

## Chapter Ag 71

### GRADE A MILK AND MILK PRODUCTS; STANDARDS OF IDENTITY AND LABELING

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**History:** Chapter Ag 71 as it existed on July 31, 1975 was repealed and a new chapter Ag 71 was created effective August 1, 1975.

**Ag 71.01 Definitions.** In addition to definitions under sections 97.01 and 97.24, Wis. Stats., the following shall apply in the interpretation and enforcement of this chapter:

(1) "Department" is the state of Wisconsin department of agriculture.

(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 18).

(3) "Milk and milk products" are grade A milk and milk products as defined under section 97.24, Wis. 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, 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) "Homogenized milk" is milk which has been treated to insure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage at 45° F., no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10% from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.

(5) "Pasteurized" means that every particle of milk or milk product has been heated to at least 145° F., and held continuously at or above this temperature for at least 30 minutes, or to at least 161° F., and held continuously at or above this temperature for at least 15 seconds, in equipment which is properly operated and approved by the department, except for milk products which have a higher milkfat content than milk or contain added sweeteners, in which case every

particle shall have been heated to at least 150° F., and held continuously at or above this temperature for at least 30 minutes, or to at least 166° F., and held continuously at or above this temperature for at least 15 seconds. This does not prohibit the use of any other pasteurization process which has been demonstrated to be equally efficient and is approved by the department.

(6) "Ultra-pasteurized" means that milk or milk products shall have been thermally processed at or above 280° F. for at least 2 seconds, either before or after packaging, to produce a product which has an extended shelf life under refrigerated conditions.

**History:** Cr. Register, July, 1975, No. 235, eff. 8-1-75.

**Ag 71.02 Vitamin and mineral supplements; permits.** (1) No person shall in the processing of milk or milk products for sale or distribution in this state, add vitamins or minerals thereto without a permit from the department. As a condition of the permit, each permit holder shall furnish to the department at his own expense a complete analysis and biological assay for each product to which vitamins and minerals are added. A complete analysis, including biological assay shall be submitted to the department at least once every 6 months for milk or milk products represented as containing added vitamins or minerals. Each analysis and assay shall be completed by a laboratory approved by the department on basis of samples collected by the department and furnished to the laboratory for purposes of analysis or assay.

(2) Where an analysis or assay indicates that the products do not contain the vitamins or minerals represented as being present, the department may require that additional samples be tested to determine whether the deficiency has been corrected.

(3) Vitamins and minerals may be added only within limits prescribed under applicable definitions and standards of identity for milk and milk products concerned, or applicable provisions of Wis. Adm. Code chapter Ag 55 with respect to dietary products.

(4) No milk or milk products shall be represented as "fortified" by virtue of the addition of vitamins or minerals. The term "fortified" may be used only in connection with protein fortification.

**History:** Cr. Register, July, 1975, No. 235, eff. 8-1-75.

**Ag 71.03 Product definitions; standards of identity.** In addition to definitions and standards of identity for milk and milk products under section 97.01, Wis. Stats., or the federal act, the following shall be definitions and standards of identity for products listed below:

(1) "Cultured buttermilk" is a product obtained by ripening pasteurized milk, skim milk or lowfat milk by means of lactic acid producing cultures, and contains not less than 8.25% of milk solids not fat. Butter granules from grade A milk sources, sodium citrate, salt, nonfat dry milk, lactose, and harmless stabilizers and emulsifiers may be added. All optional ingredients shall be declared on the label.

(2) "Cultured milk" is a fluid or semifluid product resulting from the souring or treatment by a lactic acid or other bacterial culture of pasteurized milk, and contains not less than 8.25% milk solids not fat and not less than 3.3% milkfat. Lactose, harmless stabilizers, emulsifiers, sodium citrates, salt, and nonfat dry milk may be added.

Register, July, 1975, No. 235