

## PART 17

### REQUIREMENTS FOR THE LABELING OF, AND DEFINITIONS AND STANDARDS OF IDENTITY FOR, MILK, MILK PRODUCTS AND FROZEN DESSERTS

(Statutory authority: Agriculture and Markets Law

§§ 16, 18, 46, 46-a, 71-a and 214-b)

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§17.1 **Definitions.** For the purpose of this part:

(a) *Cream* means the liquid milk product high in fat separated from milk, which may have been adjusted by adding thereto: milk, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Cream contains not less than 18 percent milkfat.

(b) *Homogenized* means the milk or milk product has been treated in such a manner as to insure breakup of the fat globules to such an extent that, after 48 hours quiescent storage at 45 degrees Fahrenheit, no visible cream separation occurs on the product and the fat percentage of the top 100 milliliters of the product in a quart container, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percentum from the fat percentage of the remaining portion as determined after thorough mixing.

(c) *Pasteurized* means the definition for such term set forth in section 2.44 of this Title.

(d) *Safe and suitable* means the definition set forth in section 130.3(d) of Title 21 of the *Code of Federal Regulations* (revised as of April 1, 1994), a copy of which is available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, I Winners Circle, Albany, NY 12235.

(e) *Special dietary use* means the definition of such term set forth in section 105.3(a) of Title 21 of the *Code of Federal Regulations* (revised as of April 1, 1994), a copy of which is available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, I Winners Circle, Albany, NY 12235.

(f) *Ultra pasteurized* means the definition for such term set forth in section 2.2(aaa) of this Title.

## **§17.2 Flavored Dairy Drink: identity.**

(a) *Description.* Flavored dairy drink is a pasteurized or ultra-pasteurized product in liquid form containing not more than two percent milk fat and not less than eight percent milk solids not fat.

(b) *Optional ingredients.*

(1) Milk, cream, skim milk, concentrated milk, condensed skim milk or nonfat dry milk or other milk derived ingredients to increase the nonfat solids content of the food; provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients. When added, the finished product shall contain not less than 10 percent milk solids not fat.

(2) Water.

(3) Flavoring ingredients (with or without safe and suitable coloring, nutritive sweeteners, emulsifiers and stabilizers.)

(4) Safe and suitable natural and artificial food flavoring.

(5) Safe and suitable nutritive sweeteners.

(c) *Nomenclature.* The name of the food is "\_\_\_\_\_ Dairy Drink." The blank is to be filled in by the name of the flavor.

(1) One or more of the following descriptive terms, if applicable, shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in the name of the food.

(i) If any flavoring ingredients have been added, and the resultant flavor derives wholly from natural flavoring, the common name of the flavoring, followed by the name of the food.

(ii) If any flavoring ingredients have been added and the resultant flavor derives predominantly from the natural flavor, the common name of the flavoring, followed by the word flavored, e.g. "vanilla flavored"

(iii) If any flavoring ingredients have been added and the resultant flavor derives wholly or predominantly from artificial flavoring, the words "artificial \_\_\_\_\_ flavored", the blank being filled in with the common name of the flavor simulated.

(2) The following terms may appear on the label:

- (i) The word "homogenized" if the food has been homogenized.
- (ii) The word "pasteurized" if the food has been pasteurized.

(d) *Label declaration.* The common or usual name of each of the optional ingredients used in the food shall be declared on the label.

### **§17.3 Whole Milk Ricotta Cheese; identity.**

(a) The terms *whole milk ricotta cheese* or *whole milk ricotta* shall mean cheese manufactured according to the following method: milk (which may be standardized and/or adjusted by a membrane filtration or evaporation process) and milk solids are mixed with an acidifying agent, the same being one or a mixture of two or more of the following: culture of harmless lactic acid-producing bacteria, a vinegar, fermented whey or acid whey powder (in an amount not to exceed 2.50 percent by weight of the total milk), lactic or citric acid, to which may also be added salt. Sufficient rennet may be added to set the milk and milk solids. The mixture is heated with the aid of direct steam injection until a temperature of about 180°F is reached, and it is held near that temperature until the curd separates. The curd is removed by skimming, or the whey is drained or siphoned off. Additional curd may be obtained from the whey by the further addition of an acidifying agent prescribed above, or by further heating or both. The curd may be whipped or beaten to obtain a finer texture. Any other procedure and ingredients approved by the commissioner may be used, provided the materials are safe and suitable and the resulting product has the same physical, chemical and organoleptic characteristics as the product made by the prescribed procedure.

(b) Such cheese shall contain not more than 80 percent moisture and not less than 11 percent milkfat in the finished product. There may be added thereto, as optional ingredients, harmless stabilizer, emulsifier and/or food color or whitener approved by the commissioner.

### **§17.4 Part Skim Ricotta Cheese; identity.**

The terms *part skim ricotta cheese* or *part skim ricotta* shall mean cheese made using skimmed milk and made by the methods and the ingredients prescribed for "whole milk ricotta cheese" as set forth in Section 17.3 of this Part, but containing not more than 80 percent moisture and less than 11 percent but not less than 6 percent milkfat in the finished product.

### **§17.5 Ricotta, Ricotone or Whey Cheeses; identity.**

(a) *Description.* The term *ricotta, ricotta cheese, ricotone cheese, ricotone* or *whey cheese* shall mean cheese manufactured according to the following method. Cheese whey (to which may be added buttermilk, whole milk, skim milk or milk solids, any of which may be adjusted by a membrane filtration or evaporation process) is mixed with an acidifying agent, the same being one or a mixture of two or more of the following: culture of harmless lactic acid producing bacteria, vinegar, fermented whey, acid whey, whey powder, lactic or citric acid, to which may also be added salt. Sufficient rennet may be added to set the added milk solids. The mixture is heated with the aid of direct steam injection until a temperature of about 190°F is reached, and it is held near that temperature until the curd separates. The curd is removed by skimming, or the whey is drained and siphoned off. The curd may be whipped or beaten to obtain a finer texture. Any other procedure and ingredients approved by the commissioner may be used, provided the materials are safe and

suitable and the resulting product has the same physical, chemical and organoleptic characteristics as the product made by the prescribed procedure.

(b) Such cheese shall contain not more than 80 percent moisture. There may be added thereto, as optional ingredients, harmless stabilizer, emulsifier or food color or whitener approved by the commissioner.

#### **§17.6 Dairy Shake; identity; label statement.**

(a) *Description.* Dairy shake is a pasteurized semi-viscous drink consisting of one or more of the optional dairy ingredients specified in subdivision (b) of this section and may contain other safe and suitable non-milk derived ingredients excluding other food fats, except such as are the natural components of flavoring ingredients used or are added in incidental amounts to accomplish specific functions. Dairy shake is sweetened with nutritive sweeteners and may contain flavoring ingredients and harmless coloring. Dairy shake shall:

- (1) contain not less than 3.25 percent milkfat;
- (2) contain not less than 11 percent total milk solids;
- (3) contain not less than 20 percent total solids; and
- (4) not be produced by freezing while stirring.

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in subdivision (a) of this section are: cream, dried cream, plastic cream (sometimes known as concentrated milkfat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form that has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, and whey and those modified whey products (e.g., reduced lactose whey, reduced minerals whey, and whey protein concentrate) that have been determined by FDA to be generally recognized as safe for use in this type of food.

(c) *Vitamin D addition optional.* Vitamin D may be added to the product provided it is in such a quantity that each quart of the food contains 400 International Units thereof, within limits of good manufacturing practice.

(d) *Nomenclature; label statement.* The name of the food is "dairy shake".

#### **§17.7 Melloram Shake; identity; label statement.**

(a) *Description.* Melloram shake is a pasteurized semi-viscous drink consisting of safe and suitable ingredients, including, but not limited to, milk-derived nonfat solids and vegetable fat. It may contain nutritive carbohydrate sweeteners, flavoring ingredients and harmless coloring.

- (1) its content of fat shall be not less than 3.25 percent;
- (2) its content of total milk solids shall not be less than 11 percent;
- (3) contain not less than 20 percent total solids; and
- (4) it is not produced by freezing while stirring.

(b) *Nomenclature: label statement.* The name of the food is "melloream shake".

(c) *Vitamin addition, optional.* Vitamin D may be added to the product provided it be in such a quantity that each quart of the food contains 400 International Units thereof, within limits of good manufacturing practice.

### **§17.8 Frozen yogurt: identity; label statement.**

*Frozen yogurt* is the food prepared by freezing a pasteurized mix consisting of the ingredients permitted for ice cream in section 135.110 of Title 21 of the *Code of Federal Regulations* (revised as of April 1, 1994), a copy of which is available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, I Winners Circle, Albany, New York 12235. Such ingredients are cultured after pasteurization with a characterizing bacteria culture, including but not limited to, strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*; provided, however, fruit, nuts or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply to the mix prior to culturing. Frozen yogurt, exclusive of any flavoring, contains not less than 3.25 percent milkfat, not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.3 percent expressed as lactic acid. This characteristic acidity is developed as a result of bacterial activity and no heat or bacteriostatic treatment, (other than refrigeration), which results in destruction or partial destruction of the organisms, shall be applied to the product after such culturing. The finished yogurt shall weigh not less than five pounds per gallon. The name of the food is frozen yogurt. On the label of frozen yogurt, the strains of bacteria may be collectively referred to as yogurt culture.

### **§17.9 Quiescently frozen confection; identity; label statement.**

*Quiescently frozen confection* means the frozen product made from sweetening agent, harmless natural or artificial flavoring, water, and it may contain milk solids, harmless coloring, organic acids, and any safe and suitable functional ingredient approved by the department. The finished product shall contain not less than 17 per centum by weight of the total food solids. The name of the food is "quiescently frozen confection". In the manufacture of this product, freezing has not been accomplished by stirring or agitation (generally known as quiescent freezing). In the production of this quiescently frozen confection, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10 per centum. 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. The individually wrapped confection need not be labeled if it is contained in a multiple package which is properly labeled and is purveyed unopened to the consumer. In addition to all other required information, the label shall contain a complete list of ingredients, in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of subdivisions (h) and (i) of 21 CFR 101.22.

**§17.10 Quiescently frozen dairy confection; identity; label statement.**

*Quiescently frozen dairy confection* means the frozen product made from milk products, sweetening agents, harmless natural or artificial flavoring, water and it may contain harmless coloring, and any safe and suitable functional ingredient approved by the department. The finished product contains not less than 13 per centum by weight of total milk solids, not less than 33 per centum by weight of total food solids. The name of the food is "quiescently frozen dairy confection." In the manufacture of this product, freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). In the production of this quiescently frozen dairy confection, no processing or mixing to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10 per centum. 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. The individually wrapped confection need not be labeled if it is contained in a multiple package which is properly labeled and is purveyed unopened to the consumer. In addition to all other required information, the label shall contain a complete list of ingredients, in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of subdivisions (h) and (i) of 21 CFR 101.22.

**§17.11 Manufactured desserts mix: identity; label statement.**

(a) *Manufactured desserts mix, whipped cream confection, bisque tortoni* means a frozen dessert made with milk products, sweetening agents, flavoring agents, with or without harmless coloring or any other safe and suitable ingredients approved by the commissioner. The product must contain not less than 18 per centum by weight of milkfat and not more than 12 per centum of milk solids not fat, and may be packaged with harmless gas causing it to fluff upon ejection from the package or container.

(b) In addition to all other required information, the label shall contain a complete list of ingredients, in accordance with the provisions of 21 CFR 101.4.

**§17.12 Freezer-made milk shake; freezer-made shake: identity; label statement.**

(a) *Freezer-made milk shake* means a pure, clean, wholesome, semiviscous drink prepared by stirring, while freezing, in a dispensing freezer, a pasteurized mix consisting of the ingredients prescribed for ice milk in section 135.120 of Title 21 of the *Code of Federal Regulations* (revised as of April 1, 1994), a copy of which is available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, I Winners Circle, Albany, New York 12235, except that:

- (1) it shall contain not less than 3¼ percent and not more than six percent milk fat; and
- (2) its content of milk solids not fat shall not be less than 10 percent.

Freezer-made milk shake may only be sold or served from a dispensing freezer and may not be sold hard frozen.

(b) *Freezer-made shakes*, including jumbo shake, thick shake, TV shake, or any coined or trade name containing the word *shake* shall meet the requirements of subdivision (a) of this section, except that the minimum percent of milk fat may be less than 3¼ percent.

**§17.13 Parevine: identity; label statement.**

- (a) *Parevine* is the food which is prepared by freezing, while stirring, a pasteurized mix composed of:
- (1) one or more edible vegetable oils or fats;
  - (2) protein and carbohydrate food ingredients from other than milk or meat sources;
  - (3) nutritive sweeteners other than lactose;
  - (4) characterizing ingredients except any containing meat or milk; and
  - (5) any other safe and suitable ingredient which is not milk or meat or a product derivative of milk or meat.

This product shall not contain any milk, milk product, meat or meat product or any of their derivatives of any kind.

(b) Its fat content shall be not less than 10 percent, except that when bulky optional characterizing ingredients are used, the fat content may be reduced, as a result of the addition of such ingredients, but shall in no case be less than eight percent.

(c) Its content of food solids shall not be less than 1.3 pounds per gallon of finished product.

(d) The name of the product is "parevine".

(e) When parevine is served for consumption on the premises, a sign must be conspicuously displayed on the sale premises, or vehicle, where it can be clearly read by customers under normal conditions of purchase, stating "PAREVINE SOLD HERE." Letters on such sign shall be boldface capitals at least three inches in height and in contrasting color to the background. No such sign need be displayed if each customer is provided with a menu on which there is stated "PAREVINE SERVED HERE" in boldface capitals as large as those used in listing most food items.

(f) The label on packages of parevine shall, in addition to all other required information, include a complete list of all ingredients in accordance with the provisions of 21 CFR 101.4.

**§17.14 Lo-mel: identity; label statement.**

(a) Lo-mel means a pure, clean, wholesome, semiviscous drink prepared by stirring, while freezing, in a dispensing freezer a pasteurized mix composed of edible fats or oils other than milk fat, milk solids not fat, water, optional sweetening ingredients as approved by the commissioner, with or without egg or egg products, with or without harmless flavoring, with or without coloring, and with or without safe and suitable stabilizers, emulsifiers or other ingredients. It shall contain not more than six percent edible fats or oils. It may contain other safe and suitable ingredients approved by the commissioner. It shall contain not more than one-half percent by weight of stabilizer and not more than one-fifth of one percent of emulsifier.

(b) Lo-mel may only be served or sold directly from a dispensing freezer and may not be sold hard frozen.

(c) When Lo-mel is sold from a dispensing freezer, a sign must be displayed which shall read "Lo-mel Served Here," in letters at least three inches in height, and shall include a list of all ingredients in a manner acceptable to the commissioner; provided, however, that the name of the edible fats or oils other than milk fat used must be specified. The letters of such sign shall be of sufficient size to be read by customers under normal conditions of purchase. No such list of ingredients need be included on the sign if the list of ingredients is printed on the side of the container in which the product is served to the customer.

**§17.15 Frozen pudding: identity; label statement.**

(a) *Description.* *Frozen pudding* is a product made from a pasteurized mix, intended to be eaten in the frozen state. The mix may be composed of:

- (1) milk and milk products;
- (2) modified or unmodified food starch;
- (3) sweetening agents;
- (4) harmless natural and/or artificial flavoring;
- (5) harmless natural and/or artificial color; and
- (6) any other safe or suitable functional ingredient.

(b) The finished product shall contain:

- (1) not less than five percent by weight milk solids not fat; and
- (2) not less than 25 percent total food solids.

(c) The weight of the finished product shall be not less than 4.5 pounds per gallon.

(d) If not frozen promptly after pasteurization, the finished product shall be cooled to 50 degrees Fahrenheit, or lower, and maintained thereat, or the finished product shall be cooled and maintained under conditions to assure suitability for consumption.

(e) The name of the product is "frozen pudding."

**§17.16 Generic Frozen Desserts: identity; label statement.**

(a) *Description:* A *generic frozen dessert* is a food that in its unfrozen form or state, is recognized by consumers by an established common or usual name or in the absence thereof, by an appropriate descriptive term. The unfrozen food becomes a frozen dessert when it is frozen, with or without agitation, and when the food, in its frozen form is designed and intended to be consumed in a frozen state. Generic frozen desserts shall be made from safe and suitable ingredients. A generic frozen dessert, whose unfrozen counterpart is subject to a definition and standard of identity, shall comply with that definition and standard of identity, and ingredient provisions, except that safe and suitable ingredients may additionally be used that are necessary in the manufacture of the frozen dessert.

(b) *Nomenclature*: The name of the frozen dessert shall be: "Frozen \_\_\_\_\_". The blank shall be filled in with the common or usual name of the unfrozen counterpart of the food, or in the absence thereof, an appropriate descriptive term.

#### **§17.17 Frozen Dessert mix: identity; label statement.**

(a) *Frozen dessert mix* is the food that meets a standard of identity for a frozen dessert set forth or provided for in this Part except that such food is in package form and is not frozen.

(b) The name of the food is "\_\_\_\_\_ mix". The blank must be filled in with the name of the frozen dessert set forth in the otherwise applicable standard of identity.

#### **§17.18 Additional standards of identity for milk and milk products.**

(a) The standards of identity for butter, whipped cream, milk, acidified milk, cultured milk, concentrated milk, sweetened condensed milk, sweetened condensed skimmed milk, lowfat dry milk, nonfat dry milk, nonfat dry milk fortified with vitamins A and D, evaporated milk, evaporated skimmed milk, lowfat milk, acidified lowfat milk, cultured lowfat milk, skim milk, acidified skim milk, cultured skim milk, dry whole milk, dry cream, heavy cream, light cream, light whipping cream, sour cream, acidified sour cream, eggnog, half-and-half, sour half-and-half, acidified sour half-and-half, yogurt, lowfat yogurt, and nonfat yogurt, as set forth in Section 58.2621 of Title 7 of the *Code of Federal Regulations* (revised as of January 1, 1994) and in Sections 131.110; 131.111; 131.112; 131.115; 131.120; 131.122; 131.123; 131.125; 131.127; 131.130; 131.132; 131.135; 131.136; 131.138; 131.143; 131.144; 131.146; 131.147; 131.149; 131.150; 131.155; 131.157; 131.160; 131.162; 131.170; 131.180; 131.185; 131.187; 131.200; 131.203; and 131.206, respectively of Title 21 of the *Code of Federal Regulations* (revised as of April 1, 1994), are adopted and incorporated by reference herein. Copies of 7 CFR and 21 CFR are available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, 1 Winners Circle, Albany, New York 12235.

(b) The standards of identity for asiago fresh and asiago soft cheese, asiago medium cheese, asiago old cheese, blue cheese, brick cheese, brick cheese for manufacturing, caciocavallo siciliano cheese, cheddar cheese, cheddar cheese for manufacturing, low sodium cheddar cheese; colby cheese; colby cheese for manufacturing; low sodium colby cheese; cold-pack and club cheese; cold-pack cheese food; cold-pack cheese food with fruits, vegetables, or meats; cook cheese, koch kaese; cottage cheese; dry curd cottage cheese; lowfat cottage cheese; cream cheese; cream cheese with other foods; washed curd and soaked curd cheese; washed curd cheese for manufacturing; edam cheese; gammelost cheese; gorgonzola cheese; gouda cheese; granular and stirred curd cheese; granular cheese for manufacturing; grated cheese; grated American cheese food; hard grating cheeses; gruyere cheese; hard cheeses; limburger cheese; monterey cheese and monterey jack cheese; high-moisture jack cheese; mozzarella cheese and scamorza cheese; low-moisture mozzarella and scamorza cheese; part-skim mozzarella and scamorza cheese; low-moisture part-skim mozzarella and scamorza cheese; muenster and munster cheese; muenster and munster cheese for manufacturing; neufchatel cheese; nuworld cheese; parmesan and reggiano cheese; pasteurized blended cheese; pasteurized blended cheese with fruits, vegetables, or meats; pasteurized process cheese; pasteurized process cheese with fruits, vegetables or meats; pasteurized process pimento cheese; pasteurized process cheese food; pasteurized process cheese food with fruits, vegetables, or meats; pasteurized cheese spread; pasteurized cheese spread with fruits, vegetables, or meats; pasteurized neufchatel cheese spread with other foods; pasteurized process cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; provolone cheese, soft ripened cheeses; romano cheese; roquefort cheese, sheep's milk, blue-mold and blue-mold cheese from sheep's milk;

samsøe cheese; sap sago cheese; semisoft cheeses; semisoft part-skim cheeses; skim milk cheese for manufacturing; spiced cheeses; part-skim spiced cheeses; spiced, flavored, standardized cheeses; Swiss and emmentaler cheese; and Swiss cheese for manufacturing as set forth in Sections 133.102, 133.103, 133.104, 133.106, 133.108, 133.109, 133.111, 133.113, 133.114, 133.116, 133.118, 133.119, 133.121, 133.123, 133.124, 133.125, 133.127, 133.128, 133.129, 133.131, 133.133, 133.134, 133.136, 133.137, 133.138, 133.140, 133.141, 133.142, 133.144, 133.145, 133.146, 133.147, 133.148, 133.149, 133.150, 131.152, 133.153, 133.154, 133.155, 133.156, 133.157, 133.158, 133.160, 133.161, 133.162, 133.164, 133.165, 133.167, 133.168, 133.169, 133.170, 133.171, 133.173, 133.174, 133.175, 133.176, 133.178, 133.179, 133.180, 131.181, 133.182, 133.183, 133.184, 133.185, 133.186, 133.187, 133.188, 133.189, 133.190, 133.191, 133.193, 133.195, and 133.196 respectively, of 21 CFR (revised as of April 1, 1994), are adopted and incorporated by reference herein.

### **§17.19 Additional standards of identity for frozen desserts.**

The standards of identity for ice cream and frozen custard, goat's milk ice cream, ice milk, goat's milk ice milk, mellorine, sherbet, and water ices as set forth in sections 135.110, 135.115, 135.120, 135.125, 135.130, 135.140 and 135.160, respectively, of Title 21 of the *Code of Federal Regulations* (revised as of April 1, 1994) are adopted and incorporated by reference herein. A copy of 21 CFR is available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, 1 Winners Circle, Albany, New York 12235.

### **§17.20 Requirements applicable to the labeling of milk, milk products and frozen desserts.**

(a) *Definitions.* For the purpose of this section:

(1) *Milk and milk products* mean the milk and milk products defined in this Part as well as a milk or milk product which does not meet a definition set forth in this Part but which is commonly and usually characterized as a milk or milk product.

(2) *Frozen desserts* mean the frozen desserts defined in this Part as well as any frozen dessert which meets the definition of frozen dessert set forth in section 71-a(2) of the Agriculture and Markets Law.

(b) Each package containing milk, a milk product or a frozen dessert shall be labeled in accordance and in compliance with the applicable provisions of sections 101.1, 101.2, 101.3, 101.4, 101.5, 101.8, 101.9, 101.12, 101.13, 101.14, 101.15, 101.17, 101.18, 101.22, 101.25, 101.71, 101.72, 101.73, 101.74, 101.75, 101.76, 101.77, 101.78, 101.100, 101.105, 105.62, 105.66, 105.67, 105.69, 130.3, 130.8, 130.10 and 130.11 of Title 21 of the *Code of Federal Regulations* (revised as of April 1, 1994), a copy of which is available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, 1 Winners Circle, Albany, New York 12235, notwithstanding any provision of this Part to the contrary.

(c) Each milk, milk product or frozen dessert not in package form shall comply with Section 101.9(a) of 21 CFR and with the applicable provisions of the sections of 21 CFR cited in subdivision (b) of this section, notwithstanding any provision of this Part to the contrary.