing or aprons. Employees shall wear clean, washable caps over their hair.

(d) 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 affect shall be posted in a conspicuous place. Separate dressing rooms shall be provided for women.

(e) 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.

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

(g) 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 these rules and regulations.

Agr 5013 Vining Stations. Vining stations for peas shall be exempted in the enforcement of these rules except the regulations governing premises and the cleaning and sanitary conditions of equipment and machinery used in the vining of peas.

Agr 5014-5050 Reserved for future use.

Filed 11-14-45; 4-9-54; 1-27-69.

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CHAPTER 148: AGR 5051-5100

COLD STORAGE WAREHOUSING

Agr 5051 Licenses

(a) Separate Licenses Required. Any person, firm or corporation operating more than one cold storage warehouse shall make separate application for each such warehouse and each application shall be accompanied by the license fee of fifty dollars.

(b) License Must Be Displayed. The license to operate a cold storage warehouse shall be conspicuously displayed in the local office of such warehouse and a copy of the rules and regulations governing cold storage warehouses shall also be kept on file in such office.

Agr 5052 Leases

(a) Notice of Lease. 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.

(b) Room Must Be Separate. 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.

Agr 5053 Rates

(a) Schedule of Rates to be Filed. Every cold storage warehouseman 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 regulation 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.

(b) No Service Performed Without Filing; Exception. No cold storage warehouseman 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 regulation; 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 regulation.

Agr 5054 Uniform Receipts. Every cold storage warehouseman 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 his order.

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(e) The rate of storage charges.

(f) A description of the goods or of the packages containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

(h) If the receipt is issued for goods of which the warehouseman 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 warehouseman 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 warehouseman or to his 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 warehouseman must keep on file in his office duplicates or stubs of all warehouse receipts furnished.

Agr 5055 Records and Reports

(a) Warehouse Records of Food in Storage. Every licensee of a cold storage warehouse shall keep an accurate record showing the following information:

(1) Owner, name and business address.

(2) Kind and quantities of food stored.

(3) Date of entry.

(4) Kind of warehouse receipt issued, showing the amount charged for storage.

(5) Lot number.

(6) If not original entry, record of previous entries.

(7) Dates of withdrawal, in whole or in part.

(8) Names and addresses of parties withdrawing same.

(9) Record of sale or transfer during storage, with date, names and business addresses.

(b) Reports

(1) Monthly Reports Required. Every licensee of a cold storage warehouse shall submit a monthly report to the commissioner on or before the fifth day of each month, on blanks furnished by said commissioner for that purpose, which report shall show all articles of food in storage at end of preceding month.

(2) Special Reports may be Required. The commissioner may require any other or further information at any time or may compel the submission of special reports whenever required for the proper enforcement of this act.

Agr 5056 Marking and Identification of Articles of Food

(a) Identification of Lot Numbers. 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.

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(b) Containers, How Piled. 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.

(c) Tags to be Firmly Attached. 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.

(d) Storage of Animal Feed

(1) 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 ½ inch in height.

(2) 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".

(e) Chill Room Requires Lot Number. 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 respective 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.

(f) Obliteration of Marks a Violation of Law. The removal or erasure of any mark, stamp or tag required by the cold storage act or by these regulations or the transfer of articles of food from one container to another, not properly marked, will be deemed a violation of this act and will render the offender liable to prosecution, unless permission therefor is granted by the commissioner or the same is done under his direction.

Agr 5057 Sanitary Requirements of Cold Storage Warehouses

(a) The floors, walls, ceilings and equipment of every cold storage warehouse shall be kept in a clean and sanitary condition; and for the purpose of this regulation 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.

(b) 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.

(c) 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.

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

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

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

Agr 5058 Food Which may be Received for Cold Storage

(a) Food Must be Properly Packed. Articles of food intended for cold storage

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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 and all articles of food so wrapped while in cold storage shall be elevated at least two (2) inches from the floor.

(b) Containers, Limit of Size. Livers, trimmings or other articles of food difficult to freeze, shall be packed in containers of such size as to contain not to exceed 150 pounds avoirdupois, or in containers, one (1) dimension of which shall not exceed 12 inches, in which case they must be separated by strips of wood or other suitable material to permit free circulation of air between the boxes, crates or other containers.

(c) Sanitary Condition Required. 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.

(d) Owner and Warehouseman Equally Liable. The owner of the food offered for cold storage and the warehouseman 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.

Agr 5059 Stop Orders

(a) Stop Order; Its Effect. Wherever any food is found in any cold storage warehouse in a condition which renders it wholly or partially unwholesome and unfit for human consumption, the commissioner shall immediately cause the entire lot to be marked with a Stop Order, the form of which is indicated in paragraph (c) of this regulation. Articles of food so marked shall not be destroyed or removed from the warehouse either in whole or in part except in the presence of an authorized representative of the commissioner nor shall the Stop Order be removed except by the order of the commissioner.

(b) Stop Orders; Proceedings Under. Whenever a Stop Order has been placed upon any article of food the commissioner shall cause copy of same to be served by mail upon the owner of such food and copy of such notice shall also be served upon the manager or owner of the cold storage warehouse in which such food is stored. The owner of the food and the licensee of the warehouse shall be held equally responsible for the proper observation of such Stop Order.

(c) Stop Order Form

STATE OF MINNESOTA
SALE, DESTRUCTION OR REMOVAL
FORBIDDEN

This food must not be sold, destroyed or removed pending further action, under the penalty of the law.

Article_____ No. Pkgs._____

Lot No._____ Location_____

Date of Inspection_____

Report of Inspector_____

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Authority: Minnesota Statutes Section 28.06.

Date of Order_____ _____
Commissioner of Agriculture

By_____, Inspector

(d) Destruction of Disposal of Stop Order Food

(1) 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 the owner of such food and to inform him of what action or disposal is contemplated.

(2) 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.

(3) 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 he shall cause the Stop Order to be removed from such portion as may be found wholesome and fit for human consumption.

Agr 5060 Sale by Warehouseman

(a) Conditions

(1) 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 warehouseman in whose warehouse the said food is stored may petition the commissioner for an order to sell the said articles of food.

(2) If said petition is granted and the commissioner issues an order to sell, the warehouseman shall advertise said articles of food for sale at public auction, giving 10 days published notice of the sale and sending a copy of said notice to the owner at his last known address by registered mail at least 10 days before the date of the proposed sale.

(3) The articles of food so advertised shall not be delivered to the owner of the goods within the 10 days specified for advertising period, unless the owner shall pay all reasonable charges incurred through the advertising of said food.

(4) After the sale, the warehouseman 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 regulation.

(b) Owner Liable Under Minnesota Statutes, Section 28.15. Such advertised sale of goods shall not relieve the owner thereof from the penalties incurred under Minnesota Statutes, Section 28.15.

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Agr 5061 Conditions of 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.

Agr 5062-5100 Reserved for future use.

Filed 11-25-46; 4-9-54; 3-22-57.

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CHAPTER 149: AGR 5101-5150

MINIMUM STANDARDS FOR GRADES OF LIQUID HONEY AND LABELING THEREOF AND FOR MINIMUM STANDARDS FOR SANITATION OF HONEY HOUSES

MINIMUM STANDARDS FOR GRADES OF LIQUID HONEY

Agr 5101 Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations.

(a) Honey is the nectar and saccharine exudations of plants gathered, modified and stored in the comb of honey bees; is laevo-rotatory, contains not more than 25 per cent of water, not more than 25 hundredths per cent of ash and not more than eight (8) per cent sucrose.

(b) Liquid Honey is honey that has been separated from the comb by centrifugal force, gravity, straining or by other means under sanitary conditions and is free from visible crystals.

(c) Crystallized Honey is honey that is solidly granulated or crystallized irrespective of whether "candied", "fondant", "creamed" or "spread" types of crystallized honey.

(d) Partially Crystallized Honey is honey that is a mixture of liquid honey and crystallized honey.

(e) Honey House is a building or portion of a building in which honey is separated from the comb, processed and packed.

(f) Person is any individual, partnership, corporation or association.

Agr 5102 Honey Grades. No person shall sell or keep for sale, liquid honey unless it has been graded according to the following grades promulgated by the commissioner of agriculture and labeled with the grade, the name and address of the producer, packer or distributor which information shall be printed in letters not smaller than eight (8) point capitals except the grade which shall be printed in letters not smaller than 14 point bold face capitals.

(a) Minnesota Grade AA Premium Honey means honey that contains not more than 18.6 per cent moisture. The color standard shall be water white or extra white as indicated by a Pfund reading of 17 mm. or less. Such honey shall possess a good flavor for the predominant floral source or when blended, a good flavor for the blend of floral sources, shall be free from defects and of such quality with respect to clarity as to score not less than 90 points when scored in accordance with the scoring system outlined herein and shall further comply with the individual rules relating to flavor, absence from defects and clarity.

(b) Minnesota Grade A Fancy Honey means honey that contains not more than 18.6 per cent of moisture. The color standard shall be white, as indicated by a Pfund reading of 18 to 30 mm. Such honey shall possess a good flavor for the predominant floral source or when blended, a good flavor for the blend of floral sources, shall be free from defects, shall be clear and shall score not less than 90 points when scored in accordance with the scoring system outlined herein and shall further comply with the individual rules relating to flavor, absence from defects and clarity.

Any honey of a quality that meets the standards set forth for Minnesota Grade A Fancy Honey or Minnesota Grade B Choice Honey, but fails to meet the

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color standards for those grades may be labeled as such providing such label also states the predominant floral source.

(c) Minnesota Grade B Choice Honey shall include honey that contains not more than 18.6 per cent moisture. The color standard shall be extra light amber, as indicated by a Pfund reading of 30 to 50 mm. Such honey shall possess a reasonably good flavor for the predominant floral source or when blended, a reasonably good flavor for the blend of floral sources, shall be reasonably free from defects, shall be reasonably clear and shall score not less than 80 points when scored in accordance with the scoring system outlined herein and shall further comply with the individual rules relating to flavor, absence from defects and clarity.

(d) Minnesota Grade C Standard Honey means honey which may contain up to 20 per cent moisture and be of a color standard, light amber, amber or dark amber. This grade shall include such honeys grading 50 mm. or more on the Pfund grader. This honey shall possess a fairly good flavor for the predominant floral source or when blended, a fairly good flavor for the blend of floral sources, shall be fairly free from defects and shall be of such quality with respect to clarity as to score not less than 70 points when scored in accordance with the scoring system outlined herein and shall further comply with the individual rules relating to flavor, absence from defects and clarity.

(e) Minnesota Grade D Substandard Honey means honey fit for human consumption that fails to meet the standards set forth for Minnesota Grade C Standard Honey.

(f) Minnesota Grade Utility Honey means honey fit for human consumption in possession of and offered for sale by the original producer which has never been graded in accordance with any of the above grades. This grade shall apply only to honey in possession of and offered for sale by the original producer and any subsequent sale by another person shall be in accordance with the above specified grades.

Agr 5103 Ascertaining the Factor Rating for Flavor, Absence of Defects and Clarity

(a) The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example) "27 to 30 points" means 27, 28, 29 or 30 points.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number that may be given each factor is:

Factor	Points
Flavor	50
Absence of Defects	40
Clarity	10
Total Score	100

Agr 5104 Grade Factors. Minnesota Honey Grades shall be ascertained after consideration of five (5) factors affecting the grades. They are: Color, Moisture, Flavor, Absence of Defects and Clarity. The latter three are scored according to Regulation Agr 5103.

(a) & (b) Color and Moisture

(1) The color of honey is one criterion of quality for the purpose of Minnesota Standards for grading liquid honey. The color shall be determined by means of a satisfactory colorimeter for example, the United States Department

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of Agriculture permanent colored glass classifier or the Pfund grader. The color of crystallized honey or partially crystallized honey will be determined after the honey has been liquified by heating to approximately 54.40° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the color.

(2) If the United States Department of Agriculture permanent colored glass color standards are used in determining the color of honey, such equipment shall be used in accordance with United States Department of Agriculture requirements.

TABLE OF COLOR AND MOISTURE STANDARDS TO GRADE MINNESOTA HONEY

Grade	U.S.D.A., Color Standards	Pfund Scale (millimeter)	Moisture Content Not To Exceed
"Minnesota Grade AA Premium"	Water White and Extra White	17 or less	18.6%
"Minnesota Grade A Fancy"	White	17 to 30	18.6%
"Minnesota Grade B Choice"	Extra Light Amber	30 to 50	18.6%
"Minnesota Grade C Standard"	Light Amber, Amber, Dark Amber	50 and up	20. %

(c) Flavor. The factor of flavor refers to the prominence of the honey flavor and aroma and to its conformity to the flavor and aroma of the predominant floral source or blend of floral sources.

(1) Honey that possesses a good flavor for the predominant floral source may be given a score of 45 to 50 points. "Good flavor for the predominant floral source" means that the product has a good, normal flavor and aroma for the predominant floral source or when blended, a good flavor for the blend of floral sources and that the honey is free from caramelized flavor or objectionable flavor caused by fermentation, smoke, chemicals or other causes with the exception of the predominant floral source.

(2) If the honey possesses a reasonably good flavor for the predominant floral source, a score of 40 to 44 points may be given. Honey that falls into this classification shall not be graded above Minnesota Grade B Choice Honey regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor for the predominant floral source" means that the product has a reasonably good, normal flavor and aroma for the predominant floral source or when blended, a reasonably good flavor for the blend of floral sources and that the honey is practically free from caramelized flavor and is free from objectional flavor caused by fermentation, smoke, chemicals or other causes with the exception of the predominant floral source.

(3) Honey that possesses a fairly good flavor for the predominant floral source may be given a score of 35 to 39 points. Honey that falls into this classification shall not be graded above Minnesota Grade C Standard Honey regardless of the total score of the product (this is a limiting rule). "Fairly good flavor for the predominant floral source" means that the product has a fairly good, normal flavor and aroma for the predominant floral source or when blended, a fairly good flavor for the blend of floral sources and that the honey may possess a slightly caramelized flavor, is free from objectionable flavor caused by fermentation, smoke, chemicals or other causes with the exception of the predominant floral source.

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(4) Honey that fails to meet the requirements of Minnesota Grade C Standard Honey or is off flavor for any reason may be given a score of 0 to 34 points and shall not be graded above Minnesota Grade D Substandard Honey regardless of the total score for the product (this is a limiting rule).

(d) Absence of Defects. The factor of absence of defects refers to the degree of cleanliness and to the degree of freedom from particles of comb, propolis and other defects which may be in suspension or deposited as sediment in the container.

(1) Honey that is free from defects may be given a score of 37 to 40 points. Honey that falls into this classification may be graded Minnesota Grade AA Premium Honey or Minnesota Grade A Fancy Honey. "Free from defects" means that the honey contains no defects that affect the appearance or edibility of the product and shall be at least as free from defects as honey that has been strained through a standard No. 80 sieve, at a temperature of not more than 54.40°C. (130°F.).

(2) If the honey is reasonably free from defects, a score of 34 to 36 points may be given. Honey that falls into this classification shall not be graded above Minnesota Grade B Choice Honey regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the honey may contain defects which do not materially affect the appearance or edibility of the product and shall be at least as free from defects as honey that has been strained through a standard No. 50 sieve, at a temperature of not more than 54.40°C. (130°F.).

(3) Honey that is fairly free from defects may be given a score of 31 to 33 points. Honey that falls into this classification shall not be graded above Minnesota Grade C Standard Honey regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the honey may contain defects which may be noticeable but shall be at least as free from defects as honey that has been strained through a standard No. 18 sieve, at a temperature of not more than 54.40°C. (130°F.).

(4) Honey that fails to meet the requirements of Minnesota Grade C Standard Honey may be given a score of 0 to 29 points and shall not be graded above Minnesota Grade D Substandard Honey regardless of the total score for the product (this is a limiting rule).

(e) Clarity. The factor of clarity has reference to the degree of freedom from air bubbles, pollen grains or fine particles of any material which might be suspended in the product.

(1) Honey that is clear may be given a score of 8 to 10 points. "Clear" means that the honey may contain air bubbles which do not materially affect the appearance of the product and may contain a trace of pollen grains or other finely divided particles of suspended material which do not affect the appearance of the product.

(2) If the honey is reasonably clear, a score of 6 to 7 points may be given. Honey that falls into this classification shall not be graded above Minnesota Grade B Choice Honey regardless of the total score for the product (this is a limiting rule). "Reasonably clear" means that the honey may contain air bubbles, pollen grains or other finely divided particles of suspended material which do not materially affect the appearance of the product.

(3) Honey that is fairly clear may be given a score of 4 to 5 points. Honey that falls into this classification shall not be graded above Minnesota Grade C Standard Honey regardless of the total score for the product (this is a limiting rule). "Fairly clear" means that the appearance of the honey may be materially but not seriously affected by the presence of air bubbles, pollen grains or other finely divided particles of suspended material.

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(4) Honey that fails to meet the requirements of Minnesota Grade C Standard Honey may be given a score of 0 to 3 points and shall not be graded above Minnesota Grade D Substandard Honey regardless of the total score for the product (this is a limiting rule).

Agr 5105 Grades Required When Honey Is Advertised at a Price. Any advertisement of honey at a given price shall plainly and conspicuously indicate the grade of honey.

MINIMUM STANDARDS FOR SANITATION OF HONEY HOUSES

Agr 5106 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.

Agr 5107 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.

Agr 5108 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.

Agr 5109 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.

Agr 5110 Lighting and Ventilation. All rooms shall be adequately lighted and ventilated.

Agr 5111 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.

Agr 5112 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.

Agr 5113 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.

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Agr 5114 Sinks. Adequate sinks and other facilities for washing of utensils and containers shall be provided.

Agr 5115 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 facilities shall be separate from the sink and facilities used for washing of utensils and containers used in the processing and extracting of honey.

Agr 5116 Construction and Repair of Containers and Equipment

(a) 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.

(b) 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.

(c) Stationary machinery and equipment shall be sufficiently spaced from each other and from walls to facilitate cleaning.

(d) All open type equipment with which honey comes in contact shall be equipped with suitable overlapping covers.

(e) The packing and handling of containers and container cans and covers shall be conducted in a sanitary manner.

Agr 5117 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.

Agr 5118 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.

Agr 5119 Miscellaneous Requirements

(a) All equipment, containers and utensils shall be in good repair and free from rust, dirt and other extraneous material.

(b) Utensils and floors shall be cleaned daily.

(c) Good housekeeping methods shall be practiced throughout the plant.

(d) Metal containers with tight overlapping covers shall be used for the disposal of waste matter and the containers shall be washed clean after each time they are emptied.

(e) No spraying of chemicals for the purpose of exterminating insects shall be done while honey is being extracted, processed or packed.

(f) Honey houses shall be of rodent proof construction.

(g) The premises surrounding the honey house shall have good drainage and shall be kept clean and free of rubbish or litter of any kind.

Agr 5120 Extraction of Honey Combs. No honey combs 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.

Agr 5121-5150 Reserved for future use.

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CHAPTER 150: AGR 5151-5200

DEFINITIONS, GRADES, STANDARDS AND LABELING OF APPLES OFFERED FOR SALE IN MINNESOTA

Agr 5151 Definitions as Used in these Standards

(a) "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(1) "Hard" means apples with a tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment.

(2) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment.

(3) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(4) "Ripe" means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

(b) "Overripe" means apples which are dead ripe, with flesh very mealy or soft and past commercial utility.

(c) "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

(d) "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

(e) "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

(f) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(1) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as injury:

(aa) Smooth, net-like russeting, when an aggregate area of more than five (5) per cent of the surface is covered and the color of the russeting shows no very pronounced contrast with the background color of the apple or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(bb) Smooth, solid russeting which covers an aggregate area of more than ½ inch in diameter and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.[1]

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(cc) Slightly rough russeting which covers an aggregate area of more than ¼ inch in diameter.[1]

(dd) Rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

Any one of the following defects or any combination thereof the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(2) Sunburn or spray burn, when the discolored area does not blend into the normal color of the fruit.

(3) Dark brown or black limb rubs which affect a total area of more than ⅛ inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting Regulation Agr 5151 (b)(1).[1]

(4) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting or when the indentations are not superficial or when an individual indentation exceeds ⅛ inch in diameter or the total affected area exceeds ¼ inch in diameter.[1]

(5) Stem or calyx cracks which are not well healed or well healed stem or calyx cracks which exceed a length of ⅛ inch.

(6) Diseases:

(aa) Cedar rust infection which affects a total area of more than ⅛ inch in diameter.[1]

(bb) Sooty blotch or fly speck which is thinly scattered over more than five (5) per cent of the surface or dark, heavily concentrated spots which affect an area of more than ¼ inch in diameter.[1]

(cc) Red skin spots which are thinly scattered over more than 1/10 of the surface or dark, heavily concentrated spots which affect an area of more than ¼ inch in diameter.[1]

(7) Insects:

(aa) Any healed sting or healed stings which affect a total area of more than ⅛ inch in diameter including any encircling discolored rings.[1]

(bb) Worm holes.

(g) "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

(h) "Damage" means any defect which materially affects the appearance or the edible or shipping quality of the apples.

(1) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

(aa) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(bb) Smooth net-like russeting, when an aggregate area of more than 15 per cent of the surface is covered and the color of the russeting shows no

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very pronounced contrast with the background color of the apple or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(cc) Smooth solid russeting, when an aggregate area of more than five (5) per cent of the surface is covered and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(dd) Slightly rough russeting which covers an aggregate area of more than ½ inch in diameter.[1]

(ee) Rough russeting which exceeds ¼ inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[1]

Any one of the following defects or any combination thereof the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(2) Sunburn or spray burn which has caused blistering or cracking of the skin or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(3) Limb rubs which affect a total area of more than ½ inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting Regulation Agr 5151(h)(1).[1]

(4) Hail marks, drought spots or other similar depressions or scars which are not superficial or when such injury affects a total area of more than ½ inch in diameter.[1]

(5) Stem or calyx cracks which are not well healed or well healed stem or calyx cracks which exceed an aggregate length of ¼ inch.

(6) Diseases:

(aa) Scab spots which affect a total area of more than ¼ inch in diameter.[1]

(bb) Cedar rust infection which affects a total area of more than ¼ inch in diameter.[1]

(cc) Sooty blotch or fly speck which is thinly scattered over more than 1/10 of the surface or dark, heavily concentrated spots which affect an area of more than ½ inch in diameter.[1]

(dd) Red skin spots which are thinly scattered over more than 1/10 of the surface or dark, heavily concentrated spots which affect an area of more than ½ inch in diameter.[1]

(7) Insects:

(aa) Any healed sting or healed stings which affect a total area of more than 3/16 inch in diameter including any encircling discolored rings.[1]

(bb) Worm holes.

(i) "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

(j) "Serious damage" means any defect which seriously affects the appearance or the edible or shipping quality of the apples.

(1) The following types and amounts of russeting shall be considered as serious damage:

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Smooth solid russeting, when more than ½ of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin or slightly rough or excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: Provided, that any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

Any one of the following defects or any combination thereof the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage.

(2) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(3) Limb rubs which affect more than 1/10 of the surface in the aggregate.

(4) Hail marks, drought spots or scars if they materially deform or disfigure the fruit, or if such defects affect more than 1/10 of the surface in the aggregate: Provided, that no hail marks which are unhealed shall be permitted and not more than an aggregate area of ½ inch shall be allowed for well-healed hail marks where the skin has been broken.[1]

(5) Stem or calyx cracks which are not well healed or well healed stem or calyx cracks which exceed an aggregate length of ½ inch.

(6) Visible water core which affects an area of more than ½ inch in diameter.

(7) Diseases:

(aa) Scab spots which affect a total area of more than ¾ inch in diameter.[1]

(bb) Cedar rust infection which affects a total area of more than ¾ inch in diameter.[1]

(cc) Sooty blotch or fly speck which affects more than ⅓ of the surface.

(dd) Red skin spots which affect more than ⅓ of the surface.

(ee) Bitter pit and Jonathan spot which is thinly scattered over more than 1/10 of the surface and does not materially deform or disfigure the fruit.

(8) Insects:

(aa) Healed stings which affect a total area of more than ¼ inch in diameter including any encircling discolored rings.[1]

(bb) Worm holes.

[1]*The area refers to that of a circle of the specified diameter.*

Agr 5152 Provisions of Regulation Restricted. The provisions of these regulations shall not be applicable to any apples bearing a grade as determined by official inspection under regulations and standards of either the federal or any state regulatory department having requirements for the various grades of apple labeling equal to or in excess of the standards and quality required by the State of Minnesota.

Agr 5153 Apples Not Meeting Grade Requirements. All apples which fail to meet the requirements of Minnesota Extra Fancy, Minnesota Fancy, Minnesota No. 1, Minnesota No. Cookers, Minnesota No. Early, Minnesota No. 2 and Minnesota Hair Grade shall be conspicuously marked with a label bearing the word "Utility". Letters of size not less than ¾ inch height shall be conspicuously printed or stamped on the container.

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Agr 5154 Grades

(a) Minnesota Extra Fancy consists of apples of one (1) variety which are:

(1) Mature, but not overripe (Agr 5151(a), (b)).*

(2) Carefully hand-picked (Agr 5151(c)).*

(3) Clean (Agr 5151(d)).*

(4) Well formed (Agr 5151(e)).*

(5) Free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing), and visible water core.

(6) The apples also shall be free from injury (Agr 5151(f))* caused by:

(aa) Russeting (Agr 5151(f)(1)).*

(bb) Sunburn or spray burn Agr 5151(f)(2)).*

(cc) Limb rubs (Agr 5151(f)(3)).*

(dd) Hail (Agr 5151(f)(4)).*

(ee) Drought spots (Agr 5151(f)(4)).*

(ff) Scars (Agr 5151(f)(4)).*

(gg) Stem or Calyx cracks (Agr 5151(f)(5)).*

(hh) Other diseases (Agr 5151(f)(6)).*

(ii) Insects (Agr 5151(f)(7)).*

(jj) Mechanical or other means (Agr 5151(f)).*

(7) Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Regulation Agr 5155, Color Requirements; Regulation Agr 5156, Tolerances; Regulation Agr 5156(f), Condition after Storage or Transit.)

(b) Minnesota Fancy consists of apples of one (1) variety which are:

(1) Mature, but not overripe (Agr 5151(a), (b)).*

(2) Carefully hand-picked (Agr 5151(c)).*

(3) Clean (Agr 5151(d)).*

(4) Fairly well-formed (Agr 5151(e)).*

(5) Free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing) and visible water core.

(6) The apples also shall be free from damage (Agr 5151(h))* caused by:

(aa) Russeting (Agr 5151(h)(1)).*

(bb) Sunburn or spray burn (Agr 5151(h)(2)).*

(cc) Limb rubs (Agr 5151(h)(3)).*

(dd) Hail (Agr 5151(h)(4)).*

(ee) Drought spots (Agr 5151(h)(4)).*

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(ff) Scars (Agr 5151(h)(4)).*

(gg) Stem or Calyx cracks (Agr 5151(h)(5)).*

(hh) Other diseases (Agr 5151(h)(6)).*

(ii) Insects (Agr 5151(h)(7)).*

(jj) Mechanical or Other Means (Agr 5151(h)).*

(7) Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Regulation Agr 5155, Color Requirements; Regulation Agr 5156, Tolerances; Regulation Agr 5156(f), Condition after Storage or Transit.)

(c) Minnesota No. 1 consists of apples meeting the same requirements as Minnesota Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for Minnesota Fancy as defined under the definitions of "damage by russeting" Regulation Agr 5151(h)(1)*: Provided, that the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 per cent: And further provided, that the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 per cent. (See Regulation Agr 5155, Color Requirements; Regulation Agr 5156, Tolerances; Regulation Agr 5156(f), Condition after Storage or Transit.)

(d) Minnesota No. 1 Cookers consists of apples of one (1) variety which meet the requirements of Minnesota No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of Minnesota No. 1. (See Regulation Agr 5156, Tolerances; Regulation Agr 5156(f), Conditions after Storage or Transit.)

(e) Minnesota No. 1 Early consists of apples of one (1) variety which meet the requirements of Minnesota No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature and shall be not less than two (2) inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent and Lodi, or other varieties which are normally marketing during the summer months. (See Regulation Agr 5156, Tolerances; and Regulation Agr 5156(f), Condition after Storage or Transit.)

(f) Minnesota No. 2 consists of apples of one (1) variety which are:

(1) Mature, but not overripe (Agr 5151(a),(b)).*

(2) Carefully hand-packed (Agr 5151(c)).*

(3) Not seriously deformed (Agr 5151(i)).*

(4) Free from decay, internal browning, internal breakdown, scald and freezing injury.

(5) The apples also shall be free from serious damage (Agr 5151(j))* caused by:

(aa) Dirt or other foreign matter (Agr 5151(j)(1)).*

(bb) Broken skins (Agr 5151(j)(1)).*

(cc) Bruises (Agr 5151(j)(1)).*

(dd) Russeting (Agr 5151(j)(1)).*

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(ee) Sunburn (Agr 5151(j)(2)).*

(ff) Spray burn (Agr 5151(j)(2)).*

(gg) Limb rubs (Agr 5151(j)(3)).*

(hh) Hail (Agr 5151(j)(4)).*

(ii) Drought spots (Agr 5151(j)(4)).*

(jj) Scars (Agr 5151(j)(4)).*

(kk) Stem or Calyx cracks (Agr 5151(j)(5)).*

(ll) Visible water core (Agr 5151(j)(6)).*

(mm) Other diseases (Agr 5151(j)(7)).*

(nn) Insects (Agr 5151(j)(8)).*

(oo) Mechanical or other means (Agr 5151(j)).*

(See Regulation Agr 5156, Tolerances; Regulation Agr 5156(f), Condition after Storage or Transit.)

(g) Combination grades. Combinations of the above grades can be used as follows:

(1) Combination Minnesota Extra Fancy and Minnesota Fancy.

(2) Combination Minnesota Fancy and Minnesota No. 1.

(3) Combination Minnesota No. 1 and Minnesota No. 2.

Combinations other than these are not permitted in connection with the Minnesota apple grades. When Combination Minnesota Extra Fancy and Minnesota Fancy is packed, at least 25 per cent of the apples in any lot shall meet the requirements of the higher grade in the combination. When Combination Minnesota Fancy and Minnesota No. 1 or Combination Minnesota No. 1 and Minnesota No. 2 are packed, at least 50 per cent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See Regulation Agr 5155, Color Requirements; Regulation Agr 5156, Tolerances; Regulation Agr 5156(f), Condition after Storage or Transit.)

(h) Minnesota Hail grade consists of apples which meet the requirements of Minnesota No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted, provided the apples are fairly well formed. (See Regulation Agr 5155, Color Requirements; Regulation Agr 5156, Tolerances; Regulation Agr 5156(f), Condition after Storage or Transit.)

**Letters and numbers in parentheses following grade terms indicate where such terms are defined in Regulations Agr 5151, Definitions.*

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Agr 5155 Color Requirements. In addition to the requirements specified for the above grades, apples of these grades shall have the percentage of color specified for the variety in Table I.

(a) For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: Provided, that an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one (1) with the minimum percentage of good red characteristic of the variety required for the grade.

(b) For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow.

(1) However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade: Provided, that it has sufficient additional area covered so that the apple has as good an appearance as one (1) with the minimum percentage of stripes of a good red characteristic of the variety required for the grade.

(2) Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

Color Requirements for Specified Minnesota Grades of Apples, by Varieties:

VARIETY	Minn. Extra Fancy	Minn. Fancy	Minn. No. 1
	Per cent	Per cent	Per cent
Solid red:			
Beacon	75	50	25
Black Ben	75	50	25
Gano	75	50	25
Lakeland	75	50	25
Minjon	75	50	25
Redwell	75	50	25
Winesap	75	50	25
Other similar varieties [1]	75	50	25
Red Sport varieties [2]	75	50	25
Striped or partially red:			
Cortland	66	33	25
Fireside	66	33	25
Haralson	66	33	25
Jonathan	66	33	25
McIntosh	66	33	25
Melba	66	33	25
Prairie Spy	66	33	25
Other similar varieties [3]	66	33	25
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Early McIntosh	50	25	15

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VARIETY	Minn. Extra Fancy	Minn. Fancy	Minn. No. 1
	Per cent	Per cent	Per cent
Mammoth Black Twig	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
York Imperial	50	25	15
Other similar varieties [4]	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other similar varieties[5]	50	15	10
Red June	50	15	[5]
Williams	50	15	[5]
Other similar varieties	50	15	[5]
Duchess	25	10	[5]
Gravenstein	25	10	[5]
Other similar varieties [6]	25	10	[5]
Yellow varieties	[7]	[7]	[7]
Golden Delicious	[8]	[8]	[8]

[1]*Arkansas Black, Detroit Red, Esopus Spitzenburg, King David, Lowry.*

[2]*When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.*

[3]*Kendall, Macoun, Snow (Fameuse), Jewell Winter, Victory.*

[4]*Bonum, Limbertwig, Milton, Nero, Paragon.*

[5]*Tinge of color.*

[6]*Red Astrachan, Smokehouse, Summer Rambo, Oriole.*

[7]*Characteristic ground color.*

[8]*75 per cent characteristic color. NOTE: "Characteristic color", when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.*

Utility consists of apples which are not graded in conformity with any of the foregoing grades. The term "utility" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

Agr 5156 Tolerances

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 per cent of the apples in any lot may fail to meet the requirements of the grade: Provided, that not more than ½ of this amount, or five (5) per cent, shall be allowed for apples which are seriously damaged by insects and including not more than one (1) per cent for apples affected by decay or internal breakdown or both.

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(b) When applying the foregoing tolerances to Combination Minnesota Extra Fancy and Minnesota Fancy grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 25 per cent of apples of the higher grade required in the combination, but individual containers shall have not less than 15 per cent of the higher grade.

(c) When applying the foregoing tolerances to Combination Minnesota Fancy and Minnesota No. 1 grade and to Combination Minnesota No. 1 and Minnesota No. 2 grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 per cent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 per cent of the higher grade.

(d) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds and a tolerance of 10 per cent or more is provided (as in the case of size, where a tolerance of 15 per cent is provided) individual packages in any lot shall have not more than 1½ times the tolerance specified.

(2) For packages which contain more than 10 pounds and a tolerance of less than 10 per cent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one (1) apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(3) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: Provided, that not more than one (1) apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(e) Basis of Calculating Percentages

(1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(3) When the apples are in bulk, percentages shall be calculated on the basis of weight.

(f) Condition after Storage or Transit.

Decay, scald or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

Agr 5157 Size Requirements

(a) The size of the apples packed in a closed container shall be indicated on the container.

(b) The minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum or 2⅝ inches minimum, in accordance with the facts.

(c) The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

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(d) In order to allow for variations incident to proper sizing, not more than five (5) per cent of the apples in any lot may not meet the size requirements: Provided, that when the maximum and minimum sizes are both stated, an additional 10 per cent tolerance shall be allowed for apples which are larger than the maximum size stated.

Agr 5158 Suggestions for Marking Containers

In order to conserve space, abbreviations may be used for marking Minnesota grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(a) Minn. Ex. Fcy. for Minnesota Extra Fancy

(b) Minn. Fcy. for Minnesota Fancy

(c) Minn. No. 1 for Minnesota No. 1

(d) Minn. No. 2 for Minnesota No. 2

(e) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb." as "Comb. Minn. Fcy.—Minn. No. 1".

Agr 5159-5200 Reserved for future use

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CHAPTER 151: AGR 5201-5250

SALVAGING AND RECONDITIONING OF FOODS

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.

Agr 5201 Sanitation Requirements

(a) Premises, Buildings and Facilities:

(1) 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.

(2) 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.

(3) The premises shall be free of weeds, debris and cluttered, unused equipment and materials.

(4) The premises shall be free of waste materials which are stored or handled in such a manner as to be a potential health hazard.

(5) The premises shall be free of conditions or materials that are a harborage or a breeding area for insects, rodents and birds.

(6) The approaches to the receiving and shipping docks shall be kept clean and maintained to minimize dust.

(b) Construction of Buildings, Rooms, Facilities

(1) The buildings, rooms and facilities designated under these rules and regulations 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 it 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.

(2) 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.

(3) 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.

(4) Salvage food processing buildings, rooms and facilities shall be maintained in a clean, sanitary condition and in good repair at all times.

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(5) 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.

(6) Wooden floors shall be coated with a protective coating or compound which effectively eliminates cracks and crevices that may harbor dirt, insects or rodents.

(7) 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.

(8) All plumbing drains shall be constructed so as to minimize clogging, provide for thorough drainage and prevent back-flow, vermin and sewage gas from entering the plant.

(9) 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.

(10) All wall-floor junctures shall be effectively sealed to prevent insect and rodent harborage.

(11) Walls of processing, utensil and equipment washing rooms or areas shall have a washable, nonabsorbent surface up to a level reached by splash or spray.

(12) Windows shall be intact and when opened shall be effectively screened so as to preclude entry of insects.

(13) Entryways or openings to processing rooms from the outside of the salvage food processing establishment shall be equipped with tight-fitting, self-closing doors or other effective means of preventing the entrance of insects, rodents or birds.

(14) Processing rooms shall be separated from sales areas by solid-partitioned walls and self-closing doors.

(15) Elevated platforms or mezzanine floors, when used, shall be constructed to prevent contamination of food and equipment on the floor below.

(16) The salvage food establishment shall be separated from living quarters or rooms used for domestic purposes by solid walls or doors.

(17) All salvage establishments shall be equipped with equipment approved by the commissioner. All such equipment, its construction and installation shall be in accordance with the provisions of this chapter.

(c) 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 conditioning 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.

(d) Water Supply. A potable water supply from an approved source which produces water of a safe, sanitary 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 possible 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.

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(e) Waste Disposal

(1) 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.

(2) 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.

(3) 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.

(4) Garbage and refuse shall be kept in suitable metal, plastic of equally nonabsorbant, leakproof receptacles.

(5) Garbage, trash and solid waste materials shall be disposed of daily or more frequently if necessary to prevent an unsanitary condition or undesirable odors.

(6) Reusable garbage and refuse receptacles shall thoroughly cleaned after each emptying.

(f) Construction and Design of Equipment and Utensils

(1) 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.

(2) 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.

(3) Electrical wiring system including conduits, switch boxes and control panels shall be constructed and placed to prevent the creation of insect or rodent harborage.

(4) Refrigeration facilities shall be equipped with a temperature indicating or recording device which shall be accurate to within $\pm$ 2° F.

(g) 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 re-use. 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 this chapter, "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.

(h) Toilet, Handwashing 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 in-

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dividual 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 handwashing 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. Handwashing 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 direct openings, properly screened or by ventilator ducts having no direct connection to the ventilating duct system of the processing room or food storage rooms.

(i) 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.

(j) Refrigerated Storage Facilities

(1) 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 this chapter, 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.

(2) All refrigerated facilities used for readily perishable foods shall be adequate to properly cool and keep such foods at a temperature of 45°F. or below and frozen foods at a temperature of 5°F. 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°F. 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.

(k) 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.

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(l) 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.

Agr 5202 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".

Agr 5203 Distressed Food Notice. Every salvage food processor shall promptly upon obtaining possession of distressed food notify the commissioner that he has possession of distressed food and provide such other information as the commissioner may require relating to said distressed food.

Agr 5204 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.

Agr 5205 Reconditioned and Salvaged Food Requirements

(a) 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.

(1) Distressed food which shows evidence of contamination shall not be acceptable as human food. For the purposes of this chapter, "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 esthetic standpoint shall render said distressed food unfit for human consumption.

(2) "Salvaged Food" or "Reconditioned Food" is distressed food which has been reconditioned or salvaged so as to meet the standards of this chapter.

(3) Reconditioned or Salvaged Food shall be processed, stored and delivered for human food use under sanitary conditions.

(4) 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 Chapters 31, 32, 33 and 34 and Rules and Regulations promulgated pursuant thereto.

(5) Products designated as unfit for human food and found acceptable for use as animal feed, seed or indusrtial nonfood use shall be effectively denatured so as to prevent their redirection 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 Chapter 17 and 25 and rules and regulations 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 and regulations promulgated thereto.

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(6) Canned distressed foods subjected to contamination from floods shall be subjected to an approved cleaning and bactericidal treatment.

For the purposes of this regulation, "approved bactericidal treatment" shall mean treatment by chemicals or other acceptable means to render said food container free of microorganisms of public health significance.

(b) Can and Glass Containers Damage. The following are examples of packaging material defects rendering products unfit for human food and animal feed use:

(1) 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° F. 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.

(2) Internal decomposition or formation of gas which causes the condition known in the trade as swells, flippers and springers.

(3) All cans of distressed food contained in cans which have a fracture of the metal body or cover of the can.

(4) All leaking cans of distressed food and distressed food contained in perforated cans.

(5) A treadline or cordlike glass appendage inside glass containers which could result in glass contamination of the product.

(c) Distressed Flour Products Reconditioning Procedures

(1) 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.

(2) 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.

Agr 5206 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.

Agr 5207-5250 Reserved for future use.

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CHAPTER 152: AGR 5251-5300

CONSUMER GRADES, DEFINITIONS, STANDARDS, LABELING AND ARTIFICIAL COLORING OF POTATOES OFFERED FOR SALE IN MINNESOTA

SCOPE[1]

Laws of Minnesota 1969, Chapter 828 (MS 1969 s 30.10) requires that potatoes offered for sale at retail in a closed container (For definition see Regulation Agr 5271.) must be graded and clearly labeled according to Minnesota Consumer Grades which the Commissioner of Agriculture is authorized to prescribe by regulation. Such consumer grades and grade labeling do not apply to Minnesota grown potatoes sold at retail between July 1 and October 1 in any year nor at any time to potatoes sold by the producer directly to the consumer.

Laws of Minnesota 1969, Chapter 1035 (MS 1969 s 30.478) prohibits the sale of artificially colored potatoes to consumers in Minnesota and authorizes the Commissioner to prescribe by regulation the meaning of the term "artificially colored". (See Regulation Agr 5268.)

The following regulations establish the Minnesota Consumer Grades for potatoes offered for sale in closed containers, provide for the sale of potatoes in bulk, prescribe the meaning of the terms "closed container" and "artificially colored", describe the method of labeling of closed containers and permit the sale of packaged potatoes the label of which declares a U.S. grade in lieu of a Minnesota Consumer Grade provided said label otherwise conforms to the requirements of these regulations.

Proposed Amendments to Minnesota Department of Agriculture Rules and Regulations, Chapter Fifty-one, Agr 1161-1180, Consumer Grades, Definitions, Standards, Labeling and Artificial Coloring of Potatoes Offered for Sale in Minnesota. (Adopted December 30, 1969)

Section 1. Minnesota Department of Agriculture Rules and Regulations, Chapter Fifty-one, Agr 1161-1180 (Adopted December 30, 1969), is renumbered Chapter 152, Agr 5251-5300, as follows:

[1]This explanation is a preface to but not a part of Minnesota Department of Agriculture Rules and Regulations, Chapter 152: Agr 5251-5300.

Agr 5251 Minnesota Fancy Potatoes.

"Minnesota Fancy" consists of potatoes of one variety or similar varietal characteristics which are fairly well matured and fairly well shaped; which are clean; which are not frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from damage caused by sunburn, greening, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, shriveling, sprouting, scab, dry rot, rhizoctonia, dried stems, insects, larvae, worms, other disease, or mechanical or other means.

(a) Size. Unless otherwise specified, the size shall be as follows:

(1) The diameter of each potato shall be not less than two (2) inches;

(2) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Sebago, Pontiac, Kennebec, Green Mountain, or other similar varieties, not less than sixty (60) per cent of the potatoes in any lot shall be 2¼ inches or larger but not larger than 3¾ inches in diameter, including therein not less than thirty (30) per cent which are 2¾ inches or larger; and,

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(3) For long varieties such as Russet Burbank, Early Gem, White Rose, or other similar varieties, not less than sixty (60) per cent of the potatoes in any lot shall be six (6) ounces or more in weight, including therein not less than thirty (30) per cent which are ten (10) ounces, but not more than fourteen (14) ounces in weight.

(b) Tolerances for Defects. In order to allow for variations, other than size, incident to proper grading and handling, not more than ten (10) per cent, by weight, of the potatoes may be fairly clean, not more than a total of five (5) per cent may fail to meet the other requirements of this grade relating to external and internal defects; provided, that not more than two-fifths of this amount, or two (2) per cent, shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than one-half of one (1) per cent for potatoes which are frozen or affected by soft rot or wet breakdown. (See Regulation Agr 5258)

Agr 5252 Minnesota No. 1 Potatoes. "Minnesota No. 1" consists of potatoes of one variety or similar varietal characteristics which are fairly well shaped; which are not frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollowheart, internal discoloration, external discoloration, shriveling, sprouting, scab, dry rot, rhizoctonia, dried stems, insects, larvae, worms, other disease, or mechanical or other means. (See Regulation Agr 5257)

(a) Size. Unless otherwise specified, the diameter of each potato shall be not less than 1⅞ inches. (See Regulation Agr 5256)

(b) Tolerances for Defects. In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of eleven (11) per cent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade; provided, that included in this amount not more than the following percentages shall be allowed for the defects listed:

(1) Six (6) per cent for potatoes having external defects; and,

(2) Five (5) per cent for potatoes which are damaged by hollowheart, internal discoloration or other internal defects; and provided further, that included in the above tolerances for external and internal defects not more than three (3) per cent shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than one (1) per cent for potatoes which are frozen or affected by soft rot or wet breakdown. (See Regulation Agr 5258)

Agr 5253 Minnesota No. 2 Potatoes. "Minnesota No. 2" consists of potatoes of one variety or similar varietal characteristics which are not seriously misshapen or frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from serious damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollowheart, internal discoloration, external discoloration, shriveling, scab, dry rot, rhizoctonia, insects, larvae, worms, other disease, or mechanical or other means. (See Regulation Agr 5257)

(a) Size. Unless otherwise specified, the diameter of each potato shall be not less than 1½ inches. (See Regulation Agr 5256)

(b) Tolerances for Defects. In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of eleven (11) per cent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade; provided, that included in this amount not more than the following percentages shall be allowed for the defects listed:

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(1) Six (6) per cent for potatoes having external defects; and,

(2) Five (5) per cent for potatoes which are seriously damaged by hollow-heart, internal discoloration or other internal defects; and provided further, that included in the above tolerances for external and internal defects not more than three (3) per cent shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than one (1) per cent for potatoes which are frozen or affected by soft rot or wet breakdown. (See Regulation Agr 5258)

Sec. 2. Minnesota Department of Agriculture Rules and Regulations, Chapter 51, Agr 1161-1180 (Adopted December 30, 1969, and renumbered Chapter 152, Agr 5251-5300) is amended as follows by adding a new grade of potatoes:

Agr 5254 Minnesota Utility Potatoes. "Minnesota Utility" consists of potatoes of one variety or similar varietal characteristics which are not frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from serious damage caused by sunburn, greening, shriveling, dry rot, insects, larvae, worms, other disease, or other means. (See Regulation Agr 1187)

(a) Size. Unless otherwise specified, the diameter of each potato shall be not less than 1½ inches. (See Regulation Agr 1186)

(b) Tolerances for Defects. In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of eleven (11) per cent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade; provided, that included in this amount not more than the following percentages shall be allowed for the defects listed:

(1) Six (6) per cent for potatoes having external defects listed in this section; and

(2) Five (5) per cent for potatoes which are seriously damaged by internal defects listed in this section; and provided further, that included in the above tolerances for external and internal defects not more than three (3) per cent shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than one (1) per cent for potatoes which are frozen or affected by soft rot or wet breakdown. (See Regulation Agr 5258)

UNCLASSIFIED POTATOES

Agr 5255 Unclassified Potatoes. "Unclassified" consists of potatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

SIZE

Agr 5256 Size

(a) The count, minimum size or range of size may be specified in connection with the grade in terms of number of potatoes per container, or diameter or weight of the individual potato, or in accordance with one of the following size classifications:

(1) Size A

(i) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Sebago, Pontiac, Kennebec, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than 1⅞ inches, and not less than sixty (60) per cent of the potatoes in the lot shall be 2¼ inches or larger;

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(ii) For long varieties such as Russet Burbank, Early Gem, White Rose, or other similar varieties, the diameter of each potato shall be not less than 1⅞ inches, and not less than forty (40) per cent of the potatoes in the lot shall be six (6) ounces or more in weight;

(2) Size B. For all varieties the potatoes shall be from 1½ to 2¼ inches in diameter, inclusive; and,

(3) Size C. For all varieties the potatoes shall be from 1 inch to 1½ inches in diameter, inclusive.

(b) Diameter. "Diameter" means the greatest dimension at right angles to the longitudinal axis.

(c) Tolerances for size. In order to allow for variations incident to proper sizing, the following tolerances shall be allowed:

(1) Not more than three (3) per cent of the potatoes in any lot may fail to meet the specified minimum size except that a tolerance of five (5) per cent shall be allowed for potatoes packed to meet a minimum size of 2¼ inches or more in diameter or six (6) ounces or more in weight. In addition, not more than ten (10) per cent may fail to meet any specified maximum size;

(2) When a percentage of the potatoes is specified to be of a certain size and larger, individual packages containing fifteen (15) pounds or less shall have not less than one-half of the percentage specified and individual packages containing more than fifteen (15) pounds shall have not less than three-fourths of the percentage specified; and,

(3) When a number of potatoes per package is specified, the number of potatoes in individual packages shall not vary more than five (5) per cent from the number specified.

SKINNING CLASSIFICATION

Agr 5257 Skinning Classification

(a) The following optional skinning classifications are provided as a basis for classifying lots of potatoes as to the degree of skinning:

(1) "Practically no skinning" means that not more than five (5) per cent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered".

(2) "Slightly skinned" means that not more than ten (10) per cent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered";

(3) "Moderately skinned" means that not more than ten (10) per cent of the potatoes in the lot have more than one-half of the skin missing or "feathered"; and,

(4) "Badly skinned" means that more than ten (10) per cent of the potatoes in the lot have more than one-half of the skin missing or "feathered".

APPLICATION OF TOLERANCES

Agr 5258 Application of Tolerances

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations; provided, that the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than fifteen (15) pounds, when a tolerance of ten (10) per cent or more is provided, individual packages in the

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lot shall have not more than one and one-half times the tolerance specified, and when a tolerance of less than ten (10) per cent is provided, individual packages in the lot shall have not more than double the tolerance specified, except that for potatoes which are frozen or affected by soft rot or wet breakdown, en route or at destination, not more than one-tenth of the packages may contain not more than four times the tolerance specified, and except that at least one defective and one off-size potato may be permitted in any package; and,

(2) For packages which contain fifteen (15) pounds or less, individual packages in the lot are not restricted as to the percentage of defects and off-size; provided, that not more than one-tenth of the packages may have more than one potato which is frozen or affected by soft rot or wet breakdown.

DEFINITIONS

Agr 5259 Fairly Well Matured. "Fairly well matured" means that not more than ten (10) per cent, by weight, of the individual potatoes in the lot have more than one-fourth of the skin missing or feathered.

Agr 5260 Well Shaped. "Well shaped" means that the potato has the normal shape for the variety and is not pointed, dumbbell-shaped or otherwise ill-formed.

Agr 5261 Clean. "Clean" means that the individual potato is practically free from dirt or staining and practically no loose dirt or other foreign matter is present in the container.

Agr 5262 Fairly Well Shaped. "Fairly well shaped" means that the individual potato is not materially pointed, dumbell-shaped or otherwise ill-formed.

Agr 5263 Fairly Clean. "Fairly clean" means that the individual potato is reasonably free from dirt or staining and not more than a slight amount of loose dirt or other foreign matter is present in the container.

Agr 5264 Soft Rot or Wet Breakdown. "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury or sunscald.

Agr 5265 Damage. "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than five (5) per cent of the total weight of the potato including peel covering the defective area. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dirt or other foreign matter when the individual potato is more than slightly dirty or slightly stained, or when more than a moderate amount of loose dirt or other foreign matter is present in the container;

(b) Sunburn when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more than five (5) per cent of the total weight of the potato including peel covering the affected area;

(c) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is materially affected by yellowish or greenish surface discoloration, or when discoloration extends into the flesh of the potato and cannot be removed without a loss of more than five (5) per cent of the total weight of the potato including peel covering the defective area;

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(d) Second growth which materially affects the appearance of the individual potato;

(e) Growth cracks which materially affect the appearance of the individual potato;

(f) Air cracks which are deep, or shallow air cracks which materially affect the appearance of the individual potato;

(g) Hollowheart which materially affects the internal appearance of the potato cut longitudinally;

(h) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be removed without a loss of more than five (5) per cent of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there is more than the equivalent of three (3) scattered light brown spots one-eighth inch in diameter in a round or intermediate type potato 2½ inches in diameter or in a long type potato six (6) ounces in weight, or correspondingly lesser or greater numbers of spots on smaller or larger potatoes;

(i) External discoloration when the appearance of the potato is materially affected;

(j) Shriveling when the potato is more than moderately shriveled, spongy or flabby;

(k) Sprouting when more than ten (10) per cent of the potatoes in the lot have external sprouts over three-fourths inch in length, or when the removal of an ingrown sprout causes a loss of more than five (5) per cent of the total weight of the potato including peel covering the defective area;

(l) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds five (5) per cent of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds three (3) per cent of the surface; when pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than five (5) per cent of the total weight of the potato including peel covering the defective area; or when russet scab materially affects the appearance of the potato;

(m) Rhizoctonia when the appearance of the potato is materially affected, or when the surface is materially caked with black scurf;

(n) Dried stems when pliable and over one-eighth inch in diameter and over 2½ inches long, or when stiff and over one-eighth inch in diameter and over one (1) inch long;

(o) Insects, larvae or worms when present inside the potato, or when any hole caused by them or by grass root or similar injury in a round or intermediate type potato 2½ inches in diameter, or in a long type potato six (6) ounces in weight, is more than three-fourths inch long, or when the aggregate length of all holes in such potatoes is more than 1¼ inches, or correspondingly shorter or longer holes in smaller or larger potatoes, or when other types of injury materially affect the appearance of the potato or cannot be removed without a loss of more than five (5) per cent of the total weight of the potato including peel covering the defective area; and,

(p) Mechanical or other means when cuts, shatter bruises or other bruises, punctures, or other injuries materially affect the appearance of the potato or cannot be removed without a loss of more than five (5) per cent of the total weight of the potato including peel covering the defective area.

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Agr 5266 Seriously Misshapen. "Seriously misshapen" means that the individual potato is seriously pointed, dumbell-shaped or otherwise badly deformed.

Agr 5267 Serious Damage. "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than ten (10) per cent of the total weight of the potato including peel covering the defective area. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dirt or other foreign matter when the individual potato is badly caked with dirt or badly stained, or when an excessive amount of loose dirt or other foreign matter is present in the container;

(b) Sunburn when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more than ten (10) per cent of the total weight of the potato including peel covering the affected area;

(c) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is seriously affected by yellowish or greenish surface discoloration or when such discoloration extends into the flesh of the potato and cannot be removed without a loss of more than five (5) per cent of the total weight of the potato including peel covering the defective area;

(d) Second growth which seriously affects the appearance of the individual potato;

(e) Growth cracks which seriously affect the appearance of the individual potato;

(f) Air cracks which seriously affect the appearance of the individual potato;

(g) Hollowheart which seriously affects the internal appearance of the potato cut longitudinally;

(h) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be removed without a loss of more than ten (10) per cent of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there is more than the equivalent of six (6) scattered light brown spots one-eighth inch in diameter in a round or intermediate type potato 2½ inches in diameter or in a long type potato six (6) ounces in weight, or correspondingly lesser or greater numbers of spots on smaller or larger potatoes;

(i) External discoloration when the appearance of the potato is seriously affected;

(j) Shriveling when the potato is excessively shriveled, spongy, or flabby;

(k) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds fifty (50) per cent of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds twenty-five (25) per cent of the surface; when pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than ten (10) per cent of the total weight of the potato including peel covering the defective area; or when russet scab seriously affects the appearance of the potato;

(l) Rhizoctonia when the appearance of the potato is seriously affected, or when the surface is badly caked with black scurf;

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(m) Insects, larvae or worms when present inside the potato, or when any hole caused by them or by grass roots or similar injury in a round or intermediate type potato 2½ inches in diameter or in a long type potato six (6) ounces in weight, is more than 1½ inches long, or when the aggregate length of all holes in such potatoes is more than two (2) inches, or correspondingly shorter or longer holes in smaller or larger potatoes, or when other types of injury seriously affect the appearance of the potato or cannot be removed without a loss of more than ten (10) per cent of the total weight of the potato including peel covering the defective area; and,

(n) Mechanical or other means when a fairly smooth cut such as is made by a knife to remove injury occurs on both ends of the potato; provided, that such a cut shall be permitted on one end of the potato if the length of the remaining portion of the clipped potato is more than one and one-half times the greatest diameter of the cut and that the remaining portion of a clipped long-type potato weighs at least six (6) ounces; or when other cuts, shatter bruises or other bruises, punctures, or other injuries seriously affect the appearance of the potato or cannot be removed without a loss of more than ten (10) per cent of the total weight of the potato including peel covering the defective area.

Agr 5268 Artificially Colored. The term "artificially colored" when used to refer to potatoes shall mean and include the addition of any substance or material to the surface of potatoes or to transparent containers in which potatoes are displayed for sale which changes the appearance of said potatoes.

Agr 5269 Lot. "Lot" means any number of containers which contain a product of the same kind located in the same conveyance, warehouse, packing house, or on the same dock or platform and which are available for inspection at the same time; provided, that:

(a) Products which are different from each other as to grade, variety, size, condition, identification marks, or other factors may be deemed to be separate lots;

(b) If the applicant requests more than one inspection certificate covering different portions of the same lot, the quantity of the lot covered by each certificate shall be deemed to be a separate lot; and,

(c) If said product is packed in more than one size or type of container, each such size or type may be deemed to be a separate lot.

Agr 5270 Label

(a) The term "label" as used in this regulation includes any legend or descriptive matter or design appearing upon potatoes or their container and also included circulars, pamphlets and the like, which are packed with and go with the potatoes to the purchaser, and such letters, circulars and pamphlets to which reference is made either on the label attached to the container or on the container itself.

(b) The term "tag label" means a label which is attached to but is not a permanent part of the container.

Agr 5271 Sec. 3. Minnesota Department of Agriculture Rules and Regulations, Chapter Fifty-one, Agr 1161-1180 (Adopted December 30, 1969, and renumbered Chapter 152, Agr 5251-5300), is amended by adding the definition of "closed container or package":

"Closed container or package" means any container so secured that a prospective purchaser is unable to make a selection of individual potatoes from its contents.

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Agr 5272 Bulk Display; Identification; Grade Exceptions; Used Containers

Sec. 4. Minnesota Department of Agriculture Rules and Regulations, Chapter 51, Agr 1180(a) (Adopted December 30, 1969, and renumbered Chapter 152, Agr 5272(a)), is amended to read:

(a) Bulk Display. All potatoes offered for sale at retail in bulk shall be displayed in bins or other open containers and shall not be represented as conforming to any grade, but may be identified as "unclassified."

Sec. 5. Minnesota Department of Agriculture Rules and Regulations, Chapter 51, Agr 1180(b), (Adopted December 30, 1969, and renumbered Chapter 152, Agr 5272), is amended to read:

(b) Packaged Potatoes; Labeling. Except as noted in paragraph (g) of this section, all potatoes offered for sale in packaged form (closed containers), in addition to one of the grades specified in this regulation:

(1) 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, as described in section (c) below, may be used.

(2) Shall not be packaged in a transparent container which is artificially colored as described in Regulation Agr 5268.

(3) Shall not be labeled "Unclassified"

(c) Tag Labels

(1) Tag labels may be used on unprinted, new closable containers, on printed new closable containers to supply required information omitted in the printing, and on used containers which, if printed with incorrect label information, shall be turned inside out before being filled, or the incorrect information shall be removed or obliterated.

(2) Tag labels shall be printed in a color contrasting with the background. The grade designation shall be shown in letters not less than one-fourth inch high and all other required information shall be easily readable.

(3) All label information may appear on one side of the tag but if it appears in part on both sides of the tag, the name "Potatoes", the grade and the net weight shall appear on the same side of the tag.

(d) Grade Exceptions. Packaged potatoes, the label of which declares a U. S. Grade in lieu of a Minnesota Consumer Grade and which otherwise are labeled in accordance with Regulation Agr 1202, shall be permitted to be sold at retail in Minnesota.

Sec. 6. Minnesota Department of Agriculture Rules and Regulations, Chapter 51, Agr 1180(e) (Adopted December 30, 1969, and renumbered Chapter 152, Agr 5272(e)), is amended to read:

(e) Packaged potatoes shall conform to the grade declared on the label.

(f) Used Containers. Used containers which are reasonably clean may be reused to market potatoes provided that they are properly labeled as provided for in this regulation.

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(g) The grade labeling requirements of Regulation Agr 5272(b)(1) shall not apply to a producer who sells in closed containers potatoes of his own production directly to the final consumer for said consumer's own personal use.

Agr 5273-5300 Reserved for future use.

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CHAPTER 153: AGR 5301-5350

TOM AND JERRY BATTER, TOM AND JERRY MIX; DEFINITIONS; STANDARD OF IDENTITY; LABELING; PROCESSING

Agr 5301 Tom and Jerry Batter, Tom and Jerry Mix; Definition; Standard of Identity

(a) "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.

(b) 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.

Agr 5302 Labeling

(a) 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".

(b) 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".

(c) 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".

(d) 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.

(e) If both artificial color and artificial flavorings are used, the label statements may be combined.

Agr 5303 Pasteurization; Cooling; Records; Bacterial Counts; Coliform Counts

(a) Every particle of Tom and Jerry Batter, Tom and Jerry Mix, shall be heated to a temperature of not less than 155° F. and held at that temperature for not less than 30 minutes in properly operated equipment approved by the commisioner, or to a temperature of not less than 175° F. and held at that temperature for not less than 25 seconds in properly operated equipment approved by the commissioner. Nothing contained in this paragraph shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

(b) 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° F., or lower, and held at such temperature until delivered to the final consumer.

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(c) 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 his agents and shall be retained for a period of three months.

(d) 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 10 coliforms per gram nor a temperature above 50° F. in more than two of the last four consecutive samples taken on separate days.

(e) 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 Regulation Agr 1386(f)(1)p through (23)p, 1387, 1388 and 1390(a) and (c); 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 Regulation Agr 1386(f)(1)p, (2)p, and (5)p, and the plumbing and liquid waste disposal requirements of (11)p shall be satisfied if:

(1) 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;

(2) The walls and ceilings of such room or rooms are smooth, washable, light-colored and are kept clean and in good repair;

(3) 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;

(4) 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 State Board of Health, October 16, 1951.

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