

FROM: Department of Agriculture  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)  
OLYMPIA 98504

The enclosed rules  Permanent rules, being Order No. 1401  
 Emergency rules

relating to (Name of rules or description of subject matter)

Standards and Definitions for Milk and Fluid Milk Products.  
Repealing all Sections in WAC 16-101-001 through 16-101-330  
and setting forth new Sections 16-101-400 through 680.

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

pursuant to Notice No. 5295 <sup>①</sup> filed with the code reviser  
on June 19, 1975 <sup>②</sup> were regularly adopted as permanent rules of  
(date)  
this agency at Olympia, Washington on June 19, 1975 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 July 20, 1975. <sup>③</sup>

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

pursuant to its finding in the attached administrative order,  
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  
(place) (date)  
are herewith filed in the office of the code reviser pursuant to  
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 19th day of June 1975.

STATE OF WASHINGTON  
**FILED**  
JUN 19 1975  
CODE REVISER'S OFFICE  
DOCKET # 451 FILE # 28

STATE OF WASHINGTON  
**FILED**  
JUN 20 1975  
By  
CODE REVISER'S OFFICE  
DOCKET # \_\_\_\_\_ FILE # \_\_\_\_\_

Agriculture  
(AGENCY)  
Stewart B. Belser  
Director

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 in another statute, rules are effective 30 days after filing: RCW 34.04.040. Leave this space blank except in such special cases.  
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE

ADMINISTRATIVE ORDER NO. 1401

(1) I, Stewart Bledsoe, Director of Agriculture of the state of Washington, by virtue of the authority vested in me under chapters 34.04, 15.32, and 15.36 RCW, after due notice and public hearing held at Olympia, Washington on June 11, 1975 do hereby promulgate and adopt as permanent rules of this agency the annexed rules and regulations, to wit:

WAC 16-101-400 through 680 defining milk and certain milk products and defining standards for milk and certain milk products

as permanent rules of this agency and repealing WAC 16-101-010 through 330.

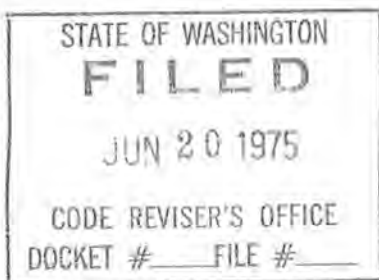
(2) This order, after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW.

APPROVED AND ADOPTED June 20, 1975.

By

Stewart Bledsoe

Stewart Bledsoe  
Director of Agriculture



STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
OLYMPIA

ORDER NO. 1401  
Effective July 20, 1975

NEW WAC 16-101-400 PROMULGATION. (This promulgation relates to WAC 16-101-400 through 680 and repeal of WAC 16-101-010 through 330).

I, Stewart Bledsoe, Director of Agriculture of the State of Washington, after public notice and hearing held at Olympia, Washington on June 11, 1975, 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 16-101-410 MILK. Milk is the lacteal secretion practically free from colostrum obtained by the complete milking of one or more healthy cows or goats and containing not less than 3.25 percent milkfat and not less than 8.25 percent solids not fat.

NEW WAC 16-101-420 PASTEURIZED MILK. Pasteurized Milk is milk which has been pasteurized and the milkfat content of which is not less than 3.25 percent and the solids not fat content of which is not less than 8.25 percent.

NEW WAC 16-101-430 HOMOGENIZED MILK. Homogenized Milk is pasteurized milk which has been homogenized, the milkfat content of which is not less than 3.25 percent and the solids not fat content is not less than 8.25 percent.

NEW WAC 16-101-440 VITAMIN D MILK. Vitamin D Milk is pasteurized milk which may be homogenized the vitamin "D" content of which has been increased by an approved method to at least 400 I.U. of vitamin D per quart.

NEW WAC 16-101-450 VITAMIN A MILK. Vitamin A Milk is pasteurized milk which may be homogenized the vitamin content of which has been increased by an approved method to at least 2000 I.U. of vitamin "A" per quart.

NEW WAC 16-101-460 VITAMIN A LOWFAT MILK. Vitamin A Lowfat Milk (Lowfat milk vitamin A added) is pasteurized milk in which the milkfat has been adjusted to one of the following milkfat levels of 1 or 2 percent which shall be declared with the product name, and in which the solids not fat content shall not be less than 8.25 percent, and which contains at least 2000 I.U. of vitamin A per quart. The addition of vitamin D is optional, but if added the product shall contain 400 I.U. per quart, and "Vitamin D" shall be declared in the standardized name and in the label. The milkfat adjustment and the addition of either one or both vitamins shall be within the limits of good manufacturing practice.

NEW

WAC 16-101-470 NONFAT MILK (SKIM MILK). Nonfat Milk (Skim Milk) is milk in which the milkfat content is less than 0.5 percent and in which the solids not fat content is not less than 8.25 percent.

NEW

WAC 16-101-480 VITAMIN A NONFAT MILK (SKIM MILK). Vitamin A Nonfat Milk (Skim Milk) is pasteurized nonfat milk which contains not less than 2000 I.U. of vitamin A per quart. The addition of vitamin D is optional, but if added, the product shall contain 400 I.U. per quart and "Vitamin D" shall be declared in the standardized name and in the label. The addition of either one or both vitamins shall be within the limits of good manufacturing practice.

NEW

WAC 16-101-490 RECONSTITUTED or RECOMBINED MILK or MILK PRODUCTS. Reconstituted or Recombined Milk or Milk Products shall mean pasteurized milk or the products of pasteurized fluid milk defined in this section which results from the recombining of milk constituents with potable water. The name of the product shall be "reconstituted \_\_\_\_\_" or "recombined \_\_\_\_\_" with the blank being filled with the name of the milk or milk products as defined in this section as established for the named product.

NEW

WAC 16-101-500 EVAPORATED MILK. Evaporated Milk is the liquid product obtained by partial removal of water from milk. The milk fat and total milk solids contents of the product are not less than 7.5 and 25.5 percent respectively. Vitamin D shall be present in such quantity that each fluid ounce of the product contains 25 International Units thereof within the limits of good manufacturing practice. Addition of Vitamin A is optional, but if added shall be present in such quantity that each fluid ounce of the product contains not less than 125 International Units thereof within the limits of good manufacturing practice. The phrase "Vitamin D" or "Vitamin A and D", as the case may be, shall immediately precede or follow the name of the product.

NEW

WAC 16-101-510 CONCENTRATED MILK and CONCENTRATED MILK PRODUCTS. Concentrated Milk and Concentrated Milk Products are unsterilized fluid products resulting from the partial removal of water from milk 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 16-101-520 HALF & HALF. Half & Half is pasteurized homogenized product consisting of a mixture of milk and cream the milkfat content of which is not less than 10.5 percent.

NEW

WAC 16-101-530 CREAM OR WHIPPED LIGHT CREAM. (a) Cream is that portion of milk which contains not less than 18.0 percent milkfat. Approved type edible stabilizers and emulsifiers and sweeteners may be used as optional ingredients.

(b) Whipped Light Cream is pasteurized cream which contains not less than 18 percent but less than 30 percent milkfat and into which air or gas has been incorporated or will be

as it is dispensed from its container.

NEW

WAC 16-101-540 WHIPPING CREAM or WHIPPED CREAM. (a) Whipping Cream is that portion of milk which contains not less than 30.0 percent milkfat. Approved type edible stabilizers and emulsifiers and sweeteners may be used as optional ingredients.

(b) Whipped Cream is pasteurized whipping cream into which air or gas has been incorporated or will be as it is dispensed from its container.

NEW

WAC 16-101-550 BUTTERMILK or CULTURED BUTTERMILK. Buttermilk or Cultured Buttermilk is a product of fluid milk resulting from the churning of pasteurized milk or cream, or from the souring by a culture of lactic acid bacteria of pasteurized milk, lowfat, or nonfat milk, the final product of which contains not less than 8.25 percent of solids not fat. Use of salt for flavoring is optional. (The use of bacteria for the culturing of fluid milk and milk products with other types of lactic-acid-producing bacteria shall be subject to approval by the department.) The name of special culture(s) and fruit flavor(s) may be used, but when they are, they shall precede or follow the standardized name.

NEW

WAC 16-101-560 SOUR CREAM or CULTURED SOUR CREAM. Sour cream or Cultured Sour Cream is pasteurized cream the acidity of which is not less than 0.50 percent expressed as lactic acid, produced by natural bacterial action, the use of a lactic-acid-producing culture, or by the direct addition of food grade acid. Use of salt, lactose, starter cultures distillate approved type edible stabilizers are optional, but they shall be listed on the label if they are added. Starter culture distillate is the condensate obtained by distillation of volatile fractions produced in milk by a lactic-acid-producing culture.

NEW

WAC 16-101-570 SOUR HALF AND HALF or CULTURED HALF AND HALF. Sour Half and Half or Cultured Half and Half is pasteurized half and half the acidity of which is not less than .50 percent expressed as lactic acid, produced by natural bacterial action of a lactic-acid-producing culture or by the direct addition of a food grade acid. Salt, lactose, starter culture distillate, approved type edible stabilizers are optional ingredients, but they shall be listed on the label if they are added.

NEW

WAC 16-101-580 YOGURT. (a) Yogurt is pasteurized 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 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 milkfat content may be reduced to (but not less than) 2.4 percent in case of fruit, fruit flavored or flavored yogurt. Addition of sugar is optional. (See paragraph (f) of this subsection.)

(b) Lowfat Yogurt is pasteurized lowfat 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 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 "lowfat yogurt." The milkfat may be reduced to (but not less than) .75 percent in the case of fruit, fruit flavored or flavored lowfat yogurt. Addition of sugar is optional. (See paragraph (f) of this subsection.)

(c) Nonfat Yogurt is pasteurized nonfat 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. The name of the product is "nonfat yogurt." Addition of sugar is optional. (See paragraph (f) of this subsection.)

(d) Vitamin D Yogurt and Yogurt Products are yogurt and yogurt products, the vitamin D content of which has been increased by an approved method to not less than 400 I.U.s of vitamin D per quart. The names of the products are "vitamin D yogurt" or "vitamin D \_\_\_\_\_ yogurt" with the blank being filled in with the name of the yogurt product and of the fruit or flavor used. (See paragraph (f) of this subsection.)

(e) Vitamin A Yogurt and Yogurt Products are yogurt and yogurt products, the vitamin A content of which has been increased by an approved method to not less than 2000 I.U.s of Vitamin A per quart. The names of the products are "vitamin A yogurt" or "vitamin A \_\_\_\_\_ yogurt" with the blank being filled in with the name of the yogurt product and of the fruit or flavor used. (See paragraph (f) of this subsection.)

(f) Matured and wholesome fruit or approved flavors may be added for fruit, fruit flavored, or flavored yogurts. The names of the products shall be "\_\_\_\_\_ yogurt," "\_\_\_\_\_ lowfat yogurt" or "\_\_\_\_\_ nonfat yogurt" with the blank being filled in with the name of the fruit and/or flavor being added. If imitation flavorings are used, the label shall so state "imitation flavor used", or similar wording to denote this fact.

NEW

WAC 16-101-590 CHOCOLATE MILK. Chocolate Milk is pasteurized milk to which has been added in a sanitary manner wholesome chocolate, or cocoa and sugar; use of approved type edible stabilizer is optional. This product shall contain not less than 3.25 percent of milkfat.

NEW

WAC 16-101-600 CHOCOLATE LOWFAT MILK or CHOCOLATE NONFAT MILK. Chocolate Lowfat Milk or Chocolate Nonfat Milk as the case may be, is pasteurized lowfat milk or pasteurized nonfat milk to which has been added in a sanitary manner, wholesome chocolate or cocoa and sugar; use of approved type edible stabilizer is optional.

NEW

WAC 16-101-610 FLAVORED MILK. Flavored Milk is a beverage or confection consisting of pasteurized milk to which has been added a syrup or flavor made from wholesome ingredients and which contains not less than 3.25 percent milkfat and not less than 8.25 percent solids not fat, but prior to any sale thereof, the product, as characterized by the particular flavor

added, shall have been determined by the department to be wholesome. Approved type edible stabilizer and sugar may be used as optional ingredients. If artificial coloring or flavor is used this fact shall be stated on the label. The name of the product shall be "\_\_\_\_\_ flavored milk" with the blank being filled in with the name of the flavor added. Vitamin D may be added and shall comply with the requirements of WAC 16-101-440 and the name of the product shall be "\_\_\_\_\_ flavored vitamin D milk" with the blank being filled in with the name of the flavor added.

NEW

WAC 16-101-620 FLAVORED LOWFAT MILK. Flavored Lowfat Milk is a beverage or confection consisting of pasteurized low-fat milk to which has been added a syrup or flavor made from wholesome ingredients, but prior to any sale thereof, the product, as characterized by the particular flavor added, shall have been determined by the department to be wholesome. Approved type edible stabilizer and sugar may be used as optional ingredients. If artificial coloring or flavor is used this fact shall be stated on the label. The name of the product shall be "\_\_\_\_\_ flavored lowfat milk" with the blank being filled in with the name of the flavor added. Vitamin D may be added and shall comply with the requirements of WAC 16-101-460 and the name of the product shall be "\_\_\_\_\_ flavored vitamin D lowfat milk" with the blank being filled in with the name of the flavor added.

NEW

WAC 16-101-630 FLAVORED NONFAT MILK(FLAVORED SKIM MILK). Flavored Nonfat Milk (Flavored Skim Milk) is a beverage or confection consisting of pasteurized nonfat milk (skim milk) to which has been added a syrup or flavor made from wholesome ingredients. The particular flavor added shall be wholesome and from a wholesome source. Approved type edible stabilizer and sugar may be used as optional ingredients. If artificial coloring or flavor is used, this fact shall be stated on the label. Vitamins A and D may be added and if both or either one is added, the product shall comply with WAC 16-101-480. The name of the product shall be "\_\_\_\_\_ flavored nonfat milk (skim milk)" with the blank being filled in with the name of the flavor added and with the appropriate standardized fluid milk product name.

NEW

WAC 16-101-640 EGGNOG FLAVORED MILK or EGGNOG. (a) Eggnog Flavored Milk is a milk product consisting of a mixture of at least 3.25 percent milkfat, at least 0.5 percent egg yolk solids, sugars, and flavoring (spices). A maximum of 0.6 percent stabilizer and emulsifiers may be added. (See paragraph (c) of this subsection.)

(b) Egnog is a milk product consisting of a mixture of milk or milk product of at least 6.0 percent milkfat, at least 1.0 percent egg yolk solids, sugars, and flavoring (spices). A maximum of 0.6 percent stabilizer and emulsifiers may be added. (See paragraph (c) of this subsection).

(c) All egnogs and egnog products shall be pasteurized in approved and properly operated equipment so that every particle is heated and continuously held for the following minimum specified times and temperatures: (1) 155 degrees F. and held at or above this temperature for at least 30 minutes or (2) 175 degrees F. and held at or above this temperature for at least 30 seconds.

NEW

WAC 16-101-650 OPTIONAL INGREDIENTS. The following safe and suitable ingredients may be used:

- (1) Carriers for vitamins A and D may be added.
- (2) Concentrated nonfat dry milk, skim milk, refined lactose, or other milk derived ingredients to increase the nonfat solids content of food may be added; provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.
- (3) When one or more of the optional milk derived ingredients in (2) of this subsection are used, emulsifiers, stabilizers, or both, may be added in an amount not more than 2 percent by weight of the solids in such ingredients. Emulsifiers, stabilizers and nutritive sweeteners may be added to half and half and to cream products.
- (4) Nonfat dry milk solids used in recombined or reconstituted milk or milk products, as defined in subsection (490) of this section, or added to pasteurized fluid milk products to increase the milk-solids-not-fat (S.N.F.) content shall meet the sanitation standards contained in the 1971 edition of the "Recommended Sanitation Ordinance for Condensed or Dry Milk Products Used in Grade A Pasteurized Milk Products."
- (5) Food grade acids.

NEW

WAC 16-101-660 PROTEIN FORTIFIED FLUID MILK PRODUCTS. Protein Fortified fluid milk products are fluid milk products to which nonfat milk solids or other approved milk derived protein have been added to at least a total of 10 percent milk derived nonfat solids. The ratio of protein to total nonfat solids of the product and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients. The phrase "Protein Fortified" or "Fortified with Protein" may either precede or follow the product name and shall become part of the standardized name.

NEW

WAC 16-101-670 ACIDIFIED MILK AND MILK PRODUCTS. Acidified Milk and Milk Products are milk and milk products obtained by the addition of food grade acid(s) to pasteurized milk, lowfat milk, nonfat milk (skim milk), resulting in a product acidity of not less than .50 percent expressed as lactic acid. The term "acidified" shall immediately precede or follow the name of the product as defined in this order.

NEW

WAC 16-101-680 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 degrees F., and holding it continuously at or above this temperature for at least 30 minutes, or to at least 161 degrees 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 degrees F., and held continuously at or above this temperature for at least 30 minutes, or to at least 166 degrees 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 degrees F. and held continuously at or above this temperature for at least 30 minutes or to at least 175 degrees F. and held continuously at or above this temperature for at least 30 seconds.



Milk and milk products shall be labeled "Ultra-Pasteurized" provided every particle of milk or milk product has been heated to at least 280 degrees F. and held at such temperature for at least 2 seconds in approved and properly operated equipment. 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.

REP

WAC 16-101-001 through 16-101-330 are each hereby repealed.