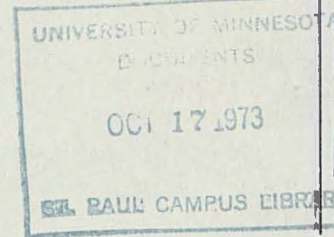


3. MINNESOTA DAIRY PRODUCTS PROCESSOR



By V. S. Packard
Extension Specialist, Dairy Products

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LABELING REQUIREMENTS CONTINUE TO CHANGE

The FDA continues to modify and change drastically some of their original proposals to overhaul labeling regulations governing food products shipped interstate. Two major changes introduced via the Federal Register of August 2, 1973, concerned flavor labeling and imitations. There was also a minor change (of some significance) in the nutritional labeling regulations. We'll look at the latter one first.

NUTRITIONAL LABELING CHANGE

Until August 2, labeling regulations recognized no differences in nutritional requirements of any child under 4 years old. As of August 2, infants under 12 months are considered a specific user group with different U. S. RDA requirements than 1- to 4-year old children. With that change, labels of foods marketed for infants, unless covered by other regulations, would be required to bear U. S. RDA percentages for protein and the seven required vitamins and minerals, based upon specific infant needs. U. S. RDA for protein remains the same as for children under four, i.e., 20 grams/day for protein with PER equivalent to casein, 28 grams for protein with PER less than casein.

TIME EXTENSION GRANTED

At the request of Milk Industry Foundation, American Dry Milk Institute, and the Evaporated Milk Association, a time extension for nutritional labeling of several dairy products was granted by the FDA. The products include milk, lowfat milk, skim-milk, evaporated milk, evaporated skimmilk, nonfat dry milk, cottage cheese, lowfat cottage cheese, and dry curd cottage cheese. In effect, these dairy products have been exempted from the December 31, 1973, deadline for ordering package labels in compliance with the new regulations. The second effective date, for all products shipped interstate, still stands at December 31, 1974. By that time labels for the above products will have to be in compliance.

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IMITATIONS RE-DEFINED

You will recall that imitations, prior to August 2, were defined as substitutes for traditional foods which, in nutritive content, were deficient in protein or one or more of the 19 so-called "essential" nutrients by a factor of 10 percent or more. In re-defining imitations, the 10 percent deficiency factor was discarded. The level now becomes a "measurable" difference, or 2 percent U. S. RDA for protein and other "essential" nutrients in an average or usual serving (portion) of the food.

If a food substitute can meet the above nutritive requirement, it need not be labeled imitation. Its label will have to bear a common or usual name that is not false or misleading. Or, in the absence of an existing common or usual name, an appropriately descriptive term can be used. In addition the label may bear a fanciful name. In no case should the descriptive or fanciful name be false or misleading.

Reductions in fat or calories will not be considered to constitute nutritional inferiority if (a) the food is labeled according to nutritional labeling regulations and (b) caloric reductions do not violate "special dietary use" regulations.

FLAVOR LABELING

Labeling of flavor, as originally proposed, underwent major revision in the final FDA order published on August 2. In essence, the changes involve moving from a three-part standard, as has been used in the ice cream industry over the years, to a two-part standard. The regulations apply to all foods, whether under a federal standard of identity or not.

If, in labeling or advertising, direct or indirect reference is made to flavor by word or picture, or if a processor simply wishes to designate the type of flavor in a food, labeling is carried out as follows:

When no artificial flavor is present - label the food by the common name of the characterizing ingredient - Vanilla ICE CREAM.

When any artificial flavor is present - label the food flavor "artificial" or "artificially flavored" in words preceding the flavor name, i.e., Artificial Vanilla ICE CREAM, or Artificially Flavored Vanilla ICE CREAM.

Both the flavor and the words "artificial" or "artificially flavored" must be in letter size at least one-half the size of those naming the food.

WHERE CHARACTERIZING INGREDIENTS ARE EXPECTED

In certain foods, strawberry ice cream or strawberry shortcake for example, a characterizing ingredient is expected, in this case strawberries. The amount of actual strawberries present in the product may vary from little or none up to that quantity considered sufficient to characterize the flavor in and of itself. The amount required to characterize the product, in a food carrying a standard of identity, is designated in the standard. The question is, how are products to be labeled when they are of this type.

If the product contains a characterizing food component and that component is present in sufficient amounts to independently characterize the product, and if it also contains added natural flavor, the name of the product must be followed by the words "flavor added," i.e., Strawberry Ice Cream, Flavor Added.

If the food contains amounts of the characterizing ingredient insufficient to independently characterize it, or if it contains no such ingredient, but does contain added natural flavor, the name of the characterizing flavor must be immediately followed by the word "flavored," i.e., Strawberry Flavored Ice Cream.

The following examples may help illustrate the point:

<u>Flavoring</u>	<u>Product Name</u>
Strawberries (no other flavor added)	Strawberry Ice Cream
Strawberries (enough to characterize the flavor) + natural strawberry flavor	Strawberry Ice Cream, Flavor Added
Strawberries (in amount insufficient to characterize flavor) + natural strawberry flavor	Strawberry Flavored Ice Cream
Strawberries (any amount) + natural strawberry flavor + artificial flavor (any amount)	Artificially Flavored Strawberry Ice Cream
Natural Strawberry Flavor (no strawberries)	Strawberry Flavored Ice Cream

If a natural flavor is used to simulate a flavor in a food product, and if that natural flavor is derived from a source other than the flavor it simulates, the product must be labeled with either (1) the name of the product from which the flavor is derived or (2) "artificially flavored." It would be possible, therefore, to label a lemon pudding, with natural lime flavor added to enhance the lemon flavor, as:

- (1) Lime Flavored Lemon Pudding, or
- (2) Artificially Flavored Lemon Pudding.

Wherever the name of the characterizing flavor appears on the label (other than the statement of ingredients) the above labeling procedure must be used. If the characterizing flavor is presented along with a trademark or brand, other written or graphic material associated with the trademark may intervene if its required label words are clearly related to the characterizing flavor.

Lastly, if the finished product contains more than one flavor subject to the label regulations, the statements required need appear only once, i.e., "artificially flavored vanilla and strawberry."

Already, the flavor labeling requirements have met with considerable industry criticism and FDA is considering further modifications at the present time.

NEW FILLED MILK PROPOSALS

Filled milk products are milk, cream, skimmilk products (including condensed and dried skimmilk) from which all or part of the milkfat has been removed and replaced with fat or oil other than milkfat. These products, under the new proposal, will be termed "filled _____," the blank to be filled in with the appropriate name, i.e., milk, cream, half and half, etc.

Filled milk products will have to be labeled "imitation" only if they are nutritionally inferior to the traditional product (note definition of "imitation" elsewhere in this issue).

Filled milk products will be considered nutritionally equivalent to their traditional counterparts if they:

1. Contain the minimum milk solids not fat required in the traditional product, or
2. In the case of filled milk, filled lowfat milk, filled skimmilk, or condensed, evaporated or dried forms of the products they contain
 - a) 2,000 I.U.'s of vitamin A/quart of fluid (or reconstituted) product.
 - b) 400 I.U.'s of vitamin D/quart of fluid (or reconstituted) product.
 - c) cis, cis-methylene - interrupted polyunsaturated fatty acids (as glycerides) at a level equivalent to 4 percent of the fat in the product.
 - d) 1.0 I.U. of vitamin E/gram of total polyunsaturated fatty acids (as glycerides) in the product.

For filled half and half, light cream, light whipping cream, heavy cream, or the condensed or dried forms of these products, nutritional equivalency requires

- a) 40 I.U.'s of vitamin A/gram of fat
- b) cis, cis-methylene - interrupted fatty acids (as glycerides) at a level equivalent to 4 percent of the fat in the product.
- c) 1.0 I.U. of vitamin E per gram of total polyunsaturated fatty acids (as glycerides) in the product.

The above proposed standards will not apply to an infant formula that is labeled as such and is marketed for infants and young children.

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⑤ Errata

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JAN 24 1974
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DATE: January 18, 1974
TO: Readers of ^①Minnesota ^③Dairy Products Processor
SUBJECT: Correction

We slipped up and overlooked an obvious error in one of the time-temperature relationships indicated for pasteurization in the last issue of the Minnesota Dairy Products Processor newsletter (issue No. 53, January 1974). The first time-temperature relationship in the table under PASTEURIZATION MANDATORY, page 1, should read 145°F - 30 minutes.

The table should then read:

<u>Temperature</u>	<u>Time</u>
145°F*	30 minutes
161°F*	15 seconds
191°F	1 second
204°F	0.05 second
212°F	0.01 second

*If the product contains 10% fat (or more), or if it contains added sweeteners, the specified temperatures must be increased by 5°F.

Sorry, we should have caught that.

Sincerely,

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Extension Specialist, Dairy Products

VSP:mav