

Chapter Ag 80

GRADE A MILK AND MILK PRODUCTS

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History: Chapter Ag 80 as it existed on September 30, 1959 was repealed and a new chapter Ag 80 was created effective October 1, 1959.

Ag 80.01 Definitions. In addition to those definitions prescribed in sections 97.02 and 97.046, Wis. Stats., the following shall apply in the interpretation and the enforcement of this chapter:

- (1) Department is the State Department of Agriculture and its authorized representatives.
- (2) Certifying agency is the State Board of Health and its authorized representatives.
- (3) Milk and milk products are grade A milk and grade A milk products.
- (4) Ungraded milk and milk products are those which do not meet the requirements prescribed in this chapter.
- (5) (a) Sour cream is cream the acidity of which is more than 0.20% expressed as lactic acid, produced by natural bacterial action, the use of a lactic acid producing culture, or by the direct addition of lactic acid, and contains not less than 18% butterfat. Salt, lactose, harmless stabilizers and emulsifiers, nonfat dry milk solids, rennet, citric acid and a starter culture distillate may be added. Each of the optional ingredients used shall be named on the label. Starter culture distillate is the condensate obtained by distillation of volatile fractions produced in milk by a lactic acid producing culture, and may be declared on the label as natural flavor.
 - (b) Cultured cream, or cultured sour cream conforms with the definition for sour cream except that it is produced only by means of a lactic acid producing culture and does not contain citric acid or a starter culture distillate.
- (6) Whipping cream is cream which contains not less than 30% milk fat.
- (7) Half and half is a product consisting of a mixture of milk or skim milk and cream which contains not less than 12% milk fat. Nonfat dry milk may be added.

(8) Whipped cream is cream to which a harmless gas has been added to cause whipping of the product. It may also contain sugar, other harmless flavoring and a harmless stabilizer.

(9) Concentrated milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk. When recombined with water, in accordance with instructions printed on the container, the resulting product conforms with the standards for milk fat and solids not fat of milk.

(10) Concentrated milk products are homogenized concentrated milk, fortified milk, concentrated skim milk, concentrated flavored milk, concentrated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be, and which, when recombined with water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products.

(11) Chocolate milk or chocolate flavored milk is milk sweetened and flavored with chocolate or cocoa. It may contain added salt, nonfat dry milk, lactose and a harmless stabilizer, and contains not less than 3.3% milk fat.

(12) Chocolate drink, chocolate flavored drink, chocolate dairy drink, or chocolate flavored skim milk is skim milk, sweetened and flavored with chocolate or cocoa. It may contain added salt, nonfat dry milk, lactose and a harmless stabilizer.

(13) Cultured buttermilk is a product obtained by ripening pasteurized milk or pasteurized skim milk by means of lactic acid producing culture, or made from reconstituted skim milk. It contains not less than 8.25% of milk solids not fat. Butterfat granules, sodium citrate, salt, nonfat dry milk, lactose and a harmless stabilizer may be added.

(14) Cultured milk is a fluid or semifluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized milk, pasteurized reconstituted milk, or pasteurized concentrated milk. It contains not less than 8.25% milk solids not fat and not less than 3.3% milk fat. Lactose and a harmless stabilizer may be added.

(16) Homogenized milk is milk which has been treated in such a manner as to insure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage, no visible cream separation occurs on the milk. The word "milk" shall be interpreted to include homogenized milk.

(17) "Pasteurization", "pasteurized" and similar terms refer to the process of heating every particle of milk or skim milk to at least 145° F., and other milk products to at least 150° F., and holding at such temperature continuously for at least 30 minutes; or heating every particle of milk and skim milk to at least 161° F., and other milk products to at least 166° F., and holding at such temperature continuously for at least 15 seconds; provided, this definition shall not prohibit any other process which has been demonstrated to be equally efficient and which is approved by the department.

(18) Raw milk and raw milk products are grade A milk and milk products which have not been pasteurized.

(19) Average bacterial plate count and average direct microscopic count shall be taken to mean the logarithmic average, and average cooling temperature shall be taken to mean the arithmetic average of the respective results of the last four consecutive samples, taken upon separate days.

History: Cr. Register, September, 1959, No. 45, eff. 10-1-59; am. (5), (11), (12), (13) and (14), and r. (15), Register, December, 1961, No. 72, eff. 1-1-62; am. (5), Register, March, 1963, No. 87, eff. 4-1-63.

Ag 80.02 Certification. (1) Survey for certification of compliance rating shall be made by the certifying agency at approximate 2-year intervals. Determination of compliance shall be made in accordance with the methods of the U. S. public health service for making milk shed ratings. A rating of 90% shall be required for each dairy plant, its dairy farms and enforcement. Prior to the issuance of a license the department shall determine whether the applicant meets the requirements for a 90% rating of its dairy plant and farms. When a licensee rates below 90% but not below 85% he shall be granted a probationary period of 90 days to increase his rating; provided that one additional extension can be made. When a rating is below 85%, a hearing shall be held and license may be suspended or revoked.

(2) Grade A license or permit issued by the department may be temporarily suspended upon violation by the holder of any of the provisions of this regulation, or for interference with the department in the performance of its duties. A license or permit shall be revoked upon serious or repeated violations.

(3) Any licensee or permittee whose license or permit has been suspended may at any time make application for its reinstatement.

(4) Upon receipt of an application for reinstatement based on correction of a violation of any bacteriological or cooling temperature standard, the department shall take 2 samples within one week and reinstatement will be approved upon compliance with such standards; provided, if samples are not available because of suspension of permit to operate, or for other reasons, the department may issue a temporary permit upon satisfying itself by inspection of the facilities and the operating methods that the conditions responsible for the violation have been corrected, with final reinstatement of license or permit conditional upon subsequent bacteriological or temperature findings.

(5) In case the license or permit suspension was due to a violation of an item other than bacteriological standards or cooling temperature, the application for reinstatement must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications has been conformed with. Within one week of the receipt of such an application and statement, the department shall make a reinspection of the applicant's establishment and thereafter as many additional reinspections as it may deem necessary to assure that the applicant is again complying with the requirements, and, in case the findings justify, the license or permit will be reinstated.

History: Cr. Register, September, 1959, No. 45, eff. 10-1-59.

Ag 80.03 Fortified milk and milk products. Milk and milk products may be fortified with vitamins or minerals as provided in chapter Ag 71. Nonfat dry milk or concentrated skim milk may be added.

Each container of any milk or milk product which has been fortified shall be plainly labeled to show the number of units or milligrams of added vitamins and minerals per quart and the addition of any nonfat dry milk or concentrated skim milk.

History: Cr. Register, September, 1959, No. 45, eff. 10-1-59; am. Register, December, 1961, No. 72, eff. 1-1-62.

Ag 80.04 Inspection. (1) Prior to the issuance of a license and at least once every 6 months thereafter the department shall cause to be inspected dairy farms and plants. When a violation of any requirement is found a second inspection shall be made, but not before the lapse of 3 days. The second inspection shall determine compliance. Any violation of the same requirement on such reinspection shall be cause for immediate suspension of license or permit.

(2) Milk producers and dairy plant operators shall, upon the request of the department, permit access to all parts of the establishment, and every plant operator shall furnish, upon request, for official use only, a true statement of the actual quantities of milk and milk products purchased and sold, together with a list of sources of milk and milk products, records of inspections and tests, and recording thermometer charts.

History: Cr. Register, September, 1959, No. 45, eff. 10-1-59.

Ag 80.05 Examination of milk and milk products. (1) During each 6-month period at least 4 samples of milk from each milk producer, and at least 4 samples of milk, cream and homogenized milk from each dairy plant shall be taken on separate days from supplies in their possession and examined by the department; provided, the department may accept the results of nonofficial laboratories which have been accredited by the certifying agency. Samples of other milk products may be taken and examined by the department as often as it deems necessary. Samples may be taken at any time prior to the final delivery of the milk or milk products. Samples of milk and milk products from stores, restaurants and other places where milk or milk products are sold shall be examined as often as the department may require. Proprietors of such places shall furnish the department, upon request, with the names of all dairy plants or distributors from whom their milk and milk products are obtained.

(2) Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests, and other laboratory tests shall conform to the procedures in "Standard Methods for the Examination of Dairy Products", Tenth Edition (1953), copies of which are on file at the offices of the state department of agriculture, secretary of state and revisor of statutes, and which may be obtained from American Public Health Association, Inc., 1790 Broadway, New York 19, N. Y. Examinations may include such other chemical and physical determinations as the department may deem necessary for the detection of adulteration. Bioassays and analyses of the vitamin and mineral content of fortified milk and milk products shall be made when required by the department, in a laboratory approved by the department for such examination.

(3) Whenever the average bacterial count or the average cooling temperature exceeds the limit herein prescribed, the department shall send written notice thereof to the licensee or permittee and shall

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take an additional sample, but not before the lapse of 3 days, for determining a new average. Violation of the standards by the new average or by any subsequent average during the remainder of the current 6-month period shall be cause for immediate suspension of the license or permit unless the last individual result is within prescribed limits.

(4) Whenever more than 1 of the last 4 consecutive coliform counts of samples taken on separate days exceed the limit herein prescribed, the department shall send written notice thereof to the licensee or permittee and shall take an additional sample, but not before the lapse of 3 days. License or permit may be immediately suspended when such additional sample exceeds the prescribed limit, or when the prescribed limit is again exceeded during the remainder of the current 6-month period by more than 1 of the last 4 consecutive samples,