



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: July 1, 1990

(2) Purpose:

To update existing rules and better reflect present day needs.

(3) Citation of existing rules affected by this order:

Repealed:
Amended: WAC 16-144
Suspended:

(4) Authority for adoption:

Statute: Chapter 15.32 RCW and Chapter 15.36 RCW
Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 90-02-020 ^{Sup} on 12/27/89 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
 Other (specify) _____ *
- Immediately
 Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 02 1990

TIME 3:25
WSR 90-14-076

NAME (TYPE OR PRINT)

Mike Schwinn

SIGNATURE

TITLE

Deputy Director

DATE

7/1/90

NEW SECTION

WAC 16-144-090 FROZEN YOGURT. (1) Frozen yogurt is a food produced by freezing under agitation, a mix consisting of pasteurized or ultra pasteurized dairy ingredients, which may contain one or more safe and suitable nondairy ingredients, excluding other food fats and oils, except which are natural components of the safe and suitable nondairy ingredient additive. All, or a portion of the dairy ingredient mix shall be cultured totally, or in part, by the addition of live bacteria cultures consisting of streptococcus thermophilus and lactobacillus bulgaricus, and optionally, other lactic acid-producing bacteria. Frozen yogurt shall not be subjected to chemical preservatives, heat treatment, or other processes that would eliminate or reduce the live yogurt bacteria.

(2) Frozen yogurt mix, prior to the addition of any flavorings, shall have a titratable acidity of not less than 0.3 percent (calculated as lactic acid) or the manufacturer shall be able to demonstrate that not less than 0.15 percent increase in titratable acidity, above that of the uncultured ingredients, has been achieved due to bacterial action. No food grade acids or acidogens are permitted for the purpose of meeting the prescribed minimum titratable acidity requirement.

(3) Frozen yogurt may contain safe and suitable sweeteners, flavorings, color additives, and other characterizing food ingredients which may be added before or after pasteurization.

(4) Frozen yogurt shall contain not less than 3.25 percent milkfat and 8.25 percent milk solids not fat before the addition of bulky flavoring ingredients. Frozen yogurt shall contain not less than 1.3 pounds of total solids per gallon and weight not less than 4.5 pounds per gallon.

(5) The name of the food is "frozen yogurt," and it shall be accompanied by a declaration of the characterizing flavor. Flavor and ingredient declarations shall be as shown in 21 C.F.R. Sec. 135.110 (e), (f). If a sweetener is used that is not a nutritive carbohydrate sweetener, the name of the food shall be accompanied by the statement "sweetened with" or "with sweetener" in type height not less than one-half the size of the name of the food.

NEW SECTION

WAC 16-144-100 FROZEN LOWFAT YOGURT. Lowfat frozen yogurt is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt and complies with all the provisions of WAC 16-144-090 (including the requirements for label statements of all ingredients) except that:

(1) Its milkfat content is not less than 0.5 percent nor more than 2.0 percent before the addition of bulky flavoring ingredients.

(2) The name of the food is "frozen lowfat yogurt" or alternatively, "lowfat frozen yogurt."

NEW SECTION

WAC 16-144-110 FROZEN NONFAT YOGURT. Nonfat frozen yogurt is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt and complies with all the provisions of WAC 16-144-090 (including the requirements for label statements of all ingredients) except that:

(1) Its milkfat content is less than 0.5 percent before the addition of bulky flavoring ingredients.

(2) The name of the food is "frozen nonfat yogurt" or alternatively, "nonfat frozen yogurt."

NEW SECTION

WAC 16-144-120 SOFT SERVE FROZEN YOGURT MIX. Soft serve frozen yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt, except that:

The name of the food is "soft serve frozen yogurt mix."

NEW SECTION

WAC 16-144-130 SOFT SERVE FROZEN LOWFAT YOGURT MIX. Soft serve frozen lowfat yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-100(1) for frozen yogurt, except that:

The name of the food is "soft serve frozen lowfat yogurt mix" or alternatively, "soft serve lowfat frozen yogurt mix."

NEW SECTION

WAC 16-144-140 SOFT SERVE FROZEN NONFAT YOGURT MIX. Soft serve frozen nonfat yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-110(1) for frozen yogurt, except that:

The name of the food is "soft serve frozen nonfat yogurt mix" or alternatively, "soft serve nonfat frozen yogurt mix."