

**Chapter 16-144 WAC  
PROCESSING FROZEN DESSERTS**

**Last Update:** 8/6/20

**WAC**

16-144-010	Definitions.
16-144-146	Transporting frozen dessert mix without requiring repasteurization.
16-144-147	Transporting frozen dessert mix in milk tank trucks or milk cans.
16-144-148	Required temperature to hold frozen dessert mix.
16-144-149	Holding frozen dessert mix after pasteurization.
16-144-150	Ingredients that must be added to frozen dessert mix before final pasteurization.
16-144-151	Ingredients allowed to be added to the frozen dessert mix after final pasteurization or at the freezer.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-144-001	Promulgation and purpose. [Statutory Authority: RCW 15.36.021 and 69.04.398(3). WSR 95-16-062, § 16-144-001, filed 7/26/95, effective 8/26/95; Order 1069, Promulgation, filed 9/20/67, effective 11/1/67.] Repealed by WSR 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-020	Processing of ice cream. [Order 1069, Regulation 2, filed 9/20/67, effective 11/1/67.] Repealed by WSR 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-030	Processing of other desserts—Frozen and French custards—Labeling—Optional ingredients. [Order 1069, Regulation 3, filed 9/20/67, effective 11/1/67.] Repealed by WSR 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-040	Ice milk—Labeling—Optional ingredients. [Order 1069, Regulation 4, filed 9/20/67, effective 11/1/67.] Repealed by WSR 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-050	Nonfat frozen dairy desserts—Labeling—Optional ingredients. [Order 1069, Regulation 5, filed 9/20/67, effective 11/1/67.] Repealed by WSR 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-060	Dietetic or dietary frozen dairy desserts—Labeling—Optional ingredients. [Order 1069, Regulation 6, filed 9/20/67, effective 11/1/67.] Repealed by WSR 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-070	Fruit sherbets—Labeling—Optional ingredients. [Order 1069, Regulation 7, filed 9/20/67, effective 11/1/67.] Repealed by WSR 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-080	Water ices—Labeling—Optional ingredients. [Order 1069, Regulation 8, filed 9/20/67, effective 11/1/67.] Repealed by WSR 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-090	Frozen yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW. WSR 90-14-076, § 16-144-090, filed 7/2/90, effective 8/2/90.] Repealed by WSR 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
16-144-100	Frozen lowfat yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW. WSR 90-14-076, § 16-144-100, filed 7/2/90, effective 8/2/90.] Repealed by WSR 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
16-144-110	Frozen nonfat yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW. WSR 90-14-076, § 16-144-110, filed 7/2/90, effective 8/2/90.] Repealed by WSR 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
16-144-120	Soft serve frozen yogurt mix. [Statutory Authority: Chapters 15.32 and 15.36 RCW. WSR 90-14-076, § 16-144-120, filed 7/2/90, effective 8/2/90.] Repealed by WSR 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
16-144-130	Soft serve frozen lowfat yogurt mix. [Statutory Authority: Chapters 15.32 and 15.36 RCW. WSR 90-14-076, § 16-144-130, filed 7/2/90, effective 8/2/90.] Repealed by WSR 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
16-144-140	Soft serve frozen nonfat yogurt mix. [Statutory Authority: Chapters 15.32 and 15.36 RCW. WSR 90-14-076, § 16-144-140, filed 7/2/90, effective 8/2/90.] Repealed by WSR 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
16-144-145	Requirements for frozen dessert mix processing, handling, transportation and pasteurization. [Statutory Authority: RCW 15.36.021 and 69.04.398(3). WSR 95-16-062, § 16-144-145, filed 7/26/95, effective 8/26/95.] Repealed by WSR 20-17-020, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025.

**WAC 16-144-010 Definitions.** The definitions and standards contained in chapters 15.36 and 15.130 RCW shall apply in this chapter unless the context clearly indicates otherwise.

(1) Frozen desserts means ice cream, frozen custard, ice milk, nonfat frozen dairy dessert, dietetic frozen desserts, fruit sherbets, and water ices. Such terms shall also include any food product which is prepared or manufactured and which contains as an ingredient a substantial portion of any of the above mentioned frozen desserts.

(2) The terms "pasteurization," "pasteurized" and similar terms used in this chapter shall mean heating every particle of the product to a temperature of not less than 155 degrees Fahrenheit and holding continuously for at least thirty minutes in approved and properly operated equipment or heating to a temperature of not less than 175 degrees Fahrenheit for not less than 25 seconds continuously in approved and properly operated equipment.

(3) All frozen desserts shall be manufactured, processed, and pasteurized to conform with a bacteriological standard of not to exceed 50,000 per milliliter and a coliform limit not exceeding 10 per milliliter as determined by Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the 11th Edition of Official Methods of Analyses of the Association of Official Agricultural Chemist. The frozen desserts shall be properly pasteurized as evidenced by the phosphatase test.

(4) Harmful microorganisms means bacteria or other microorganisms which have been shown to be capable of causing disease in humans by consumption or contact.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-144-010, filed 8/6/20, effective 9/6/20; Order 1069, Regulation 1, filed 9/20/67, effective 11/1/67.]

**WAC 16-144-146 Transporting frozen dessert mix without requiring repasteurization.** Frozen dessert mixes must be transported in:

(1) Single service containers which meet the requirements for Grade A milk products under Appendix J of the pasteurized milk ordinance (PMO); or

(2) Containers with single service liners which meet the requirements for Grade A milk products under Appendix J of the PMO.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-144-146, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 15.36.021 and 69.04.398(3). WSR 95-16-062, § 16-144-146, filed 7/26/95, effective 8/26/95.]

**WAC 16-144-147 Transporting frozen dessert mix in milk tank trucks or milk cans.** Transport of mix in milk trucks or milk cans is not allowed. The risk of post pasteurization contamination is too great without final pasteurization at the plant where the mix is frozen and packaged.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-144-147, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 15.36.021 and 69.04.398(3). WSR 95-16-062, § 16-144-147, filed 7/26/95, effective 8/26/95.]

**WAC 16-144-148 Required temperature to hold frozen dessert mix.** Frozen dessert mix is required to be held at forty-five degrees Fahrenheit or less at all times.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-144-148, filed 8/6/20, effective

9/6/20. Statutory Authority: RCW 15.36.021 and 69.04.398(3). WSR 95-16-062, § 16-144-148, filed 7/26/95, effective 8/26/95.]

**WAC 16-144-149 Holding frozen dessert mix after pasteurization.**

(1) Frozen dessert mix containers approved under WAC 16-144-146 must bear a pull date which establishes the last day it may be used. This pull date must meet the requirements for pull dating of perishable packaged food under chapters 15.130 RCW and 16-142 WAC.

(2) Pasteurized frozen dessert mix may be held for up to seventy-two hours in storage tanks before it must be repasteurized.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-144-149, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 15.36.021 and 69.04.398(3). WSR 95-16-062, § 16-144-149, filed 7/26/95, effective 8/26/95.]

**WAC 16-144-150 Ingredients that must be added to frozen dessert mix before final pasteurization.** If used, the following ingredients must be added to frozen dessert mix prior to final pasteurization:

(1) All dairy products including milk solids, whey, nonfat dry milk, condensed milk, cream, skim milk, and other milk products.

(2) Egg products.

(3) Reconstituted or recombined dry mixes including cocoa and cocoa products which are mixed with water or other liquids.

(4) Liquid sweeteners.

(5) Dry sugars.

(6) Emulsifiers or stabilizers which do not meet one of the requirements under WAC 16-144-151.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-144-150, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 15.36.021 and 69.04.398(3). WSR 95-16-062, § 16-144-150, filed 7/26/95, effective 8/26/95.]

**WAC 16-144-151 Ingredients allowed to be added to the frozen dessert mix after final pasteurization or at the freezer.** The following ingredients can be added to frozen dessert mix after final pasteurization or at the freezer:

(1) Ingredients which have been subjected to prior heat treatment sufficient to kill harmful microorganisms.

(2) Ingredients with 0.85% water activity or less.

(3) High acid ingredients with pH 4.7 or less.

(4) Roasted nuts or confectionery chips (added at the freezer).

(5) Harmless lactic acid forming bacteria cultures.

(6) Fruits and vegetables (added at the freezer).

(7) Ingredients with high alcohol content (i.e., fifteen percent or more by volume).

(8) Ingredients which have been subjected to any other process approved by the director which will ensure that the finished product is free of harmful microorganisms.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-144-151, filed 8/6/20, effective

9/6/20. Statutory Authority: RCW 15.36.021 and 69.04.398(3). WSR 95-16-062, § 16-144-151, filed 7/26/95, effective 8/26/95.]