Chapter Ag 71

FORTIFIED MILK AND MILK PRODUCTS

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Ag 71.01 Definition. The term "milk product" as used in this order shall include cream, half and half, homogenized milk, buttermilk, skim milk, milk beverages, skim milk beverages, and any other product made by the addition of any substance to milk or any of these products and used for similar purposes and designated as a milk product by the department.

Ag 71.02 Permits. (1) No person shall treat milk or any milk product for the purpose of increasing its vitamin or mineral content for sale or distribution in this state without first obtaining a production permit from the state department of agriculture.

(2) No person shall sell, offer for sale, or in any manner distribute in this state, under his own label or under the label of any person other than the holder of a permit issued pursuant to these regulations, any milk or milk product which purports to have or is represented to contain definite quantities of properties of certain vitamins or minerals without first obtaining a distribution permit from the state department of agriculture.

(3) No permit shall be required of any person selling any milk or milk product which, for the purpose of increasing its vitamin or mineral content for sale or distribution, has been treated by the holder of a production permit issued pursuant to these regulations, if such milk or milk product is sold under the label of the holder of a production permit or the holder of a distribution permit issued pursuant to these regulations.

(4) Every person desiring such a production or distribution permit shall make application therefor to the department on a form prescribed and furnished by the department.

(5) No permit shall be issued to any applicant unless in such application he shall agree to provide at his own expense periodic complete analyses, including biological assays if necessary, with results to be reported to the department; such analyses and assays shall be made by a laboratory approved by the department, on samples collected by the department or a local health officer or some disinterested person delegated by the department for that purpose.

(6) Such complete analysis, including biological assay if necessary, on any milk represented as having been fortified by the addition of vitamins or minerals shall be required at least once each four months; and on any milk product so represented at least once each six months.

(7) Where the reports of analysis indicate that any producer has continued to maintain in his product the quantity of vitamins or minerals alleged to be present, the department, in lieu of a complete assay or analysis may accept an assay or analysis to determine the quantity of one or more but not all of the vitamins or minerals alleged to be present.

Ag 71.03 Activities authorized. (1) Every person holding a produc tion permit may:

(a) Treat milk and milk products for the purpose of increasing their vitamin or mineral content.

(b) Place such milk and milk products in standard bottles as prescribed by section 98.12, Wis. Stats.

(c) Sell and deliver such milk and milk products in such bottles under his own label to 1. individual consumers, 2. milk distributors for resale to consumers and other purchasers, and 3. hotels, restaurants, hospitals, clubs and retail shops or stores for consumption on the premisess or for sale directly to the consumer.

(d) Sell such milk and milk products in such bottles to the holders of distribution permits under the label of the distribution permit holder to whom they are sold.

(2) Every distribution permit holder may, under his own label, sell and distribute milk and milk products which, for the purpose of increasing their vitamin or mineral content, have been treated and bottled by the holder of a production permit issued pursuant to these regulations.

Ag 71.04 Fortification minimums. No milk or milk product shall be labeled or otherwise represented as having been fortified with any of the following named vitamins or minerals unless there is present in each one quart of said milk or milk product at least:

400 U. S. P. units in the case of vitamin D.
2000 U. S. P. units in the case of vitamin A.
1 mgm. in the case of vitamin B_1 or Thiamin.
2 mgm. in the case of vitamin B_2 or Riboflavin.
10 mgm. in the case of Niacin.
10 mgm. in the case of Iron.
0.1 mgm. in the case of Iodine.

Ag 71.05 Label requirements. (1) No milk or milk product which has been treated for the purpose of increasing its vitamin or mineral content or which purports to have or is represented to contain any definite quantities or properties of certain vitamins or minerals shall be sold, offered for sale, or in any manner distributed unless contained in standard milk bottles as prescribed by section 98.12, Wis. Stats.

(2) Each such bottle shall have attached thereto a label which shall clearly state the name and address of the permit holder who treated and bottled such milk or milk product, or the name and address of the permit holder for whom such milk or milk product was treated and bottled.

(3) If the required information can be placed upon the bottle cap in a manner which the department shall consider adequate to fully advise the purchaser of such milk or milk product, such bottle cap may be used in lieu of any other label.

(5) The bottle cap placed on the bottle at the time of the filling thereof by the production permit holder shall not be removed or substituted prior to final sale to the consumer.

History: 1–2–56; r. (4), Register, December, 1961, No. 72, eff. 1–1–62.

Ag 71.06 Records. Every person who treats any milk or milk product for the purpose of increasing the vitamin or mineral content thereof shall keep and maintain at all times open to inspection by the department the following records:

(1) For the irradiation process:

(a) The volume of fortified milk and each of the fortified milk products sold daily.

(b) The chart showing rate of flow of milk through irradiator for the entire time of operation.

(c) The recording ammeter chart showing electrical input to the ultra-violet ray lamp for the entire time of operation.

(2) For concentrate additions:

(a) Original invoices of all purchases of concentrates used.

(b) The amounts added to milk and milk products each day.

(c) The daily sales of fortified milk and each of the fortified milk products.

(3) For concentrate feeding:

(a) The number of cows being fed concentrates.

(b) Complete identification of each cow and 1. the date of freshening, 2. the date of starting concentrate feeding, 3. kind and amount of concentrate fed, and 4. milk production.

(c) Original invoices of all concentrates purchased.

(d) Daily sales of fortified milk and each of the fortified milk products.

(4) Permit holders fortifying milk products not containing whole milk as one of the constituent parts thereof shall also keep and maintain complete records to show the manner of fortification; such records shall be sufficient to establish, upon examination, the sufficiency of the fortification, and shall be maintained in a manner as required by the department for that purpose.

(5) If the person who treats such milk or milk product bottles any part thereof under the label of any other milk distributor, he shall also keep and maintain a complete record of all transactions with such distributor relating to such milk or milk product.

Ag 71.07 General regulations. (1) All milk and milk products treated by the addition of any vitamin or mineral, or any vitamin or mineral containing substance, shall be pasteurized subsequent to the addition of any such substances.

(2) No person shall add any substance to any milk or any milk product or subject any milk or any milk product to any process for the purpose of increasing the vitamin or mineral content of such food unless such substance or such process is first approved by the state department of agriculture.

(3) If any analysis or assay on any sample of milk or milk product made as provided for in the application for a permit pursuant to this order discloses that such sample does not contain the quantity of vitamins or minerals represented to be present, the department may require that the permit holder as a condition of retaining his permit submit one or more samples of such food, to be subsequently selected by an authorized agent of the department, for assay and analysis at an approved laboratory at the expense of the permit holder.

(4) Upon request the department shall grant approval to laboratories which in its opinion are qualified to be authorized to make such analyses and assays. A list of such approved laboratories shall be maintained by the department and shall be furnished to any permit holder upon request. The laboratory to make any assay or analysis on any sample submitted shall be selected by the department from such list of approved laboratories.

(5) Each permit holder shall be liable to the laboratory selected by the department for the cost of the making of any analysis or biological assay required by these regulations and shall be responsible for the failure of the product bottled under his label to contain the quantity of vitamins or minerals represented to be present.

(6) The permit granted to any such person dealing in such milk and milk products treated for the purpose of increasing their vitamin or mineral content shall be subject to revocation by the department if such permit holder (1) is not fit, qualified or equipped to engage in such business, (2) has misrepresented or intentionally failed to disclose a material fact in making application therefor, (3) has failed to maintain in his product the quantity of vitamins or minerals represented to be present, or (4) has violated or failed to obey any applicable law, order or regulation.