

**REGULATIONS, STANDARDS AND DEFINITIONS PERTAINING
TO FROZEN DAIRY PRODUCTS**

[R 21-9-FDP]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

January 1964

As Amended:

**January 2002 (re-filing in accordance with
the provisions of section 42-35-4.1 of the
Rhode Island General Laws, as amended)**

Regulations governing the definitions, standards, label statements, and those of optional ingredients of frozen dairy as provided for in Section 13, Chapter 9, Title 21. General Laws of 1956, as amended.

Section 1.

1. Definitions

- (a) Only those frozen desserts and/or frozen dessert mixes for which definitions, and standards of identity are hereby provided shall be offered for sale in Rhode Island.
- (b) Definitions, standards of identity, and label statements of optional ingredients for ice cream, frozen custard, French ice cream, French custard ice cream, ice milk, fruit sherbet and water ices are those as stated respectively in Sections 20.1, 20.2, 20.3, 20.4 and 20.5, Part 20, Title 21. code of federal regulations, as subsequently modified, stayed and amended to date under the Federal Food Drug and Cosmetic Act (Ref. July 27, 1960 Federal Reg.)
- (c) Ice cream mix, frozen custard mix, ice milk mix, fruit sherbet mix, water ices mix, quiescently frozen confections mix or quiescently frozen dairy confections mix is the unfrozen combination of two or more of the ingredients of ice cream, frozen custard, ice milk, fruit sherbet, water ices, quiescently frozen confections, or quiescently frozen dairy confections, respectively. All ingredients in a mix shall be of such quantity, proportion and quality as to assure that the frozen dessert made from such mix without increasing any ingredient in said mix is not misbranded, adulterated or an imitation. To the extent that the mix contains ingredients of the frozen dessert, the label of such mix shall include all statements required for the label of the frozen dessert to be made, and the label shall state the minimum percentage of milk fat contained in any ice cream mix, frozen custard mix or ice milk mix.
- (d) Quiescently frozen confection means the frozen product made from a combination of two or more of the following ingredients: Milk products, water, sweetening agents, harmless organic acids, harmless natural or artificial flavoring, with or without added harmless coloring, with or without added stabilizing and emulsifying agents, and in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). The finished product shall contain not less than 17 percent by weight of total food solids and not more than one-half of one percentum by weight of stabilizing agents, not more than one-fifth of one percentum by weight of emulsifying agents or a combination of both. This confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped. properly labeled and purveyed to the consumer in its original factory-filled package.
- (e) Quiescently frozen dairy confection means the frozen product made from a combination of two or more of the following ingredients: milk products, water, sweetening agents, harmless organic acids, harmless natural or artificial flavoring, with or without added harmless coloring, with or without added stabilizing agents and emulsifying agents, and in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). It contains not less than 13 percent by weight of total milk solids, not less than 33 percentum by weight of total food solids, and not more than one-half of one percentum by weight of stabilizing agents and not more than tree-fifth of one percentum by weight of emulsifying agents or a combination of both. This confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled

and purveyed to the consumer in its original factory filled package.

- (f) Milk shake mix is a food prepared from the same ingredients and in the same manner prescribed for ice cream mix and complies with all the provisions for ice cream mix except that:
- a. Its content of milk fat is not less than 3.25 percentum.
 - b. Its content of total milk solids is not less than 14 percentum.
 - c. Caseinates may be added when the content of total milk solids is not less than 14 percentum.
- (g) Pasteurization - The terms "pasteurization," "Pasteurized," and similar terms shall be taken to refer to the process of heating, in approved and properly operated equipment, every particle of mix to one of the following minimum temperatures and holding at this temperature continuously for the specified time as indicated below, and the product pasteurized shall show evidence of efficient pasteurization when subjected to the phosphatase test:

155°F and holding at such temperature for at least 30 minutes

175°F and holding at such temperature for at least 25 seconds

194°F using the "Vatrester" process

Provided, that nothing contained in this definition shall be construed as barring any other method or process, as may be demonstrated to be equally efficient and which is approved by the State health authority.

The provisions of 21-2-37 to 21-2-40 as found in Chapter 80, Public Laws 1962, as amended, shall apply to this chapter. The name frozen dessert plant and frozen dessert mix shall be substituted in the above sections for the words milk plant and for the word milk.

2. Laboratories - A private laboratory shall be defined as provided for in 21-2-3, Chapter 80, Public Laws 1962, as amended.
3. Analysis of Frozen Dessert and/or Frozen Dessert Mix by Private Laboratories - Each frozen dessert plant engaged in the manufacture of frozen dessert mix and/or frozen desserts, either through its own agents or its haulers shall collect, preserve, and submit to private laboratories for analysis at least 4 samples of pasteurized mix and/or frozen desserts as offered for sale within every 6 month period, to a private laboratory.

Bacterial counts, coliform determinations, phosphatase tests, and other laboratory and screening tests shall conform to the procedures in the latest edition of "Standard Methods for the Examination of Dairy Products," of the American Public Health Association, current at the time of adoption of this regulation.

Analysis to be determined by private laboratories shall include bacterial counts, coliform determinations, phosphatase tests.

Each private laboratory shall make a report to the frozen dessert plant submitting any sample with respect to each such determination. In the event that the determination shall be in excess of

maximum standards as determined by these regulations, such private laboratory shall transmit a copy of such result showing any deficiency to the Director.

When more than one of the last 4 bacterial counts, coliform determinations, or cooling temperatures are beyond the limits specified in these regulations, the provisions of 21-9-5 relative to suspending a frozen dessert plant license shall be invoked.

4. Temperatures - Fluid milk, milk products, cream, and mix used in the manufacture of a frozen dessert shall be kept at or below 50°F, unless such a product is preserved by a process not requiring such holding temperatures.
5. Adulterated - Adulterated shall mean the condition of the frozen dessert (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (c) if it consists in whole or in part of any substance unfit for human consumption; (d) if it; has been processed, prepared, packed, or held under unsanitary conditions whereby it may have been rendered injurious to health; (e) if its container is composed in whole or in part of any toxic or deleterious substance which may render the contents injurious to health; and (f) if it contains any substance that does not conform to the definitions contained in these regulations.
6. Any frozen dessert, mix, or any milk product defined herein, shipped or offered for sale within Rhode Island, must conform with the applicable detailed standards of identity under the Federal Food, Drug, and Cosmetic Act.

Section 2 - Labeling.

All cans, packages and other containers inclosing frozen dessert mix or frozen desserts as defined in this statute or in these regulations shall bear a label, mark or tag which contains the following information:

- a. The name of the product.
- b. The net volume or net weight
- c. Name and address of the packer or distributor.
- d. Name and address of the manufacturer or in lieu of such name and address the registered plant number of such manufacturing plant.
- e. In the case of mixes, the word "pasteurized" and the date of pasteurization of the mix.
- f. If artificially flavored or colored, a statement that such flavoring and coloring has been added, except that artificial coloring in ice cream need not be declared.
- g. List of ingredients used in the manufacture of frozen dessert mix and frozen desserts other than ice cream, frozen custard, ice milk, fruit sherbet, water ices, and milk-shake mix.
- h. A sample of any label, mark, or tag to be used on any frozen dessert mix or frozen dessert container shall be submitted to the Director for approval.

Section 3. - Regulations Pertaining to Frozen Dessert Plants.

1. All regulations promulgated and adopted by provisions of Chapter 80, Public Laws 1962, as amended, pertaining to milk plants shall be adopted by this section.

Exceptions:

- (a) The words "frozen dessert mix" shall be substituted in the above regulations for the word "milk" wherever applicable.
- (b) The temperatures and holding periods shall be as outlined in section 5 of these regulations.*
- (c) Any equipment, utensil, container, or device designed for multi use or single service that comes in contact with frozen desserts or for frozen dessert mix, shall not be used unless such equipment, utensil, container, or device has been approved for such use by the Food and Drug Administration.
- (d) All regulations pertaining to employee health as found in Chapter 80, Public Laws, 1962, as amended, shall apply to this Chapter.

Section 4. - Water Supply.

Before a license shall be issued for the manufacture of frozen desserts and/or frozen dessert mix, a record of water analysis approved by the official water sanitation agency must be submitted, if this supply is not a part of a municipal or of a controlled authority water supply.

Analysis of water and of ice used in water ices shall include a psychrophillic bacteria count as well as the standard plate count and coliform count. Records of such analysis must be kept on file by the Licensee.

***BACTERIAL, COLIFORM, AND TEMPERATURE STANDARDS
FOR PASTEURIZED MIX AND FROZEN DESSERTS**

	Bacteria Count	Coliform Determination	Temperature
Mix	50,000	10	50°F
Frozen Dessert	50,000	10	50°F

Not more than one of last four consecutive counts to exceed the maximum standard.