

Ag 71

received
June 15, 1979

2.30 pm

STATE OF WISCONSIN)
DEPARTMENT OF AGRICULTURE,) SS
TRADE & CONSUMER PROTECTION)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Norman E. Kirschbaum, Administrator, Food Division and custodian of the official records of said Division do hereby certify that the annexed order amending and adopting rules relating to redefining the definition of yogurt in the standard of identity of Grade A milk and milk products, Wis. Adm. Code Chapter Ag 71, was duly adopted by the Department on June 13, 1979.

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 WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 13th day of June, 1979.

Norman E. Kirschbaum
Norman E. Kirschbaum, Administrator
Food Division

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

Pursuant to authority vested in the State of Wisconsin Department of Agriculture, Trade and Consumer Protection by sections 93.07(1), 97.09(1) and 97.24(4), Stats., the State of Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts rules as follows:

1. Ag 71.01(1) of the Wis. Adm. Code is amended to read:

71.01(1) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

2. Ag 71.01(2) of the Wis. Adm. Code is amended to read:

71.01(2) "Federal act" means the federal food, drug, and cosmetic act of 1938, as amended (21 USC 301 et. seq.) and includes definitions and standards of identity for milk and cream adopted thereunder (21 CFR, Part 131).

3. Ag 71.01(3) of the Wis. Adm. Code is amended to read:

71.01(3) "Milk and milk products" are grade A milk and milk products as defined under s. 97.24, Stats., and includes cream, light whipping cream, heavy whipping cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half, concentrated milk, concentrated milk products, skim milk, nonfat milk, lowfat milk, milk and milk products with vitamins and minerals added, homogenized milk, flavored milk or milk products, cultured buttermilk, cultured milk and milk products, yogurt or lowfat, skim or nonfat yogurt, egg nog, nog dairy drinks, and acidified milk and milk products. The term does not apply to such products as sterilized milk or milk products

hermetically sealed in a container and so processed, either before or after sealing, as to prevent microbial spoilage, or evaporated milk, condensed milk, ice cream and other frozen desserts, butter, dry milk products (except as defined under section Ag 71.03(8)), or cheese, except when such products are used in the manufacturing and processing of any pasteurized milk or milk products.

4. Ag 71.03(3) of the Wis. Adm. Code is renumbered Ag 71.03 (3)(a) and amended to read:

71.03(3)(a) "Yogurt" or "yoghurt" is a semi-solid or plastic product prepared by the souring of pasteurized milk with lactic acid producing bacteria or other culture and contains not less than 8.25% milk solids not fat. Flavoring, harmless stabilizers and emulsifiers, sugar, corn sweeteners, lactose and nonfat dry milk may be added. Potassium sorbate, up to 0.2% by weight, may be added to inhibit yeast and mold. If made with added fruit or flavoring, the product shall be labeled "_____ Yogurt" with the blank space being filled in with the name of the fruit or pre-dominate flavoring added. If the product is artificially flavored, that fact shall be clearly indicated in connection with the name of the product in letters at least half the size of the name of the food. Coliform standards of Wis. Adm. Code section Ag 80.06 shall only apply at the point of production prior to the addition of fruit or flavoring. The common or usual name of each ingredient used in the food shall be clearly disclosed in the ingredient declaration of the product label in descending order of prominence.

5. Ag 71.03(3)(b), (c) and (d) of the Wis. Adm. Code are adopted to read:

71.03(3)(b) "Lowfat yogurt" is a product as defined under par. (a) and subject to the same standards and labeling requirements as specified for yogurt under par. (a) except that it is prepared from lowfat milk containing not less than 0.5% nor more than 2% milkfat. The name of the product consists of the words "lowfat yogurt" followed by "____% milkfat", the blank space being filled in with the percentage of milkfat it contains. The phrase "____% milkfat" shall be declared in letters at least one half the size of the name of the food.

(c) "Skim milk yogurt" or "nonfat yogurt" is a product as defined under par. (a) and subject to the same standards and labeling requirements as specified for yogurt under par. (a), except that it is prepared from skim milk or nonfat milk containing at least 8.5% milk solids not fat and less than 0.5% milkfat by weight. The name of the product consists of the words "skim milk yogurt" or "nonfat yogurt".

(d) Yogurt, lowfat yogurt, or skim milk or nonfat yogurt shall be sold by weight.

6. Ag 71.04(2) of the Wis. Adm. Code is amended to read:

71.04(2) The addition of vitamins or minerals shall be set forth on the label as prescribed in definitions and standards of identity for milk and cream under the federal act (21 CFR, Part 131), and for dietary products as prescribed under Wis. Adm. Code chapter Ag 55.

7. Ag 71.05 of the Wis. Adm. Code is adopted to read:

71.05 Authority; enforcement. This chapter is adopted under authority of ss. 93.07(1), 97.09(1), and 97.24(4), Stats. and may be enforced in accordance with enforcement provisions and

remedies as provided under ss. 97.10, 97.12, 97.72, and 97.73,
Stats.

The rules contained herein shall take effect as provided in
s. 227.026, Stats.

Dated this 13th day of June, 1979.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By N. E. Kirschbaum
N. E. Kirschbaum, Administrator
Food Division