

## Chapter Ag 70

## FROZEN DESSERTS

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**History:** Chapter Ag 70 as it existed on January 31, 1975 was repealed and a new Chapter Ag 70 was created, effective February 1, 1975.

**Ag 70.01 Definitions.** In addition to definitions, as applicable under section 97.01, Wis. Stats., the following shall apply in the interpretation and enforcement of this chapter:

(1) "Regulatory agencies" means: (a) The state of Wisconsin department of agriculture, and

(b) Hotel and restaurant section of the state of Wisconsin department of health and social services and its agent cities.

(2) "Dairy products" are products as defined in section 97.20 (1) (b) Wis. Stats., and include products produced in accordance with chapters Ag 30 and Ag 80 of the Wis. Adm. Code.

(3) "Plant" means any place, premises, or establishment, or any part thereof, including specific areas in retail stores, stands, hotels, restaurants, and other establishments where frozen desserts or frozen dessert mixes are manufactured, processed, assembled, frozen or converted in form for distribution or sale, and includes rooms or space where utensils or equipment are stored, washed or sanitized and where ingredients for use in manufacturing frozen desserts are stored. The term "plant" includes a mobile unit and a mobile unit service base.

(4) "Mobile unit" means any vehicle or mobile structure in which frozen desserts are manufactured, prepared, processed or converted and which is used in selling and dispensing frozen desserts.

(5) "Mobile unit service base" means any building or premises used in connection with the operation of a mobile unit and includes buildings or premises used for the servicing, cleaning and sanitizing of mobile unit equipment and facilities, or for the storage of frozen desserts or frozen dessert ingredients.

(6) "Frozen dessert" means ice cream, French ice cream, artificially sweetened ice cream, frozen custard, frozen concentrates, ice milk, sherbet, water ice, quiescently frozen confection, quiescently frozen dairy confection, manufactured frozen dessert mix, and frozen whipped cream confections, and includes any mix prepared or frozen as a frozen dessert or used in the making of a frozen dessert.

(7) "Frozen dessert mix" or "mix" means a mixture of frozen dessert ingredients before being processed and frozen as a frozen dessert.

(8) "Counter and dispensing freezer" means the freezer equipment used in the soft serving or dispensing of frozen desserts directly for sale to the consumer.

(9) "C-I-P system" means food processing equipment in which pipelines or other product contact surfaces are designed, constructed and permanently installed in such a manner as to be cleaned-in-place.

**History:** Cr. Register, January, 1976, No. 229, eff. 2-1-75.

**Ag 70.02 Record maintenance and retention.** Plant operators shall keep on file and readily accessible for inspection by regulatory agencies, for at least 12 months, complete and accurate records as follows:

(1) Record of receipt of ingredients, including invoices with the name and address of the company from which ingredients were obtained.

(2) Daily records of products manufactured.

(3) Recording temperature charts or other records showing pasteurization temperatures correctly marked as of the date pasteurization occurred on each product, and the name of the individual in charge of the pasteurization operation. The recording thermometer shall be checked daily for accuracy and the date and name of the individual who checked the thermometer shall be recorded on such temperature charts or other records for that day.

(4) Operators of a mobile unit service base shall keep a daily record of the hour during which each mobile unit serviced by him was cleaned and sanitized.

(5) Records of water sample tests.

(6) Bacteriological tests of dairy ingredients used in the manufacture of frozen desserts.

**History:** Cr. Register, January, 1976, No. 229, eff. 2-1-75.

**Ag 70.03 Plant and premises; standards and requirements.** (1) **EXTERIOR PREMISES.** The plant area shall be kept clean, orderly and free from refuse, rubbish, excessive smoke, dust, air pollution and strong or foul odors. Driveways and dirt surfaces in the immediate plant area shall be surfaced or otherwise treated to minimize dust. A draining system shall be provided for rapid drainage of all water away from the buildings, including surface water around the plant or on the premises, in such manner as to prevent a health nuisance or hazard. All frozen desserts and ingredients thereof shall be protected from contamination or depreciation in product quality.

(2) **SEWAGE AND WASTE DISPOSAL.** Sewage and industrial waste shall be disposed of in a sanitary manner and in accordance with the provisions of state and local laws or regulations. Containers used for the collection of refuse or waste shall be constructed of metal or other impervious materials, kept covered with tight fitting lids, placed outside the plant, and be cleaned before reuse. Refuse or waste shall not be allowed to accumulate in and about the premises and shall

or other containers of frozen dessert mixes, shall be labeled in compliance with state and federal labeling laws.

(b) Labels on cans or packages of frozen desserts and frozen dessert mixes shall include thereon the name and address of the manufacturing plant, or a code number assigned to the plant by the department. If more than one plant is operated by the same manufacturer, the name and address or code number on the label shall be that of the plant where the product was actually manufactured.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**Ag 70.10 Standard of identity of frozen yogurt, labeling.**  
(1) Frozen yogurt is a food which shall be prepared by freezing while stirring a mix composed of one or more of the following ingredients, whole milk, lowfat milk, skim milk or other milk products, with or without fruits, nuts, flavoring materials, sweeteners, stabilizers, and emulsifiers, as authorized under section 20.1, 21 Code of Federal Regulations, Part 20, and any other safe and suitable ingredient approved by the department. Each ingredient contained in the mix, with the exception of fruits, nuts, and flavoring materials, shall be pasteurized. The mix after pasteurization, or the whole milk, lowfat milk, skim milk or other milk products after pasteurization and before becoming part of the mix, shall be cultured at the pasteurization plant by one or more strains of approved bacterial cultures. The cultured portion of the mix shall be at least 25% of the final mix. The name of the finished product is frozen yogurt. It shall weigh not less than 5 pounds per gallon and the milk fat content shall be not less than 0.5 percent nor more than 7%.

(2) All provisions of this chapter shall apply to frozen yogurt and frozen yogurt mix, except the standard plate count under section Ag 70.08(1)(b)1., shall not apply after the addition of the approved bacterial culture.

(3) The label on a package of frozen yogurt, in addition to other required information, shall contain an ingredient declaration in descending order of predominance and a butterfat declaration.

(4) Frozen yogurt mix is a mixture of frozen yogurt ingredients before being processed and frozen as a frozen yogurt.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.