

**RULES
OF
TENNESSEE DEPARTMENT OF AGRICULTURE
DAIRY DIVISION**

**CHAPTER 0080-3-2
REGULATION GOVERNING FLUID MILK AND FLUID MILK PRODUCTS**

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0080-3-2-.01 DEFINITIONS.

- (1) "MILK" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than 81/4 per cent milk solids not fat and not less than 31/4 per cent milkfat. (Milkfat or butterfat is the fat of milk.)
- (2) "GOAT MILK" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word "milk" shall be interpreted to include goat milk.
- (3) "CREAM" is the sweet, fatty liquid separated from milk, with or without the addition of milk or skim milk, which contains not less than 18 per cent milkfat.*
- (4) "LIGHT CREAM," "COFFEE CREAM" OR "TABLE CREAM" is cream which contains not less than 18 per cent but less than 30 per cent milkfat.*
- (5) "WHIPPING CREAM" is cream which contains not less than 30 per cent milkfat.*
- (6) "LIGHT WHIPPING CREAM" is cream which contains not less than 30 per cent but less than 36 per cent milkfat.*
- (7) "HEAVY CREAM" OR "HEAVY WHIPPING CREAM" is cream which contains not less than 36 per cent milkfat.*
- (8) "WHIPPED CREAM" is whipping cream into which air or gas has been incorporated.*
- (9) "WHIPPED LIGHT CREAM," "COFFEE CREAM," OR "TABLE CREAM" is light cream, coffee cream, or table cream into which air or gas has been incorporated.*
- (10) "SOUR CREAM" OR "CULTURED SOUR CREAM" is a fluid or semifluid cream resulting from the souring, by lactic-acid-producing bacteria, similar culture or by the addition of food grade acids, of pasteurized cream, which contains not less than 0.20 per cent acidity expressed as lactic acid.*
- (11) "HALF AND HALF" is a product consisting of a mixture of milk and cream which contains not less than 10.5 per cent milkfat.*

(Rule 0080-3-2-.01, continued)

- (12) "SOUR HALF AND HALF" OR "CULTURED HALF AND HALF" is fluid or semifluid half and half derived from the souring, by lactic-acid-producing bacteria, similar culture or by the addition of food grade acids, of pasteurized half and half which contains not less than 0.20 per cent acidity expressed as lactic acid.*
- (13) "RECONSTITUTED" OR "RECOMBINED MILK AND/OR MILK PRODUCTS" shall mean milk or milk products defined in this regulation which result from the recombining of milk constituents with potable water.*
- (14) "CONCENTRATED MILK" is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk, which, when combined with potable water, results in a product conforming with the standards for milkfat and solids not fat of milk as defined above.*
- (15) "CONCENTRATED MILK PRODUCTS" shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, fortified concentrated skim milk, concentrated lowfat milk, fortified concentrated lowfat milk, concentrated flavored milk, concentrated flavored milk products and similar concentrated products made from concentrated milk or concentrated skim milk, and 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 regulation.*
- (16) "FROZEN MILK CONCENTRATE" is a frozen milk product whose composition of milkfat and milk solids not fat in such proportions that when a given volume of concentrate is mixed with a given volume of water the reconstituted product conforms to the milkfat and milk solids not fat requirements of whole milk. In the manufacturing process, water may be used to adjust the primary concentrate to the final desired concentration. The adjusted primary concentrate is pasteurized, packaged, and immediately frozen. This product is stored, transported, and sold in the frozen state.*
- (17) "SKIM MILK" OR "SKIMMED MILK" is milk from which sufficient milkfat has been removed to reduce its milkfat content to less than 0.50 per cent.*
- (18) "LOWFAT MILK" is milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to not less than 0.50 per cent and not more than 2.0 per cent.*
- (19) "VITAMIN D MILK AND MILK PRODUCTS" are milk and milk products, the vitamin D content of which has been increased by an approved method to at least 400 U.S.P. units per quart.*
- (20) "FORTIFIED MILK AND MILK PRODUCTS" are milk and milk products other than vitamin D milk and milk products, the vitamin, mineral or milk solid content of which have been increased by a method and in an amount approved by the commissioner.*
- (21) "HOMOGENIZED MILK" is milk which has been treated to insure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage at 45° F., no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10 per cent from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.*
- (22) "FLAVORED MILK OR MILK PRODUCTS" mean milk and milk products as defined in these regulations to which has been added a flavor and/or sweetener.*

(Rule 0080-3-2-.01, continued)

- (23) "EGGNOG OR BOILED CUSTARD" is a milk product consisting of a mixture of milk or milk product of at least 6 per cent butterfat, at least 1 per cent egg yolk solids, sweetener and flavoring. Emulsifier and not over 0.5 per cent stabilizer may be added.*
- (24) "BUTTERMILK" is a fluid product resulting from the manufacture of butter from milk of cream. It contains not less than 81/4 per cent of milk solids not fat.*
- (25) "CULTURED BUTTERMILK" is a fluid product resulting from the souring, by lactic-acid-producing bacteria, similar culture or by the addition of food grade acids, of pasteurized skim milk or pasteurized lowfat milk.*
- (26) "CULTURED MILK" OR "CULTURED WHOLE MILK BUTTERMILK" is a fluid product resulting from the souring, by lactic-acid-producing bacteria, similar culture or by the addition of food grade acids, of pasteurized milk.*
- (27) "COTTAGE CHEESE" is the soft uncured cheese obtained by adding lactic-acid-producing bacteria or by the addition of food grade acids, with or without enzymatic action, to pasteurized skim milk, pasteurized lowfat milk, or pasteurized reconstituted skim milk. It shall contain not more than 80 per cent moisture. Cottage cheese may be seasoned with salt.*
- (28) "CREAMED COTTAGE CHEESE" is prepared by mixing cottage cheese with a pasteurized creaming mixture consisting of a pasteurized cream and milk, dry milk products, concentrated skim milk, skim milk, or lowfat milk, to which salt, lactic acid, and flavor-producing bacteria, rennet, lactic acid, citric acid, phosphoric acid or stabilizer may be added. The quantity of milkfat added in the creaming mixture shall be not less than 4 per cent by weight of the finished creamed cottage cheese. Dry milk products or concentrated skim milk may be added, provided the amount of added solids does not exceed 3 per cent of the weight of the creaming mixture. Creamed cottage cheese shall contain not more than 80 per cent moisture.*
- (29) "LOW FAT CREAMED COTTAGE CHEESE" is prepared by mixing cottage cheese with a pasteurized creaming mixture consisting of a pasteurized cream and milk, dry milk products, concentrated skim milk, skim milk, or lowfat milk, to which salt, lactic acid, and flavor-producing bacteria, rennet, lactic acid, citric acid, phosphoric acid or stabilizer may be added. The quantity of milkfat added in the creaming mixture shall be not less than 0.50 per cent and not more than 2 per cent by weight of the finished lowfat creamed cottage cheese. Dry milk products or concentrated skim milk may be added. Lowfat creamed cottage cheese shall contain not more than 82.5 per cent moisture.*
- (30) "YOGURT" is a product resulting from the souring, by specific lactic acid producing bacteria, of pasteurized milk.*
- (31) "LOWFAT YOGURT" is a product resulting from the souring, by specified lactic acid producing bacteria, of lowfat milk.*
- (32) "ACIDIFIED MILK AND MILK PRODUCTS" are milk and milk products obtained by the addition of food grade acids to pasteurized cream, half and half, milk, lowfat milk, or skim milk, resulting in a product acidity of not less than 0.20 per cent expressed as lactic acid.*
- (33) "MILK PRODUCTS" include cream, light cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table cream, sour cream, cultured sour cream, half and half, sour half and half, cultured half and half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, frozen milk concentrates, skim milk, skimmed milk, lowfat milk, fortified milk and milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk products, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, acidified milk

(Rule 0080-3-2-.01, continued)

and milk products, eggnog or boiled custard, cottage cheese, creamed cottage cheese and lowfat creamed cottage cheese, yogurt and lowfat yogurt.

- (a) This definition is not intended to include such products as sterilized milk and milk products hermetically sealed in a container and so processed either before or after sealing, as to prevent microbial spoilage, or evaporated milk, condensed milk, ice cream and other frozen desserts, butter, dry milk products (except as defined herein), or cheese except when they are combined with other substances to produce any pasteurized milk or milk product defined herein.

- (34) "GRADE A DRY MILK PRODUCTS" are milk products which have been produced for use in grade A pasteurized milk products and which have been manufactured under the provisions of grade A dry milk products - recommended sanitation ordinance and code for dry milk products used in grade A pasteurized milk products.

*"Optional ingredients" shall mean and include grade A dry milk products, concentrated milk, concentrated milk products, flavors, sweeteners, stabilizers, emulsifiers, acidifiers, vitamins, minerals and similar ingredients.

- (35) "ADULTERATED MILK AND MILK PRODUCTS" shall be deemed to be adulterated;

- (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 State or Federal 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 produced, processed, prepared, packed, or held under insanitary conditions;
- (e) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
- (f) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

- (36) 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(F., and holding it continuously at or above this temperature for at least 30 minutes or to at least 161(F., and held continuously at or above this temperature for at least 15 seconds: Provided, That milk products which have a higher milkfat content than milk and/or contain added sweeteners shall be heated to at least 150(F., and held continuously at or above this temperature for at least 30 minutes, or to at least 166(F., and held continuously at or above this temperature for at least 15 seconds: 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 Commissioner.

- (37) SANITIZATION. Sanitization is the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product or the health of consumers, and shall be acceptable to the Commissioner.

- (38) MILK PRODUCER. A milk producer is any person who operates a dairy farm and provides, sells, or offers milk for sale to a milk products plant, receiving station or transfer station.

(Rule 0080-3-2-.01, continued)

- (39) **MILK HAULER.** A milk hauler is any person who transports raw milk and/or raw milk products to or from a milk products plant or receiving station.
- (40) **MILK DISTRIBUTOR.** A milk distributor is any person who offers for sale or sells to another any milk or milk products.
- (41) **DAIRY FARM.** A dairy farm is any place or premises where one or more cows or goats are kept, and from which a part or all of the milk or milk product(s) is provided, sold, or offered for sale to a milk products plant, or receiving station.
- (42) **TRANSFER STATION.** A transfer station is any place, premises, or establishment where milk or milk products are transferred directly from one transport tank to another.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.02 ADULTERATED OR MISBRANDED MILK OR MILK PRODUCTS. No person shall, within the State of Tennessee, produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell any milk or milk product which is adulterated or misbranded.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.03 PERMITS.

- (1) It shall be unlawful for any person who does not possess a permit from the appropriate regulatory authority or the Commissioner to bring into, send into, or receive into that municipal corporation of the State of Tennessee, for sale, or to sell, or offer for sale therein, or to have in storage any milk or milk products defined in this regulation: Provided, That, grocery stores, restaurants, soda fountains and similar establishments where milk or milk products are served or sold at retail, but not processed, may be exempt from the requirements of this section.
- (2) Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.
- (3) The issuing authority shall suspend such permit, whenever he has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of this regulation; or whenever the permit holder has interfered with the issuing authority in the performance of his duties: Provided, That the issuing authority shall, in all cases except where the milk or milk product involved creates, or appears to create, an imminent hazard to the public health; or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violation(s) in question and afford the holder such reasonable opportunity to correct such violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the issuing authority, before making any order of suspension effective. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the issuing authority.
- (4) Upon written application of any person whose permit has been suspended, or upon application within 48 hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the issuing authority shall within 72 hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify, or rescind the suspension or intention to.suspend,

(Rule 0080-3-2-.03, continued)

- (5) Upon repeated violation(s), the issuing authority may revoke such permit following reasonable notice to the permit holder and an opportunity for a hearing. This section is not intended to preclude the institution of court action as provided in Rules 0080-3-2-.05 -0080-3-2-.07.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.04 LABELING.

- (1) FINISHED PRODUCTS

- (a) All bottles, containers, and packages enclosing milk, fluid milk or fluid milk products defined in the Tennessee Dairy Law, Rules and Regulations shall be conspicuously labeled in accordance with the following:

- (2) FOR THE PURPOSES OF THIS REGULATION:

- (a) *The term "label"* means any written, printed, or graphic matter affixed to or appearing upon a consumer package containing a fluid milk or fluid milk product.
- (b) *The term "package"* means any container or wrapping in which fluid milk and fluid milk products are offered for retail sale.
- (c) *The term "fluid milk and fluid milk products"* shall mean those categories of products which are regulated under the provisions of the Pasteurized Milk Ordinance and comparable state regulation. A partial listing of these products appears in Appendix A, 0080-3-2-.04,(7).
- (d) *"Modifying Term"* means the word or words used to describe the various optional forms in which fluid milk or fluid milk products are marketed. For the purpose of product identification, the following shall be considered to be modifying terms: cultured, reconstituted, concentrated, recombined, flavored, acidified, homogenized, vitamin-(the blank being filled in with the specific added vitamin(s)), fortified, chocolate (or other characterizing flavor names such as strawberry or vanilla).
- (e) *The term "Principal Display Panel"* means that part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale as shown by illustration in 0080-3-2-.04.
- (f) *The term "Product Identification Panel"* means those parts of a label shown by illustration in 0080-3-2-.04(3) which shall bear the statement of identity including modifying terms describing the product.
- (g) *The term "Required Information Panel"* means that part of a label which shall bear all of the mandatory labeling information required by this regulation.

- (3) Any milk or milk product shall be deemed to be misbranded unless the package or container is labeled as to location of required information in accordance with the illustrations contained in this Section. Other printed matter may appear on any of the described panels provided such other label information is not misleading or does not render the required information inconspicuous. For the purpose of this regulation the specified panels are defined as follows:

- (a) *The PRINCIPAL DISPLAY PANEL*, which shall contain the name of the product and a quantity of contents declaration is, in the case of:

(Rule 0080-3-2-.04, continued)

1. Gable top rectangular fluid milk cartons - The two (2) opposite vertical side panels immediately below the slanted portions of the top, except that for containers of less than one pint, each gable and the gable panel immediately below it, taken together, shall constitute the Principal Display Panel. (Fig. 1).
 2. "Flat top" rectangular fluid milk cartons - Any two (2) opposite vertical side panels. (Fig.11).
 3. Glass bottles -The cap or outer closure except that for the purpose of the quantity of contents only, the shoulder of the glass container. (Fig. 111).
 4. Plastic fluid milk containers - (i) the cap or outer closure, except that for the purpose of the quantity of contents declaration only, it may be the shoulder of the plastic container, or (ii) in the alternative, one side panel. (Fig. 111).
 5. Cylindrical and nearly cylindrical cartons (straight sidewalls or nested) and cups^{3/4} The lid or sidewall. (Fig. IV).
 6. Tetrahedral paper containers - Any two (2) sides. (Fig. V).
- (b) *The REQUIRED INFORMATION PANEL*, which shall contain all the required information set forth in this regulation, is, in the case of:
1. Gable top rectangular fluid milk cartons - The vertical front spout panel immediately below the pour spout. (Fig. 1)
 2. "Flat top" rectangular fluid milk cartons - Any one vertical side panel or, in the case of Style D, the top, in lieu of a vertical panel. (Fig. 11).
 3. Glass bottles -The cap or outer closure except that for the purpose of the quantity of contents only, the shoulder of the glass container. (Fig. 111).
 4. Plastic fluid milk containers - (i) the cap or outer closure, except that for the purpose of the quantity of contents declaration only, it may be the shoulder of the plastic container, or (ii) in the alternative, one side panel. (Fig. 111).
 5. Cylindrical and nearly cylindrical cartons (straight sidewalls or nested) and cups-The lid or sidewalls. (Fig. IV).
 6. Tetrahedral paper containers -Any two (2) sides. (Fig. V).
- (c) *The PRODUCT IDENTIFICATION PANEL*, which shall contain the name of the product, is, in the case of:
1. Gable top rectangular fluid milk cartons -The two (2) gables forming the slanted top of the carton.
 2. "Flat top" rectangular fluid milk cartons - If the top panel contains any printed matter (other than code number) the name of the product shall also appear.

FIGURE I

Paper Cartons - Styles A & B

(Rule 0080-3-2-.04, continued)

PRINCIPAL DISPLAY PANELS

One Pint and Larger

Both Gable Panels 3 shall constitute the Principal Display Panel and contain the name of the product and the quantity of contents.

Less Than One Pint

Each Gable and the Gable Panel immediately below it, taken together, shall constitute the Principal Display Panel and contain the name of the product and the quantity contents.
(No illustration shown)

PRODUCT IDENTIFICATION PANELS

For all sizes both gables 1 shall contain the name of the product (e.g., "homogenized MILK", "CREAM", etc.).

REQUIRED INFORMATION PANEL

The Front Spout Panel 2 of the carton (all sizes) shall contain all the required information set forth in this regulation.

PROCESSING PLANT CODE NUMBER

The plant code number shall appear where applicable on the immediate container or closure so as to be capable of being seen by the regulatory official under customary conditions of inspection.

ALTERNATIVE

The information required to appear on the Required Information Panel 2 may, in lieu thereof, appear on both Principal Display Panels 3.

FIGURE II

Paper Cartons - Styles C&D

PRINCIPAL DISPLAY PANELS

Side Panels -Two opposite side panels 2 in addition to the "Required Information Panel" shall contain the name of the product (e.g., "MILK", "LOWFAT MILK", "HALF AND HALF", etc.) and the quantity of contents.

PRODUCT IDENTIFICATION PANEL

Top Flange -If the top flange 1 or lid 1 contains any printed or written matter other than code number, the name of the product (e.g., "MILK", "LOWFAT MILK", "Vitamin D MILK", etc.) must appear. Abbreviation of product name is acceptable on the flange.

REQUIRED INFORMATION PANEL

Any one side panel 3 other than the Principal Display Panels shall contain all required information set forth in this regulation except in the case of Style D, the top 1 may be designated the Required Information Panel in lieu of a side panel.

(Rule 0080-3-2-.04, continued)

PROCESSING PLANT CODE NUMBER

The plant code number shall appear where applicable on the immediate container or closure so as to be capable of being seen by the regulatory official under customary conditions of inspection.

ALTERNATIVE

The information required to appear on the Required Information Panel 3 may, in lieu thereof, appear on both Principal Display Panels 2.

FIGURE III

Glass and Plastic Containers

REQUIRED INFORMATION PANEL and PRINCIPAL DISPLAY PANEL

All required information shall appear on the outside closure 1; however, the quantity declaration may be blown into or permanently applied to the container in close proximity to the cap or crown 2 (“close proximity” is defined as at or above the shoulder of the container) 0080-3-2-.04 (4) (c) 5. When blown or applied to the container, the quantity of declaration need not appear on the lid or outside closure. For plastic fluid milk containers, in the alternative, one side panel 3 may be used as the Required Information Panel and/or Principal Display Panel.

PROCESSING PLANT CODE NUMBER

The plant code number shall appear where applicable on the immediate container or closure so as to be capable of being seen by the regulatory official under customary conditions of inspection.

FIGURE IV

Cup Containers

REQUIRED INFORMATION PANEL and PRINCIPAL DISPLAY PANEL

The lid 1 or sidewall 2 may be designated the Required Information Panel and Principal Display Panel and contain all mandatory information. When the lid 1 or sidewall 2 is used as a Principal Display Panel (name of food and quantity of contents declaration) only, the quantity of contents need not be repeated on the Required Information Panel.

PROCESSING PLANT CODE NUMBER

The plant code number shall appear where applicable on the immediate container or closure so as to be capable of being seen by the regulatory official under customary conditions of inspection.

FIGURE V

Tetrahedral Paper Containers

REQUIRED INFORMATION PANEL and PRINCIPAL DISPLAY PANEL

(Rule 0080-3-2-.04, continued)

Any two sides 1 may be combined to carry the required labeling information.

PROCESSING PLANT CODE NUMBER

The plant code number shall appear where applicable on the immediate container or closure so as to be capable of being seen by the regulatory official under customary conditions of inspection.

(4) In every case any fluid milk or fluid milk product shall be deemed to be misbranded unless on the Required Information Panel, and with respect to the quantity of contents declaration the Principal Display Panel if it is other than the Required Information Panel, it bears the following information:

- (a) The defined, or common or usual name of the fluid milk or fluid milk product.
- (b) The corporate name and place of business of the manufacturer, packer, or distributor which may be preceded or followed by the name of the particular division of the corporation. The statement of the place of business shall contain the city, state, and ZIP Code. The NLC plant code number may appear when required elsewhere on the container.

(c) A statement of the Quantity of Contents;

- 1. The declaration shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration.
- 2. It shall be placed within the bottom 30 percent of the panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: Provided, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply.
- 3. The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package.
- 4. Requirements of conspicuousness and legibility shall include the specifications that:

The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

5. The declaration of quantity of contents on the Required Information Panel and the Principal Display Panel shall be in letters and numerals in a type size complying with the following specifications:

| Square Inch Area of Required Information Panel and Principal Display Panel | Minimum Height of Numbers and Letters |
|--|---------------------------------------|
| 5 square inches or less | 1/16 inch |

(Rule 0080-3-2-.04, continued)

| | |
|--|-----------|
| more than 5 square inches but not more than 25 square inches | 1/8 inch |
| more than 25 square inches but not more than 100 square inches | 3/16 inch |
| more than 100 square inches but not more than 400 square inches | ¼ inch |
| greater than 400 square inches | ½ inch |

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified above shall be increased by 1/16 of an inch.

6. In the case of glass and plastic containers when other label information is displayed on the cap or outside closure, the required quantity declaration may be blown, formed or molded into or permanently applied to, that part of the glass or plastic container that is in close proximity to the cap or outside closure in sizes specified in 0080-3-2-.04, (4) (c) 5.

7. For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

| | | | |
|--------|-----|--------|------|
| weight | wt. | pound | lb. |
| pint | pt. | fluid | fl. |
| ounces | oz. | gallon | gal. |
| Quart | qt. | | |

8. The quantity of contents declaration firmly established by general consumer usage and trade custom for milk products shall be used and are: gallon, half gallon, quart, pint, 10 oz., and half pint. When the above quantities are declared, they shall be employed without qualifying words such as “liquid” and “fluid” and the terms “net” or “net contents” are optional. For containers less than half pint, the quantity declaration shall be expressed in ounces and include the term fluid ounce, e.g. “2 fl. oz.”. With the exception of those products set forth in paragraph 9, the preceding quantity statements are sufficient for fluid milk and fluid milk products. An additional declaration in total ounces is not required.
9. In the case of cottage cheese, creamed cottage cheese, lowfat creamed cottage cheese, yogurt and lowfat yogurt, the quantity of contents declaration shall be expressed both in ounces, (fluid or avoirdupois as the case may be) and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound, or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples). The declaration may appear in more than one line. The term “net weight” shall be used when stating the net quantity of contents in terms of weight. Use of the terms “net” or “net contents” in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, “Net wt. 6 oz.” or “6 oz. Net wt.” and “6 fl. oz.” or “Net contents 6 fl. oz.”
10. Examples: (cottage cheese, creamed cottage cheese, lowfat creamed cottage cheese, yogurt and lowfat yogurt only)
11. A declaration of 1 1/2 pounds weight shall be expressed as “Net Wt. 24 oz. (1 lb., 8 oz.)” “Net Wt. 24 oz. (1.5 lb.)”. A declaration of 14 pound avoirdupois weight shall be expressed as “Net Wt. 12 oz.”

(Rule 0080-3-2-.04, continued)

12. A declaration of 1 quart liquid measure shall be expressed as “Net 32 fl. oz. (1 qt).”
 13. A declaration of 13/4 quarts liquid measure shall be expressed as “Net contents 56 fluid ounces (1 quart 1 1/2 pints)” or as “Net 56 fluid oz. (1 qt. 1 pt. 8 oz.),” but not in terms of quart and ounce such as “Net 56 fluid oz. (1 quart 24 ounces).”
- (5) Where any one of the declarations specified in subparagraphs (a) (i) inclusive is applicable to a fluid milk or fluid milk product, such fluid milk or fluid milk product shall also be deemed to be misbranded if the Required Information Panel fails to bear such of the following supplementary declarations as may be applicable:
- (a) The “grade” of contents if a grade has been established;
 - (b) The word “pasteurized” if the contents are pasteurized;
 - (c) The word “raw” if the contents are raw;
 - (d) When Vitamin D is added the declaration:

“400 USP Units Vitamin D
Added Per Quart”
“400 USP Units Vit. D Added
Per Qt.”
 - (f) The words “nonfat milk solids added” and the percentage if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products;

A statement of vitamin source shall not be required. The word vitamin may be abbreviated where the Required Information Panel represents a small labeling area. The declaration of added Vitamin A shall be similar to that for Vitamin D, i.e. USP units per quart;
 - (e) The volume or proportion of water to be added for recombining in the case of concentrated milk or milk products;
 - (g) The words “artificially sweetened” if non-nutritive and/or artificial sweeteners are used. Such products shall comply with the applicable labeling requirements promulgated under the “Federal Food, Drug, and Cosmetic Act”;
 - (h) In the case of milk and milk products to which vitamins other than A and D have been added and/or to which minerals have been added, the labeling required by the applicable regulations promulgated under the “Federal Food, Drug, and Cosmetic Act”;
 - (i) where stabilizers, distillates and other optional ingredients are added, the common or usual name of each in the order of their predominance by weight as required under the “Federal Food, Drug, and Cosmetic Act”.
- (6) A fluid milk or fluid milk product shall be deemed to be misbranded by reason of a lack of prominence and conspicuousness of the required information on the label; provided however, that the required information on a label of a fluid milk or fluid milk product shall be deemed to be prominent and conspicuous under the following conditions:
- (a) If there is a modifying term as provided for in 0080-3-2-.04, (2) used to describe an optional form of the product, such modifying term(s) either immediately precedes or follows other

(Rule 0080-3-2-.04, continued)

components of the product identification wherever it appears on the label with no intervening written or pictorial matter.

- (b) Such modifying terms (e.g. cultured, homogenized,* chocolate, Vitamin D, etc.) are not less than one-half the height of the letters used in the word or words which it precedes or follows. (See 0080-3-2-.04, (7))
 - (c) On the Required Information Panel the grade of contents and the word “pasteurized” are not less than one-quarter the height of the largest word or words used in the product identification statement.
 - (d) In the case of Styles A, B, C, D and Tetrahedral containers, on the Required Information Panel:
 - 1. **INGREDIENT STATEMENT** - When it is necessary to declare added vitamins, minerals, stabilizers, flavors, and other optional ingredients, the size of the container determines the height of the letters, but in no case shall the added ingredient declaration be less than:
 - 4 pt. type - 1/2 pint or less
 - 6 pt. type - more than 1/2 pint and less than a 1/2 gallon
 - 8 pt. type - one-half gallon or larger
 - 2. **NAME AND PLACE OF BUSINESS** - the minimum height of letters set forth in (d) 1. above, shall apply to the declaration of the name and place of business of the manufacturer, packer, or distributor.
 - 3. **QUANTITY OF CONTENTS** - the minimum height of numbers and letters and other requirements regarding the declaration of the quantity statement shall be those prescribed in 0080-3-2-.04, (4) (c) 5.
 - 4. **REQUIRED INFORMATION** - the required information prescribed herein appears in lines generally parallel to the base on which the package rests as it is designed to be displayed and is not obscured by any written, printed, or obscuring graphic matter; provided further, that when only one panel is used as the Required Information Panel (front spout panel), no written, printed, or graphic matter shall intervene between the mandatory information declarations.
- (7) Appendix A The following is a partial listing of milk and milk products to be covered by this regulation. “Modifying terms” are shown in letters not less than one-half the height of the letters forming the other components of the statement of identity. (See 0080-3-2-.04, (2) (d) and (6) (a) of this regulation),
- (a) MILK
 - (b) CREAM
 - (c) LIGHT CREAM, COFFEE CREAM, TABLE CREAM
 - (d) WHIPPING CREAM
 - (e) LIGHT WHIPPING CREAM
 - (f) HEAVY CREAM, HEAVY WHIPPING CREAM
 - (g) WHIPPED CREAM
 - (h) WHIPPED LIGHT CREAM, COFFEE CREAM, TABLE CREAM
 - (i) SOUR CREAM, CULTURED SOUR CREAM
 - (j) HALF-AND-HALF
 - (k) CULTURED HALF-AND-HALF
 - (l) RECONSTITUTED MILK, RECOMBINED MILK
 - (m) CONCENTRATED MILK

(Rule 0080-3-2-.04, continued)

- (n) SKIM MILK, SKIMMED MILK
 - (o) LOWFAT MILK
 - (p) VITAMIN D MILK
 - (q) FORTIFIED MILK
 - (r) HOMOGENIZED MILK
 - (s) CHOCOLATE MILK OR CHOCOLATE FLAVORED MILK
 - (t) FORTIFIED LOWFAT MILK
 - (u) BUTTERMILK
 - (v) CULTURED BUTTERMILK
- (8) Any fluid milk or fluid milk product sold in consumer packages which do not meet the labeling requirements specified in 0080-3-2-.04 (2) through (7) preceding, shall be deemed misbranded.
- (9) Vehicles and Transport Tanks
- (a) All vehicles and transport tanks containing milk or milk products shall be legibly marked with the name and address of the dairy products plant or hauler in possession of the contents.
 - (b) Tanks transporting raw milk and milk products to a dairy products plant from sources of supply not under the routine supervision of the agency authorized to issue permit in that area are required to be marked with the name and address of the dairy products plant or hauler and shall be sealed; in addition, for each such shipment, a shipping statement shall be prepared containing at least the following information:
 - 1. Shipper's name, address, and permit number.
 - 2. Permit number of hauler, if not employee of shipper.
 - 3. Point of origin of shipment.
 - 4. Tanker identity number.
 - 5. Name of product.
 - 6. Weight of product.
 - 7. Grade of product.
 - 8. Temperature of product.
 - 9. Date of shipment.
 - 10. Name of governing authority at the point of origin.
 - 11. Whether the contents are raw, pasteurized or otherwise heat treated.
 - (c) Such statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of 8 months for the information of the governing authority.

Authority: T.C.A. §52-304. **Administrative History:** Original Rule certified June 5, 1974.

0080-3-2-.05 INSPECTION OF DAIRY FARMS AND DAIRY PRODUCTS PLANTS.

- (1) Each dairy farm, dairy products plant, receiving station and transfer station whose milk or milk products are intended for consumption within the State of Tennessee shall be inspected by the issuing authority prior to the issuance of a permit. Following the issuance of a permit, each dairy farm shall be inspected at least once every 6 months and each dairy products plant, receiving station, and transfer station shall be inspected at least once every 3 months. Should the violation of any requirement set forth in 0080-3-2-.07 be found to exist on an inspection, a second inspection shall be required after the time deemed necessary to remedy the violation, but not before 3 days; this second inspection shall be used to determine compliance with the requirements of 0080-3-2-.07. Any violation of the same requirement of 0080-3-2-.07 on such second inspection shall call for permit suspension in accordance with 0080-3-2-.07 and/or court action.
- (2) One copy of the inspection report shall be handed to the operator, or other responsible person, or be posted in a conspicuous place on an inside wall of the establishment. Said inspection report shall not be defaced and shall be made available to the issuing authority upon request. An identical copy of the inspection report shall be filed with the records of the issuing authority.
- (3) Every milk producer, hauler, distributor, or plant operator shall, upon request of the issuing authority, permit access of officially designated persons to all parts of his establishment or facilities to determine compliance with the provisions of this regulation. A distributor or plant operator shall furnish the issuing authority, upon request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, and a list of all sources of such milk and milk products, records of inspections, tests, and pasteurization time and temperature records.
- (4) It shall be unlawful for any person who in an official capacity obtains any information under the provisions of this regulation which is entitled to protection as a trade secret (including information as to quantity, quality, source or disposition of milk or milk products, or results of inspections or tests thereof) to use such information to his own advantage or to reveal it to any unauthorized person.

Authority: T.C.A. §52-304. **Administrative History:** Original Rule certified June 5, 1974.

0080-3-2-.06 THE EXAMINATION OF MILK AND MILK PRODUCTS.

- (1) During any consecutive 6 months, at least four samples of raw milk for pasteurization shall be taken from each producer and four samples of raw milk for pasteurization shall be taken from each milk products plant after receipt of the milk by the milk products plant and prior to pasteurization. In addition, during any consecutive 6 months, at least four samples of pasteurized milk and at least four samples of each milk product defined in this regulation shall be taken while in possession of the producer or distributor at any time prior to final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold shall be examined periodically as determined by the Commissioner; and the results of such examination shall be used to determine compliance with 0080-3-2-.02,.04,.10. Proprietors of such establishments shall furnish the Commissioner, upon his request, with the names of all distributors from whom milk or milk products are obtained.
- (2) Required bacterial counts and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, antibiotic test on each producer's milk or on commingled raw milk shall be conducted at least four times during any consecutive 6 months. When commingled milk is tested, all producers shall be represented in the sample. All individual sources of milk shall be tested when test results on the commingled milk are positive. Required bacterial counts, coliform determinations, phosphatase and cooling temperature checks shall be performed on pasteurized milk and milk products.
- (3) Whenever two of the last four consecutive bacteria counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the limit of the standard for the milk and /or milk products, the regulatory authority shall send a written notice thereof to the person concerned. This notice shall be in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within 14 days of the sending of such notice, but not before the lapse of 3 days. Immediate suspension of permit in accordance with 0080-3-2-.03 and/or court action shall be instituted whenever the standard is violated by three of the last five bacteria counts, coliform determinations, or cooling temperatures.
- (4) Whenever a phosphatase test is positive, the cause shall be determined. Where the cause is improper pasteurization, it shall be corrected; and any milk or milk product involved shall not be offered for sale.
- (5) Samples shall be analyzed in a laboratory designated by the Commissioner. All sampling procedures and required laboratory examinations shall be in substantial compliance with the latest Edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the latest Edition of Official Methods of Analyses of the Association of Official Analytical Chemists. Such procedures and examinations shall be evaluated in accordance with the methods of evaluating milk laboratories recommended by the U.S. Public Health Service. Examinations and tests shall be conducted to detect adulterants, including pesticides, as the Commissioner shall require. Assays of vitamin D milk products and/or fortified milk and milk products shall be made at least annually in a laboratory acceptable to the Commissioner.

Authority: T.C.A. §52-304. **Administrative History:** Original Rule certified June 5, 1974.

0080-3-2-.07 STANDARDS FOR MILK AND MILK PRODUCTS.

- (1) All Grade A raw milk for pasteurization and all Grade A pasteurized milk and milk products shall be produced, processed, and pasteurized to conform with the following chemical, bacteriological, and temperature standards, and the sanitation requirements of this section.
- (2) No process or manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms.

(Rule 0080-3-2-.07, continued)

CHEMICAL, BACTERIOLOGICAL AND TEMPERATURE STANDARDS FOR GRADE A MILK AND MILK PRODUCTS

| | | |
|--|-----------------------|--|
| Grade A raw milk for pasteurization. | Temperature..... | Cooled to 50° F. or less and maintained thereat until processed. |
| | Bacterial limits..... | Individual producer milk not to exceed 100,000 per ml. Prior to commingled with other producer milk. Not exceeding 300,000 per ml. As commingled milk prior to pasteurization. |
| | Antibiotics..... | Less than 0.05 unit/ml. by the Bacillus subtilis method or equivalent. |
| Grade A pasteurized milk and milk products (except cultured products). | Temperature..... | Cooled to 45° F. or less and maintained thereat. |
| | Bacterial limits..... | Milk and Milk products - 20,00 per ml. |
| | Coliform limit..... | Not exceeding 10 per ml. |
| | Phosphatase..... | Less than 1 gr per ml. by Scharer Rapid Method (or equivalent by other means). |
| Grade A pasteurized cultured products. | Temperature..... | Same as above. |
| | Coliform limit..... | Do. |
| | Phosphatase..... | Do. |
| | Bacterial limits..... | Exempt. |

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.08 SANITATION REQUIREMENTS FOR GRADE A RAW MILK FOR PASTEURIZATION.

- (1) **ABNORMAL MILK** Cows which show evidence of the secretion of abnormal milk in one or more quarters based upon bacteriological, chemical, or physical examinations, shall be milked last or with separate equipment, and the milk shall be discarded. Cows treated with, or cows which have consumed chemical, medicinal or radioactive agents which are capable of being secreted in the milk and which, in the judgment of the Commissioner, may be deleterious to human health, shall be milked last or with separate equipment, and the milk disposed of as the Commissioner may direct.
- (2) **MILKING BARN, STABLE, OR PARLOR-CONSTRUCTION** A milking barn, stable, or parlor shall be provided on all dairy farms in which the milking herd shall be housed during milking time operations. The areas used for milking purposes shall:
 - (a) Have floors constructed of concrete or equally impervious material;
 - (b) Have walls and ceilings which are smooth, painted or finished in an approved manner, in good repair, ceiling dusttight;
 - (c) Have separate stalls or pens for horses, calves, and bulls;
 - (d) Be provided with natural and/or artificial light, well distributed for day and/or night milking;
 - (e) Provide sufficient airspace and air circulation to prevent condensation and excessive odors;
 - (f) Not be overcrowded; and

(Rule 0080-3-2-.08, continued)

- (g) Have dusttight covered boxes or bins, or separate storage facilities for ground, chopped or concentrated feed.
- (3) **MILKING BARN, STABLE, OR PARLOR-CLEANLINESS** The interior shall be kept clean. Floors, walls, windows, pipelines, and equipment shall be free of filth and/or litter and shall be clean. Swine and fowl shall be kept out of the milking barn.
- (4) **COWYARD** The cowyard shall be graded and drained and shall have no standing pools of water or accumulations of organic wastes: Provided, That in loafing or cattle-housing areas, cow droppings and soiled bedding shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the soiling of the cow's udder and flanks. Waste feed shall not be allowed to accumulate. Manure packs shall be properly drained and shall provide a reasonably firm footing. Swine shall be kept out of the cowyard.
- (5) **MILKHOUSE OR ROOM-CONSTRUCTION AND FACILITIES**
- (a) A milkhouse or room of sufficient size shall be provided, in which the cooling, handling, and storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted.
 - (b) The milkhouse shall be provided with a smooth floor constructed of concrete or equally impervious material graded to drain and maintained in good repair. Liquid waste shall be disposed of in a sanitary manner; all floor drains shall be accessible and shall be trapped if connected to a sanitary sewer system.
 - (c) The walls and ceilings shall be constructed of smooth material, in good repair, well painted, or finished in an equally suitable manner.
 - (d) The milkhouse shall have adequate natural and/or artificial light and be well ventilated.
 - (e) The milkhouse shall be used for no other purpose than milkhouse operations; there shall be no direct opening into any barn, stable, or into a room used for domestic purposes: Provided, That a direct opening between the milkhouse and milking barn, stable, or parlor is permitted when a tight-fitting self-closing solid door(s) hinged to be single or double acting is provided.
 - (f) Water under pressure shall be piped into the milkhouse.
 - (g) The milkhouse shall be equipped with a two-compartment wash vat and adequate hot water heating facilities.
 - (h) When a transportation tank is used for the cooling and storage of milk on the dairy farm, such tank shall be provided with a suitable shelter for the receipt of milk. Such shelter shall be adjacent to, but not a part of, the milkroom and shall comply with the requirements of the milkroom with respect to construction, light, drainage, insect and rodent control, and general maintenance.
- (6) **MILKHOUSE OR ROOM-CLEANLINESS** The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, non-product contact surfaces of milk containers, utensils, and equipment, and other milkroom equipment shall be clean. Only articles directly related to milkroom activities shall be permitted in the milkroom. The milkroom shall be free of trash, animals, and fowl.

(Rule 0080-3-2-.08, continued)

- (7) **TOILET** Every dairy farm shall be provided with one or more toilets, conveniently located and properly constructed, operated, and maintained in a sanitary manner. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate any water supply.
- (8) **WATER SUPPLY** Water for milkhouse and milking operations shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.
- (9) **UTENSILS AND EQUIPMENT-CONSTRUCTION**
 - (a) All multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials, and shall be so constructed as to be easily cleaned. All containers, utensils, and equipment shall be in good repair. All milk pails used for hand milking and stripping shall be seamless and of the hooded type. Multiple-use woven material shall not be used for straining milk. All single-service articles shall have been manufactured, packaged, transported, stored, and handled in a sanitary manner and shall comply with the applicable requirements of item 11p. of this section. Articles intended for single-service use shall not be reused.
 - (b) Farm holding/cooling tanks, welded sanitary piping, and transportation tanks shall comply with the applicable requirements of items 10p. and 11p. of this section.
- (10) **UTENSILS AND EQUIPMENT-CLEANING.** The product-contact surfaces of all multiuse containers, equipment and utensils used in the handling, storage, or transportation of milk shall be cleaned after each usage.
- (11) **UTENSILS AND EQUIPMENT-SANITIZATION.** The product-contact surfaces of all multiuse containers, equipment, and utensils used in the handling, storage or transportation of milk shall be sanitized before each usage.
- (12) **UTENSILS AND EQUIPMENT-STORAGE** All containers, utensils, and equipment used in the handling, storage, or transportation of milk, unless stored in sanitizing solutions, shall be stored to assure complete drainage, and shall be protected from contamination prior to use.
- (13) **UTENSILS AND EQUIPMENT-HANDLING** After sanitization, all containers, utensils, and equipment shall be handled in such manner as to prevent contamination of any product-contact surface.
- (14) **MILKING-FLANKS, UDDERS, AND TEATS** Milking shall be done in the milking barn, stable, or parlor. The flanks, udders, bellies, and tails of all milking cows shall be free from visible dirt. All brushing shall be completed prior to milking. The udders and teats of all milking cows shall be cleaned and treated with a sanitizing solution just prior to the time of milking, and shall be relatively dry before milking. Wet hand milking is prohibited.
- (15) **MILKING-SURCINGLES, MILK STOOLS, AND ANTIKICKERS** Surcingles, milk stools, and antikickers shall be kept clean and stored above the floor.
- (16) **MILKING-TRANSFER AND PROTECTION OF MILK** Each pail or container of milk shall be transferred immediately from the milking barn, stable, or parlor to the milkhouse. No milk shall be strained, poured, transferred, or stored unless it is properly protected from contamination.
- (17) **PERSONNEL-HAND-WASHING FACILITIES** There shall be provided adequate handwashing facilities, including running water, soap or detergent, and individual sanitary towels, in the milkhouse and in or convenient to the milking barn, stable, or parlor.

(Rule 0080-3-2-.08, continued)

- (18) **PERSONNEL-CLEANLINESS** Hands shall be washed clean and dried with an individual sanitary towel immediately before milking, before performing any milkhouse function, and immediately after the interruption of any of these activities. Milkers and milk haulers shall wear clean outer garments while milking or handling milk, milk containers, utensils, or equipment.
- (19) **COOLING** Raw milk for pasteurization shall be cooled at 50° F. or less within 2 hours after milking and shall be maintained at that temperature until delivered.
- (20) **VEHICLES** Vehicles used to transport milk in cans from the dairy farm to to the milk products plant or receiving station shall be constructed and operated to protect their contents from sun, freezing, and contamination. Such vehicles shall be kept clean, inside and out; and no substance capable of contaminating milk shall be transported with milk.
- (21) **INSECT AND RODENT CONTROL** Effective measures shall be taken to prevent the contamination of milk, containers, equipment, and utensils by insects and rodents, and by chemicals used to control such vermen. Milkrooms shall be free of insects and rodents. Surroundings shall be kept clean, neat and free of conditions which might harbor or be conducive to the breeding of insects and rodents.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.09 SANITATION REQUIREMENTS FOR GRADE A PASTEURIZED MILK AND MILK PRODUCTS.

- (1) A receiving plant shall comply with items (1) to (15) inclusive, and (17), (20), and (22), except that the partitioning requirement of item (5) shall not apply. A transfer station shall comply with items where applicable.

Facilities for the cleaning and sanitizing of bulk transport tanks shall comply with items (1), (4), (6), (7), (8), (9), (10), (11), (12), (14), (15), (20) and (22); and as climatic and operating conditions require, the applicable provisions of items (2) and (3): Provided, That in every case, overhead protection shall be provided.
- (2) **FLOORS-CONSTRUCTION** The floors of all rooms in which milk or milk products are processed, handled, or stored, or in which milk containers, equipment, and utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material; and shall be smooth, properly sloped, provided with trapped drains, kept in good repair: Provided, That cold-storage rooms used for storing milk and milk products need not be provided with floor drains when the floors are sloped to drain to one or more exits: Provided further, that storage rooms for storing dry ingredients and/or packaging materials need not be provided with drains; and the floors may be constructed of tightly joined wood.
- (3) **WALLS AND CEILINGS-CONSTRUCTION** Walls and ceilings of rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed, shall have a smooth, washable, light-colored surface, in good repair.
- (4) **DOORS AND WINDOWS** Effective means shall be provided to prevent the access of flies and rodents. All openings to the outside shall have solid doors or glazed windows which shall be closed during dusty weather.
- (5) **LIGHTING AND VENTILATION** All rooms in which milk or milk products are handled, processed, or stored and/or in which milk containers, equipment, and utensils are washed shall be well lighted and well ventilated.

(Rule 0080-3-2-.09, continued)

- (6) **SEPARATE ROOMS** There shall be separate rooms for (a) pasteurizing, processing, cooling, and packaging; (b) cleaning of milk cans and bottles. In addition, plants receiving milk in bulk transport tanks shall provide for cleaning and sanitizing facilities.

Unless all milk and milk products are received in bulk transport tanks, a receiving room, separate from rooms (c) and (b) above, shall be required. Rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed or stored, shall not open directly into any stable or any room used for domestic purposes.

- (7) **TOILET-SEWAGE DISPOSAL FACILITIES** Every milk plant shall be provided with toilet facilities of sanitary construction. Toilet rooms shall not open directly into any room in which milk and/or milk products are processed. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing doors. Dressing rooms, toilet rooms, and fixtures shall be kept in a clean condition, in good repair, and shall be well ventilated and well lighted. Sewage and other liquid wastes shall be disposed of in a sanitary manner.
- (8) **WATER SUPPLY** Water for milk plant purposes shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.
- (9) **HAND-WASHING FACILITIES** Convenient hand-washing facilities shall be provided, including hot and cold and/or warm running water, soap, and individual sanitary towels or other approved hand-drying devices. Hand-washing facilities shall be kept in a clean condition and in good repair,
- (10) **MILK PLANT CLEANLINESS** All rooms in which milk and milk products are handled, processed, or stored, and/or in which containers, utensils, or equipment are washed or stored, shall be kept clean, neat, and free of evidence of insects and rodents. Pesticides shall be safely used. Only equipment directly related to processing operations or to the handling of containers, utensils, and equipment, shall be permitted in the pasteurizing, processing, cooling, packaging, and bulk milk storage rooms.
- (11) **SANITARY PIPING** All sanitary piping, fittings, and connections which are exposed to milk or milk products, or from which liquids may drip, drain or be drawn into milk or milk products, shall consist of smooth, impervious, corrosion-resistant, non-toxic, easily cleanable material. All piping shall be in good repair. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary piping: Provided, That cottage cheese, creamed cottage cheese, lowfat creamed cottage cheese, yogurt and lowfat yogurt may be transported by other methods which protect the product from contamination.
- (12) **CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT** All multiuse containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, corrosion -resistant, nontoxic material; shall be constructed for ease of cleaning; and shall be kept in good repair. All single-service containers, closures, gaskets, and other articles with which milk or milk products come in contact shall be nontoxic, and shall have been manufactured, packaged, transported, and handled in a sanitary manner. Articles intended for single-service use shall not be reused.
- (13) **CLEANING AND SANITIZING OF CONTAINERS AND EQUIPMENT** The product-contact surfaces of all multiuse containers, utensils, and equipment used in the transportation, processing, handling, and storage of milk or milk products shall be effectively cleaned and shall be sanitized before each use.
- (14) **STORAGE OF CLEANED CONTAINERS AND EQUIPMENT** After cleaning, all multiuse milk or milk product containers, utensils, and equipment shall be transported and stored to assure complete drainage, and shall be protected from contamination before use.

(Rule 0080-3-2-.09, continued)

- (15) **STORAGE OF SINGLE-SERVICE CONTAINERS, UTENSILS AND MATERIALS** Single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk and milk products shall be purchased and stored in sanitary tubes, wrappings, or cartons; shall be kept therein in a clean, dry place until used; and shall be handled in a sanitary manner.
- (16) **PROTECTION FROM CONTAMINATION** Milk plant operations, equipment, and facilities shall be located and conducted to prevent any contamination of milk or milk products, ingredients, equipment, containers, and utensils. All milk or milk products or ingredients which have been spilled, overflowed, or leaked shall be discarded. The processing or handling of products other than milk and milk products in the pasteurization plant shall be performed to preclude the contamination of such milk and milk products.
- (17) **PASTEURIZATION** Pasteurization shall be performed as defined in 0080-3-2-.01, (36) of this regulation.
- (18) **COOLING OF MILK** All raw milk and milk products shall be maintained at 50° F., or less until processed. All pasteurized milk and milk products, except those to be cultured, shall be cooled immediately prior to filling or packaging in approved equipment to a temperature of 45° F. or less. All pasteurized milk and milk products shall be stored at a temperature of 45° F. or less. On delivery vehicles the temperature of milk and milk products shall not exceed 50° F. Every room or tank in which milk or milk products, are stored shall be equipped with an accurate thermometer.
- (19) **BOTTLING AND PACKAGING** Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment: Provided, That cottage cheese, creamed cottage cheese, lowfat creamed cottage cheese, yogurt and lowfat yogurt may be transported in sealed containers in a protected, sanitary manner from one plant to another for creaming and/or packaging.
- (20) **CAPPING** Capping or closing of milk and milk product containers shall be done in a sanitary manner by approved mechanical capping and/or closing equipment. The cap or closure shall protect the pouring lip to at least its largest diameter.
- (21) **PERSONNEL-CLEANLINESS** Hands shall be thoroughly washed before commencing plant functions and as often as may be required to remove soil and contamination. No employee shall resume work after visiting the toilet room without thoroughly washing his hands. All persons engaged in the processing, pasteurization, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils shall wear clean outer garments. The use of tobacco by any person engaged in the processing of milk or milk products is prohibited.
- (22) **VEHICLES** All vehicles used for transportation of pasteurized milk and milk products shall be constructed and operated so that the milk and milk products are maintained at 50° F. or less, and are protected from sun, from freezing, and from contamination.
- (23) **SURROUNDINGS** Milk products plant surroundings shall be kept neat, clean, and free from conditions which might attract or harbor flies, other insects, and rodents or which otherwise constitute a nuisance.

Authority: T.C.A. §52-304. **Administrative History:** Original Rule certified June 5, 1974.

0080-3-2-.10 ANIMAL HEALTH.

- (1) All milk for pasteurization shall be from herds which are located in a Modified Accredited Tuberculosis Area as determined by the U. S. Department of Agriculture: Provided, That herds located in an area that fails to maintain such accredited status shall have been accredited by said Department as tuberculosis free, or shall have passed an annual tuberculosis test.

- (2) All milk for pasteurization shall be from herds under a brucellosis eradication program which meets one of the following conditions:
 - (a) Located in a Certified Brucellosis-Free Area as defined by the U. S. Department of Agriculture and enrolled in the testing program for such areas; or
 - (b) Located in a Modified Certified Brucellosis Area as defined by the U. S. Department of Agriculture and enrolled in the testing program for such areas; or Meet U. S. Department of Agriculture requirements for an individually certified herd;
 - (c) Participating in a milk ring testing program which is conducted on a continuing basis at intervals of not less than every 3 months or more than every 6 months, with individual blood test on all animals in herds showing suspicious reactions to the milk ring test; or
 - (d) Have an individual blood agglutination test annually with an allowable maximum grace period not exceeding 2 months.
- (3) For diseases other than brucellosis and tuberculosis, the Commissioner shall require such physical, chemical, or bacteriological tests as he deems necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a licensed veterinarian or a veterinarian in the employ of an official agency. Any diseased animal disclosed by such test(s) shall be disposed of as the Commissioner directs.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.11 MILK AND MILK PRODUCTS WHICH MAY BE SOLD. Only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments: Provided, That, reconstituted or recombined milk or milk products shall not be manufactured, distributed or sold for fluid consumption except during an emergency created by a shortage specifically declared by the Commissioner.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.12 TRANSFERRING: DELIVERY CONTAINERS: COOLING.

- (1) Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container or tank truck to another on the street, in any vehicle, store, or in any place except a milk products plant, receiving plant, transfer station or milkhouse especially approved for that purpose. The dipping or lading of milk or fluid milk products is prohibited.
- (2) It shall be unlawful to sell or serve any milk or fluid milk product except in the individual, original container received from the distributor or from an approved bulk dispenser: Provided, That this requirement shall not apply to milk for mixed drinks requiring less than one-half pint of milk, or to cream, whipped cream, or half and half which is consumed on the premises and which may be served from the original container of not more than one-half gallon capacity, or from a bulk dispenser approved for such service by the Commissioner.
- (3) It shall be unlawful to sell or serve any pasteurized milk or milk product which has not been maintained at a temperature of 50° F. or less. If containers of pasteurized milk or milk products are stored in ice, the storage container shall be properly drained.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

(Rule 0080-3-2-.12, continued)

0080-3-2-.13 MILK AND MILK PRODUCTS FROM POINTS BEYOND THE LIMITS OF ROUTINE INSPECTION. Milk and milk products from points outside the State of Tennessee may be sold in Tennessee, provided they are produced and pasteurized under regulations which are substantially equivalent to this regulation and have been awarded an acceptable milk sanitation compliance and enforcement rating made by a State milk sanitation rating officer certified by the U. S. Public Health Service, and acceptable to the Commissioner.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.14 FUTURE DAIRY FARMS AND MILK PRODUCTS PLANTS. Properly prepared plans for all milkhouses, milking barns, stables, parlors, receiving plants, transfer station and milk products plants regulated under this regulation which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the issuing authority for written approval before work is begun.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.15 PERSONNEL HEALTH. No person affected with any disease in a communicable form, or while a carrier of such disease, shall work at any dairy farm or milk products plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils; and no dairy farm or milk products plant operator shall employ in any such capacity any such person, or any person suspected for having any disease in a communicable form, or of being a carrier of such disease. Any producer or distributor of milk or milk products, upon whose dairy farm, or in whose milk products plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of such disease, shall notify the issuing authority immediately.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.16 PROCEDURE WHEN INFECTION IS SUSPECTED. When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk and/or milk products, the issuing authority is authorized to require any or all of the following measures:

- (a) the immediate exclusion of that person from milk handling;
- (b) the immediate exclusion of the milk supply concerned from distribution and sale; and
- (c) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.

0080-3-2-.17 BULK MILK DISPENSERS.

- (1) Bulk milk dispensers that meet the 3-A Standards and have been approved by the International Association of Milk, Food, and Environmental Sanitarians, The U. S. Public Health Service, and the Dairy Industry Committee, may be used to dispense the following products:
 - (a) Homogenized milk, flavored milk, skim milk, lowfat milk, vitamin D milk, fortified milk and coffee cream as defined in this regulation.
- (2) All food-serving establishments serving the above named products from bulk dispensers shall locate the dispenser in a place conspicuous to the consuming public when practical. The dispenser cabinet shall be installed in such a way and manner as to make it readily accessible for cleaning not only inside and outside the cabinet, but also the area in which it is located. A decal or approved type placard shall be properly posted on the outside of the dispenser, which shall give the following information; the name

(Rule 0080-3-2-.17, continued)

of the product and the name and address of the processing plant, in letters or marks of a size and color approved by the Commissioner.

- (3) The labeling of single service containers used in milk dispensers shall meet the labeling requirements of the National Labeling Committee as adopted in this regulation. Multi-use containers shall be tagged in an appropriate manner to show the same information and shall be constructed of stainless steel or other material approved by the Commissioner.
- (4) The filling, storage and delivery of product containers used in bulk milk dispensers shall be performed in a manner to comply with regulations promulgated by the Commissioner.
- (5) The quantity of milk per serving from a dispenser shall not be less than 8 ounces.
- (6) All samples taken to check compliance to the Tennessee Dairy Laws and grade A requirements in the area where the dispenser is located shall be taken direct from the dispensing tube during the period of time when milk is being dispensed and sold from the dispenser. All coliform counts, bacteria counts, butterfat and total solids shall meet requirements of the Tennessee Dairy Law.

Authority: T.C.A. §52-304. *Administrative History:* Original rule certified June 5, 1974.

0080-3-2-.18 ENFORCEMENT. This regulation shall be enforced by the issuing authority using the latest edition of the Grade A Pasteurized Milk Ordinance of the U. S. Public Health Service as a guide.

Authority: T.C.A. §52-304. *Administrative History:* Original Rule certified June 5, 1974.