

CR 91-3

STATE OF WISCONSIN)
)
DEPARTMENT OF AGRICULTURE,) ss.
TRADE AND CONSUMER PROTECTION)

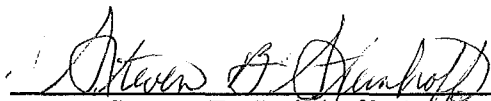
Docket No. 2257

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Steven B. Steinhoff, Administrator, Food Division, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order amending chapters Ag 70.10(1), Ag 95 (title), and Ag 95.02(2), renumbering Ag 95.04 (title), (2) and (3), Ag 95.05 and Ag 95.06; renumbering and amending Ag 95.03 and Ag 95.04(1); and creating Ag 95.03, Wisconsin Administrative Code, relating to product descriptions for frozen yogurt, reduced fat cheeses and light sour cream was duly approved and adopted by the Department on May 11, 1992.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 11th day of May, 1992.



Steven B. Steinhoff, Administrator
Food Division



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ORDER
OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING RULES

1 The state of Wisconsin department of agriculture, trade and
2 consumer protection adopts the following order to amend
3 Ag 70.10(1), ch. Ag 95 (title), and Ag 95.02(2); to renumber
4 Ag 95.04(title), (2) and (3), Ag 95.05 and Ag 95.06; to renumber
5 and amend Ag 95.03 and Ag 95.04(1); and to create Ag 95.03
6 relating to product descriptions for frozen yogurt, reduced fat
7 cheeses and light sour cream.

Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection

Statutory authority: ss. 93.07(1) and 97.09(1), Wis. Stats.

Statutes interpreted: ss. 97.03(1) and 97.09(1), Wis. Stats.

This rule establishes a standard of identity for reduced fat sour cream through product description and labeling. The department adopted a similar rule for reduced fat cheeses which became effective on June 1, 1989. The latter rule was enacted as ch. Ag 95. The rule amends the title of ch. Ag 95 to broaden its scope to include all reduced fat dairy products, and revises the sections in the chapter for reduced fat cheese products and light sour cream. Reduced fat or light sour cream is in renumbered s. Ag 95.03.

Standards of identity for many dairy products consisting of milk and cream are found in Title 21, Code of Federal Regulations, Part 131. The standards of identity for those products become the standards of identity in Wisconsin, pursuant to s. 97.09(1), Wis. Stats. Reduced fat or light sour cream is a product which has at least a 50 percent reduction in milkfat from standardized sour cream under 21 CFR 131.160. Light sour cream has no federal standard of identity. There is, however, a consumer demand for dairy products having a lower milkfat content. The Wisconsin rules for reduced fat cheeses and the products manufactured under the rules have been well accepted by the dairy industry and consumers respectively. Pilot manufacturing projects and marketing studies indicate the need for a standard of identity for a reduced fat sour cream.

The rules establish a product description for reduced fat sour cream, specify a milkfat content requirement for the product, and establish labeling requirements. The rule also requires that the milk and cream used in manufacturing light sour cream be pasteurized to assure product safety for the consumer.

The rule also changes the minimum weight per gallon for frozen yogurt from 5 pounds to 4.5 pounds. The current state standard of identity for frozen yogurt was adopted in 1977. It established the minimum weight at 5 pounds at the time the industry was beginning to manufacture a frozen yogurt product. Five pounds was chosen to ensure that the product was not "inflated" with an excessive amount of air. There is now agreement within the industry that this minimum weight is too heavy in "mouth feel" and is not as well accepted by the consumer. A lower minimum weight of 4.5 pounds is also consistent with the federal standard of identity for ice cream, which provides for a minimum weight of 4.5 pounds.

1 SECTION 1. Ag 70.10 (1) is amended to read:

2 Ag 70.10(1) Frozen yogurt is a food prepared by freezing,
3 while stirring, a mix composed of ~~one or more of the following~~
4 ~~ingredients,~~ whole milk, lowfat milk, skim milk or other milk
5 products, or any combination of those ingredients. Frozen yogurt
6 may be made with or without fruits, nuts flavoring materials,
7 sweeteners, stabilizers, and or emulsifiers, ~~as authorized under~~
8 ~~section 20.1, 21 Code of Federal Regulations, Part 20,~~ and may
9 include any other safe and suitable ingredient approved by the
10 department. Each ingredient contained in the mix, with the
11 exception of fruits, nuts, and flavoring materials, shall be
12 pasteurized. The mix after pasteurization, or the whole milk,
13 lowfat milk, skim milk or other milk products after
14 pasteurization and before becoming part of the mix, shall be
15 cultured at the pasteurization plant by one or more strains of
16 approved bacterial cultures. The cultured portion of the mix

1 shall be at least 25 % of the final mix. The name of the
2 finished product is frozen yogurt. It shall weight not less than
3 5 4.5 pounds per gallon and the milk fat content shall be not
4 less than 0.5 percent nor more than 7%.

5 SECTION 2. Chapter Ag 95 (title) is amended to read:

6 CHAPTER AG 95 (title)

7 REDUCED FAT ~~CHEESES~~ DAIRY PRODUCTS: PRODUCT DESCRIPTION AND
8 LABELING

9 SECTION 3. Ag 95.02(2) is amended to read:

10 Ag 95.02 (2) Reduced fat cheese shall be prepared from
11 pasteurized milk and other ingredients under ~~s. Ag 95.03 sub. (3)~~
12 according to the manufacturing procedures set forth for the
13 referenced standardized variety in ~~the applicable section of~~
14 ~~Title 21, Code of Federal Regulations, Part 133~~ 21 CFR 133,
15 entitled "Cheeses and Related Cheese Products."

16 SECTION 4. Ag 95.03 to Ag 95.06 are renumbered Ag 95.02(3)
17 to (6), and Ag 95.02(3) and (4)(a), as renumbered, are amended to
18 read:

19 Ag 95.02(3) INGREDIENTS. Dairy ingredients, including milk,
20 nonfat milk or cream or the condensed or concentrated form of
21 these dairy ingredients may be used in the manufacture of reduced
22 fat cheese, provided the finished reduced fat cheese product
23 ~~meets the requirements set forth under s. Ag 95.02~~ complies with
24 subs. (1) and (2). Vitamin A may be added as an optional
25 ingredient in the manufacture of a reduced fat cheese.

26 (4)(a) Nomenclature. The principal display panel of a

1 reduced fat cheese shall bear the name of the food. The name of
2 the food described under ~~s. Ag 95.02(1)~~ sub. (1) shall be
3 "Reduced Fat _____ Cheese" or "Light _____ Cheese,"
4 the blank to be filled in with the varietal name of the
5 referenced standardized cheese in the same type size as the words
6 "reduced fat cheese" or "light cheese." The name of the food for
7 the reduced fat version of a non-standard cheese shall appear on
8 the principal display panel in bold type in a size reasonably
9 related to the most prominent printed matter of the principal
10 display panel.

11 SECTION 5. Ag 95.03 is created to read:

12 Ag 95.03 REDUCED FAT SOUR CREAM. (1) PRODUCT DESCRIPTION.

13 Reduced fat sour cream is the food prepared from the souring of a
14 pasteurized blend of milk and cream by lactic acid producing
15 bacteria, or by using a safe and suitable acidifier with or
16 without addition of lactic acid producing bacteria. Reduced fat
17 sour cream shall comply with all of the following requirements:

18 (a) Milkfat content. The milkfat content of reduced fat
19 sour cream shall be approximately one-half of the minimum total
20 milkfat requirement of standardized sour cream or acidified sour
21 cream under 21 CFR 131.160 and 131.162, so that the total milkfat
22 content of reduced fat sour cream is not less than 6 percent, but
23 not more than 9 percent.

24 (b) Vitamin A. Vitamin A shall be present or added in
25 sufficient quantity to fortify reduced fat sour cream so that a
26 30 gram serving contains not less than 4 percent of the U. S.

1 recommended daily allowance, or 200 international units of
2 Vitamin A.

3 (2) INGREDIENTS. A pasteurized blend of milk and cream
4 shall be used in the manufacture of reduced fat sour cream. The
5 product may also contain any of the optional ingredients under
6 21 CFR 131.160(b). The milkfat requirements under sub.(1)(a)
7 apply to reduced fat sour cream in which optional ingredients are
8 used.

9 (3) LABEL REQUIREMENTS. (a) Nomenclature. The principal
10 display panel of every container of reduced fat sour cream shall
11 bear the name of the food. The name of the food described under
12 sub. (1) shall be "Reduced Fat Sour Cream" or "Light Sour Cream".
13 If the food described under sub. (1) is made by the addition of a
14 safe and suitable acidifier, the name of the food shall be
15 "Acidified Reduced Fat Sour Cream" or "Acidified Light Sour
16 Cream".

17 (b) Fat reduction statement. The principal display panel of
18 every container of reduced fat sour cream shall clearly and
19 concisely describe the amount of fat reduction from the fat
20 content of standardized sour cream, expressed as a percentage or
21 fraction (for example, "33% Less Fat than Sour Cream"). The
22 statement declaring the amount of fat reduction shall appear in
23 close proximity to the name of the reduced fat or light sour
24 cream in type size not less than one-half the size or height of
25 the tallest letters used in the name of the light sour cream.

26 (c) Nutrition information. The product label of a reduced

1 fat or light sour cream shall include comparative nutritional
2 information per one-ounce serving for the light sour cream and
3 standardized sour cream. The nutritional labeling shall comply
4 with 21 CFR 101.9 entitled "Nutrition labeling of food" and with
5 21 CFR 101.25 entitled "Labeling of foods in relation to fat and
6 fatty acid and cholesterol content."

7 SECTION 6. EFFECTIVE DATE. The rules contained in this
8 order shall take effect on the first day of the month following
9 publication in the Wisconsin administrative register, as provided
10 in s. 227.22(2)(intro.), Stats.

Dated this 8th day of May, 1992.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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BY Steven B. Steinhoff
Steven B. Steinhoff
Administrator
Food Division

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