

RULES AND REGULATIONS PERTAINING TO MILK AND MILK PRODUCTS
Promulgated Under the Authority of Acts 1913, No. 96 (Ark. Code Ann. § 20-7-109).

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Section 1. Definition:

The term "Counter Freezer" shall for the purpose of these regulations be defined as a counter type freezing machine or similar type, operating in retail establishments for the manufacture of frozen products, and using a prepared pasteurized mix.

Section 2. Location and Protection of Counter Freezers:

Counter Freezers shall be located so as to prevent access of the public to the operator's side of the freezer, and protected from flies, dust, dirt, and other contamination. No counter freezer unit shall be installed in any open front building or in any building not properly protected from the entrance of flies or other insects. Screen doors shall open outward and be self-closing. The area around the freezer may be such that it can be kept clean with a reasonable amount of effort.

Section 3. Cabinets:

Cabinets for hardening and storage of ice cream and frozen products shall be used only for that purpose and kept clean and sanitary.

Section 4. General Requirements:

(a) Floors: Floors of all rooms in which milk or milk products are handled or stored shall be of smooth concrete or other approved impervious and easily cleanable material. They shall be graded to drain properly into trapped drains, kept clean and free of materials and equipment not in routine use.

(b) Walls and Ceiling: Walls and ceilings of rooms in which milk or milk products are handled or stored shall have a smooth, washable, light colored surface, shall be kept clean, and in good repair.

(c) Screens: Outside openings shall be effectively screened or otherwise protected to prevent the entrance of flies and other insects. If serving windows are used, they shall be screened and constructed so as to be kept closed at all times except when actual serving is being done.

(d) Lighting and Ventilation: Adequate lighting and proper ventilation must be provided.

(e) Miscellaneous Protection from Contamination: Rooms shall be of sufficient size to allow efficient operations and to permit adequate cleaning. No room shall open directly to any other room not essential to the operation of the plant or where an operation is carried on that might contaminate the milk, milk products or the equipment.

(f) Toilet Facilities: All counter freezers must be provided with adequate toilet facilities. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean, in good repair, and properly ventilated. When privies are used, they shall be of an approved type.

(g) Water Supply: All counter freezers must be supplied with a safe, adequate water supply. When a public water supply is not used, the supply shall be obtained from a source that is properly located, constructed, operated and maintained in accordance with the requirements set forth under the Rules and Regulations of the Arkansas State Board of Health pertaining to "Semi-public Water Supplies," Chapter 2. All storage tanks for hot water shall meet the ASME standards.

(h) Handwashing Facilities: Convenient handwashing facilities with hot and cold water under pressure, soap, and clean individual towels must be provided. The use of a common towel is prohibited.

(j) Construction of Equipment: All multi-use containers and equipment with which milk or milk products come in contact shall be of a smooth impervious non-corrodible, non-toxic material and shall be constructed and located in such a manner as to be easily cleaned and shall be kept in good repair. The manufacture, packing, transportation and handling of single-service containers, caps and covers shall be conducted in a sanitary manner. The supply tank on the manufacturing equipment shall be insulated or so constructed as to protect the product before manufacture.

(k) Disposal of Wastes: Liquid wastes shall be properly disposed of in a sanitary sewer or as approved by the State Health Officer. All plumbing shall be in conformance with the Arkansas State Plumbing Code. Trash and garbage shall be kept in covered containers and disposed of as often as necessary in a sanitary manner.

(l) Adulteration: The addition of any substance other than flavoring, color, fruits, and nuts to prepared ice cream mix and/or ice milk mix as received from the manufacturer is prohibited.

(m) Transportation: It shall be unlawful to sell or transport ice cream mix or ice milk mix to another location for manufacture or freezing except in sealed containers that cannot be opened without breaking the seal. The label shall be securely attached to the container and shall show the name of the manufacturer and the percent of milk fat of the ice cream mix or ice milk mix contained therein.

(n) Can Liners: Ice cream and frozen products shall not be placed in metal cans without using paper re-liners.

(o) Cleaning and Bactericidal Treatment of Containers and Apparatus: Milk and milk product containers and apparatus shall be thoroughly cleaned after each usage and subjected to an approved bactericidal treatment before again being used. Containers shall be effectively cleaned and subjected to a bactericidal treatment before being returned to a manufacturer.

A two-compartment stationary wash and rinse vat of sufficient size to allow complete immersion of the largest piece of equipment shall be provided. This wash vat shall be equipped with hot and cold water under pressure and have drains connected to an approved disposal system. In cases where the counter freezer operations are in connection with another business where prepared food is served to the public, the same washing facilities may be used provided these facilities meet all requirements

for both or all operations represented. No washing facilities used for ice cream manufacturing equipment may be shared with locker plants, meat markets, or other businesses which prepare or wash uncooked meats or other foods which make cleaning of the wash and rinse vat a difficult and time consuming task.

Immediately after each usage, containers, utensils, and loose equipment shall be washed, rinsed, and subjected to a bactericidal treatment in a manner approved by the State Health Officer, and after treatment, shall be stored so as not to become contaminated by insects, dust, and other contaminants.

Step-by-Step Washing Procedures for Frozen Dessert Manufacturing Equipment

Washing and rinsing of frozen dessert manufacturing equipment should be done immediately after operations cease. The steps below should be followed closely.

1. Rinse machine thoroughly with cold or warm water (not hot).
2. Disassemble machine and wash all loose equipment in first compartment of sink with hot water, detergent* and a suitable brush (do not use rag).
3. Wash inside of freezer cylinder with hot water and detergent used in wash vat.
4. Rinse loose equipment in second compartment of wash vat. Inside of freezer should be rinsed.
5. Just before next operation, make up chlorine** sterilizing solution to 200 parts per million (directions on container) and pour into freezer. Start dasher and run about 3 minutes.
6. Drain chlorine solution from machine and pour mix into freezer. (Do not rinse freezer or touch freezer parts after chlorine solution has been drained out.)

The same procedure should be followed in washing cans, measuring cups, or other equipment used in the operation.

*A detergent is a soapless cleaner. Do not use soap.

**All sterilizers used must have chlorine as the active ingredient regardless of trade name.

(p) Handling of Containers and Apparatus: Containers and other utensils after bactericidal treatment shall not be handled in such a manner as to permit the contamination of surfaces coming in contact with milk or milk products. Approved cone dispensers must be used for all cones.

(q) Storage of Containers and Parchment Papers: Containers used in the handling, storage or transportation of milk products shall be stored so as not to become contaminated before again being used. Parchment paper for ice cream can re-liners, and all other paper containers for milk products shall be purchased in sanitary tubes and cartons, and stored in a clean dry place in original containers.

(r) Health of Personnel: Every person connected with a dairy products plant whose work brings him/her in contact with the production, handling, storage or transportation of milk, milk products, containers or equipment must be free from all contagious or communicable diseases.

(s) Premises: The immediate surroundings of the dairy products plant shall be kept clean and free of rubbish and trash.

Section 5. Mobile or Intermittent Units

(a) Definition. A mobile or intermittent frozen dessert manufacturing unit is one which is mounted on or connected to a truck, trailer or other vehicle that travels from place to place and from which semi-frozen desserts are sold. With exception of Section 4, sub-sec. (f), the above mentioned sections shall apply.

(b) Machines: Machines shall be constructed so as to prevent contamination of the product. All parts coming in contact with the product shall be of such construction as to be easily cleaned. All valves, fittings and piping shall be constructed throughout of dairy metal consisting of stainless steel, nickel alloy, or equally corrosion-resistant material, that is nontoxic and nonabsorbent. Freezers and accessories shall be dismantled and valves taken apart and thoroughly washed after each day's use.

(c) Water Storage: Mobile units equipped with integral water supply tanks shall have a fill spout of sufficient size to permit the introduction of an approved sterilizing agent. A residual of not less than 0.2 PPM of chlorine shall be present at all times the unit is in actual use.

Upon filling the water supply tank and adding the disinfectant, 15 minutes must elapse before placing the mobile unit in operation.

(d) Waste Disposal: The disposal tank shall be of sufficient size to take care of the waste from the integral water tank. When full it shall be discharged into a sanitary sewer or other acceptable sewage system approved by the State Health Officer.

(e) There shall also be constructed an area for washing the unit which shall consist of a concrete platform sloped to drain to the inside with a curbing three (3) inches high on three sides. It is to be reinforced to hold the weight of the vehicle. The drain shall discharge into the sanitary sewer or other acceptable sewage system approved by the State Health Officer.

(f) The hot water tank shall be equipped with a temperature and pressure relief valve, and all plumbing must conform to the Arkansas State Plumbing Code.

(g) The unit shall be thoroughly cleaned after each day's operation.

Section 6. Definitions of Terms (Arkansas Dairy Law, Act 114 of June 12, 1941)

"Frozen Desserts" means ice cream, ice cream mix, frozen malted milk, frozen custard, ice milk, milk sherbets, ice or ice sherbets, and imitation ice cream as defined in this Act when manufactured for commercial purposes. (Ark. Code Ann. §§ 20-59-201, 20-59-213)

"Ice Cream" means the pure, clean, frozen product made from a combination of two or more of the following ingredients: milk products, eggs, egg products, water and sugar with harmless flavoring and with or without harmless coloring and with or without added stabilizer composed of wholesome edible material. It contains not more than one-half of one (.5%) per cent by weight of stabilizer, not less than ten (10%) per cent by weight of milk fat, and not less than eighteen (18%) per cent by weight of total milk solids; except when fruit, fruit juices, nuts, coca or chocolate, chocolate syrup, maple syrup, cakes or confections or other wholesome pure food products are used for the purpose of flavoring, then it shall not contain less than ten (10%) per cent by weight of milk fat and not less than eighteen (18%) per cent by weight of total milk solids, except for such reduction in milk fat and in total milk solids as is due to the addition of such flavoring, but in no such case shall it contain less than eight (8%) per cent by weight of milk fat nor less than fourteen

(14%) per cent by weight of total milk solids. In no case shall any cream contain less than one and six-tenths (1.6 lbs.) pounds of total food solids per gallon. (Ark. Code Ann. § 20-59-201, 213)

"Ice Cream Mix" is a product which results from the mixture of pure clean dairy products, sugar and other products allowed in the use of ice cream and with or without harmless flavoring and coloring. In no case shall ice cream mix contain less than ten (10%) per cent by weight of milk fat, and not less than eighteen (18%) per cent by weight of total milk solids; except when fruit, nuts, cocoa or chocolate, maple syrup, cakes or confections, are used for the purpose of flavoring, then it shall not contain less than ten (10%) per cent by weight of milk fat and not less than eighteen (18%) per cent by weight of total milk solids, except for such reduction in milk fat and in total milk solids as is due to the addition of such flavoring, but in no such case shall it contain less than eight (8%) per cent by weight of milk fat nor less than fourteen (14%) per cent by weight of total milk solids. (Ark. Code Ann. § 20-59-201, 213)

"Frozen Malted Milk" means the pure, clean, semi-frozen product made from the combination of milk products, malted milk and one or more of the following ingredients: eggs, sugar, dextrose and honey, with or without flavoring and coloring and with or without edible gelatin or vegetable stabilizer; and in the manufacture of which, freezing has been accompanied by agitation of the ingredients, containing not more than one-half of one (.5%) per cent by weight of edible gelatin or vegetable stabilizer, not less than three (3%) per cent by weight of milk fat, not more than ten (10%) per cent by weight of total milk solids, and not less than one-half of one (.5%) per cent by weight of malted milk. In no case shall frozen malted milk contain less than one and three-tenths (1.3 lbs.) pounds of total food solids per gallon. (Ark. Code Ann. § 20-59-201, 213)

"Fountain Malted Milk" means the pure, clean, semi-frozen product made from the combination of milk products, malted milk and one or more of the following ingredients: eggs, sugar, dextrose and honey, with or without flavoring and coloring and with or without edible gelatin or vegetable stabilizer, and containing not more than one-half of one (.5%) per cent by weight of edible gelatin or vegetable stabilizer, not less than four (4%) per cent by weight of milk fat, not more than twelve (12%) per cent by weight of total milk solids, and not less than one-half of one (.5%) per cent by weight of malted milk. (Ark. Code Ann. § 20-59-201, 213)

"Frozen Custard" means French ice cream, French custard ice cream, ice custard, parfaits and similar frozen products. Frozen custard is a clean, wholesome product made from a combination of two or more of the following ingredients: milk products, eggs, water and sugar, with harmless flavoring and with or without harmless coloring and with or without added stabilizers composed of wholesome edible material, containing not more than one-half of one (.5%) per cent by weight of stabilizer, not less than ten (10%) per cent by weight of milk fat, not less than fourteen (14%) per cent by weight of total milk solids. Frozen custard shall contain not less than two and one-half dozen of clean, wholesome egg yolks, or three-fourths (3/4 lbs.) pounds of wholesome, dry egg yolk containing not to exceed seven (7%) per cent of moisture, or one and one-half (1-1/2 lbs.) pounds of wholesome frozen egg yolk containing not to exceed fifty-five (55%) per cent of moisture, or the equivalent of egg yolk in any other form, for each ninety pounds of frozen custard. In no case shall any frozen custard contain less than one and six-tenths (1.6 lbs.) pounds of total food solids per gallon. (Ark. Code Ann. § 20-59-201, 213)

"Ice Milk" means the pure, clean, frozen product made from a combination of two or more of the following ingredients: milk products, eggs, water and sugar, with harmless flavoring and with or without added stabilizer composed of wholesome, edible material, and with or without harmless

coloring. It contains not more than one-half of one (.5%) per cent by weight of stabilizer, not less than three (3%) per cent and not more than ten (10%) per cent by weight of milk fat, and not less than fourteen (14%) per cent by weight of total milk solids. In no case shall any ice milk contain less than one and three-tenths (1.3 lbs.) pounds of total food solids per gallon. (Ark. Code Ann. § 20-59-201, 213)

"Milk Sherbet" means the pure, clean, frozen product made from milk products, water, and sugar, with harmless fruit, fruit acid or fruit juice flavoring and with or without harmless coloring, and with not less than thirty-five hundredths (.35%) of one per cent of acid as determined by titrating with standard alkali and expressed as lactic acid, and with or without added stabilizer composed of wholesome, edible material. It contains not less than four (4%) per cent by weight of milk solids. (Ark. Code Ann. § 20-59-201, 213)

"Ice or Ice Sherbet" means the pure, clean, frozen product made from water and sugar with harmless fruit or fruit juice flavoring, with or without harmless coloring and with or without milk products and with not less than thirty-five hundredths (0.35%) of one per cent of acid as determined by titrating with standard alkali and expressed as lactic acid, and with or without added stabilizer composed of wholesome, edible material. It contains not less than four (4%) per cent by weight of milk solids. (Ark. Code Ann. § 20-59-201, 213)

"Imitation Ice Cream" means any frozen substance, mixture or compound, regardless of the name under which it is represented, which is made in imitation or semblance of ice cream, or is prepared or frozen as ice cream is customarily prepared or frozen, and which is not ice cream, frozen custard, ice milk, frozen malted milk, sherbet or ice as defined in this law. No person shall sell imitation ice cream. (Ark. Code Ann. § 20-59-201, 213)

Section 7. Excerpts from the Arkansas Dairy Law Pertaining to Counter Freezers

It shall be unlawful to sell ice milk unless all containers are conspicuously so labeled. Where ice milk is sold at retail there must be displayed a conspicuous legible sign containing the words "Ice Milk Sold Here" in plain block letters not less than six inches high.

To sell or transport ice cream mix to another location for manufacture or freezing except in sealed containers that cannot be opened without breaking the seal, and label shall be securely attached to container and shall show the name of the manufacturer and the per cent of milk fat of the ice cream mix contained therein.

Licensing. (Ark. Code Ann. §§ 20-59-206-211, 212). Permits shall be issued for one year and shall be cancelled, withdrawn or suspended by the State Board of Health for failure to comply with any of the provisions of this Act, after due notice in writing has been given and the licensee has been granted a hearing. Any licensee whose permit shall have been cancelled, withdrawn or suspended as herein provided, shall have the right of appeal from such action of the Board to the circuit court of the county of his residence. The State Health Officer shall collect for such permits as follows:

For a dairy products plant making, processing, manufacturing or freezing any frozen dessert, ten dollars (\$10.00). Provided: this fee shall not apply where such dairy products plants are paying a local inspection fee of ten dollars (\$10.00) or more and such inspection includes regular bacteriological and chemical analysis.

Every person owning or operating a Frozen Desserts Manufacturing Plant shall on the first day of July 1941, and every three months thereafter, report to the State Health Officer, upon blanks furnished by him, the amount of frozen desserts manufactured, frozen, processed or sold, other than

ice cream mix. Such report shall be filed not later than ten days after the same becomes due, and with such report the person making the same shall pay to the State Health Officer seventy-five cents on each and every one thousand gallons of frozen desserts, other than ice cream mix, manufactured, processed, frozen or sold until such payment amounts to one hundred and fifty (\$150.00) dollars. All money so received by the State Health Officer shall monthly be remitted by him to the State Treasurer.

Section 8. Cream and Cream Station

A. Cream Stations.

(1) Building: Buildings or parts thereof used for the receiving and handling of sweet or sour cream shall be located in such a place as to be free from dust or other contaminating surroundings. Such shall be used for no other purpose and shall not open directly into any room used for domestic purposes.

(2) Floors: Floors shall be of smooth concrete or other approved impervious material. They shall be graded to drain properly and kept in good repair.

(3) Walls and Ceilings: Walls and ceilings shall be of such material as to permit cleaning. They shall be well painted or finished in an approved manner and kept in good repair.

(4) Light and Ventilation: Adequate lighting and proper ventilation must be provided.

(5) Screens: Openings shall be effectively screened or otherwise protected to prevent the entrance of flies and other insects. Doors shall open outward and be self-closing.

(6) Cleaning: Adequate facilities for cleaning utensils used in the handling of milk and cream shall be provided, and all containers shall be thoroughly cleaned before being returned to the producer.

(7) Toilet Facilities: Adequate and conveniently located toilet facilities must be provided. Toilet rooms shall not open directly into any room in which milk, cream, equipment, or containers are stored or handled. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean, in good repair and properly ventilated. The disposal of human wastes shall be in accordance with the requirements set forth under the Rules and Regulations of the Arkansas State Board of Health pertaining to "Disposal of Human Excreta, General Sanitation, Chapter 1."

(8) Premises: Liquid wastes shall be disposed of so as not to create a nuisance. The immediate surroundings of the cream stations shall be kept clean and free of rubbish and trash.

(9) Water Supply: An adequate supply of safe water shall be provided at all times.

B. Notification. The State Health Officer shall be notified at least fifteen days before any person opens a cream station or establishes a truck route for collecting cream.

C. Legal Containers. Containers used in the handling, storage or transportation of cream or milk must be made of a non-absorbent material and constructed so as to be easily cleaned.

Cream buyers shall not accept cream unless delivered in legal containers constructed specifically for handling cream.

D. Shipping. Cream while being transported in vehicles must be protected from contamination. Cream buyers must offer to purchase cream and producers must market their cream at least twice weekly, dividing the week as near evenly as possible. Cream shall be shipped from cream stations or truck routes to creameries within 24 hours after receipt.

Cans of cream shall be tagged by cream buyers as to grade and station or route, and the grades of cream shall be kept separate.

Cream shall not be poured from one container to another except in cream stations or creameries.

E. Testing. Cream or milk buyers shall make the sediment test for extraneous material at least monthly on the cream or milk delivered by each producer. If the test shows an excessive amount of sediment, all future deliveries of that producer shall be tested until the cream or milk is clean.

Creameries, cheese plants and condenseries shall make a composite sediment test of at least one delivery of cream or milk per month for each cream station or truck route delivering cream or milk.

Cooling. Cream stations or truck routes gathering cream shall be equipped to adequately cool cream.

G. Adulteration of Cream or Milk. Cream or milk shall not be bought, sold or offered for sale for butter making purposes which is adulterated, moldy, putrid, rancid, decomposed or which contains any oil, filth or extraneous matter. No foreign substances in the form of preservatives or any chemicals shall be added to cream or milk.

Cream or milk found in violation of this regulation shall be immediately denatured with a harmless coloring substance by the Health Officer or his authorized representative.

H. Health of Personnel. No person affected with any disease in a communicable state shall handle milk, cream, milk products, containers or equipment.

I. Regulations Governing Producers of Cream for Butter Making Purposes.

(1) A room, an enclosed porch at the house, or a separate milk house shall be used for the separation and handling of milk and cream and shall not open directly into a stable, living quarters or other objectionable rooms.

(2) Cream shall be promptly cooled after separating and before mixing with previously separated cream, and this temperature maintained until delivery.

(3) Cream shall not be kept in the kitchen, a cave, a dark unventilated cellar, a room where fuel oil is used or stored, or any place where harmful or objectionable odors may be absorbed. Cream should be kept in a well ventilated room.

(4) All separators, cans, pails, strainers, coolers, dippers, stirrers, and other dairy utensils shall be rinsed with cold water after each use, cleaned with a warm alkali solution, and subjected to an approved bactericidal treatment before again being used. Cream or milk containers shall not be used for other purposes.

(5) Immediately before use, the separator shall again be rinsed and subjected to a bactericidal treatment in a manner approved by the State Health Officer.

(6) The separator shall be placed so as to be protected from flies, dust and other contamination. The separator shall not be used in the cow shed or stable, or any other place where foreign odors may be absorbed by the cream.

(7) Farms producing cream shall be provided with a sanitary toilet constructed and maintained in accordance with the State Board of Health.

CERTIFICATION

This will certify that the above Rules and Regulations were adopted by the State Board of Health at a regular executive session held in Pine Bluff, Arkansas, April 19, 1960, and they are hereby published and promulgated under the authority conferred upon the State Board of Health by Acts 1913, No. 96 - Ark. Code Ann. § 20-7-109.

(Signed)

J. T. Herron, M.D.,

Secretary of the State Board of Health

State Health officer

Dated at Little Rock, Arkansas, this twenty-fifth day of April, 1960.