

TRANSMITTAL OF RULES ADOPTED

FROM: Department of Agriculture
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1132
Emergency rules
relating to (Name of rules or description of subject matter)

Adopting a new chapter, Chapter 16-101 WAC
MILK AND MILK PRODUCTS
WAC 16-101-010 through 16-101-330

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 2471 ^① filed with the code reviser
on 12/19/69 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia on 12/19/69 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 1/20/70 ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this _____ 19th day of December 1969.

STATE OF WASHINGTON
FILED
DEC 19 1969
CODE REVISER'S OFFICE
KET # 2719 FILE # 21

Department of Agriculture
(AGENCY)
By *Carroll J. [Signature]*
Deputy Director
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED BY ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
WAC 16-101-040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1132
Effective January 20, 1970

NEW WAC 16-101-001 PROMULGATION. (This promulgation relates only to WAC 16-101-010 through 330).

I, Donald W. Moos, Director of Agriculture of the State of Washington, after public notice and hearing held at Olympia, Washington on December 11, 1969, by virtue of authority vested in me under Chapter 34.04, Chapter 15.32 and Chapter 15.36 Revised Code of Washington, do hereby promulgate the following regulations defining "milk" and certain "milk products" and defining standards for "milk" and certain "milk products".

NEW WAC 16-101-010 MILK. Milk is the whole unadulterated lacteal secretion obtained by the complete milking of one or more healthy cows excluding that obtained ten days before and seven days after calving or such longer period as may be necessary to render the milk colostrum free; which milk contains not less than eight and one quarter percent milk solids not fat, and not less than three and one half percent milk fat. (Milkfat or butterfat is the fat of milk).

NEW WAC 16-101-020 GOAT MILK. Goat Milk is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats. The word milk shall be interpreted to include goat milk.

NEW WAC 16-101-030 CREAM OR COFFEE CREAM. Cream or Coffee Cream is a portion of milk which contains not less than eighteen percent milk fat.

NEW WAC 16-101-040 WHIPPING CREAM. Whipping Cream is cream which contains not less than 30 percent milk fat.

NEW WAC 16-101-050 WHIPPED CREAM. Whipped Cream is whipping cream into which air or gas has been incorporated.

NEW WAC 16-101-060 WHIPPED COFFEE CREAM. Whipped Coffee Cream is coffee cream into which air or gas has been incorporated.

NEW WAC 16-101-070 SOUR CREAM OR CULTURED SOUR CREAM. Sour Cream or Cultured Sour Cream is a fluid or semifluid cream resulting from the souring, by lactic acid producing bacteria or similar culture, of pasteurized cream, which contains not less than 0.20 percent acidity expressed as lactic acid.

NEW WAC 16-101-080 HALF-and-HALF. Half-and-Half is a product consisting of a mixture of milk and cream which contains not less than 10.5 percent milkfat.

NEW WAC 16-101-090 SOUR HALF-and-HALF or CULTURED HALF-and-HALF. Sour Half-and-Half or Cultured Half-and-Half is fluid or semifluid half-and-half derived from the souring, by lactic acid producing bacteria or similar culture, of pasteurized half-and-half, which contains not less than 0.20 percent acidity expressed as lactic acid.

NEW WAC 16-101-100 RECONSTITUTED or RECOMBINED MILK and MILK PRODUCTS. Reconstituted or Recombined Milk and Milk Products shall mean milk or milk products defined in this section which result from the recombining of milk constituents with potable water.

NEW WAC 16-101-110 CONCENTRATED MILK. Concentrated Milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk, which, when combined with potable water, results in a product conforming with the standards for milkfat and solids-not-fat of milk as defined above.

NEW WAC 16-101-120 CONCENTRATED MILK PRODUCTS. Concentrated Milk Products shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, fortified concentrated skim milk, concentrated lowfat milk, fortified concentrated lowfat milk, concentrated flavored milk, concentrated flavored milk products, and similar concentrated products made from concentrated milk or concentrated skim milk, and which, when combined with potable water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products in this section.

NEW WAC 16-101-130 NONFAT MILK. Nonfat Milk contains a maximum of .25 percent milkfat and a minimum of 8¼ percent solids-not-fat.

NEW WAC 16-101-140 SKIM MILK. Skim Milk is milk from which sufficient milkfat has been removed to reduce its milkfat content to less than 1.9 percent.

NEW WAC 16-101-150 LOWFAT MILK. Lowfat Milk is milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to not less than 1.9 percent and not more than 2.1 percent.

NEW WAC 16-101-160 VITAMIN D MILK AND MILK PRODUCTS. Vitamin D Milk and Milk Products are milk and milk products, the vitamin D content of which has been increased by an approved method to at least 400 U.S.P. units per quart.

NEW WAC 16-101-170 FORTIFIED MILK AND MILK PRODUCTS. Fortified Milk and Milk Products are milk and milk products other than vitamin D milk and milk products, the vitamin and/or mineral content of which have been increased by a method and in an amount approved by the Director.

NEW WAC 16-101-180 HOMOGENIZED MILK. 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 percent from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.

NEW WAC 16-101-190 FLAVORED MILK OR MILK PRODUCTS. Flavored Milk or Milk Products shall mean milk and milk products as defined in this Regulation to which has been added a flavor and/or sweetener.

NEW WAC 16-101-200 BUTTERMILK. Buttermilk is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8¼ percent of milk solids-not-fat.

NEW WAC 16-101-210 CULTURED BUTTERMILK. Cultured Buttermilk is a fluid product resulting from the souring, by lactic acid producing bacteria or similar culture, of pasteurized skim milk or pasteurized lowfat milk.

NEW WAC 16-101-220 CULTURED MILK OR CULTURED WHOLE MILK BUTTERMILK. Cultured Milk or Cultured Whole Milk Buttermilk is a fluid product resulting from the souring, by lactic acid producing bacteria or similar culture, of pasteurized milk.

NEW WAC 16-101-230 EGGNOG. Eggnog is a milk product consisting of a mixture of milk or milk product of at least 6.0 percent butterfat, at least 1.0 percent egg yolk solids, sweetner and flavoring. Emulsifier and not over 0.5 percent stabilizer may be added.

NEW WAC 16-101-240 EGGNOG FLAVORED MILK. Egnog Flavored Milk is a milk product consisting of a mixture of at least 3.50 percent butterfat, at least 0.5 percent egg yolk solids, sweetner, and flavoring. Emulsifier and a maximum of 0.5 percent stabilizer may be added.

NEW WAC 16-101-250 YOGURT. Yogurt is pasteurized milk, fluid or semifluid, produced by bacterial action by one or more strains of *Lactobacillus bulgaricus* (including yogurt strains), or *Streptococcus thermophilus*, *Lactobacillus acidophilus*, or other beneficial lactic acid bacteria or flavor producing organisms. It may contain approved edible stabilizers and emulsifiers not to exceed .6 percent. The name of the product is "yogurt". The milk fat content may be reduced to 2.8 percent in case of fruit, fruit flavor or flavored yogurt.

NEW WAC 16-101-260 LOW FAT YOGURT. Low Fat Yogurt meets the same standards as Yogurt as outlined above, except that it is made from pasteurized Low Fat Milk. The milk fat content may be reduced to 1.5 percent in case of fruit, fruit-flavored or flavored Low Fat Yogurt.

NEW WAC 16-101-270 NON-FAT YOGURT. Non-Fat Yogurt is pasteurized non-fat milk, fluid or semi-fluid, produced by bacterial action by one or more strains of *Lactobacillus bulgaricus* (including yogurt strains), *Streptococcus thermophilus*, *Lactobacillus acidophilus*, or beneficial lactic acid bacteria or flavor producing organisms. It may contain approved edible stabilizers and emulsifiers not to exceed .6 percent.

NEW WAC 16-101-280 MILK PRODUCTS. Milk Products include cream, coffee cream, whipping cream, whipped cream, whipped coffee cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, skim milk, skimmed milk, lowfat milk, nonfat milk, fortified milk and milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk products, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, yogurt, lowfat yogurt, nonfat yogurt, eggnog and eggnog flavored milk.

NEW WAC 16-101-290 GRADE A DRY MILK PRODUCTS. Grade A Dry Milk Products are milk products which have been produced and manufactured under the provisions of State Department of Agriculture Order #805.

NEW WAC 16-101-300 OPTIONAL INGREDIENTS. Optional Ingredients shall mean and include Grade A dry milk products, concentrated milk, concentrated milk products, flavors, sweetners,

stabilizers, emulsifiers, vitamins and minerals in amounts approved by the Director.

NEW WAC 16-101-310 MISBRANDED MILK AND MILK PRODUCTS. Misbranded Milk and Milk Products are misbranded:

- (1) When their container(s) bear or accompany any false or misleading written, printed or graphic matter.
- (2) When such milk and milk products do not conform to their definitions as contained in these regulations.
- (3) When the optional ingredients permitted in these regulations are not included as part of the name of the product or in a separate statement on the container.
- (4) When such products are not labeled in accordance with the name of the product as defined in this regulation.

NEW WAC 16-101-320 PASTEURIZATION. The terms "pasteurization," "pasteurized," and similar terms shall mean the process of heating every particle of milk or milk product to at least 145°F., and holding it continuously at or above this temperature for at least 30 minutes, or to at least 161°F., and holding it continuously at or above this temperature for at least 15 seconds, in equipment which is properly operated and approved by the Director: Provided, That milk products which have a higher milkfat content than milk and/or contain added sweeteners shall be 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; and provided that eggnog and eggnog products shall be heated to at least 155°F. and held continuously at or above this temperature for at least 30 minutes or to at least 175°F. and held continuously at or above this temperature for at least 25 seconds; Provided further, That nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the Director.

NEW WAC 16-101-330 FLUID MILK PRODUCTS. Fluid Milk Products may be labeled Grade A Pasteurized by sterilization process provided every particle of milk or milk products has been heated to at least 275°F. and held at such temperature for at least 2 seconds in approved and properly operated equipment. Disodium phosphate or sodium citrate or both, may be added in a total quantity of not more than 0.03 percent by weight of the finished product. Provided that nothing in any of the above pasteurized definitions shall be construed as barring any other pasteurized process which has been recognized by the United States Public Health Service to be equally efficient and is approved by the Director.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.



DONALD W. MOOS
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: December 19, 1969