ESTTA Tracking number: **ESTTA315203**
Filing date: **11/04/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92042082
Party	Plaintiff Four Seasons Dairy, Inc.
Correspondence Address	SAMUEL FRIEDMAN 225 BROADWAY, SUITE 1804 NEW YORK, NY 10007 UNITED STATES samfriedman@verizon.net
Submission	Plaintiff's Notice of Reliance
Filer's Name	Samuel Friedman
Filer's e-mail	samfriedman@verizon.net
Signature	/Samuel Friedman/
Date	11/04/2009
Attachments	Notice of Reliance.pdf (9 pages)(69972 bytes) Exhibit A - Notice of Reliance.pdf (78 pages)(2811107 bytes) Exhibit B - Notice of Reliance.pdf (33 pages)(161907 bytes) Exhibit C - Notice of Reliance.pdf (47 pages)(273374 bytes) Exhibit D - Notice of Reliance.pdf (16 pages)(682513 bytes) Exhibit E - Notice of Reliance.pdf (4 pages)(523113 bytes) Exhibit F - Notice of Reliance.pdf (10 pages)(1020716 bytes) Exhibit G - Notice of Reliance.pdf (8 pages)(120885 bytes) Exhibit H (part 1 of 2) - Notice of Reliance.pdf (20 pages)(6365867 bytes) Exhibit H (part 2 of 2) - Notice of Reliance.pdf (11 pages)(8051180 bytes) Exhibit I (i) - Notice of Reliance.pdf (16 pages)(296228 bytes) Exhibit I (ii) - Notice of Reliance.pdf (22 pages)(230322 bytes) Exhibit I (iii) - Notice of Reliance.pdf (23 pages)(236671 bytes) Exhibit I (iv) - Notice of Reliance.pdf (96 pages)(5851019 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2,479,287
Issued on August 21, 2001

FOUR SEASONS DAIRY, INC.,	Cancellation No.: 92042082
Petitioner,	Mark: BABUSHKA'S RECIPE
- against –	Reg. No. 2,479,287
INTERNATIONAL GOLD STAR TRADING CORP.,	Filed: December 7, 1999
Registrant	Issued: August 21, 2001

I hereby certify that this correspondence is being filed with the Trademark Trial and Appeal Board through use of the Electronic System for Trademark Trials and Appeals (ESTTA)
November 4, 2009
(Date of Electronic Filing)
Samuel Friedman
Name of Representative

Signature
November 4, 2009
Date of Signature

PETITIONER'S NOTICE OF RELIANCE

Petitioner, pursuant to 37 C.F.R. §2.120(j) and 2.122, and §§ 704.03, 704.07, 704.08 and 704.10 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), hereby notices its reliance on the following attached exhibits and requests that they may be made of evidence in support of the Cancellation herein.

Exhibit A consists of true copies of the relevant portions of Title 1 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR") that are prepared by the New York Department of State and published by Thomson Reuters/West. The NYCRR is divided into 22 numbered Titles that represent each of the major state agencies. Title 1 (excerpts attached as Ex. A) is entitled "Agriculture and Markets". The NYCRR is available to the public for viewing at no charge at the New York Department of State website, Division of Administrative Rules at www.dos.state.ny.us/info/nycrr.html. It is also available at every county

clerk's office in the State of New York and at many city, town and village clerk's offices, as well as in 225 libraries across the State.

The labeling and packaging requirements of dairy products and milk products are at issue in this proceeding. During its testimony period, Registrant claimed certain uses and sales of dairy and milk products in the State of New York; and sought to introduce certain labels as specimens of actual use. However, the applicable labeling requirements for dairy products as set forth in the NYCRR demonstrate that Registrant's alleged uses are and were fictitious rather than genuine. The relevant packaging and labeling requirements are set forth in Exhibit A at various citations including but not limited to 1 NYCRR § 2.4 (Ex. A, p. 27); 1 NYCRR § 2.50 (Ex. A, p. 35); 1 NYCRR § 3.4 (Ex. A, p. 44); 1 NYCRR § 7.4 (Ex. A, p. 48); 1 NYCRR § 17.18 (Ex. A, pp. 61 - 62); 1 NYCRR § 17.20 (Ex. A, pp. 62 - 63); 1 NYCRR § 221.1, et seq (Ex. A, pp. 66 - 76); 1 NYCRR § 259.1 (Ex. A, p. 77).

The foregoing excerpts from the Official Compilation of Codes, Rules and Regulations of the State of New York constitute printed publications and official records and are offered pursuant to 37 C.F.R. 2.122(e) and TBMP §§ 704.07 and 704.08. For ease of reference the pages in Exhibit A have been numbered 1 through 77.

Exhibit B consists of true copies of the relevant provisions of the 1999 Revision of Grade "A" Pasteurized Milk Ordinance (the "PMO of 1999") promulgated by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, from which copies may be obtained. The PMO of 1999 is also available to the public for viewing at no charge at the official website of the U.S. Food and Drug Administration at the following url: http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/default.htm

As set forth in its Preface, the PMO of 1999 "[was] incorporated by reference in Federal specifications for procurement of milk and milk products; [was] used as the sanitary regulation for milk and milk products served on interstate carriers; and is recognized by the public health agencies, the milk industry, and many others as a national standard for milk sanitation." The introductory materials, and Sections 1 through 7 inclusive of the PMO of 1999 are annexed hereto as Exhibit B.

The applicable labeling requirement for milk and milk products, including all of the goods at issue in this proceeding, demonstrate that Registrant's alleged uses of certain labels for milk products, which labels it seeks to introduce as specimens of actual use in or about 1999, are fictitious rather than genuine. The relevant labeling requirements for milk and milk products are set forth in the PMO of 1999 in various sections including primarily Section 4 entitled "Labeling" that appears at pages 7, 8 and 9 of the PMO of 1999.

The foregoing excerpts from the PMO of 1999 constitute printed publications and official records and are offered pursuant to 37 CFR 2.122(e) and TBMP 704.07 and 704.08.

Exhibit C consists of true copies of the relevant provisions of the 2007 Revision of Grade "A" Pasteurized Milk Ordinance (the "PMO of 2007") promulgated by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, from which copies may be obtained. The PMO of 2007 is also available to the public for viewing at no charge at the official website of the U.S. Food and Drug Administration at the following url: http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/default.htm

As set forth in its Preface, the PMO of 2007 "is incorporated by reference in Federal specifications for procurement of milk and milk products; is used as the sanitary

regulation for milk and milk products served on interstate carriers; and is recognized by the Public Health Agencies, the milk industry, and many others as a national standard for milk sanitation." The introductory materials, and Sections 1 through 7 inclusive of the PMO of 2007 are annexed hereto as Exhibit C.

The applicable labeling requirement for milk and milk products, including all of the goods at issue in this proceeding, demonstrate that Registrant's alleged uses of certain labels for milk products, which labels it seeks to introduce as specimens of actual use, are fictitious rather than genuine. The relevant labeling requirements for milk and milk products are set forth in the PMO of 2007 in various sections including primarily Section 4 entitled "Labeling" that appears at pages 14, 15 and 16 of the PMO of 2007.

The foregoing excerpts from the PMO of 2007 constitute printed publications and official records and are offered pursuant to 37 CFR 2.122(e) and TBMP 704.07 and 704.08.

Exhibit D consists of 14 third party U.S. trademark registrations for cheese, as enumerated below, each containing or consisting of designs of horse and carriage in similar style. This evidence is being submitted pursuant to 37 CFR § 2.122(e) and TBMP § 704.03(b)(1)(B). The evidence is submitted to rebut Item 2 of Registrant's Notice of Reliance filed November 3, 2008 for U.S. Reg. No. 2,107,774 regarding Petitioner's alleged "pattern of copying products sold by Registrant". This exhibit demonstrates that horse and carriage designs are commonly contained within trademark registrations for dairy goods; and that Registrant's allegations of infringement and copying by Petitioner of marks that are not at issue in this proceeding are groundless and are a desperate attempt to shift focus from the fact that Petitioner has priority with respect to the mark at issue in this proceeding.

The 14 third party U.S. trademark registrations for cheese that embody Exhibit D are enumerated below:

1. United States Trademark Registration No. 2,927,734, registered February 22, 2005 for the mark AMISH TRADITIONS plus design of horse and carriage.

2. United States Trademark Registration No. 1,044,317, registered July 20, 1976 for the mark AMISH COUNTRY THE CHEESE WORTH HAVING A PARTY FOR plus design of horse and carriage.

3. United States Trademark Registration No. 3,011,998 registered November 1, 2005 for the mark MIDDLEFIELD CHEESE plus design of horse and carriage.

4. United States Trademark Registration No. 2,298,018 registered December 7, 1999 for the design only of horse and carriage.

5. United States Trademark Registration No. 2,289,587 registered October 26, 1999 for the mark KAYEM PREMIUM QUALITY plus design of horse and carriage.

6. United States Trademark Registration No. 3,429,086 registered May 20, 2008 for the mark YODER'S IT'S GRANDMA GOOD! plus design of horse and carriage.

7. United States Trademark Registration No. 2,841,118 registered May 11, 2004 for the mark AMISH CHEESE FROM DUTCH COUNTRY DEUTSCH KASE HAUS plus design of horse and carriage.

8. United States Trademark Registration No. 1,823,858 registered February 22, 1994 for the mark BROADVIEW DAIRY SINCE 1897 plus design of horse and carriage.

9. United States Trademark Registration No. 2,785,080 registered November 18, 2003 for the mark HILLSHIRE FARM plus design of horse and carriage.

10. United States Trademark Registration No. 3,158,693 registered October 17, 2006 for the mark "FROM OHIO'S AMISH LAND" TROYER plus design of horse and carriage.

11. United States Trademark Registration No. 3,650,489 registered July 7, 20090 for the mark STEINER CHEESE LTD. plus design of horse and carriage.

12. United States Trademark Registration No. 1,408,738 registered September 9, 1986 for the mark LE RUSTIQUE LES FROMAGERIES LUTIN plus design of horse and carriage.

13. United States Trademark Registration No. 1,412,503 registered October 7, 1986 for the design only of horse and carriage.

14. United States Trademark Registration No. 3,468,228 registered July 15, 2008 for the mark MAGLIO plus design of horse and carriage.

For ease of reference the pages in Exhibit D have been numbered 1 through 15.

Exhibit E contains a status and title copy of Petitioner's AMISH STYLE HIGH FAT SOUR CREAM and Design trademark and U.S. Trademark Registration No. 3,339,109 for "sour cream" in International Class 29 on the principal register. This registration is being submitted in accordance with 37 CFR §2.122(d) and TBMP §704.03. Petitioner is the owner of this valid and subsisting trademark and U.S. federal trademark registration. This evidence is submitted to rebut Registrant's unsupported allegation regarding Petitioner's alleged "pattern of

copying products sold by Registrant"; and to demonstrate that horse and carriage designs are commonly contained within trademark registrations for dairy goods.

Exhibit F contains a status and title copy of Petitioner's TVOROG AMISH FARMERS CHEESE plus Design trademark and U.S. Trademark Application Serial No. 77/719,928 for "soft cheese, cream cheese and cottage cheese" in International Class 29. This federal U.S. trademark application is being submitted in accordance with 37 CFR §2.122(e) and TBMP §704.03(b)(2). Petitioner is the owner of this valid and subsisting trademark and U.S. federal trademark application. This evidence is submitted to rebut Registrant's unsupported allegation regarding Petitioner's alleged "pattern of copying products sold by Registrant"; and to demonstrate that horse and carriage designs are commonly contained within trademark applications and registrations for dairy goods.

Exhibit G consists of Registrant's Combined Declaration of Use and Incontestability under Sections 8 and 15 for the subject Registration. This Exhibit was filed by the Registrant on August 21, 2007, during the pendency of the instant cancellation proceeding. Therein, Registrant declares under penalty of perjury that there is no pending proceeding involving the owner's right to keep the mark on the Principal Register of the U.S. Patent and Trademark Office. This evidence is being submitted in accordance with 37 CFR § 2.122(b) to establish the Registrant's callous disregard for the solemnity of the oath of giving truthful testimony in its filings with the U.S. Patent and Trademark Office.

Exhibit H consists of the Office Action issued on July 12, 2005 by the United States Patent and Trademark Office in connection with the application of third party Lisa Troyer and Leeann Martin (an Ohio partnership) for the purported mark YOGURT CULTURED, U.S. Supplemental Trademark Registration No. 3,080,997. As set forth at pages 3 - 4 of Exhibit H, the U.S. Patent and Trademark Office issued a section 2(e)(1) Descriptive Refusal on the

grounds that "the proposed mark merely describes and [sic] ingredient or characteristic of the applicant's goods and/or services." This evidence is being submitted pursuant to 37 CFR §2.122(e) and TBMP §704.07. The evidence is submitted to rebut Item 4 of Registrant's Notice of Reliance filed November 3, 2008 for the mark on the Supplemental Register identified as U.S. Trademark Reg. 3,080,997, which Registrant falsely claims is evidence of Petitioner's "pattern of copying products sold by Registrant."

Exhibit I consists of (i) Petitioner's First Set of Interrogatories to Registrant, dated and duly served on December 29, 2003, (ii) Registrant's Responses to Petitioner's Interrogatories, sworn to May 21, 2007, (iii) Registrant's Supplemental Responses to Petitioner's Interrogatories sworn to June 20, 2007 (with redactions at Registrant's request pursuant to Protective Order); and (iv) Registrant's Documents produced on or about November 15, 2007 with bates-stamp nos. GOLD 0001 - GOLD 0095 (with redactions at Registrant's Request pursuant to Protective Order). The Registrant's documents were provided by counsel as all or part of its answers to Petitioner's Interrogatories. This evidence is submitted pursuant to 37 CFR §2.120(j) and TBMP §704.10.

Dated: November 4, 2009
New York, New York

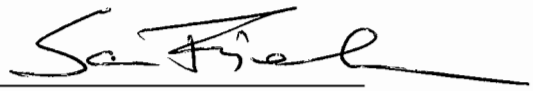
Respectfully submitted,

Samuel Friedman, Esq.
225 Broadway, Suite 1804
New York, New York 10007
Tel: (212) 267-2900
Attorney for Petitioner
FOUR SEASONS DAIRY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Petitioner's Notice of Reliance in Cancellation Proceeding No. 92042082 entitled Fours Seasons Dairy, Inc. v. International Gold Star Trading Corp., was, pursuant to stipulation served by email on counsel for Registrant, addressed as follows:

Roger S. Thompson
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
New York, New York 10176
Email: rthompson@cplplaw.com.



Samuel Friedman

November 4, 2009
Date

EXHIBIT A

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

Filing Instructions

Official Compilation of Codes, Rules and Regulations of the State of New York

SUPPLEMENT MARCH 31, 2009

Note: This supplement contains all amendments to the title and volume indicated below filed with the Department of State during the period of March 16, 2009-March 31, 2009.

TITLE 1 AGRICULTURE AND MARKETS

VOLUME 1A

REMOVE THESE PAGES:		INSERT THESE PAGES:
ix to xii	01-31-09	ix to xii
543 to 544	08-31-07	
544.1 to 544.2	10-31-07	543 to 544.3
544.3	07-31-07	

NEW YORK COUNTY
LAWYERS' ASSOCIATION

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State of New York

Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR)

User's Guide

INTRODUCTION

The Legislature is responsible for enacting the general laws in New York State. In doing so, the Legislature often delegates "rule making powers" to the state's administrative departments and agencies. These agencies are then empowered to develop and enforce the rules and regulations they find necessary to implement the broad policies adopted by the Legislature. An outline of this process can be found below, in the Rule Making in New York section.

The full text of agency rules is published in the *Official Compilation of Codes, Rules and Regulations of the State of New York* (NYCRR), prepared by the Department of State and published by Thomson Reuters/West. The NYCRR contains the nonadministrative rules and regulations of over 100 government agencies, departments, commissions, authorities, and interstate commissions, as well as the full text of the Governor's Executive Orders.

A full set of the NYCRR consists of 82 loose-leaf volumes plus two general index volumes. The NYCRR is divided into 22 numbered Titles, cited as 1 NYCRR, 2 NYCRR, etc. Titles represent each of the major state agencies as well as separate titles for Miscellaneous agencies and the Judiciary. Individual volumes within multi-volume titles are designated by a volume identifier, such as A, A1, B, etc. The Titles making up the NYCRR are listed below:

Title 1, Agriculture and Markets (2 volumes)

Title 2, Audit and Control (Office of the State Comptroller)

Title 3, Banking

Title 4, Civil Service

Title 5, Economic Development

Title 6, Environmental Conservation (15 volumes)

Title 7, Correctional Services

Title 8, Education (4 volumes)

Title 9, Executive (11 volumes, with Subtitles for each Executive office, division, etc.)

Title 10, Health (7 volumes)

Title 11, Insurance (4 volumes)

Title 12, Labor (5 volumes)

Title 13, Law (Office of the Attorney General)

Title 14, Mental Hygiene (3 volumes)

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Title 15, Motor Vehicles (1 volume)
Title 16, Public Service (3 volumes)
Title 17, Transportation (3 volumes)
Title 18, Department of Social Services (4 volumes)
Title 19, State (Office of the Secretary of State, 2 volumes)
Title 20, Taxation and Finance (3 volumes)
Title 21, Miscellaneous (4 volumes)
Title 22, Judiciary (5 volumes)
Master Index (2 volumes)

Design of Individual Volumes

Colored tabs denote and separate the major sections within volumes. At a minimum, this includes the Table of Current Pages; Tables of Contents; body of NYCRR text in the volume; and any additional material that may be relevant, such as Appendixes and Annotations.

The Table of Current Pages helps users establish the currentness of any page and is discussed further below (see Updating Volumes). Immediately following the Table of Current Pages is a Comprehensive Table of Contents that lists the major contents in every volume within a multi-volume Title, followed by a more specific Table of Contents for the volume itself. One needs only to look at the Comprehensive Table of Contents in any Executive volume, for instance, to see the major breakdown of contents in all 11 volumes in Title 9 of the NYCRR.

Many volumes contain Annotations of relevant case notes on how courts have ruled on particular issues arising under specific sections of the NYCRR, and how administrative agencies have construed the regulations. The Annotations also contain research references to other source material such as American Jurisprudence 2d, New York Jurisprudence 2d, American Law Reports and McKinney's Consolidated Laws of New York Annotated.

A full NYCRR set also includes a comprehensive two-volume **Master Index**. The Master Index provides a direct route to the useful synonyms and concepts that do not expressly appear in the regulatory text. Entries appear in a readable, easy-to-skim, two-column format.

Numbering system

The rules and regulations of all State departments created pursuant to section 2 of article V of the State Constitution appear alphabetically by departments. The rules of agencies, authorities, boards and commissions which are not within such departments appear in Title 21, Miscellaneous. As an aid to achieving the goal of uniformity in style and form (see Executive Law, §102, subd. 1; §104), a uniform numbering system has been adopted. Each department has been assigned a Title number, e.g., Title 1, Agriculture and Markets; Title 2, Audit and Control, etc. Each Title, which includes all of the rules and regulations of the department to which the Title number is assigned, including its boards and commissions if any, is then divided into Chapters, and in some cases Subchapters, to reflect a logical grouping of subject matter. Major divisions within Chapters or Subchapters are entitled Parts, which are in turn subdivided into sections.

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In instances where further grouping is necessary, additional numbering units are employed. For example, in Title 9, Executive, each office, division and commission is designated by a Subtitle letter, which in turn is divided into Chapters. (e.g., Title 9, Subtitle S, Chapter I). Chapters are sometimes divided into Subchapters, and Subchapters are occasionally divided into numerical Articles (e.g., Chapter VI, Subchapter B, Article 1). Articles in turn may be divided into Subarticles (e.g., Subchapter B, Article 1, Subarticle A), and Parts into Subparts; the latter are designated with a hyphen and numbered thus: Part 10, Subparts 10-1, 10-2, 10-3, etc.

A complete sequence, actually encountered rarely, would run in the following order: Title 22, Subtitle B, Chapter IV, Subchapter B, Article 1, Subarticle A, Part 689, Subpart 689-1.

Section numbers are indicated as decimals of the Part or Subpart number; thus the second section in Subpart 689-1 would be denoted as section 689-1.2 (of whatever Title). Ordinarily, however, there are no Subparts, and the section is a decimal of the Part number itself (e.g., the seventh section in Part 675 is section 675.7, of whatever Title).

All Parts are consecutively numbered within each Title, with interruptions in sequence occurring after Subtitles, Chapters, Subchapters and Articles, to allow for expansion. Sections are numbered consecutively, with occasional omissions in sequence to allow for future additions.

NUMBERING

Division	Description	Example
Title	Arabic numeral	Title 1
Subtitle	Capital letter	Subtitle A
Chapter	Capital Roman numeral	Chapter I
Subchapter	Capital letter	Subchapter A
Article	Arabic numeral	Article 1
Subarticle	Capital letter	Subarticle A
Part	Arabic numeral	Part 1
Subpart	Arabic numeral separated from Part number by hyphen	Subpart 1-1
section	Arabic numeral separated from Part (or Subpart) number by decimal point	section 1.1
Subdivision	Small letter in parentheses	subdivision (a)-(z), then (aa), (ab) ...
Paragraph	Arabic numeral in parentheses	paragraph (1)
Subparagraph	Small Roman numeral in parentheses	subparagraph (i)
Clause	Small italic letter in parentheses	clause(*a*)-(*z*), then(*aa*), (*ab*) ...
Subclause	Italic Arabic numeral in parentheses	subclause (*1*)
Item	Italic Roman numeral in parentheses	item (*i*)
Subitem	Capital italic letter	subitem (*A*)
Phrase	Capital italic Roman numeral	phrase (*I*)
Subphrase	Bold Arabic numeral	subphrase **1**

Updating Volumes

The print version of the NYCRR is updated through an on-going supplementation service. The goal is to maintain the currentness of the NYCRR within one month of an

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amendment and to provide semimonthly supplements to subscribers. Print supplementation contains two major features for each volume being updated: Filing Instructions and an amended Table of Current Pages.

Filing Instructions tell you which "old" pages to remove from the existing volume, which revised pages to insert in their place and where to insert new pages. The Filing Instructions also make a handy check off sheet to help the filer keep track of what has been removed and inserted. Once you have removed all the old pages and inserted the revised and new pages, you can discard the Filing Instructions if you wish, or you may insert the Filing Instructions at the beginning of each volume for an "at-a-glance" look at when the volume was last updated. The dated pages removed from the NYCRR are known as "take-outs" and can be a valuable research tool (see ***Archiving Regulations***, below).

The **Table of Current Pages** is exactly that: a page-by-page list of current page numbers for a volume, along with the date of supplementation. Each volume contains a Table of Current Pages and each time a volume is affected by a supplement, you will receive a new Table of Current Pages for that volume. Conversely, if a volume is not affected by supplement material, you will not receive a new Table of Current Pages for that volume.

The Table of Current Pages lists in consecutive order all current pages for a volume with the supplement date that should appear at the bottom of each corresponding NYCRR page. For example:

1-2	01-01-95
3-4	6-9/95
4.1-4.2	6-9/95
5-6	01-01-95

The numbers in the left column are the page numbers and the numbers to the right are the supplement dates that correspond to the date at the bottom of the relevant NYCRR page. You can use this information for two things. First, to verify that supplement material has been properly filed; and second, to confirm that the page you are using is the most recent replacement page available.

In the above illustration, pages 3-4 will have the date 6-9/95 at the bottom of the page, while pages 1-2 and 5-6 will be dated 01-01-95. Insertion of new and amended text frequently makes it necessary to add decimal point pages to a volume. In our example, new pages 4.1-4.2 were inserted with the June-September (6-9) 1995 supplement.

The purpose of the Table of Current Pages is to provide readers with the assurance that their volumes are complete. If something does not "read right" as you move from page to page, first check the Table of Current Pages to verify that a page is not missing or misfiled. In our example, readers could not tell from page numbers alone, for instance if the new decimal pages were missing—the pages themselves would appear to run consecutively from page 1 to page 6.

Generally, all rules filed within a certain time frame are published together as a supplement. The date at the bottom of a page refers to that supplement date i.e., the last

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day of the supplement period in which material was filed at the Department of State. When NYCRR pages are reissued for technical reasons, the supplement date may not correspond to the filing date. For the actual filing and effective dates of the rule itself, you must refer to the Historical Note.

An **Historical Note** follows every section in the NYCRR, to tell the reader when the section was filed with the Department of State; the rule's effective date; and what subdivisions were added, amended or repealed.

Some readers look at the supplement date at the bottom of the page and deduce that the text on a page is valid at least as of that date. However, agencies may adopt rules to be effective in the future; i.e., adopt a rule on June 1, 1995 to be effective January 1, 1996. When that happens, the rule will be published with others adopted on or about June 1, 1995 and carry the related supplement date at the bottom of the page. Only by reading the Historical Note will a reader be able to determine when a rule became—or becomes—effective.

If you decide to archive rules as described below, the Historical Notes will become a valuable source of information, helping you locate the text of rules prior to amendment.

Archiving Regulations

Although many individuals and businesses only need to keep abreast of current rules and regulations, sometimes it is important to know what rules you or your clients had to be in compliance with in the past. For archival purposes, the Department of State recommends that certain users retain outdated NYCRR pages when removing them in accordance with Filing Instructions. These pages, known as take-outs, will provide you with the history of what the newly amended rules required from the time they were previously adopted until amended.

Another reason to save take-outs is in the case of emergency rules. In New York, all emergency rules filed with the Department of State are required to be published in the NYCRR. When this occurs, the Filing Instructions indicate that the existing rule should be removed and the new, emergency rule pages should be inserted. A first emergency may be valid for no more than 90 days. If not readopted (for 60-day periods), the rule reverts back to its prior language. When an emergency lapses, the Department of State will make the necessary adjustments in a future NYCRR supplement. Many users may still find it useful, however, to retain the previous version of an emergency rule until such time as it is permanently amended.

To save take-outs, you may wish to purchase an extra binder and create dividers on which to write the supplement date for which the pages were removed. For example, pages removed when filing the 6-9/95 supplement would be labeled as such. From the Historical Note of the current rule, you can determine the date of the latest amendment and locate the prior rule in your take-out book. For instance, if the Historical Note indicates a section was amended in July 1995, you can find the previous version of the rule in your take-out book under the section labeled 6-9/95—which references all filings between June and September 1995.

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Rule Making in New York

Before a rule is published in the NYCRR, submitting agencies are required to file specific documentation with the Department of State and follow a prescribed set of procedures. This is known as the **Rule Making Process**. The weekly *New York State Register*, published by the Department of State, plays a central role in this process and ensures that the public has an opportunity to comment on and participate in the adoption of agency rules.

Each week, the Rule Making section of the *State Register* contains notices of Proposed Rule Makings of new rules and changes to existing rules, as well as notices of Adoption or Withdrawal of formerly proposed rule making changes. Included in each notice is the full text of the proposed rule, if less than 2,000 words; the time, date and location of any public hearing(s), if required, for proposed rule makings; and the name and address of the agency person to whom comments can be addressed. When lengthy rule makings are proposed, the *Register* will carry a summary of the proposed action and agency contact information is provided for those individuals who want to obtain a copy of the full text proposal.

In many cases, whether required or not, public hearings will be held around the state to better provide people with an opportunity to argue for or against a proposal. If no hearing is scheduled, or if you cannot attend a hearing, both written and oral comments must still be taken into consideration by the agency before they take action to adopt the proposed rule. Because it is important for citizens to have this opportunity to comment, the Legislature has provided that agencies *must accept public comment for at least 45 days* after the proposal is first published in the *Register*. When the proposal contains the full text or when a summary of the text of the rule is published in the *Register* but the full text of the rule is posted on a state website, the minimum comment period is 45 days. If the proposal contains a summary of the text and the full text is not posted on a state website, the minimum comment period is 60 days. Agencies often allow more than 45 days for comment and hold public hearings although they may not be required to do so.

The State Administrative Procedure Act (SAPA) stipulates the content and time frames for the various rule making notices. In addition to the minimum comment period, for instance, most proposed rule makings automatically expire 365 days after publication of the original notice. If a proposal expires without any agency action to adopt it, the Department of State publishes a notice of expiration in the *Register*.

After initial publication of a proposal and receipt of public comment, the agency may either adopt, revise or withdraw the proposal. If adopted, the agency must file the full text of the rule with the Department of State for publication in the NYCRR. At the same time, a notice of adoption is published in the *Register*, indicating that the proposal has, in fact, been adopted. If the final rule differs substantially from the proposed rule, the agency must first publish a notice of Revised Rule Making and accept public comment on the revision for at least another 30 days before final adoption. If a proposal is withdrawn, the agency cannot adopt the same or a similar proposal without first providing the public with another opportunity to comment; in effect, without publishing a new notice of Proposed Rule Making in the *State Register*.

To help readers track rule making activities, the weekly *Register* contains an **Action Pending Index** that lists all proposed rules under consideration. This list is organized by agency and includes a unique ID number for each proposal. As explained in

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the *Register*, ID numbers are a simple alpha-numeric code that references the issue number and year of the *Register* in which the original proposal and any continuations or revised rule makings were published. When a final action is taken to adopt or withdraw a proposal, or a proposal expires, the reference is removed from the Action Pending Index.

The **Quarterly Index** is a cumulative, calendar year list of all rule making activities. Unlike the Action Pending Index, the Quarterly Index includes references to adoptions, withdrawals and expirations. Printed as a supplement to the *Register* four times a year, the Quarterly Index uses the same unique ID number system to help readers locate the text of the rule as proposed, revised and adopted. By using these two indexes, readers can quickly and easily learn the status of any proposed or newly adopted rule.

An annual subscription to the *State Register* includes weekly issues for one full year and the Quarterly Index supplements. Among other items, the *Register* includes the state's financial statements, security notices, the full text of the Governor's Executive Orders, a calendar of public hearings for pending rule makings, notices from New York Courts and notices of the availability of funding from state agencies. The *State Register* is available to the public for viewing at no charge on the Department of State's website at www.dos.state.ny.us, at every county clerk's office and at many city, town and village clerk's offices, as well as in 225 libraries across the state.

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Division of Administrative Rules
One Commerce Plaza
Albany, NY 12231

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TITLE 1

DEPARTMENT OF AGRICULTURE AND MARKETS

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CHAPTER I

*Milk Control**

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SUBCHAPTER A

Dairy Products (Article 4, Agriculture and Markets Law)

PART	
1	**Vitamin D Milk**
2	**Requirements for the Production, Processing, Manufacturing and Distribution of Milk and Milk Products**
3	**Requirements for the Production, Processing and Distribution of Grade A Condensed Milk, Dry Milk Products, Condensed Whey and Dry Whey Products**
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17	**Requirements for the Labeling of, and Definitions and Standards of Identity for Milk, Milk Products and Frozen Desserts**
18	**Labeling and Serving of Imitation Cheese and Imitation Cheese Food**

*DESIGNATION

WHEREAS, The Department of Health is required by Section 201(1)(l) of the Public Health Law to supervise and regulate the sanitary aspects of the production, processing and distribution of milk, cream and milk products; and

WHEREAS, Under Section 1400 of the Public Health Law the Commissioner of Health is charged with the duty of protecting and promoting the health and welfare of the people of this State by inspecting, regulating and supervising the sanitary quality of milk and cream distributed, consumed or sold within this State, whether produced within or without the State; and

WHEREAS, In the discharge of such duty, the Commissioner of Health has the responsibility of determining the proper agencies to be entrusted with responsibilities for effective sanitary control and inspection of milk and cream; and

WHEREAS, The Legislative Commission on Expenditure Review has concluded that duplication in the inspection and regulation of milk and milk products exists at the levels of the farm, processing and manufacturing plants, and distribution systems; and

WHEREAS, It is in the public interest that this duplication as between the State Departments of Health and Agriculture and Markets be eliminated;

NOW, THEREFORE, I designate the Department of Agriculture and Markets as the agency to carry out the responsibilities of the Commissioner and Department of Health in relation to inspecting and supervising the production, handling, storage, transportation, sale or resale of milk and cream, including the issuance of permits pursuant to Section 1420 of the Public Health Law and the State Sanitary Code (10 NYCRR Part 3) for the shipment, transportation or importation into this State of any milk or cream for sale, resale or distribution.

There are excluded from this Designation the responsibilities of the Commissioner and the Department of Health for inspection, regulation and supervision of the pasteurization process, as defined by the State Sanitary Code (10 NYCRR 3.2[u]), in all milk plants utilizing a pasteurization or equivalent process involving the application of heat.

The Department of Agriculture and Markets shall enforce the chemical, bacteriological, temperature and sanitation standards for the production, handling, storage, transportation, sale or resale of milk and milk products prescribed by the State Sanitary Code (10 NYCRR 3.5-3.68) and shall report communicable diseases as required by such Code.

This Designation shall be effective on and after June 27, 1974.

Dated: May 30, 1974

s/ HOLLIS S. INGRAHAM, M.D.

Commissioner of Health
of the State of New York

Historical Note

Order dated May 30, 1974, filed July 1, 1974.

PART 1

VITAMIN D MILK

(Statutory authority: Agriculture and Markets Law, § 46[subd. 17])

Sec.

1.1 Definitions
1.2 Approval of laboratories
1.3 Processors of vitamin D milk to register
1.4 Method of producing vitamin D milk
1.5 Vitamin D content to be determined in approved laboratories
1.6 Method of determining vitamin D content
1.7 Samples of vitamin D milk to be procured for testing
1.8 Results of tests to be reported

§ 1.1 Definitions.

As used herein, the following terms shall have the following meanings:

(a) *Commissioner* means the Commissioner of Agriculture and Markets of the State of New York.

(b) *Person* means individual, partnership, corporation or cooperative association.

(c) *Vitamin D Milk* means milk in which the vitamin D content has been increased in the manner set forth in section 1.4 of this Part.

(d) *Approved laboratory* means a laboratory approved by the commissioner pursuant to section 1.2 of this Part.

§ 1.2 Approval of laboratories.

Any person who desires to have his laboratory approved by the commissioner for determining the vitamin D level in milk samples taken under the supervision of the commissioner, as herein provided, shall first satisfy the commissioner that tests to be made in such laboratory will be conducted by persons qualified by training, experience and facilities to make such tests accurately. Laboratories operated and maintained by those persons who thus satisfy the commissioner shall be designated "Approved Laboratories".

For the purpose of determining whether or not a laboratory shall be designated as an "approved laboratory" the commissioner may designate a qualified person or persons to examine the laboratory, its equipment, facilities and personnel, at the expense of the applying laboratory, and thereafter may have similar examinations made at the expense of the applying laboratory for the purpose of determining whether or not such approval should be continued.

The approval of a laboratory for determining the vitamin D level in milk may be withdrawn by the commissioner if he is satisfied that the laboratory, its facilities or personnel are not suitable for making accurate determinations of the vitamin D level of milk.

§ 1.3 Processors of vitamin D milk to register.

Not later than six months after the effective date of these regulations each person engaged in the production of vitamin D milk, and after that date each person engaging in such production, shall register with the commissioner on a form provided by the commissioner and shall state to which approved laboratory or laboratories such processor desires to have samples of vitamin D milk, taken under the supervision of the commissioner, pursuant to section 1.7, forwarded to be bio-assayed.

The form on which processors register shall contain provisions for an agreement by the processor to pay the cost of bio-assays on samples of such processors' milk.

§ 1.4 Method of producing vitamin D milk.

The following procedures for increasing the vitamin D content of milk to at least 400 U.S.P. units per quart are hereby approved:

(a) adding concentrate of vitamin D to milk prior to and at the place of pasteurization;

(b) directly irradiating milk by means of ultraviolet or carbon arc rays prior to and at the place of pasteurization; and

(c) feeding irradiated yeast to the cow or cows on the dairy farm.

§ 1.5 Vitamin D content to be determined in approved laboratories.

The vitamin D level of milk shall be ascertained in laboratories approved in writing for such purpose by the commissioner.

§ 1.6 Method of determining vitamin D content.

In determining the vitamin D level of milk, such approved laboratories shall use a method prescribed in the latest edition of *Official Methods of Analysis* published by the Association of Official Agricultural Chemists, or by such modified method as may be approved by the commissioner.

§ 1.7 Samples of vitamin D milk to be procured for testing.

A representative sample of vitamin D milk produced by each processor shall be obtained by the commissioner or by some person designated by him for such purpose at intervals of approximately six months, and may be procured more often if the commissioner deems necessary. The samples so obtained shall be delivered to the approved laboratory selected by the processor to be bio-assayed. The producer of the vitamin D milk shall in each instance bear the cost of such tests. In his discretion, however, the commissioner, if satisfied from accurate and continuous records showing the amount and type of concentrate added to milk and the quantity of vitamin D milk produced, may forego the procurement and the bio-assaying of one or more periodical samples.

§ 1.8 Results of tests to be reported.

The operator of each approved laboratory shall promptly report to the commissioner and to the processor the result of each test made on each sample submitted as provided in section 1.7 of this Part.

§ 1.9

Historical Note

Sec. amd. filed March 10, 1961; repealed, filed Sept. 12, 1975 eff. Oct. 1, 1975.

PART 2

REQUIREMENTS FOR THE PRODUCTION, PROCESSING, MANUFACTURING AND DISTRIBUTION OF MILK AND MILK PRODUCTS

(Statutory authority: Agriculture and Markets Law, §§ 16, 18, 46, 46-a, 50-k, 71-a, 71-n, 214-b)

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Historical Note

Part (§§ 2.1-2.12) repealed, filed Sept. 12, 1975; new (§§ 2.1-2.65) filed Oct. 15, 1981; amd. filed Feb. 17, 1994 eff. March 9, 1994. Amended Part title.

§ 2.1 Applicability.

The provisions of this Part shall apply to the production of milk and to the processing of milk, lowfat milk, skim milk, goat milk and sheep milk, and to the manufacture of milk products, goat milk products, sheep milk products, melloream and frozen desserts. Except as provided in section 71-1 of the Agriculture and Markets Law, the provisions of this Part shall preempt any local law, ordinance, rule or regulation enacted by any city, village, town, county or by any department, agency, board, office or other division thereof, whether prior to or after the effective date of this Part, to the extent that any such enactment is different from or inconsistent with the provisions of this Part.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amds. filed: Dec. 16, 1986; Feb. 18, 1987; repealed, new filed Feb. 17, 1994 eff. March 9, 1994.

§ 2.2 Definitions.

The following definitions shall apply to the terms used in this Part, except as set forth in section 2.29 of this Part.

(a) *Aseptically processed,* when modifying the term milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk, sheep milk products, melloream or frozen desserts, means that the food has been subjected to sufficient processing to maintain the commercial sterility of the product under normal non-refrigerated conditions and has been packaged in a hermetically sealed container, in conformance with part 113 of title 21 of the *Code of Federal Regulations* (revised as of April 1, 1993; U.S. Government Printing Office, Washington, DC 20402) and with Appendix L and Item 16p(c) of the *Pasteurized Milk Ordinance.* A copy of title 21 of the *Code of Federal Regulations* and of the *Pasteurized Milk Ordinance* are available for public inspection at the Division of Milk Control, Department of Agriculture and Markets, One Winners Circle, Albany, NY 12235.

(b) *Assembly of milk* means the pickup, transport or general physical delivery of prepasteurized milk from dairy farms to a milk plant, transfer station or receiving station.

(c) *Bulk milk pickup tanker* means a vehicle, including the truck, tank and those appurtenances necessary for its use, used by a milk hauler to transport commingled or prepasteurized milk from dairy farms to a transfer station, receiving station or milk plant.

(d) *Bulk tank unit* means a group of dairy farms designated by the permit holder who assembles the milk produced by such dairy farmers.

(e) *Commingled milk* means the full load or partial load of prepasteurized milk received from two or more dairy farms which has been combined in a milk tank truck or in a storage tank in a milk plant, receiving station or transfer station.

(f) *Commissioner* means the Commissioner of Agriculture and Markets of the State of New York or an employee of the Department of Agriculture and Markets of the State of New York designated by the commissioner.

(g) *Cultured product* means a milk product, goat milk product or sheep milk product to which a microbiological organism has been added for the purpose of developing desired organileptic and/or textural qualities.

(h) *Dairy farm* means a place or premises where prepasteurized milk or raw milk is produced from cows, goats or sheep.

(i) *Dairy farmer* means a person who operates a dairy farm and produces prepasteurized milk.

(j) *Department* means the Department of Agriculture and Markets of the State of New York.

(k) *Direct microscopic smears* means the dried and stained representations of prepasteurized milk affixed to slides for the purpose of determining bacterial and/or somatic cell count levels.

(l) *Division of Milk Control* means that division of the Department of Agriculture and Markets.

(m) *Drug* means an article intended:

(1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals or humans;

(2) to affect the structure or function of the body of an animal or human; or

(3) for use as a component of an article set forth in paragraph (1) or (2) of this subdivision, but not including a device or its components, parts or accessories.

(n) *Flavoring agent* means a fluid additive which gives a frozen dessert its characteristic taste or smell.

(o) *FDA* means the Food and Drug Administration of the United States Department of Health and Human Services.

(p) *Frozen dessert* means a food that meets a standard of identity set forth in sections 17.8 through 17.17 of this Title or provided for in section 17.19 of this Title, or is defined in section 71-a(2) of the Agriculture and Markets Law.

(q) *Goat milk* means the food that has been pasteurized and that meets the definition for milk provided for in section 17.18 of this Title, except that:

(1) the terms *goats* and *goat milk* are substituted for the terms *cows* and *milk* therein, respectively; and

(2) the provisions in such definition for milk relating to milk solids not fat and milk fat are not applicable.

(r) *Goat milk product* means a milk product as defined in subdivision (cc) of this section:

(1) except that milk from goats or a product thereof may be and has been substituted for the milk from cows or milk product component of such food; or

(2) which does not meet the provisions of paragraph (1) of this subdivision but which is commonly and usually characterized as a goat milk product.

(s) *Grade A prepasteurized milk* means prepasteurized milk produced in compliance with the applicable provisions of sections 2.8 through 2.28 of this Part.

(t) *Grade A milk, lowfat milk, skim milk, non-storable milk products, goat milk, non-storable goat milk products, sheep milk and non-storable sheep milk products* means those foods processed or manufactured from or with Grade A prepasteurized milk.

(u) *He, him* or *his* means she, her or hers depending upon the context.

(v) *Licensed technician* means an individual who, when performing biological, chemical and/or physical test(s) upon prepasteurized milk, commingled milk, raw milk, milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk or sheep milk products, is licensed by the commissioner pursuant to article 4 of the Agriculture and Markets Law to perform such test(s).

(w) *Lowfat milk* means the food that meets the definition for lowfat milk provided for in section 17.18 of this Title which has been pasteurized.

(x) *Melloream* means the food defined in section 50-f of the Agriculture and Markets Law.

(y) *Milk* means the food that meets the definition for milk provided for in section 17.18 of this Title which has been pasteurized.

(z) *Milk and Dairy Beef Residue Prevention Protocol* means the October 1, 1991 edition of that document, published by Agri-Education, Inc., 801 Shakespeare Avenue, Stratford, IA 59249 and written by Steve Boeckman and Keith R. Carlson. A copy of such document is available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, One Winners Circle, Albany, NY 12235.

(aa) *Milk hauler* means a person who transports prepasteurized milk, commingled milk or non-storable unpackaged milk products, goat milk products or sheep milk products to a milk plant, receiving station or transfer station.

(bb) *Milk plant* means any place, premises or establishment engaged solely or predominately in the receipt of prepasteurized milk, commingled milk or milk products which is or are subsequently processed or manufactured into milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk, sheep milk products, melloream and/or frozen desserts and any place, premises or establishment engaged solely or predominantly in the receipt of cheese or butter, as defined in Part 17 of this Title, which is or are grated, shredded, cut, mixed, blended, heated or otherwise treated and which is or are the predominant component of the resulting milk product, goat milk product or sheep milk product.

(cc) *Milk product* means a food, other than milk, lowfat milk or skim milk:

(1) that meets a standard of identity set forth in sections 17.2 through 17.7 of this Title or provided for in section 17.18 of this Title; or

(2) for which a standard of identity has not been prescribed but which is commonly and usually characterized as a milk product.

(dd) *Milk tank truck* means both a bulk milk pickup tanker and a milk transport tank.

(ee) *Milk transport tank* means a vehicle, including the truck, tank and those appurtenances necessary for its use, used by a milk hauler to transport commingled milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant.

(ff) *Non actionable level* means an amount of an animal drug detected in a sample of prepasteurized milk that is below the maximum safe level established by the FDA for such drug.

(gg) *Non-storable milk product* means:

(1) flavored dairy drink, and dairy shake, as defined in sections 17.2 and 17.6 of this Title, respectively, as well as acidified milk, cultured milk, lowfat dry milk, nonfat dry milk, nonfat dry milk fortified with vitamins A and D, acidified lowfat milk, cultured low fat 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, yogurt, lowfat yogurt, nonfat yogurt, cottage cheese, dry curd cottage cheese and lowfat cottage cheese, as defined in sections 131.111, 131.112, 131.123, 131.125, 131.127, 131.136, 131.138,

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, 131.206, 133.128, 133.129 and 133.131 of Title 21 of the *Code of Federal Regulations* (revised as of April 1, 1994), which standards of identity are incorporated by reference in section 17.18 of this Title. A copy of 21 CFR is available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, One Winners Circle, Albany, NY 12235;

(2) a food that would meet a standard of identity for a food listed in paragraph (1) of this subdivision except that the food does not comply with the applicable standard of identity because of a deviation that is described by an expressed nutrient content claim, in accord with the sections of 21 CFR (revised as of April 1, 1994) incorporated by reference in section 17.20 of this Title;

(3) a food that would meet a standard of identity for a food listed in paragraph (1) of this subdivision except that milk from goats or a product thereof or milk from sheep or a product thereof, as the case may be, has been substituted for the milk from cows or milk product component of such food;

(4) a food as described in paragraph (2) of this subdivision except that milk from goats or a product thereof or milk from sheep or a product thereof, as the case may be, has been substituted for the milk from cows or milk product component of such food; or

(5) a food not defined or described in paragraphs (1), (2), (3) and (4) of this subdivision but which is commonly and usually characterized as a non-storable milk product or which shares the essential attributes of a non-storable milk product.

(hh) *Official sample* means a sample of prepasteurized milk required to be taken pursuant to the provisions of this Part.

(ii) *Officially designated laboratory* means a laboratory which contains all the equipment and facilities necessary for the proper testing of samples of prepasteurized milk, commingled milk, raw milk, milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk and sheep milk products, as set forth in chapter 2 of *Standard Methods for the Examination of Dairy Products,* to determine compliance with the applicable standard or standards set forth in section 2.8 of this Part.

(jj) *Pasteurized,* when modifying the term milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk, sheep milk products, melloream or frozen desserts, means that every component thereof has been subjected to the process set forth in section 2.44 of this Part.

(kk) *PMO* means the *Pasteurized Milk Ordinance* (1989 edition), published by the Food and Drug Administration of the United States Department of Health and Human Services, Washington, DC. The term *PMO* shall also include the following transmittals that have been issued by FDA and that supplement the PMO, which are set forth below by title, identification number and date of issuance.

(1) Foxboro Magnetic Flow Meter System to be Used in Lieu of a Metering Pump; M-b-237; February 6, 1981.

(2) Use of an AC-Variable Frequency Controller on a Metering Pump for an HTST Pasteurizer; M-b-242; September 30, 1982.

(3) Foxboro Magnetic Flow Meter System to be Used in Lieu of a Metering Pump M-b-237, Supplement 1; October 29, 1982.

(4) Taylor Magnetic Flow Meter System to be Used in Lieu of a Metering Pump; M-b-238, Supplement 1; October 29, 1982.

(5) Foxboro Magnetic Flow Meter System to be Used in Lieu of a Metering Pump; M-b-238, Supplement 2; January 7, 1983.

(6) Taylor Magnetic Flow Meter System to be Used in Lieu of a Metering Pump M-b-238, Supplement 2; January 7, 1983.

(7) Accurate Metering Systems proposal to Replace the Metering Pump with a Magnetic Flowmeter System for HTST Pasteurizers; M-b-266; March 14, 1984.

(8) Use of Magnetic Flow Meter Based Timing Systems with A-C Variable Frequency Motor Control Drives on a Centrifugal Pump in Lieu of a Positive Displacement Metering Pump on HTST Pasteurizing Systems; M-b-285; September 19, 1986.

(9) Sulfamethazine and Other Animal Drugs - Use and Storage on Dairy Farms; M-1-88-5; May 4, 1988.

(10) Extra-Label Use of Sulfamethazine; M-1-88-9; June 22, 1988.

(11) Sulfamethazine and other animal drugs - use and storage on dairy farms; M-1-88-5 Sup 1.; June 23, 1988.

(12) Use of Computers on Public Health Controls of Grade A Pasteurizers; M-I-88-11; July 22, 1988.

(13) FDA policy regarding the disposition of raw milk that contains drug residue at a level exceeding the tolerance or safe level (Adulterated Milk); M-1-90-9; November 16, 1990.

(14) Tolerance and/or Safe Levels of Animal Drug Residues in Milk; M-1-91-4; July 21, 1991.

(15) Actions of the 1991 National Conference on Interstate Milk Shipments; IMS-a-30, August 22, 1991.

(16) Withdrawal of approval of two nitrofuran animal drugs; M-1-91-6, October 8, 1991.

(17) Beta lactam Screening Methods; M-1-92-1; March 6, 1992.

(18) Use of B. stearothermophilus Disc Assay for Confirmation; M-1-92-8; October 27, 1992.

(19) Chloramphenicol Screening Test Methods; M-1-92-11, November 20, 1992.

(20) Item 16r (i) - current information; M-1-92-10; December 3, 1992.

(21) Withdrawal of approval of combination procaine penicillin/streptomycin/dihydrostreptomycin drugs; M-1-92-14; December 7, 1992.

(22) Certification of Industry Personnel (Supervisors) in the Use of FDA Evaluated Drug Residue Tests (1991 NCIMS Conference Problem 239) for Screening Bulk Milk Pickup Tankers; M-a-86; June 13, 1994.

(23) Beta Lactam Test Methods for Use Under Appendix N of the PMO; M-a-85; July 22, 1994.

A copy of the PMO and of all the above-cited transmittals are available for public inspection at the Division of Milk Control, New York State Department of Agriculture and Markets, One Winners Circle, Albany, NY 12235.

(ll) *Person* means an individual, firm, partnership, corporation, cooperative association, unincorporated association or agency of the State.

(mm) *Prepasteurized milk* means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, goats or sheep which is to be pasteurized prior to being processed into milk, lowfat milk, skim milk, goat milk or sheep milk or prior to being manufactured into a milk product, goat milk product, sheep milk product, melloream or frozen dessert.

(nn) *Producer-dealer* means a person who has and exercises complete and exclusive control over the operation and management of a milk plant which receives prepasteurized milk which was produced on a dairy farm also under the complete and exclusive control of such person.

(oo) *Quality Milk Promotion Services Program* means the service operated by the College of Veterinary Medicine of Cornell University and by the Department of Agriculture and Markets for the purpose of improving milk quality and reducing the incidence of mastitis in milk cows.

(pp) *Raw milk* means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, goats or sheep which will not be pasteurized prior to being sold or offered for sale to consumers.

(qq) *Raw milk producer* means a person who operates a dairy farm and produces raw milk.

(rr) *Receiving station* means a place, premises or establishment where prepasteurized milk is received, collected, handled, stored or cooled and prepared for further transporting.

(ss) *Safe and suitable* means the term defined in section 17.1(d) of this Title.

(tt) *Sanitization* means the application of an effective method or substance to equipment for the destruction of pathogens and of other organisms as far as is practicable. Such method or substance shall not adversely affect the equipment or adversely affect the purity and quality of food.

(uu) *Sheep milk* means the food that has been pasteurized and that meets the definition for milk provided for in section 17.18 of this Title, except that:

(1) the terms *sheep* and *sheep milk* are substituted for the terms *cows* and *milk* therein, respectively; and

(2) the provisions in the definition for milk provided for in section 17.18 of this Title relating to milk solids not fat and milk fat are not applicable.

(vv) *Sheep milk product* means a milk product as defined in subdivision (cc) of this section:

(1) except that milk from sheep or a product thereof may be and has been substituted for the milk from cows or milk product component of such food; or

(2) which does not meet the provisions of paragraph (1) of this subdivision but which is commonly and usually characterized as a sheep milk product.

(ww) *Skim milk* means the food that meets the definition for skim milk provided for in section 17.18 of this Title which has been pasteurized.

(xx) *Standard Methods for the Examination of Dairy Products* means the 16th edition of that document published by the American Public Health Association, Washington, DC 20005. A copy of *Standard Methods for the Examination of Dairy Products* is available for public inspection at the Division of Milk Control, Department of Agriculture and Markets, One Winners Circle, Albany, NY 12235.

(yy) *State* means the State of New York.

(zz) *Transfer station* means a place, premises or establishment where commingled milk is transferred directly from one milk tank truck to another.

(aaa) *Ultra pasteurized,* when modifying the term milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk products, melloream or frozen desserts means that every component thereof has been thermally processed at or above 280°F (138°C) for at least two seconds so that the food has an extended shelf life under refrigerated conditions.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amds. filed: Feb. 18, 1987; Oct. 30, 1989; Jan. 29, 1993 as emergency measure; April 12, 1993; repealed, new filed Feb. 17, 1994; amds. filed: Nov. 22, 1994; Jan. 9, 1996 eff. Jan. 24, 1996. Amended (f), (g), (bb), (kk).

§ 2.3 General permits; permit to sell raw milk; permit to ship into the State; permit to produce milk.

(a) *General permits.* Every person who operates a transfer station, receiving station, bulk tank unit or milk plant (other than a plant at which melloream or frozen desserts are manufactured) in the State shall hold a general permit issued by the commissioner. A general permit holder, a person holding a frozen desserts license pursuant to Agriculture and Markets Law section 71-d ("frozen desserts licensee") and a person holding a melloream license pursuant to Agriculture and Markets Law section 50-g ("melloream licensee") shall:

(1) if in control of the assembly of the milk shall:

(i) assign to each dairy farmer who produces milk assembled by the permit holder an identification number;

(ii) employ a certified milk inspector and ensure that he properly carries out his duties;

(iii) arrange to have the required samples of prepasteurized milk taken from dairy farms from which such prepasteurized milk is received, in accordance with section 2.6 of this Part, tested and analyzed by a licensed technician at an officially designated laboratory to determine compliance with the standards set forth in section 2.8 of this Part. The permit holder, frozen desserts licensee and melloream licensee shall, if requested, accurately inform the commissioner when samples will be taken from any dairy farm from which prepasteurized milk is received prior to having such samples taken;

(iv) arrange to have the required inspections done of dairy farms from which prepasteurized milk is received, in accord with section 2.5 of this Part;

(v) receive no prepasteurized milk from a new source unless the commissioner has been notified at least four days in advance and such source has been inspected by an employee of the Division of Milk Control and found to be in compliance with sections 2.9 through 2.28, 2.58 and 2.65 of this Part; and

(vi) receive no commingled milk from a permit holder who controls the assembly of the milk from whom milk is not received on a regular basis, unless a sample thereof has been properly submitted to a licensed technician for analysis at an officially designated laboratory and determined to be in compliance with the applicable standards set forth in section 2.8 of this Part;

(2) receive or handle no prepasteurized milk from a dairy farm:

(i) which has not been properly inspected as required in section 2.5 of this Part;

(ii) which is not in substantial compliance with sections 2.9 through 2.28 and sections 2.58 and 2.65 of this Part;

(iii) whenever the prepasteurized milk exceeds the temperature standard or fails to meet the abnormal milk standard set forth in section 2.8 of this Part, or whenever the milk is otherwise adulterated within the meaning of this Title or of the Agriculture and Markets Law;

(iv) for the period of time specified in section 2.7(e) of this Part, when the prepasteurized milk fails to meet the drug standard set forth in section 2.8 of this Part, except that a general permit holder who manufactures a non-Grade A storable milk product, goat milk product or sheep milk product may receive prepasteurized milk that does not exceed said drug standard, notwithstanding the provisions of section 2.7(e) of this Part, if such prepasteurized milk has been analyzed as provided for in the provisions of section 2.7(b)(2) of this Part and found to be in compliance with the applicable provisions of section 2.8 of this Part. The general permit holder and the dairy farmer who produced such prepasteurized milk shall have requested and received approval from the commissioner prior to the receipt of such prepasteurized milk by such general permit holder;

(v) whenever three of the last five samples of prepasteurized milk exceed the bacterial limit set forth in section 2.8 of this Part; and

(vi) whenever three of the last five samples of prepasteurized milk exceed the somatic cells standard set forth in section 2.8 of this Part or whenever the dairy farmer is required to enroll in the Quality Milk Promotion Services Program and has failed to do so;

(3) receive, deal in, sell, offer for sale or otherwise distribute no prepasteurized milk, commingled milk, milk, lowfat milk, skim milk, milk product, goat milk, goat milk product, sheep milk, sheep milk product, melloream or frozen dessert from a person who does not hold a required permit or license issued pursuant to this Title or the Agriculture and Markets Law;

(4) receive no commingled milk that exceeds the drug standard, as provided in section 2.7(b)(1) of this Part and shall, when commingled milk exceeds the drug standard, immediately notify the commissioner in writing that the commingled milk has failed to meet such standard;

(5) prepare, maintain and make available, for at least two years, unless otherwise provided, in a form and at a location satisfactory to the commissioner, the following records and materials:

(i) a record of bacteriological examinations of the water supply of:

(*a*) dairy farms, the prepasteurized milk of which is assembled by the permit holder, frozen dessert licensee or melloream licensee, in accord with section 2.15 of this Part; and

(*b*) the permit holder's, frozen dessert licensee's or melloream licensee's milk plant, in accord with section 2.35 of this Part;

(ii) a record of the results of required analyses of samples of prepasteurized and commingled milk for compliance with the standards set forth in section 2.8 of this Part. The records of results of analyses of samples of prepasteurized milk shall set forth the:

(*a*) name and identification number of the dairy farmer who produced the prepasteurized milk from which the sample was taken;

(*b*) date of sampling;

(*c*) date of analysis;

(*d*) method used and result of analysis; and

(*e*) signature and license number of the licensed technician who analyzed the sample;

(iii) a record of each inspection and reinspection of dairy farms conducted pursuant to section 2.5 of this Part. Each inspection report shall set forth:

(*a*) the name and identification number of the dairy farmer;

(*b*) the date of the inspection or reinspection;

(*c*) the signature of the certified milk inspector who conducted the inspection; and

(*d*) whether the dairy farm was in substantial compliance with sections 2.9 through 2.28 and sections 2.58 and 2.65 of this Part;

(iv) a record of the name of the owner, identification number and address of all dairy farms from which prepasteurized milk is assembled by the permit holder, frozen dessert licensee or melloream licensee;

(v) for analyses made by means of reading direct microscopic smears, the direct microscopic smears, and retain for at least 30 days;

(vi) if operating a milk plant at which frozen desserts are manufactured:

(*a*) a daily record of receipts and disposition of all ingredients, other than flavors, cocoa, chocolate, fruits, nuts, malted milk, confectionery, stabilizers, emulsifiers, microcrystalline cellulose and sweetening agents, and a monthly inventory of each ingredient for which a record is kept which reflects the name and address of the person from whom each ingredient was received;

(*b*) for each frozen dessert containing fat, a record setting forth the name of the frozen dessert, the name of the fat and the percent of fat contained in each frozen dessert;

(*c*) a daily record of each frozen dessert manufactured or received, the volume of each frozen dessert manufactured or received, and the fat content of each frozen dessert manufactured or received; and

(*d*) a biannual report setting forth the amount of each kind of frozen dessert manufactured, the ingredients used in the manufacture of each frozen dessert, and other information deemed necessary by the commissioner for the administration of this Part. A report shall be submitted to the commissioner on or before January 20 and on or before July 20 of each year, giving the required information for each of the six calendar months preceding such date;

(vii) such other records or materials required to be kept pursuant to the provisions of this Part;

(6) if operating a milk plant, receiving station, or a plant where frozen desserts are manufactured:

(i) handle and process and/or manufacture milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk, sheep milk products, frozen desserts and mel-

loream in substantial compliance with sections 2.30 through 2.65 of this Part and with Appendices 3-11 to this Part; and

(ii) designate a processing plant superintendent ("PPS") and ensure that he properly carries out his duties;

(7) receive, deal in, sell, offer for sale or otherwise distribute no milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk, sheep milk products, frozen desserts or melloream that do not comply with the applicable standards and requirements set forth in this Title and in the Agriculture and Markets Law, or that are in violation of any provision of this Title or of the Agriculture and Markets Law;

(8) receive, deal in, sell, offer for sale or otherwise distribute no milk, lowfat milk, skim milk, non-storable milk products, goat milk, non-storable goat milk products, sheep milk, non-storable sheep milk products or frozen desserts:

(i) the prepasteurized milk component of which has not been produced in substantial compliance with the provisions of this Part applicable to the production of Grade A prepasteurized milk;

(ii) the prepasteurized milk component of which does not meet the standards for prepasteurized milk for Grade A use set forth in section 2.8 of this Part;

(iii) which has not been processed or manufactured in compliance with the provisions of this Part applicable to the processing or manufacture of Grade A milk, lowfat milk, skim milk, non-storable milk products, goat milk, non-storable goat milk products, sheep milk, and non-storable sheep milk products; and

(iv) which do not meet the standards for such foods set forth in section 2.8 of this Part:

(9) properly carry out such other responsibilities and duties required of a general permit holder, frozen dessert licensee or melloream licensee pursuant to the provisions of this Part.

(b) *Permit to sell raw milk.* (1) Every person who sells, offers for sale or otherwise makes available raw milk for consumption by consumers shall hold a permit to sell raw milk issued by the commissioner. A person who holds a permit to sell raw milk may sell, offer for sale or otherwise make available raw milk only:

(i) directly to a consumer;

(ii) on the dairy farm where such raw milk is produced;

(iii) in a bottle or in a single service container mechanically filled and capped as set forth in this Part or in a container provided by the consumer filled in his presence; and

(iv) if at the point of sale a sign is conspicuously posted, easily capable of being read, from such point, stating: "NOTICE: Raw milk sold here. Raw milk does not provide the protection of pasteurization."

(2) A person who holds a permit to sell raw milk shall:

(i) ensure that the dairy farm at which the raw milk was produced is in substantial compliance with the provisions of this Part applicable to the production of Grade A prepasteurized milk;

(ii) sell, offer for sale or make available no raw milk when and as required in section 2.7(c) and (d) of this Part;

(iii) sell, offer for sale or make available no raw milk that exceeds the applicable temperature, drugs or abnormalities standard set forth in section 2.8 of this Part;

(iv) sell or offer for sale no raw milk that is in violation of any provision of this Title or of the Agriculture and Markets Law; and

(v) enroll in the Quality Milk Promotion Services when and/or as required by sections 2.7 and 2.60 of this Part.

(c) *Permit to ship prepasteurized milk, milk, lowfat milk, skim milk, non-storable milk products, goat milk and sheep milk products into the State.* (1) Every person who ships prepasteurized milk, milk, lowfat milk, skim milk, non-storable milk products, goat milk or

sheep milk into the State shall hold a permit issued by the commissioner. Such permit shall be known as a "permit to ship milk and milk products into the State." A permit shall expire on June 30 and an application for renewal shall be made no later than June 1. An application for renewal shall be made upon a blank prepared under the direction of the commissioner and shall set forth the information deemed necessary by the commissioner for the administration of this Part.

(2) A person who holds a permit to ship milk or milk products into the State shall:

(i) if shipping prepasteurized milk into the State:

(*a*) ensure that the prepasteurized milk if to be used in Grade A milk, Grade A lowfat milk, Grade A skim milk, Grade A non-storable milk products, Grade A goat milk or Grade A sheep milk, was produced on dairy farms in substantial compliance with rules and regulations substantially the same as the applicable provisions of this Part regulating the production of Grade A prepasteurized milk and that such prepasteurized milk complies with and meets the provision of section 2.8 of this Part for prepasteurized milk for Grade A use;

(*b*) ensure that the prepasteurized milk if not to be used in Grade A milk, Grade A lowfat milk, Grade A skim milk, Grade A non-storable milk products, Grade A goat milk or Grade A sheep milk was produced on dairy farms in substantial compliance with rules and regulations substantially the same as the applicable provisions of this Part regulating the production of non-Grade A prepasteurized milk and that such prepasteurized milk complies with and meets the provisions of section 2.8 of this Part for prepasteurized milk for non-Grade A use; and

(*c*) if shipping prepasteurized milk into the State for use in Grade A milk, Grade A lowfat milk, Grade A skim milk, Grade A non-storable milk products, Grade A goat milk or Grade A sheep milk, have an acceptable milk sanitation compliance and enforcement rating given by a State milk sanitation rating officer certified by FDA and have an Interstate Milk Shippers rating of 90 percent or higher;

(ii) if shipping milk, lowfat milk, skim milk, non-storable milk products, goat milk or sheep milk into the State shall:

(*a*) ensure:

(*1*) that the prepasteurized milk in such foods was produced on dairy farms in substantial compliance with rules and regulations substantially the same as the provisions of this Part regulating the production of Grade A prepasteurized milk;

(*2*) that such foods were processed or manufactured in substantial compliance with rules and regulations substantially the same as the provisions of this Part regulating the processing and manufacture of Grade A milk, lowfat milk, skim milk, non-storable milk products, goat milk and sheep milk;

(*3*) that such foods comply with and meet applicable provisions and standards set forth in the Agriculture and Markets Law and this Title; and

(*4*) that such foods are not in violation of the provisions of the Agriculture and Markets Law or of this Title nor is their possession, sale or distribution in violation of such law or of this Part;

(*b*) ensure that such foods have been processed or manufactured in a plant that currently possesses:

(*1*) an acceptable milk sanitation compliance and enforcement rating given by a state milk sanitation rating officer certified by the FDA; and

(*2*) an Interstate Milk Shippers rating of 90 percent or higher.

(3) A person who holds a permit to ship milk and milk products into the State shall also ensure that every milk tank truck containing commingled milk that he ships or causes to be shipped into the State contains documents available to the commissioner which set forth:

(i) the name and address of the person who holds the permit;

(ii) the name and address of the milk hauler; and

(iii) the weight of the commingled milk.

(d) *Permit to produce milk.* Every dairy farmer who produces prepasteurized milk shall hold a permit to produce milk issued by the commissioner. A dairy farmer who holds a permit to produce shall:

(1) if his prepasteurized milk is to be used in milk, lowfat milk, skim milk, non-storable milk products, goat milk or sheep milk, operate his dairy farm in substantial compliance with the provisions of this Part applicable to the production of Grade A prepasteurized milk;

(2) if his prepasteurized milk is to be used in storable milk products, operate his dairy farm in substantial compliance with the provisions of this Part applicable to the production of non-Grade A prepasteurized milk;

(3) produce no prepasteurized milk that does not comply with the Agriculture and Markets Law;

(4) enroll in the Quality Milk Promotion Services Program ("QMPS") when and as required in section 2.6(d) of this Part;

(5) review the Milk and Dairy Beef Residue Prevention Protocol, when and as required in section 2.7(e)(2) of this Part;

(6) deal in, sell, offer for sale or otherwise distribute no prepasteurized milk when and as required in section 2.7(c), (d) and (e) of this Part; and

(7) deal in, sell, offer for sale or otherwise distribute no prepasteurized milk that exceeds the temperature standard or fails to meet the abnormal milk standard set forth in section 2.8 of this Part.

(e) *Granting, denying the renewal of, revoking and suspending permits.* (1) The provisions of this section shall apply to the granting, denying the renewal of, revoking and suspending permits required pursuant to this Part, unless otherwise provided in this Part. An applicant for a general permit, a permit to sell raw milk, a permit to ship milk and milk products into the State or a permit to produce shall file an application upon a blank prepared under the direction of the commissioner and shall set forth the information deemed necessary by the commissioner for the administration of this Part. Except for a permit to ship milk and milk products into the State, a permit shall be effective until revoked or suspended. The commissioner may decline to grant or renew a permit, or may suspend or revoke a permit, upon due notice and opportunity for a hearing, when he is satisfied by substantial evidence that the applicant or permit holder:

(i) is not capable of complying with the requirements of this Part or of the Agriculture and Markets Law; or

(ii) has failed to comply with or has violated the requirements of this Part or of the Agriculture and Markets Law.

(2) A permit may be summarily suspended without a hearing if the commissioner has reason to believe that raw milk, prepasteurized milk, commingled milk, milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk or sheep milk products produced, possessed, processed, manufactured, sold, offered for sale or otherwise distributed by the permit holder create or appear to create, if consumed, an immediate hazard to human health. After summarily suspending a permit, the commissioner shall schedule a hearing to consider revocation of the permit, which hearing shall be held as soon as reasonably possible after the date the permit was suspended. The summary suspension shall be effective until the permit holder satisfies the commissioner that no raw milk, prepasteurized milk, commingled milk, milk, lowfat milk, skim milk, milk product, goat milk, goat milk product, sheep milk or sheep milk product creates, or appears to create, an immediate hazard to the public health.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amds. filed: Feb. 2, 1982; April 24, 1986; Feb. 18, 1987; Oct. 30, 1989; repealed, new filed Feb. 17, 1994; amd. filed Jan. 9, 1996 eff. Jan. 24, 1996. Amended (a).

§ 2.4 Labeling; identification of vehicles.

(a) A general permit holder who processes or manufacturers milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk or sheep milk products shall ensure that such foods are packaged and labeled in compliance with the applicable provisions of Parts 17, 38 and 221 of this Title. Milk, lowfat milk, skim milk, non-storable milk products, goat milk, non-storable goat milk products, sheep milk, non-storable sheep milk products or frozen desserts may be labeled "Grade A" if the prepasteurized milk in such foods was produced, and if such foods were processed or manufactured, in compliance with the applicable requirements of this Part.

(b) A general permit holder who processes or manufactures milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk or sheep milk products, a person who ships milk or milk products into the State, a person holding a frozen desserts license and a person holding a melloream license shall ensure that:

(1) all commercial bulk shipping containers containing milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk, sheep milk products, frozen desserts and melloream are legibly marked with the name of the food, net weight or content, and name and address of the processor or manufacturer and distributor, if applicable; and

(2) all packages containing foods set forth in paragraph (1) of this subdivision for sale directly to consumers shall be legibly marked with the name of the food, net weight or content, and name and address of the processor, manufacturer, packer or distributor. If the name and address is not the name and address of the processor or manufacturer, the processor's or manufacturer's plant number shall appear on the package.

(c) A general permit holder in control of the assembly of the milk, a general permit holder who processes or manufactures milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk or sheep milk products, and a person who holds a permit to ship milk and milk products into the State shall ensure that every vehicle containing commingled milk operated by him or that he has caused to be operated shall have the name and address of such permit holder prominently displayed and/or the name and address of the milk hauler transporting the food(s) prominently displayed. Such name(s) and address(es) shall be plainly visible from 20 yards away.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amd. filed Feb. 18, 1987; repealed, new filed Feb. 17, 1994; amd. filed Jan. 9, 1996 eff. Jan. 24, 1996. Amended (b)(2).

§ 2.5 Inspections.

The general permit holder who controls the assembly of the milk shall ensure that all dairy farms from which prepasteurized milk is received are inspected or reinspected:

(a) at least once every six months. Ten percent of all inspections done in a six month period shall be conducted at milking time;

(b) prior to beginning to ship prepasteurized milk to such general permit holder;

(c) promptly when prepasteurized milk is determined to exceed the standards set forth in section 2.8 of this Part; and

(d) promptly when the dairy farm is not in substantial compliance with sections 2.9 through 2.28 and sections 2.58 and 2.65 of this Part.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amd. filed Oct. 30, 1989; repealed, new filed Feb. 17, 1994 eff. March 9, 1994.

§ 2.6 Certified milk inspectors and processing plant superintendents.

(a) *Certified milk inspectors.* (1) Every person who performs the duties of a certified milk inspector shall apply for and hold a certificate issued by the commissioner. An applicant for a certificate shall file an application upon a blank prepared under the direction of the commissioner and shall set forth the information deemed necessary by the commissioner for the administration of this Part. No certificate shall be granted unless the applicant has passed an examination designed to ascertain his ability to carry out the duties set forth in paragraph (2) of this subdivision, has attended a training course held by the commissioner within one year of receiving his certificate, has successfully completed a six-month probationary period and:

(i) has a degree in dairy science or has completed college level courses acceptable to the commissioner;

(ii) has at least six months satisfactory experience in dairy farm inspection; or

(iii) has at least one year's satisfactory experience in the dairy industry and at least one month's satisfactory training in dairy farm inspection.

(2) A certified milk inspector shall:

(i) inspect each dairy farm from which prepasteurized milk is assembled by the permit holder in accord with section 2.5 of this Part, accurately record and maintain the results of each inspection and promptly furnish a copy of an inspection report to the commissioner when requested to do so;

(ii) assure that a sample is obtained and submitted for analysis, when and as required by the provisions of section 2.7(c), (d) and (e) of this Part;

(iii) promptly ascertain the results of all analyses of samples of prepasteurized milk, and act as required by the provisions of section 2.7 of this Part;

(iv) inform a dairy farmer that when a sample of prepasteurized milk taken from his dairy farm exceeds the temperature or abnormal milk standard set forth in section 2.8 of this Part, that such prepasteurized milk may not be shipped to or received by a general permit holder;

(v) inform a dairy farmer that when a sample of prepasteurized milk taken from his dairy farm exceeds the drug standard set forth in section 2.8 of this Part, prepasteurized milk may not be shipped to or received by a general permit holder, as provided in section 2.7(e) of this Part;

(vi) inform a dairy farmer that when samples of prepasteurized milk taken from his dairy farm have exceeded, on three of the last five times analyzed, the bacterial limit or somatic cell standard set forth in section 2.8 of this Part, prepasteurized milk may not be shipped to or received by a general permit holder, as provided in section 2.7(c) and (d) of this Part;

(vii) inform a dairy farmer that when his dairy farm is not in substantial compliance with sections 2.9 through 2.28 and sections 2.58 and 2.65 of this Part, prepasteurized milk may not be shipped to or received by a general permit holder;

(viii) inform the general permit holder by whom he is employed of the identity of a dairy farmer whenever the milk of such dairy farmer may not be received, pursuant to the provisions of this Part;

(ix) inform a dairy farmer when the prepasteurized milk produced on his dairy farm exceeds a standard set forth in section 2.8 of this Part;

(x) maintain and submit to the commissioner when requested the records required to be kept by a general permit holder pursuant to section 2.3(a)(5) of this Part;

(xi) obtain and submit for analysis to a licensed technician a sample of water taken from a dairy farm the milk of which is assembled by the general permit holder, as required by section 2.15 of this Part;

(xii) attend an annual course in dairy farm inspection held by the commissioner; and

(xiii) properly carry out such other responsibilities and duties required of a certified milk inspector pursuant to the provisions of this Part.

(3) A certificate shall be effective until suspended or revoked. The commissioner may decline to grant a certificate, or may suspend or revoke a certificate, upon due notice and opportunity for a hearing, when he is satisfied that the applicant or certificate holder does not have the qualifications set forth in paragraph (1) of this subdivision or has not properly carried out the duties set forth in paragraph (2) of this subdivision. A certified milk inspector shall inform the commissioner when any information set forth in his application is no longer accurate.

(4) A certified milk inspector is not an employee of the Department of Agriculture and Markets, and except as provided herein is not under the control or supervision of the State.

(b) *Processing plant superintendents.* (1) Every person who performs the duties of a processing plant superintendent ("PPS"), as set forth in paragraph (2) of this subdivision, shall apply for and hold a certificate issued by the commissioner. An applicant for a certificate shall file an application upon a blank prepared under the direction of the commissioner and shall set forth the information deemed necessary by the commissioner for the administration of this Part.

(2) A PPS shall:

(i) ensure that the milk plant, receiving station or frozen desserts manufacturing plant at which he is employed is in substantial compliance with sections 2.30 through 2.65 (except sections 2.58 and 2.60) of this Part;

(ii) ensure that all milk, lowfat milk, skim milk, milk products, goat milk, goat milk products, sheep milk, sheep milk products, melloream and frozen desserts comply with applicable standards and requirements set forth in this Title or in the Agriculture and Markets Law, or are not in violation of any provision of this Title or of the Agriculture and Markets Law;

(iii) ensure that no commingled milk is received that exceeds the drug standard set forth in section 2.8 of this Part;

(iv) keep and submit to the commissioner the records and the materials required to be kept; and

(v) attend an annual course in processing plant operation held by the commissioner.

(3) A certificate shall be effective until suspended or revoked. The commissioner may decline to grant a certificate, or may suspend or revoke a certificate, upon due notice and opportunity for a hearing, when he is satisfied that the applicant or certificate holder is incapable of carrying out or has not properly carried out the duties set forth in paragraph (2) of this subdivision. A PPS shall inform the commissioner when any information set forth in his application is no longer accurate.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amds. filed: June 20, 1984; Feb. 18, 1987; Jan. 29, 1993 as emergency measure; April 12, 1993; repealed, new filed Feb. 17, 1994 eff. March 9, 1994.

§ 2.7 Sampling and analysis of prepasteurized milk; requirements when prepasteurized milk fails to meet standards set forth in section 2.8 of this Part.

(a) A licensed technician who has been given a sample of prepasteurized milk or commingled milk to analyze shall promptly perform the appropriate test(s) at an officially designated laboratory and shall promptly notify the permit holder of the result of the test(s), in writing.

(b) *Sampling and analysis of prepasteurized milk and commingled milk.* (1) The permit holder who controls the assembly of the milk shall ensure that a sample of prepasteurized milk is properly taken by a person licensed pursuant to Agriculture and Markets Law, section 57 each time prepasteurized milk is picked up from a dairy farm and that a sample of commingled milk is properly obtained at least once a month. At least once a month, an official sample of prepasteurized milk from each dairy farm and a sample of commingled milk shall be submitted to a licensed technician for analysis at an officially designated laboratory, to determine compliance with the standards set forth in section 2.8 of this Part. The licensed technician shall continuously maintain samples under adequate refrigeration and sanitary conditions until analyzed. Notwithstanding the foregoing, the permit holder shall ensure that a sample of commingled milk is properly obtained, for each load of milk shipped to a milk plant in a milk tank truck, and submitted to a licensed technician for analysis at an officially designated laboratory, to determine compliance with the drug standard set forth in section 2.8 of this Part. When a sample of commingled milk exceeds the drug standard set forth in this Part or is found to contain a drug at the non-actionable level, the samples from all dairy farms represented in the commingled sample shall be submitted to a licensed technician for analysis at an officially designated laboratory, to determine which sample(s) is/are in violation of such standard or which sample(s) contain(s) a drug at the non-actionable level. When a sample of commingled milk exceeds the drug standard set forth in this Part, the milk from which such sample was taken shall not be accepted or received.

(2) All sampling and analysis required to be made pursuant to this Part shall be made in compliance with the applicable provisions of Part 6 of this Title, Standard Methods for the Examination of Dairy Products and the PMO.

(c) *Requirements when prepasteurized milk or raw milk exceeds bacterial limit.* (1) When an official sample of prepasteurized milk or raw milk has been analyzed and determined to exceed the bacterial limit set forth in section 2.8 of this Part, the certified milk inspector or an employee of the Division of Milk Control in the case of a producer-dealer or raw milk producer, shall notify the dairy farmer, producer-dealer or raw milk producer, as the case may be, of the results of the analysis and shall inspect the dairy farm to determine the cause.

(2) Whenever two of a series of four consecutive official samples exceed the bacterial limit, another official sample of prepasteurized milk or raw milk, as the case may be, shall be taken from 3 to 21 days after notification and shall be submitted to a licensed technician for analysis at an officially designated laboratory, and the dairy farmer, producer-dealer or raw milk producer shall be informed by the certified milk inspector or by an employee of the Division of Milk Control, as applicable, that no prepasteurized milk or raw milk may be shipped, processed or sold if three of any series of five consecutive official samples exceed the bacterial limit.

(3) After the prepasteurized milk of a dairy farmer or producer-dealer is no longer prohibited from being shipped or processed, or after the raw milk of a raw milk producer is no longer prohibited from being sold, offered for sale or made available pursuant to the provisions of this section, four official samples of prepasteurized milk or raw milk from different milkings shall be taken within a 5- to 21-day period. No more than two official samples shall be taken during any one seven day period. Such official samples shall be submitted to a licensed technician for analysis at an officially designated laboratory. The official samples required to be taken pursuant to the provisions of this paragraph shall not be considered to be part of a prior series of samples.

(d) *Requirements when prepasteurized milk or raw milk exceeds the somatic cells standard.* (1) When an official sample of prepasteurized milk or raw milk has been analyzed and determined to exceed the somatic cells standard set forth in section 2.8 of this Part, the certified

milk inspector or an employee of the Division of Milk Control in the case of a producer-dealer or raw milk producer, shall notify the dairy farmer, producer-dealer or raw milk producer as the case may be, of the results of the analysis and another official sample of prepasteurized milk or raw milk shall be taken from 5 to 21 days after notification ("the official recheck sample") and submitted to a licensed technician for analysis at an officially designated laboratory.

(2) When an official recheck sample has been analyzed and determined to exceed the somatic cells standard, the certified milk inspector or employee of the Division of Milk Control, as applicable, shall notify the dairy farmer, producer-dealer or raw milk producer of the results of the analysis and inform him that he must, within 10 days, enroll in the Quality Milk Promotion Services Program ("QMPS"). The dairy farmer, producer-dealer or raw milk producer shall remain properly enrolled in the QMPS program for at least six months from the date of enrollment and until three of a series of four consecutive official samples are analyzed and determined to be in compliance with the somatic cells standard.

(3) Whenever two of a series of four consecutive official samples exceed the somatic cells standard, another official sample of prepasteurized milk or raw milk, as the case may be, shall be taken from 5 to 21 days after notification and shall be properly submitted to a licensed technician for analysis at an officially designated laboratory, and the dairy farmer, producer-dealer or raw milk producer shall be informed by the certified milk inspector or by an employee of the Division of Milk Control, as applicable, that no prepasteurized milk or raw milk may be shipped, processed or sold if three of any series of five consecutive samples exceed the somatic cells standard. The dairy farmer, producer-dealer or raw milk producer shall also be informed by the certified milk inspector or by an employee of the Division of Milk Control, as applicable, that he must, within 10 days, enroll in the QMPS program and remain properly enrolled therein for at least six months and until three of a series of four consecutive official samples are analyzed and determined to be in compliance with the somatic cells standard.

(4) After the prepasteurized milk of a dairy farmer or producer-dealer is no longer prohibited from being shipped or processed, or after the raw milk of a raw milk producer is no longer prohibited from being sold, offered for sale or made available pursuant to the provisions of this section, four official samples of prepasteurized milk or raw milk from different milkings shall be taken within a 5- to 21-day period. No more than two samples shall be taken during any one seven day period. Such samples shall be submitted to a licensed technician for analysis at an approved laboratory. The samples required to be taken pursuant to the provisions of this paragraph shall not be considered to be part of a prior series of samples.

(e) *Requirements when prepasteurized milk exceeds the drug standard.* When a sample of prepasteurized milk has been determined to exceed the drug standard set forth in section 2.8 of this Part, the certified milk inspector shall immediately notify the dairy farmer of the results of the analysis and shall inform him:

(1) that no prepasteurized milk may be shipped until the milk no longer exceeds the drug standard and for a period of at least:

(i) two days from the date the prepasteurized milk was determined to exceed the drug standard if such excessive sample was the first excessive sample in a 12-month period; or

(ii) four days from the date the prepasteurized milk was determined to exceed the drug standard, if such excessive sample was the second or more excessive sample in a 12-month period; and

(2) that he shall immediately contact a licensed veterinarian, inform such licensed veterinarian that his milk has been found to contain a drug, meet with such licensed veterinarian as soon as practicable after contacting him, and in no event later than 30 days thereafter, and review with such licensed veterinarian the provisions of the milk and dairy beef residue prevention protocol. Immediately after such review, the dairy farmer shall sign the certificate at page 57 of the protocol and retain it for at least two years.

Notwithstanding the provisions of subparagraphs (1)(i) and (ii) of this subdivision, prepasteurized milk that does not exceed the drug standard may be shipped if the dairy farmer pays a penalty to the permit holder who receives his milk, in an amount equal to the value of such

prepasteurized milk at the applicable uniform price or, if there is no applicable uniform price, at the generally prevailing price.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amds. filed: Feb. 18, 1987; Oct. 30, 1989; Jan. 29, 1993 as emergency measure; April 12, 1993; renum. 2.8, new filed Feb. 17, 1994 eff. March 9, 1994.

§ 2.8 Quality standards.

Milk and milk products		*Standards*
Prepasteurized milk for Grade A use	Temperature	Cooled to 45°F (7°C) or less within two hours after milking, provided that the blend temperatures following subsequent milkings shall not exceed 50°F (10°C).
	Bacterial limits	Individual producer milk not to exceed 100,000 per ml. prior to commingling with other producer milk. Not to exceed 300,000 per ml. as commingled milk prior to pasteurization.
	Sediment	Less than 1.5 mg. on individual producer milk; less than 1.0 mg. on commingled producer milk as determined by the provisions of 1 NYCRR Part 12.
	Drugs	Not to exceed the applicable standard or tolerance set forth in transmittals supplementing the PMO bearing identification numbers M-1-94-4, IMS-a-30, M-1-91-6, M-1-92-1, M-1-92-10, M-1-92-14 and M-a-86, more fully described in section 2.2(kk)(14), (15), (16), (17), (20), (21) and (22) of this Part.
	Abnormalities	Milk to have normal odor and appearance.
	Somatic cells	Not to exceed 1,000,000 per ml., except that after 7/1/93, not to exceed 750,000 per ml. for prepasteurized milk from cows.
Prepasteurized milk for non-Grade A use	Temperature	In cans, cooled to 55°F (13°C) or lower within two hours after milking and delivered to the plant at 60°F (16°C) or lower. In bulk, cooled to 45°F (7°C) or less within two hours provided that the blend temperatures following subsequent milkings shall not exceed 50°F (10°C).
	Bacterial limits	Not to exceed 1,000,000 per ml. prior to commingling with other producer milk. Not to exceed 3,000,000 per ml. as commingled milk prior to pasteurization.
	Drugs	Not to exceed the applicable standard or tolerance set forth in transmittals supplementing the PMO bearing identification numbers M-1-94-4, IMS-a-30, M-1-91-6, M-1-92-1, M-1-92-10, M-1-92-14 and M-a-86, more fully described in section 2.2(kk)(14), (15), (16), (17), (20), (21) and (22) of this Part.
	Sediment	Less than 1.5 mg. on individual producer milk; less than 1.0 mg. on commingled producer milk as determined by the provisions of 1 NYCRR Part 12.
	Abnormalities	Has normal odor and appearance.

	Somatic cells	Not to exceed 1,000,000 per ml. except that after 7/1/93, not to exceed 750,000 per ml. for prepasteurized milk from cows.
Pasteurized milk, low fat milk, skim milk, milk products, goat milk, goat milk products, sheep milk and sheep milk products, melloream, frozen desserts and frozen dessert mix	Temperature	Cooled to 45°F (7°C) or less and maintained thereat.
	Bacterial limits*	20,000 per ml. except with respect to frozen desserts, not to exceed 100,000 per ml.
	Coliform	Not to exceed 10 per ml. except with respect to frozen desserts, not to exceed 20 per ml.; provided, that in the case of bulk milk transport tank shipments, shall not exceed 100 per ml.
	Phosphatase	Less than 1 microgram per ml. by the Scharer Rapid Method or equivalent.
	Drugs	Not to exceed the applicable standard or tolerance set forth in transmittals supplementing the PMO bearing identification numbers M-1-94-4, IMS-a-30, M-1-91-6, M-1-92-1, M-1-92-10, M-1-92-14 and M-a-86, more fully described in section 2.2(kk)(14), (15), (16), (17), (20), (21) and (22) of this Part.
Raw milk	Temperature	Cooled to 45°F (7°C)
	Bacterial limits	30,000 per ml.
	Drugs	Not to exceed the applicable standard or tolerance set forth in transmittals supplementing the PMO bearing identification numbers M-1-94-4, IMS-a-30, M-1-91-6, M-1-92-1, M-1-92-10, M-1-92-14 and M-a-86, more fully described in section 2.2(kk)(14), (15), (16), (17), (20), (21) and (22) of this Part.
	Sediment	Less than 1.5 mg. as determined by the provisions of 1 NYCRR Part 12.
	Abnormalities	Milk to have normal odor and appearance.
	Somatic cells	Not to exceed 1,000,000 per ml. except that after 7/1/93, not to exceed 750,000 per ml. for raw milk from cows.
Pasteurized cultured products	Temperature	Same as pasteurized milk.
	Coliform	Same as pasteurized milk.
	Phosphatase	Same as pasteurized milk.

Butter. 80% cream, plastic cream, mixtures of butterfat, sugar or sweetening agent, moisture and flavoring shall conform to the following:

*Not applicable to cultured products.

	SPC not to exceed 100,000 per gram, coliform count not to exceed 20 per gram, yeast and/or mold not to exceed 100 per gram
Nonpasteurized frozen desserts	SPC not to exceed 100,000 per gram, coliform count not to exceed 20 per gram
Whipped cream, instant whipped cream, instant vegetable topping, milkshake	SPC not to exceed 100,000 per gram, coliform count not to exceed 20 per gram

Dry whole milk when used as an ingredient in a frozen dessert or a Grade A non-storable milk product shall be U.S.D.A. extra grade or its equivalent. Nonfat dry milk, dry whey and dry buttermilk when used as an ingredient in a frozen dessert or a Grade A non-storable milk product shall meet the requirements of the U.S.D.A. extra grade or its equivalent. Fats and oils other than from milk shall conform to the applicable provisions of the United States Food, Drug and Cosmetic Act as amended or those of any applicable State regulation for fats and oils of food grade standard.

Condensed milk, condensed whey mixes, blends and similar products received in bulk shall conform to the following:	SPC not to exceed 100,000 per gram, coliform count not to exceed 100 per gram
Milk products and goat milk products separated from milk or goat milk heated between 45°F and 125°F	Not to exceed the temperature and drug standard and bacterial limit for prepasteurized milk for Grade A use
Milk products and goat milk products separated from milk or goat milk heated to a temperature greater than 125°F and less than 161°F	Not to exceed the temperature and drug standard and bacterial limit for pasteurized milk, lowfat milk, skim milk, milk products, goat milk, goat milk products and frozen desserts

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; repealed, new added by renum. and amd. 2.7, filed Feb. 17, 1994; amd. filed Jan. 9, 1996 eff. Jan. 24, 1996.

SANITATION REQUIREMENTS FOR DAIRY FARMS

§ 2.9 Milking barn, stable or parlor—construction and maintenance—Item 2r.

(a) 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 meet the following requirements:

(1) Floors, feed troughs (and gutters if present) shall be constructed of good quality concrete or equally impervious material. Floors shall be constructed so as to be easily cleaned (brushed surfaces permitted) and shall be graded to drain.

§ 2.50 Bottling and packaging—Item 18p.

(a) All milk and milk products, including concentrated milk and milk products, are bottled and packaged at the plant where final pasteurization is performed, provided that this requirement shall not apply to frozen desserts. Such bottling and packaging shall be done without undue delay following final pasteurization.

(b) All bottling or packaging is done on approved mechanical equipment. The term *approved mechanical equipment* shall not be interpreted to exclude manually operated machinery but is interpreted to exclude methods in which the bottling and capping devices are not integral in one system.

(c) Bottling or packaging machines are designed to minimize the need for adjustment during operation. All pipes, connections, defoaming devices and similar appurtenances shall comply with sections 2.38 and 2.39 of this Part (Items 10p and 11p).

(d) Bottling or packaging machine supply tanks and bowls have covers which are constructed to prevent any contamination from reaching the inside of the filler tank or bowl. All covers shall be in place during operation.

(e) A drip deflector is installed on each filler valve. Such drip deflector shall be designed and adjusted to divert condensation away from the open container.

(f) Container infeed conveyors to automatic bottling or packaging machines have overhead shields to protect the bottles or packages from contamination. Such shields shall extend from the bottle washer discharge to the bottle feed star or, in the case of single-service packaging machines, from the forming unit discharge to the filling unit and from the filling unit to the closure unit. Overhead shields shall be required on can infeed conveyors when the cans are fed to the filler with covers off.

(g) Container fabricating materials, such as paper stock, foil, wax, plastic, etc., are handled in a sanitary manner and protected against undue exposure during the package assembly operation.

(h) Bottling and packaging machine floats are designed to be adjustable without removing the cover.

(i) The filler pipe of all bottling and packaging machines have an apron or other approved device as close to the filler bowl as possible to prevent condensation or drip from reaching the inside of the filler bowl.

(j) Filling cylinders on packaging machines are protected from contamination by the use of overhead shields. When any lubricant is applied to the filler pistons, cylinders or other milk-contact surfaces, the lubricant shall be nontoxic, sterile, and shall be sparingly applied in a sanitary manner.

(k) Milk and milk products from continuous defoamers are not returned directly to the filler bowl.

(l) Butter liners, before use, are completely immersed in a salt solution in a non-corrosive container for not less than 30 minutes at the boiling point and held in this solution until used. At least 15 pounds of salt shall be used for every 100 pounds of solution, and the solution shall be changed frequently to keep it clean.

Historical Note

Sec. filed Oct. 15, 1981; amds. filed: Feb. 18, 1987; Oct. 30, 1989; Feb. 17, 1994 eff. March 9, 1994. Added (l).

§ 2.51 Capping—Item 19p.

(a) capping or closing of milk and milk product containers is done in a sanitary manner using approved mechanical capping/closing equipment. The term *approved mechanical capping and/or closing equipment* shall not exclude manually operated machinery. Hand-capping shall be prohibited; provided that, if suitable mechanical equipment for the capping or closing of specific container(s) of three gallons or more is not available, other methods which eliminate all possibility of contamination may be approved by the regulatory agency.

(b) All mechanical capping or closure mechanisms are designed to minimize the need for adjustment during operation.

(c) Bottles and packages which have been imperfectly capped or closed are emptied immediately into approved sanitary containers. Such milk or milk products shall be protected from contamination, maintained at 45°F (7°C) or less, and subsequently repasteurized or discarded.

(d) All caps and closures are designed and applied in such a manner that the pouring lip is protected to at least its largest diameter and, with respect to fluid product containers, removal cannot be made without detection. Single-service containers are so constructed that the product and the pouring and opening areas are protected from contamination during handling, storage, and when the containers are initially opened.

(e) Caps and closures are handled in a sanitary manner. The first cap from each tube, the first cap(s) from each roll of cap or cover stock, and the first sheet of parchment or cover paper shall be discarded. The subsequent use of loose caps which are left in the cappers at the end of an operating period after removal from the cap tubes shall be a violation of this item.

Historical Note

Sec. filed Oct. 15, 1981; amd. filed Feb. 17, 1994 eff. March 9, 1994. Amended (a).

§ 2.52 Personnel—cleanliness—Item 20p.

(a) Hands are thoroughly washed before commencing plant functions and as often as may be required to remove soil and contamination.

(b) Each employee washes his hands following a visit to the toilet room and prior to resuming work.

(c) All persons while engaged in the processing, pasteurization, handling, storage or transportation of milk, milk products, containers, equipment and utensils wear clean outer garments.

(d) Tobacco is not used by any person while engaged in the processing of milk or milk products and adequate head coverings are worn.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 2.53 Vehicles—Item 21p.

(a) 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 45°F (7°C) or less, and are protected from sun, from freezing and from contamination.

(b) This item is deemed to be satisfied when:

(1) All vehicles are kept clean.

(2) Material which is capable of contaminating milk or milk products is not transported with milk or milk products.

(3) Vehicles have fully enclosed bodies with well-fitted solid doors.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 2.54 Surroundings—Item 22p.

(a) Milk 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.

(b) This item is deemed to be satisfied when:

(1) There is no accumulation of trash, garbage or similar waste in areas adjacent to the milk plant. Waste material stored in suitable covered containers shall be considered in compliance.

(2) Driveways, lanes and areas serving milk plant vehicular traffic are graded, drained, and free from pools of standing water.

(3) Outdoor areas for milk tank truck unloading are constructed of smooth concrete or equally impervious material, properly sloped to drain, and equipped with trapped drains of sufficient size.

(4) Only insecticides and rodenticides approved for use by the regulatory agency and/or registered with the U.S. Environmental Protection Agency shall be used for insect and rodent control.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 2.55 Receiving station requirements.

A receiving station shall comply with each of the items required for a milk plant as set forth in this Part which are applicable to a receiving station's activities. The partitioning requirement of Item 5p and the requirements of Items 16p, 18p, 19p and 21p shall not apply.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 2.56 Transfer station requirements.

A transfer station shall comply with each of the items required for a milk plant as set forth in this Part which are applicable to its activities. Item 5p, 13p, 16p-19p and 21p shall not apply.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 2.57 Tank truck cleaning and sanitizing facilities requirements.

Facilities for cleaning and sanitizing of milk tank trucks shall comply with items required for such purposes in milk plants as set forth in this Part. Items 13p, 16p-19p and 21p shall not apply.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 2.58 Animal health.

(a) All milk for manufacturing or processing shall be from herds which are located in an accredited or 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.

(b) All milk for pasteurization shall be from herds under the cooperative State-Federal brucellosis eradication program and located in a classified brucellosis-free or class A state, as defined by the U.S. Department of Agriculture. If located in class B or C state, they shall meet U.S. Department of Agriculture requirements for an individually certified herd. All brucellosis reactors disclosed on blood agglutination tests shall be separated immediately from the milking herd.

(c) For diseases other than brucellosis and tuberculosis, the Department of Agriculture and Markets may require such physical, chemical or bacteriological tests as it 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 the Department of Agriculture and Markets. Any diseased animal disclosed by such test(s) shall be disposed of as the department directs.

Historical Note

Sec. filed Oct. 15, 1981; amd. filed June 20, 1984 eff. June 20, 1984.

§ 2.60 Animal health requirements for raw milk sales for permittees selling raw milk.

(a) Permittees selling raw cow or goat milk shall be in compliance with regulations for the detection and control of tuberculosis contained in section 2.58 of this Part.

(b) Permittees selling raw cow milk shall participate in the Division of Animal Industry milk ring testing program. Individual blood agglutination tests shall be performed on all animals in the herd following a positive reaction to the ring test.

(c) Permittees selling raw goat milk shall have individual blood agglutination tests made on each adult animal each year.

(d) Whenever any milking animal is found to be infected with brucellosis as indicated by the blood agglutination test, all distribution of raw milk from that herd shall be immediately suspended. The permittee shall comply with the procedures and directives of the Division of Animal Industry regarding infected animals and shall not offer any further raw milk for distribution from that herd until again authorized to do so by the Department of Agriculture and Markets.

(e) Persons holding a permit to sell raw milk shall enroll and remain in a milk sampling program conducted by Quality Milk Promotion Services for detection of pathogenic bacteria.

Historical Note

Sec. filed Oct. 15, 1981; amds. filed: June 20, 1984; Feb. 17, 1994 eff. March 9, 1994. Amended (e).

§ 2.61 Transferring; delivery containers; cooling.

(a) Except as permitted in this section, no milk producer, milk hauler or distributor shall transfer milk or milk products from one container or milk tank truck to another on the street, in any vehicle, store or in any place except a milk plant, receiving station, transfer station or milkhouse especially used for that purpose. The dipping or ladling of milk or fluid milk products is prohibited.

(b) No one shall 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 a 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 half-gallon capacity, or from a bulk dispenser approved for such service by the regulatory agency.

(c) *Bulk dispensers.* Bulk dispensers, approved by the regulatory agency, shall satisfy the following sanitary design, construction and operation requirements:

(1) All dispensers shall comply with the applicable requirements of this Part.

(2) Product-contact surfaces shall be inaccessible to manual contact, droplet infection, dust or flies; but the delivery orifice may be exempted from this requirement.

(3) All parts of the dispensing device with which milk or milk products come into contact, including any measuring device, shall be thoroughly cleaned and sanitized at the milk plant; provided, that dispensing valves which are applied to the dispenser subsequent to its delivery to the retail vendor may be cleaned and sanitized at such establishments.

(4) The dispensing container shall be filled at the milk plant and shall be so sealed that it is impossible to withdraw any part of its contents, or to introduce any substance without breaking the seal(s).

(5) The milk or milk products shall be thoroughly and automatically mixed with each dispensing operation, except for milk or milk products which remain homogeneous.

(6) All cans shall be thoroughly cleaned and sanitized. Milk and milk products shall be kept at or below 45°F (7°C) at all times. The dispenser tube shall be integral with the dispensing container, shall be protected, and shall be under adequate refrigeration during transportation and storage.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 2.63

Historical Note

Sec. filed Oct. 15, 1981; repealed, filed Feb. 17, 1994 eff. March 9, 1994.

§ 2.64 Equipment installer permit.

(a) Any person who commercially constructs, reconstructs, or extensively renovates a milkhouse, milking barn, stable or parlor in a dairy farm or who constructs or extensively renovates a transfer station, receiving station or milk plant, and any person who commercially installs or modifies milk handling equipment on dairy farms or in milk plants, transfer stations or receiving stations shall file an application for a permit upon a blank prepared under the direction of the commissioner and shall set forth the information deemed necessary by the commissioner for the administration of this Part. The commissioner may decline to grant a permit, or may suspend or revoke a permit, upon due notice and opportunity for a hearing, when he is satisfied by substantial evidence that the applicant or permit holder does not have the qualifications to properly install equipment or has not complied with the provisions of subdivision (b) of this section. A permit holder shall inform the commissioner when any information set forth in his application is no longer accurate.

(b) Every equipment installer shall submit plans for the construction, reconstruction or extensive renovation of a milkhouse, milking barn, stable or parlor in a dairy farm or for the construction, reconstruction or extensive renovation of a transfer station, receiving station, or milk plant, or for the installation or modification of milk handling equipment on dairy farms or in milk plants, transfer stations or receiving stations, in a form approved by the commissioner and shall set forth and describe the equipment to be installed and the manner of installation. No work shall be done unless the plans therefor are submitted to the commissioner and the commissioner determines that the work to be done will not cause the dairy farm, milk plant, transfer station or receiving station, as the case may be, to be in noncompliance with the provisions of this Part. If the commissioner approves plans, all work shall substantially conform to the approved plans.

(c) Failure to comply with the requirements of this section shall subject such persons to the penalties authorized in section 40 of the Agriculture and Markets Law and/or registration suspension or revocation.

Historical Note

Sec. filed Oct. 15, 1981; amds. filed: Oct. 30, 1989; Feb. 17, 1994 eff. March 9, 1994.
Amended (a)-(b).

§ 2.65 Personnel health.

(a) 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 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 plant operator shall employ in any such capacity any such person, or any person suspected of 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 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 regulatory agency immediately.

(b) 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 regulatory agency is authorized to require any or all of the following measures:

(1) the immediate exclusion of that person from milk handling;

(2) the immediate exclusion of the milk supply concerned from distribution and use; and

(3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

PART 3

REQUIREMENTS FOR THE PRODUCTION, PROCESSING AND DISTRIBUTION OF GRADE A CONDENSED MILK, DRY MILK PRODUCTS, CONDENSED WHEY AND DRY WHEY PRODUCTS

(Statutory authority: Agriculture and Markets Law, § 46-a)

Sec.
3.1 Application
3.2 Definitions
3.3 Permit required
3.4 Labeling
3.5-3.6 [*Reserved*]
3.7 Quality standards for milk, milk products, condensed and dry milk products and whey

SANITATION REQUIREMENTS FOR ALL CONDENSING PLANTS AND DRYING PLANTS MAKING GRADE A CONDENSED MILK PRODUCTS, DRY MILK PRODUCTS, CONDENSED WHEY AND DRY WHEY

3.8 Facilities for cleaning and sanitizing milk trucks
3.9 Floors--construction--Item 1p
3.10 Walls and ceilings--construction--Item 2p
3.11 Doors and windows--Item 3p
3.12 Lighting and ventilation--Item 4p
3.13 Separate rooms--Item 5p
3.14 Toilet--sewage disposal facilities--Item 6p
3.15 Water supply--Item 7p
3.16 Hand-washing facilities--Item 8p
3.17 Plant cleanliness--Item 9p
3.18 Sanitary piping--Item 10p
3.19 Construction and repair of containers and equipment--Item 11p
3.20 Cleaning and sanitizing of containers and equipment--Item 12p
3.21 Storage of cleaned containers and equipment--Item 13p
3.22 Storage of single-service containers, utensils and materials--Item 14p
3.23 Protection from contamination--Item 15p
3.24 Pasteurization--Item 16p
3.25 High-temperature, short-time, (HTST) continuous-flow pasteurization--Item 16p(A)
3.26 Pasteurizers employing product-to-product regenerative heating--Item 16p(B)
3.27 Temperature recording charts, equipment tests and examinations--Item 16p(C)
3.28 Cooling of milk, milk products, whey, condensed milk products and condensed whey--Item 17p
3.29 Packaging and container filling--Item 18p
3.30 Container closure, sealing and storage--Item 19p
3.31 Personnel--cleanliness--Item 20p
3.32 Vehicles--Item 21p
3.33 Surroundings--Item 22p
3.34 Modification of dairy farms, milk plants and milk handling equipment
3.35 Equipment installer registration

Historical Note

Part (§§ 3.1-3.5) repealed, filed Sept. 12, 1975; new (§§ 3.1-3.33) filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 3.1 Application.

The requirements of this Part shall apply to all condensed milk, dry milk products, condensed whey and dry whey products for use in preparation of grade A milk products pursuant to Part 2 of this Subchapter.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 3.2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Part:

(a) *Milk, skim milk and nonfat dry milk* mean those products as defined in Part 17 of this Subchapter.

(b) *Grade A milk and milk products* are the substances set forth in subdivisions (c), (d), (e) and (f) of this section which have been produced in compliance with this Part.

(c) *Condensed milk* is milk unsterilized and unsweetened, resulting from the vacuum removal of a considerable portion of water. This definition is not intended to include sterilized milk and milk products hermetically sealed in a container and processed, either before or after sealing so as to prevent microbial spoilage, or evaporated milk, or sweetened condensed milk, except when said products are combined with other substances in the commercial preparation of any pasteurized milk or milk product defined in Part 2 of this Subchapter.

(d) *Dry milk products* means products resulting from the drying of milk or milk products and any product resulting from the combination of dry milk products with other wholesome dry ingredients.

(e) *Whey* is the liquid substance obtained by separating the coagulum from milk, cream or skim milk.

(f) *Condensed whey* is the product resulting from the vacuum removal of a considerable portion of water from whey.

(g) *Dry whey* means a product resulting from the drying of whey to which no alkali or other chemical has been added and any product resulting from the combination of dry whey with other wholesome dry ingredients.

(h) The term *Grade A* when used to describe any products regulated by this Part shall mean such products have been produced in compliance with the requirements of this Part.

(i) *Adulterated.* Any product regulated by this Part shall be deemed to be adulterated if one or more of the conditions set forth in section 200 of the Agriculture and Markets Law is found to exist.

(j) *Misbranded.* Any product regulated by this Part shall be deemed to be misbranded if one or more of the conditions set forth in section 201 of the Agriculture and Markets Law is found to exist.

(k) The terms *pasteurization, pasteurized,* and similar terms shall mean the process of heating every particle of milk, milk products and whey to at least 161°F (72°C) and holding it continuously at or above this temperature for at least 15 seconds, in equipment which is properly operated and approved by the regulatory agency; provided, that milk products that have a higher milk fat content than milk and/or contain added sweeteners, and condensed milk and condensed milk products shall be heated to at least 166°F (75°C) and held coninuously 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 U.S. Food and Drug Administration to be equally efficient and which is approved by the regulatory agency.

(l) *Sanitization* is the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisims as far as is practicable. Such treatment shall not adversely affect the equipment, the milk, milk products, whey and condensed and dry milk products or the health of consumers, and shall be acceptable to the regulatory agency.

(m) *Regulatory agency* shall mean the New York State Department of Agriculture and Markets.

(n) A *milk condensing* and/or *drying plant* is a plant in which milk or milk products are condensed, dried, received, separated or otherwise processed for drying and packaging.

(o) A *whey condensing* and/or *drying plant* is a plant in which whey is condensed, dried, or in which whey is received and processed for drying and packaging.

(p) *Official laboratory* is a laboratory as defined in section 2.2 (uu) of this Subchapter.

(q) An *officially designated laboratory* is a laboratory as defined in section 2.2(vv) of this Subchapter.

(r) *Industry laboratory* is a laboratory as defined in section 2.2(vv) of this Subchapter.

(s) *Commissioner* means the Commissioner of the Department of Agriculture and Markets of the State of New York.

(t) The word *person* shall include any individual, plant operator, partnership, corporation, company, firm, trustee, association or institution.

(u) *This Part*, as used herein, means Part 3 of Title 1 of the *Official Compilation of Codes, Rules and Regulations of the State of New York* (1 NYCRR Part 3).

(v) *Certified milk inspector* is a person who meets the qualifications set forth in section 2.4(b)(1) of this Subchapter, and has been duly certified by the commissioner pursuant to such section.

(w) *Processing plant superintendent (PPS)* is a person duly certified by the commissioner pursuant to section 3.3(b) of this Part.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amd. filed Oct. 30, 1989 eff. Nov. 20, 1989. Added (w).

§ 3.3 Permit required.

(a) Each person who operates a plant where milk or whey is condensed, or a plant where milk or whey is dried, where such products are to be used in preparation of grade A milk products pursuant to Part 2 of this Subchapter shall hold a valid permit issued pursuant to this Part by the commissioner. Each such person shall designate a processing plant supervisor (PPS), as set forth in subdivision (b) of this section. No person shall bring into, send into or receive into the State of New York for sale, or to sell or offer for sale therein, or have in storage any milk or skim milk or milk products which are to be used in the production, processing or distribution of grade A condensed milk, dry milk products, condensed whey or dry whey products without first obtaining a permit to ship milk into the State pursuant to section 2.3(b) of this Subchapter.

(1) A permit may not be denied, suspended or revoked unless the commissioner finds by substantial evidence, after due notice and opportunity for a hearing, that the permit holder has caused an act injurious to the public health, or the permit holder has violated any of the provisions of the Part or has interfered with the department in its administration of this Part; provided, that a permit may be suspended without a hearing in a case in which the milk or milk product creates or appears to create an imminent hazard to the public health, or in a case in which the permit holder has willfully refused to permit an authorized inspection.

(2) A person whose permit has been suspended may have his permit reinstated after corrective action has been taken by the permittee and it appears to the commissioner that the cause of the problem no longer exists.

(3) Upon request of the department, a permit holder shall allow access to department personnel and/or certified milk inspectors, as appropriate, to all parts of his establishment or facilities as is necessary for such persons to determine compliance with this Part or to make an official investigation. In addition, a permit holder shall make available to such personnel all records which are required to be kept by this Part.

(b) Each person who holds a permit pursuant to this section shall designate a processing plant superintendent (PPS). The PPS shall be responsible for:

(1) insuring that the plant for which he is responsible and the milk products processed thereat are in compliance with the regulations of this Part; and

(2) keeping and submitting to the commissioner records he has regulated or may require to be kept; and

(3) attending an annual training refresher course held by the commissioner.

A PPS must be certified by the commissioner, and the commissioner shall not certify a person as a PPS unless he is satisfied that the person understands and is capable of carrying out the duties of a PPS. The commissioner may suspend, revoke or refuse to renew a PPS certification after a hearing if he finds that the PPS has failed to carry out the duties set forth in this subdivision.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981; amd. filed Oct. 30, 1989 eff. Nov. 20, 1989. Added (b).

§ 3.4 Labeling.

(a) A permit holder shall label all containers and packages of condensed milk, dry milk products, condensed whey and dry whey products in accordance with the requirements of Parts 17 and 38 of this Chapter, and shall conspicuously and permanently label or mark all said containers and packages with:

(1) the name of the contents as given in the definitions of this Part, if used, and the common name of the ingredients;

(2) the words *Grade A;*

(3) the identity of the plant in which the product was manufactured or processed, by either name and address or permit number, and identity of the regulatory agency issuing such permit; and in the latter case, the name and address of the distributor shall be shown by a statement such as "Distributed by . . . ."; and

(4) a code or lot number identifying the contents with a specific date, run or batch of the product, and the quantity of the contents of the container.

(b) Milk tank trucks transporting milk, whey, condensed whey or condensed milk products to a drying plant from sources of supply not under the routine supervision of the regulatory agency are required to be marked with the name and address of the condensing plant or name and address of the hauler and shall be sealed. A shipping statement shall be prepared for each shipment and shall contain the following information:

(1) shipper's name, address, and permit number;

(2) permit identification 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 when applicable;

(9) date of loading; and

(10) name of supervising regulatory agency at the point of origin.

(c) One copy of the shipping statement shall be retained by the consignor and one copy of the shipping statement by the hauler. Two copies of the shipping statement shall be delivered to the consignee with the shipment. The consignee shall forward one copy to the regulatory agency in the receiving area. Upon requests, the local regulatory agency shall return to the official supervising agency the following information:

(1) date and time of arrival of product;

(2) temperature of product;

(3) bacterial count and butterfat test of product on individual shipment;

(4) adequacy of seals; and

(5) other pertinent information.

Entries made on shipping statements by consignors or consignees shall be legible. When the interstate shipment is derived from more than one point of origin, separate shipping statements for each of the sources involved shall accompany the shipment. The shipping statement shall be retained on file for a period of at least six months.

(d) Required labeling information shall be in letters of an acceptable size, kind and color satisfactory to the regulatory agency and shall contain no marks or words which are misleading. Other information, such as a registered trademark design, which is not misleading and does not obscure any of the labeling requirements above may also be included.

Historical Note

Sec. repealed, filed Sept. 12, 1975; new filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 3.5

Historical Note

Sec. repealed, filed Sept. 12, 1975 eff. Oct. 1, 1975.

§ 3.6 [*Reserved*]

§ 3.7 Quality standards for milk, milk products, condensed and dry milk products and whey.

Product		*Standards*
Grade A raw milk for pasteurization	Temperature	Cooled to 45°F (7°C) or less within two hours after milking; provided that the blend temperature following subsequent milkings does not exceed 50°F (10°C).
	Bacterial limits	Not to exceed 300,000 per milliliter as commingled milk prior to pasteurization.
	Inhibitory substances	No detectable zone by a method acceptable to the commissioner.
Grade A pasteurized condensed milk	Temperature	Cooled to 45°F (7°C) or less and maintained thereat, unless drying is commenced immediately after condensing.
	Bacterial limits	Not to exceed 30,000 per gram.
	Coliform limit	Not to exceed 10 per gram.
	Inhibitory substances	No detectable zone by a method acceptable to the commissioner.
	Phosphatase	Less than 1 microgram per milliliter by Scharer Rapid Method or equivalent.
Grade A nonfat dry milk	Not more than:	
	Butterfat	1.25%
	Moisture	4.00%
	Titratable acidity	0.15%
	Solubility index	1.25 milliliters
	Bacterial estimate	30,000 per gram
	Coliform	10 per gram
	Scorched particles disc B	15.0 per gram

Product		*Standards*
	Inhibitory substances....	No detectable zone by a method acceptable to the commissioner.
Grade A whey for condensing	Temperature.....	Maintained at a temperature of 45°F (7°C) or less, or 145°F (63°C) or greater.
	Inhibitory substances.....	No detectable zone by a method acceptable to the commissioner.
Grade A pasteurized condensed whey	Temperature.....	Cooled to 45°F (7°C) or less during crystallization, within 18 hours of condensing.
	Bacterial limit.....	Not to exceed 30,000 per gram.
	Coliform limit.....	Not to exceed 10 per gram.
	Inhibitory substances.....	No detectable zone by a method acceptable to the commissioner.
	Phosphatase.....	Less than 1 microgram per milliliter by Scharer Rapid Method or equivalent.
Grade A dry whey	Bacterial limit.....	Not to exceed 30,000 per gram.
	Coliform limit.....	Not to exceed 10 per gram.
	Inhibitory substances.....	No detectable zone by a method acceptable to the commissioner.

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

SANITATION REQUIREMENTS FOR ALL CONDENSING PLANTS AND DRYING PLANTS MAKING GRADE A CONDENSED MILK PRODUCTS, DRY MILK PRODUCTS, CONDENSED WHEY AND DRY WHEY

§ 3.8 Facilities for cleaning and sanitizing milk trucks.

Facilities for cleaning and sanitizing milk tank trucks shall comply with the following sections of this Part:

3.9 (Item 1p)	3.19 (Item 11p)
3.12 (Item 4p)	3.20 (Item 12p)
3.14 (Item 6p)	3.22 (Item 14p)
3.15 (Item 7p)	3.23 (Item 15p)
3.16 (Item 8p)	3.28 (Item 17p)
3.17 (Item 9p)	3.30 (Item 19p)
3.18 (Item 10p)	

Historical Note

Sec. filed Oct. 15, 1981 eff. Dec. 1, 1981.

§ 3.9 Floors—construction—Item 1p.

(a) The floors of all rooms in which milk, milk products, whey, and condensed and dry milk products are processed, handled, packaged or stored or in which containers or utensils are washed, are constructed of good quality concrete, or equally impervious tile or brick laid closely with impervious joints, or other material which is the equivalent of good quality concrete. The floors of storage rooms for dry ingredients and/or packaging material may be constructed of tightly joined wood.

(b) The floor surface is smooth and sloped, so that there are no pools of standing water after flushing; and the joints between the floor and the walls are impervious.

PART 7

PASTEURIZATION OF CHEESE AND CHEESE CURD

(Statutory authority: Agriculture and Markets Law, §§ 18, 67-b, 214-b)

Sec.
7.1 Definitions
7.2 Sale of cheese and cheese curd regulated
7.3 Pasteurization defined
7.4 Labeling of cheese and cheese curd

§ 7.1 Definitions.

As used in these regulations:

(a) *Commissioner* means the Commissioner of Agriculture and Markets of the State of New York.

(b) The term *milk* means milk, cream or skimmed milk or any combination of milk, cream or skimmed milk.

(c) The term *cheese curd* means the substance usually known by that term obtained by the bringing together of most of the solids and excluding most of the water from milk with or without other harmless ingredients and which may be utilized in such form or which may be subjected to further processing in the manufacture of cheese.

(d) The term *cheese* means the product produced from cheese curd as herein defined or from milk with or without other harmless ingredients which is made by the bringing together of most of the solids and the exclusion of most of the water. It includes cheese of all types and varieties, including but not limited to cheese of the American or cheddar type, soft cheese such as cottage, pot, baker's or farmer's cheese, Italian-type cheese, and all other cheese by whatever name known.

(e) The term *container* as used herein means any carton, box, crate, barrel, half-barrel, hamper, keg, drum, jug, jar, crock, bottle, bag, basket, pail, can, wrapper, parcel or package.

§ 7.2 Sale of cheese and cheese curd regulated.

No person shall release cheese or cheese curd to the retail trade or to any public eating place or to any institution or to any consumer unless such cheese or cheese curd has been either:

(a) pasteurized;

(b) made from pasteurized milk; or

(c) held after manufacture for a period of not less than 60 days at a temperature not lower than 35 degrees Fahrenheit.

§ 7.3 Pasteurization defined.

Cheese or cheese curd shall not be deemed to be *pasteurized* unless:

(a) every particle of the milk used in its manufacture has been subjected to a temperature of not less than 143 degrees Fahrenheit continuously for 30 minutes or more, or to a temperature of not less than 161 degrees Fahrenheit for 15 seconds or more; or

(b) every particle of the cheese itself has been subjected to a temperature of not less than 143 degrees Fahrenheit continuously for 30 minutes or more, or to a temperature of not less than 161 degrees Fahrenheit for 15 seconds or more; or

(c) subjected to some other treatment or process approved in writing by the commissioner.

In the absence of evidence to the contrary, milk pasteurized in a plant which has been found by the New York State Department of Health to be meeting the requirements of the Sanitary Code promulgated by the Public Health Council of the State of New York [10 NYCRR Chapter I], and milk pasteurized in a plant which has been found to be meeting the requirements of the sanitary code of the Board of Health of the Department of Health of the City of New York, shall be

deemed to have been pasteurized as herein required so long as such plant continues to meet such requirements.

§ 7.4 Labeling of cheese and cheese curd.

Each separate cheese not in a container and each container of cheese or of cheese curd shall be plainly and legibly marked or labeled as follows:

(a) If the cheese or cheese curd has been pasteurized or has been made from pasteurized milk, with the word "Pasteurized."

(b) If the cheese or cheese curd has not been pasteurized or made from pasteurized milk, with the date upon which such cheese was made.

(c) (1) With the name and address of the manufacturer, packer or distributor; or

(2) By the use of a stencil brand, stamp or label procured and issued by the commissioner pursuant to section 67 of the Agriculture and Markets Law and used in conformity with the provisions of such section and in conformity with the regulations promulgated thereunder.

(d) The manufacturer of cheese or cheese curd shall mark or label the cheese or cheese curd as provided in this section within 72 hours of its manufacture, provided that, if the cheese or cheese curd cannot itself be marked or labeled, the information herein required shall be placed on the container of the cheese or cheese curd or upon a tag or label securely affixed thereto.

(e) Cheese which has not been pasteurized as defined in section 7.3 of this Part but which has been held after manufacture for a period of not less than 60 days at a temperature not lower than 35 degrees Fahrenheit may, in lieu of being marked with the date of manufacture, be marked or labeled "Aged 60 days or more", provided that, when cheese has been so held for more than 60 days, such statement may indicate such longer period of aging.

PART 8

PROCUREMENT, ISSUANCE AND USE OF STATE BRAND STENCILS OR STAMPS FOR LABELING OF WHOLE MILK CHEESE

(Statutory authority: Agriculture and Markets Law, §§ 16, 67)

Sec.
8.1 Definitions
IDENTIFICATION STAMPS OR STENCILS
8.2 Application
8.3 Identification stamp or stencil
8.4 Use of identification stamp or stencil
8.5 Limitations on use of identification stamps or stencils
8.6 Illegal use of identification stamp or stencil
8.7 Hearing
QUALITY GRADE STAMPS OR STENCILS
8.8 Grades
8.9 Application
8.10 Design for grade stamps or stencils
8.11 Stamp or stencil numbers
8.12 Use of grade stamps or stencils by designated agents
8.13 Grade marking of cheese
8.14 Removal of grade markings
8.15 Hearing
8.16 Revocation of grade marking stamps or stencils
8.17 Records
8.18 Making and use of similar stamps or stencils prohibited

Historical Note

Part (§§ 8.1-8.16) repealed, new (§§ 8.1-8.16) added, filed July 15, 1963; repealed, new (§§ 8.1-8.18) added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966.

§ 8.1 Definitions.

As used in this Part the following terms shall have the following meanings:

(a) *Commissioner* means the Commissioner of Agriculture and Markets of the State of New York.

(b) *Person* means any person, firm, corporation or association.

(c) *Cheddar cheese* means cheese which conforms to the definition of cheddar cheese pursuant to subdivision 30 of section 46 of the Agriculture and Markets Law.

(d) *Washed curd cheese* means cheese which conforms to the definition of washed curd cheese pursuant to subdivision 31 of section 46 of the Agriculture and Markets Law.

(e) *Colby cheese* means cheese which conforms to the definition of colby cheese pursuant to subdivision 29 of section 46 of the Agriculture and Markets Law.

(f) *Identification stamp or stencil* means a stamp, stencil, brand, label or other device issued by the commissioner to be used for the purpose of identifying the type of cheese and the manufacturer.

(g) *Grade stamp or stencil* means a stamp, stencil, brand, label or other device issued by the commissioner to be used for the purpose of identifying the grade of New York State cheese.

(h) *Registered agent* means any distributor of cheese who assembles, cuts, or stores cheese in New York State and who has been designated by the holder of an identification stamp or stencil as his agent.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966.

IDENTIFICATION STAMPS OR STENCILS

§ 8.2 Application.

Any person who manufactures or proposes to manufacture cheddar, washed curd or colby cheese in New York State may apply for an identification stamp or stencil to be used in marking such cheese in lieu of marking such cheese with his name and address. Application for such stamps or stencils shall be made on a form prescribed by the commissioner. Such application shall be made, if possible, at least 30 days prior to the date when the applicant desires to commence the use of such stamps or stencils.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966.

§ 8.3 Identification stamp or stencil.

The identification stamp or stencil shall include the type of cheese to be marked, namely: cheddar cheese, washed curd cheese, or colby cheese and shall include a plant identification number to be assigned by the commissioner.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to application form and filing date.

§ 8.4 Use of identification stamp or stencil.

Such identification stamps or stencils shall be used to clearly mark cheddar cheese, washed curd cheese, or colby cheese within 72 hours after manufacture, with the name of such cheese and with the plant identification number. Such cheese shall also be marked with the date of manufacture and vat number. Such identification marks may be applied to the bandage, wrapper, or container of cheese or to a tag attached to such cheese.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to evidence to be submitted with application.

§ 8.5 Limitations on use of identification stamps or stencils.

No identification stamp or stencil as provided pursuant to this Part shall be used to mark cheese other than cheddar, washed curd, or colby cheese which conforms to the standards for such cheese pursuant to subdivisions 29, 30 and 31 of section 46 of the Agriculture and Markets Law.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to stencil or stamp to be procured.

§ 8.6 Illegal use of identification stamp or stencil.

Whenever the commissioner has evidence that any identification stamp or stencil has been used contrary to law or to the provisions of this Part, he may direct the person to whom such stamp or

stencil was issued to return such stamp or stencil to the commissioner and may order the obliteration or removal of any identification markings which were wrongfully made.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to stencil or stamp to bear year and number.

§ 8.7 Hearing.

Whenever the commissioner directs the removal or obliteration of markings or directs the return of any identification stamp or stencil, the person directed may apply for a hearing. In case of such an application for hearing, the commissioner shall hold a hearing to determine whether or not the identification stamp or stencil should be restored and the obliterated marks restored.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to period of use of stencil or stamp.

QUALITY GRADE STAMPS OR STENCILS

§ 8.8 Grades.

(a) *New York State Brand.* The commissioner hereby establishes "New York State Brand" as the highest grade for cheddar, washed curd, and colby cheese manufactured in the State of New York.

(b) *New York Standard.* The commissioner hereby establishes "New York Standard" as the second highest grade for cheddar, washed curd, and colby cheese manufactured in the State of New York.

(c) The requirements for "New York State Brand" grade and for "New York Standard" grade shall be those established pursuant to 1 NYCRR Part 34.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to limitations or use of stencil or stamp.

§ 8.9 Application.

Any person holding an identification stamp or stencil issued by the commissioner or any distributor of cheese who assembles, cuts or stores cheese in New York State and who has been designated by the holder of an identification stamp or stencil as his agent, may make application to the commissioner on a form prescribed by the commissioner for "New York State Brand" grade or "New York Standard" grade stamps or stencils for use only on cheese meeting the quality standards established for such grade. Such application shall be for a period of one year and if to be renewed, such renewal application shall be made at least 30 days prior to the date when such stamps or stencils are to be used.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to limitations on use, factory.

§ 8.10 Design for grade stamps or stencils.

Grade stamps or stencils issued by the commissioner shall conform to the following:

(a) *New York State Brand.* The markings shall be at least one-half inch high. The word "Grade" shall be on the first line and "New York State Brand" on the second line. These two lines shall be enclosed in a miniature map of New York State, and with the letters "NYS" superimposed thereon.

(b) *New York Standard.* The markings shall be at least one-half inch high. The word "Grade" shall be on the first line and "New York Standard" on the second line. No map of New York State nor the letters "NYS" shall be a part of this stamp or stencil.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to limitation on use, quality of cheese.

§ 8.11 Stamp or stencil numbers.

Each stamp or stencil issued for "New York State Brand" cheese and for "New York Standard" cheese shall bear a separate number for each manufacturer. The numbers shall be assigned on a permanent basis, but application for grade stencils or stamps shall be made annually. A record shall be kept of the name and address and number issued to each person.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to limitations on use, variety of cheese.

§ 8.12 Use of grade stamps or stencils by designated agents.

Any grade stamp or stencil issued to a designated agent shall bear a number corresponding to the number assigned to the manufacturer who designated such person as his agent. No designated agent shall use any numbered grade stamp or stencil except on cheese of the manufacturer to whom such number was assigned.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to false labeling prohibited.

§ 8.13 Grade marking of cheese.

Cheese may be marked as "New York State Brand" grade or as "New York Standard" grade at any time after manufacture provided that the cheese so marked complies with the standards established by the commissioner for the grade marked and provided further that such grade markings shall be placed on cheese only when it is in New York State.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to stencil and stamp to be returned.

§ 8.14 Removal of grade markings.

The commissioner or his representative may inspect cheese for compliance with the quality standards and when there is evidence that the grade markings have been placed upon cheese which does not meet the minimum quality standards, may order the removal or obliteration of such grade markings.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to stencil and stamp to be recalled.

§ 8.15 Hearing.

A person who has been ordered to remove or obliterate grade markings from cheese may apply for a hearing, in which case a hearing shall be held to determine whether or not such grade markings shall be removed or obliterated or if they have already been removed or obliterated whether or not such markings shall be restored.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966. Former sec. related to hearing authorized.

§ 8.16 Revocation of grade marking stamps or stencils.

Whenever the commissioner has evidence that any grade marking stamp or stencil has been used contrary to law or to the provisions of this Part, he may after hearing, direct the person to whom such stamp or stencil was issued, to return same. After the commissioner has directed the return of such grade marking stamp or stencil, it shall be illegal for the person to whom it was issued or his registered agent to use such stamp or stencil until the commissioner has authorized its reissue.

Historical Note

Sec. repealed, new added, filed July 15, 1963; repealed, new added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966.

§ 8.17 Records.

Each person who holds a grade marking stamp or stencil shall keep a record of all cheese to which such grade markings have been applied. Such record shall include the date of manufacture, the vat number, and the grade assigned to such cheese. These records shall be open to inspection by the commissioner or his representatives and shall be kept for at least two years.

Historical Note

Sec. added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966.

§ 8.18 Making and use of similar stamps or stencils prohibited.

Except for the purpose of replacing worn out stamps or stencils or for making similar but smaller or larger stamps or stencils, no person shall make or cause to be made any stamp, stencil or other marking device which may resemble in any way the identification or grade marking stamps or stencils as provided herein nor shall any person use any marking which includes a miniature map of New York State or the letters "NYS" superimposed upon such marking, nor shall any person use a number other than as assigned by the commissioner.

Historical Note

Sec. added, filed Mar. 2, 1966 to be eff. Apr. 1, 1966.

PART 9

Historical Note

Part (§§ 9.1-9.11) repealed, filed Sept. 12, 1975 eff. Oct. 1, 1975.

§ 9.1-9.11

Historical Note

Secs. repealed, filed Sept. 12, 1975 eff. Oct. 1, 1975.

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, 214-b)

Sec.
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17.4 Part skim ricotta cheese; identity
17.5 Ricotta, ricotone or whole whey cheeses; identity
17.6 Dairy shake: identity; label statement
17.7 Melloream shake: identity; label statement
17.8 Frozen yogurt: identity; label statement
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17.10 Quiescently frozen dairy confection: identity: label statement
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17.12 Freezer-made milk shake; freezer-made shake: identities; label statements
17.13 Parevine: identity; label statement
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17.18 Additional standards of identity for milk and milk products
17.19 Additional standards of identity for frozen desserts
17.20 Requirements applicable to the labeling of milk, milk products and frozen desserts

Historical Note

Part (§§17.1-17.105) filed Sept. 12, 1975; amd. filed Nov. 22, 1994 eff. Dec. 7, 1994. Amended Part title and statutory authority.

§ 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 defintion 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, Department of Agriculture and Markets, One Winners Circle, Albany, NY 12235.

(e) *Special dietary use* means the defintion for 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, Department of Agriculture and Markets, One Winners Circle, Albany, NY 12235.

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

Historical Note

Sec. filed Sept. 12, 1975; amds. filed: Oct. 30, 1989; June 6, 1990; repealed, new filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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.

Historical Note

Sec. filed Sept. 12, 1975; amd. filed June 6, 1990; repealed, new added by renum. and amd. 17.5, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 17.43, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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 six percent milkfat in the finished product.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 17.44, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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 or 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.

Historical Note

Sec. filed Sept. 12, 1975; renum. 17.2, new added by renum. 17.112, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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 nonmilk 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 sweetners 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."

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 17.114, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.7 Melloream shake: identity; label statement.

(a) *Description.* Melloream 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 contents 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 17.116, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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, Department of Agriculture and Markets, One Winners Circle, Albany, NY 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 the 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 39.10, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. 39.13, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. 39.14, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. 39.17, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.12 Freezer-made milk shake; freezer-made shake: identities; label statements.

(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, Department of Agriculture and Markets, One 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 39.18, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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 or 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 not be 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. 39.19, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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 and oils other than milk fat. milk solids not fat, water, option sweetening ingredients as approved by the commissioner, with or without egg or egg products, with or without harmless flavoring, with or without harmless coloring, and with or without safe and suitable stablizers, 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 39.20, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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."

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 39.21, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.16 Generic frozen dessert: 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new added by renum. and amd. 39.25, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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.

Historical Note

Sec. filed Sept 12, 1975; repealed, new filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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, sweentened 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, Department of Agriculture and Markets, One Winners Circle, Albany, New York 12235.

(b) The standards of identiy 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, vegtables or meat; pasteurized process pimento cheese; pasterurized 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; roguefort cheese, sheep's milk, blue-mold and blue-mold cheese from sheep's milk; samsoe 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, 133.152, 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, 133.181, 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.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new filed Nov. 22, 1994, eff. Dec. 7, 1994.

§ 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 21 CFR is available for public inspection at the Division of Milk Control, Department of Agriculture and Markets, One Winners Circle, Albany, New York 12235.

Historical Note

Sec. filed Sept. 12, 1975; repealed, new filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 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, 101.09, 101.12, 101.13, 1010.14, 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, Department of Agriculture and Markets, One Winners Circle, Albany, New York 12235, notwithstanding any provision of this Part to the contrary.

(c) Each milk, milk products 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.

Historical Note

Sec. filed Sept. 1975; repealed, new filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.21

Historical Note

Sec. filed Sept. 12, 1975; amd. filed April 23, 1982; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.22-17.42

Historical Note

Secs. filed Sept. 12, 1975; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.43

Historical Note

Sec. filed Sept. 12, 1975; amd. filed Feb. 1, 1985; renum. 17.3, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.44

Historical Note

Sec. filed Sept. 12, 1975; amd. filed Feb. 1, 1985; renum. 17.4, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.45-17.105

Historical Note

Secs. filed Sept. 12, 1975; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.106-17.111

Historical Note

Secs. filed April 23, 1982; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.112

Historical Note

Sec. filed April 23, 1982; amd. filed Feb. 1, 1985; renum. 17.5, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.114

Historical Note

Sec. filed April 4, 1984; renum. 17.6, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.115

Historical Note

Sec. filed April 4, 1984; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.116

Historical Note

Sec. filed April 4, 1984; renum. 17.7, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.117

Historical Note

Sec. filed April 4, 1984; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 17.118-17.122

Historical Note

Secs. filed Aug. 30, 1991; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

PART 38

Historical Note

Part (§§38.1-38.11) filed Nov. 15, 1968; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 38.1

Historical Note

Sec. filed Nov. 15, 1968; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 38.2

Historical Note

Sec. filed Nov. 15, 1968; amd. filed Sept. 12, 1975; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 38.3-38.11

Historical Note

Secs. filed Nov. 15, 1968; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

PART 39

Historical Note

Part (§§39.1-39.12) filed April 2, 1969; repealed, new (§§39.1-39.20) filed Oct. 16, 1980; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 39.1

Historical Note

Sec. filed April 2, 1969; amd. filed Sept. 13, 1972; repealed, new filed Oct. 16, 1980; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 39.2

Historical Note

Sec. filed April 2, 1969; repealed, new filed Oct. 16, 1980; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 39.3

Historical Note

Sec. filed April 2, 1969; repealed, new filed Oct. 16, 1980; amd. filed March 25, 1988; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 39.4-39.6

Historical Note

Secs. filed April 2, 1969; repealed, new filed Oct. 16, 1980; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

§ 39.7

Historical Note

Sec. filed April 2, 1969; amd. filed Sept. 13, 1972; repealed, new filed Oct. 16, 1980; repealed, filed Nov. 22, 1994 eff. Dec. 7, 1994.

PART 221

COMMODITIES

(Statutory authority: Agriculture and Markets Law, §§ 16, 18, 46-a, 50k, 71-a, 179, 189, 255)

Sec.
221.1 Packaging and labeling regulation; application
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221.9 Exemptions
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221.16 Coin-operated devices

Historical Note

Part (§§ 221.1-221.225) repealed, new (§§ 221.1-221.11) filed Oct. 9, 1963; amd. filed June 30, 1969; repealed, new (§§ 221.1-221.17) filed Dec. 29, 1978 eff. Dec. 29, 1978.

§ 221.1 Packaging and labeling regulation; application.

The provisions in this Part shall apply to packages and to commodities in package form, but shall not apply to:

(a) inner wrappings not intended to be individually sold to the customer;

(b) shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event shall this exclusion apply to packages of consumer or nonconsumer commodities, as defined herein;

(c) auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity;

(d) containers used for retail tray pack displays when the container itself is not intended to be sold (*e.g.*, the tray that is used for display of individual envelopes of seasonings, gravies, etc.); or

(e) open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed or graphic matter obscuring the label information required by this regulation.

Historical Note

Sec. repealed, new filed Oct. 9, 1963; amds. filed: June 30, 1969; Nov. 10, 1971; repealed, new filed Dec. 29, 1978 eff. Dec. 29, 1978.

§ 221.2 Definitions.

(a) The term *commodity in package form* shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in packaged form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measures, shall be construed to be a commodity in package form.

(b) A *consumer package* or *package of consumer commodity* shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sale agencies or instrumentalities for consumption by individuals, or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

(c) A *nonconsumer package* or *package of nonconsumer commodity* shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

(d) The term *random package* shall be construed to mean a package that is one of a shipment or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

(e) The term *label* shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package.

(f) The term *person* shall be construed to mean both singular and plural and shall include any individual, partnership, firm, company, corporation, association and society.

(g) The term *principal display panel or panels* shall be construed to mean that part, or those parts of a label that is, or are, so designed as to be most likely to be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

(h) The term *multi-unit package* shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of multi-unit package but capable of being individually sold in full compliance with all requirements of this Part.

(i) *Sale at retail* means a transaction wherein a person sells a commodity to the consumer, whether such sale is consummated at the place of business of the seller or by mail, telephone or in writing at a place other than at the place of business. Places of business carrying on such transactions include, but are not limited to, supermarkets, grocery stores, butcher shops, food freezer dealers, food plan companies, and department and variety stores.

Historical Note

Sec. filed Oct. 9, 1963; amds. filed: June 30, 1969; Nov. 10, 1971; repealed, new filed Dec. 29, 1978 eff. Dec. 29, 1978.

§ 221.3 Declaration of identity.

(a) *Consumer package.* A declaration of identity on a consumer package shall appear on the principal display panel and shall identify the commodity in the package by its common or usual name, description, generic term, or the like. Such declaration shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

(b) *Nonconsumer package.* A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall identify the commodity in the package by its common or usual name, description, generic term or the like.

Historical Note

Sec. filed Oct. 9, 1963; amds. filed: June 30, 1969; Nov. 10, 1971; repealed, new filed Dec. 29, 1978 eff. Dec. 29, 1978.

§ 221.4 Declaration of responsibility.

(a) Any packaged commodity, kept, offered or exposed for sale, or sold, shall specify conspicuously on the label of the package, the name and address of the manufacturer, packer or distributor. The name shall be the actual corporate name, or when not incorporated, the name

under which the business is conducted. The address shall include street address, city, state and ZIP code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP code shall apply only to labels that have been developed or revised after July 1, 1969.

(b) If a person manufactures, packs or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connections such person has with such commodity, such as "manufactured for and packed by . . . . .," "distributed by . . . . .," or any other wording of similar import that expresses the facts.

Historical Note

Sec. filed Oct. 9, 1963; amds. filed: June 30, 1969; Nov. 10, 1971; July 3, 1972; repealed, new filed Dec. 29, 1978; amd. filed Sept 14, 1979 eff. Sept. 14, 1979. Amended (a).

§ 221.5 Declaration of quantity; consumer packages.

(a) *General.* Units of the metric system of weights and measures and units of the customary system of weights and measures are jointly recognized, and units of either one of these systems may be used in a declaration of quantity. However, customary equivalents to metric sizes must be presented on commodities until such time as the Federal Fair Packaging and Labeling Act is amended and the commissioner deems the consumer is adequately prepared for the sole use of metric declarations.

(b) *Largest whole unit.* Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in:

(1) common or decimal fractions of such largest whole unit; or

(2) the next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

(c) *Net quantity.* The principal display panel of a package shall bear a declaration of the net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity.

(d) *Use of "net weight".* The term "net weight" or its abbreviation "net wt" shall be used when stating the net quantity of contents in terms of weight.

(e) *Lines or print or type.* A declaration of quantity may appear on more than one line of print or type.

(f) *Terms—weight, liquid measure or count.* The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure, if the commodity is liquid, or in terms of weight, if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(g) *Combination declaration.* (1) Weight. A declaration of quantity in terms of weight shall be combined with appropriate declarations of the measure, count and size of the individual units unless a declaration of weight alone is fully informative.

(2) Measure. A declaration of quantity in terms of measure shall be combined with appropriate declarations of the weight, count and size of the individual units unless a declaration of measure alone is fully informative.

(3) Count. A declaration of quantity in terms of count shall be combined with appropriate declarations of the weight, measure and size of the individual units unless a declaration of count alone is fully informative.

(h) *Metric units—weight, measure.* A declaration of quantity:

(1) in units of weight shall be in terms of the kilogram, gram or milligram;

(2) in units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20 degrees C, except in the case of petroleum products, for which the declaration shall express the volume at 15 degrees C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4 degrees C;

(3) in units of linear measure shall be in term of the meter, centimeter, or millimeter;

(4) in units of area measure shall be in terms of the square meter or square centimeter;

(5) in units of volume, other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

(i) *Symbols.* (1) Any of the following symbols for metric units, and none other, may be employed in the quantity statement on a package of commodity:

meter	m	cubic centimeter	cm^3
centimeter	cm	liter	L
millimeter	mm	milliliter	mL
square meter	m^2	gram	g
square centimeter	cm^2	kilogram	kg
cubic meter	m^3	milligram	mg

(2) Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after the symbol. Symbols are always written in the singular form—do not add "s" to express the plural when the symbol is used.

(j) *Customary units—weight, measure.* A declaration of quantity:

(1) in units of weight shall be in terms of the avoirdupois pounds or ounces; except, that solder and brazing alloys containing precious metals when packaged and labeled for retail sale are exempted hereunder, provided, the net quantity declaration is stated in terms of the troy pound and ounce and the term "Troy" is used in each declaration;

(2) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint or fluid ounce subdivisions of the gallon, and shall express the volume at 68°F, except in the case of petroleum products, for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F;

(3) in units of linear measure shall be in terms of the yard, foot or inch;

(4) in units of area measure shall be in terms of the square yard, square foot or square inch;

(5) in units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches or peck, dry quart, and dry pint subdivisions of the bushel;

(6) in units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch.

(k) *Symbols and abbreviations.* (1) Any of the following symbols and customary units, and none other, shall be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	gallon	gal
cubic	cu	inch	in
feet or foot	ft	liquid	liq
fluid	fl	ounce	oz
		pint	pt

pound	lb	weight	wt
quart	qt	yard	yd
square	sq		

(2) There normally are no periods following, nor plural forms of, symbols and abbreviations. For example, "oz" is the symbol for both ounce and ounces. Both upper and lower case letters are acceptable.

(l) *Units with two or more meanings.* When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry".

(m) *Prescribed units—metric system.* (1) Less than one meter, one square meter, one kilogram, or one liter. The declaration of quantity shall be expressed in terms of:

(i) in the case of length measure of less than one meter, centimeters and decimal fractions of a centimeter, but if less than one centimeter, then in millimeters;

(ii) in the case of area measure of less than one square meter, square centimeters and decimal fractions of square centimeters;

(iii) in the case of weight of less than one kilogram, grams and decimal fractions of a gram, but if less than one gram, then in milligrams;

(iv) in the case of fluid or dry measure of less than one liter, milliliters. Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

(2) One meter, one square meter, one kilogram, one liter or more. In the case of:

(i) length measure of one meter or more; in meters and decimal fractions to not more than two places;

(ii) area measure of one square meter or more; in square meters and decimal fractions to not more than two places;

(iii) weight of one kilogram or more; in kilograms and decimal fractions to not more than two places;

(iv) fluid or dry measure of one liter or more; in liters and decimal fractions to not more than two places.

(3) Bidimensional commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

(i) if less than one square meter, in terms of cm^2, followed in parentheses by a declaration of length and width in centimeters and decimal fractions;

(ii) if one square meter or more, in terms of square meters followed in parentheses by a declaration of both length and width, each being in terms of the meter and decimal fractions of a meter; provided, that:

(*a*) no square meter declaration is required for a bidimensional commodity of 10 centimeters width or less, but the length and width shall be expressed in centimeters;

(*b*) a dimension of less than one meter may be stated in centimeters within the parenthetical;

(*c*) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subdivision [o] of this section) require a declaration of unit area but not a declaration of total area of all such units; and

(*d*) no declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

(n) *Prescribed units—customary system.* (1) Less than one foot, one square foot, one pound, or one pint. The declaration of quantity shall be expressed in terms of:

(i) in the case of length measure of less than one foot, inches and fractions of inches;

(ii) in the case of area measure of less than one square foot, square inches and fractions of square inches;

(iii) in the case of weight of less than one pound, ounces and fractions of ounces;

(iv) in the case of fluid measure of less than one pint, fluid ounces and fractions of fluid ounces;

Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

(2) Four feet, four square feet, four pounds, one gallon, or more. The declaration of quantity shall be expressed in terms of the largest whole unit in the case of:

(i) length measure of four feet or more, the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches;

(ii) area measure of four square feet or more;

(iii) weight of four pounds or more; or

(iv) fluid measure of one gallon or more.

(3) Dual quantity declaration.

(i) Weight. On packages containing one pound or more, but less than four pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit; provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

(ii) Fluid measure. On packages containing one pint or more, but less than one gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(iii) Length measure. On packages containing one foot, but less than four feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(iv) Area measure. On packages containing one square foot, but less than four square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(4) Bidimensional commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

(i) if less than one square foot, in terms of linear inches and fractions of linear inches;

(ii) if at least one square foot, but less than four square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; provided, that:

(*a*) no square inch declaration is required for a bidimensional commodity of four inches width or less;

(*b*) a dimension of less than two feet may be stated in inches within the parenthetical declaration; and

(*c*) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subdivision [o] of this section) require a declaration of unit area but not a declaration of total area of all such units;

(iii) If four square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole units; provided, that:

(*a*) no declaration in square feet is required for a bidimensional commodity with a width of four inches or less;

(*b*) bidimensional commodities, with a width of four inches or less, shall have the length expressed in inches followed by a statement in parentheses of the length in the largest whole unit;

(*c*) a dimension of less than two feet may be stated in inches within the parenthetical declaration; and

(*d*) no declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

(o) *Count; ply.* (1) If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this Part, include the number of ply and total number of usable units.

(2) Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of:

(i) total area measurement;

(ii) number of ply;

(iii) count of usable units; and

(iv) dimensions of a single usable unit.

(p) *Fractions.* (1) Metric. A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.

(2) Customary. A customary statement in a declaration of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eights, sixteenths, or thirty-seconds, except that:

(i) if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed; and

(ii) if linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

(3) Common fractions. A common fraction shall be reduced to its lowest terms.

(4) Decimal fractions. A decimal fraction shall not be carried out to more than two places.

(q) *Conversion of units.* In all conversions for the purpose of showing an equivalent metric or customary quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated.

(r) *Supplementary declarations.* (1) Supplementary quantity declarations. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "larger" liter, "full" gallon, "when packed", "minimum", or words of similar import).

(2) Combined metric and customary declarations. An equivalent statement of the net quantity of contents in terms of either the customary or metric systems is not regarded as a supplemental statement and such statement may also appear on the principal display panel; provided, that it conforms to both subdivision (h) and subdivision (m) of this section.

(3) Qualification of declaration prohibited. In no case shall any declaration of quantity be qualified by the addition of the words "when packed", "minimum", or "not less than", or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo", "giant", "full", or the like) that tends to exaggerate the amount of commodity.

(s) *Character of declaration; average.* The average net quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared net quantity and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

Historical Note

Sec. repealed, new filed Oct. 9, 1963; amds. filed: June 30, 1969; Nov. 10, 1971; July 3, 1972 eff. Aug. 1, 1972. Added (c)(5)(iv) and substituted new (d)(1).

§ 221.6 Prominence and placement; consumer packages.

(a) *General.* All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

(b) *Location.* The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel, or panels. For cylindrical containers, see also section 221.8(g) of this Part for additional requirements.

(c) *Style of type or lettering.* The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

(d) *Color contrast.* The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

(e) *Free area.* The area surrounding the quantity declaration shall be free of printed information:

(1) above and below, by a space equal to at least the height of the lettering in the declaration; and

(2) to the left and right, by a space equal to twice the width of the letter "n" of the style and size of type used in the declaration.

(f) *Parallel quantity declaration.* The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

(g) *Calculation of area of principal display panel or panels for purpose of type size.* The square-inch area of the principal display panel shall be:

(1) in the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

(2) in the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; or

(3) in the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire such surface; provided, that determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

(h) *Minimum height of numbers and letters.* The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards; provided, that in the case of the symbol for milliliter (mL), the "m" shall meet one-half the minimum height standard.

(i) *Numbers and letters; proportion.* No number or letter shall be more than three times as high as it is wide.

TABLE 1 MINIMUM HEIGHT OF NUMBERS AND LETTERS

Square-inch area of principal display panel	*Minimum height of numbers and letters*	*Minimum height label information blown, formed, or molded into surface of container*
5 square inches and less	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches	1/8 inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches	1/4 inch	5/16 inch
Greater than 400 square inches	1/2 inch	9/16 inch

Historical Note

Sec. filed Oct. 9, 1963; amds. filed: June 30, 1969; Nov. 10, 1971 eff. immediately. New sec. substituted.

§ 221.7 Declaration of quantity; nonconsumer packages.

(a) *General.* Same as section 221.5(a) of this Part.

(b) *Location.* A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see section 221.5[b] of this Part).

(c) *Terms—weight, liquid measure, or count.* Same as section 221.5(f) of this Part.

(d) *Metric units—weight, measure.* Same as section 221.5(h) of this Part.

(e) *Symbols.* Same as section 221.5(i) of this Part.

(f) *Customary units—weight, measure.* Same as section 221.5(j) of this Part.

(g) *Symbols and abbreviations.* Same as section 221.5(k) of this Part.

(h) *Character of declaration; average.* Same as section 221.5(s) of this Part.

(i) *Prominence and placement; nonconsumer packages; general.* All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English

language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

Historical Note

Sec. filed Oct. 9, 1963; amd. filed: June 30, 1969; Nov. 10, 1971; repealed, new filed Dec. 29, 1978 eff. Dec. 29, 1978.

§ 221.8 Requirements—specific consumer commodities, packages, containers.

(a) *Display card package.* For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

(b) *Eggs.* When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

(c) *Aerosols and similar pressurized containers.* The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

(d) *Multi-unit packages.* Any package containing more than one individual "commodity in package form" (see section 221.2[a] of this Part) of the same commodity shall bear on the outside of the package a declaration of:

(1) the number of individual units;

(2) the quantity of each individual unit; and

(3) the total quantity of the contents of the multi-unit package; provided, that any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.

(e) *Combination packages.* Any package containing individual units of dissimilar commodities (such as an antiquing or a housecleaning kit, for example) shall bear on the label of the package a quantity declaration for each unit.

(f) *Variety packages.* Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package.

(g) *Cylindrical containers.* In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

(h) *Measurement of container-type commodities, how expressed.* (1) General. Commodities designed and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

(i) for bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise). When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed in centimeters or inches, except that a dimension of two feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot, or if metric dimensions are used, a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length, in terms of centimeters or inches, except that any dimension of two feet or more will be expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot, or if metric dimensions are used, a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter;

(ii) for other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than five centimeters or two inches; and

(iii) for circular or other generally round-shaped containers, except cups and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than five centimeters or two inches.

(2) Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

(i) liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce, liter, or milliliter), with any remainder in terms of the common or decimal fraction of that unit;

(ii) dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck, or liter), with any remainder in terms of the common or decimal fraction of that unit; and

(iii) where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent container.

Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. For purposes of this section, the use of the terms "capacity", "diameter", and "fluid" is optional.

(i) *Textile products, threads, and yarns.* (1) Wearing apparel. Wearing apparel (including non-textile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by section 221.5(f) of this Part.

(2) Textiles. Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., shall be exempt from the requirements of subdivisions 221.5(m) and (n) of this Part; provided, that:

(i) the quantity statement for fitted sheets and mattress covers shall state, in centimeters or inches, the length and width of the mattress for which the item is designed, such as "twin", "double", "king", etc;

(ii) the quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin", "double", "king", etc. The quantity statement also shall state, in centimeters or inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished sheet;

(iii) the quantity statement for pillowcases shall state the size designation of he pillow for which the pillowcase is designed, such as "youth", "standard", and "queen", etc. The quantity statement also shall state, in centimeters or inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished pillowcase;

(iv) the quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin", "double", "king", etc;

PART 259

PACKAGING AND LABELING OF FOOD

(Statutory authority: Agriculture and Markets Law, §§ 16, 18, 214-b, 215-a)

Sec.
259.1 Packaging and labeling of food

Historical Note

Part (§ 259.1) filed July 28, 1969; repealed, new (§ 259.1) filed Sept. 21, 1999 eff. Oct. 6, 1999.

§ 259.1 Packaging and labeling of food.

(a) For the purpose of the enforcement of article 17 of the Agriculture and Markets Law, and except where in conflict with the statutes of this State or with rules and regulations promulgated by the commissioner, the commissioner hereby adopts the current regulations as they appear in title 21 of the *Code of Federal Regulations* (revised as of April 1, 1998; U.S. Government Printing Office, Washington, DC 20402), in the area of food packaging and labeling as follows:

(1) Part 1 of title 21 of the *Code of Federal Regulations*, containing the Federal definitions and standards for *General Enforcement Regulations* at pages 5-16.

(2) Part 100 of title 21 of the *Code of Federal Regulations*, containing the Federal definitions and standards for food packaging and labeling *General* at pages 5-10.

(3) Part 101 of title 21 of the *Code of Federal Regulations*, containing the Federal definitions and standards for *Food Labeling* (including Appendices) at pages 10-169.

(4) Part 102 of title 21 of the *Code of Federal Regulations*, containing the Federal definitions and standards for *Common or Usual Name for Nonstandardized Foods* at pages 170-177.

(b) Copies of these regulations, as published in title 21 of the *Code of Federal Regulations*, are maintained in a file at the Department of Agriculture and Markets, Division of Food Safety and Inspection, Capital Plaza, One Winners Circle, Albany, NY 12235, and at the Department of State, 41 State Street, Albany, NY 12231, and are available for public inspection and copying during regular business hours.

Historical Note

Sec. filed July 28, 1969; repealed, new filed: Feb. 9, 1988; Sept. 21, 1999 eff. Oct. 6, 1999.

PART 260

Historical Note

Part (§§ 260.1-260.15) filed Nov. 10, 1971; amd. filed March 29, 1972; Part (*Meat For Sale At Retail*, §§ 260.1-260.16) renum. Subpart 272-1, filed April 20, 1987 eff. April 20, 1987.

EXHIBIT B

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

Grade "A"
Pasteurized
Milk
Ordinance

1999 Revision

U.S. Department of Health and Human Services

Public Health Service

Food and Drug Administration

LIST OF PREVIOUS EDITIONS OF MILK ORDINANCE RECOMMENDED BY THE UNITED STATES PUBLIC HEALTH SERVICE/FOOD AND DRUG ADMINISTRATION

1924. *Ordinance* only. Reprint No. 971 from *Public Health Reports* of November 7, 1924.
1926. *Ordinance* only. Reprint No. 1099 from *Public Health Reports* of July 30, 1926.
1927. *Ordinance and Code.* Mimeographed tentative draft, November 1927.
1929. *Ordinance and Code.* Mimeographed, July 1929.
1929. *Ordinance and Code.* Mimeographed, September 1929.
1931. *Ordinance and Code.* Mimeographed, September 1931.
1933. *Ordinance* only. Mimeographed, July 1933.
1933. *Ordinance and Code.* Mimeographed, July 1933.
1933. *Ordinance* only. Rotoprinted, December 1933.
1933. *Ordinance and Code.* Rotoprinted, December 1933.
1934. *Ordinance and Code.* Rotoprinted, August 1934.
1934. *Ordinance* only. Rotoprinted, August 1934.
1935. *Ordinance and Code.* Printed as *Public Health Bulletin No. 220*, 1935 edition, July 1935.
1936. *Ordinance* only. Mimeographed, December 1936.
1936. *Ordinance and Code.* Printed as *Public Health Bulletin No. 220*, 1936 edition, January 1937.
1939. *Ordinance and Code.* Mimeographed, January 1939.
1939. *Ordinance* only. Mimeographed, February 1939.
1939. *Ordinance* only. Mimeographed, November 1939.
1939. *Ordinance and Code*. Printed as *Public Health Bulletin No. 220*, 1939 edition, February 1940.
1947. *Ordinance* only. Mimeographed tentative draft, August 1947.
1949. *Ordinance* only. Multilthed, April 1949.
1951. *Ordinance* only. Multilthed, November 1951.
1953. *Ordinance and Code.* Printed as *Public Health Service Publication No. 229.*
1965. *Pasteurized Milk Ordinance. Public Health Service Publication No. 229.*
1978. *Pasteurized Milk Ordinance. Public Health Service/Food and Drug Administration Publication No. 229.*
1983. *Pasteurized Milk Ordinance. Public Health Service/Food and Drug Administration Publication No. 229.*
1985. *Pasteurized Milk Ordinance. Public Health Service/Food and Drug Administration Publication No. 229.*
1989. *Pasteurized Milk Ordinance. Public Health Service/Food and Drug Administration Publication No. 229.*
1993. *Pasteurized Milk Ordinance. Public Health Service/Food and Drug Administration Publication No. 229.*
1995. *Pasteurized Milk Ordinance. Public Health Service/Food and Drug Administration Publication No. 229.*
1997. *Pasteurized Milk Ordinance. Public Health Service/Food and Drug Administration Publication No. 229.*

PUBLIC HEALTH SERVICE/FOOD AND DRUG ADMINISTRATION
PUBLICATION NO. 229

FOREWORD

The milk sanitation program of the United States Public Health Service is one of its oldest and most respected activities. The interest of the Public Health Service in milk sanitation stems from two important public health considerations. First, of all foods, none surpasses milk as a single source of those dietary elements needed for the maintenance of proper health, especially in children and older citizens. For this reason, the Service has for many years promoted increased milk consumption. Second, milk has a potential to serve as a vehicle of disease and has, in the past, been associated with disease outbreaks of major proportions.

The incidence of milkborne illness in the United States has been sharply reduced in recent years. In 1938, milkborne outbreaks constituted 25 percent of all disease outbreaks due to infected foods and contaminated water. Our most recent information reveals that milk and fluid milk products continue to be associated with less than 1 percent of such reported outbreaks. Many groups have contributed to this commendable achievement, including Public Health and Agricultural agencies, dairy and related industries, several interested professional groups, educational institutions and the consuming public. The Public Health Service is proud to have contributed to the protection and improvement of the milk supply of the nation through technical assistance, training, research, standards development, evaluation and certification activities.

Despite the progress that has been made, occasional milkborne outbreaks still occur, emphasizing the need for continued vigilance at every stage of production, processing, pasteurization and distribution of milk and milk products. During the past decade, problems associated with the sanitary control of milk and milk products have become extremely complex because of new products, new processes, new chemicals, new materials and new marketing patterns, which must be evaluated in terms of their public health significance. The *Grade "A" Pasteurized Milk Ordinance*--1978 Recommendations of the United States Public Health Service/Food and Drug Administration, 1999 Revision translates this new knowledge and technology into effective and practicable public health practices.

The responsibility for insuring the ready availability and safety of milk and milk products is not confined to an individual community or a State, or to the Federal Government, it is the concern of the entire nation. With the continued cooperation of all interested groups engaged in the sanitary control of milk and milk products, including Government and industry, such responsibility can be accepted with confidence.

PREFACE

Public Health Service activities in the area of milk sanitation began at the turn of the century with studies on the role of milk in the spread of disease. These studies led to the conclusion that effective public health control of milkborne disease requires the application of sanitation measures throughout the production, handling, pasteurization, and distribution of milk. These early studies were followed by research to identify and evaluate sanitary measures which might be used to control disease, including studies which led to improvement of the pasteurization process.

To assist States and municipalities in initiating and maintaining effective programs for the prevention of milkborne disease, the Public Health Service, in 1924, developed a model regulation, known as the *Standard Milk Ordinance* for voluntary adoption by State and local milk control agencies. To provide for the uniform interpretation of this *Ordinance*, an accompanying *Code* was published in 1927 which provided administrative and technical details as to satisfactory compliance. This model milk regulation, now titled the *Grade "A" Pasteurized Milk Ordinance*--1978 Recommendations of the United States Public Health Service/Food and Drug Administration, 1999 Revision, represents the 30th revision since 1924 and incorporates new knowledge into public health practice.

The *Grade "A" Pasteurized Milk Ordinance* was not produced by the Public Health Service/Food and Drug Administration alone. As with every preceding edition, it was developed with the assistance of milk sanitation and regulatory agencies at every level of Federal, State, and local government including both health and agriculture departments; all segments of the dairy industry including producers, plant operators, equipment manufacturers, and associations; many educational and research institutions; and with helpful comments from many individual sanitarians and others.

Public Health Service/Food and Drug Administration recommended *Grade "A" Pasteurized Milk Ordinance* is the basic standard used in the voluntary Cooperative State-PHS Program for Certification of Interstate Milk Shippers, a program participated in by all 50 States, the District of Columbia and U.S. Trust Territories. The National Conference on Interstate Milk Shipments (NCIMS) in accordance with the Memorandum of Understanding with the Food and Drug Administration, has at its biennial conferences in 1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997 and 1999 recommended changes and modifications to the *Grade "A" Pasteurized Milk Ordinance*. These changes have been incorporated into this 1999 revision. The counsel and guidance rendered by the Conference in preparation of this edition of the *Grade "A" Pasteurized Milk Ordinance* is deeply appreciated.

The *Grade "A" Pasteurized Milk Ordinance* is incorporated by reference in Federal specifications for procurement of milk and milk products; is used as the sanitary regulation for milk and milk products served on interstate carriers; and is recognized by the public health agencies, the milk industry, and many others as a national standard for milk sanitation.

The *Grade "A" Pasteurized Milk Ordinance* adopted and uniformly applied, will continue to provide effective public health protection without being unduly burdensome to either regulatory agencies or the dairy industry. It represents a "grass-roots" consensus of current knowledge and experiences and as such represents a practical and equitable milk sanitation standard for the nation.

INTRODUCTION

The following *Grade "A" Pasteurized Milk Ordinance*, with Appendices, is recommended for legal adoption by States, counties, and municipalities, in order to encourage a greater uniformity and a higher level of excellence of milk sanitation practice in the United States. An important purpose of this recommended standard is to facilitate the shipment and acceptance of milk and milk products of high sanitary quality in interstate and intrastate commerce.

This edition of the *Ordinance* contains sanitary standards for *Grade "A* pasteurized milk and milk products defined in Section 1 only.

The following form is suggested for adoption by States, municipalities, and counties subject to the approval of the appropriate legal authority. Adoption of this form will reduce the cost of publishing and printing, and will enable the *Grade "A" Pasteurized Milk Ordinance* to be easily kept current. The adoption of this form is considered legal in many States and has been so adopted. The Council of State Governments has prepared a model State law, *Milk and Food Codes Adoption-by-Reference Act*,[1] which is recommended for enactment by States to enable communities to adopt milk and food ordinances by reference.

An ordinance to regulate the production, transportation, processing, handling, sampling, examination, labeling, and sale of milk and milk products; the inspection of dairy herds, dairy farms, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors; and the fixing of penalties.

The.....of.....[2] ordains:

SECTION 1. The production, transportation, processing, handling, sampling, examination, labeling and sale of all milk and milk products sold for the ultimate consumption within the ..... of .....[2] or its jurisdiction; the inspection of dairy herds, dairy farms and milk plants; and the issuing and revocation of permits to milk producers, haulers and distributors shall be regulated in accordance with the provisions of the current edition of the *Pasteurized Milk Ordinance*, a certified copy[3] of which is filed in the office of the appropriate official. *Provided*, that Sections 15 and 16 of said ordinance shall be replaced, respectively by Sections 2 and 3 below.

SECTION 2. Any person who shall violate any of the provisions of this *Ordinance* shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $....., and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

SECTION 3. All Ordinances and parts of ordinances in conflict with this *Ordinance*, shall be repealed 12 months after the adoption of this *Ordinance*, at which time this *Ordinance* shall be in full force and effect, as provided by law.

Legal Aspects: Recommendations concerning legal aspects have been suggested from time to time by the Office of the General Counsel and have been incorporated into the *Ordinance*. Other changes have also been incorporated on the advice of various State and local legal counsel.

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[1] A copy of the model act is included in Suggested State Legislation Programs for 1950, developed by the Council of State Governments, Box 11910, Iron Works Pike, Lexington, KY 40578.

[2] Substitute proper legal jurisdiction here and in all similar places throughout the Ordinance.

[3] A certified copy may be secured from the Department of Health and Human Services, Public Health Service, Food and Drug Administration(HFS-626), 200 C. Street, S.W., Washington, D.C. 20204.

The *Ordinance* has been widely adopted and used for many years and has been upheld by court actions. One of the most comprehensive decisions upholding the various provisions of the *Ordinance* was that of the District Court, Reno County, Kansas, in the case of *Billings et al. v. City of Hutchinson et al.*, decided May 1, 1934. In this action, the plaintiffs unsuccessfully sought to enjoin the enforcement of the Hutchinson ordinance on the grounds that (a) it was unreasonable; (b) it conflicted with State statutes; (c) the license fees provided in the local ordinance (but not in the *Ordinance* recommended by the Public Health Service) were in excess of expenses; and (d) the milk inspector was clothed with arbitrary powers. (Reprint No. 1629 from *Public Health Reports* of June 8, 1934.)

The model ordinance discourages the use of public health regulations to establish unwarranted trade barriers against the acceptance of high quality milk from other milksheds (Section 11). On repeated requests from the Association of State and Territorial Health Officers and the National Conference on Interstate Milk Shipments, the Public Health Service/Food and Drug Administration is actively cooperating in the voluntary program for the certification of interstate milk shippers. Such a program would be impossible without widespread agreement on uniform standards, such as those of the recommended *Ordinance*.

The value of these standards as a means of overcoming interstate trade barriers was recognized by the U.S. Supreme Court in the case of the *Dean Milk Company v. City of Madison.* (No. 258--October term, 1950). The Court reversed the decision of the Wisconsin Supreme Court which had sustained an ordinance requirement imposing a 5-mile limit on the location of pasteurization plants selling milk in Madison and pointed out that Madison consumers would be adequately safeguarded if the city relied upon the provisions of Section 11 of the Public Health Service's recommended *Milk Ordinance*.

The Public Health Service has no legal jurisdiction in the enforcement of milk sanitation standards, except on interstate carriers and milk and milk products shipped in interstate commerce. Elsewhere, it serves solely in an advisory and stimulative capacity. Its program is designed primarily to assist State and local regulatory agencies. Its aim is to promote the establishment of effective and well-balanced milk sanitation programs in each State; to stimulate the adoption of adequate and uniform State and local milk control legislation; and to encourage the application of uniform enforcement procedures through appropriate legal and educational measures.

When this *Ordinance* is adopted locally, its enforcement becomes a function of the local or State authorities. Consequently, the *Ordinance* should be adopted only if adequate provisions can be made for qualified personnel and for suitable laboratory facilities. Small municipalities which cannot afford to provide these services should arrange for supervision by the county or State health department, or seek cooperation with neighboring municipalities in organizing a milk-control district or area.

The charter and the legal counsel of the government unit involved should be consulted for information or advice on proper legal procedures, such as the recording and advertising of the *Ordinance* after passage.

Adoption: In the interest of national uniformity, it is recommended that no changes be made in this *Ordinance* when adopted by a State or local community, unless changes are necessary to avoid conflict with State law. Modifications should be contemplated with extreme caution so as not to render the *Ordinance* unenforceable. In order to promote uniformity, it is recommended that all of the administrative procedures be adopted as well.

Amendment of Existing Regulations: States and communities that have adopted the 1989 or earlier editions of the Public Health Service recommended milk sanitation ordinances are urged to bring such *Ordinance* up-to-date in order to take advantage of the most current developments in milk sanitation and administration. States and communities whose milk sanitation law or regulations are not based on past Public Health Service recommended milk sanitation ordinances are urged to consider the attendant public health benefits, as well as those economic in nature, which can accrue upon adoption and implementation of the *Grade "A" Pasteurized Milk Ordinance*.

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GRADE "A" PASTEURIZED MILK ORDINANCE - 1999 Revision

An ordinance defining "milk" and certain "milk products", "milk producer", "pasteurization", etc.; prohibiting the sale of adulterated and misbranded milk and milk products; requiring permits for the sale of milk and milk products; regulating the inspection of dairy farms and milk plants, the examination, labeling, pasteurization, aseptic processing and packaging and distribution and sale of milk and milk products; providing for the construction of future dairy farms and milk plants; and the enforcement of this *Ordinance* and the fixing of penalties.

Be it ordained by the ... of ...[1] as follows:

SECTION 1. DEFINITIONS

Terms used in this document not specifically defined herein are those within Title 21, Code of Federal Regulations and/or the *Federal Food, Drug, and Cosmetic Act* as amended.

The following additional definitions shall apply in the interpretation and the enforcement of this *Ordinance*:

A. **BULK MILK HAULER/SAMPLER:** A bulk milk hauler/sampler is any person who collects official samples and may transport raw milk from a farm and/or raw milk products to or from a milk plant, receiving station or transfer station and has in their possession a permit from any state to sample such products.

B. **BULK MILK PICKUP TANKER:** A bulk milk pickup tanker is a vehicle, including the truck, tank and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

C. **CONCENTRATED MILK:** Concentrated milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from the milk, which, when combined with potable water in accordance with instructions printed on the container, results in a product conforming with the milkfat and milk solids not fat levels of milk as defined in this section.

D. **CONCENTRATED MILK PRODUCTS:** Concentrated milk products shall be taken to mean and to include homogenized concentrated milk, concentrated nonfat milk, concentrated reduced fat or low fat milk, and similar concentrated products made from concentrated milk or concentrated non-fat 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 section.

E. **DAIRY FARM:** A dairy farm is any place or premises where one or more lactating animals (cows, goats or sheep) 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 receiving station, transfer station or milk plant.

F. **DAIRY PLANT SAMPLER:** A person responsible for the collection of official samples for regulatory purposes

[1] Substitute proper legal jurisdiction here and in all similar places throughout the Ordinance.

outlined in Section 6 of the *Grade "A" Pasteurized Milk Ordinance*. This person is an employee of the regulatory agency and is evaluated at least once every two-year period by the State Sampling Surveillance Officer.

G. **EGGNOG OR BOILED CUSTARD:** Eggnog or boiled custard is the product defined in the *Code of Federal Regulations*, Title 21, Section 131.170.

H. **FROZEN MILK CONCENTRATE:** Frozen milk concentrate is a frozen milk product with a 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.

I. **GOAT MILK:** Goat milk is the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy goats. Goat milk sold in retail packages shall contain not less than 2.5 percent milkfat and not less than 7.5 percent milk solids not fat. Goat milk shall be produced according to the sanitary standards of this *Ordinance*. The word "milk" shall be interpreted to include goat milk.

J. **GRADE "A" DRY MILK AND WHEY PRODUCTS:** Grade "A" dry milk and whey products are products which have been produced for use in Grade "A" pasteurized or aseptically processed milk products and which have been manufactured under the provisions of the most current revision of the *Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey--Suppliment I to the Grade "A" Pasteurized Milk Ordinance.*

K. **MILK DISTRIBUTOR:** A milk distributor is any person who offers for sale or sells to another any milk or milk products.

L. **MILK PLANT:** A milk plant is any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, aseptically processed, packaged, or prepared for distribution.

M. **MILK PRODUCER:** A milk producer is any person who operates a dairy farm and provides, sells or offers milk for sale to a milk plant, receiving station or transfer station.

N. **MILK PRODUCTS:** Milk products include cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat (skim) milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk, cultured nonfat (skim) milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, acidified nonfat (skim) milk, low-sodium milk, low-sodium reduced fat or lowfat milk, low-sodium nonfat (skim) milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat (skim) milk, aseptically processed

and packaged milk and milk products as defined in this section, milk, reduced fat or lowfat milk or nonfat (skim) milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined herein.[2,3]

Milk products also include those dairy foods made by modifying the federally standardized products listed in this Section in accordance with 21 CFR 130.10 - Requirements for foods named by use of a nutrient content claim and a standardized term.

This definition shall include those milk and milk products, as defined herein, which have been aseptically processed and then packaged.

Milk and milk products which have been retort processed after packaging or which have been concentrated, condensed or dried are included in this definition only if they are used as an ingredient to produce any milk or milk product defined herein or if they are labeled as Grade "A" as described in section 4.

This definition is not intended to include dietary products (except as defined herein), infant formula, ice cream or other desserts, butter or cheese.

O. **MILK TANK TRUCK:** A milk tank truck is the term used to describe both a bulk milk pickup tanker and a milk transport tank.

P. **MILK TANK TRUCK CLEANING FACILITY:** Any place, premise, or establishment, separate from a milk plant, receiving or transfer station, where a milk tank truck is cleaned and sanitized.

Q. **MILK TANK TRUCK DRIVER:** A milk tank truck driver is any person who transports raw or pasteurized milk products to or from a milk plant, receiving station or transfer station. Any transportation of a direct farm pickup requires the milk tank truck driver to have responsibility for accompanying official samples.

R. **MILK TRANSPORT TANK:** A milk transport tank is a vehicle, including the truck and tank, used by a bulk milk hauler/sampler to transport bulk shipments of milk from a milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

S. **MILK TRANSPORTATION COMPANY**: A milk transportation company is the person responsible for a milk tank truck(s).

T. **OFFICIAL LABORATORY:** An official laboratory is a biological, chemical or physical laboratory which is under the

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[2] Communities and/or states desiring to regulate Cottage cheese and dry curd cottage cheese under the terms of this *Ordinance* should insert the following definitions:

Cottage Cheese – Cottage cheese is the product defined in the Code of Federal Regulations, Title 21 Section 133.128.

Dry Curd Cottage Cheese – Dry curd cottage cheese is the product defined in the Code of Federal Regulations, Title 21 Section 133.129.

[3] Whey, caseinates, lactalbumin and other milk derived ingredients are required to be derived from a Grade "A" raw milk source.

direct supervision of the State or a local regulatory agency.

U. **OFFICIALLY DESIGNATED LABORATORY:** An officially designated laboratory is a commercial laboratory authorized to do official work by the regulatory agency, or a milk industry laboratory officially designated by the regulatory agency for the examination of producer samples of Grade “A” raw milk for pasteurization and commingled milk tank truck samples of raw milk for drug residues and bacterial limits.

V. **PASTEURIZATION:** The terms "pasteurization", "pasteurized" and similar terms shall mean the process of heating every particle of milk or milk product, in properly designed and operated equipment, to one of the temperatures given in the following chart and held continuously at or above that temperature for at least the corresponding specified time:

Temperature	Time
*63°C (145°F)	30 minutes
*72°C (161°F)	15 seconds
89°C (191°F)	1.0 second
90°C (194°F)	0.5 second
94°C (201°F)	0.1 second
96°C (204°F)	0.05 second
100°C (212°F)	0.01 second
*If the fat content of the milk product is 10 percent or more, or if it contains added sweeteners, the specified temperature shall be increased by 3°C (5°F). *Provided*, that eggnog shall be heated to at least the following temperature and time specifications:	
69°C (155°F)	30 minutes
80°C (175°F)	25 seconds
83°C (180°F)	15 seconds

Provided further, that nothing shall be construed as barring any other pasteurization process which has been recognized by the Food and Drug Administration to be equally efficient and which is approved by the regulatory agency.

W. **PERSON:** The word "person" shall include any individual, plant operator, partnership, corporation, company, firm, trustee, association or institution.

X. **RECEIVING STATION:** A receiving station is any place, premises or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transporting.

Y. **RECONSTITUTED OR RECOMBINED MILK AND MILK PRODUCTS:** Reconstituted or recombined milk and/or milk products shall mean milk or milk products defined in this section which result from reconstituting or recombining of milk constituents with potable water when appropriate.[4]

Z. **REGULATORY AGENCY:** The regulatory agency shall mean the ... of the …[5]or his authorized representative. The term, "regulatory agency", whenever it appears in the *Ordinance* shall mean the appropriate agency having jurisdiction and control over the matters embraced within this *Ordinance*.

[4] Where State law does not permit the sale of reconstituted or recombined milk and/or milk products, Definition Y and other corresponding references should be omitted.

[5] Substitute proper legal jurisdiction here and in all similar places throughout the Ordinance.

AA. **SHEEP MILK:** Sheep milk is the normal lacteal secretion practically free of colostrum, obtained by the complete milking of one or more healthy sheep. Sheep milk shall be produced according to the sanitary standards of this *Ordinance*. The word "milk" shall be interpreted to include sheep milk.

BB. **TRANSFER STATION:** A transfer station is any place, premises or establishment where milk or milk products are transferred directly from one milk tank truck to another.

SECTION 2. ADULTERATED OR MISBRANDED MILK OR MILK PRODUCTS

No person shall, within the ... of ...[6] ., or its jurisdiction, 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. *Provided*, that in an emergency, the sale of pasteurized milk and milk products which do not fully meet the requirements of this *Ordinance*, may be authorized by the regulatory agency.

Any adulterated or misbranded milk or milk product may be impounded by the regulatory agency and disposed of in accordance with applicable laws or regulations.

ADMINISTRATIVE PROCEDURES

This section of the *Ordinance* shall be used in impounding the products of, or preferring charges against, persons who adulterate or misbrand their milk or milk products, or label them with any grade designation not authorized by the regulatory agency under the terms of this *Ordinance* or who sell or deliver ungraded milk or milk products, except as may be permitted under this section in an emergency. An emergency is defined as a general and acute shortage in the milkshed, not simply one distributor's shortage.

SECTION 3. PERMITS

It shall be unlawful for any person who does not possess a permit from the regulatory agency of the ... of ... to bring into, send into or receive into the ... of ...[7] or its jurisdiction, for sale, or to sell, or offer for sale therein or to have in storage any milk or milk products defined in this *Ordinance*. *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.

Only a person who complies with the requirements of this *Ordinance* shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

The regulatory agency shall suspend such permit, whenever it has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of this *Ordinance*; or whenever the permit holder has interfered with the regulatory agency in the performance of its duties. *Provided*, that the regulatory agency shall, in all cases except where the milk or milk product involved creates, or appears to create, an imminent

[6] Substitute proper legal jurisdiction here and in all similar places throughout the Ordinance.

[7] Substitute proper legal jurisdiction here and in all similar places throughout the Ordinance.

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 regulatory agency before making any order of suspension effective. A suspension of permit shall remain in effect until the violation(s) has been corrected to the satisfaction of the regulatory agency.

Upon notification, acceptable to the regulatory agency, by 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 regulatory agency shall within 72 hours proceed to a hearing to ascertain the facts of such violation(s) or interference and upon evidence presented at such hearing shall affirm, modify or rescind the suspension or intention to suspend.

Upon repeated violation(s), the regulatory agency 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 Sections 5 and 6.

ADMINISTRATIVE PROCEDURES

ISSUANCE OF PERMITS: Every milk producer, milk distributor, bulk milk hauler/sampler, milk tank truck[8], milk transportation company and each milk plant, receiving station, milk tank truck cleaning facility and transfer station operator shall hold a valid permit. The permit for a milk tank truck or milk tank trucks may be issued to the milk transportation company. Milk producers who transport milk or milk products, only from their own dairy farms; employees of a milk distributor or milk plant operator who possesses a valid permit; and employees of a milk transportation company that possesses a valid permit and transports milk from a milk plant, receiving station or transfer station shall not be required to possess a bulk milk hauler/sampler's permit. Grocery stores, restaurants, soda fountains and similar establishments where milk and milk products are served or sold at retail, but not processed, may be exempt from the requirements of this section.

SUSPENSION OF PERMIT: When any requirement(s) of this *Ordinance* is violated, the permit holder is subject to the suspension of his permit.

The regulatory agency may forego suspension of the permit, provided the product or products in violation are not sold or offered for sale as Grade "A" product. A regulatory agency may allow the imposition of a monetary penalty in lieu of a permit suspension, provided product or products in violation are not sold or offered for sale as Grade "A" product.

HEARINGS: If a State or municipal administrative procedure act, which provides procedures for administrative hearings and judicial review of administrative determinations, is available, the act shall be made applicable by reference to the hearings provided for in the *Ordinance*. If such administrative procedures act is not available, appropriate procedures, including provision for notice, hearing officer, his authority, record of hearing, rules of evidence and court review shall be established by appropriate authority.

[8] The permit for a milk tank truck may be issued to the responsible person for the milk tank truck(s).

REINSTATEMENT OF PERMITS: Any producer, distributor, bulk milk hauler/sampler, milk transportation company or plant operator whose permit has been suspended may make written application for the reinstatement of his permit.

When the permit suspension has been due to a violation of any of the bacterial, coliform or cooling-temperature standards, the regulatory agency, within 1 week after the receipt of notification for reinstatement of permit, shall issue a temporary permit after determining by an inspection of the facilities and operating methods that the conditions responsible for the violation have been corrected. When a permit suspension has been due to a violation of the somatic cell count standard, the regulatory agency may issue a temporary permit whenever a resampling of the herd's milk supply indicates the milk supply to be within acceptable limits as prescribed in Section 7. Samples shall then be taken at the rate of not more than two per week on separate days within a 3-week period and the regulatory agency shall reinstate the permit upon compliance with the appropriate standard as determined in accordance with Section 6 of this *Ordinance*.

Whenever the permit suspension has been due to a violation of a requirement other than bacteriological, coliform, somatic cell count, drug residue test or cooling-temperature standards, the notification shall indicate that the violation(s) has been corrected. Within 1 week of the receipt of such notification, the regulatory agency shall make an inspection of the applicant's establishment, and as many additional inspections thereafter as are deemed necessary, to determine that the applicant's establishment is complying with the requirements. When the findings justify, the permit shall be reinstated.

When a permit suspension has been due to positive drug residues, the permit shall be reinstated in accordance with the provisions of Appendix N.

SECTION 4. LABELING

All bottles, containers and packages enclosing milk or milk products defined in Section 1 of this *Ordinance* shall be labeled in accordance with the applicable requirements of the *Federal Food, Drug, and Cosmetic Act as amended*, the *Nutrition Labeling and Education Act of 1990*, and regulations developed thereunder, the Code of Federal Regulations, and in addition, shall comply with applicable requirements of this section as follows:

All bottles, containers and packages enclosing milk or milk products, except milk tank trucks, storage tanks and cans of raw milk from individual dairy farms, shall be conspicuously marked with:

1. The identity of the plant where pasteurized, ultra-pasteurized or aseptically processed.
2. The words "keep refrigerated after opening" in the case of aseptically processed milk and milk products.
3. The word "Goat" or "Sheep" shall precede the name of the milk or milk product when the product is or is made from goat or sheep milk respectively.
4. The words "Grade “A”" on the exterior surface. Acceptable locations shall include the principal display panel, the secondary or informational panel, or the cap/cover.
5. The word "reconstituted" or "recombined" if the product is made by reconstitution or recombination.

All vehicles and milk tank trucks containing milk or milk products shall be

legibly marked with the name and address of the milk plant or hauler in possession of the contents.

Milk tank trucks transporting raw, heat-treated or pasteurized milk and milk products to a milk plant from another milk plant, receiving or transfer station are required to be marked with the name and address of the milk 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:

a.) Shipper's name, address and permit number. Each milk tank truck load of milk shall include the IMS Bulk Tank Unit (BTU) identification number(s) or the IMS listed Plant Number (for farm groups listed with a plant) on the weight ticket or manifest.
b.) Permit identification of hauler, if not an employee of the shipper.
c.) Point of origin of shipment.
d.) Tanker identification number.
e.) Name of product.
f.) Weight of product.
g.) Temperature of product when loaded.
h.) Date of shipment.
i.) Name of supervising regulatory agency at the point of origin of shipment.
j.) Whether the contents are raw, pasteurized, or in the case of cream, lowfat or skim milk, whether it has been heat treated.
k.) Seal number on inlet, outlet, wash connections and vents.
l.) Grade of product.

All cans of raw milk from individual dairy farms shall be identified by the name or number of the individual milk producer.

Each milk tank truck load of milk shall be accompanied by documentation (weigh ticket or manifest) which shall include the IMS BTU Identification Number(s) or the IMS Listed Plant Number (for farm groups listed with a plant).

ADMINISTRATIVE PROCEDURES

EMERGENCY SUPPLIES--LABELING: When the sale of ungraded milk or milk products is authorized during emergencies, under the terms of Section 2, the label must bear the designation "ungraded". When such labeling is not available, the regulatory agency shall take immediate steps to inform the public that the particular supply is ungraded and that the supply will be properly labeled as soon as the distributor can obtain the required labels.

IDENTITY LABELING: "Identity", as used in this section, is defined as the name and address of the milk plant at which the pasteurization, ultra-pasteurization or aseptic processing takes place. It is recommended that the voluntary national uniform coding system for the identification of pasteurization plants at which milk and milk products are packaged, be adopted in order to provide a uniform system of codes throughout the country.

In cases where several plants are operated by one firm, the common firm name may be utilized on milk bottles or containers. *Provided*, that the location of the plant at which the contents were pasteurized, ultra-pasteurized or aseptically processed is also shown, either directly or by a code. This requirement is necessary in order to enable the regulatory agency to identify the source of the pasteurized, ultra-pasteurized or aseptically processed milk. The street

address of the plant need not be shown when only one plant of a given name is located within the municipality.

The identity labeling requirement may be interpreted as permitting plants and persons to purchase and distribute, under their own label, milk and milk products processed and packaged at another plant, provided, that the label reads, "Processed at ... (name and address)", or that the processing and packaging plant is identified by a proper code.

MISLEADING LABELS: The regulatory agency shall not permit the use of any misleading marks, words or endorsements upon the label. They may permit the use of registered trade designs or similar terms on the bottle cap or label when, in their opinion, they are not misleading and are not so used as to obscure the labeling required by the *Ordinance*. The use of super grade designations shall not be permitted. Grade designations such as "Grade AA Pasteurized", "Selected Grade A Pasteurized", "Special Grade A Pasteurized", "Premium", etc., give the consumer the impression that such a grade is significantly safer than Grade "A". Such an implication is false, because the *Ordinance* requirements for Grade "A" pasteurized, ultra-pasteurized or aseptically processed milk when properly enforced, will insure that this grade of milk will be as safe as milk can practically be made.

SECTION 5. INSPECTION OF DAIRY FARMS AND MILK PLANTS

Each dairy farm, milk plant, receiving station, milk tank truck cleaning facility and transfer station whose milk or milk products are intended for consumption within ...of...[9] or it's jurisdiction, and each bulk milk hauler/sampler who collects samples of raw milk for pasteurization, for bacterial, chemical or temperature standards and hauls milk from a dairy farm to a milk plant, receiving station or transfer station and his bulk milk pickup tank and its appurtenances shall be inspected by the regulatory agency prior to the issuance of a permit. Following the issuance of a permit, the regulatory agency shall:

1. Inspect each milk tank truck and its appurtenances used by a bulk milk hauler/sampler who collects samples of raw milk for pasteurization for bacterial, chemical or temperature standards and hauls milk from a dairy farm to a milk plant, receiving station or transfer station, at least once every 12 months;
2. Inspect each such bulk milk hauler/sampler's pickup and sampling procedures at least once every 24 months;
3. Inspect each milk plant and receiving station at least once every 3 months.
4. Inspect each milk tank truck cleaning facility and transfer station at least once every 6 months; and
5. Inspect each dairy farm at least once every 6 months.[10]

Should the violation of any requirement set forth in Section 7, or in the case of a bulk milk hauler/sampler also Section 6 and Appendix B, be found to exist on an

[9] Substitute proper legal jurisdiction here and in all similar places throughout the Ordinance.

[10] Communities and/or States desiring to inspect dairy farms under a performance-based inspection system should substitute the following language in 5. "5. Inspect each dairy farm as provided in Appendix P, Performance-Based Dairy Farm Inspection System."

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 Section 7 or in the case of a bulk milk hauler/sampler or milk tank truck also Section 6 and Appendix B. Any violation of the same requirement of Section 7, or in the case of a bulk milk hauler/sampler or milk tank truck also Section 6 and Appendix B on such second inspection, shall call for permit suspension in accordance with Section 3 and/or court action. *Provided*, that when the regulatory agency finds that a critical processing element violation involving:

1. Proper pasteurization, whereby every particle of milk or milk product may not have been heated to the proper temperature and held for the required time in properly designed and operated equipment; or
2. A cross-connection exists whereby direct contamination of pasteurized milk or milk product is occurring; or
3. Conditions exist whereby direct contamination of pasteurized milk or milk product is occurring.

The regulatory agency shall take immediate action to prevent further movement of such milk or milk product until such violations of critical processing element(s) have been corrected. Should correction of such critical processing element(s) not be accomplished immediately, the regulatory agency shall take prompt action to suspend the permit as provided for in Section 3 of this *Ordinance*. *Provided*, that in the case of dairy plants producing aseptically processed milk and milk products, when an inspection of the dairy plant and its records reveal that the process used has been less than the required scheduled process, it shall be considered an imminent hazard to public health and the regulatory agency shall take immediate action to suspend the permit of the plant for the sale of aseptically processed milk and milk products in conformance with Section 3 of this *Ordinance*.

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 regulatory agency upon request. An identical copy of the inspection report shall be filed with the records of the regulatory agency.

Every milk producer, bulk milk hauler/sampler, milk transportation company or milk tank truck driver, distributor or plant operator shall, upon request of the regulatory agency, permit access of officially designated persons to all parts of their establishment or facilities to determine compliance with the provisions of this *Ordinance*. A distributor or plant operator shall furnish the regulatory agency, upon request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, a list of all sources of such milk and milk products, records of inspections, tests and pasteurization time and temperature records.

It shall be unlawful for any person who, in an official capacity, obtains any information under the provisions of this *Ordinance* which is entitled to protection as a trade secret (including information as to the quantity, quality, source or disposition of milk or milk products, or results of inspections or tests thereof) to use such information to their own advantage or to reveal it to any unauthorized person.

ADMINISTRATIVE PROCEDURES

INSPECTION FREQUENCY: For the purposes of determining the inspection frequency for dairy farms and transfer stations the interval shall include the designated six month period plus the remaining days of the month in which the inspection is due.

For the purposes of determining the inspection frequency for milk plants and receiving stations the interval shall include the designated three month period plus the remaining days of the month in which the inspection is due.

One milk tank truck inspection every 12 months, or bulk milk hauler/sampler pickup and sampling procedures inspection each 24 months, or one producer inspection every 6 months or one plant inspection every 3 months is not a desirable frequency, it is instead a legal minimum. Bulk milk hauler/samplers, milk tank trucks, dairy farms and milk plants experiencing difficulty meeting requirements should be visited more frequently. Inspections of dairy farms shall be made at milking time as often as possible and of milk plants at different times of the day in order to ascertain if the processes of equipment assembly, sanitizing, pasteurization, cleaning and other procedures comply with the requirements of this *Ordinance*.

ENFORCEMENT PROCEDURES: This section provides that a dairy farm, bulk milk hauler/sampler, milk tank truck, milk tank truck driver or milk plant, except those processing aseptically processed milk and milk products, shall be subject to suspension of permit and/or court action, if two successive inspections disclose a violation of the same requirement.

Experience has demonstrated that strict enforcement of the *Ordinance* leads to a better and friendlier relationship between the regulatory agency and the milk industry than does a policy of enforcement which seeks to excuse violations and to defer penalty thereof. The sanitarian's criterion of satisfactory compliance should be neither too lenient nor unreasonably stringent. When a violation is discovered, the sanitarian should point out to the milk producer, responsible person for the milk tank truck, bulk milk hauler/sampler, milk tank truck driver or plant operator the requirement that has been violated, discuss a method for correction and set a time for correcting the violated requirement.

The penalties of suspension or revocation of permit, and/or court action, are provided to prevent continued violation of the provisions of this *Ordinance*, but are worded to protect the dairy industry against unreasonable or arbitrary action. When a condition is found which constitutes an imminent health hazard, prompt action is necessary to protect the public health; therefore, the regulatory agency is authorized, in Section 3, to suspend the permit immediately. However, except for such emergencies, no penalty is imposed on the producer, responsible person for the milk tank truck, bulk milk hauler/sampler, milk tank truck driver or distributor upon the first violation of any of the sanitation requirements listed in Section 7. A producer, milk transportation company, bulk milk hauler/sampler, milk tank truck driver or distributor found violating any requirement must be notified in writing and given a reasonable time to correct the violation(s) before a second inspection is made, but not before three days. The requirement of giving written notice shall be deemed to have been satisfied by the handing to the operator or by the posting of an inspection report, as required by this section. After receipt of a notice of violation, but before the allotted time has elapsed, the producer, milk transportation company, bulk milk

hauler/sampler, milk tank truck driver or distributor shall have an opportunity to appeal the sanitarian's interpretation to the regulatory agency or for an extension of the time allowed for correction.

ENFORCEMENT PROCEDURES--ASEPTIC PROCESSING MILK PLANTS: Because aseptically processed milk and milk products are stored at room temperature and are not refrigerated after processing they must be considered an imminent hazard to public health whenever it is revealed by an inspection or a review of the processing records that the process is less than the required scheduled process and the products produced have not maintained their commercial sterility. Prompt action by the regulatory agency to suspend the permit must be initiated in order to protect the public health. The regulatory agency shall stop the sale of all under-processed product and follow at least the minimum requirements of 21 CFR 113.89 (See Appendix L) before releasing any product.

CERTIFIED INDUSTRY INSPECTION: The regulatory agency may certify industry personnel to carry out cooperatively the provisions of this *Ordinance* with respect to the supervision of dairy farms and haulers pickup and sampling procedures. States utilizing certified industry inspections shall have on file and available for review, a written program that describes how the requirements of the PMO and related documents shall be implemented.

Reports of all inspections conducted by such personnel to determine compliance with the provisions of this *Ordinance* shall be maintained by the industry at a location acceptable to the regulatory agency. All punitive actions and all inspections for the issuance or reinstatement of permits may be performed by the Certified Industry Inspector. Initial inspections and change of market inspections are required and shall be conducted by the state regulatory agency in conjunction with the Certified Industry Inspector.

When a producer changes market, the producer records for the preceding 24 months shall be transferred with the producer (through the state regulatory agency) and will continue to be a part of the producer's record.

Industry personnel shall be certified every 3 years, by the regulatory agency.

At least annually, the Certified Industry Inspector shall attend an educational seminar provided by the State Regulatory Agency, or equivalent training acceptable to the State Regulatory Agency.

At least once in each 6 month period, the State Regulatory Agency shall inspect the records maintained by the Industry for the Certified Industry Inspection Program and conduct farm field work to assure the program meets the provisions of the State's written plan and requirements of the *Grade "A" Pasteurized Milk Ordinance* and related documents.

Initial certification by the regulatory agency shall not be made during the course of an official inspection. Re-certification by the regulatory agency may be conducted during the course of an official inspection.

Purpose of Certification--The purpose of certification is to have the applicant formally demonstrate their inspection ability to apply proper interpretations of the *Grade "A" Pasteurized Milk Ordinance*, related documents, and the agencies procedures.

Designation of Individuals to Be Certified--Candidates shall submit requests for certification to the regulatory agency. The applicant for certification shall have had experience in the field of milk sanitation, and shall be an employee of a milk plant, a producer association or officially designated laboratory or shall be employed on a consulting basis.

Recording of Qualification Data--Prior to conducting the certification procedure, background information shall be secured on the applicant. This shall include academic training, experience in milk sanitation and related fields, in-service courses attended, etc. This information is to be retained by the regulatory agency as part of the applicant's file, along with appropriate records of the applicant's performance during the certification examination.

Field Procedure--Only one applicant shall be certified at a time. The certification is to be conducted without prompting from the regulatory agency or comparison of inspection results in any way until the entire procedure is completed. Certification shall not be made during the course of an official inspection by the regulatory agency.

At least 25 randomly selected dairy farms shall be visited. After the necessary inspections have been completed, the regulatory agency shall compare their results with those of the candidate. The percentage agreement for each item of sanitation shall be determined by dividing the number of agreements by the total number of dairy farms that were inspected.

Criteria for Certification--In order to be certified, an industry inspector shall agree with the regulatory agency 80 percent of the time on individual items of sanitation and shall further agree to comply with the administrative procedures established by the regulatory agency for the program of dairy farm supervision. The regulatory agency should allow sufficient time to discuss the inspector's findings with the applicant.

Duration of Certification--Certification of industry inspection personnel shall be for a period not exceeding 3 years from the date of formal certification or re-certification unless revoked.

Re-certification--The regulatory agency shall notify the certified industry inspector of the need for certification renewal at least 60 days prior to its expiration. If re-certification is desired, the inspector will make appropriate arrangements for the renewal procedure. Re-certification can be made for the succeeding 3-year period, by following the procedures outlined above. *Provided*, that re-certification may be conducted during the course of an official inspection by the regulatory agency.

Reports and Records--Upon satisfactory completion of certification or re-certification, the certified industry inspector shall be issued a certificate. The milk plant(s) or officially designated laboratory(ies) employing the inspector shall be formally notified by letter of the certification. The letter shall outline the purpose of the certification and the conditions under which the certification may be retained. A copy of the notification letter, together with a copy of the qualification data above and a resume of the percentage agreement on individual items, shall be retained by the regulatory agency.

Revocation of Certification--The certification of an industry inspector may be revoked by the regulatory agency upon a finding that the inspector is:

1. Not in agreement with the regulatory agency at least 80 percent of the time on items of sanitation in a field examination conducted as described in the *Field Procedure* outlined above; or

2. Not complying with the established administrative procedures of the regulatory agency for the program; or

3. Failing to carry out the provisions of the *Grade "A" Pasteurized Milk Ordinance* in the course of the inspector's work.

INSPECTION REPORTS: A copy of the inspection report shall be filed as directed by the regulatory agency and retained for at least 24 months. The results shall be entered on appropriate ledger forms. The use of a computer or other information retrieval system may be used. Examples of field inspection forms are included in Appendix M.

SECTION 6. THE EXAMINATION OF MILK AND MILK PRODUCTS

It shall be the responsibility of the bulk milk hauler/sampler to collect a representative sample of milk from each farm bulk tank prior to transferring milk from a farm bulk tank, truck or other container. All samples shall be collected and delivered to a milk plant, receiving station, transfer station or other location approved by the regulatory agency.

During any consecutive six months, at least four samples of raw milk for pasteurization shall be collected, in at least four separate months, except when three months show a month containing two sampling dates separated by at least 20 days, and delivered in accordance with this section from each producer. These samples shall be obtained under the direction of the regulatory agency or shall be taken from each producer under the direction of the regulatory agency.

During any consecutive six months, at least four samples of raw milk for pasteurization, ultra-pasteurization or aseptic processing, collected in at least four separate months, except when three months show a month containing two sampling dates separated by at least 20 days, shall be taken, by the regulatory agency, from each milk plant after receipt of the milk by the plant and prior to pasteurization, ultra-pasteurization or aseptic processing.

During any consecutive six months, at least four samples of heat-treated milk products, from plants offering such products for sale, shall be collected in at least four separate months, except when three months show a month containing two sampling dates separated by at least 20 days, by the regulatory agency.

During any consecutive six months, at least four samples of pasteurized milk, flavored milk, flavored reduced fat or lowfat milk, flavored nonfat (skim) milk, each fat level of reduced fat or lowfat milk and each milk product defined in this *Ordinance*, except aseptically processed shall be collected in at least four separate months, except when three months show a month containing two sampling dates separated by at least 20 days, from every milk plant, by the regulatory agency.

Samples of milk and milk products shall be taken while in the possession of the producer or distributor at any time prior to delivery to the store or consumer. 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 regulatory agency and the results of such examination shall be used to determine compliance with Sections 2, 4 and 10. Proprietors of such establishments shall furnish the regulatory

agency, upon request, with the names of all distributors from whom milk or milk products are obtained.

Required bacterial counts, somatic cell counts and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, drug tests on each producer's milk shall be conducted at least four times during any consecutive 6 months. Required bacterial counts, drug tests, coliform determinations, phosphatase and cooling temperature checks shall be performed on pasteurized milk and milk products. Required drug residue tests shall be performed on aseptically processed milk and milk products

Whenever two of the last four consecutive bacterial counts (except those for aseptically processed milk and milk products), somatic cell count, coliform determinations, or cooling temperatures, taken on separate days, exceed the limit of the standard for the milk and/or milk products, the regulatory agency 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 21 days of the sending of such notice, but not before the lapse of 3 days. Immediate suspension of permit, in accordance with Section 3, and/or court action shall be instituted whenever the standard is violated by three of the last five bacterial counts (except those for aseptically processed milk and milk products), coliform determinations, cooling temperatures or somatic cell counts.

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.

Whenever a pesticide residue test is positive, an investigation shall be made to determine the cause and the cause shall be corrected. An additional sample shall be taken and tested for pesticide residues and no milk or milk products shall be offered for sale until it is shown by a subsequent sample to be free of pesticide residues or below the actionable levels established for such residues.

Whenever a drug residue test is positive, an investigation shall be made to determine the cause, and the cause shall be corrected in accordance with the provisions of Appendix N.

Whenever a container or containers of aseptically processed milk or milk product is found to be unsterile, due to under-processing, the regulatory agency shall consider this to be an imminent hazard to public health and shall suspend the permit of the milk plant for the sale of aseptically processed milk and milk products. No aseptically processed milk and milk product shall be sold until it can be shown that the processes, equipment and procedures used are suitable for consistent production of a sterile product. All product from the lot that was found to contain one or more unsterile units shall be recalled and disposed of as directed by the regulatory agency.

Samples shall be analyzed at an official or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations shall be in substantial compliance with the most current edition of *Standard Methods for the Examination of Dairy Products* of the American Public Health Association, and the most current edition of *Official Methods of Analysis of the Association of Official Analytical Chemists*. Such procedures, including the certification of sample collectors and examinations shall be evaluated in accordance with the *Evaluation of Milk Laboratories, United States Public Health Service/Food and Drug Administration*. Aseptically processed milk and milk pro-

ducts packaged in hermetically sealed containers shall be tested in accordance with the FDA's *Bacteriological Analytical Manual*. Examinations and tests to detect adulterants, including pesticides, shall be conducted as the regulatory agency requires. Assays of milk and milk products to which vitamin(s) A and/or D have been added, shall be made at least annually in a laboratory which has been accredited by the U. S. Food and Drug Administration and which is acceptable to the regulatory agency, using test methods acceptable to FDA and other official methodologies which gives statistically equivalent results to the FDA methods. Vitamin testing laboratories are accredited if they have one or more certified analysts and meet the quality control requirements of the program established by the FDA. Laboratory accreditation and analyst certification parameters are specified in the *Evaluation of Milk Laboratories* manual.

In addition, all facilities fortifying products with vitamins must keep volume control records. These volume control records must cross reference the form and amount of vitamin D, vitamin A and/or vitamin A & D used with the amount of products produced and indicate a percent of expected use, plus or minus.

ADMINISTRATIVE PROCEDURES

ENFORCEMENT PROCEDURES: All violations of bacteria, coliform, confirmed somatic cell counts and cooling temperature standards should be followed promptly by inspection to determine and correct the cause. (See Appendix E, Examples of 3-out-of-5 Compliance Enforcement Procedures).

Aseptically processed milk and milk products packaged in hermetically sealed containers are exempt from the refrigerated storage requirements of this *Ordinance*. Therefore, whenever a breakdown in the processing or packaging of these products occurs an imminent hazard to public health exists. Prompt action is needed by the regulatory agency. Dairy plants aseptically processing milk and milk products in hermetically sealed containers should be encouraged to perform bacterial and other quality tests on each lot of aseptically processed milk and milk product produced in order to ascertain that these products have been properly processed and have not been rendered non-sterile after aseptic processing and packaging. The regulatory agency may utilize industry records, of each lot of aseptically processed milk and milk products, to determine when lots can be released for sale after a violation of the bacterial standards has existed.

LABORATORY TECHNIQUES: Procedures for the collection and holding of samples; the selection and preparation of apparatus, media and reagents; and the analytical procedures, incubation, reading and reporting of results, shall be in substantial compliance with *Standard Methods for the Examination of Dairy Products and the Official Methods of Analysis*. The procedures shall be those specified therein for:

1. Standard plate count at 32°C (agar or petrifilm method).
2. Alternate methods, including Plate Loop Count with petrifilm, for viable counts for raw milk, and the petrifilm method, for pasteurized milk and milk products, at 32°C.
3. Coliform test with solid media or petrifilm method at 32°C for all milk and milk products, and Petrifilm High Sensitivity Coliform count method for all milk and milk products except unflavored whole, reduced or low fat and nonfat (skim) milk.

4. Beta lactam methods which have been independently evaluated or evaluated by FDA and have been found acceptable by FDA for detecting drug residues in raw milk, or pasteurized milk, or that particular type of pasteurized milk product at current safe or tolerance levels shall be used for each drug of concern.

Regulatory action shall be taken on all positive results (see Appendix N). A result shall be considered positive if it has been obtained by using a method which has been evaluated and deemed acceptable by FDA at levels established in memoranda transmitted periodically by FDA as required by Section III of Appendix N.

5. Screening and confirmatory methods for the detection of abnormal milk.

6. APHA or AOAC phosphatase tests.

7. Vitamin testing shall be performed using test methods acceptable to the FDA and other official methodologies which give statistically equivalent results to the FDA methods.

8. Any other tests which have been approved by the Food and Drug Administration to be equally accurate, precise and practical.

9. All standards used in the development and use of drug residue detection methods designed for PMO monitoring programs will be referenced to a United States Pharmacopeia (USP) standard when available. When a USP standard is not available, then the original method must define the standard to be used.

10. Procedural or reagent changes for official tests must be submitted to the Food and Drug Administration for acceptance prior to being used by certified NCIMS milk laboratories.

The phosphatase test is an index of the efficiency of the pasteurization process. In the event the laboratory phosphatase test is positive, the cause shall be determined immediately. Where the cause is improper pasteurization, it shall be corrected. When a laboratory phosphatase test is positive, or if any doubt should arise as to the compliance of the equipment, standards or methods outlined in Section 7., Item 16p., the regulatory agency should immediately conduct field phosphatase test at the plant (See Appendix G).

The Wisconsin Mastitis Test or California Mastitis Test may be used for screening raw goat milk samples, to indicate a range of somatic cell levels, as long as the somatic cell standard for goat milk remains 1,000,000/ml.

Any of the following confirmatory or screening tests shall be used: Direct Microscopic Somatic Cell Counting Single Strip Procedure, Electronic Somatic Cell Counting, Flow Cytometry/Opto-Electronic Somatic Cell Counting or Membrane Filter DNA Somatic Cell Counting. Pyronine Y-Methyl green stain or `New York modification' shall be used in the confirmatory test for Direct Microscopic Somatic Cell Counts in goat milk.

Laboratories using the Wisconsin Mastitis Test, Modified Whiteside or California Mastitis Test for goat milk shall confirm samples of herd milk which exceeds 18mm, or a value of one (1), respectively.

The results of the screening test or confirmatory test shall be recorded on the official records of the dairy farm and a copy of the results sent to the milk producer.

When a warning letter has been sent, because of excessively high somatic cell counts, an official inspection of the dairy should be made by regulatory personnel or certified industry personnel. This inspection should be made during milking time.

SAMPLING PROCEDURES: The *Standard Methods for the Examination of Dairy Products* contains guidance for sampling of products. See Appendix G for a

reference to drug residues in milk and the conditions under which a positive phosphatase reaction may be encountered in properly pasteurized milk or cream. See Appendix B for reference to farm bulk milk hauling programs regarding training, licensing/permitting, routine inspection and the evaluation of sampling procedures.

SECTION 7. STANDARDS FOR GRADE "A" MILK AND MILK PRODUCTS

All Grade “A” raw milk for pasteurization, ultra-pasteurization or aseptic processing and all Grade “A” pasteurized, ultra-pasteurized or aseptically processed milk and milk products shall be produced, processed and pasteurized, ultra-pasteurized or aseptically processed to conform with the following chemical, bacteriological and temperature standards and the sanitation requirements of this section.

No process or manipulation other than pasteurization, ultra-pasteurization or aseptic processing; processing methods integral therewith; and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms. *Provided*, that in the bulk shipment of cream, nonfat (skim) milk or reduced fat or lowfat milk, the heating of the raw milk, one time, to temperatures greater than 52°C (125°F) but less than 72°C (161°F), for separation purposes, is permitted when the resulting bulk shipment(s) of cream, nonfat (skim) milk or reduced fat or lowfat milk are labeled heat-treated. In the case of heat-treated cream, the cream may be further heated to less than 75°C (166°F) in a continuing heating process and immediately cooled to 7°C (45°F) or less when necessary for enzyme deactivation (such as lipase reduction) for a functional reason.

Table 1. Chemical, Bacteriological and Temperature Standards		
GRADE "A" RAW MILK AND MILK PRODUCTS FOR PASTEURIZATION, ULTRA-PASTEURIZATION OR ASEPTIC PROCESSING	Temperature.....	Cooled to 7°C (45°F) or less within two hours after milking. *Provided*, that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F).
	Bacterial limits.....	Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk. Not to exceed 300,000 per ml as commingled milk prior to pasteurization.
	Drugs.....	No positive results on drug residue detection methods as referenced in Section 6 - Laboratory Techniques.
	Somatic Cell Count*.....	Individual producer milk: Not to exceed 750,000 per ml.
GRADE "A" PASTEURIZED MILK AND MILK PRODUCTS AND BULK SHIPPED HEAT-TREATED MILK PRODUCTS	Temperature.....	Cooled to 7°C (45°F) or less and maintained thereat.
	Bacterial limits**.....	20,000 per ml., or gm.***
	Coliform****.....	Not to exceed 10 per ml. *Provided*, that in the case of bulk milk transport tank shipments, shall not exceed 100 per ml.
	Phosphatase****.....	Less than 350 milliunits/L for fluid products and less than 500 for other milk products by the Fluorometer or Charm ALP or equivalent.
	Drugs**.....	No positive results on drug residue detection methods as referenced in Section 6 - Laboratory Techniques which have been found to be acceptable for use with pasteurized and heat-treated milk and milk products.
GRADE "A" ASEPTICALLY PROCESSED MILK AND MILK PRODUCTS	Temperature.....	None.
	Bacterial limits.....	Refer to 21 CFR 113. 3(e)(1)*****
	Drugs**.....	No positive results on drug residue detection methods as referenced in Section 6 - Laboratory Techniques which have been found to be acceptable for use with aseptically processed milk and milk products.

* Goat Milk 1,000,000
** Not applicable to cultured products.
*** Results of the analysis of dairy products which are weighed in order to be analyzed will be reported in # per gm (See the current edition of the *Standard Methods for the Examination of Dairy Products*).
**** Not applicable to bulk shipped heat-treated milk products.
***** 21 CFR 113.3(e)(1) contains the definition of "COMMERCIAL STERILITY"

EXHIBIT C

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

Grade "A"

Pasteurized

Milk

Ordinance

(Includes provisions from the Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey--Supplement I to the Grade "A" PMO)

2007 Revision

U.S. Department of Health and Human Services

Public Health Service

Food and Drug Administration

LIST OF PREVIOUS EDITIONS OF USPHS/FDA MILK ORDINANCE

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FOREWORD

The milk sanitation program of the United States Public Health Service (USPHS) is one of its oldest and most respected activities. The interest of the USPHS in milk sanitation stems from two important public health considerations. First, of all foods, none surpasses milk as a single source of those dietary elements needed for the maintenance of proper health, especially in children and older citizens. For this reason, the USPHS has for many years promoted increased milk consumption. Second, milk has a potential to serve as a vehicle of disease transmission and has, in the past, been associated with disease outbreaks of major proportions.

The incidence of milk-borne illness in the United States has been sharply reduced. In 1938, milkborne outbreaks constituted twenty-five percent (25%) of all disease outbreaks due to infected foods and contaminated water. Our most recent information reveals that milk and fluid milk products continue to be associated with less than one percent (<1%) of such reported outbreaks. Many groups have contributed to this commendable achievement, including Public Health and Agricultural Agencies, dairy and related industries, several interested professional groups, educational institutions and the consuming public. The United States Public Health Service/Food and Drug Administration (USPHS/FDA) is proud to have contributed to the protection and improvement of the milk supply of the nation through technical assistance, training, research, standards development, evaluation and certification activities.

Despite the progress that has been made, occasional milkborne outbreaks still occur, emphasizing the need for continued vigilance at every stage of production, processing, pasteurization and distribution of milk and milk products. Problems associated with assuring the safety of milk and milk products have become extremely complex because of new products, new processes, new materials and new marketing patterns, which must be evaluated in terms of their public health significance. The *Grade "A" Pasteurized Milk Ordinance* (Grade "A" PMO), 2007 Revision translates this new knowledge and technology into effective and practicable public health practices and incorporates the provisions of the *Grade "A" Condensed and Dry Milk Ordinance--Supplement I to the Grade "A" Pasteurized Milk Ordinance*.

The responsibility for insuring the ready availability and safety of milk and milk products is not confined to an individual community or a State, or to the Federal Government, it is the concern of the entire nation. With the continued cooperation of all engaged in assuring the safety of milk and milk products, including Government and industry, this responsibility can be accepted with confidence.

PREFACE

USPHS activities in the area of milk sanitation began at the turn of the century with studies on the role of milk in the spread of disease. These studies led to the conclusion that effective public health control of milkborne disease requires the application of sanitation measures throughout the production, handling, pasteurization, and distribution of milk and milk products. These early studies were followed by research to identify and evaluate sanitary measures, which might be used to control disease, including studies that led to improvement of the pasteurization process.

To assist States and Municipalities in initiating and maintaining effective programs for the prevention of milkborne disease, the USPHS, in 1924, developed a model regulation known as the *Standard Milk Ordinance* for voluntary adoption by State and Local Milk Control Agencies. To provide for the uniform interpretation of this *Ordinance*, an accompanying *Code* was published in 1927, which provided administrative and technical details as to satisfactory compliance. This model milk regulation, now titled the *Grade "A" Pasteurized Milk Ordinance* (Grade "A" PMO), 2007 Revision, incorporates the provisions governing the processing, packaging, and sale of Grade "A" milk and milk products, including buttermilk and buttermilk products, whey and whey products, and condensed and dry milk products and represents the 27th revision and incorporates new knowledge into public health practice.

The USPHS/FDA alone did not produce the *Grade "A" PMO*. As with preceding editions, it was developed with the assistance of Milk Regulatory and Rating Agencies at every level of Federal, State, and Local Government, including both Health and Agriculture Departments; all segments of the dairy industry, including producers, milk plant operators, equipment manufacturers, and associations; many educational and research institutions; and with helpful comments from many individual sanitarians and others.

The USPHS/FDA's recommended *Grade "A" PMO* is the basic standard used in the voluntary Cooperative State-USPHS/FDA Program for the Certification of Interstate Milk Shippers, a program participated in by all fifty (50) States, the District of Columbia and U.S. Trust Territories. The National Conference on Interstate Milk Shipments (NCIMS) in accordance with the Memorandum of Understanding with the Food and Drug Administration (FDA) has at its biennial conferences recommended changes and modifications to the *Grade "A" PMO*. These changes have been incorporated into this 2007 revision. The counsel and guidance rendered by the Conference in preparation of this edition of the *Grade "A" PMO* is deeply appreciated.

The *Grade "A" PMO* is incorporated by reference in Federal specifications for procurement of milk and milk products; is used as the sanitary regulation for milk and milk products served on interstate carriers; and is recognized by the Public Health Agencies, the milk industry, and many others as the national standard for milk sanitation. The *Grade "A" PMO* adopted and uniformly applied will continue to provide effective public health protection without being unduly burdensome to either Regulatory Agencies or the dairy industry. It represents a "grass-roots" consensus of current knowledge and experiences and as such represents a practical and equitable milk sanitation standard for the nation.

Within the 2007 *Grade "A" PMO*, the administrative and technical requirements for the manufacture of condensed and dry milk products and condensed and dry whey included in the *Grade "A" Condensed and Dry Milk Ordinance--Supplement I to the Grade "A" Pasteurized Milk Ordinance* have been incorporated as directed by the 2001 NCIMS.

INTRODUCTION

The following *Grade "A" PMO,* with Appendices, is recommended for legal adoption by States, Counties, and Municipalities, in order to encourage a greater uniformity and a higher level of excellence of milk sanitation practice in the United States. An important purpose of this recommended standard is to facilitate the shipment and acceptance of milk and milk products of high sanitary quality in interstate and intrastate commerce.

This edition of the *Ordinance* contains sanitary standards for only Grade "A" raw milk for pasteurization and Grade "A" milk and milk products defined in Section 1.

The following form is suggested for adoption by States, Counties, and Municipalities subject to the approval of the appropriate legal authority. Adoption of this form will reduce the cost of publishing and printing, and will enable the *Grade "A" PMO* to be easily kept current. The adoption of this form is considered legal in many States and has been so adopted. The Council of State Governments has prepared a model State law, *Milk and Food Codes Adoption-by-Reference Act*,[1] which is recommended for enactment by States to enable communities to adopt milk and food ordinances by reference.

An ordinance to regulate the production, transportation, processing, handling, sampling, examination, labeling, and sale of Grade "A" milk and milk products; the inspection of dairy farms, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, milk tank trucks and bulk milk hauler/samplers; the issuing and revocation of permits to milk producers, bulk milk hauler/samplers, milk tank trucks, milk transportation companies, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, haulers, and distributors; and the fixing of penalties.

The.....of.....[2] ordains:

SECTION 1. The production, transportation, processing, handling, sampling, examination, labeling and sale of all Grade "A" milk and milk products sold for the ultimate consumption within the ..... of .....[2] or its jurisdiction; the inspection of dairy farms, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, milk tank trucks and bulk milk hauler/samplers; and the issuing and revocation of permits to milk producers, bulk milk hauler/samplers, milk tank trucks, milk transportation companies, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, haulers, and distributors shall be regulated in accordance with the provisions of the current edition of the *Grade "A" PMO*, a certified copy[3] of

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[1] A copy of the model act is included in Suggested State Legislation Programs for 1950, developed by the Council of State Governments, Box 11910, Iron Works Pike, Lexington, KY 40578.

[2] Substitute proper legal jurisdiction here and in all similar places throughout this *Ordinance*.

[3] A certified copy may be secured from the Department of Health and Human Services, Public Health Service, Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.

which is filed in the office of the appropriate governing official. Provided, that Sections 15 and 16 of this *Ordinance* shall be replaced, respectively by Sections 2 and 3 below.

SECTION 2. Any person who shall violate any of the provisions of this *Ordinance* shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $....., and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

SECTION 3. All ordinances and parts of ordinances in conflict with this *Ordinance*, shall be repealed twelve (12) months after the adoption of this *Ordinance*, at which time this *Ordinance* shall be in full force and effect, as provided by law.

Legal Aspects: Recommendations concerning legal aspects have been suggested from time to time by the Office of the Chief Counsel and have been incorporated into the *Ordinance*. Other changes have also been incorporated on the advice of various State and Local legal counsel.

The *Ordinance* has been widely adopted and used for many years and has been upheld by court actions. One of the most comprehensive decisions upholding the various provisions of the *Ordinance* was that of the District Court, Reno County, Kansas, in the case of *Billings et al. v. City of Hutchinson et al.,* decided May 1, 1934. In this action, the plaintiffs unsuccessfully sought to enjoin the enforcement of the Hutchinson ordinance on the grounds that: (a) it was unreasonable; (b) it conflicted with State statutes; (c) the license fees provided in the local ordinance (but not in the *Ordinance* recommended by the USPHS) were in excess of expenses; and (d) the milk inspector was clothed with arbitrary powers. (Reprint No. 1629 from *Public Health Reports* of June 8, 1934.)

The model *Ordinance* discourages the use of public health regulations to establish unwarranted trade barriers against the acceptance of high quality milk from other milksheds. (Refer to Section 11) On repeated requests from the Association of State and Territorial Health Officers and the NCIMS, the USPHS/FDA is actively cooperating in the voluntary program for the Certification of Interstate Milk Shippers. Such a program would be impossible without widespread agreement on uniform standards, such as those of this recommended *Ordinance*.

The value of these standards as a means of overcoming interstate trade barriers was recognized by the U.S. Supreme Court in the case of the *Dean Milk Company v. City of Madison.* (No. 258--October term, 1950) The Court reversed the decision of the Wisconsin Supreme Court, which had sustained an ordinance requirement imposing a 5-mile limit on the location of pasteurization plants selling milk in Madison and pointed out that Madison consumers would be adequately safeguarded if the city relied upon the provisions of Section 11 of the USPHS's recommended *Milk Ordinance*.

The USPHS/FDA does not have legal jurisdiction in the enforcement of milk sanitation standards, except on interstate carriers and milk and milk products shipped in interstate commerce. It serves solely in an advisory and stimulative capacity and its program is designed primarily to assist State and Local Regulatory Agencies. Its aim is to promote the establishment

of effective and well-balanced milk sanitation programs in each State; to stimulate the adoption of adequate and uniform State and Local milk control legislation; and to encourage the application of uniform enforcement procedures through appropriate legal and educational measures.

When this *Ordinance* is adopted locally, its enforcement becomes a function of the Local or State authorities. Consequently, the *Ordinance* should be adopted only if adequate provisions can be made for qualified personnel and for suitable laboratory facilities. Small Municipalities which cannot afford to provide these services should arrange for supervision by the County or State Health Department, or seek cooperation with neighboring Municipalities in organizing a milk-control district or area.

The charter and the legal counsel of the government unit involved should be consulted for information or advice on proper legal procedures, such as the recording and advertising of the *Ordinance* after passage.

Adoption: In the interest of national uniformity, it is recommended that no changes be made in this *Ordinance* when adopted by a State or Local community, unless changes are necessary to avoid conflict with State law. Modifications should be contemplated with extreme caution so as not to render the *Ordinance* unenforceable. In order to promote uniformity, it is recommended that all of the Administrative Procedures be adopted as well.

Amendment of Existing Regulations: States and Communities that have adopted the 2005 or earlier editions of the USPHS/FDA recommended *Grade "A" PMO* are urged to bring such *Ordinance* up-to-date in order to take advantage of the most current developments in milk sanitation and administration. States and Communities whose milk sanitation law or regulations are not based on a previous USPHS/FDA recommended *Grade "A" PMO* are urged to consider the attendant public health benefits, as well as those economic in nature, which can accrue upon the adoption and implementation of the *Grade "A" PMO*.

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GRADE "A" PASTEURIZED MILK ORDINANCE (*GRADE "A" PMO*)--2007 REVISION

An *Ordinance* defining "milk" and certain "milk products", "milk producer", "pasteurization", etc.; prohibiting the sale of adulterated and misbranded milk and milk products; requiring permits for the sale of milk and milk products; regulating the inspection of dairy farms and milk plants; the examination, labeling, pasteurization, aseptic processing and packaging and distribution and sale of milk and milk products; providing for the construction of future dairy farms and milk plants; the enforcement of this *Ordinance*; and the fixing of penalties.

Be it ordained by the ... of ...[1] as follows:

SECTION 1. DEFINITIONS

Terms used in this document, not specifically defined herein, are those within Title 21, *Code of Federal Regulations* (CFR) and/or the *Federal Food, Drug, and Cosmetic Act* (FFD&CA) as amended.

The following additional definitions shall apply in the interpretation and the enforcement of this *Ordinance*:

A. **ABNORMALITIES OF MILK:** The following types of lacteal secretions are not suitable for sale for Grade "A" purposes.

A-1. **Abnormal Milk:** Milk that is visibly changed in color, odor and/or texture.
A-2. **Undesirable Milk:** Milk that, prior to the milking of the animal, is expected to be unsuitable for sale, such as milk containing colostrum.
A-3. **Contaminated Milk:** Milk that is un-saleable or unfit for human consumption following treatment of the animal with veterinary products, i.e. antibiotics, which have withhold requirements, or treatment with medicines or insecticides not approved for use on dairy animals by FDA or the Environmental Protection Agency (EPA).

B. **ASEPTIC PROCESSING:** The term "Aseptic Processing", when used to describe a milk product, means that the product has been subjected to sufficient heat processing and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 CFR 113 (Refer to the Reference in Appendix L.) and the provisions of Section 7, Item 16p of this *Ordinance,* and to maintain the commercial sterility of the product under normal non-refrigerated conditions.

C. **AUTOMATIC MILKING INSTALLATION (AMI):** The term automatic milking installation covers the entire installation of one (1) or more automatic milking units, including the hardware and software utilized in the operation of individual automatic milking units, the animal selection system, the automatic milking machine, the milk cooling system, the system for

cleaning and sanitizing the automatic milking unit, the teat cleaning system, and the alarm systems associated with the process of milking, cooling, cleaning and sanitation.

D. **BULK MILK HAULER/SAMPLER:** A bulk milk hauler/sampler is any person who collects official samples and may transport raw milk from a farm and/or raw milk products to or from a milk plant, receiving station or transfer station and has in their possession a permit from any State to sample such products.

E. **BULK MILK PICKUP TANKER:** A bulk milk pickup tanker is a vehicle, including the truck, tank and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

F. **BUTTERMILK:** Buttermilk is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8¼ percent of milk solids not fat.

F-1. **Grade "A" Dry Buttermilk:** Grade "A" dry buttermilk means dry buttermilk, which complies with the applicable provisions of this *Ordinance.*

F-2. **Grade "A" Dry Buttermilk Products:** Grade "A" dry buttermilk products means dry buttermilk products, which complies with the applicable provisions of this *Ordinance*.

F-3. **Concentrated (Condensed) Buttermilk:** Concentrated (condensed) buttermilk is the product resulting from the removal of a considerable portion of water from buttermilk.

F-4. **Grade "A" Concentrated (Condensed) and Dry Buttermilk and Buttermilk Products:** Grade "A" concentrated (condensed) and dry buttermilk and buttermilk products means concentrated (condensed) or dry buttermilk and buttermilk products, which comply with the applicable provisions of this *Ordinance*. The words "concentrated (condensed) and dry milk products" shall be interpreted to include concentrated (condensed) and dry buttermilk and buttermilk products.

G. **CLEAN:** Direct product contact surfaces that have had the effective and thorough removal of product and/or contaminants.

H. **CLEAN-IN-PLACE (CIP) CLEANING:** The removal of soil from product contact surfaces in their process position by circulating, spraying, or flowing chemical solutions and water rinses onto and over the surfaces to be cleaned. Components of the equipment, which are not designed to be cleaned-in-place, are removed from the equipment to be cleaned out-of-place (COP) or manually cleaned. Product contact surfaces shall be inspectable, except when the cleanability by CIP has been documented and accepted by the Regulatory Agency. In such accepted equipment, all product and solution contact surfaces do not have to be readily accessible for inspection, i.e., permanently installed pipelines and silo tanks.

I. **COMMON NAME:** The generic term commonly used for domestic animals, i.e., cattle, goats, sheep, horses, water buffalo, etc. (Refer to the **NOTE:** on page 26.)

J. **CONCENTRATED (CONDENSED) MILK:** Concentrated (condensed) milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of

the water from the milk, which when combined with potable water in accordance with instructions printed on the container label, results in a product conforming with the milkfat and milk solids not fat levels of milk as defined in this Section.

J-1. **Concentrated (Condensed) Milk Products:** Concentrated (condensed) milk products shall be taken to mean and to include homogenized concentrated (condensed) milk, concentrated (condensed) skim milk, concentrated (condensed) reduced fat or lowfat milk, and similar concentrated (condensed) products made from concentrated (condensed) milk or concentrated (condensed) skim milk, which when combined with potable water in accordance with instructions printed on the container label, conform with the definitions of the corresponding milk products in this Section.

J-2. **Grade "A" Concentrated (Condensed) Skim Milk:** Grade "A" concentrated (condensed) skim milk means concentrated (condensed) skim milk, which complies with the applicable provisions of this *Ordinance.*

K. **COOLING POND:** A cooling pond is a man-made structure designed for the specific purpose of cooling cows.

L. **DAIRY FARM:** A dairy farm is any place or premises where one (1) or more lactating animals (cows, goats, sheep, water buffalo, or other hooved mammal) are kept for milking purposes, and from which a part or all of the milk or milk product(s) is provided, sold or offered for sale to a milk plant, receiving station or transfer station. (Refer to the **NOTE:** on page 26.)

M. **DAIRY PLANT SAMPLER:** A person responsible for the collection of official samples for regulatory purposes outlined in Section 6 of this *Ordinance*. This person is an employee of the Regulatory Agency and is evaluated at least once every two (2)-year period by a State Sampling Surveillance Officer or a properly delegated Sampling Surveillance Regulatory Official. Sampling Surveillance Officers or properly delegated Sampling Surveillance Regulatory Officials are not required to be evaluated for sampling collection procedures.

N. **EGGNOG OR BOILED CUSTARD:** Eggnog or boiled custard is the product defined in 21 CFR 131.170.

O. **FOOD ALLERGENS:** Are proteins in foods that are capable of inducing an allergic reaction or response in some individuals.

Reference: Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282) and Information about Food Allergens–http://www.cfsan.fda.gov/~dms/wh-alrgy.html.

P. **FROZEN MILK CONCENTRATE:** Frozen milk concentrate is a frozen milk product with a composition of milk fat 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 milk fat 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.

Q. **GOAT MILK:** Goat milk is the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one (1) or more healthy goats. Goat milk sold in retail packages shall contain not less than 2½ percent milk fat and not less than 7½ percent milk solids not fat. Goat milk shall be produced according to the sanitary standards of this *Ordinance*. The word "milk" shall be interpreted to include goat milk.

R. **HACCP DEFINITIONS:** (For use in conjunction with Appendix K.)

R-1. **AUDIT:** An evaluation of the entire milk plant, receiving station or transfer station facility and NCIMS HACCP System to ensure compliance with the NCIMS HACCP System and other NCIMS regulatory requirements.

R-2. **CENTRALIZED DEVIATION LOG:** A centralized log or file identifying data detailing any deviation of critical limits and the corrective actions taken as required in Appendix K.

R-3. **CONTROL:**

a. To manage the conditions of an operation to maintain compliance with established criteria.

b. The state where correct procedures are being followed and criteria are being met.

R-4. **CONTROL MEASURE:** Any action or activity that can be used to prevent, eliminate, or reduce a significant hazard that is managed at a Critical Control Point.

R-5. **CORRECTIVE ACTION:** Procedures followed when a deviation occurs.

R-6. **CRITICAL CONTROL POINT (CCP):** A step at which control can be applied and is essential to prevent or eliminate a milk or milk product safety hazard or reduce it to an acceptable level.

R-7. **CRITICAL LIMIT (CL):** A maximum and/or minimum value to which a biological, chemical, or physical parameter must be controlled at a CCP to prevent, eliminate, or reduce to an acceptable level the occurrence of a milk or milk product safety hazard.

R-8. **CRITICAL LISTING ELEMENT (CLE):** An item on FORM FDA 2359m-MILK PLANT, RECEIVING STATION OR TRANSFER STATION NCIMS HACCP SYSTEM AUDIT REPORT identified with a double star (**). The marking of a CLE by a State Rating Officer or FDA auditor, indicates a condition that constitutes a major dysfunction likely to result in a potential compromise to milk or milk product safety, or that violate NCIMS requirements regarding drug residue testing and traceback or raw milk sources, whereby a listing may be denied or withdrawn.

R-9. **DAIRY HACCP CORE CURRICULUM:** The core curriculum consists of:

a. Basic HACCP training; plus

b. An orientation to the requirements of the NCIMS HACCP Program.

R-10. **DEFICIENCY:** An element inadequate or missing from the requirements of the HACCP System or Appendix K.

R-11. **DEVIATION:** A failure to meet a CL.

R-12. **HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP):** A systematic approach to the identification, evaluation, and control of significant milk or milk product safety hazards.

R-13. **HACCP PLAN:** The written document, which is based upon the principles of HACCP and delineates the procedures to be followed.

R-14. **HACCP SYSTEM:** The implemented HACCP Plan and Prerequisite Program, including other applicable NCIMS requirements.

R-15. **HACCP TEAM:** The group of people who are responsible for developing, implementing, and maintaining the HACCP System.

R-16. **HAZARD:** A biological, chemical, or physical agent that is reasonably likely to cause illness or injury in the absence of its control.

R-17. **HAZARD ANALYSIS:** The process of collecting and evaluating information on hazards associated with the milk under consideration, to decide which are reasonably likely to occur and must be addressed in the HACCP Plan.

R-18. **MONITOR:** To conduct a planned sequence of observations or measurements to assess whether a CCP is under control or to assess the conditions and practices of all required Prerequisite Programs.

R-19. **NON-CONFORMITY:** A failure to meet specified requirements of the HACCP System as described in Appendix K.

R-20. **POTENTIAL HAZARD:** Any hazard to be evaluated by the hazard analysis.

R-21. **PREREQUISITE PROGRAMS (PPs):** Procedures, including Good Manufacturing Practices (GMPs), which address operational conditions that provide the foundation for the HACCP System. The required PPs specified in Appendix K. are sometimes called Sanitary Standard Operating Procedures (SSOPs) in other HACCP Systems.

R-22. **VALIDATION:** The element of verification focused on collecting and evaluating scientific and technical information to determine whether the HACCP Plan, when properly implemented, will effectively control the hazards.

R-23. **VERIFICATION:** Those activities, other than monitoring, that determine the validity of the HACCP Plan and that the HACCP System is operating according to the plan.

S. **HOOVED MAMMALS MILK:** Hooved mammals milk is the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one (1) or more healthy hooved mammals. This product shall be produced according to the sanitary standards of this *Ordinance*. (Refer to the **NOTE:** on page 26)

T. **INDUSTRY PLANT SAMPLER:** A person responsible for the collection of official samples for regulatory purposes at a milk plant, receiving station or transfer station as outlined in Appendix N. This person is an employee of the milk plant, receiving station or transfer station and is evaluated at least once every two (2) year period by a State Sampling Surveillance Officer or a properly delegated Sampling Surveillance Regulatory Official.

U. **MILK DISTRIBUTOR:** A milk distributor is any person who offers for sale or sells to another any milk or milk products.

V. **MILK PLANT:** A milk plant is any place, premises; or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed, condensed, dried, packaged, or prepared for distribution.

W. **MILK PRODUCER:** A milk producer is any person who operates a dairy farm and provides, sells or offers milk for sale to a milk plant, receiving station or transfer station.

X. **MILK PRODUCTS:** Milk products include cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated (condensed) milk, concentrated (condensed) milk products, concentrated (condensed) and dry milk products, nonfat (skim) milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, buttermilk products, whey, whey products, cultured milk, cultured reduced fat or lowfat milk, cultured nonfat (skim) milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, acidified nonfat (skim) milk, low-sodium milk, low-sodium reduced fat or lowfat milk, low-sodium nonfat (skim) milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat (skim) milk, aseptically processed and packaged milk and milk products as defined in this Section, milk, reduced fat, lowfat milk or nonfat (skim) milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined herein.[2,3]

Milk products also include those dairy foods made by modifying the federally standardized products listed in this Section in accordance with 21 CFR 130.10-Requirements for foods named by use of a nutrient content claim and a standardized term.

This Definition shall include those milk and milk products, as defined herein, which have been aseptically processed and then packaged.

Milk and milk products which have been retort processed after packaging or which have been concentrated (condensed) or dried are included in this Definition only if they are used as an ingredient to produce any milk or milk product defined herein or if they are labeled as Grade "A" as described in Section 4.

Powdered dairy blends may be labeled Grade "A" and used as ingredients in Grade "A" dairy products, such as cottage cheese dressing mixes or starter media for cultures used to produce various Grade "A" cultured products, if they meet the requirements of this *Ordinance*. If used as an ingredient in Grade "A" products, such as those listed above, blends of dairy powders must be blended under conditions, which meet all applicable Grade "A" requirements. Grade "A" powder blends must be made from Grade "A" powdered dairy products, except that small amounts of functional ingredients, (total of all such ingredients shall not exceed 5% by weight of the finished blend) which are not Grade "A" are allowed in Grade "A" blends when the finished ingredient is not available in Grade "A" form, i.e., sodium caseinate. This is similar to the existing FDA position that such dairy ingredient in small cans of freeze-dried starter culture need not be Grade "A".

This definition is not intended to include dietary products (except as defined herein), infant formula, ice cream or other frozen desserts, butter or cheese.

X-1. **Dry Milk Products:** Dry milk products mean products resulting from the drying of milk or milk products and any product resulting from the combination of dry milk products with other wholesome dry ingredients.

X-2. **Grade "A" Dry Milk Products:** Grade "A" dry milk products mean dry milk products, which comply with the applicable provisions of this *Ordinance.*

Y. **MILK TANK TRUCK:** A milk tank truck is the term used to describe both a bulk milk pickup tanker and a milk transport tank.

Z. **MILK TANK TRUCK CLEANING FACILITY:** Any place, premises, or establishment, separate from a milk plant, receiving station or transfer station, where a milk tank truck is cleaned and sanitized.

AA. **MILK TANK TRUCK DRIVER:** A milk tank truck driver is any person who transports raw or pasteurized milk or milk products to or from a milk plant, receiving station or transfer station. Any transportation of a direct farm pickup requires the milk tank truck driver to have responsibility for accompanying official samples.

BB. **MILK TRANSPORT TANK:** A milk transport tank is a vehicle, including the truck and tank, used by a bulk milk hauler/sampler to transport bulk shipments of milk and milk products, from a milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

CC. **MILK TRANSPORTATION COMPANY:** A milk transportation company is the person responsible for a milk tank truck(s).

DD. **OFFICIAL LABORATORY:** An official laboratory is a biological, chemical or physical laboratory, which is under the direct supervision of the Regulatory Agency.

EE. **OFFICIALLY DESIGNATED LABORATORY:** An officially designated laboratory is a commercial laboratory authorized to do official work by the Regulatory Agency, or a milk industry laboratory officially designated by the Regulatory Agency for the examination of producer samples of Grade "A" raw milk for pasteurization and commingled milk tank truck samples of raw milk for drug residues and bacterial limits.

FF. **PASTEURIZATION:** The terms "pasteurization", "pasteurized" and similar terms shall mean the process of heating every particle of milk or milk product, in properly designed and operated equipment, to one (1) of the temperatures given in the following chart and held continuously at or above that temperature for at least the corresponding specified time:

Temperature	Time
63ºC (145ºF)*	30 minutes
72ºC (161ºF)*	15 seconds
89ºC (191ºF)	1.0 second
90ºC (194ºF)	0.5 seconds
94ºC (201ºF)	0.1 seconds
96ºC (204ºF)	0.05 seconds
100ºC (212ºF)	0.01 seconds

*If the fat content of the milk product is ten percent (10%) or greater, or a total solids of 18% or greater, or if it contains added sweeteners, or if it is concentrated (condensed), the specified temperature shall be increased by 3ºC (5ºF).

Provided, that eggnog shall be heated to at least the following temperature and time specifications:

Temperature	Time
69ºC (155ºF)	30 minutes
80ºC (175ºF)	25 seconds
83ºC (180ºF)	15 seconds

Provided further, that nothing shall be construed as barring any other process found equivalent to pasteurization for milk and milk products, which has been recognized by FDA as provided in section 403 (h)(3) of the FFD&CA.

GG. **PERSON:** The word "person" shall include any individual, milk plant operator, partnership, corporation, company, firm, trustee, association or institution.

HH. **RECEIVING STATION:** A receiving station is any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

II. **RECONSTITUTED OR RECOMBINED MILK AND/OR MILK PRODUCTS:** Reconstituted or recombined milk and/or milk products shall mean milk or milk products defined in this Section which result from reconstituting or recombining of milk constituents with potable water when appropriate.[4]

JJ. **REGULATORY AGENCY:** The Regulatory Agency shall mean the ... of the …[1]or their authorized representative. The term, "Regulatory Agency", whenever it appears in the *Ordinance* shall mean the appropriate agency having jurisdiction and control over the matters embraced within this *Ordinance*.

KK. **SANITIZATION:** Is the application of any effective method or substance to properly cleaned surfaces for the destruction of pathogens, and other microorganisms, as far as is practicable. Such treatment shall not adversely affect the equipment, the milk and/or milk product, or the health of consumers, and shall be acceptable to the Regulatory Agency.

LL. **SHEEP MILK:** Sheep milk is the normal lacteal secretion practically free of colostrum, obtained by the complete milking of one (1) or more healthy sheep. Sheep milk shall be produced according to the sanitary standards of this *Ordinance*. The word "milk" shall be interpreted to include sheep milk.

MM. **TIME/TEMPERATURE CONTROL FOR SAFETY OF MILK AND MILK PRODUCTS:** Milk and milk products that require time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation includes:

1. Milk or milk products that are raw, heat-treated, pasteurized, or ultra-pasteurized; or
2. Except as specified in 3. below of this definition, a milk or milk product that because of the interaction of it's a_w and pH values is designated as Product Assessment (PA) as required in either Table A or B as follows:

Table A. Interaction of pH and a_w for Control of Spores in Milk and Milk Products Pasteurized to Destroy Pathogenic Vegetative Cells and Subsequently Packaged*			
A_w values	pH values		
	4.6 or less	> 4.6 – 5.6	> 5.6
0.92 or less	Non-TCS**	Non-TCS	Non-TCS
> 0.92 - .95	Non-TCS	Non-TCS	PA***
> 0.95	Non-TCS	PA	PA

*Refer to Appendix R. for instruction in how to use Table A.
** TCS means TIME/TEMPERATURE CONTROL FOR SAFETY MILK AND MILK PRODUCTS.
*** PA means either that the product needs time and temperature control or further PRODUCT ASSESSMENT is required to determine if the milk or milk product is Non-TCS.

Table B. Interaction of pH and a_w for Control of Pathogenic Vegetative Cells and Spores in Milk and Milk Products not Pasteurized or Pasteurized but not Packaged*				
A_w values	pH values			
	< 4.2	4.2 – 4.6	>4.6 – 5.0	> 5.0
< 0.88	Non-TCS	Non-TCS	Non-TCS	Non-TCS
0.88 – 0.90	Non-TCS	Non-TCS	Non-TCS	PA
> 0.90 – 0.92	Non-TCS	Non-TCS	PA	PA
> 0.92	Non-TCS	PA	PA	PA

* Refer to Appendix R. for instruction in how to use Table B.

This definition does not include:

1. A milk or milk product that because of it's pH or a_w value, or interaction of a_w and pH values, is designated as Non-TCS in Table A or B as specified in 2. above of this definition;
2. A milk or milk products, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
3. A milk or milk product for which evidence (acceptable to FDA) demonstrates that time/ temperature control for safety is not required as specified under this definition (such as, a product containing a preservative known to inhibit pathogenic microorganisms, or other barriers to the growth of pathogenic microorganisms, or a combination of barriers that inhibit the growth of pathogenic microorganisms); or
4. A milk or milk product that does not support the growth of pathogenic microorganisms as specified under this definition even though the milk or milk product may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

NN. **TRANSFER STATION:** A transfer station is any place, premises, or establishment where milk or milk products are transferred directly from one (1) milk tank truck to another.

OO. **ULTRA-PASTEURIZATION (UP):** The term "Ultra-Pasteurization", when used to describe a dairy product, means that such product shall have been thermally processed at or above 138°C (280°F) for at least two (2) seconds, either before or after packaging, so as to produce a product, which has an extended shelf-life under refrigerated conditions. (Refer to 21 CFR 131.3)

PP. **WATER BUFFALO MILK:** Water buffalo milk is the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one (1) or more healthy water buffalo. Water buffalo milk shall be produced according to the sanitary standards of this *Ordinance*. The word "milk" shall be interpreted to include water buffalo milk. (Refer to the **NOTE:** on page 26.)

QQ. **WHEY PRODUCTS:** Whey products mean any fluid product removed from whey; or made by the removal of any constituent from whey; or by the addition of any wholesome substance to whey or parts thereof.

QQ-1. **Grade "A" Whey Products:** Grade "A" whey products means any fluid product removed from whey; or made by the removal of any constituent from whey; or by the addition of any wholesome substance to whey or parts thereof which have been manufactured under the provisions of this *Ordinance*.

QQ-2. **Dry Whey Products:** Dry whey products mean products resulting from the drying of whey or whey products and any product resulting from the combination of dry whey products with other wholesome dry ingredients.

QQ-3. **Grade "A" Concentrated (Condensed) and Dry Whey and Whey Products:** Grade "A" concentrated (condensed) and dry whey and whey products means concentrated (condensed) or dry whey and whey products, which complies with the applicable provisions of this *Ordinance*. The words "concentrated (condensed) and dry milk products" shall be interpreted to include concentrated (condensed) and dry whey and whey products.

SECTION 2. ADULTERATED OR MISBRANDED MILK OR MILK PRODUCTS

No person shall, within the ... of ...[1], or its jurisdiction, 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. Provided, that in an emergency, the sale of pasteurized milk and milk products, which do not fully meet the requirements of this *Ordinance*, may be authorized by the Regulatory Agency.

Any adulterated or misbranded milk or milk products, may be impounded by the Regulatory Agency and disposed of in accordance with applicable laws or regulations.

ADMINISTRATIVE PROCEDURES

This Section of the *Ordinance* shall be used in impounding the milk or milk products of, or preferring charges against, persons who adulterate or misbrand their milk or milk products; or

label them with any grade designation not authorized by the Regulatory Agency under the terms of this *Ordinance*; or who sell or deliver ungraded milk or milk products, except as may be permitted under this Section in an emergency. An emergency is defined as a general and acute shortage in the milk shed, not simply one (1) distributor's shortage.

SECTION 3. PERMITS

It shall be unlawful for any person who does not possess a permit from the Regulatory Agency of the ... of ...[1] to manufacture, bring into, send into or receive into the ... of ...[1] or its jurisdiction, for sale, or to sell, or offer for sale therein or to have in storage any milk or milk products, defined in this *Ordinance*. 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. Provided further, that brokers, agents, and distributors representing, buying from, and/or selling condensed and dry milk products from or to a milk plant having a valid permit are not required to have a permit.

Only a person who complies with the requirements of this *Ordinance* shall be entitled to receive and retain such a permit. Milk plants, receiving stations and transfer stations permitted under the NCIMS HACCP Program shall meet the applicable provisions of this *Ordinance*, including Appendix K. Permits shall not be transferable with respect to persons and/or locations.

Provided, that the manufacture of condensed and dry milk products, which do not meet the requirements of this *Ordinance* for Grade "A" condensed or dry milk products and which are intended for other uses, shall not be construed to violate the terms of this *Ordinance*, if such products are processed, packaged and stored separately and are plainly identified.

It shall be unlawful for any person to manufacture in a milk plant under a permit for Grade "A" condensed or dry milk products in the...of...[1] or its jurisdiction any condensed and dry milk products which do not meet the requirements of this *Ordinance* for Grade "A" condensed or dry milk products without a permit from the Regulatory Authority who shall require that such condensed and dry milk products be processed, packaged and stored separately from Grade "A" condensed or dry milk products and that each container of such products be plainly marked in such a manner as to prevent confusion of the product with Grade "A" condensed or dry milk products.

The Regulatory Agency shall suspend such permit, whenever it has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of this *Ordinance*; or whenever the permit holder has interfered with the Regulatory Agency in the performance of its duties. Provided, that the Regulatory Agency 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/audit, 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 as may be agreed to by the parties, or in the absence of agreement, fixed by the Regulatory Agency, before making any order of suspension effective. A suspension of permit shall remain in effect until the violation(s) has been corrected to the satisfaction of the Regulatory Agency.

Upon notification, acceptable to the Regulatory Agency, by any person whose permit has been suspended, or upon application within forty-eight (48) hours of any person who has been served

with a notice of intention to suspend, and in the latter case before suspension, the Regulatory Agency shall within seventy-two (72) hours proceed to a hearing to ascertain the facts of such violation(s) or interference and upon evidence presented at such hearing shall affirm, modify or rescind the suspension or intention to suspend.

Upon repeated violation(s), the Regulatory Agency 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 Sections 5 and 6.

ADMINISTRATIVE PROCEDURES

ISSUANCE OF PERMITS: Every milk producer, milk distributor, bulk milk hauler/sampler, milk tank truck[5], milk transportation company and each milk plant, receiving station, transfer station, milk tank truck cleaning facility operator shall hold a valid permit. The permit for a milk tank truck(s) may be issued to the milk transportation company. Milk producers who transport milk or milk products only from their own dairy farms; employees of a milk distributor or milk plant operator who possesses a valid permit; and employees of a milk transportation company that possesses a valid permit and transports milk or milk products from a milk plant, receiving station or transfer station shall not be required to possess a bulk milk hauler/sampler's permit. Grocery stores, restaurants, soda fountains and similar establishments where milk and milk products are served or sold at retail, but not processed, may be exempt from the requirements of this Section.

While compliance with the requirements for Grade "A" condensed and dry milk products is necessary to receive and retain a permit for these products, it is not the intent of this *Ordinance* to limit the production of a milk plant that condenses and/or dries milk or milk products, to Grade "A" products.

The manufacture of ungraded products for other uses in milk plants operating under a permit for the manufacture of Grade "A" condensed and dry milk products is allowed under conditions specified in Section 7 of this *Ordinance* and whereby such products are processed, packaged, and stored separately. In such cases, a second permit is required, which is issued with the understanding that ungraded products will be handled in such a manner so as to avoid confusion with the Grade "A" production.

Either or both permits may be temporarily suspended for the violation of any applicable provision of this *Ordinance*, or revoked for a serious or repeated violation. Suspension of permits for violation of sanitation Items of Section 7 is provided for in Section 5. In addition, the Regulatory Agency may, at any time, institute court action under the provisions of Section 6. There is no specific frequency for the issuance of permits. This should be in accordance with the policies of the Regulatory Agency and in agreement with those employed for the issuance of permits under this *Ordinance*.

SUSPENSION OF PERMIT: When any requirement(s) of this *Ordinance* is violated, the permit holder is subject to the suspension of their permit.

The Regulatory Agency may forego suspension of the permit, provided the milk or milk product in violation is not sold or offered for sale as Grade "A" milk or milk product. A Regulatory Agency may allow the imposition of a monetary penalty in lieu of a permit suspension, provided the milk or milk product in violation is not sold or offered for sale as Grade "A" milk or milk

product. Except, that a milk producer may be assessed a monetary penalty in lieu of permit suspension for violative counts provided:

1. If the monetary penalty is due to a violation of the bacterial or cooling temperature standards, the Regulatory Agency shall conduct an inspection of the facility and operating methods and make the determination that the conditions responsible for the violation have been corrected. Samples shall then be taken at the rate of not more than two (2) per week on separate days within a three (3) week period in order to determine compliance with the appropriate standard as determined in accordance with Section 6 of this *Ordinance*.
2. If the monetary penalty is due to a violation of the somatic cell count standard, the Regulatory Agency shall verify that the milk supply is within acceptable limits as prescribed in Section 7 of this *Ordinance*. Samples shall then be taken at the rate of not more than two (2) per week on separate days within a three (3) week period in order to determine compliance with the appropriate standard as determined in accordance with Section 6 of this *Ordinance*.

HEARINGS: If a State Administrative Procedure Act (APA), which provides procedures for administrative hearings and judicial review of administrative determinations, is available, the APA shall be made applicable by reference to the hearings provided for in the *Ordinance*. If such APA is not available, appropriate procedures, including provision for notice, hearing officer, their authority, record of hearing, rules of evidence and court review shall be established by the appropriate authority.

REINSTATEMENT OF PERMITS: Any permit holder whose permit has been suspended may make written application for the reinstatement of their permit.
When the permit suspension has been due to a violation of any of the bacterial, coliform or cooling temperature standards, the Regulatory Agency, within one (1) week after the receipt of notification for reinstatement of permit, shall issue a temporary permit after determining by an inspection of the facilities and operating methods that the conditions responsible for the violation have been corrected. When a permit suspension has been due to a violation of the somatic cell count standard, the Regulatory Agency may issue a temporary permit whenever a resampling of the herd's milk supply indicates the milk supply to be within acceptable limits as prescribed in Section 7. Samples shall then be taken at the rate of not more than two (2) per week on separate days within a three (3) week period and the Regulatory Agency shall reinstate the permit upon compliance with the appropriate standard as determined in accordance with Section 6 of this *Ordinance*.
Whenever the permit suspension has been due to a violation of a requirement other than bacteriological, coliform, somatic cell count, drug residue test or cooling-temperature standards, the notification shall indicate that the violation(s) has been corrected. Within one (1) week of the receipt of such notification, the Regulatory Agency shall make an inspection/audit of the applicant's facility, and as many additional inspections/audits thereafter as are deemed necessary, to determine that the applicant's facility is complying with the requirements. When the findings justify, the permit shall be reinstated.
When a permit suspension has been due to a positive drug residue, the permit shall be reinstated in accordance with the provisions of Appendix N.

SECTION 4. LABELING

All bottles, containers and packages containing milk or milk products defined in Section 1 of this *Ordinance* shall be labeled in accordance with the applicable requirements of the FFD&CA, the *Nutrition Labeling and Education Act* (NLEA) of 1990, and regulations developed there under, the CFR, and in addition, shall comply with applicable requirements of this Section as follows:

All bottles, containers and packages containing milk or milk products, except milk tank trucks, storage tanks and cans of raw milk from individual dairy farms, shall be conspicuously marked with:

1. The identity of the milk plant where pasteurized, ultra-pasteurized, aseptically processed, condensed and/or dried.
2. The words "keep refrigerated after opening" in the case of aseptically processed milk and milk products.
3. The common name of the hooved mammal producing the milk shall precede the name of the milk or milk product when the product is or is made from other than cattle's milk. As an example, "Goat", "Sheep", "Water Buffalo", or "Other Hooved Mammal" milk or milk products respectively. (Refer to the **NOTE:** on page 26.)
4. The words "Grade "A"" on the exterior surface. Acceptable locations shall include the principal display panel, the secondary or informational panel, or the cap/cover.
5. The word "reconstituted" or "recombined" if the product is made by reconstitution or recombination.
6. In the case of condensed or dry milk products the following shall also apply:
   a. The identity of the Regulatory Agency issuing such permit; and if distributed by another party, the name and address of the distributor shall be shown by a statement, such as "Distributed by".
   b. A code or lot number identifying the contents with a specific date, run, or batch of the product, and the quantity of the contents of the container.

All vehicles and milk tank trucks containing milk or milk products shall be legibly marked with the name and address of the milk plant or hauler in possession of the contents.
Milk tank trucks transporting raw, heat-treated or pasteurized milk and milk products to a milk plant from another milk plant, receiving station or transfer station are required to be marked with the name and address of the milk 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. Each milk tank truck containing milk shall include the IMS Bulk Tank Unit (BTU) identification number(s) or the IMS Listed Milk Plant Number, for farm groups listed with a milk plant, on the weight ticket or manifest.
2. Permit identification of hauler, if not an employee of the shipper.
3. Point of origin of shipment.
4. Tanker identification number.
5. Name of product.
6. Weight of product.
7. Temperature of product when loaded.

8. Date of shipment.
9. Name of supervising Regulatory Agency at the point of origin of shipment.
10. Whether the contents are raw, pasteurized, or in the case of cream, lowfat or skim milk, whether it has been heat-treated.
11. Seal number on inlet, outlet, wash connections and vents.
12. Grade of product.

All cans of raw milk from individual dairy farms shall be identified by the name or number of the individual milk producer.
Each milk tank truck containing milk shall be accompanied by documentation, weigh ticket or manifest, which shall include the IMS BTU Identification Number(s) or the IMS Listed Milk Plant Number, for farm groups listed with a milk plant.

ADMINISTRATIVE PROCEDURES

The purpose of this Section is to require labeling that will permit easy identification of the milk and milk product and its origin. It is required that the milk or milk product be designated by its common or usual name.

LABELING OF EMERGENCY SUPPLIES: When the sale of ungraded milk or milk products is authorized during emergencies, under the terms of Section 2, the label must bear the designation "ungraded". When such labeling is not available, the Regulatory Agency shall take immediate steps to inform the public that the particular supply is "ungraded" and that the supply will be properly labeled as soon as the distributor can obtain the required labels.

IDENTITY LABELING: "Identity", as used in this Section, is defined as the name and address or permit number of the milk plant at which the pasteurization, ultra-pasteurization, aseptic processing, condensing and/or drying takes place. It is recommended that the voluntary national uniform coding system for the identification of milk plants, at which milk and milk products are packaged, be adopted in order to provide a uniform system of codes throughout the country.
In cases where several milk plants are operated by one firm, the common firm name may be utilized on milk bottles, containers and packages. Provided, that the location of the milk plant at which the contents were pasteurized, ultra-pasteurized, aseptically processed, condensed and/or dried is also shown, either directly or by a code. This requirement is necessary in order to enable the Regulatory Agency to identify the source of the pasteurized, ultra-pasteurized, aseptically processed, condensed and/or dried milk or milk products. The street address of the milk plant need not be shown when only one (1) milk plant of a given name is located within the municipality.
The identity labeling requirement may be interpreted as permitting milk plants and persons to purchase and distribute, under their own label, milk and milk products processed and packaged at another milk plant, provided, that the label reads, "Processed at ... (name and address)", or that the processing and packaging milk plant is identified by a proper code.

MISLEADING LABELS: The Regulatory Agency shall not permit the use of any misleading marks, words or endorsements upon the label. They may permit the use of registered trade designs or similar terms on the bottle cap or label, when in their opinion, they are not misleading

and are not so used as to obscure the labeling required by this *Ordinance*. For dry milk products, the outer bag must be preprinted "Grade "A" before filling. The use of super grade designations shall not be permitted. However, this should not be construed as prohibiting the use of official grade designations awarded to dry milk products by the United States Department of Agriculture (USDA). Grade designations such as “Grade "AA" Pasteurized”, “Selected Grade "A" Pasteurized”, “Special Grade "A" Pasteurized”, etc., give the consumer the impression that such a grade is significantly safer than Grade “A”. Such an implication is false, because the *Ordinance* requirements for Grade “A” pasteurized, ultra-pasteurized, or aseptically processed milk when properly enforced, will ensure that this grade of milk will be as safe as milk can practically be made. Descriptive labeling terms must not be used in conjunction with the Grade “A” designation or name of the milk or milk product and must not be false or misleading.

SECTION 5. INSPECTION OF DAIRY FARMS AND MILK PLANTS

Each dairy farm, milk plant, receiving station, transfer station, milk tank truck cleaning facility whose milk or milk products are intended for consumption within ...of...[1] or it's jurisdiction, and each bulk milk hauler/sampler who collects samples of raw milk for pasteurization, for bacterial, chemical or temperature standards and hauls milk from a dairy farm to a milk plant, receiving station or transfer station and each milk tank truck and its appurtenances shall be inspected/audited by the Regulatory Agency prior to the issuance of a permit. Following the issuance of a permit, the Regulatory Agency shall:

1. Inspect each milk tank truck and its appurtenances used by a bulk milk hauler/sampler who collects samples of raw milk for pasteurization for bacterial, chemical or temperature standards and hauls milk from a dairy farm to a milk plant, receiving station or transfer station, at least once every twelve (12) months.
2. Inspect each bulk milk hauler/sampler's, dairy plant sampler's and industry plant sampler's pickup and sampling procedures at least once every twenty-four (24) months.
3. Inspect each milk plant and receiving station at least once every three (3) months, except that, for those milk plants and receiving stations that have HACCP Systems, which are regulated under the NCIMS HACCP Program, regulatory audits shall replace the regulatory inspections described in this Section. The requirements and minimum frequencies for these regulatory audits are specified in Appendix K.
4. Inspect each milk tank truck cleaning facility and transfer station at least once every six (6) months, except that, for those transfer stations that have HACCP Systems, which are regulated under the NCIMS HACCP Program, regulatory audits shall replace the regulatory inspections described in this Section. The requirements and minimum frequencies for these regulatory audits are specified in Appendix K.
5. Inspect each dairy farm at least once every six (6) months.[6]

Should the violation of any requirement set forth in Section 7, or in the case of a bulk milk hauler/sampler, industry plant sampler or milk tank truck also Section 6 and Appendix B, be found to exist on an inspection/audit, a second inspection/audit shall be required after the time deemed necessary to remedy the violation, but not before three (3) days. This second inspection/audit shall be used to determine compliance with the requirements of Section 7 or in

the case of a bulk milk hauler/sampler, industry plant sampler or milk tank truck also Section 6 and Appendix B. Any violation of the same requirement of Section 7, or in the case of a bulk milk hauler/sampler or milk tank truck also Section 6 and Appendix B, on such second inspection/audit, shall call for permit suspension in accordance with Section 3 and/or court action or in the case of an industry plant sampler, shall cease the collection of official regulatory samples until successfully re-trained and re-evaluated by the Regulatory Agency. Provided, that when the Regulatory Agency finds that a critical processing element violation involving:

1. Proper pasteurization, whereby every particle of milk or milk product may not have been heated to the proper temperature and held for the required time in properly designed and operated equipment;
2. A cross-connection exists whereby direct contamination of pasteurized milk or milk product is occurring; or
3. Conditions exist whereby direct contamination of pasteurized milk or milk product is occurring.

The Regulatory Agency shall take immediate action to prevent further movement of such milk or milk product until such violations of critical processing element(s) have been corrected. Should correction of such critical processing element(s) not be accomplished immediately, the Regulatory Agency shall take prompt action to suspend the permit as provided for in Section 3 of this *Ordinance.* Provided, that in the case of milk plants producing aseptically processed milk and milk products, when an inspection of the milk plant and its records reveal that the process used has been less than the required scheduled process, it shall be considered an imminent hazard to public health and the Regulatory Agency shall take immediate action to suspend the permit of the milk plant for the sale of aseptically processed milk and milk products in conformance with Section 3 of this *Ordinance*.

One (1) copy of the inspection/audit 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/audit report shall not be defaced and shall be made available to the Regulatory Agency upon request. An identical copy of the inspection/audit report shall be filed with the records of the Regulatory Agency.

The Regulatory Agency shall also make such other inspections and investigations as are necessary for the enforcement of this *Ordinance*.

Every permit holder shall, upon the request of the Regulatory Agency, permit access of officially designated persons to all parts of their establishment or facilities to determine compliance with the provisions of this *Ordinance*. A distributor or milk plant operator shall furnish the Regulatory Agency, upon request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, a list of all sources of such milk and milk products, records of inspections, tests and pasteurization time and temperature records.

It shall be unlawful for any person who, in an official capacity, obtains any information under the provisions of this *Ordinance*, which is entitled to protection as a trade secret, including information as to the quantity, quality, source or disposition of milk or milk products or results of inspections/audits or tests thereof, to use such information to their own advantage or to reveal it to any unauthorized person.

ADMINISTRATIVE PROCEDURES

INSPECTION FREQUENCY: For the purposes of determining the inspection frequency for dairy farms and transfer stations the interval shall include the designated six (6) month period plus the remaining days of the month in which the inspection is due.

For the purposes of determining the inspection frequency for milk plants and receiving stations the interval shall include the designated three (3) month period plus the remaining days of the month in which the inspection is due.

One (1) milk tank truck inspection every twelve (12) months, or bulk milk hauler/sampler's or industry plant sampler's pickup and sampling procedures inspection each twenty-four (24) months, or one (1) producer, transfer station, or milk tank truck cleaning facility inspection every six (6) months, or one (1) milk plant or receiving station inspection every three (3) months is not a desirable frequency, it is instead a legal minimum. Bulk milk hauler/samplers, industry plant samplers, milk tank trucks, milk tank truck cleaning facilities, dairy farms, milk plants, receiving stations and transfer stations experiencing difficulty meeting requirements should be visited more frequently. Milk plants that condense and/or dry milk or milk products and which operate for a short duration of time or intermittent periods of time should also be inspected more frequently. Inspections of dairy farms shall be made at milking time as often as possible and of milk plants at different times of the day in order to ascertain if the processes of equipment assembly, sanitizing, pasteurization, cleaning and other procedures comply with the requirements of this *Ordinance*.

For the purpose of determining the minimum audit frequency for milk plants, receiving stations and transfer stations regulated under the NCIMS HACCP Program the interval shall include the remaining days of the month in which the audit is due.

ENFORCEMENT PROCEDURES: This Section provides that a dairy farm, bulk milk hauler/sampler, milk tank truck, milk tank truck cleaning facility, milk plant, receiving station, transfer station or distributor, except those processing aseptically processed milk and milk products, shall be subject to suspension of permit and/or court action if two (2) successive inspections disclose a violation of the same requirement.

Experience has demonstrated that strict enforcement of the *Ordinance* leads to a better and friendlier relationship between the Regulatory Agency and the milk industry than does a policy of enforcement, which seeks to excuse violations and to defer penalty thereof. The sanitarian's criterion of satisfactory compliance should be neither too lenient nor unreasonably stringent. When a violation is discovered, the sanitarian should point out to the milk producer, bulk milk hauler/sampler, industry plant sampler, responsible person for the milk tank truck, milk tank truck cleaning facility, milk plant, receiving station, transfer station or distributor the requirement that has been violated, discuss a method for correction and set a time for correcting the violated requirement.

The penalties of suspension or revocation of permit and/or court action are provided to prevent continued violation of the provisions of this *Ordinance* but are worded to protect the dairy industry against unreasonable or arbitrary action. When a condition is found which constitutes an imminent health hazard, prompt action is necessary to protect the public health; therefore, the Regulatory Agency is authorized in Section 3, to suspend the permit immediately. However, except for such emergencies, no penalty is imposed on the milk producer, bulk milk hauler/sampler, responsible person for the milk tank truck, milk tank truck cleaning facility, milk

plant, receiving station, transfer station or distributor upon the first violation of any of the sanitation requirements listed in Section 7. A milk producer, bulk milk hauler/sampler, responsible person for the milk tank truck, milk tank truck cleaning facility, milk plant, receiving station, transfer station or distributor found violating any requirement must be notified in writing and given a reasonable time to correct the violation(s) before a second inspection is made, but not before three (3) days. The requirement of giving written notice shall be deemed to have been satisfied by the handing to the operator or by the posting of an inspection report, as required by this Section. After receipt of a notice of violation, but before the allotted time has elapsed, the milk producer, bulk milk hauler/sampler, responsible person for the milk tank truck, milk tank truck cleaning facility, milk plant, receiving station, transfer station or distributor shall have an opportunity to appeal the sanitarian's interpretation to the Regulatory Agency or request an extension of the time allowed for correction.

ENFORCEMENT PROCEDURES - ASEPTIC PROCESSING MILK PLANTS: Because aseptically processed milk and milk products are stored at room temperature and are not refrigerated after processing they must be considered an imminent hazard to public health whenever it is revealed by an inspection or a review of the processing records that the process is less than the required scheduled process and the products produced have not maintained their commercial sterility. Prompt action by the Regulatory Agency to suspend the permit must be initiated in order to protect the public health. The Regulatory Agency shall stop the sale of all under-processed milk or milk product and follow at least the minimum requirements of 21 CFR 113.89 before releasing any product. (Refer to Appendix L.)

CERTIFIED INDUSTRY INSPECTION: The Regulatory Agency may certify industry personnel, with their consent, to carry out cooperatively the provisions of this *Ordinance* with respect to the supervision of dairy farms, bulk milk haul/sampler's pickup and sampling procedures, and/or milk tank trucks. States utilizing certified industry inspections shall have on file and available for review, a written program that describes how the requirements of this *Ordinance* and related documents shall be implemented. Delegation of the inspection and evaluation of bulk milk hauler/sampler's pickup and sampling procedures shall be done by the Sampling Surveillance Officer (SSO) in accordance with the *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments* (Procedures).

Reports of all inspections conducted by such personnel to determine compliance with the provisions of this *Ordinance* shall be maintained by the industry at a location acceptable to the Regulatory Agency. The Certified Industry Inspector may perform all punitive actions and all inspections for the issuance or reinstatement of permits. Initial inspections and change of market inspections are required and shall be conducted by the Regulatory Agency in conjunction with the Certified Industry Inspector.

When a producer changes market, the producer records for the preceding twenty-four (24) months shall be transferred with the producer, through the Regulatory Agency, and will continue to be a part of the producer’s record.

Industry personnel shall be certified every three (3) years by the Regulatory Agency.

At least annually, the Certified Industry Inspector shall attend an educational seminar provided by the Regulatory Agency, or equivalent training acceptable to the Regulatory Agency.

At least once in each six (6) month period, the Regulatory Agency shall inspect the records maintained by the Industry for the Certified Industry Inspection Program and conduct farm field work to assure the program meets the provisions of the Regulatory Agency's written plan and requirements of this *Ordinance* and related documents.
Initial certification by the Regulatory Agency shall not be made during the course of an official inspection. Re-certification by the Regulatory Agency may be conducted during the course of an official inspection.

Purpose of Certification: The purpose of certification is to have the applicant formally demonstrate their inspection ability to apply proper interpretations of this *Ordinance,* related documents, and the Regulatory Agency's procedures.

Designation of Individuals to Be Certified: Candidates shall submit requests for certification to the Regulatory Agency. The applicant for certification shall have had experience in the field of milk sanitation, and shall be an employee of a milk plant, a producer association, officially designated laboratory or shall be employed on a consulting basis.

Recording of Qualification Data: Prior to conducting the certification procedure, background information shall be secured on the applicant. This shall include academic training, experience in milk sanitation and related fields, in-service courses attended, etc. This information is to be retained by the Regulatory Agency as part of the applicant's file, along with appropriate records of the applicant's performance during the certification examination.

Field Procedure: Only one (1) applicant shall be certified at a time. The certification is to be conducted without prompting from the Regulatory Agency or comparison of inspection results in any way until the entire procedure is completed. Initial certification shall not be made during the course of an official inspection by the Regulatory Agency.
At least twenty-five (25) randomly selected dairy farms and/or five (5) milk tank trucks shall be visited. After the necessary inspections have been completed, the Regulatory Agency shall compare their results with those of the candidate. The percentage agreement for each Item of sanitation shall be determined by dividing the number of agreements by the total number of dairy farms and/or milk tank trucks inspected.

Criteria for Certification: In order to be certified, an industry inspector shall agree with the Regulatory Agency eighty percent (80%) of the time on individual Items of sanitation and shall further agree to comply with the administrative procedures established by the Regulatory Agency for the program of dairy farm and/or milk tank truck supervision. The Regulatory Agency should allow sufficient time to discuss the findings with the applicant.

Duration of Certification: Certification of industry inspection personnel shall be for a period not exceeding three (3) years from the date of formal certification or re-certification, unless revoked.

Re-Certification: The Regulatory Agency shall notify the certified industry inspector of the need for certification renewal at least sixty (60) days prior to its expiration. If re-certification is desired, the inspector will make appropriate arrangements for the renewal procedure. Re-

certification can be made for the succeeding three (3) year period, by following the procedures outlined above. Provided, that re-certification may be conducted during the course of an official inspection by the Regulatory Agency.

Reports and Records: Upon satisfactory completion of certification or re-certification, the certified industry inspector shall be issued a certificate. The milk plant(s) or officially designated laboratory(ies) employing the inspector shall be formally notified by letter of the certification. The letter shall outline the purpose of the certification and the conditions under which the certification may be retained. A copy of the notification letter, together with a copy of the qualification data above and a resume of the percentage agreement on individual items, shall be retained by the Regulatory Agency.

Revocation of Certification: The certification of an industry inspector may be revoked by the Regulatory Agency upon a finding that the inspector is:

1. Not in agreement with the Regulatory Agency at least eighty percent (80%) of the time on Items of sanitation in a field examination conducted as described in the **Field Procedure** outlined above; or
2. Not complying with the established administrative procedures of the Regulatory Agency for the program; or
3. Failing to carry out the provisions of this *Ordinance* in the course of the inspector's work.

INSPECTION/AUDIT REPORTS: A copy of the inspection/audit report shall be filed as directed by the Regulatory Agency and retained for at least twenty-four (24) months. The results shall be entered on appropriate ledger forms. The use of a computer or other information retrieval system may be used. Examples of field inspection/audit forms are identified in Appendix M.

SECTION 6. THE EXAMINATION OF MILK AND MILK PRODUCTS

It shall be the responsibility of the bulk milk hauler/sampler to collect a representative sample of milk from each farm bulk tank or from a properly installed and operated in-line-sampler, that is approved for use by the Regulatory Agency and FDA to collect representative samples, prior to transferring milk from a farm bulk tank, truck or other container. All samples shall be collected and delivered to a milk plant, receiving station, transfer station or other location approved by the Regulatory Agency.
It shall be the responsibility of the industry plant sampler to collect a representative sample of milk from each milk tank truck or from a properly installed and operated aseptic sampler, that is approved for use by the Regulatory Agency and FDA to collect representative samples, prior to transferring milk from a milk tank truck.

1. During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization shall be collected from each producer, in at least four (4) separate months, except when three (3) months show a month containing two (2) sampling dates separated by at least twenty (20) days. These samples shall be obtained under the direction of the Regulatory Agency

or shall be taken from each producer under the direction of the Regulatory Agency and delivered in accordance with this Section.

2. During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization, ultra-pasteurization or aseptic processing, shall be collected in at least four (4) separate months, except when three (3) months show a month containing two (2) sampling dates separated by at least twenty (20) days. These samples shall be obtained by the Regulatory Agency, from each milk plant after receipt of the milk by the milk plant and prior to pasteurization, ultra-pasteurization or aseptic processing.

3. During any consecutive six (6) months, at least four (4) samples of heat-treated milk products, from milk plants offering such products for sale, shall be collected by the Regulatory Agency in at least four (4) separate months, except when three (3) months show a month containing two (2) sampling dates separated by at least twenty (20) days.

4. During any consecutive six (6) months, at least four (4) samples of pasteurized milk, flavored milk, flavored reduced fat or low fat milk, flavored nonfat (skim) milk, each fat level of reduced fat or low fat milk and each milk product defined in this *Ordinance*, shall be collected by the Regulatory Agency in at least four (4) separate months, except when three (3) months show a month containing two (2) sampling dates separated by at least twenty (20) days from every milk plant. All pasteurized (including Aseptically Processed and Ultra-Pasteurized) milk and milk products required sampling and testing is to be done only when there are test methods available that are validated by FDA and accepted by the NCIMS. Products with no validated and accepted methods are not required to be tested.

NOTE: If the production of any Grade "A" condensed or dry milk product as defined in this *Ordinance* is not on a yearly basis, at least five (5) samples shall be taken within a continuous production period.

Samples of milk and milk products shall be taken while in the possession of the producer, milk plant or distributor at any time prior to delivery to the store or consumer. 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 Regulatory Agency and the results of such examination shall be used to determine compliance with Sections 2, 4 and 10. Proprietors of such establishments shall furnish the Regulatory Agency, upon request, with the names of all distributors from whom milk or milk products are obtained.

Required bacterial counts, somatic cell counts and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, drug tests on each producer's milk shall be conducted at least four (4) times during any consecutive six (6) months.

All pasteurized (including Aseptically Processed and Ultra-Pasteurized) milk and milk products required sampling and testing to be done only when there are test methods available that are validated by FDA and accepted by the NCIMS, otherwise there would be no requirement for sampling. Required bacterial counts, coliform counts, drug tests, phosphatase and cooling temperature determinations shall be performed on Grade "A" pasteurized milk and milk products defined in this *Ordinance* only when there are validated and accepted test methodology.

NOTE: When multiple samples of the same milk or milk products, except for aseptically processed milk and milk products, are collected from the same producer or processor from multiple tanks or silos on the same day, the laboratory results are averaged arithmetically by the Regulatory Agency and recorded as the official results for that day. This is applicable for bacterial (standard plate count and coliform), somatic cell count and temperature determinations only.

Whenever two (2) of the last four (4) consecutive bacterial counts (except those for aseptically processed milk and milk products), somatic cell count, coliform determinations, or cooling temperatures, taken on separate days, exceed the standard for the milk and/or milk products as defined in this *Ordinance*, the Regulatory Agency shall send a written notice thereof to the person concerned. This notice shall be in effect as long as two (2) of the last four (4) consecutive samples exceed the standard. An additional sample shall be taken within twenty-one (21) days of the sending of such notice, but not before the lapse of three (3) days. Immediate suspension of permit, in accordance with Section 3, and/or court action shall be instituted whenever the standard is violated by three (3) of the last five (5) bacterial counts (except those for aseptically processed milk and milk products), somatic cell counts, coliform determinations or cooling temperatures.

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.

Whenever a pesticide residue test is positive, an investigation shall be made to determine the cause and the cause shall be corrected. An additional sample shall be taken and tested for pesticide residues and no milk or milk products as defined in this *Ordinance* shall be offered for sale until it is shown by a subsequent sample to be free of pesticide residues or below the actionable levels established for such residues.

Whenever a drug residue test is confirmed positive, an investigation shall be made to determine the cause, and the cause shall be corrected in accordance with the provisions of Appendix N.

Whenever a container or containers of aseptically processed milk or milk product is found to be non-sterile, due to under-processing, the Regulatory Agency shall consider this to be an imminent hazard to public health and shall suspend the permit of the milk plant for the sale of aseptically processed milk and milk products. No aseptically processed milk and milk product shall be sold until it can be shown that the processes, equipment and procedures used are suitable for consistent production of a sterile product. All products from the lot that were found to contain one (1) or more non-sterile units shall be recalled and disposed of as directed by the Regulatory Agency.

Samples shall be analyzed at an appropriate official or officially designated laboratory. All sampling procedures, including the use of approved in-line samplers and aseptic samplers for milk tank trucks, and required laboratory examinations shall be in substantial compliance with the most current edition of *Standard Methods for the Examination of Dairy Products* (SMEDP) of the American Public Health Association, and the most current edition of *Official Methods of Analysis of AOAC INTERNATIONAL* (OMA). Such procedures, including the certification of sample collectors and examinations shall be evaluated in accordance with the *Procedures*. Aseptically processed milk and milk products packaged in hermetically sealed containers shall be tested in accordance with FDA's *Bacteriological Analytical Manual* (BAM).

Each milk plant regulated under the NCIMS HACCP Program shall adequately document its response to each regulatory sample test result that exceeds any maximum level specified in Section 7 of this *Ordinance*. The Regulatory Agency will monitor and verify that appropriate action(s) was taken by the milk plant.

Examinations and tests to detect adulterants, including pesticides, shall be conducted, as the Regulatory Agency requires. When the Commissioner of the FDA determines that a potential problem exists with animal drug residues or other contaminants in the milk supply, samples shall be analyzed for the contaminant by a method(s) determined by FDA to be effective in determining compliance with actionable levels or established tolerances. This testing will continue until such time that the Commissioner of the FDA is reasonably assured that the problem has been corrected. The determination of a problem is to be based upon:

1. Sample survey results;
2. USDA tissue residue data from cull and veal dairy animals;
3. Animal drug disappearance and sales data;
4. State feed back; and
5. Other relevant information.

Assays of milk and milk products as defined in this *Ordinance*, to which vitamin(s) A and/or D have been added, shall be made at least annually in a laboratory, which has been accredited by FDA and which is acceptable to the Regulatory Agency, using test methods acceptable to FDA or other official methodologies, which gives statistically equivalent results to the FDA methods. Vitamin testing laboratories are accredited if they have one (1) or more certified analysts and meet the quality control requirements of the program established by FDA. Laboratory accreditation and analyst certification parameters are specified in the Evaluation of Milk Laboratories (EML) manual.

In addition, all facilities fortifying milk or milk products with vitamins must keep volume control records. These volume control records must cross reference the form and amount of vitamin D, vitamin A and/or vitamins A and D used with the amount of products produced and indicate a percent of expected use, plus or minus.

ADMINISTRATIVE PROCEDURES

ENFORCEMENT PROCEDURES: All violations of bacteria, coliform, confirmed somatic cell counts and cooling temperature standards should be followed promptly by inspection to determine and correct the cause. (Refer to Appendix E. Examples of Three (3)-out-of-Five (5) Compliance Enforcement Procedures)

Aseptically processed milk and milk products packaged in hermetically sealed containers are exempt from the refrigerated storage requirements of this *Ordinance*. Therefore, whenever a breakdown in the processing or packaging of these products occurs an imminent hazard to public health exists. Prompt action is needed by the Regulatory Agency. Milk plants aseptically processing milk and milk products in hermetically sealed containers should be encouraged to perform bacterial and other quality tests on each lot of aseptically processed milk and milk product produced in order to ascertain that these products have been properly processed and have not been rendered non-sterile after aseptic processing and packaging. The Regulatory Agency may utilize industry records, of each lot of aseptically processed milk and milk products, to

determine when lots can be released for sale after a violation of the bacterial standards has existed.

LABORATORY TECHNIQUES: Procedures for the collection, including the use of approved in-line samplers and aseptic samplers for milk tank trucks, and holding of samples; the selection and preparation of apparatus, media and reagents; and the analytical procedures, incubation, reading and reporting of results, shall be in substantial compliance with the FDA 2400 series forms, *SMEDP* and *OMA*. The procedures shall be those specified therein for:

1. Standard plate count at 32ºC (agar or Petrifilm method).
2. Alternate methods, for bacterial counts at 32°C (89.6°F), including the Plate Loop Count, Spiral Plate Count and the BactoScan FC for raw milk.
3. Coliform test with solid media or Petrifilm method at 32ºC for all milk and milk products, and the Petrifilm High Sensitivity Coliform Count method for all milk and milk products, except unflavored whole, reduced or low fat and nonfat (skim) milk.
4. A viable bacterial count of nonfat dry milk shall be made in accordance with the procedures in *SMEDP* for the Standard Plate Count of Dry Milk, except agar plates shall be incubated for 72 hours.
5. Beta lactam methods which have been independently evaluated or evaluated by FDA and have been found acceptable by FDA for detecting drug residues in raw milk, or pasteurized milk, or that particular type of pasteurized milk product at current safe or tolerance levels, shall be used for each drug of concern, except those products for which there are not any approved drug test kits available. Regulatory action shall be taken on all confirmed positive results. (Refer to Appendix N.) A result shall be considered positive if it has been obtained by using a method, which has been evaluated and deemed acceptable by FDA and accepted by the NCIMS at levels established in memoranda transmitted periodically by FDA as required by Section IV of Appendix N.
6. Screening and Confirmatory Methods for the Detection of Abnormal Milk: The results of the screening test or confirmatory test shall be recorded on the official records of the dairy farm and a copy of the results sent to the milk producer.

When a warning letter has been sent, because of excessively high somatic cell counts, an official inspection of the dairy should be made by regulatory personnel or certified industry personnel. This inspection should be made during milking time.

6a. Milk (Non-Goat): Any of the following confirmatory or screening test procedures shall be used: Single Strip Direct Microscopic Somatic Cell Count or Electronic Somatic Cell Count.

6b. Goat Milk: Direct Microscopic Somatic Cell Count or Electronic Somatic Cell Count may be used for screening raw goat milk samples, to indicate a range of somatic cell levels, as long as the somatic cell standard for goat milk remains 1,000,000/mL. Screening for official purposes must be conducted by an analyst (s) certified for that procedure.

Only the Pyronine Y-Methyl Green stain or "New York modification" Single Strip Direct Microscopic Somatic Cell Count test procedures shall be used to confirm the level of somatic cells in goat milk by certified analysts.

7. Electronic Phosphatase Tests: The phosphatase test is an index of the efficiency of the pasteurization process. In the event an accredited laboratory finds that a sample confirms positive for phosphatase, the pasteurization process shall be investigated and corrected. When a

laboratory phosphatase test is confirmed positive, or if any doubt should arise as to the compliance of the equipment, standards or methods outlined in Section 7, Item 16p, the Regulatory Agency should immediately conduct field phosphatase testing at the milk plant. (Refer to Appendix G.)

8. Vitamin testing shall be performed using test methods acceptable to FDA or other official methodologies, which give statistically equivalent results to the FDA methods.

9. Any other tests, which have been approved by FDA to be equally accurate, precise and practical.

10. All standards used in the development and use of drug residue detection methods designed for *Grade "A" PMO* monitoring programs will be referenced to a United States Pharmacopeia (USP) standard when available. When a USP standard is not available, then the original method must define the standard to be used.

11. Procedural or reagent changes for official tests must be submitted to FDA for acceptance prior to being used by certified NCIMS milk laboratories.

SAMPLING PROCEDURES: *SMEDP* contains guidance for sampling of milk and milk products. Optionally, sample collection time may be identified in military time (24 hour clock). (Refer to Appendix G. for a reference to drug residues in milk and the conditions under which a positive phosphatase reaction may be encountered in properly pasteurized milk or cream. Refer to Appendix B. for reference to farm bulk milk hauling programs regarding training, licensing/permitting, routine inspection and the evaluation of sampling procedures.)

When samples of raw milk for pasteurization are taken at a milk plant prior to pasteurization, they shall be drawn following adequate agitation from randomly selected storage tanks. All counts and temperatures should be recorded on a milk-ledger form as soon as reported by the laboratory. A computer or other information retrieval system may be used.

NOTE: Milk from animals not currently in the *Grade "A" PMO* may be labeled as Grade "A" and IMS listed upon FDA's acceptance of validated *Grade "A" PMO*, Section 6 and Appendix N. test methods for the animal to be added.

SECTION 7. STANDARDS FOR GRADE "A" MILK AND MILK PRODUCTS

All Grade "A" raw milk or milk products for pasteurization, ultra-pasteurization, or aseptic processing and all Grade "A" pasteurized, ultra-pasteurized or aseptically processed milk and milk products, shall be produced, processed**,** manufactured and pasteurized, ultra-pasteurized, or aseptically processed to conform to the following chemical, physical, bacteriological and temperature standards and the sanitation requirements of this Section.

No process or manipulation other than pasteurization, ultra-pasteurization or aseptic processing; processing methods integral therewith; and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms, provided that filtration and/or bactofugation processes are performed in the milk plant in which the milk or milk product is pasteurized, ultra-pasteurized or aseptically processed. Provided, that in the bulk shipment of cream, nonfat (skim) milk or reduced fat or lowfat milk, the heating of the raw milk, one time, to temperatures greater than 52ºC (125ºF) but less than 72ºC (161ºF), for separation

purposes, is permitted when the resulting bulk shipment(s) of cream, nonfat (skim) milk or reduced fat or lowfat milk are labeled heat-treated. In the case of heat-treated cream, the cream may be further heated to less than 75ºC (166ºF) in a continuing heating process and immediately cooled to 7ºC (45ºF) or less when necessary for enzyme deactivation (such as lipase reduction) for a functional reason.

Milk plants, receiving stations and transfer stations participating in the NCIMS HACCP Program, shall also comply with the requirements of Appendix K. of this *Ordinance*.

Whey shall be from cheese made from Grade "A" raw milk for pasteurization as provided in this *Ordinance*.

Buttermilk shall be from butter made from Grade "A" cream, which has been pasteurized prior to use in accordance with Item 16p of this *Ordinance*. Provided, that this requirement shall not be construed as barring any other heat treatment process which has been recognized by the FDA to be equally efficient in the destruction of staphylococcal organisms and which is approved by the Regulatory Agency.

Buttermilk and whey used in the manufacture of Grade "A" milk and milk products shall be produced in a milk/cheese plant that complies with Items 1p, 2p, 3p, 4p, 5p 6p, 7p 8p, 9p, 10p, 11p, 12p, 13p, 14p, 15p, 17p, 20p, 21p and 22p as provided in this *Ordinance*.

Whey shall be from:

1. Cheese made from Grade "A" raw milk for pasteurization, which has been pasteurized prior to use, in accordance with Item 16p of this *Ordinance*, or
2. Cheese made from Grade "A" raw milk for pasteurization, which has been heat-treated to a temperature of at least 64°C (147°F) and held continuously at that temperature for at least twenty one (21) seconds or to at least 68°C (153°F) and held continuously at that temperature for at least fifteen (15) seconds, in equipment meeting the pasteurization requirements provided for in this O*rdinance*. Provided, that this requirement shall not be construed as barring any other heat treatment process which has been recognized by the FDA to be equally efficient in the destruction of staphylococcal organisms and which is approved by the Regulatory Agency.

Table 1. Chemical, Physical, Bacteriological, and Temperature Standards		
GRADE "A" RAW MILK AND MILK PRODUCTS FOR PASTEURIZATION, ULTRA-PASTEURIZATION OR ASEPTIC PROCESSING	Temperature.....	Cooled to 10ºC (50ºF) or less within four (4) hours or less, of the commencement of the first milking, and to 7°C (45ºF) or less within two (2) hours after the completion of milking. Provided, that the blend temperature after the first milking and subsequent milkings does not exceed 10ºC (50ºF). **NOTE:** Milk sample submitted for testing cooled and maintained at 0ºC (32ºF) to 4.4ºC (40ºF), where sample temperature is >4.4ºC (40ºF), but ≤7.0ºC (45ºF) and less than three (3) hours after collection has not increased in temperature.
	Bacterial Limits.....	Individual producer milk not to exceed 100,000 per mL prior to commingling with other producer milk. Not to exceed 300,000 per mL as commingled milk prior to pasteurization. **NOTE:** Tested in conjunction with the drug residue/inhibitory substance test.
	Drugs.....……	No positive results on drug residue detection methods as referenced in Section 6 - Laboratory Techniques.
	Somatic Cell Count*...	Individual producer milk not to exceed 750,000 per mL.
GRADE "A" PASTEURIZED MILK AND MILK PRODUCTS AND BULK SHIPPED HEAT-TREATED MILK PRODUCTS	Temperature.....	Cooled to 7ºC (45ºF) or less and maintained thereat. **NOTE:** Milk sample submitted for testing cooled and maintained at 0ºC (32ºF) to 4.4ºC (40ºF), where sample temperature is >4.4ºC (40ºF), but ≤7.0ºC (45ºF) and less than three (3) hours after collection has not increased in temperature.
	Bacterial Limits**…...	20,000 per mL, or gm.*** **NOTE:** Tested in conjunction with the drug residue/inhibitory substance test.
	Coliform****.....	Not to exceed 10 per mL. Provided, that in the case of bulk milk transport tank shipments, shall not exceed 100 per mL. **NOTE:** Tested in conjunction with the drug residue/inhibitory substance test.
	Phosphatase*****.....	Less than 350 milliunits/L for fluid products and other milk products by approved electronic phosphatase procedures.
	Drugs**.....….	No positive results on drug residue detection methods as referenced in Section 6 - Laboratory Techniques which have been found to be acceptable for use with pasteurized and heat-treated milk and milk products.

GRADE "A" PASTEURIZED CONCENTRATED (CONDENSED) MILK AND MILK PRODUCTS	Temperature……	Cooled to 7°C (45°F) or less and maintained thereat unless drying is commenced immediately after condensing.
	Coliform……	Not to exceed 10 per gram. *Provided,* that in the case of bulk milk transport tank shipments shall not exceed 100 per gram.
GRADE "A" ULTRA-PASTEURIZED MILK AND MILK PRODUCTS	Temperature.....	Cooled to 7ºC (45ºF) or less and maintained thereat.
	Bacterial Limits**…...	20,000 per mL, or gm.***
	Coliform****.....	Not to exceed 10 per mL. Provided, that in the case of bulk milk transport tank shipments, shall not exceed 100 per mL.
	Phosphatase*****.....	Phosphatase testing of Ultra-Pasteurized milks is not required.
	Drugs**.....…..	There are no validated and accepted drug residue tests for Ultra-Pasteurized Milk and Milk Products
GRADE "A" ASEPTICALLY PROCESSED MILK AND MILK PRODUCTS	Temperature.....	None.
	Bacterial Limits.....	Refer to 21 CFR 113. 3(e)(1)******
	Drugs**.....	There are no validated and accepted drug residue tests for Aseptically Processed Milk and Milk Products.
GRADE "A" NONFAT DRY MILK		No More Than:
	Butterfat……	1.25%
	Moisture……	4.00%
	Titratable Acidity……..	0.15%
	Solubility Index……	1.25mL.
	Bacterial Estimate…….	30,000 per gram
	Coliform……...	10 per gram
	Scorched Particles disc B……	15.0 per gram
GRADE "A" WHEY FOR CONDENSING AND/OR DRYING	Temperature…….	Maintained at a temperature of 45°F (7°C) or less, or 57°C (135°F) or greater, except for acid-type whey with a titratable acidity of 0.40% or above, or a pH of 4.6 or below.
GRADE "A" PASTEURIZED CONDENSED WHEY AND WHEY PRODUCTS	Temperature……..	Cooled to 10°C (50°F) or less during crystallization, within 72 hours of condensing.
	Coliform Limit……..	Not to exceed 10 per gram.
GRADE "A" DRY WHEY, GRADE "A" DRY WHEY PRODUCTS, GRADE "A" DRY BUTTERMILK, AND GRADE "A" DRY BUTTERMILK PRODUCTS	Coliform Limit……..	Not to exceed 10 per gram.

* Goat Milk 1,000,000 per mL
** Not applicable to acidified or cultured products, eggnog and flavored (non-chocolate) milk and milk products.

*** Results of the analysis of dairy products which are weighed in order to be analyzed will be reported in # per gm. (Refer to the current edition of the *SMEDP*)
**** Not applicable to bulk shipped heat-treated milk products.
***** Not applicable to bulk shipped heat-treated milk products; UP products that have been thermally processed at or above 138^0C (280^0F) for at least two (2) seconds to produce a product which has an extended shelf life (ESL) under refrigerated conditions; and condensed products.
****** 21 CFR 113.3(e)(1) contains the definition of "COMMERCIAL STERILITY".

STANDARDS FOR GRADE "A" RAW MILK FOR PASTEURIZATION, ULTRA-PASTEURIZATION OR ASEPTIC PROCESSING

ITEM 1r. ABNORMAL MILK

Lactating animals which show evidence of the secretion of milk with abnormalities in one (1) or more quarters, based upon bacteriological, chemical or physical examination, shall be milked last or with separate equipment and the milk shall be discarded. Lactating animals producing contaminated milk, that is, lactating animals which have been treated with, have consumed chemical, medicinal or radioactive agents, which are capable of being secreted in the milk and which, in the judgment of the Regulatory Agency, may be deleterious to human health, shall be milked last or with separate equipment and the milk disposed of as the Regulatory Agency may direct. (For applicability to Automatic Milking Installations (AMIs), refer to Appendix Q.)

PUBLIC HEALTH REASON

The health of lactating animals is a very important consideration because a number of diseases of lactating animals, including salmonellosis, staphylococcal infection and streptococcal infection, may be transmitted to man through the medium of milk. The organisms of most of these diseases may get into the milk either directly from the udder or indirectly through infected body discharges which may drop, splash or be blown into the milk.
Bovine mastitis is an inflammatory and, generally, highly communicable disease of the bovine udder. Usually, the inciting organism is a streptococcus of bovine origin (type B), but a staphylococcus or other infectious agent often causes the disease. Occasionally lactating animal's udders become infected with hemolytic streptococci of human origin, which may result in milkborne epidemics of scarlet fever or septic sore throat. The toxins of staphylococci and possibly other organisms in milk may cause severe gastroenteritis. Some of these toxins are not destroyed by pasteurization.

ADMINISTRATIVE PROCEDURES

This Item is deemed to be satisfied when:

EXHIBIT D

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,927,734

Registered Feb. 22, 2005

TRADEMARK
PRINCIPAL REGISTER

DCI CHEESE COMPANY, INC. (WISCONSIN CORPORATION)
119 SOUTH MAIN STREET
MAYVILLE, WI 53050

FOR: CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-17-2001; IN COMMERCE 9-17-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMISH", APART FROM THE MARK AS SHOWN.

SER. NO. 78-206,231, FILED 1-23-2003.

STEVEN BERK, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

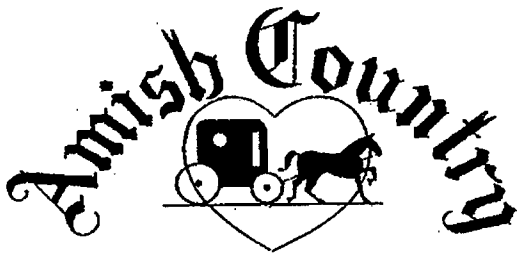
10 Year Renewal

Reg. No. 1,044,317

Registered July 20, 1976

Renewal Term Begins July 20, 1996

TRADEMARK
PRINCIPAL REGISTER



THE CHEESE WORTH HAVING A PARTY FOR

WILLIAMS CHEESE COMPANY (MICHIGAN CORPORATION)
998 NORTH HURON ROAD
LINWOOD, MI 48634, ASSIGNEE OF ARTHUR CHEESE COMPANY (DELAWARE CORPORATION) ARTHUR, IL

APPLICANT DISCLAIMS EXCLUSIVE RIGHTS, APART FROM THE MARK PROPERTY RIGHTS IT HAS ACQUIRED THROUGH USE OF THE MARK SHOWN,TO THE TERM "AMISH" AND THE REPRESENTATION OF AN AMISH HORSE AND BUGGY, AND TO THE WORD "CHEESE."

FOR: CHEESES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-5-1973; IN COMMERCE 1-5-1973.

SER. NO. 73-047,179, FILED 3-20-1975.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Nov. 12, 1996.

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 3,011,998

United States Patent and Trademark Office

Registered Nov. 1, 2005

TRADEMARK
PRINCIPAL REGISTER

HANS ROTHENBUHLER & SON, INC. (OHIO CORPORATION)
15815 NAUVOO ROAD
MIDDLEFIELD, OH 44062

FOR: CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 12-31-2003; IN COMMERCE 12-31-2003.

OWNER OF U.S. REG. NOS. 1,266,457 AND 2,298,018.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHEESE", APART FROM THE MARK AS SHOWN.

SEC. 2(F) AS TO "MIDDLEFIELD".

SN 78-261,532, FILED 6-12-2003.

REBECCA SMITH, EXAMINING ATTORNEY

Int. Cl.: 29

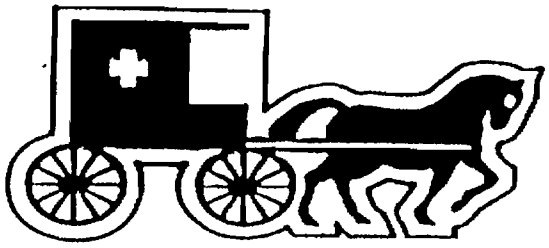
Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,298,018

Registered Dec. 7, 1999

TRADEMARK
PRINCIPAL REGISTER



MIDDLEFIELD HOLDING COMPANY (OHIO CORPORATION)
15815 NAVOO ROAD
MIDDLEFIELD, OH 44062

FOR: CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-1-1998; IN COMMERCE 2-1-1998.

OWNER OF U.S. REG. NO. 1,286,163.

SER. NO. 75-561,436, FILED 9-29-1998.

CYNTHIA SLOAN, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 2,289,587

United States Patent and Trademark Office

Registered Oct. 26, 1999

TRADEMARK
PRINCIPAL REGISTER

KAYEM FOODS, INC. (MASSACHUSETTS CORPORATION)
75 ARLINGTON STREET
P.O. BOX 505728
CHELSEA, MA 021505728

FOR: FRANKFURTER MEAT, KIELBASA SAUSAGE, BOLOGNA, SALAMI, PROCESSED POLISH SAUSAGE, MEAT, MACARONI AND CHEESE AND OLIVE LOAVES, LIVERWURST, MORTADELLA, HAM, ROAST BEEF, CORNED BEEF, PASTRAMI, TURKEY, CHEESE, SAUSAGE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 5-1-1998; IN COMMERCE 5-1-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PREMIUM QUALITY", APART FROM THE MARK AS SHOWN.

SN 75-452,321, FILED 3-18-1998.

SUSAN LESLIE DUBOIS, EXAMINING ATTORNEY

Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

Reg. No. 3,429,086

United States Patent and Trademark Office

Registered May 20, 2008

TRADEMARK
PRINCIPAL REGISTER

ORVAL KENT FOOD COMPANY, INC. (DELAWARE CORPORATION)
120 W. PALATINE RD.
WHEELING, IL 60090

FOR: CHEESE, CREAM CHEESE, COTTAGE CHEESE, RICOTTA CHEESE, DIPS, ROAST BEEF, CORN DOGS, SALAMI, SAUSAGE, SAUERKRAUT, MASHED POTATOES, POTATO SALAD, BAKED BEANS, UNFLAVORED AND UNSWEETENED GELATIN, EGG SALAD, COLE SLAW, CRACKLINGS, NAMELY, FRIED PORK RINDS, SOUR CREAM, TURKEY BREAST, PRE-PACKAGED DINNERS CONSISTING PRIMARILY OF MEAT, PRE-PACKAGED DINNERS CONSISTING PRIMARILY OF HAM, SUMMER SAUSAGE, BEEF SALAMI, BOLOGNA, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: BAGELS, CORNMEAL MUSH, ENGLISH MUFFINS, SAUCES, HORSERADISH, MACARONI AND CHEESE, NOODLES, GRAVY, BREAD PUDDING, DESSERT MOUSSE, BREAD STUFFING, FLAVORED AND SWEETENED GELATIN, CHEESECAKE, COCKTAIL SAUCE, TARTER SAUCE, CHOPPED GARLIC, PUDDING, MACARONI SALAD, PASTA SALAD, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

OWNER OF U.S. REG. NOS. 2,302,775 AND 2,305,367.

SER. NO. 76-672,026, FILED 1-31-2007.

KATHERINE CHANG, EXAMINING ATTORNEY

Int. Cl.: 29

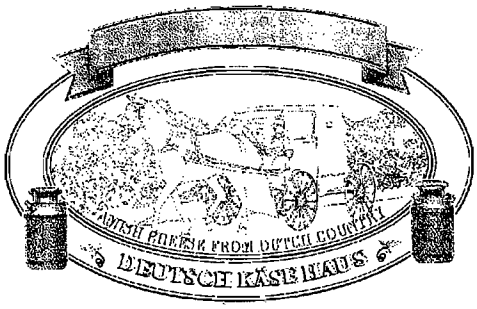
Prior U.S. Cl.: 46

Reg. No. 2,841,118

United States Patent and Trademark Office

Registered May 11, 2004

TRADEMARK
PRINCIPAL REGISTER



DEUTSCH KASE HAUS (INDIANA CORPORATION)
11275 COUNTY ROAD 250 NORTH
MIDDLEBURY, IN 46540

FOR: CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-22-2003; IN COMMERCE 8-22-2003.

OWNER OF U.S. REG. NO. 1,198,122.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMISH CHEESE FROM DUTCH COUNTRY", AND "DEUTSCH KASE HAUS", APART FROM THE MARK AS SHOWN.

THE SHADING IS A FEATURE OF THE MARK AND DOES NOT INDICATE COLOR.

THE FOREIGN LANGUAGE IN THE MARK SHOULD BE TRANSLATED INTO "GERMAN CHEESE HOUSE".

SN 76-418,509, FILED 6-10-2002.

YSA DEJESUS, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 1,823,858

United States Patent and Trademark Office

Registered Feb. 22, 1994

TRADEMARK
PRINCIPAL REGISTER

INLAND NORTHWEST DAIRIES, INC. (WASHINGTON CORPORATION)
201 NORTH RIVER DRIVE
SUITE 100
SPOKANE, WA 99201

FOR: DAIRY PRODUCTS; NAMELY, MILK, BUTTERMILK, EGGNOG, CREAM, WHIPPING CREAM, BUTTER, MARGARINE, COTTAGE CHEESE, SOUR CREAM, CHEESE, IMITATION DRESSINGS, AND MILK SUBSTITUTES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 11-15-1991; IN COMMERCE 11-15-1991.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DAIRY SINCE 1897", APART FROM THE MARK AS SHOWN.

THE LINING ON THE DRAWING IS FOR SHADING PURPOSES AND DOES NOT INDICATE COLOR.

SN 74-801,540, FILED 6-20-1991.

DONNA MIRMAN, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 2,785,080

United States Patent and Trademark Office

Registered Nov. 18, 2003

TRADEMARK
PRINCIPAL REGISTER

SARAMAR, L.L.C. (DELAWARE LTD LIAB CO)
10 SOUTH RIVERSIDE PLAZA
CHICAGO, IL 60606

FOR: CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 10-11-2002; IN COMMERCE 10-11-2002.

OWNER OF U.S. REG. NO. 1,736,819.

SN 78-155,098, FILED 8-16-2002.

YSA DEJESUS, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 3,158,693

United States Patent and Trademark Office

Registered Oct. 17, 2006

TRADEMARK
PRINCIPAL REGISTER

TROYER CHEESE, INC. (OHIO CORPORATION)
5231 COUNTRY ROAD 77
MILLERSBURG, OH 44654

FOR: DAIRY GOODS, NAMELY MILK AND CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-15-1981; IN COMMERCE 6-15-1981.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FROM OHIO'S AMISH LAND" , APART FROM THE MARK AS SHOWN.

SER. NO. 78-770,464, FILED 12-9-2005.

LAURA HAMMEL, EXAMINING ATTORNEY

Int. Cls.: 29 and 30

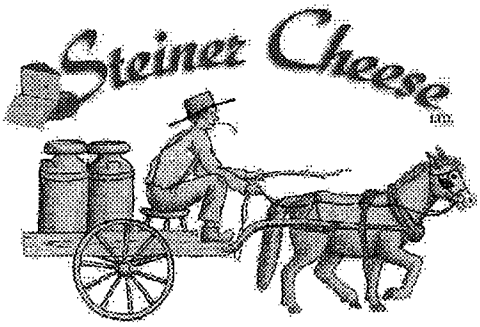
Prior U.S. Cl.: 46

Reg. No. 3,650,489

United States Patent and Trademark Office

Registered July 7, 2009

TRADEMARK
PRINCIPAL REGISTER



STEINER CHEESE, LTD (OHIO LIMITED LIABILITY COMPANY)
201 MILL STREET
BALTIC, OH 43804

FOR: CHEESE; FRUIT PRESERVES; MEAT; PREPARED NUTS; PROCESSED NUTS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 5-26-2005; IN COMMERCE 5-26-2005.

FOR: CANDIES; SAUCES , IN CLASS 30 (U.S. CL. 46).

FIRST USE 5-26-2005; IN COMMERCE 11-11-2005.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHEESE" AND "LTD", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDING "STEINER CHEESE" IN A STYLIZED SCRIPT FONT FOLLOWED BY THE LETTERS "LTD." IN ALL CAPS. TO THE LEFT OF THE "S" IN "STEINER" APPEARS AN ILLUSTRATION OF A WEDGE OF CHEESE AND THREE SLICES OF CHEESE ON A CUTTING BOARD. BENEATH THE WORDING "STEINER CHEESE LTD." APPEARS AN ILLUSTRATION OF A MAN DRIVING A HORSE DRAWN CART. THE MAN IS WEARING A WIDE BRIMMED HAT, BOOTS, A LONG SLEEVED SHIRT AND TROUSERS WITH SUSPENDERS. THE TROUSERS HAVE A PATCH OVER THE RIGHT KNEE. THE MAN IS HOLDING A STRAW IN HIS MOUTH. IN HIS RIGHT HAND HE HOLDS THE REINS OF THE HORSE, AND IN HIS LEFT HAND HE HOLDS A TREE LIMB. HE IS SITTING ON A STOOL ON THE CART, AND BEHIND HIM ARE TWO JUG SHAPED CONTAINERS. THE HORSE IS ATTACHED TO THE CART BY A HARNESS, AND IS WEARING BLINDERS.

SER. NO. 77-633,341, FILED 12-15-2008.

SANJEEV VOHRA, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,408,738
Registered Sep. 9, 1986

TRADEMARK
PRINCIPAL REGISTER

LE RUSTIQUE

Jean Verrier
Maître Fromager

SOCIETE ANONYME LES FROMAGERIES LUTIN S.O.F.R.O.L. (FRANCE JOINT STOCK COMPANY)
CONDE SUR SARTHE
ALENCON, FRANCE

FOR: CHEESE, BUTTER AND MILK, IN CLASS 29 (U.S. CL. 46).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 747243, FILED 6-12-1985, REG. NO. 1312525, DATED 6-12-1985, EXPIRES 6-12-1995.

OWNER OF U.S. REG. NOS. 1,148,077 AND 1,265,853.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LES FROMAGERIES" AND "MAITRE FROMAGER", APART FROM THE MARK AS SHOWN.

THE NAME "JEAN VERRIER" REFERS TO THE NAME OF A PARTICULAR LIVING INDIVIDUAL WHOSE CONSENT TO THE USE OF HIS NAME HAS BEEN FILED.

"LE RUSTIQUE" IS TRANSLATED AS "THE RUSTIC"; "LES FROMAGERIES" IS TRANSLATED AS "THE CHEESE-DAIRIES", AND "MAITRE FROMAGER" IS TRANSLATED INTO "MASTER CHEESEMAKER".

SER. NO. 549,404, FILED 7-22-1985.

JAMES WALSH, EXAMINING ATTORNEY

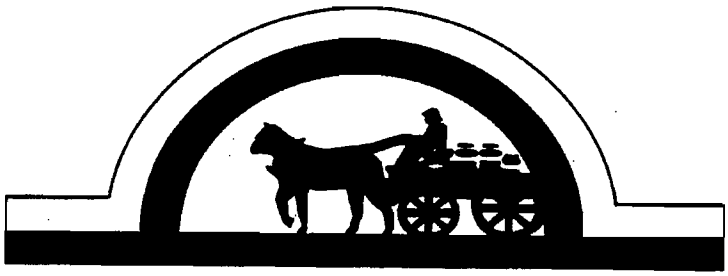
Int. Cls.: 29, 30 and 32

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,412,503
Registered Oct. 7, 1986

TRADEMARK
PRINCIPAL REGISTER



BEATRICE U.S. FOOD CORP. (DELAWARE CORPORATION)
55 EAST MONROE STREET
CHICAGO, IL 60603

FOR: COTTAGE CHEESE, YOGURT, MILK, BUTTERMILK, SOUR CREAM, SOUR CREAM DIP, WHIPPING CREAM IN AEROSOL CANS, IN CLASS 29 (U.S. CL. 46).
FIRST USE 3-1-1983; IN COMMERCE 3-1-1983.
FOR: SHERBET, ICE CREAM, FROZEN CONFECTIONS ON STICKS, ICE CREAM AND ICE MILK NOVELTIES ON STICKS AND IN CONES, IN CLASS 30 (U.S. CL. 46).
FIRST USE 3-1-1983; IN COMMERCE 3-1-1983.
FOR: ORANGE JUICE AND APPLE JUICE, IN CLASS 32 (U.S. CL. 46).
FIRST USE 3-1-1983; IN COMMERCE 3-1-1983.

SER. NO. 548,180, FILED 7-15-1985.

JESSIE N. MARSHALL, EXAMINING ATTORNEY

Int. Cls.: 29, 30 and 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,468,228

United States Patent and Trademark Office

Registered July 15, 2008

TRADEMARK
PRINCIPAL REGISTER

MAGLIO ARTE DOLCIARIA S.R.L. (ITALY LTD LIAB CO)
VIA P. REFOLO, 6
MAGLIE (LE), ITALY I73024

FOR: PRESERVED, DRIED AND COOKED FRUITS; JELLIES, JAMS; FRUIT SAUCES, NAMELY, APPLESAUCE; FRUIT PRESERVES; EGGS, MILK AND MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; YOGHURT; EDIBLE OILS AND FATS, IN CLASS 29 (U.S. CL. 46).

FOR: COCOA; COCOA EXTRACTS AND COCOA POWDER FOR THE FOOD AND DRINKS INDUSTRY; OAT COCOA, NAMELY, ROLLED OATS; CHOCOLATE COMPOUNDS, NAMELY CHOCOLATE FOR MAKING CHOCOLATES, DIPS, TOPPINGS AND CHOCOLATE DECORATIONS; HOLLOW CHOCOLATE SHELLS, NAMELY, FOR CONFECTIONERY AND FOR CANDY; CHOCOLATE-COVERED DRIED FRUIT; EASTER EGGS, NAMELY, EGG SHAPED CHOCOLATE CANDIES; CHOCOLATE CANDIES; DRAGEES, NAMELY, SUGAR-COATED NUTS AND SMALL SILVER-COLORED SUGAR BALLS FOR DECORATING BAKED GOODS; CHOCOLATE FOR BAKING, NAMELY, CHOCOLATE FLAKES FOR BAKING; BAKERY MIXES, NAMELY, CAKE, MUFFIN AND COOKIE MIXES; CHOCOLATE; CHOCOLATE BARS, FILLED AND NON-FILLED; CHOCOLATE BARS; CHOCOLATE CONFECTIONERY; CHOCOLATE ICING; SWEETS, NAMELY, CANDIES; MARZIPAN; MARZIPAN SUBSTITUTES; HONEY; PREPARATIONS ENTIRELY OR PARTIALLY MADE FROM SUGAR, TO BE USED AS SUBSTITUTES FOR HONEY; CHOCOLATE AND CANDIES FOR DECORATING CHRISTMAS TREES; CHOCOLATES, NAMELY, CHOCOLATES FILLED WITH LIQUIDS, NAMELY, FILLED WITH WINE AND SPIRITS; CHOCOLATES; CHOCOLATE-BASED FOOD BEVERAGES; CHOCOLATE SAUCES AND CHOCOLATE SYRUPS; SPREADS CONTAINING CHOCOLATE; COOKIES; BISCUITS; FRESH AND PRESERVED PASTRY; CONFECTIONERY, NAMELY, PASTILLES; YEAST POWDER; PUDDINGS IN POWDERED FORM, NAMELY, INSTANT PUDDING MIXES; CANDIES WITH LIQUID CENTERS, FRUIT JELLIES; YEAST EXTRACTS FOR FOOD; COFFEE; COFFEE-BASED BEVERAGES; COFFEE BEANS; GROUND COFFEE BEANS, IN CLASS 30 (U.S. CL. 46).

FOR: NON-ALCOHOLIC DRINKS, NAMELY, MOCKTAILS, CARBONATED BEVERAGES, NON-ALCOHOLIC FRUIT JUICE BEVERAGES; FRUIT DRINKS AND FRUIT JUICES; SYRUPS FOR MAKING BEVERAGES; OTHER NON-ALCOHOLIC PREPARATIONS, NAMELY, CONCENTRATES AND POWDERS FOR MAKING BEVERAGES; ALMOND MILK NOT BEING MILK SUBSTITUTES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

OWNER OF INTERNATIONAL REGISTRATION 0932575 DATED 5-25-2007, EXPIRES 5-25-2017.

THE MARK CONSISTS OF THE STYLIZED REPRESENTATION OF A CARRIAGE WITH HORSE AND COACHMAN ON THE UPPER PART AND BELOW IN THE WORD "MAGLIO" INSERTED IN A RECTANGULAR SHAPE, ALL INSERTED IN A SQUARE FRAME.

SER. NO. 79-041,845, FILED 5-25-2007.

BERNICE MIDDLETON, EXAMINING ATTORNEY

EXHIBIT E

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

1773521

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 15, 2009

THE ATTACHED U.S. TRADEMARK REGISTRATION *3,339,109* IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF *10* YEARS FROM *November 20, 2007*

SAID RECORDS SHOW TITLE TO BE IN:
REGISTRANT

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

W. Taylor

W. TAYLOR
Certifying Officer

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 3,339,109

Registered Nov. 20, 2007

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

FOUR SEASONS DAIRY INC. (NEW YORK CORPORATION)
2402 65TH STREET
BROOKLYN, NY 11204

FOR: SOUR CREAM, IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-12-2006; IN COMMERCE 9-12-2006.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMISH STYLE HIGH FAT SOUR CREAM", APART FROM THE MARK AS SHOWN.

THE COLOR(S) RED AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF WORDS AND THE DESIGN OF A HORSE, WAGON AND DRIVER IN RED, ON A WHITE BACKGROUND.

SER. NO. 77-143,901, FILED 3-29-2007.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

U.S. DEPARTMENT OF COMMERCE • PATENT & TRADEMARK OFFICE

EXHIBIT F

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

1773521

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

October 15, 2009

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE RECORDS OF THIS OFFICE OF THE APPLICATION AS FILED FOR:

TRADEMARK APPLICATION: ***77/719,928***
FILING DATE: ***April 22, 2009***

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

W. Taylor

W. TAYLOR
Certifying Officer

UNITED STATES PATENT AND TRADEMARK OFFICE
DEPARTMENT OF COMMERCE

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77719928
Filing Date: 04/22/2009

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77719928
MARK INFORMATION	
***MARK**	\\TICRS\EXPORT6\IMAGEOUT6 \777\199\77719928 \xml1\AP P0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	TVOROG AMISH FARMERS CHEESE
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) RED, WHITE, GREEN is/are claimed as a feature of the mark.
***DESCRIPTION OF THE MARK (and Color Location, if applicable)**	The mark consists of THE WORDS "TVOROG AMISH FARMERS CHEESE" IN RED; A HORSE AND BUGGY IN GREEN AND WHITE; TWO CONCENTRIC GREEN CIRCLES; ALL ON A WHITE BACKGROUND.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	382 x 377
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	FOUR SEASONS DAIRY, INC.
***STREET**	2402 65TH STREET
***CITY**	BROOKLYN
***STATE (Required for U.S. applicants)**	New York
***COUNTRY**	United States

Copy provided by USPTO from the TICRS Image Database on 10/14/2009

*ZIP/POSTAL CODE (Required for U.S. applicants only)	11204
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	New York
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	029
*IDENTIFICATION	SOFT CHEESE, CREAM CHEESE AND COTTAGE CHEESE
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/03/2008
FIRST USE IN COMMERCE DATE	At least as early as 04/10/2008
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/BAS/2009/04/22/20090422170810586448-77719928-001_001/spec-726814821-165817528_._a4_spec.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT6\IMAGEOUT6\777\199\77719928\xml1\APP0003.JPG
SPECIMEN DESCRIPTION	LABEL AFFIXED TO CONTAINER FOR THE GOODS
ADDITIONAL STATEMENTS SECTION	
TRANSLATION	The English translation of TVOROG in the mark is SOFT RUSSIAN CURD CHEESE.
ATTORNEY INFORMATION	
NAME	STEWART J BELLUS
FIRM NAME	COLLARD AND ROE
STREET	1077 NORTHERN BLVD
CITY	ROSLYN
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11576
PHONE	5163659802

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FAX	5163659805
OTHER APPOINTED ATTORNEY	AIMEE KAPLAN
CORRESPONDENCE INFORMATION	
NAME	STEWART J BELLUS
FIRM NAME	COLLARD AND ROE
STREET	1077 NORTHERN BLVD
CITY	ROSLYN
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11576
PHONE	5163659802
FAX	5163659805
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/SJB/
SIGNATORY'S NAME	STEWART J BELLUS
SIGNATORY'S POSITION	ATTORNEY
DATE SIGNED	04/22/2009

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PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77719928
Filing Date: 04/22/2009

To the Commissioner for Trademarks:

MARK: TVOROG AMISH FARMERS CHEESE (stylized and/or with design, see mark)

The literal element of the mark consists of TVOROG AMISH FARMERS CHEESE.
The color(s) RED, WHITE, CREEN is/are claimed as a feature of the mark. The mark consists of THE WORDS "TVOROG AMISH FARMERS CHEESE" IN RED; A HORSE AND BUGGY IN GREEN AND WHITE; TWO CONCENTRIC GREEN CIRCLES; ALL ON A WHITE BACKGROUND.
The applicant, FOUR SEASONS DAIRY, INC., a corporation of New York, having an address of
2402 65TH STREET
BROOKLYN, New York 11204
United States
requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 029: SOFT CHEESE, CREAM CHEESE AND COTTAGE CHEESE

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 029, the mark was first used at least as early as 04/03/2008, and first used in commerce at least as early as 04/10/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) LABEL AFFIXED TO CONTAINER FOR THE GOODS.

Original PDF file:
http://tgate/PDF/BAS/2009/04/22/20090422170810586448-77719928-001_001/spec-726814821-165817528_._a4_spec.pdf
Converted PDF file(s) (1 page)
Specimen File1

The English translation of TVOROG in the mark is SOFT RUSSIAN CURD CHEESE.

The applicant hereby appoints STEWART J BELLUS and AIMEE KAPLAN of COLLARD AND ROE
1077 NORTHERN BLVD

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ROSLYN, New York 11576
United States
to submit this application on behalf of the applicant.

Correspondence Information: STEWART J BELLUS
COLLARD AND ROE
1077 NORTHERN BLVD
ROSLYN, New York 11576
5163659802(phone)
5163659805(fax)

A fee payment in the amount of $325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /SJB/ Date Signed: 04/22/2009
Signatory's Name: STEWART J BELLUS
Signatory's Position: ATTORNEY

RAM Sale Number: 3086
RAM Accounting Date: 04/23/2009

Serial Number: 77719928
Internet Transmission Date: Wed Apr 22 17:08:10 EDT 2009
TEAS Stamp: USPTO/BAS-72.68.148.21-20090422170810586
448-77719928-40068bb2ebec78ef3ec2cfdee9b
9423b2-DA-3086-20090422165817528678

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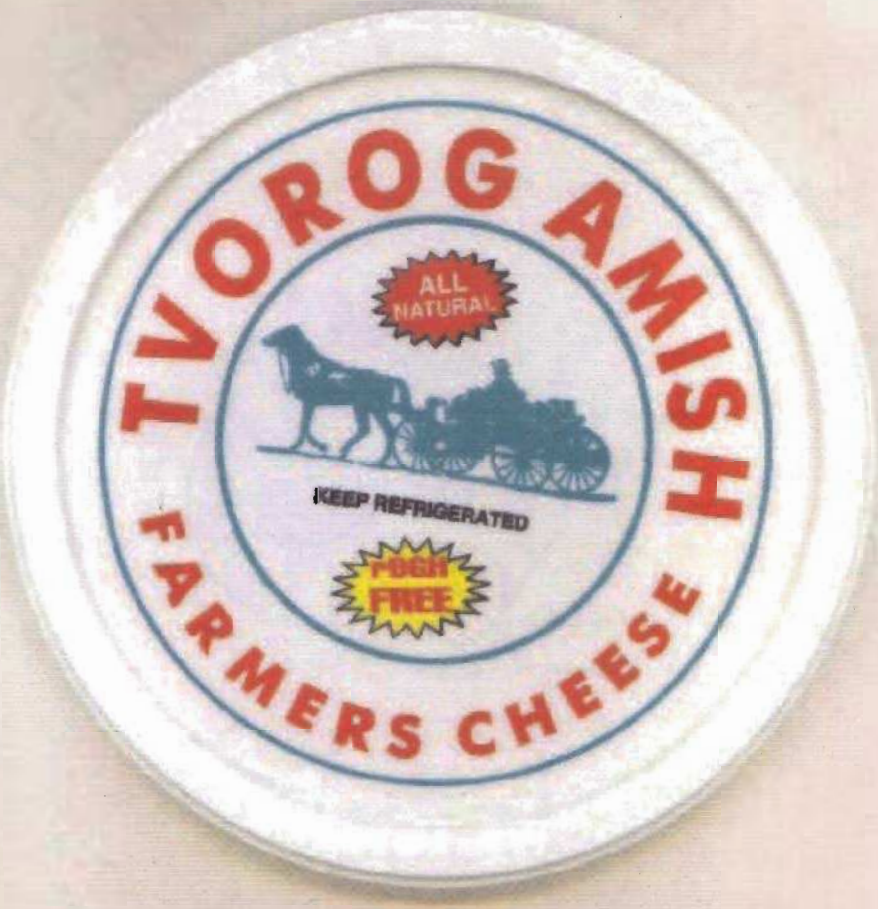
TVOROG AMISH

FARMERS CHEESE



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U.S. DEPARTMENT OF COMMERCE • PATENT & TRADEMARK OFFICE

EXHIBIT G

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

PTO Form 1583 (Rev 5/2006)
OMB No. 0651-0055 (Exp 12/31/2011)

Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2479287
REGISTRATION DATE	08/21/2001
SERIAL NUMBER	75865702
MARK SECTION	
MARK	BABUSHKA' S RECIPE
OWNER SECTION (current)	
NAME	International Gold Star Trading Corp.
STREET	570 Smith Street
CITY	Brooklyn
STATE	New York
ZIP/POSTAL CODE	11231
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	Roger S. Thompson
FIRM NAME	Cohen, Pontain, Lierberman & Pavane
STREET	551 Fifth Avenue
CITY	New York
STATE	New York
POSTAL CODE	10176
COUNTRY	United States
ATTORNEY DOCKET NUMBER	5060-2
ATTORNEY SECTION(proposed)	

NAME	Roger S. Thompson
FIRM NAME	Cohen Pontain Lierberman & Pavane LLP
STREET	551 Fifth Avenue
CITY	New York
STATE	New York
POSTAL CODE	10176
COUNTRY	United States
PHONE	212-687-2770
FAX	212-972-5487
EMAIL	docket@cplplaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	5060-2
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	029
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT13\758\657\75865702\xml1\8150002.JP G
SPECIMEN DESCRIPTION	The specimen is an electronic image of the product showing the mark as used.
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300
SIGNATURE SECTION	
SIGNATURE	/Roger S. Thompson/
SIGNATORY'S NAME	Roger S. Thompson
SIGNATORY'S POSITION	Attorney for Registrant
DATE SIGNED	08/21/2007

PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Tue Aug 21 15:37:15 EDT 2007
TEAS STAMP	USPTO/S08N15-209.73.13.19 8-20070821153715326911-24 79287-3808b326b937ec0c6a1 d764a4cb985a7f1a-DA-755-2 0070821153219300027

PTO Form 1583 (Rev 5/2006)
OMB No. 0651-0055 (Exp 12/31/2011)

Combined Declaration of Use and Incontestability Under Sections 8 & 15
To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2479287
REGISTRATION DATE: 08/21/2001

MARK: BABUSHKA' S RECIPE

The owner, International Gold Star Trading Corp., having an address of
570 Smith Street
Brooklyn, New York 11231
United States
is filing a Combined Declaration of Use and Incontestability Under Sections 8 & 15.

For International Class 029, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) The specimen is an electronic image of the product showing the mark as used..
Specimen File1

The registrant hereby appoints Roger S. Thompson of Cohen Pontain Lierberman & Pavane LLP
551 Fifth Avenue
New York, New York 10176
United States
to file this Combined Declaration of Use and Incontestability Under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 5060-2.

A fee payment in the amount of $300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The owner, or its related company, has continuously used the mark in commerce on or in connection with the goods and/or services identified above, for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with the identified goods and/or services. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Roger S. Thompson/ Date: 08/21/2007
Signatory's Name: Roger S. Thompson
Signatory's Position: Attorney for Registrant

Mailing Address **(current):**
Cohen, Pontain, Lierberman & Pavane
551 Fifth Avenue
New York, New York 10176

Mailing Address **(proposed):**
Cohen Pontain Lierberman & Pavane LLP
551 Fifth Avenue
New York, New York 10176

Serial Number: 75865702
Internet Transmission Date: Tue Aug 21 15:37:15 EDT 2007
TEAS Stamp: USPTO/S08N15-209.73.13.198-2007082115371
5326911-2479287-3808b326b937ec0c6a1d764a
4cb985a7f1a-DA-755-20070821153219300027

RADING COR
STAR
BABUSHKA'S RECIPE
HAVARTI
YOGURT CHEESE
РОССИЙСКИЙ СЫР
НА ЙОГУРТЕ
БАБУШКИН РЕЦЕПТ
Premium All Natural

01

42025

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2479287

Serial Number: 75865702

RAM Sale Number: 755

RAM Accounting Date: 20070822

Total Fees: $300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

Transaction	Fee Code	Transaction Date	Fee per Class	Number of Classes	Number of Classes Paid	Total Fee
§8 affidavit	7205	20070821	$100	1	1	$100
§15 affidavit	7208	20070821	$200	1	1	$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20070821

EXHIBIT H
(part 1 of 2)

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

To:	Troyer, Lisa and Martin, LeeAnn (LeeBeeBee@aol.com)
Subject:	TRADEMARK APPLICATION NO. 78526161 - YOGURT CULTURED - N/A
Sent:	7/12/05 3:47:56 PM
Sent As:	ECOM112@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22

[Important Email Information]

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/526161

APPLICANT: Troyer, Lisa and Martin, LeeAnn

78526161

CORRESPONDENT ADDRESS:
LEE B. BEITCHMAN
BEITCHMAN & HUDSON

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

215 14TH ST NW
ATLANTA, GA 30318-5303

MARK: YOGURT CULTURED

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:
LeeBeeBee@aol.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

Serial Number 78/526161

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

Search Results

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Failure to Function as a Trademark

Registration is refused because the proposed mark, as used on the specimen of record, does not function as a trademark to indicate the source of the identified goods. Trademark Act Sections 1, 2 and 45, 15 U.S.C. §§1051, 1052 and 1127; *In re Remington Products Inc.*, 3 USPQ2d 1714 (TTAB 1987); TMEP §§1202 *et seq*.

The specimen consists of a picture of the cheese product in its wrapping with YOGURT CULTURED displayed underneath what seems to be source-identifying material, "HEINI'S ALL NATURAL" displayed prominently within a picture. The mark, YOGURT CULTURED, does not function as a trademark on the specimen because consumers would not view this as a source identifier of the cheese given its secondary placement on the product while HEINI'S ALL NATURAL appears to identify source in this case. In making this determination, the specimen of record, along with any other relevant evidence submitted with the application, is reviewed and analyzed in order to determine whether a term is being properly used as a trademark. *In re Bose Corp*., 546 F.2d 893, 192 USPQ 213 (C.C.P.A.

1976); *In re Volvo Cars of North America*, 46 USPQ2d 1455 (TTAB 1998). Not all words, designs, symbols or slogans used in the sale or advertising of goods or services function as marks, even if they may have been adopted with the intent to do so. A designation cannot be registered unless ordinary purchasers would regard it as a source-indicator for the goods. *In re Manco, Inc.*, 24 USPQ2d 1938 (TTAB 1992); TMEP §§1202 *et seq*. In this case, it is unlikely that ordinary purchasers would regard YOGURT CULTURED as a source-indicator for the applicant's cheese products.

This refusal will be withdrawn if applicant submits both (1) a substitute specimen showing use as a trademark, and (2) a statement that "the substitute specimen was in use in commerce at least as early as the application filing date," verified with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.59(a); TMEP §904.09.

Applicant should note the following additional ground for refusal.

<u>Section 2(e)(1) - Descriptive Refusal</u>

Registration is refused because the proposed mark merely describes and ingredient or characteristic of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 *et seq.*

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods and/or services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright?Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b). A mark that describes an intended user of a product or service is also merely descriptive within the meaning of Section 2(e)(1). *Hunter Publishing Co. v. Caulfield Publishing Ltd.*, 1 USPQ2d 1996 (TTAB 1986); *In re Camel Mfg. Co., Inc.*, 222 USPQ 1031 (TTAB 1984); *In re Gentex Corp.*, 151 USPQ 435 (TTAB 1966).

The applicant seeks to register YOGURT CULTURED for "natural cheese and cheese products, namely, cheese spreads, processed cheese, and flavored cheeses."

As is the case here, a term that describes an ingredient of the goods is merely descriptive, within the meaning of Section 2(e)(1). *In re Andes Candies Inc*., 478 F.2d 1264, 178 USPQ 156 (C.C.P.A. 1973) (CREME DE MENTHE merely descriptive of candy); *In re Keebler Co.*, 478 F.2d 1264, 178 USPQ 155 (C.C.P.A. 1973) (RICH 'N CHIPS merely descriptive of chocolate chip cookies); *In re Entenmann's Inc*., 15 USPQ2d 1750 (TTAB 1990), *aff'd per curiam* 928 F.2d 411 (Fed. Cir. 1991) (OATNUT merely descriptive of bread containing oats and hazelnuts); *Flowers Industries, Inc. v. Interstate Brands Corp.*, 5 USPQ 2d 1580 (TTAB 1987) (HONEY WHEAT merely descriptive of bread containing honey and wheat); *In re International Salt Co*., 171 USPQ 832 (TTAB 1971) (CHUNKY CHEESE merely descriptive of cheese flavored salad dressing); *In re Demos*, 172 USPQ 408 (TTAB 1971) (CHAMPAGNE descriptive of ingredient of salad dressing). Specifically, yogurt cultured seems to be a type of cheese available on the market and/or an ingredient of various dairy products. There are various cultured cheeses as shown by the attached evidence including references to yogurt-cultured products. Additionally, applicant's own website boasts that its yogurt cheese is "prepared with four times the live Acidophilus **yogurt culture** as cup style yogurt." It thus seems that the applicant's mark,

YOGURT CULTURED, for cheese products merely describes an ingredient of the cheese, specifically as containing active/live yogurt cultures.

Accordingly, registration is denied on the Principal Register.

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If applicant chooses to respond to the refusal(s) to register, then applicant must also respond to the following requirement(s).

Partnership Name and Entity

Applicant must amend the information appearing under the "Applicant's Name" and "Applicant's Entity Type" sections of the application, and clarify whether it is a partnership. It is unclear whether "Troyer, Lisa and Martin, LeeAnn" is the name of the partnership. If applicant is a partnership, it must list the name of the partnership, the state under whose laws the partnership is organized (or the country under whose laws the partnership is organized if the partnership is a foreign partnership), the names and **citizenship** of any general partners who are individuals, and/or the names and U.S. state or foreign country of incorporation of any general partners which are corporations, and/or the names and states or (foreign) countries of organization of any general partners which are themselves partnerships.

If a partnership, joint venture, or other "firm" has been organized under a particular business name, the application should be filed in that name. If the partnership or firm has not been organized under a business name, then the names of the members should be listed as though they composed a company name. If a partnership or joint venture is doing business under an assumed name, this may be indicated, using an assumed name designation.

Applicant should state this information in the following format, if accurate: "**Business name** or Lisa Troyer and LeeAnn Martin, a partnership organized under the laws the laws of Ohio, having as partner(s) Lisa Troyer and LeeAnn Martin." 37 C.F.R. §2.32(a)(3)(iii); TMEP §§803.03(b) and 803.04.

If applicant is a limited partnership, then only the names and citizenship or U.S. state or foreign country of organization or incorporation of the general partners need be provided.

/Kyle C. Peete/
Trademark Examining Attorney (Law Office 112)
United States Patent & Trademark Office
(571) 272-8275
(571) 273-8275 Fax

HOW TO RESPOND TO THIS OFFICE ACTION:

- ONLINE RESPONSE: You may respond formally using the Office's Trademark Electronic

Application System (TEAS) Response to Office Action form (visit http://www.uspto.gov/teas/index.html and follow the instructions, but if the Office Action has been issued via email, you must wait 72 hours after receipt of the Office Action to respond via TEAS).

- REGULAR MAIL RESPONSE: To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at http://tarr.uspto.gov.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at http://portal.uspto.gov/external/portal/tow.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at http://www.uspto.gov/main/trademarks.htm

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

Note:

In order to avoid size limitation constraints on large e-mail messages, this Office Action has been split into 5 smaller e-mail messages. The Office Action in its entirety consists of this message as well as the following attachments that you will receive in separate messages:

Email 1 includes the following 6 attachments
1. HeiniYog-1
2. HeiniYog-2
3. HeiniYog-3
4. HeiniYog-4
5. HeiniYog-5
6. HeiniYog-6

Email 2 includes the following 5 attachments
1. yogculture-1
2. yogculture-2
3. probiotics-01
4. probiotics-02
5. probiotics-03

Email 3 includes the following 4 attachments
1. probiotics-04
2. probiotics-05
3. probiotics-06
4. probiotics-07

Email 4 includes the following 4 attachments
1. probiotics-08
2. probiotics-09
3. probiotics-10
4. cheesesoci-1

Email 5 includes the following 3 attachments
1. cheesesoci-2
2. cheesesoci-3
3. cheesesoci-4

Please ensure that you receive all of the aforementioned attachments, and if you do not, please contact the assigned-examining attorney.

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CHEESE REPORTER
Vol. 125, No. 39 • Friday, April 6, 2001 Madison, Wisconsin

Suiza, Dean Foods To Merge, Form $10 Billion National Dai

Company Feature

Other Company Profiles/News on our Website

Heini's Bunker Hill's Yogurt **Cheese** Discovering New Markets, From Roadside Stands to Gourmet Retailers
Download pdf of story

Shullsburg Creamery Re-Enters Manufacturing Arena With New Plant Capable Of Large, Small Vat Production

Colorado Caprine Makes Traditional Goat's Milk **Cheese** For Health-Conscious Patrons

Heini's Bunker Hill's Yogurt Cheese Discovering New Markets, From Roadside Stands to Gourmet Retailers

Over the past 30 years, Heini's Bunker Hill of Millersburg, OH, has seen its hallmark Natural Yogurt **Cheese** emerge from small-scale product to a specialty item found in up-market stores and health food co-ops nationwide.

As its signature product, Heini's yogurt **cheese** was developed in the 1970s by president and CEO Peter Dauwalder. Today, the yogurt **cheese** accounts for over 50

Well-Known Authority On Italian-Style **Cheese** Guiding New Family-Owned Wisconsin **Cheese** Plant
Download pdf of story

Edelweiss Town Hall Prepares To Wheel Out Traditional Swiss **Cheese**
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Dauwalder. Today, the yogurt **cheese** accounts for over 50 percent of the company's total production.
"It's an easy way to integrate healthy active cultures into the diet," said Lisa Troyer, vice president of sales for the company, " particularly for those who dislike the acidic taste of cup-style yogurt."

Heini's Natural Yogurt **Cheese** is prepared with four times the live Acidophilus **yogurt culture** as cup-style yogurt.

Heini's Natural Yogurt **Cheese** was first available in health food stores and has since expanded to the mainstream market, Troyer said.

Some of its biggest customers are upscale, health-oriented retailers like Whole Foods and Wild Oates Markets. However, its entire distribution profile stretches from roadside stands in Ohio to Zabar's in New York City.

Used as a table **cheese** or cooking ingredient, the yogurt **cheese** is available in several flavors including Cayenne Cilantro, Garden Vegetable, Herb & Garlic, Peppercorn & Chive, Tomato & Garlic, and Jalapeno, as well as the original plain style.

Over the years, Heini's Natural Yogurt **Cheese** has seen an increasing number of competitors trying to duplicate it, Troyer said.
Customers might try a less expensive, commodity-style yogurt **cheese**, Troyer continued, but most return to Heini's.

"It's a compliment to my dad and his philosophy of manufacturing," she said.

Other Products

Last year, the company processed roughly four million pounds of milk. Milk is brought in daily from approximately 250 multi-generational Amish farms in traditional milk cans.

In addition to the yogurt **cheese**, Heini's Bunker Hill also manufactures an extensive line of other cheeses for the retail market, including Swiss and Baby Swiss, Colby, Mild and Colonial Cheddar, Parmesan, Romano, Provolone, Hot Pepper and Gouda.

Its line of processed **cheese** features such flavors as Swiss & Rye, Dill Weed, Salami, Pizza, Garlic & Parsley, Bacon & Onion, Pepperoni and Taco styles.

Heini's **cheese** line is available throughout the US, Canada and Mexico. Troyer and vice president of marketing LeeAnne Martin recently returned from Mexico City to help expand Bunker Hill products south of the border.

While in Mexico, Troyer and Martin attended an international trade show and introduced the co-op's latest product, Amish Vidalia Onion **Cheese**, which Troyer said garnered tremendous response.

"Pre-orders have been outstanding," she said.
Bunker Hill also does a limited amount of production for the private label market.

Truth In Advertising

All **cheese** manufactured by Bunker Hill uses 100 percent Amish-made milk. Troyer, warned how some companies exploit the term "Amish-Made," using little or no Amish milk in their products, misleading customers.

"My concern is some **cheese** companies put out branding

"My concern is some **cheese** companies put out branding that leads the consumer to believe the product is Amish-made, when they're really co-mingling the milk or not using Amish milk at all," Troyer continued.

"My desire is to support the local Amish community. I don't like to see any group being taken advantage of for profit," Troyer said.

At the end of the day, all you have is your integrity, Troyer said, adding that Bunker Hill would prefer limited production to using co-mingled milk.
"It's more labor-intensive, but the end product more than compensates," she said.

We'll never be of the large, commodity mindset, Troyer said. We want to maintain a community-oriented, artisan manufacturing mentality.
In 1999, the co-op launched a line of organic **cheese** under its Pure Pastures label. The organic line was discontinued in 2000 when Bunker Hill discovered its other conventional products were the co-op's own worst competition.

According to Troyer, it was more cost effective to move away from making organic **cheese**, which is more expensive and tastes much like its conventional counterpart.

It had the same taste as our Heini's cheeses, but was about a dollar more expensive, Troyer said.

History of Heini's
Heini's Bunker Hill **Cheese** has been operated by the Dauwalder family since the 1920s.

Its commitment to using milk produced without artificial growth hormones and longstanding ties with the local Amish community helped cleave a niche in the specialty **cheese** market.

During the 1920s, **cheese** maker John Dauwalder having trained as a master **cheese** maker in Switzerland, came to the US to display his artisan talents in the growing US **cheese** market.

He spent several years at the Bunker Hill **Cheese** Co-op before returning to Switzerland to marry his sweetheart, Lili Mueller.

During his absence, John's brother Crist Dauwalder purchased Bunker Hill **cheese** in 1935. John's son Peter Dauwalder and his wife Nancy acquired the co-op in 1962.

Bunker Hill currently has about 75 employees, many of whom are from the Amish community.

Bustling Tourist Attraction

About 500,000 tourists visit Heini's **Cheese** Chalet & Country Mall each year, waiting in line for up to an hour for a chance to sample more than 50 varieties of **cheese**.

"It's not just about buying **cheese**," Troyer said. "It's kind of like an event."

Bunker Hill **Cheese** is located in Holmes county, home to the largest per capita Amish population in the US.

The Chalet houses Heini's Retail Outlet, where visitors can buy **cheese** and butters and other specialty food items like popcorn, Amish potato chips, jams, jellies, butter and farm fresh eggs.

The Country Mall also includes Heini's Heartland Confectionary, selling fudge and Amish-made hand dipped chocolates, as well as bulk foods like flour, sugar, rice, nuts, cookie and muffin mixes, and the Dutchmaid Lunchette serves hand-dipped Hershey's Ice Cream.

Visitors can also view the cheesemaking process through a glass corridor, watch a step-by-step video on cheesemaking, and see a 5-foot by 60-foot mural on the history of making **cheese**.

The co-op recently completed an extensive makeover of the retail area, Troyer said, making it more efficient for sampling and to facilitate more customers.

For more information, call Heini's Bunker Hill **Cheese** at (800) 253-6636 or visit www.heinis.com. •

What do you think about the Heini's Cheese story?

Please tell us if you are a

☐ Dairy product manufacturer ☐ Dairy marketer/importer/exporter
☐ Milk producer ☐ Supplier to manufacturers and marketers

Submit Comment to The Cheese Reporter!

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HEINI'S premium quality Yogurt Cheese

The facts about Heini's original Yogurt Cheese

- Made with Farm fresh Amish milk, BST and BGH FREE
- Prepared with four times the live Acidophilus **yogurt culture** as cup style yogurt

Fortified with Nu-trish a/B?

Nu-trish a/B is a scientific breakthrough! It's a combination of cultures (Lactobacillus, acidophilus and Bifidobacterium) found naturally in and essential to the body's digestive system.

FREE COOKBOOK

Click here for your FREE Heini's YOGURT CHEESE Cookbook

Why do I need a/B?

Many of today's prescription medicines and chemically preserved foods, when consumed in sufficient quantities, may inhibit some of the body's essential digestive cultures. The addition of these 100% natural cultures to our Natural Yogurt **Cheese** can help you restore those essential digestive cultures and assist in maintaining proper digestion of all foods. Studies have shown that persons suffering a lite lactose intolerence

have shown that persons suffering a life lactose intolerence have experienced an easier digestive process of daiey products which are fortified with a/B after pasteurization.

Will I notice a difference?

Your taste buds won't notice a thing, but your system might work and feel a whole lot better! The addition of a/B to our All Natural Yogurt **Cheese** does not alter taste or color of the **cheese**.

Who needs a/B Cultures?

Clearly, the older you are the more benefit you receive from our All Natural Yogurt **Cheese** with the addition of the a/B cultures. Heini's Original Yogurt **Cheese** is recommended for people of all ages. Enjoyed on a daily basis, it may establish a regular process of replenishing your digestive system with vital cultures. This will help keep a proper bacterial balance which may provide some protection against harmful disease and bodily discomfort.

Is Heini's Cheese all natural?

Yes, the steps involved in our **cheese** making process ensures a premium product with no additives or preservatives.

Does Heini's Cheese contain growth hormones?

No! Artificial growth hormones were developed for Dairy Farmers to inject into their cows to increase the amount of milk produced. Although accepted by other dairy processors, Heini's does not accept milk from any dairy farm which uses this artificial hormone.

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6085 County Road 77, Millersburg, OH 44654 . 1-800-253-6636
e-mail comments and suggestions to: webmaster@heinis.com

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Food Product DESIGN

New Directions for Cultured Dairy Products

March 2000 -- Design Elements

By: Ronald C. Deis, Ph.D.
Contributing Editor

It's an established fact that milk and other dairy foods play an extremely important role in the American diet. Milk also provides an ideal substrate for microorganisms that further improve nutrition, texture and flavor characteristics, resulting in yogurt, sour cream, buttermilk, cottage **cheese**, kefir and fermented cheeses. For this discussion, we'll focus on fermented milks, outlining their production, characteristics and nutritional benefits.

Fermentation facts

What happens to milk during fermentation? Bacterial cultures are added to pasteurized milk, which is incubated at 40° to 44°C for several hours. During this time, the bacterial population grows and produces acid from lactose, reducing the pH of the milk. This destabilizes the micellar casein, coagulating the milk. When the target pH (generally 4.1 to 4.6) has been reached, the product is cooled to slow fermentation.

The bacterial cultures, termed "starter cultures," are derived from seven types of lactic acid bacteria: *Lactococcus lactis* subspecies (ssp.) *cremoris; Lactococcus lactis* ssp. *lactis; Lactococcus lactis* ssp. *lactis biovar diacetylactis; Leuconostoc mesenteroides* ssp. *cremoris; Streptococcus thermophilus; Lactobacillus delbrueckii* ssp. *bulgaricus* and *Lactobacillus helveticus*

Lactobacillus helveticus.

The genus *Lactococcus* is composed of spherical cells that form pairs or chains. *L. lactis* ssp. *lactis* and *L. lactis* ssp. *cremoris* are homofermentative, meaning that from lactose, they produce only lactic acid, no CO_2. *L. lactis* ssp. *lactis biovar diacetylactis* is heterofermentative; it ferments lactose to lactic acid, but also utilizes citrate to produce diacetyl and CO_2. *Lactococci* grow at 40°C and in 2% to 4% sodium chloride.

Leuconostoc mesenteroides ssp. *cremoris*, a heterofermentative coccus, metabolizes citrate to diacetyl and CO_2. The organisms grow at 20° to 22°C, and must be combined with a *Lactococcus* because *Leuconostoc* grows poorly in milk, and needs assistance to drop the pH to less than 5.1.

Streptococcus thermophilus grows best at 35° to 41°C, and will grow in 2.5% salt. It splits lactose to glucose and galactose. *Lactobacillus delbrueckii* ssp. *bulgaricus* is a rod that grows optimally at 43° to 45°C, and also ferments lactose to glucose plus galactose. *Lactobacillus helveticus* is similar to *L. bulgaricus*, but acts more readily on galactose at the end of fermentation, when the other sugars are depleted.

Combinations of all these organisms, plus other probiotic microorganisms, are used to manufacture fermented milk products. When choosing a starter culture, keep in mind which are mesophilic and which are thermophilic, as well as which end products are contributed; i.e., what is the target for the final product?

The activity of lactic-acid bacteria has one immediate result - it improves lactose digestion in lactose-intolerant individuals, who cannot digest lactose in the small intestine due to lack of the enzyme that performs this function. This leads to water accumulation in the small intestine and lactose fermentation in the large intestine, resulting in mucosal irritation and cramps, flatulence and diarrhea, as well as potential death for young children.

Fermentation reduces lactose levels by 20% to 30% (from about 4.5% in raw milk). Lactic-acid bacteria harbor beta-galactosidase (lactase) while passing through the stomach, after which it becomes available to hydrolyze lactose in the intestines. The extent of this activity depends on beta-galactosidase activity in the strain or culture used, rate of transit through the gastrointestinal tract, and post-fermentation treatment.

Cultured classes

The use of starter cultures began within the **cheese**- and butter-making industries. Prior to the commercial development of starter cultures, a cheesemaker had three

development of starter cultures, a cheesemaker had three choices - let nature take its course in the batch; use the previous day's production as a starter; or sour a small portion, taste it, then use that as a starter. In 1893, the company that now operates as Chr. Hansen, Inc., Milwaukee, started marketing **cheese** cultures, which drastically decreased variability and increased yield. Previously, the chance of losing a batch was about 50%. These first liquid cultures, while more predictable than the previous options, were far from perfect, however.

Air-dried lactic-ferments - cultures dried on sterile cloth strips - were introduced at the turn of the century. These eventually progressed to a powdered form, sold in small bottles. Freeze-dried cultures came along in 1950, followed by frozen cultures in 1960. As dairies grew, they required larger, faster-starting cultures, along with bigger starter rooms. Frozen concentrated cultures eliminated the need for a large inoculum in the mid-1970s, and strain purity improved dramatically. From the 1980s on, frozen defined-strain starters have been available, so dairies can use specific strains if desired, or undefined starters, which are mixtures of the seven types of lactic-acid bacteria. Single-strain starters are also available, in case of phage attack on one type of bacteria.

Prior to discussing the benefits of **cultured** milk products, let's **define** the products and how they differ.

Yogurt has become very popular, and is leading the way in educating consumers about probiotics. Americans consume approximately 5 lbs. of yogurt yearly per person - five times more than in 1970. In the United States, yogurt is defined (21 CFR 131.200) as a **cultured** dairy product made with a characterizing bacterial culture containing *L. bulgaricus* and *S. thermophilus*. Nonfat milk-solids content must be greater than 8.25%, and is often higher. Final titratable acidity (TA) must be at least 0.9%, expressed as lactic acid. Other cultures may be added to the two designated.

In the United States, yogurt is typically prepared in one of two methods, Swiss-style or sundae-style. Both styles are prepared by standardizing milk for fat and protein content, then storing, if necessary, at 40°F. Stabilizers, such as gelatin and starch, and sucrose and other sweeteners may be added. Aspartame should be added post-process, generally with fruit, while sucralose and acesulfame K may be added earlier in the process. The mix is homogenized (2000 psi first stage, 500 psi second stage), then heat-processed at 180°F for 30 minutes or 195°F for one minute, and cooled to 110°F.

Pasteurizing yogurt prior to fermentation destroys bacteria, and increases resistance to "wheying-off." Homogenization spreads casein evenly around fat globules, ensuring that fat is evenly distributed in the final gel structure. In sundae-style products, the gel formed when the casein coagulates is not disturbed, so the product is firmer than Swiss-style, where

disturbed, so the product is firmer than Swiss-style, where the gel must be broken to package the product. Either 0.5% gelatin or modified food starch may be added to re-set the structure.

After the starter culture is added - either to a vat (Swiss-style) or to the final container (sundae-style) - the mixture is held for three to four hours at 110°F for fermentation, then cooled to under 39°F. The yogurt's pH drops as lactic acid is produced during fermentation. "Recently introduced cultures significantly shorten acidification time, while maintaining a mild flavor. These cultures also contain probiotics," says Marilyn Stieve, market manager, **cultured** dairy products, Chr. Hansen, Inc.

L. bulgaricus and *S. thermophilus* are synergistic, producing acid and acetaldehyde (optimally at pH less than 5.0). In the United States, most people do not care for the "nutty" flavor of acetaldehyde, so sugar, flavor and/or fruit are generally added.

Fruit can be found in the bottom of the cup (sundae-style) or distributed throughout the product (Swiss-style). According to Kathleen Doren, industry manager, sweet group, Haarmann & Reimer Corp., Elkhart, IN, "Adults and children are looking for high-impact foods and flavor combinations. Fruit flavors that give a burst of flavor are in demand, along with multi-fruit type flavors."

Culture selection also contributes to flavor. "We have worked with traditional culture types," notes Stieve, "blending *L. lactis* and *L. cremoris* with *L. diacetylactis* to produce much higher levels of diacetyl - the fresh butter note - than could previously be achieved." Higher levels of natural flavors in the product provide greater impact and a longer shelf life.

Frozen yogurt is produced by a similar process, but at 1.5 to 2.0, its TA is generally much higher, and the solids level is also higher, approximately 25%. Frozen yogurt is added at 10% to 15% to a base mix to obtain the lower TA and a mild flavor. Gel structure is not important for frozen yogurt, since it is broken up when the product is frozen.

Kefir is a fermented, effervescent milk product produced from a complex mixture of bacteria and yeast. This product was originally produced by letting milk sour naturally, resulting in generation of CO_2, alcohol and the aromatic compounds that set kefir apart from other **cultured** products. The inoculum is traditionally "kefir grains," which are small casein/polysaccharide/microorganism clusters added to the milk.

Like yogurt, kefir contains much less lactose than milk, and beta-galactosidase is also harbored by its live organisms. Kefir's TA is about 1%, and it has an alcohol content of about 0.01% to 0.10%. Production starts with whole, low-fat or skim milk, adjusted for body with nonfat milk solids. The milk is pasteurized, then heat-treated at 95°C for 10 to 15 minutes

EXHIBIT H
(part 2 of 2)

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Offered by Petitioner, Four Seasons Dairy Inc.

pasteurized, then heat-treated at 95°C for 10 to 15 minutes, which totally denatures the whey proteins. This product is then cooled to 18° to 22°C, and 2% to 5% kefir grains are added. This mixture is incubated at 18° to 22°C for 24 hours, after which the kefir grains are sieved out, and the product is chilled and packaged. Kefir grains can be rinsed and re-used, or dried and stored for later use. The final kefir product can be flavored in a manner similar to yogurt.

Lifeway Foods, Inc., Morton Grove, IL, the largest producer of kefir in the United States, adds a concentrated bovine colostrum product to some of its kefir products. Colostrum, the first milk produced by a cow after calving, is loaded with antibody activity. GalaGen Inc. (a name formed from the combination of the Greek gala, meaning milk, and gen, meaning birth), St. Paul, MN, provides colostrum's immune components in Proventra™, a mixture of bioactive proteins, including broad-spectrum antibodies, lactoferrin, lactoperoxidase, growth factors and cytokines. Kefir, even without colostrum supplementation, has been linked to immunological, antitumoral and hypocholesterolemic properties, but requires much more study to substantiate claims. A number of similar fermented milks - including kumiss, which is popular in Russia - are prepared around the world, all popular largely for their health benefits.

Cottage cheese (21 CFR 133.128) is produced from skim milk pasteurized at 145°F for 30 minutes or 161°F for 15 seconds. Pasteurization is minimized to avoid coagulation, which inhibits later drying. In general, the curd is set at 86° to 92°F for about eight hours.

Cottage **cheese** coagulator, an enzyme preparation, is generally used to form the coagulum. Depending on the size of the curd, the coagulum is cut at or near casein's isoelectric point (pH 4.7). The cut curd is heated slowly, then held at 125° to 135°F for 30 minutes. The curd is drained, then washed with chlorinated (5 ppm available chlorine) water several times at successively lower temperatures - 80°, 65° and then 45°F. Cream (5% to 10% fat) is then added to about 40%, and salt at about 1.0%. The creaming mixture can be flavored by adding a starter to the cream, or by fermenting skim milk with *L. mesenteroides* ssp. *cremoris* or *Lactococcus lactis* to form flavor compounds, then adding this milk as desired to the creaming mixture. "A two-part culture system is available to reduce make time and maximize flavor in cottage **cheese** and sour cream, which improves process times and efficiency," notes Stieve.

Buttermilk is usually defined as the liquid product remaining when fat is removed from milk or cream by churning. It contains not less than 8.25% nonfat milk solids. Buttermilk is pasteurized at 185° to 190°F for 30 to 60 minutes, then cooled to 70° to 72°F for fermentation. Both lactic-acid-producing and flavor-producing strains are used for culturing.

Fermentation requires about 16 hours, with a targeted TA of

Fermentation requires about 16 hours, with a targeted TA of 0.75% to 0.90%, which correlates to a diacetyl content of about 2.0 ppm. This gives the product an optimum buttery flavor. Viscosity can be increased by adding stabilizers, nonfat dry milk, or polysaccharide-producing cultures. Thicker buttermilk is preferred in the southeastern United States, but for those who prefer it thinner, buttermilk can be thinned by targeting a higher TA, then diluting with skim milk. After fermentation, buttermilk is pumped through a screen to smooth the product, then stored at refrigeration temperature.

Sour cream (21CFR131.160) consists of pasteurized cream fermented with flavor-producing bacteria. Sour cream must contain 18% milkfat. Other sour-dairy products might use half-and-half with 10.5% milkfat, or even no fat. Stabilizers such as gelatin and starch are required to adjust viscosity. The fermentation process is the same as for buttermilk, but nonfat milk solids are higher.

Powerful probiotics

According to the National Dairy Council, Chicago, dairy foods are the most important source of calcium and other nutrients for optimal bone health and prevention of osteoporosis, which affects 28 million people in this country. Studies have linked higher intakes of calcium and lactose with a reduced risk of breast cancer, and calcium intake has also been linked to control of colon and colorectal cancer. Calcium, lactose, Vitamin D, conjugated linoleic acid (CLA), sphingomyelin, butyric acid and protein have all been shown to have anticarcinogenic properties. Whey proteins contain sulfur amino acids (cysteine, methionine, glutathione), which also possess anticarcinogenic properties. Given their inherent healthful benefits, it's a natural extension for fermented dairy products to be leaders in the functional foods area.

Lactobacillus organisms are commonly considered to be probiotics, which are defined as live bacteria that improve intestinal microbial balance and enhance health. Prebiotics, which are non-digestible food ingredients that selectively stimulate the growth and activity of probiotics, include starches, dietary fibers, polyols, inulin and oligofructose.

"Probiotics produce short-chain fatty acids, which are used by colonocytes as an energy source, maintaining a healthier colon. Butyric acid, for example, reportedly has anticarcinogenic properties," says Mark Izzo, Ph.D., director of technology, ORAFTI Active Food Ingredients, Malvern, PA. "Probiotics also produce bacteriocins, which, as natural antibiotics, increase resistance to infection. Prebiotics such as inulin and oligofructose give these cultures a chance to work - they synergistically improve the survival of the probiotic in the intestinal tract.

"With both the pro- and prebiotic in a product, the product is synbiotic," continues Izzo. "Synbiotics have been shown to reduce colon cancer risk in animals, and to increase

reduce colon cancer risk in animals, and to increase bacteria in the feces after drinking acidophilus milk with inulin."

At this point, not enough well-defined studies exist to definitively state the benefits of probiotics (or synbiotics) to human health, but studies certainly indicate a number of favorable effects:

- Gastrointestinal well-being, including resistance to infection; prevention, or fast recovery from, diarrhea; and fewer constipation difficulties, due to faster transit time.
- Beneficial roles in immune response.
- Reduced cancer risk, particularly colon, breast and intestinal, possibly due to immune-response stimulation, reduction of carcinogenic enzymes, or modification of the colon environment.
- Improved tolerance to lactose and milk proteins. This is due primarily to beta-galactosidase in the bacteria, which helps digest lactose. It's also possible that probiotics may reduce sensitivity to milk proteins.
- Reduced LDL cholesterol. Results are somewhat contradictory at this point, but one study reports reduced LDL cholesterol in animals after ingestion of yogurt or **cultured** milk. It is clear, in any case, that regular consumption of yogurt does not increase plasma cholesterol concentration.

Bifidobacteria, first observed and reported in 1900, are strictly anaerobic, gram-positive rods with the ability to grow slowly in milk. These probiotics are normal inhabitants of the gastrointestinal tract from shortly after birth. Identified species are *Bifidobacterium lactis, B. infantis, B. longum* and *B. animalis*. Other identified probiotics include *Lactobacillus casei, L. acidophilus, L. delbrueckii* ssp. *bulgaricus, L. paracasei* ssp. *paracasei, L. rhamnosus* and *Streptococcus thermophilus*. Stieve notes that these strains are commercially available as single strains, multi-strains, and in specific cell counts.

Chr. Hansen has sponsored more than 50 probiotic studies at a number of hospitals and universities, including Johns Hopkins, Pennsylvania State, UCLA, and the University of Minnesota. Researchers have reported reduced diarrhea, reduced yeast infections, improved lactose tolerance, lower cholesterol, reduced antibiotic side effects and enhanced immunity. Researchers at Johns Hopkins evaluated the effectiveness of feeding infants *S. thermophilus* and *B. animalis* to prevent rotavirus-induced diarrhea. Results indicated that probiotics helped prevent infection and its spread via shedding in the feces. A study at Jewish Medical Center in New York City showed a three-fold decrease in vaginal yeast infections using probiotics - it worked so well that the probiotic test group refused to discontinue the treatment.

Yogurt associates

Yogurt, due to its popularity and easy acceptance of other ingredients, is a vehicle for numerous health-related modifications. For example, Schouten USA, Inc., Minneapolis, conducted a study last year to determine if soy isoflavones could be easily added to yogurt. These compounds, according to Schouten, help deposit calcium and reduce osteoporosis. Some differences in the yogurt's color and flavor were noted, but the isoflavones did not interfere with fermentation.

Oligofructose can, according to studies, increase calcium, magnesium, and iron absorption. "Oligofructose can be successfully added to yogurt with no effect on the fermentation, and no significant difference in color or flavor," says Izzo. "Two human studies have shown a positive calcium-absorption effect, with an increase of 26% (with 15 grams/day of oligofructose, in adolescents) and 58% (with 40 grams/day of inulin in young adults)."

Yogurt and the consumers who ingest it can also gain from added omega-3 long-chain polyunsaturated fatty acids (LC PUFAs), says Raimund C. Hoenes, Ph.D., marketing manager, Roche Vitamins, Inc., Parsippany, NJ. LC PUFAs are instrumental in optimal infant neural and visual development, and may protect against inflammatory and autoimmune conditions and cardiovascular disease, in the latter case by lowering triglyceride levels and maintaining a healthy heartbeat. "Yogurt allows for a fairly high level of fortification," notes Hoenes, "thus providing a potentially excellent source of omega-3 LC PUFAs per serving.

"It is important to differentiate the long-chain PUFAs from the other omega-3 oils out there," continues Hoenes, "since only the LC PUFAs are associated with the heart-healthy benefits. An example of an oil with short-chain omega-3s is canola, which does not have the healthy properties."

Omega 3 LC PUFAs may be added before homogenization or after fermentation while stirring - the oil has no effect on fermentation, according to Hoenes, who suggests using about 1,320 mg of the company's omega-3 product per serving. At this level, the taste remains unaffected. "The suggested amount provides 330 mg omega-3 LC PUFAs per 225-gram serving," he says. "The British Nutrition Foundation has recommended 1.25 grams docosahexaenoic acid (DHA) and eicosapentaenoic acid (EPA) per day. Therefore, 330 mg would provide 26% of the recommended daily intake."

The ROPUFA® 30 n-3 food oil marketed by Roche contains at least 25% omega-3 fatty acids as EPA, DHA and docosapentaenoic acid (DPA). The marine oil is dispersed in gelatin, sucrose and starch stabilized with mixed tocopherols, ascorbyl palmitate and rosemary extract.

Omega-3 LC PUFA has been self-affirmed as GRAS based on an expert panel review, and the FDA has determined that menhaden oil is safe as a direct food ingredient, provided the daily intake of EPA and DHA does not exceed 3 grams/day.

Horizon Organic Dairy of Boulder, CO, introduced a new synbiotic yogurt in 1999, combining low-fat blended yogurt with various herbs such as ginger, chamomile, rose hips, hibiscus, and ginseng, as well as beta-carotene. The company's line of products is based on certified organic milk and organic ingredients. Their blended yogurts contain agar and pectin rather than the traditional gelatin or modified food starch, as well as five active cultures - *L. acidophilus, L. bulgaricus, B. bifidus, S. thermophilus* and *L. casei*. Their organic sour creams contain live and active cultures of *L. acidophilus* and *B. bifidus*, as does their cottage **cheese**. The Dannon Company, Tarrytown, NY, has introduced Actimel®, a dairy-based beverage sold in Europe since 1994. Actimel contains a unique combination of active cultures, including *L. casei*. The product is supported by extensive clinical studies that support the company's campaign to educate consumers about active-culture benefits.

Cultured perspectives

What else can we expect from **cultured** dairy products? "We have shown that a diet rich in low-fat dairy foods affects the way in which fat cells do their job," said Michael Zemel, Ph.D., department head and director of nutrition, Nutrition Institute, University of Tennessee, at the November 1999 North American Association for the Study of Obesity meeting. "A diet high in low-fat dairy causes fat cells to make less fat and turns on the machinery to break down fat, which translates into significantly lower risk of obesity." This theory is supported by a two-year study at Purdue University, West Lafayette, IN, which found that women getting their calcium from dairy foods experienced greater weight loss than those who used other calcium sources. This could change the way dieters have generally thought about dairy products, but this finding requires further examination.

Fermented milks have been associated with health for centuries, and their gastrointestinal effects were reported around 1900 by E. Metchnikoff at the Pasteur Institute in Paris. Their proposed effects, detailed in Paris-based Danone, Inc.'s July 1997 *Danone World Newsletter*, are many. (The publication, intended to keep concerned scientists, regulatory officials and media representatives around the world up to date on new findings regarding the benefits of yogurt and fermented milks in nutrition and health, is available at www.danone.com.) Published health benefits of **cultured** dairy products include physiological effects (production of bacteriocins/anti-pathogen activity); actions on the digestive tract (regulation of intestinal motility, prevention of intestinal disturbances, stabilization of Crohn's

prevention of intestinal disturbances, stabilization of Crohn's disease); alterations of intestinal microflora (increase in fecal bifidobacteria, balance of intestinal bacteria); actions on diarrhea (treatment of persistent diarrhea, treatment of rotavirus and antibiotic-associated diarrhea); and systemic effects (immune enhancer, reduction of serum cholesterol, anti-cancer).

Danone reports, however, that only a few benefits are relatively well established; i.e., those with several studies and no conflicting data. These include enhancement of lactose digestion, increase of fecal bifidobacteria, decrease of certain fecal enzyme activities, decreased rotavirus diarrhea, and treatment of adolescent persistent diarrhea.

Obviously, there is more to be done, and research on fermented milk products continues - with a wide variety of studies underway at North Carolina State University, Michigan State University, California Polytechnic State University in San Luis Obispo, State University of New York in Buffalo, University of Minnesota, University of California at Davis and University of Tennessee - to name a few. As knowledge continues to grow, so will the use of **cultured** dairy products. Health care costs are escalating, preventive care is of major concern, and consumers are becoming more informed, not to mention that the food industry is always interested in new products. All these factors bode well for the future of **cultured** foods - traditional products that incorporate new technologies and new knowledge.

Ronald C. Deis, Ph.D., is a consulting food scientist based in West Chester, PA. He specializes in food ingredient technology and process/ingredient troubleshooting, and has a strong formulation background in baked goods and wet systems. He hosts a website at http://hometown.aol.com/rcdeis/deiswebpage.htm.

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The American Cheese Society

Categories For the 2004 American Cheese Society Judging Competition

A. FRESH UNRIPENED CHEESES

Mascarpone, Cream Cheese, Neufchatel, Ricotta, Impastata
Exempt: Fresh Goat Cheese, Queso Blanco types, and cottage cheeses

AC: cheeses made from cow's milk
AG: cheeses made from goat's milk
AS: cheeses made from sheep's milk and/or mixed milks

B. SOFT RIPENED CHEESES

White surface mold ripened cheeses - Brie, Camembert, Coulommiers, etc

BC: cheese made from cow's milk
BG: cheeses made from goat's milk
BS: cheeses made from sheep's and/or mixed milks
BF: flavor added - spices, herbs, seasoning, fruits, etc.

C. AMERICAN ORIGINALS

Cheeses recognized by the Judging Rules and Awards Committee as uniquely American in their original forms.
Monterey Jack, Brick Muenster, Colby, Brick Cheese, Teleme, Liederkranz, Oka, etc.
Exempt: Brick Mozzarella, Flavored Monterey Jack

CJ: Monterey Jack - all milks
CC: Open category made from cow's milk
CG: Open category made from goat's milk
CS: Open category made from sheep's milk and/or mixed milks

D. AMERICAN MADE / INTERNATIONAL STYLE

Exempt: all Cheddar's, all Italian Type cheeses

DD: Dutch style, all milks (Gouda, Edam etc.)
DC: Open category made from cow's milk
DG: Open category made from goat's milk
DS: Open category made from sheep's or mixed milks

DS: Open category made from sheep's or mixed milks

E. CHEDDARS

All Cheddars, all milks sources.

EA: Aged Cheddars, all milks (aged between 12 and 24 months)

EF: Flavor added - spices, herbs, seasonings, fruits, etc.- any age

EC: Cheddar from cow's milk, aged less than 12 months

EG: Cheddar from goat's milk, aged less than 12 months

EM: Mature Cheddars: aged over 25 months

F. BLUE MOLD CHEESES

All cheeses ripened with Roqueforti or Glaucum Penecilliums

Exempt: Colorless Mycelia

FC: Blue-veined made from cow's milk

FG Blue-veined made from goat's milk

FS: Blue-veined made from sheep's or mixed milks

FE: External Blue molded cheeses - all milks

G. HISPANIC & PORTUGUESE STYLE CHEESES

GA: Ripened category: Cotija, Flamingo Bolla, St. Jorge types, etc. - all milks

GC: Fresh Unripened category : Queso Blanco, Queijo Fresco, etc - all milks

GF: Flavor added - spices, herbs, seasonings, fruits, - all milks

H. ITALIAN TYPE CHEESES

HP: Pasta Filata types - Provolone, Caciocavallo, and all milks

HA: Grating types - Reggianito, Sardo, Domestic Parmesan, all milks - Romano made from cow & goat milks only

HM: Mozzarella types- Brick, & Scarmorza - all milks

HY: Fresh Mozzarella types - Ovalini, Bocconcini, Celligini sizes - all milks

I. FETA CHEESES

IC: Feta made from cow's milk

IG: Feta made from goat's milk

IS: Feta made from sheep's milk

IF: Flavor added - spices, herbs seasoning, fruits - all milks

J. LOW FAT / LOW SALT CHEESES

JC: Open category made from all milk sources

JF: Flavor added - spices, herbs, seasonings, fruits - all milks

Nutritional Information qualifying cheese as a dietary type cheese must accompany each cheese entry! Each cheese entry must be labeled with one of the following terms:

Definition of Terms:

***Fat-Free*:** less than 0.5 grams fat per labeled serving size & no added fat or oil

***Low Fat*:** maximum 3 grams total fat per serving for serving size if serving size is more than 30 grams or 2 tablespoons; and 3 grams of fat or less per 50 grams of product if serving size is less than 30 grams less than

grams less than 2 tablespoons.

Light or Lite: If less than 50% of calories come from fat the **cheese** label must show a 33.3% reduction of calories than referenced amount or 50% reduction in fat. If more than 50% of calories come from fat the **cheese** labels must show a minimum of 50% reduction of fat per referenced amount.

Reduced Fat: Minimum 25% reduction in total fat per referenced amount.

Source: U.S Nutrition Labeling & Education Act -Nov., 1990

K. FLAVORED CHEESES

Entries are limited to cheeses NOT listed in categories B-E-G-I-J-N-O-P-R-S.

Cheeses in this category include but are not limited to: flavored Monterey Jack, Cream Cheese, Cottage Cheese, Cheeses with edible flowers, cultured cheese products.

KC: Open category made from cow's milk
KG: Open category made from goat's milk
KS: Open category made from sheep's milk

L. SMOKED CHEESES

***Information about the smoke source (i.e. natural, chemical, liquid) must accompany each cheese entry.**

LC: Open category made from cow's milk
LG: Open category made from goat's milk
LS: Open category made from sheep's milk

M. FARMSTEAD CHEESES

***Cheeses must be made only from the milk of the cheesemaker's own herd, or flock, on the farm where the animals are raised.**

MC: Open category made from cow's milk
MG: Open category made from goat's milk
MS: Open category made from sheep's milk

N. FRESH GOATS MILK CHEESES

Open to all shapes and styles of rindless, unaged, fresh goat cheeses.

NO: Open category
NF: Flavor added - spices, herbs, seasonings, fruits.

O. FRESH SHEEP'S MILK CHEESES

Open to all shapes and styles of rindless, unaged, fresh sheepmilk cheeses.

OO: Open category
OF: Flavor added - spices, herbs, seasonings, fruits.

P. MARINATED CHEESES

P. MARINATED CHEESES

***Entries must identify the type of marinade (i.e. olive oil, safflower oil, vinegar, wine, etc.)**

PC: Open category made from cow's milk
PG: Open category made from goat's milk
PS: Open category made from sheep's milk
PF: Flavor added - spices, herbs, seasonings, fruits - all milks

Q. CULTURED CHEESE PRODUCTS

Limited to Plain Yogurt, Creme Fraiche, Fromage Blanc, Quark, Kefir, Labne

All cultured products with flavorings belong in Category "K"
Cultured products made with added oil belong in Category "P"

QC: **Cultured** products made from cow's milk
QG: **Cultured** products made from goat's milk
QS: **cultured** products made from sheep's milk

R. BUTTERS

Whey Butter, Salted Butter, Sweet Butter, Cultured Butter, etc.

RC: Butter made from cow's milk
RG: Butter made from goat's milk
RS: Butter made from sheep's milk
RF: Flavor added - spices, herbs, seasonings, fruits - all milks

S. CHEESE SPREADS

Cold pack, Cheddar based, Cream Cheese and Yogurt based spreads and dips.

SC: Open category made from cow's milk
SG: Open category made from goat's milk
SS: Open category made from sheep's milk
SF: Flavor added - spices, herbs, seasonings, fruits - all milks

T. AGED SHEEP'S MILK CHEESES

Caciotta, Romano, Manchego, Table Cheeses, etc.

TO: Open category

U. AGED GOAT'S MILK CHEESES

Taupineres, rinded Logs & Pyramid Types, etc.

UG: Open category

V. WASHED RIND CHEESES

Liederkranz, Limberger, Brick Types and Styles, etc

Cheeses with a rind or crust washed in salted brine, whey, beer, wine (or other alcohol) or grape lees and exhibit an obvious smeared or sticky rind and/or crust

Exempt: All Washed Curd Cheeses

VC: open category, cow's milk
VG: open category, goat's milk
VS: open category, sheep's milk

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304 West Liberty St., Ste. 201
Louisville, KY 40202
Phone: 502-583-3783
Fax: 502-589-3602

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EXHIBIT I (i)

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2,479,287
Issued on August 21, 2001

FOUR SEASONS DAIRY, INC., Petitioner, - against – INTERNATIONAL GOLD STAR TRADING CORP., Registrant	Cancellation No.: 92042082 Mark: BABUSHKA'S RECIPE Reg. No. 2,479,287 Filed: December 7, 1999 Issued: August 21, 2001

PETITIONER'S FIRST SET OF INTERROGATORIES
TO REGISTRANT INTERNATIONAL GOLD STAR TRADING CORP.

Pursuant to the provisions of 37 CFR §2.120 and Rule 33 of the Federal Rules of Civil Procedure, Petitioner, Four Seasons, Dairy, Inc., hereby serves the following interrogatories upon Registrant, International Gold Star Trading Corp. to be answered under oath by Registrant within thirty (30) days of service hereof.

INSTRUCTIONS AND DEFINITION OF TERMS

A. As used herein, the term "Petitioner" refers to Four Seasons Dairy, Inc., and includes all other partnerships, corporations or other business entities (whether or not separate legal entities) subsidiary to, parent to, or affiliated with Petitioner, including all of its or their partners, principals, officers, directors, trustees, employees, staff members, agents and representatives, including counsel for Petitioner.

B. The terms "Petitioner's Marks" refers to any designation and/or trademark used or intended to be used by Petitioner to identify Petitioner or the goods or services offered or promoted by Petitioner in connection with that term, and collectively refers to the mark in the cyrillic alphabet БАБУШКИНО that means "granny" and is transliterated as BABUSHKINO owned by Petitioner. including without limitation, United States Trademark Serial No. 76/174746 and cited by Petitioner in its Petition for Cancellation.

C. The term "Registrant" refers to International Gold Star Trading Corp. and/or its licensee(s), and includes all other partnerships, corporations or other business entities (whether or not separate legal entities) subsidiary to, parent to, or affiliated with Registrant, including all of its or their partners, principals, officers, directors, trustees, employees, staff members, agents and representatives, including counsel for Registrant.

D. The terms "Registrant's Mark" or "BABUSHKA'S RECIPE" refers to the designation and/or trademark registered under United States Trademark Registration No. 2479287- and sought to be cancelled in the instant proceeding

E. Wherever in the following interrogatories Registrant is asked to identify documents, it is requested that the documents be identified by stating:

a. General type of document, i.e., letter, memorandum, report, miscellaneous, notes, etc.;
b. Date;
c. Author;
d. Organization, if any, with which author was connected;
e. Addressee or recipient;
f. Other distributees;
g. Organization, if any, with which addressee or recipient, or distributees were connected;
h. General nature of the subject matter to extent that Registrant can do so without divulging matter considered by it to be privileged;
i. Present location of such document and each copy thereof known to Registrant, including the title, index number and location, if any, of the file in which the document is kept or the file from which such document was removed, if removed for the purposes of this case, and the identity of all persons responsible for the filing or other disposition of the document.

F. Wherever in the following interrogatories Registrant is asked to identify persons, it is requested that the persons be identified by stating:

a. Their full name, home and business addresses, if known;
b. Their employment, job title or description; and
c. If employed by Registrant, their dates and regular places of employment and general duties.

G. Wherever in the following interrogatories Registrant is asked to identify companies or the response to an interrogatory would require the identification of a company, it is requested that the company be identified by stating:

a. Its full corporate name;
b. A brief description of the general nature of its business;
c. Its state of incorporation;
d. The address and principal place of business; and
e. The identity of the officers or other person having knowledge of the matter with respect to which the company has been identified.

H. Wherever in the following interrogatories Registrant is asked to identify goods, products or services, or the marking used in combination with the goods or services, it is requested that the same be identified by stating the catalog, stock, model or the like number or designation, the trademark, name, type, grade, design element, or stylized appearance of the mark, and any other designation customarily used by the party concerned to designate such goods, products or services, or the like, and to distinguish it from others made by the same or a different producer.

I. Should Registrant deem to be privileged any document concerning information which is requested by any of the following interrogatories, Registrant shall list such documents and supply information as requested in Paragraph E above concerning such documents, and additionally shall indicate that they claim privilege therefor, briefly state the nature of the document, the sender, the author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list of Registrant associated with such document, a summary statement of the subject matter(s) of such document in sufficient detail to permit the Trademark Trial and Appeal Board to conduct an analysis to reach a determination of any claim of privilege or exclusion and separate indication of the basis for assertion of privilege or the like for each such document

J. Whenever the terms "documents" or "all documents" are used herein, these terms are meant to include all documents available to Registrant and further to include, without limitation, any written, recorded, graphic, or printed matter, in whatever form, whether printed and/or produced by hand or any other process, specifically including (1) all originals, copies or drafts, and (2) originals, copies or drafts on which appear any notes or writings placed thereon after the document was first printed, typed, recorded, or made into graphic matter, however produced or reproduced, in the actual or constructive possession of Registrant, including, without limitation, any letters, telegrams, memoranda, writings, circulars, monographs, bulletins, manuals, speeches, audio and video tapes, drawings, blueprints, recordings, computer disks or tapes, computer electronic or optical memory devices in readable form, computer printouts, computer electronic messages, notes, correspondence, communications of any nature, summaries of records of conversations or conferences, information which can be retrieved by any process, test and/or analysis, reports and data sheets, specifications, sketches, minutes or reports and/or summaries or interviews, reports and/or summaries of investigations, opinions or reports of consultants, agreements and contracts, brochures, pamphlets, advertisements, letters to the trade, and including any tangible things within the scope of Rule 34(a)(1), Federal Rules of Civil Procedure.

Any document bearing on any sheet or side thereof any marks not a part of the original text or any reproduction thereof is to be considered a separate document for purposes of responding to the following specific document requests.

K. Each of the separate interrogatories herein is deemed to seek separate answers and responses as of the date hereof and these interrogatories shall be deemed to be continuing and any additional information relating in any way to these interrogatories and to events occurring or documents existing prior to the filing of the Opposition herein which Registrant acquires or which becomes known to Registrant up to and including the close of the rebuttal testimony period shall be furnished to Registrant within a reasonable time after such information is acquired or becomes known.

INTERROGATORIES

Interrogatory No. 1:
Identify all officers and directors of Registrant from 1997 to the present.

Response:

Interrogatory No. 2:
Describe in detail all past and existing relations, including contracts, agreements, licenses, assignments, or other relations, between Registrant and any third party, including predecessor companies, related, or affiliated companies, relating in any manner to Registrant's Mark.

Response:

Interrogatory No. 3:
With respect to Registrant's Mark, identify the person or persons most knowledgeable about Registrant's sales, advertising and sales promotion, adoption and use, licensing, and assignment or other transfer of rights.

Response:

Interrogatory No. 4:
Identify all state and federal registrations, applications for registration, and uses by Registrant of any mark which incorporates the terms BABUSHKA or BABUSHKINO, and for each such registration, application, and use, identify all documents relating thereto.

Response:

Interrogatory No. 5:

Identify all third-party state and federal registrations, applications for registration, and uses known to Registrant of any mark which incorporates the terms BABUSHKA or BABUSHKINO, and for each such registration, application, and use, identify all documents relating thereto.

Response:

Interrogatory No. 6:

Describe in detail the nature of Registrant's business or businesses, including the date on which Registrant first engaged in each such business.

Response:

Interrogatory No. 7:

Identify and describe each of the goods and/or services on which Registrant intends to use or has used Registrant's Mark, or any variation thereof.

Response:

Interrogatory No. 8:

Identify all documents and set forth with specificity all facts regarding the selection by Registrant of Registrant's Mark including, without limitation, the circumstances and method by which Registrant adopted the terms BABUSHKA as a part of its mark.

Response:

Interrogatory No. 9:

Describe in detail the derivation of the terms BABUSHKA'S RECIPE as Registrant's Mark and identify all documents related thereto.

Response:

Interrogatory No. 10:

Identify all persons who were involved in, or participated in any way with, the decision to adopt, register and/or use the BABUSHKA'S RECIPE designation, and for each such person state his/her title and the role he/she played to adopt, register and/or use the BABUSHKA'S RECIPE designation.

Response:

Interrogatory No. 11:

State whether any searches or investigations were conducted by Registrant, its attorneys, or any persons on its behalf to determine whether Registrant's Mark was available for use and/or registration, and, if so, identify each such search or investigation including the date such search or investigation was performed and the marks located in such search or investigation.

Response:

Interrogatory No. 12:

Identify all manufacturers or intended manufacturers of goods, and all promoters or intended promoters of services, bearing Registrant's Mark.

Response:

Interrogatory No.. 13:

For each of the goods identified in Registrant's application, to register Registration's Mark, identify all documents supporting the date on which the mark was first used.

Response:

Interrogatory No. 14:

Identify all documents and set forth with specificity all facts with respect to any instance where a person or entity has been confused, mistaken, and/or deceived as to whether any goods or services advertised or sold under Registrant's Mark are those of Petitioner, or are connected or associated with Petitioner, and for each such incident provide the date of such incident, the identity of the person or entity, and a detailed description of the circumstances of such confusion, mistake and/or deception.

Response:

Interrogatory No. 15:

Identify all documents and set forth with specificity the substance of each communication, oral or written, received by Registrant, which suggests, implies or infers that any of the products of Registrant sold under Registrant's Mark, or any mark that includes the terms BABUSHKA'S or BABUSHKINO, is a product of Petitioner or is affiliated, connected and/or associated with Petitioner, or which inquires as to whether there is or may be an affiliation, connection and/or association between Registrant and Petitioner, and identify any response(s) by Registrant to each such communication.

Response:

Interrogatory No. 16:

Identify all inquiries, investigations, surveys, evaluations and or studies conducted by Registrant or by anyone acting for or on its behalf with respect to Registrant's Mark, and marks owned or used by Registrant which incorporate the terms BABUSHKA'S or BABUSHKINO as an element of the mark, including the date conducted, the name, address and title of each person who conducted it, the purpose for which it was conducted, the findings or conclusions made, and identify all documents which record, refer to, or relate to such inquiry, investigation, survey, evaluation or study.

Response:

Interrogatory No. 17:

Identify each different sign, display, point-of-sale display, label, hangtag, wrapper, container, package, advertisement, brochure, promotional material, and the like, known to Registrant which contains or bears Registrant's Mark or any variation thereof and which is intended to be used or has been used or disseminated at any time by Registrant.

Response:

Interrogatory No. 18:

Identify each person employed by Registrant, or each outside agency or agent retained by Registrant, who has been or now is responsible for the following activity with respect to any of the goods or services intended to be offered or rendered or actually offered or rendered under Registrant's Mark:

a. marketing;
b. advertising and promotion; and
c. bookkeeping and accounting.

Response:

Interrogatory No. 19:

Has Registrant ever licensed or permitted or had negotiations to license or permit, or otherwise granted rights to third parties to use Registrant's Mark or any mark including the terms BABUSHKA'S or BABUSHKINO as a component? If so, identify the party or parties who have received or sought such license or permission or other right, state the nature and extent of any such license or permitted use or right, given or negotiated, and identify and describe all documents comprising or containing any such license, permission, or other right, or any agreement in respect to such mark.

Response:

Interrogatory No. 20:

For each of the goods or services sold under Registrant's Mark, set forth the number of units and dollar amount of the annual sales of such goods or services, the dollar amount of annual advertising expenditure on such goods or services, and the individual media through which such advertising took place, and the dollar amount of advertising through each such media; and identify documents sufficient to support your response to this interrogatory.

Response:

Interrogatory No. 21:

State in detail the channels of trade in which Registrant's Mark is used and/or in which goods bearing Registrant's Mark are sold, including the geographic area by state, territory or possession in which Registrant's Mark is used and/or sold, the manner in which the goods or services reach the ultimate consumer, the geographical reach of each such channel, and the approximate percentage of total sales of goods and/or services through each such channel, and identify documents sufficient to support your response to this interrogatory.

Response:

Interrogatory No. 22:

Identify each statement or opinion obtained by or for Registrant regarding any issue in this cancellation proceeding including, but not limited to, whether the statement was oral or in writing, and identify all documents which record, refer to, or relate to such statement or opinion.

Response:

Interrogatory No. 23:

Identify with specificity the marketing methods used in the advertising and/or sale of goods and/or services by or for Registrant under Registrant's Mark, including, without limitation, the names of television stations, radio stations, Internet web sites, newspapers, magazines, trade journals or periodicals, and/or retail establishments in which Registrant has advertised and intends to advertise its goods and/or services under Registrant's Mark, and identify documents sufficient to support your response to this interrogatory.

Response:

Interrogatory No. 24:

Identify the ordinary purchaser of the goods or services sold and intended to be sold under Registrant's Mark including, without limitation, the level of care exercised by such an ordinary purchaser in purchasing the goods or services sold under Registrant's Mark.

Response:

Interrogatory No. 25:

Identify all documents relating to and set forth with specificity all facts regarding any instance where Registrant has notified anyone that any trademark or service mark used by that person or entity infringed Registrant's Mark and/or any mark of Registrant that includes the terms BABUSHKA'S or BABUSHKINO, and for each such instance provide a detailed description of any action taken thereafter.

Response:

Interrogatory No. 26:

Has Registrant ever been a party to any litigation or administrative proceeding, other than the present cancellation proceeding involving Registrant's Mark? If so, state all circumstances surrounding same including, without limitation, the name of the parties and identification of the proceeding, Registrant's status therein, the mark or marks involved, the type of proceeding involved, the name of the court or agency in which it was filed, the date of the filing and the file number, the ultimate disposition of the proceedings, and identify each document relating to such proceeding.

Response:

Interrogatory No. 27:

For purposes of establishing priority of use, identify the earliest date upon which Registrant intends to rely in this proceeding with respect to its use of Registrant's Mark and/or any mark that includes the terms BABUSHKA or BABUSHKINO, and produce all documents relating to such use(s).

Response:

Interrogatory No. 28:

Describe the meaning and derivation of the phrase BABUSHKA'S RECIPE as used in connection with the goods of Registrant upon or in connection with which Registrant has used that phrase.

Response:

Interrogatory No. 29:

State the approximate percentage of sales of products bearing Registrant's Mark via the Internet versus other sales channels, and identify documents sufficient to support your response to this Interrogatory.

Response:

Interrogatory No. 30:

Identify all experts employed by Registrant for purposes of this action. For each expert, identify his or her field of specialization, whether Registrant intends to call him or her as a witness, the subject matter on which he or she is expected to testify, the bases for each opinion, and identify all documents that relate in any way to the subject matter, facts, and/or circumstances as to which the expert is expected to testify.

Response:

Interrogatory No. 31:

Identify each non-expert witness that Registrant expects to testify, the subject matter on which the witness is expected to testify, each fact and/or opinion to which the witness is expected to testify, the bases for each opinion and identify all documents that relate in any way to the subject matter, facts, and/or circumstances as to which the witness is expected to testify.

Response:

Interrogatory No. 32:

Identify each person who participated in or supplied information used in answering any of the above interrogatories; beside the name of each such person, state the number of the interrogatory answer(s) with respect to which that person participated in or supplied information.

Response

Dated: December 29, 2003

By: Samuel Friedman (esq)

Samuel Friedman
225 Broadway, Suite 1804
New York, New York 10007
Tel: (212) 267-2900
Attorney for Petitioner
FOUR SEASONS DAIRY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Petitioner's First Set of Interrogatories to Request for Production of Documents in Cancellation Proceeding No. 92042082 entitled Fours Seasons Dairy, Inc. v. International Gold Star Trading Corp., was served by Federal Express, Overnight on counsel for Registrant, addressed as follows:

Roger S. Thompson
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
New York, New York 10176

Eunice Quinones

December 29, 2003
Date

tm\4seasons\babushka\cancel\int

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- [ ] FedEx Priority Overnight — Next business morning
- [x] FedEx Standard Overnight — Next business afternoon
- [ ] FedEx First Overnight — Earliest next business morning delivery to select locations
- [ ] FedEx 2Day — Second business day
- [ ] FedEx Express Saver — Third business day

FedEx Envelope rate not available. Minimum charge: One-pound rate

4b Express Freight Service *Packages over 150 lbs.* Delivery commitment may be later in some areas.

- [ ] FedEx 1Day Freight* — Next business day
- [ ] FedEx 2Day Freight — Second business day
- [ ] FedEx 3Day Freight — Third business day

*Call for Confirmation:

5 Packaging *Declared value limit $500

- [x] FedEx Envelope*
- [ ] FedEx Pak* — Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak
- [ ] Other

6 Special Handling Include FedEx address in Section 3.

- [ ] SATURDAY Delivery Available ONLY for FedEx Priority Overnight and FedEx 2Day to select ZIP codes
- [ ] HOLD Weekday at FedEx Location NOT Available for FedEx First Overnight
- [ ] HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods? One box must be checked.

- [x] No
- [ ] Yes — As per attached Shipper's Declaration
- [ ] Yes — Shipper's Declaration not required
- [ ] Dry Ice — Dry Ice, 9, UN 1845 ____ x ____ kg

Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.

- [ ] Cargo Aircraft Only

7 Payment *Bill to:* Enter FedEx Acct. No. or Credit Card No. below.

- [x] Sender — Acct. No. in Section 1 will be billed.
- [ ] Recipient
- [ ] Third Party
- [ ] Credit Card
- [ ] Cash/Check

FedEx Acct. No. Credit Card No. Exp. Date

Total Packages	Total Weight	Total Declared Value†
		$ .00

†Our liability is limited to $100 unless you declare a higher value. See back for details. FedEx Use Only

8 Release Signature *Sign to authorize delivery without obtaining signature.*

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

447

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EXHIBIT I (ii)

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FOUR SEASONS DAIRY, INC.,	Cancellation No. 92/042,082
Petitioner,	
v.	Mark: **BABUSHKA'S RECIPE**
INTERNATIONAL GOLD STAR TRADING CORP.,	Reg. No. 2,479,287
Registrant.	

REGISTRANT'S RESPONSES TO PETITIONER'S INTERROGATORIES

Registrant, International Gold Star Trading Corp. ("Gold Star"), hereby responds to the Interrogatories propounded by Petitioner, Four Seasons Dairy, Inc.

General Objections

1. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things subject to a claim of attorney-client privilege, attorney work product or any other immunity from discovery. Any such documents and/or things will not be produced.

2. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things that contain confidential information of Registrant, and shall produce such documents and/or things only in accordance with a Protective Order.

3. Registrant objects to the Interrogatories to the extent that they impose obligations beyond the scope of discovery permissible under the Federal Rules of Civil Procedure, Title 37 of the Code of Federal Regulations, the TBMP or other applicable authority.

4. Registrant objects to the Interrogatories to the extent that they seek identification of attorney-client privileged and/or attorney work product documents and/or things and/or information concerning same, which documents, things and/or information concern the conduct of this proceeding and were created after the filing of the Petition herein.

5. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things not within Registrant's possession, custody or control.

6. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things, and/or information not relevant to this action and/or not reasonably calculated to lead to the discovery of admissible evidence herein.

7. Registrant's responses are not admissions that the requested information is relevant, material or admissible and are not waivers of any rights or objections available to Registrant.

8. Registrant objects to the Interrogatories to the extent that they seek identification of entire documents that contain both relevant and irrelevant information and/or both information that is requested and information that is not requested and/or both information that is immune from discovery and information that is not so immune.

9. Registrant objects to the Interrogatories to the extent that they contain a phrase such as "[a]ll documents" or the like as being overly broad and unduly burdensome to the extent that they include, for example, documents which, although containing passing reference to identified subject matter, would not ordinarily be expected to contain such information and therefore could be found only through an unreasonably burdensome search.

10. Registrant objects to the Interrogatories to the extent that they are duplicative, overlapping or otherwise redundant as to subject matter of any other Interrogatory.

11. Registrant's responses are based upon its present knowledge, information and belief and are subject to correction, modification and/or supplementation based upon later-acquired facts or other information.

12. Registrant's responses indicating that documents and/or things will be produced in response to a specific Interrogatory are not representations or admissions that such documents and/or things are within the possession, custody or control of Registrant or that such documents and/or things exist. Instead, such responses indicate only that should any such documents and/or things be found within the possession, custody or control of Registrant after a reasonable search, they will be produced, subject to any applicable objections.

13. Any objection based upon a claim of attorney-client privilege, attorney work product or any other immunity from discovery is not a representation or admission that there are such requested documents and/or things are within the possession, custody or control of Registrant or that such documents and/or things exist. Such an objection indicates only that the scope of the Interrogatory may extend to information, documents and/or things not subject to discovery for one or more of these reasons and that, should such information, documents and/or things be found within the possession, custody or control of Registrant after a reasonable search, they will not be provided.

14. Registrant objects to the provision of information, documents and/or things that would violate any duty or obligation that Registrant has to a nonparty to this action.

These objections apply to all of Registrant's responses. Specific objections are made in response to a specific Interrogatory only because they are believed to be particularly applicable to the request. They are not to be construed as waivers of any other General Objection not specifically recited therein.

INTERROGATORIES

Interrogatory No. 1

Identify all officers and directors of Registrant from 1997 to the present.

Response:

Robert Pincow, President of Gold Star from 1997 to the present. He may be reached through Gold Star's counsel.

Interrogatory No. 2:

Describe in detail all past and existing relations, including contracts, agreements, licenses, assignments, or other relations, between Registrant and any third party, including predecessor companies, related, or affiliated companies, relating in any manner to Registrant's Mark.

Response:

Please see General Objection No. 2. Upon entry of a suitable Protective Order, Gold Star will respond to this Interrogatory.

Interrogatory No. 3:

With respect to Registrant's Mark, identify the person or persons most knowledgeable about Registrant's sales, advertising and sales promotion, adoption and use, licensing, and assignment or other transfer of rights.

Response:

Galina Pincow, Vice-President of Gold Star. She may be reached through Gold Star's counsel.

Interrogatory No. 4:

Identify all state and federal registrations, applications for registration, and uses by Registrant of any mark which incorporates the terms BABUSHKA or BABUSHKINO, and for each such registration, application, and use, identify all documents relating thereto.

Response:

United States Trademark Registration No. 2,479,287, the subject of the instant cancellation; and United States Trademark Applications Ser. Nos. 78/333,758 and 78/978,140.

Relevant documents include the file histories of the applications and registration available from the United States Patent and trademark Office. Other documents may be protected by the attorney-client privilege, and/or be confidential. Reference is therefore made to General Objection Nos. 1 and 2.

Gold Star uses the mark BABUSHKA'S RECIPE mark on at least the following goods: Dairy products, excluding ice cream, ice milk and frozen yogurt; processed and marinated vegetables; meat products, namely, chicken bologna, veal bologna, beef bologna, pork bologna, pork salami, kielbasa, canned roast beef in gravy, meats other than chicken bologna, veal bologna, beef bologna, pork bologna, pork salami, kielbasa and canned roast beef in gravy; processed meats; edible oils and fats.

Interrogatory No. 5:

Identify all third-party state and federal registrations, applications for registration, and uses known to Registrant of any mark which incorporates the terms BABUSHKA or BABUSHKINO, and for each such registration, application, and use, identify all documents relating thereto.

Response:

Gold Star is not aware of any third-party application or use of any mark which incorporates the term "BABUSHKA". Gold Star is aware of a third party registration for the mark DECAF BABUSHKA BLEND, Reg. No. 2221853.

Gold Star is not aware of any third-party registration, application or use which incorporates the term BABUSHKINO.

Interrogatory No. 6:

Describe in detail the nature of Registrant's business or businesses, including the date on which Registrant first engaged in each such business.

Response:

Gold Star is an importer and distributor of fine foods, with an emphasis on the ethnic food market, especially Russian and Eastern European ethnic foods. It has been engaged in that business since at least 1988.

Interrogatory No. 7:

Identify and describe each of the goods and/or services on which Registrant intends to

use or has used Registrant's Mark, or any variation thereof

Response:

The goods with which Gold Star now uses the mark BABUSHKA'S RECIPE are listed in the above response to Interrogatory No. 4.

Gold Star intends to use the mark on at least the following goods: staple foods, namely, breads, cookies, cakes and pastries; candies; honey; salt; mustards; sauces; spices; mineral and aerated waters; fruit based beverages; non-alcoholic beverages, namely, carbonated beverages; vegetable juices; fruit drinks; fruit juices; fruits and vegetables; preserved, dried and cooked fruits and vegetables; jellies; jams; and side dishes made from processed fruits.

Interrogatory No. 8:

Identify all documents and set forth with specificity all facts regarding the selection by Registrant of Registrant's Mark including, without limitation, the circumstances and method by which Registrant adopted the terms BABUSHKA as a part of its mark.

Response:

Please see General Objections Nos. 1, 2 and 9. Upon entry of a suitable Protective Order, a response hereto will be provided.

Interrogatory No. 9:

Describe in detail the derivation of the terms BABUSHKA'S RECIPE as Registrant's Mark and identify all documents related thereto.

Response:

Please see General Objections Nos. 1, 2 and 9. Upon entry of a suitable Protective Order, a response hereto will be provided.

Interrogatory No. 10:

Identify all persons who were involved in, or participated in any way with, the decision to adopt, register and/or use the BABUSHKA'S RECIPE designation, and for each such person state his/her title and the role he/she played to adopt, register and/or use the BABUSHKA'S RECIPE designation.

Response:

Galina Pincow was the sole person involved with the initial selection of the mark BABUSKA'S RECIPE..

Interrogatory No. 11:

State whether any searches or investigations were conducted by Registrant, its attorneys, or any persons on its behalf to determine whether Registrant's Mark was available for use and/or registration, and, if so, identify each such search or investigation including the date such search or investigation was performed and the marks located in such search or investigation.

Response:

A search for relevant and responsive information is ongoing.

Interrogatory No. 12:

Identify all manufacturers or intended manufacturers of goods, and all promoters or intended promoters of services, bearing Registrant's Mark.

Response:

Please see General Objection No. 2. Upon entry of a suitable Protective Order, a response hereto will be provided.

Interrogatory No.. 13:

For each of the goods identified in Registrant's application, to register Registration's Mark. identify all documents supporting the date on which the mark was first used.

Response:

Please see General Objections No. 2 and 9. Upon entry of a suitable Protective Order, a response hereto will be provided.

Interrogatory No. 14:

Identify all documents and set forth with specificity all facts with respect to any instance where a person or entity has been confused, mistaken, and/or deceived as to whether any goods or services advertised or sold under Registrant's Mark are those of Petitioner, or are connected or associated with Petitioner, and for each such incident provide the date of such incident, the identity of the person or entity, and a detailed description of the circumstances of such confusion. mistake and/or deception.

Response:

Please see General Objections Nos. 2 and 9. While preserving these objections, Gold Star knows of no instance of actual confusion at this time.

Interrogatory No. 15:

Identify all documents and set forth with specificity the substance of each communication. oral or written, received by Registrant, which suggests, implies or infers that any of the products of Registrant sold under Registrant's Mark, or any mark that includes the terms BABUSHKA'S or BABUSHKINO, is a product of Petitioner or is affiliated, connected and/or associated with Petitioner, or which inquires as to whether there is or may be an affiliation. connection and/or association between Registrant and Petitioner, and identify any response(s) by Registrant to each such communication.

Response:

Please see General Objections Nos. 2 and 9. While preserving these objections, Gold Star knows of no responsive documents or communications at this time.

Interrogatory No. 16:

Identify all inquiries, investigations, surveys, evaluations and or studies conducted by Registrant or by anyone acting for or on its behalf with respect to Registrant's Mark, and marks owned or used by Registrant which incorporate the terms BABUSHKA'S or BABUSHKINO as an element of the mark, including the date conducted, the name, address and title of each person who conducted it, the purpose for which it was conducted, the

findings or conclusions made. and identify all documents which record, refer to, or relate to such inquiry, investigation. survey evaluation or study.

Response:

Please see General Objections No. 2 and 9. Upon entry of a suitable Protective Order, a response hereto will be provided.

Interrogatory No. 17:

Identify each different sign, display, point-of-sale display, label, hangtag, wrapper, container, package, advertisement, brochure, promotional material, and the like, known to Registrant which contains or bears Registrant's Mark or any variation thereof and which is intended to be used or has been used or disseminated at any time by Registrant.

Response:

Please see General Objection No. 2. Subject to that Objection, and without waiving that Objection, Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Interrogatory.

Interrogatory No. 18:

Identify each person employed by Registrant, or each outside agency or agent retained by Registrant, who has been or now is responsible for the following activity with respect to any of the goods or services intended to be offered or rendered or actually offered or rendered under Registrant's Mark:

a. marketing;

b. advertising and promotion; and

c. bookkeeping and accounting.

Response:

a. Galina Pincow and James Pincow.

b. Galina Pincow and James Pincow.

c. Galina Pincow, Lyudmila Glants and Rima Vulikh

Interrogatory No. 19:

Has Registrant ever licensed or permitted or had negotiations to license or permit or otherwise granted rights to third parties to use Registrant's Mark or any mark including the terms BABUSHKA'S or BABUSHKINO as a component? If so, identify the party or parties who have received or sought such license or permission or other right, state the nature and extent of any such license or permitted use or right, given or negotiated. and identify and describe all documents comprising or containing any such license, permission, or other right or any agreement in respect to such mark.

Response:

No.

Interrogatory No. 20:

For each of the goods or services sold under Registrant's Mark, set forth the number of units and dollar amount of the annual sales of such goods or services, the dollar amount of

animal advertising expenditure on such goods or services, and the individual media through which such advertising took place, and the dollar amount of advertising through each such media: and identify documents sufficient to support your response to this interrogatory.

Response:

Please see General Objection No. 2. Upon entry of a suitable Protective Order, a response hereto will be provided.

Interrogatory No. 21:

State in detail the channels of trade in which Registrant's Mark is used and/or in which goods bearing Registrant's Mark are sold, including the geographic area by state, territory or possession in which Registrant's Mark is used and/or sold, the manner in which the goods or services reach the ultimate consumer, the geographical reach of each such channel, and the approximate percentage of total sales of goods and/or services through each such channel, and identify documents sufficient to support your response to this interrogatory.

Response:

Please see General Objection No. 2. Upon entry of a suitable Protective Order, a response hereto will be provided.

Interrogatory No. 22:

Identify each statement or opinion obtained by or for Registrant regarding any issue in this cancellation proceeding including, but not limited to, whether the statement was oral

or in writing, and identify all documents which record, refer to, or relate to such statement or opinion

Response:

Please see General Objections Nos. 1 and 2. Upon entry of a suitable Protective Order, a response hereto will be provided.

Interrogatory No. 23:

Identify with specificity the marketing methods used in the advertising and/or sale of goods and/or services by or for Registrant under Registrant's Mark, including, without limitation, the names of television stations, radio stations. Internet web sites, newspapers, magazines, trade journals or periodicals, and/or retail establishments in which Registrant has advertised and intends to advertise its goods and/or services under Registrant's Mark, and identify documents sufficient to support your response to this interrogatory.

Response:

Catalogues, flyers, sell sheets and sales by company personnel. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Request.

Interrogatory No. 24:

Identify the ordinary purchaser of the goods or services sold and intended to be sold under Registrant's Mark including, without limitation, the level of care exercised by such an

ordinary purchaser in purchasing the goods or services sold under Registrant's Mark.

Response:

Registrant sells its products directly to wholesalers, distributors, grocery stores, supermarkets, ethnic stores and specialty food stores. The products' ultimate consumers, however, are the retail customers of those stores, who may range in education from children to recent émigrés to highly educated professionals. It is believed that the level of care that general consumers exercise, however, is not high, given the cost of the products.

Interrogatory No. 25:

Identify all documents relating to and set forth with specificity all facts regarding any instance where Registrant has notified anyone that any trademark or service mark used by that person or entity infringed Registrant's Mark and/or any mark of Registrant that includes the terms BABUSHKA'S or BABUSHKINO, and for each such instance provide a detailed description of any action taken thereafter.

Response:

Please see General Objection No. 9. Subject to, and without waiving that Objection, Gold Star responds as follows: On or about My 11, 2002, counsel for Gold Star sent a facsimile transmission to Natar Foods, Inc. ("Natar") demanding that Natar cease and desist from using the mark "Бабушкин Творог" for farmer cheese. To the best knowledge, information and belief of Gold Star, Natar has ceased using that mark applied to those goods. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems

responsive to this Interrogatory.

Interrogatory No. 26:

Has Registrant ever been a party to any litigation or administrative proceeding, other than the present cancellation proceeding involving Registrant's Mark? If so, state all circumstances surrounding same including, without limitation, the name of the parties and identification of the proceeding, Registrant's status therein, the mark or marks involved, the type of proceeding involved, the name of the court or agency in which it was filed, the date of the filing and the file number, the ultimate disposition of the proceedings, and identify each document relating to such proceeding.

Response:

No.

Interrogatory No. 27:

For purposes of establishing priority of use, identify the earliest date upon which Registrant intends to rely in this proceeding with respect to its use of Registrant's Mark and/or any mark that includes the terms BABUSHKA or BABUSHKINO, and produce all documents relating to such use(s).

Response:

Shortly after April 7, 1998. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Request

Interrogatory No. 28:

Describe the meaning and derivation of the phrase BABUSHKA'S RECIPE as used in connection with the goods of Registrant upon or in connection with which Registrant has used that phrase.

Response:

The phrase "BABUSHKA'S RECIPE" means "grandmother's recipe. It has no meaning in connection with the goods of Registrant upon or in connection with which Registrant has used it.

Interrogatory No. 29:

State the approximate percentage of sales of products bearing Registrant's Mark via the Internet versus other sales channels, and identify documents sufficient to support your response to this Interrogatory.

Response:

Please see General Objection No. 2. Subject to that Objection, and without waiving that Objection, Registrant makes no sales over the Internet.

Interrogatory No. 30:

Identify all experts employed by Registrant for purposes of this action. For each expert. identify his or her field of specialization, whether Registrant intends to call him or her as a witness, the subject matter on which he or she is expected to testify, the bases for each

opinion, and identify all documents that relate in any way to the subject matter, facts, and/or circumstances as to which the expert is expected to testify.

Response:

Registrant has not as yet retained any expert.

Interrogatory No. 31:

Identify each non-expert witness that Registrant expects to testify, the subject matter on which the witness is expected to testify, each fact and/or opinion to which the witness is expected to testify, the bases for each opinion and identify all documents that relate in any way to the subject matter, facts, and/or circumstances as to which the witness is expected to testify.

Response:

Registrant has not yet identified all of the witnesses it intends to call, nor the exact subject matter of the testimony on which any witness will testify.

Interrogatory No. 32:

Identify each person who participated in or supplied information used in answering any of the above interrogatories; beside the name of each such person, state the number of the interrogatory answer(s) with respect to which the person participated in or supplied information.

Response:

Galina Pincow, all Interrogatories.

Signed as to Objections
COHEN, PONTANI, LIEBERMAN & PAVANE

By

Roger S. Thompson
551 Fifth Avenue
New York, New York 10176
(212) 687-2770

Attorneys for Registrant,
International Gold Star Trading Corp.

Dated: May 21, 2007

DECLARATION OF GALINA PINCOW

Galina Pincow declares that she has been authorized by International Gold Star Trading Corp. to make the within Registrant's Responses to Petitioner's Interrogatories and knows the contents thereof, and that to the best of her knowledge, information and belief, after a review of corporate records and a reasonable inquiry, they are true.

I declare under penalty of perjury that the foregoing is true and correct.

Galina Pincow

Executed On May 21, 2007

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Registrant's Responses to Petitioner's Interrogatories, was served by first class mail, postage prepaid, on counsel for Petitioner, addressed as follows:

Samuel Friedman, Esq.
225 Broadway, Suite 1804
New York, New York 10007

Roger S. Thompson
Counsel for Registrant

May 21, 2007
Date

EXHIBIT I (iii)

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FOUR SEASONS DAIRY, INC.,	Cancellation No. 92/042,082
Petitioner,	
v.	Mark: **BABUSHKA'S RECIPE**
INTERNATIONAL GOLD STAR TRADING CORP.,	Reg. No. 2,479,287
Registrant.	

REGISTRANT'S SUPPLEMENTAL RESPONSES TO PETITIONER'S INTERROGATORIES

Registrant, International Gold Star Trading Corp. ("Gold Star"), hereby responds to the Interrogatories propounded by Petitioner, Four Seasons Dairy, Inc.

General Objections

1. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things subject to a claim of attorney-client privilege, attorney work product or any other immunity from discovery. Any such documents and/or things will not be produced.

2. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things that contain confidential information of Registrant, and shall produce such documents and/or things only in accordance with the Protective Order.

3. Registrant objects to the Interrogatories to the extent that they impose obligations beyond the scope of discovery permissible under the Federal Rules of Civil Procedure, Title 37 of the Code of Federal Regulations, the TBMP or other applicable authority.

4. Registrant objects to the Interrogatories to the extent that they seek identification of attorney-client privileged and/or attorney work product documents and/or things and/or information concerning same, which documents, things and/or information concern the conduct of this proceeding and were created after the filing of the Petition herein.

5. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things not within Registrant's possession, custody or control.

6. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things, and/or information not relevant to this action and/or not reasonably calculated to lead to the discovery of admissible evidence herein.

7. Registrant's responses are not admissions that the requested information is relevant, material or admissible and are not waivers of any rights or objections available to Registrant.

8. Registrant objects to the Interrogatories to the extent that they seek identification of entire documents that contain both relevant and irrelevant information and/or both information that is requested and information that is not requested and/or both information that is immune from discovery and information that is not so immune.

9. Registrant objects to the Interrogatories to the extent that they contain a phrase such as "[a]ll documents" or the like as being overly broad and unduly burdensome to the extent that they include, for example, documents which, although containing passing reference to identified subject matter, would not ordinarily be expected to contain such information and therefore could be found only through an unreasonably burdensome search.

10. Registrant objects to the Interrogatories to the extent that they are duplicative, overlapping or otherwise redundant as to subject matter of any other Interrogatory.

11. Registrant's responses are based upon its present knowledge, information and belief and are subject to correction, modification and/or supplementation based upon later-acquired facts or other information.

12. Registrant's responses indicating that documents and/or things will be produced in response to a specific Interrogatory are not representations or admissions that such documents and/or things are within the possession, custody or control of Registrant or that such documents and/or things exist. Instead, such responses indicate only that should any such documents and/or things be found within the possession, custody or control of Registrant after a reasonable search, they will be produced, subject to any applicable objections.

13. Any objection based upon a claim of attorney-client privilege, attorney work product or any other immunity from discovery is not a representation or admission that there are such requested documents and/or things are within the possession, custody or control of Registrant or that such documents and/or things exist. Such an objection indicates only that the scope of the Interrogatory may extend to information, documents and/or things not subject to discovery for one or more of these reasons and that, should such information, documents and/or things be found within the possession, custody or control of Registrant after a reasonable search, they will not be provided.

14. Registrant objects to the provision of information, documents and/or things that would violate any duty or obligation that Registrant has to a nonparty to this action.

These objections apply to all of Registrant's responses. Specific objections are made in response to a specific Interrogatory only because they are believed to be particularly applicable to the request. They are not to be construed as waivers of any other General Objection not specifically recited therein.

INTERROGATORIES

Interrogatory No. 1

Identify all officers and directors of Registrant from 1997 to the present.

Response:

Robert Pincow, President of Gold Star from 1997 to the present. He may be reached through Gold Star's counsel.

Interrogatory No. 2:

Describe in detail all past and existing relations, including contracts, agreements, licenses, assignments, or other relations, between Registrant and any third party, including predecessor companies, related, or affiliated companies, relating in any manner to Registrant's Mark.

Response:

TRADE SECRET/COMMERCIALLY SENSITIVE material produced pursuant to Protective Order. Documents sufficient to respond to this Interrogatory have been identified and will be available for exchange, at a mutually convenient place and time.

Interrogatory No. 3:

With respect to Registrant's Mark, identify the person or persons most knowledgeable about Registrant's sales, advertising and sales promotion, adoption and use, licensing, and assignment or other transfer of rights.

Response:

Galina Pincow, Vice-President of Gold Star. She may be reached through Gold Star's counsel.

Interrogatory No. 4:

Identify all state and federal registrations, applications for registration, and uses by Registrant of any mark which incorporates the terms BABUSHKA or BABUSHKINO, and for each such registration, application, and use, identify all documents relating thereto.

Response:

United States Trademark Registration No. 2,479,287, the subject of the instant cancellation; and United States Trademark Applications Ser. Nos. 78/333,758 and 78/978,140.

Relevant documents include the file histories of the applications and registration available from the United States Patent and trademark Office. Other documents may be protected by the attorney-client privilege, and/or be confidential. Reference is therefore made to General Objection Nos. 1 and 2.

Gold Star uses the mark BABUSHKA'S RECIPE mark on at least the following goods: Dairy products, excluding ice cream, ice milk and frozen yogurt; processed and marinated vegetables; meat products, namely, chicken bologna, veal bologna, beef bologna, pork bologna, pork salami, kielbasa, canned roast beef in gravy, meats other than chicken bologna, veal bologna, beef bologna, pork bologna, pork salami, kielbasa and canned roast beef in gravy; processed meats; edible oils and fats.

Interrogatory No. 5:

Identify all third-party state and federal registrations, applications for registration, and uses known to Registrant of any mark which incorporates the terms BABUSHKA or BABUSHKINO, and for each such registration, application, and use, identify all documents relating thereto.

Response:

Gold Star is not aware of any third-party application or use of any mark which incorporates the term "BABUSHKA". Gold Star is aware of a third party registration for the mark DECAF BABUSHKA BLEND, Reg. No. 2221853.

Gold Star is not aware of any third-party registration, application or use which incorporates the term BABUSHKINO.

Interrogatory No. 6:

Describe in detail the nature of Registrant's business or businesses, including the date on which Registrant first engaged in each such business.

Response:

Gold Star is an importer and distributor of fine foods, with an emphasis on the ethnic food market, especially Russian and Eastern European ethnic foods. It has been engaged in that business since at least 1988.

Interrogatory No. 7:

Identify and describe each of the goods and/or services on which Registrant intends to use or has used Registrant's Mark, or any variation thereof

Response:

The goods with which Gold Star now uses the mark BABUSHKA'S RECIPE are listed in the above response to Interrogatory No. 4.

Gold Star intends to use the mark on at least the following goods: staple foods, namely, breads, cookies, cakes and pastries; candies; honey; salt; mustards; sauces; spices; mineral and aerated waters; fruit based beverages; non-alcoholic beverages, namely, carbonated beverages; vegetable juices; fruit drinks; fruit juices; fruits and vegetables; preserved, dried and cooked fruits and vegetables; jellies; jams; and side dishes made from processed fruits.

Interrogatory No. 8:

Identify all documents and set forth with specificity all facts regarding the selection by Registrant of Registrant's Mark including, without limitation, the circumstances and method by which Registrant adopted the terms BABUSHKA as a part of its mark.

Response:

TRADE SECRET/COMMERCIALLY SENSITIVE material produced pursuant to Protective Order. Please see General Objections Nos. 1 and 9. [redacted]

and comfort.

Interrogatory No. 9:

Describe in detail the derivation of the terms BABUSHKA'S RECIPE as Registrant's Mark and identify all documents related thereto.

Response:

TRADE SECRET/COMMERCIALLY SENSITIVE material produced pursuant to Protective Order. Please see General Objections Nos. 1 and 9. Please see response to Interrogatory No. 8.

Interrogatory No. 10:

Identify all persons who were involved in, or participated in any way with, the decision to adopt, register and/or use the BABUSHKA'S RECIPE designation, and for each such person state his/her title and the role he/she played to adopt, register and/or use the BABUSHKA'S RECIPE designation.

Response:

Galina Pincow was the sole person involved with the initial selection of the mark BABUSKA'S RECIPE.

Interrogatory No. 11:

State whether any searches or investigations were conducted by Registrant, its attorneys, or any persons on its behalf to determine whether Registrant's Mark was available

for use and/or registration, and, if so, identify each such search or investigation including the date such search or investigation was performed and the marks located in such search or investigation.

Response:

A search for relevant and responsive information is ongoing.

Interrogatory No. 12:

Identify all manufacturers or intended manufacturers of goods, and all promoters or intended promoters of services, bearing Registrant's Mark.

Response:

TRADE SECRET/COMMERCIALLY SENSITIVE material produced pursuant to Protective Order. [redacted]

Interrogatory No. 13:

For each of the goods identified in Registrant's application, to register Registration's Mark identify all documents supporting the date on which the mark was first used.

Response:

TRADE SECRET/COMMERCIALLY SENSITIVE material produced pursuant to Protective Order. Please see General Objection No. 9. Responsive documents have been identified and will be available for exchange at a mutually convenient place and time.

Interrogatory No. 14:

Identify all documents and set forth with specificity all facts with respect to any instance where a person or entity has been confused, mistaken, and/or deceived as to whether any goods or services advertised or sold under Registrant's Mark are those of Petitioner, or are connected or associated with Petitioner, and for each such incident provide the date of such incident, the identity of the person or entity, and a detailed description of the circumstances of such confusion. mistake and/or deception.

Response:

Please see General Objection No. 9. While preserving this objection, Gold Star knows of no instance of actual confusion at this time.

Interrogatory No. 15:

Identify all documents and set forth with specificity the substance of each communication, oral or written, received by Registrant, which suggests, implies or infers that any of the products of Registrant sold under Registrant's Mark, or any mark that includes the terms BABUSHKA'S or BABUSHKINO, is a product of Petitioner or is affiliated, connected and/or associated with Petitioner, or which inquires as to whether there is or may be an affiliation. connection and/or association between Registrant and Petitioner, and identify any response(s) by Registrant to each such communication.

Response:

Please see General Objection No. 9. While preserving this objection, Gold Star

knows of no responsive documents or communications at this time.

Interrogatory No. 16:

Identify all inquiries, investigations, surveys, evaluations and or studies conducted by Registrant or by anyone acting for or on its behalf with respect to Registrant's Mark, and marks owned or used by Registrant which incorporate the terms BABUSHKA'S or BABUSHKINO as an element of the mark, including the date conducted, the name, address and title of each person who conducted it, the purpose for which it was conducted, the findings or conclusions made. and identify all documents which record, refer to, or relate to such inquiry, investigation. survey evaluation or study.

Response:

TRADE SECRET/COMMERCIALLY SENSITIVE material produced pursuant to Protective Order. Please see General Objection No. 9. [redacted]

Interrogatory No. 17:

Identify each different sign, display, point-of-sale display, label, hangtag, wrapper, container, package, advertisement, brochure, promotional material, and the like, known to Registrant which contains or bears Registrant's Mark or any variation thereof and which is intended to be used or has been used or disseminated at any time by Registrant.

Response:

Please see General Objection No. 2. Subject to that Objection, and without waiving

that Objection, Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Interrogatory.

Interrogatory No. 18:

Identify each person employed by Registrant, or each outside agency or agent retained by Registrant, who has been or now is responsible for the following activity with respect to any of the goods or services intended to be offered or rendered or actually offered or rendered under Registrant's Mark:

a. marketing;

b. advertising and promotion; and

c. bookkeeping and accounting.

Response:

a. Galina Pincow and James Pincow.

b. Galina Pincow and James Pincow.

c. Galina Pincow, Lyudmila Glants and Rima Vulikh

Interrogatory No. 19:

Has Registrant ever licensed or permitted or had negotiations to license or permit or otherwise granted rights to third parties to use Registrant's Mark or any mark including the terms BABUSHKA'S or BABUSHKINO as a component? If so, identify the party or parties who have received or sought such license or permission or other right, state the nature and extent of any such license or permitted use or right, given or negotiated. and identify and

describe all documents comprising or containing any such license, permission, or other right or any agreement in respect to such mark.

Response:

No.

Interrogatory No. 20:

For each of the goods or services sold under Registrant's Mark, set forth the number of units and dollar amount of the annual sales of such goods or services, the dollar amount of annual advertising expenditure on such goods or services, and the individual media through which such advertising took place, and the dollar amount of advertising through each such media: and identify documents sufficient to support your response to this interrogatory.

Response:

TRADE SECRET/COMMERCIALLY SENSITIVE material produced pursuant to Protective Order. Documents sufficient to respond to this Interrogatory have been identified and will be available for exchange at a mutually convenient place and time. [redacted]

Interrogatory No. 21:

State in detail the channels of trade in which Registrant's Mark is used and/or in which goods bearing Registrant's Mark are sold, including the geographic area by state, territory or possession in which Registrant's Mark is used and/or sold, the manner in which

the goods or services reach the ultimate consumer, the geographical reach of each such channel, and the approximate percentage of total sales of goods and/or services through each such channel, and identify documents sufficient to support your response to this interrogatory.

Response:

TRADE SECRET/COMMERCIALLY SENSITIVE material produced pursuant to Protective Order. [redacted]

Interrogatory No. 22:

Identify each statement or opinion obtained by or for Registrant regarding any issue in this cancellation proceeding including, but not limited to, whether the statement was oral or in writing, and identify all documents which record, refer to, or relate to such statement or opinion

Response:

Please see General Objection No. 1. As understood, none.

Interrogatory No. 23:

Identify with specificity the marketing methods used in the advertising and/or sale of goods and/or services by or for Registrant under Registrant's Mark, including, without limitation, the names of television stations, radio stations. Internet web sites, newspapers,

magazines, trade journals or periodicals, and/or retail establishments in which Registrant has advertised and intends to advertise its goods and/or services under Registrant's Mark, and identify documents sufficient to support your response to this interrogatory.

Response:

Catalogues, flyers, sell sheets and sales by company personnel. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Request.

Interrogatory No. 24:

Identify the ordinary purchaser of the goods or services sold and intended to be sold under Registrant's Mark including, without limitation, the level of care exercised by such an ordinary purchaser in purchasing the goods or services sold under Registrant's Mark.

Response:

Registrant sells its products directly to wholesalers, distributors, grocery stores, supermarkets, ethnic stores and specialty food stores. The products' ultimate consumers, however, are the retail customers of those stores, who may range in education from children to recent émigrés to highly educated professionals. It is believed that the level of care that general consumers exercise, however, is not high, given the cost of the products.

Interrogatory No. 25:

Identify all documents relating to and set forth with specificity all facts regarding any

instance where Registrant has notified anyone that any trademark or service mark used by that person or entity infringed Registrant's Mark and/or any mark of Registrant that includes the terms BABUSHKA'S or BABUSHKINO, and for each such instance provide a detailed description of any action taken thereafter.

Response:

Please see General Objection No. 9. Subject to, and without waiving that Objection, Gold Star responds as follows: On or about My 11, 2002, counsel for Gold Star sent a facsimile transmission to Natar Foods, Inc. ("Natar") demanding that Natar cease and desist from using the mark "Бабушкин Творог" for farmer cheese. To the best knowledge, information and belief of Gold Star, Natar has ceased using that mark applied to those goods. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Interrogatory.

Interrogatory No. 26:

Has Registrant ever been a party to any litigation or administrative proceeding, other than the present cancellation proceeding involving Registrant's Mark? If so, state all circumstances surrounding same including, without limitation, the name of the parties and identification of the proceeding, Registrant's status therein, the mark or marks involved, the type of proceeding involved, the name of the court or agency in which it was filed, the date of the filing and the file number, the ultimate disposition of the proceedings, and identify each document relating to such proceeding.

Response:

No.

Interrogatory No. 27:

For purposes of establishing priority of use, identify the earliest date upon which Registrant intends to rely in this proceeding with respect to its use of Registrant's Mark and/or any mark that includes the terms BABUSHKA or BABUSHKINO, and produce all documents relating to such use(s).

Response:

Shortly after April 7, 1998. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Request

Interrogatory No. 28:

Describe the meaning and derivation of the phrase BABUSHKA'S RECIPE as used in connection with the goods of Registrant upon or in connection with which Registrant has used that phrase.

Response:

The phrase "BABUSHKA'S RECIPE" means "grandmother's recipe. It has no meaning in connection with the goods of Registrant upon or in connection with which Registrant has used it.

Interrogatory No. 29:

State the approximate percentage of sales of products bearing Registrant's Mark via the Internet versus other sales channels, and identify documents sufficient to support your response to this Interrogatory.

Response:

Please see General Objection No. 2. Subject to that Objection, and without waiving that Objection, Registrant makes no sales over the Internet.

Interrogatory No. 30:

Identify all experts employed by Registrant for purposes of this action. For each expert. identify his or her field of specialization, whether Registrant intends to call him or her as a witness, the subject matter on which he or she is expected to testify, the bases for each opinion, and identify all documents that relate in any way to the subject matter, facts, and/or circumstances as to which the expert is expected to testify.

Response:

Registrant has not as yet retained any expert.

Interrogatory No. 31:

Identify each non-expert witness that Registrant expects to testify, the subject matter on which the witness is expected to testify, each fact and/or opinion to which the witness is expected to testify, the bases for each opinion and identify all documents that relate in any way to the subject matter, facts, and/or circumstances as to which the witness is expected to

testify.

Response:

Registrant has not yet identified all of the witnesses it intends to call, nor the exact subject matter of the testimony on which any witness will testify.

Interrogatory No. 32:

Identify each person who participated in or supplied information used in answering any of the above interrogatories; beside the name of each such person, state the number of the interrogatory answer(s) with respect to which the person participated in or supplied information.

Response:

Galina Pincow, all Interrogatories.

Signed as to Objections
COHEN, PONTANI, LIEBERMAN & PAVANE

By

Roger S. Thompson
551 Fifth Avenue
New York, New York 10176
(212) 687-2770

Attorneys for Registrant,
International Gold Star Trading Corp.

Dated: June 20, 2007

DECLARATION OF ROBERT PINCOW

Robert Pincow declares that he has been authorized by International Gold Star Trading Corp. to make the within Registrant's Responses to Petitioner's Interrogatories and knows the contents thereof, and that to the best of his knowledge, information and belief, after a review of corporate records and a reasonable inquiry, they are true.

I declare under penalty of perjury that the foregoing is true and correct.

Robert Pincow

Executed On June 20, 2007

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Registrant's Supplemental Responses to Petitioner's Interrogatories, was served by first class mail, postage prepaid, on counsel for Petitioner, addressed as follows:

Samuel Friedman, Esq.
225 Broadway, Suite 1804
New York, New York 10007

Roger S. Thompson
Counsel for Registrant

June 20, 2007
Date

cplp
COHEN PONTANI LIEBERMAN & PAVANE LLP
551 Fifth Avenue
New York, NY 10176

047J82013383
$01.48⁰
06/20/2007
Mailed From 10176
US POSTAGE

cplp
Cohen Pontani Lieberman & Pavane
551 Fifth Avenue, New York, NY 10176

TO
Samuel Friedman, Esq.
225 Broadway, Suite 1804
New York, New York 10007

180X

EXHIBIT I (iv)

Cancellation No.: 92042082
Four Seasons Dairy Inc. v. International Gold Star Trading Corp.
Offered by Petitioner, Four Seasons Dairy Inc.

Ingredients: Pasteurized Part Skim Milk, Yogurt Cultures, Acidophilus, Bifidus, Enzymes, Salt.

БАБУШКИН РЕЦЕПТ

TO BE WEIGHED AT TIME OF SALE

Premium All Natural

International Gold Star Trading Corp.
570 Smith Street, Brooklyn, New York 11231
(718) 522-1545

FARMER CHEESE (TVOROG)

INGREDIENTS: CULTURED PASTEURIZED SKIM MILK, CREAM , SALT

DISTRIBUTED BY

Int'l Gold Star Trading Corp.
Brooklyn, NY 11231

Tel:(718) 522-1545

KEEP REFRIGERATED

TO BE WEIGHED AT TIME OF SALE

Nutrition Facts
Serving Size 1 oz (30g/about 2 Tbsp.)
Servings Per Container: Varied

Amount Per Serving	
Calories 50	Calories from Fat 25
	% Daily Value
Total Fat 2.5g	4%
Saturated Fat 1.5g	8%
Cholesterol 10 mg	4%
Sodium 120 mg	5%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	
Vitamin A 0% Vitamin C 0%	
Calcium 0% Iron 0%	

FARMER CHEESE (TVOROG)

INGREDIENTS: CULTURED PASTEURIZED SKIM MILK, CREAM , SALT

DISTRIBUTED BY

Int'l Gold Star Trading Corp.
Brooklyn, NY 11231

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KEEP REFRIGERATED

TO BE WEIGHED AT TIME OF SALE

Nutrition Facts
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	% Daily Value
Total Fat 2.5g	4%
Saturated Fat 1.5g	8%
Cholesterol 10 mg	4%
Sodium 120 mg	5%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	
Vitamin A 0% Vitamin C 0%	
Calcium 0% Iron 0%	

FARMER CHEESE (TVOROG)

INGREDIENTS: CULTURED PASTEURIZED SKIM MILK, CREAM , SALT

DISTRIBUTED BY.

Int'l Gold Star Trading Corp.
Brooklyn, NY 11231

Tel:(718) 522-1545

KEEP REFRIGERATED

TO BE WEIGHED AT TIME OF SALE

Nutrition Facts
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Cholesterol 10 mg	4%
Sodium 120 mg	5%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	
Vitamin A 0% Vitamin C 0%	
Calcium 0% Iron 0%	

FARMER CHEESE (TVOROG)

INGREDIENTS: CULTURED PASTEURIZED SKIM MILK, CREAM , SALT

DISTRIBUTED BY:

Int'l Gold Star Trading Corp.
Brooklyn, NY 11231

Tel:(718) 522-1545

KEEP REFRIGERATED

TO BE WEIGHED AT TIME OF SALE

Nutrition Facts
Serving Size 1 oz (30g/about 2 Tbsp.)
Servings Per Container: Varied

Amount Per Serving	
Calories 50	Calories from Fat 25
	% Daily Value
Total Fat 2.5g	4%
Saturated Fat 1.5g	8%
Cholesterol 10 mg	4%
Sodium 120 mg	5%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	
Vitamin A 0% Vitamin C 0%	
Calcium 0% Iron 0%	

ORIGINAL DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER & HAS A MICROPRINTED BORDER

CITIBANK

CITIBANK, N.A. BR. #395
7501 THIRD AVENUE
BROOKLYN, NY 11209

0004960

INTERNATIONAL GOLD STAR TRADING CORP.
ACCOUNT NO. 2
570 SMITH STREET
BROOKLYN, NY 11231

1-8/210 BR: 395

CHECK NO.	CHECK DATE	VENDOR NO.
150157956	102 4107 21	020899
004960	01/28/99	PEER

CHECK AMOUNT

PAY FIVE HUNDRED FORTY-TWO AND 17/100 DOLLARS*********

**********542.17

TO THE ORDER OF PEERLESS PRESS
5820 FT. HAMILTON PKWY

BROOKLYN NY 11219-4897

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈004960⑈ [redacted] ⑆000005421 7⑆

GOLD0003

PAY TO THE ORDER OF
NORTH FORK BANK
BROOKLYN, NY 11219
⑆ 021407912 ⑆
FOR DEPOSIT ONLY
H. T. L. AND S.
PEERLESS PRESS D/B/A
⑈ 0444805517

1312 47107

⑆021407912⑆
NORTH FORK
BROOKLYN, NY
⑆021407912⑆

NORTH FORK BANK
Brooklyn 65th Street

⑈0444805517⑈ 021407912⑆ 1312⑈

ORIGINAL DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER & HAS A MICROPRINTED BORDER

CITIBANK

CITIBANK, N.A. BR. #395
7501 THIRD AVENUE
BROOKLYN, NY 11209

0004852

INTERNATIONAL GOLD STAR TRADING CORP.
ACCOUNT NO. 2
570 SMITH STREET
BROOKLYN, NY 11231

1-8/210 BR. 395

CHECK NO.	CHECK DATE	VENDOR NO.
004852	01/06/99	GLENRO

PAY

SIX HUNDRED SEVENTY-ONE AND 19/100 DOLLARS ********

CHECK AMOUNT
$**********671.19

TO THE ORDER OF:
GLENROY/FIRST IMPRESSIONS
1437 WELLS DRIVE

BENSALEM PA 19020

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈004852⑈ [redacted] ⑈0000067119⑈

GOLD0005

0434 08840

JUL 20 99

▶031000011◀
FUND-BK
PHILADELPHIA PA
6/28/1999

PAID CIT
CCPD #658
4152 150244

GOLD0006

From: "Galina Pincow" <Galina@GoldStarUSA.com> **Date:** Thursday, May 24, 2007 11:03 AM
To: <jpincow@goldstarusa.com>
Subject: Fw: Files from 1997
Attachments: Attachment 1.dat, dirBabushkaKefirCheese.jpg, dirBabushkaKefirCheese.jpg, Archive.zip

HTML | Plain Text | Header | Raw Content

Galina Pincow
International Gold Star, Inc.
Tel. (718) 522-1545
E-mail: Galina@GoldStarUSA.com
----- Original Message -----
From: "James Pincow"
To:
Sent: Tuesday, May 22, 2007 1:03 PM
Subject: fw: Files from 1997

-------- Original Message --------
> From: Irina Lubenskaya
> Sent: Tuesday, May 22, 2007 12:52 PM
> To: jpincow@goldstarusa.com
> Subject: Files from 1997
>
> James,
>
> I found the disk with Babushka files.
>
> Attached is a screen capture of the files directory and a Zipped folder
> with files, all dated November-December 1997. I'll be happy to send you

> the original disk (it's a Zip disk), if needed.
>
> Let me know if you would still like me to write a letter and to whom it
> should be addressed.
>
> Best regards.
>
> Irina Lubenskaya
> 914-747-3972 cell: 917-628-3284
> irina@dbdma.com

Babushka/Kefir/Cheese

local disks

- Network
- Macintosh HD
- DesignBrigade
- Firefox
- Zip 100
- Desktop
- irinalubenskaya
- Applications
- Documents
- Movies
- Music
- Pictures

Name	Date Modified	Size	Kind
42011YCGarlWheel.EPS	December 29, 1997, 3:43 PM	26 KB	NSPost...ardType
42012YCSmokWh.EPS	December 29, 1997, 3:44 PM	27 KB	NSPost...ardType
42013YCVegWh.EPS	December 29, 1997, 3:47 PM	26 KB	NSPost...ardType
42014YCOrigWheel.EPS	December 29, 1997, 3:49 PM	26 KB	NSPost...ardType
42021YCGarlLoaf.EPS	December 29, 1997, 3:42 PM	26 KB	NSPost...ardType
42022YCSmokLoaf.EPS	December 29, 1997, 3:45 PM	26 KB	NSPost...ardType
42023YCVegLoaf.EPS	December 29, 1997, 3:48 PM	26 KB	NSPost...ardType
42024YCOrigLoaf.EPS	December 29, 1997, 3:49 PM	26 KB	NSPost...ardType
44001KefirPl.EPS	December 29, 1997, 3:39 PM	26 KB	NSPost...ardType
44002KefirLF.EPS	December 29, 1997, 3:40 PM	26 KB	NSPost...ardType
Cheese.doc	December 30, 1997, 8:29 AM	764 KB	QuarkX...cument
grannyCollect.eps	July 27, 1997, 7:55 PM	6.9 MB	Adobe ... EPS file
grannyColor4.eps	December 1, 1997, 7:44 AM	8.5 MB	EPS File
grannyColor4.epsold	November 30, 1997, 3:08 PM	8.5 MB	EPS File
Kefir.doc	December 30, 1997, 8:15 AM	281 KB	QuarkX...cument

15 items, 1 MB available

GOLD0008

100A Cabot Street
West Babylon, NY 11704
631- 420-4949
631-420-4909 (Fax)

Gem Printing

May 24, 2007

Gold Star International
570 Smith Street
Brooklyn, NY 11231

Galina,

Per our conversation I have enclosed copies of our records regarding the "Babushka's Recipe" Farmer Cheese Tropol labels. These include our invoice as well as a facsimile of the label.

Our records indicate that these labels were first produced on September 29, 2000. At that time a total of 5,500 labels (4" x 8" butt cut) were made. These labels were printed blue and gold on a clear stock.

I hope this information is helpful. If I am able to locate any additional information, I will forward it to your attention as soon as it is available. If you have any questions or comments please feel free to contact me at the number above.

Regards,

Dan Bartolomeo

GEM PRINTING

100A CABOT STREET
WEST BABYLON, NY 11704
PH 631-420-4949 FAX 631-420-4909

Invoice

Date	Invoice #
9/29/2000	3151

PAID

Bill To	Ship To
Gold Star International 570 Smith Street Brooklyn, N.Y. 11231	Gold Star International 570 Smith Street Brooklyn, N.Y. 11231

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
GALINA	Net 30		9/29/2000	OT	BROOKLYN	

Quantity	Item Code	Description	Price Each	Amount
5,500	0272	4" X 8" BUTT CUT, BABUSHKA'S RECIPE, HOMESTYLE BUTTER, 3/C ON CLEAR STOCK	0.05785	318.18
	300	Shipping & Handling 11 ROLLS, 500/ROLL	10.00	10.00

Total $328.18

GOLD0010

FARMER CHEESE TBOPOL

Nutrition Facts	Amount/Serving	%DV*	Amount/Serving	%DV*
Serving Size 1oz. (30g) about 2 Tbsp.	**Total Fat** 2.5g	**4%**	**Total Carb.** 0g	**0%**
Servings Per Container Varied	Sat. Fat 1.5g	**8%**	Dietary Fiber 0g	**0%**
Calories 50	**Cholesterol** 10mg	**4%**	Sugars 0g	
Fat Cal. 25	**Sodium** 120mg	**5%**	**Protein** 5g	

*Percent Daily Values (DV) are based on a 2,000 calorie diet.

Vitamin A 0% • Vitamin C 0% • Calcium 4% • Iron 0%

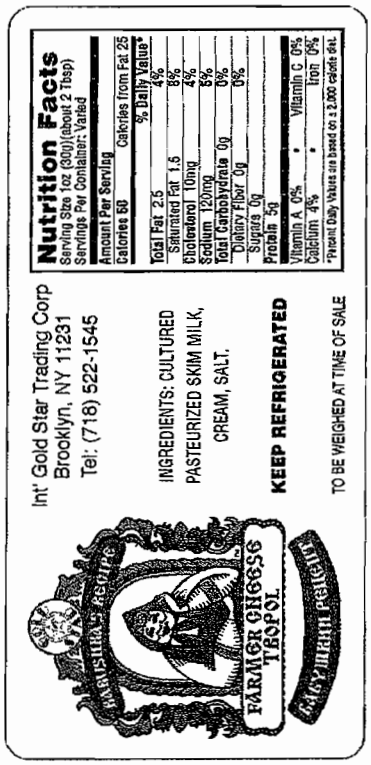
Ingredients: Cultured Pasteurized Skim Milk, Cream, salt.

БАБУШКИН РЕЦЕПТ

TO BE WEIGHED AT TIME OF SALE

KEEP REFRIGERATED

International Gold Star Trading Corp.
570 Smith Street, Brooklyn, New York 11231
(718) 522-1545



Int' Gold Star Trading Corp
Brooklyn, NY 11231
Tel: (718) 522-1545

INGREDIENTS: CULTURED PASTEURIZED SKIM MILK, CREAM, SALT.

KEEP REFRIGERATED

TO BE WEIGHED AT TIME OF SALE

Nutrition Facts		
Serving Size 1oz (30g)(about 2 Tbsp)		
Servings Per Container: Varied		
Amount Per Serving		
Calories 50	Calories from Fat 25	
		% Daily Value*
Total Fat 2.5		4%
Saturated Fat 1.5		8%
Cholesterol 10mg		4%
Sodium 120mg		5%
Total Carbohydrate 0g		0%
Dietary Fiber 0g		0%
Sugars 0g		
Protein 5g		
Vitamin A 0% • Vitamin C 0%		
Calcium 4% • Iron 0%		

*Percent Daily Values are based on a 2,000 calorie diet.

GOLD0011

Subj: **Re: GLOBAL GREEN PRICES**
Date: 12/21/2004 7:37:45 PM Eastern Standard Time
From: galina@GoldStarUSA.com
To: IAIJR@aol.com

Dear Jerry,

Thanks very much for the price list and your time on the phone. Below please find our P/O:

UPC 021143 39001 Pickles 1000ml - 500cs
UPC 021143 39002 Red Tomatoes 1000ml - 450cs
UPC 021143 39003 Assorti 1400ml - 500cs

Please have the manufacturer adjust our "Babushka" label to comply with the specifications of the products we have ordered. Also, we are providing you with the UPC code for each item to be printed on the respective labels. We assume that the product will be ready to ship in January and arrive March 2005. Please ensure that the taste profile of the products is as close as possible to the samples we will provide you with.
Awaiting your confirmation.
Best regards,
Galina Pincow

—— Original Message ——
From: IAIJR@aol.com
To: Galina@GoldStarUSA.com
Sent: Tuesday, December 21, 2004 9:37 AM
Subject: GLOBAL GREEN PRICES

Good morning Galina -

We have put together a list of prices. I think that we included all the items that you were looking for. For the private label, we can only put up to three items on a container. Global Green already has your label for the 24 oz product.

You had asked about red tomatoes, and this product is only available from India through the end of March. I will call you to discuss this further. We look forward to doing business.

Best regards,

Jerry Rosenblum
General Manager
GLOBAL GREEN USA Ltd.
19 Spear Road Suite 308
Ramsey, NJ 07446 USA
tel: 201-327-2228 fax: 201-327-2275 E-mail: iaijr@aol.com

Wednesday, December 22, 2004 America Online: IAIJR

USA/GOLD STAR

Subj: **Gold Star Labels**
Date: 1/12/2005 2:34:50 PM Eastern Standard Time
From: info@goldstarusa.com
To: iaijr@aol.com
CC: galina@GoldStarUSA.com

Hello Jerry,

Attached please find Russian writing for the two new products that we orderred.
If you have any questions, please call me at 718-522-1545 ext. 17 or e-mail me at Lyuda@goldstarusa.com

Best regards,
Lyudmila Glants

Wednesday, January 12, 2005 America Online: IAIJR

USA / GOLD STAR

Nutrition Facts	Amount/Serving	%DV*	Amount/Serving	%DV*
Serving Size 1oz. (30g) about 2 Tbsp.	**Total Fat** 2.5g	**4%**	**Total Carb.** 0g	**0%**
Servings Per Container Varied	Sat. Fat 1.5g	**8%**	Dietary Fiber 0g	**0%**
Calories 50	**Cholesterol** 10mg	**4%**	Sugars 0g	
Fat Cal. 25	**Sodium** 120mg	**5%**	**Protein** 5g	

*Percent Daily Values (DV) are based on a 2,000 calorie diet.

Vitamin A 0% • Vitamin C 0% • Calcium 4% • Iron 0%

Ingredients: Cultured Pasteurized Skim Milk, Cream, salt.

БАБУШКИН РЕЦЕПТ

TO BE WEIGHED AT TIME OF SALE

KEEP REFRIGERATED

International Gold Star Trading Corp.
570 Smith Street, Brooklyn, New York 11231
(718) 522-1545

Int' Gold Star Trading Corp
Brooklyn, NY 11231
Tel: (718) 522-1545

INGREDIENTS: CULTURED PASTEURIZED SKIM MILK, CREAM, SALT.

KEEP REFRIGERATED

TO BE WEIGHED AT TIME OF SALE

Nutrition Facts
Serving Size 1oz (30g)(about 2 Tbsp)
Servings Per Container: Varied

Amount Per Serving	
Calories 50	Calories from Fat 25
	% Daily Value*
Total Fat 2.5	4%
Saturated Fat 1.5	8%
Cholesterol 10mg	4%
Sodium 120mg	5%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	

Vitamin A 0% • Vitamin C 0%
Calcium 4% • Iron 0%

*Percent Daily Values are based on a 2,000 calorie diet.

INTERNATIONAL GOLD STAR TRADING CORP.
570 Smith Street, Brooklyn, NY 11231
Tel: (718) 522-1545; Fax: (718) 260-9194

ЭКСКЛЮЗИВНО ОТ GOLD STAR !

ДОМАШНЕЕ МАСЛО
9 / 5 LB

$ LB

2-60

#48001

* ALL PRICES ARE SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

INTERNATIONAL GOLD STAR TRADING CORP.
570 SMITH STREET
BROOKLYN, NY 11231 USA

TEL: (718) 522-1545 FAX: (718) 260-9194
www.goldstarco.com
E-mail: intl@goldstarco.com

99c and below

SNACKS:

Item#	Description
64601	WAFER LEMON ISRAEL (24 X 200g)
64605	WAFER CUBITES ISRAEL (18 X 200g)
64603	WAFER VANILLA ISRAEL (24 X 200g)
60101	COOKIES CHERRY 15 / 160g
60101	COOKIES BUTTER BISCUIT 15 / 160g

2 FOR 99C

CLOSEOUT DUE TO A CLOSE EXPIRATION DATE

BEVERAGES:

55001	SAINT SPRING MINERAL WATER (NON SPARKLING)	12/1.5L
55002	SAINT SPRING MINERAL WATER (SPARKLING)	12/1.5L
55004	SAINT SPRING MINERAL WATER (SPARKLING, ORANGE)	12/1.5L
52102	ORANGE SOFT DRINK "FANTASTIKA"	6/1.5L
52103	PEAR SOFT DRINK "FANTASTIKA"	6/1.5L
52104	KREM-SODA SOFT DRINK "FANTASTIKA"	6/1.5L

2 FOR 99C

GROCERY:

30312	SOUP PEA VEGETERIAN 12 / 05	$0.99	$11.88
35607	CHERRY PRESERVES "OMA" 6 / 350g	$0.99	$5.94
35609	RASPBERRY PRESERVES "OMA" 6 / 350g	$0.99	$5.94
32133	JAM STRAWBERRY "VERES" 12 / 385g	$0.99	$11.88
32135	JAM APRICOT "VERES" 12 / 400g	$0.99	$11.88
32134	JAM PEACH "VERES" 12 / 400g	$0.99	$11.88
32122	BEANS UKRAINIAN STYLE 12 / 500g	$0.99	$11.88
32123	BEANS W/VEGETABLES 12 / 530g	$0.99	$11.88
32108	KETCHUP HOT "PICNINC" 30 / 300g	2 FOR $0.99	
35531	LETCHO 8 / 720g "CHUMAK"	$0.99	$7.92
39905	PICKLED ASSORTMENT 6 / 1020g HUNGARY	$0.99	$5.94
39901	LETCHO 6 / 500g HUNGARY	$0.65	$3.90
32119	STUFFED PEPPERS W/CABAGE 6 / 1020g	$0.99	$5.94
39000	PICKLES BABUSHKA'S RECIPE 12 / 720g	$0.79	$9.48

* ALL PRICES ARE SUBJECT TO CHANGE

intl@goldstarco.com

From: "Izabella" <iza@ikp.atm.com.pl>
To: "Galina Pincow" <intl@goldstarco.com>
Sent: Monday, November 13, 2000 3:04 PM
Subject: Catalogue - Diary Products

Dear Lyuda:

attached please find the catalgue pages of the Diary Products Section and following my comments

Page # 19

Cheese

No need for changes. Maybe teh second (middle) row should be wider (more space between pictures) so that it has the same width as the third one.
OK

Page # 20

Cheese

Missing pictures 42022 and 42026
I will send you a picture to place between 42024 & 42025

Page # 21

Butter

Missing picture 40300
It's OK. But 48001 ROTATE FROM ← to ↑. 90°

Kefir

No need for changes

Page # 22

Feta& Farmer Cheese

There are two pictures of 40502 - why? If possible I would change the places of 40501 and 40502 in the third row.
The upper supposed to be 40500, and take away the one that says 40500 now.

Regards
Robert

GOLD0018
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0019
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0020
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0021
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0022
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0023
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0024
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0025
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0026
was removed due to
Trademark Secret/Commercially
Sensitive Material

GOLD0027
was removed due to
Trademark Secret/Commercially
Sensitive Material

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GOLD0035
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Trademark Secret/Commercially
Sensitive Material

GOLD0036
was removed due to
Trademark Secret/Commercially
Sensitive Material

WE SELL KOSHER AND NON-KOSHER FOODS

TABLET-K
D/B/A
RELIGIOUS AND KITCHEN SUPERVISION INC.
Specializing in Kosher Products & Institutional Services
6 Copper Beach Lane / Lawrence, N.Y. 11559-2606
Tel. 516-569-9081 / Fax 516-569-9083

Kashruth Administrator
Rabbi Rafael Saffra

Supervisory Board
Rabbi Nachum Saffra
Rabbi Dovid Saffra

July 1,2001

To Whom It May Concern,

This is to certify that the following products,packed, produced, and distributed by **INTERNATIONAL GOLD STAR TRADING CORP.A/S/A GOLDSTAR SMOKED FISH CO.**, 570 Smith Street, Brooklyn, NY 11231, are under strict Orthodox Rabbinical Supervision.

The following items are **KOSHER PAREVE**:

HERRING
MACKEREL
WHITEFISH
CHUBS
SHAD
"PALTUS"-HALIBUT-TURBOT
"BALIC CAPITAN"-SEA BASS
SALMON
RAINBOW TROUT
ASSORTMENT-2
SPRATS
DRIED FISH

The following item is **KOSHER DAIRY**:

CREAM STYLE HERRING

These products comply with the highest standards of Orthodox Halacha, Jewish Dietary Laws.

This Certification is effective through July 1, 2002, and is subject to renewal at that time.

Sincerely
TABLET-K

RABBI RAFAEL SAFFRA
KASHRUTH AMINISTRATOR

Tel: (718) 522-1545
Fax: (718) 260-9194

International Gold Star Trading Corp.
570 Smith Street, Brooklyn, NY 11231

Certificate of Achievement

This 20 - Year
Achievement Award is presented to

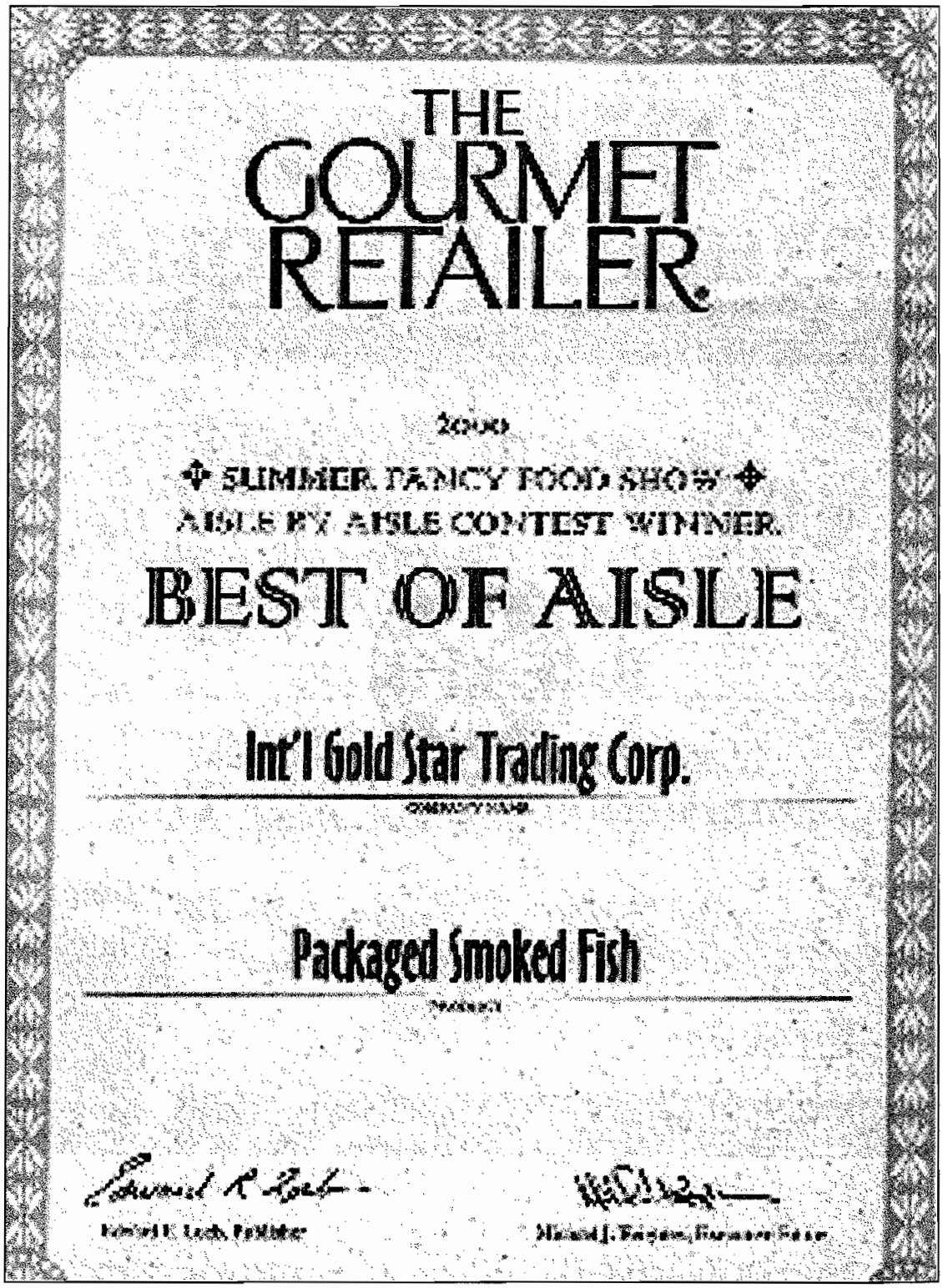
Robert Pincow

and

International Gold Star Trdg

For 20 Years of Continued Growth
And Customer Satisfaction
1981-2001

On this 1st day
of January 2001



THE
GOURMET
RETAILER

2000

SUMMER FANCY FOOD SHOW
AISLE BY AISLE CONTEST WINNER

BEST OF AISLE

Int'l Gold Star Trading Corp.

Packaged Smoked Fish

Tel: (718) 522-1545
Fax: (718) 260-9194

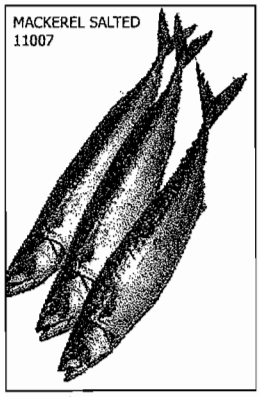
International Gold Star Trading Corp.
570 Smith Street, Brooklyn, NY 11231

FISH PRODUCTS

ALL FISH MANUFACTURED BY GOLD STAR SMOKED FISH CORP. *

HERRING

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
10000	HERRING SUPER JUMBO	25 PCS / PAIL	$1.65 / PC	$41.25 / PAIL
10001	HERRING JUMBO	30 PCS / PAIL	$1.10 / PC	$37.50 / PAIL
10002	HERRING MEDIUM	40 PCS / PAIL	$0.70 / PC	
10003	HERRING COLD SMOKED V/P	LB	$2.00 / LB	
10006	HERRING FILLET V/P	6 / 2.5 LB TRAY	$7.50 / TRAY	$45.00 / CASE
10004	HERRING IN OIL (GLASS JAR)	12 / 16 OZ	$2.50 / PC	
10008	HERRING MARINATED (PLASTIC CONT.)	10 / 7 OZ	$1.75 / PC	
10009	HERRING MARINATED (PLASTIC CONT.)	10 / 14 OZ	$2.75 / PC	

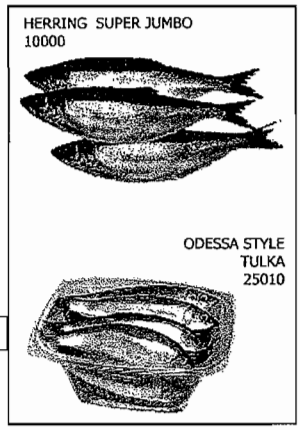

MACKEREL SALTED
11007

MACKEREL

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
11004	MACKEREL COLD SMOKED (800+)	LB	$2.75
11005	MACKEREL HOT SMOKED	LB	$2.50
11006	MACKEREL COLD SMOKED (600+)V/P	LB	$2.85
11008	MACKEREL LARGE COLD SMOKED	LB	$2.25
11009	MACKEREL COLD SMOKED (800+) V/P	LB	$2.85

WHITEFISH

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
12000	WHITEFISH COLD SMOKED (RIBETZ)	LB	$3.25
12001	WHITEFISH COLD SMOKED V/P (RIBETZ)	LB	$3.35
12002	WHITEFISH DRY	LB	$4.00
12003	WHITEFISH DRY V/P	LB	$4.10
12004	WHITEFISH HOT SMOKED	LB	$3.25
12006	WHITEFISH COLD SMOKED SMALL (RIBETZ)	LB	$2.85
12011	WHITEFISH FILLET COLD SMOKED V/P	LB	$8.00
12012	WHITEFISH FILLET DRY V/P	LB	$9.00


HERRING SUPER JUMBO
10000

ODESSA STYLE
TULKA
25010

SHAD

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	
15000	SHAD COLD SMOKED	LB	$2.50	
15001	SHAD COLD SMOKED V/P	LB	$2.60	
15002	SHAD COLD SMOKED CHUNKED V/P	LB	$2.75	
15003	SHAD SLICED V/P	30 / 0.5 LB	$1.50	$45.00 / CASE
15007	SHAD SLICED COLD SMOKED V/P	1 LB	$3.50 / PC	
15005	SHAD IN OIL (GLASS JAR)	12 / 16 OZ	$2.70 / PC	$32.40 / CASE
15006	SHAD IN OIL	1 / 6 LB PAIL	$20.00 / PAIL	

TURBOT - "PALTUS"

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
20000	PALTUS COLD SMOKED V/P	LB	$4.25	
20001	PALTUS COLD SMOKED SLICED V/P	30 / 0.5 LB	$3.00 / PC	$90.00 / CASE
20004	PALTUS COLD SMOKED PCS	LB	$1.50	
20006	PALTUS COLD SMOKED SLICED V/P	20 / 1 LB	$5.00 / PC	$100.00 / CASE
20007	PALTUS COLD SMOKED SLICED V/P	60 / 0.25 LB	$1.75 / PC	$105.00 / CASE

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

SEA BASS - "BALIC CAPITAN"

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
18000	SEA BASS CAPITAN C/S CHUNK V/P	LB	$11.00	
18001	SEA BASS CAPITAN C/S SLICED V/P	60 / 0.25 LB	$3.40 / PC	$189.00 / CASE
18002	SEA BASS CAPITAN C/S SLICED V/P	30 / 0.5 LB	$6.50 / PC	$204.00 / CASE
18003	SEA BASS CAPITAN C/S SLICED V/P	5 / 3 LB TRAY	$34.50 / PC	$172.50 / CASE
18008	SEA BASS CAPITAN CUSTOM SLICED V/P	LB	$11.25	
18011	SEA BASS CAPITAN PCS	LB	$3.00	
18004	GOLDEN CAPITAN SLICED V/P	35 / 0.5 LB	$4.00 / PC	$140.00 / CASE
18005	GOLDEN CAPITAN SLICED V/P	60 / 0.25 LB	$2.50 / PC	$150.00 / CASE
18006	GOLDEN CAPITAN CHUNK V/P	LB	$7.50	
18012	GOLDEN CAPITAN SLICED V/P	20 / 1 LB	$8.00 / PC	$160.00 / CASE

SALMON

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
14000	SEMGA C/S	LB	$5.00	
14002	SEMGA C/S V/P (WHOLE)	LB	$5.10	
14004	SEMGA FILLET SLICED V/P (BOARD)	LB	$8.50	
14005	SEMGA SMOKED SLICED V/P	60 / 0.25 LB	$2.75 / PC	$165.00 / CASE
14006	SEMGA SMOKED SLICED V/P	35 / 0.5 LB	$4.50 / PC	$157.50 / CASE
14007	SEMGA SIDE V/P	LB	$8.00	
14008	SEMGA FILLET SLICED V/P	5 / 3 LBS TRAY	$25.50 / PC	$127.50 / CASE
14016	SEMGA CHUNKED V/P	LB	$5.50	
17012	SEMGA BELLIES V/P	20 / 1LB	$3.50 / PC	$70.00 / CASE
14014	SWEDISH SALMON SLICED V/P	35 / 0.5 LB	$2.75 / PC	$96.25 / CASE
14015	SWEDISH SALMON SLICED V/P	60 / 0.25 LB	$1.75 / PC	$105.00 / CASE
14021	SWEDISH SALMON FILLET SIDE V/P	LB	$5.50	
17001	SALMON NORWEGIAN FILLET SLICED V/P	LB	$9.25	
17002	SALMON NORWEGIAN SLICED V/P	60 / 0.25 LB	$2.75 / PC	$165.00 / CASE
17003	SALMON NORWEGIAN SLICED V/P	30 / 0.5 LB	$5.00 / PC	$150.00 / CASE
17005	SALMON BELLIES	5 / 3LB TRAY	$10.50 / PC	$52.50 / CASE
17008	SALMON NOVA FILLET SLICED V/P	LB	$9.25	
17010	SALMON NOVA SLICED V/P	60 / 0.25 LB	$2.75 / PC	$165.00 / CASE
17011	SALMON NOVA SLICED V/P	30 / 0.5 LB	$5.00 / PC	$150.00 / CASE
17015	SALMON NOVA WINGS	LB	$0.50	
17016	SALMON NOVA BITS V/P	LB	$3.50	
17019	SALMON NOVA SLICED V/P	5 / 3 LB TRAY	$27.00 / PC	$135.00 / CASE
17009	SALMON BABY WHOLE COLD SMOKED	LB	$3.50	

RAINBOW TROUT

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
25002	RAINBOW TROUT H/S	LB	$2.75	
25003	RAINBOW TROUT H/S V/P	LB	$2.85	

STURGEON (LAKE)

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
19000	STURGEON C/S V/P	LB	$12.00	
19001	STURGEON C/S SLICED V/P	60 / 0.25 LB	$3.75 / PC	$225.00 / CASE
19003	STURGEON C/S SLICED V/P	30 / 0.5 LB	$7.00 / PC	$210.00 / CASE
19004	STURGEON C/S SLICED V/P	5 / 3 LB TRAY	$37.50 / TRAY	$187.50 / CASE
19006	STURGEON H/S NET	LB	$9.00	
19009	STURGEON H/S PCS	LB	$1.50	
19011	STURGEON C/S SLICED V/P BOARD	LB	$12.50	
19012	STURGEON C/S PCS V/P	LB	$2.50	
19015	STURGEON FRESH FROZEN	LB	$6.00	
19016	STERLYAD H/S	LB	$3.50	

FISH ASSORTMENTS

ASSORTMENT - 2

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
23000	SALMON TROUT & SEA BASS	30 / 0.5 LB	$4.50 / PC	$135.00 / CASE
23015	SALMON TROUT & STURGEON	30 / 0.5 LB	$5.25 / PC	$157.50 / CASE
23026	SALMON TROUT & SEA BASS	60 / 0.25 LB	$2.50 / PC	$150.00 / CASE

ASSORTMENT - 3

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
23002	SALMON TROUT, SEA BASS & LAKE STURGEON	35 / 0.5 LB	$4.75 / PC	$166.25 / CASE
23003	SALMON TROUT, SEA BASS & SHAD	35 / 0.5 LB	$4.00 / PC	$140.00 / CASE
23004	SALMON TROUT, SEA BASS & SHAD (ON BONE)	60 / 0.5 LB	$3.75 / PC	$225.00 / CASE
23025	SALMON TROUT, SEA BASS & LAKE STURGEON	60 / 0.25 LB	$2.75 / PC	$165.00 / CASE
23027	SALMON TROUT, SEA BASS & LAKE STURGEON	20 / 1 LB	$9.00 / PC	$180.00 / CASE

ASSORTMENT - 4

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
23005	STURGEON, SALMON TROUT, SEA BASS & SWD. SALMON	20 / 0.68 LB	$6.50 / PC	$130.00 / CASE
23006	STURGEON, SALMON TROUT, SHAD & SWD. SALMON	20 / 0.68 LB	$5.50 / PC	$110.00 / CASE
23017	STURGEON, SALMON TROUT, SHAD & SWD. SALMON (ON BONE)	20 / 0.68 LB	$5.00 / PC	$100.00 / CASE

ASSORTMENT - 5

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
23019	STURG., SALM. TROUT, PALT., SWD. SALM.& SHAD (ON BONE)	15 / 0.85 LB	$7.00 / PC	$105.00 / CASE
23020	STURG., SALM. TROUT, SEA BASS, SWD. SALM. & PALTUS	15 / 0.85 LB	$8.00 / PC	$120.00 / CASE

ASSORTMENT - 6

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
23021	STURG., SALM. TROUT, SEA BASS, SWD. SALM., SHAD & PALT.	10 / 1.02 LB	$8.50 / PC	$85.00 / CASE
23022	STURG., SALM. TROUT, SEA BASS, SWD. & NORW.SALM. & PALT.	10 / 1.02 LB	$10.00 / PC	$100.00 / CASE
23024	STURG., SALM.TROUT, SEA BASS, NORW.SALM., WH.FISH & PALT.	10 / 1.35 LB	$11.50 / PC	$115.00 / CASE

DESIGNER PACKAGES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
23007	"LOBSTER" (SALMON)	10 / 1 LB	$9.00 / PC	$90.00 / CASE
23008	"CRAB" (SALMON)	30 / 0.5 LB	$5.00 / PC	$150.00 / CASE
23009	"TURTLE" (SHAD)	25 / 0.5 LB	$2.50 / PC	$62.50 / CASE
23010	"FISH" (STURG., SALM.TROUT, PALT., SWD.SALM. & SHAD)	10 / 1.25 LB	$10.00 / PC	$100.00 / CASE

OTHER HOT SMOKED SPECIALTIES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
25004	RED SNAPPER HOT SMOKED (Gold Star)	LB	$2.75	
25006	WHITING HOT SMOKED - HECK (Gold Star)	LB	$2.45	
26000	CATFISH HOT SMOKED	LB	$3.00	

SPRATS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
25001	SMOKED SPRATS (HOLLAND)	1 / 6.6 LB BOX	$19.99 / BOX	
25010	SALTED SPRATS IN BRINE	8 / 7 LB PAIL	$12.25 / PAIL	$132.00 / CASE
25008	ODESSA STYLE SPRATS (TULKA)	12 / 16 OZ	$2.50 / PC	$30.00 / CASE

DRIED FISH

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
25005	VOBLA DRY (DOMESTIC)	LB	$4.50	
25007	MOYVA	10 LB / CASE	$4.00 / LB	$40.00 / CASE
25009	VOBLA ASTRAKHAN	LB	$6.50	
25013	VOBLA ASTRAKHAN (SMALL)	LB	$3.00	

SEAFOOD SPECIALTIES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
14012	SALMON IN OIL	12 / 16 OZ JAR	$4.00 / PC	$48.00 / CASE
19010	STURGEON IN OIL	12 / 16 OZ JAR	$6.50 / PC	$78.00 / CASE
30605	TARAMOSALATA CARP (GREECE)	12 / 10 OZ JAR	$1.90 / PC	$22.80 / CASE
30607	TARAMOSALATA (GREECE)	12 / 15 OZ JAR	$2.00 / PC	$24.00 / CASE
30608	TARAMOSALATA (GREECE)	12 / 8.5 OZ JAR	$1.55 / PC	$18.60 / CASE
31000	MATJAS HERRING (FINLAND)	12 / 6 OZ JAR	$1.92 / PC	$23.00 / CASE
35000	CRAB MEAT V/P	15 /16 OZ	$1.59 / PC	$23.85 / CASE
31001	CRAWFISH (RAKI)	8 / 1 KG CART. BOX	$7.50 / PC	$60.00 / CASE
37300	SHRIMPS IN BRINE	24 / 200 GR CAN	$2.50 / PC	$60.00 / CASE

CANNED FISH

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
30230	PIKE IN TOMATO SAUCE	48 / 250 GR	$1.00 / PC	$48.00 / CASE
30231	BREAM IN TOMATO SAUCE	48 / 250 GR	$1.00 / PC	$48.00 / CASE
30232	CATFISH IN TOMATO SAUCE	36 / 350 GR	$1.25 / PC	$45.00 / CASE
30233	SAURY IN OIL (RUSSIA)	48 / 250 GR	$1.50 / PC	$72.00 / CASE
32900	COD LIVER IN OIL SMOKED (DENMARK)	24 / 121 GR	$0.95 / PC	$22.80 / CASE
36000*	RIGA SPRATS (LATVIA)	72 / 160GR	$0.38 / PC	$27.36 / CASE
36001*	FRIED SARDINELLA IN TOMATO SAUCE (LATVIA)	72 / 160 GR	$0.38 / PC	$27.36 / CASE
36002*	FRIED SPRATS IN TOMATO SAUCE (LATVIA)	48 / 240 GR	$0.50 / PC	$24.00 / CASE
36003*	FRIED HERRING IN TOMATO SAUCE (LATVIA)	72 / 160 GR	$0.38 / PC	$27.36 / CASE
36004*	FRIED MACKEREL IN TOMATO SAUCE (LATVIA)	72 / 160 GR	$0.38 / PC	$27.36 / CASE
36005*	HERRING IN OWN JUICE, OIL ADDED (LATVIA)	72 / 160 GR	$0.38 / PC	$27.36 / CASE
36006*	SARDINES IN OWN JUICE, OIL ADDED (LATVIA)	36 / 160 GR	$0.38 / PC	$13.68 / CASE
36007*	FRIED COD IN TOMATO SAUCE (LATVIA)	48 / 240 GR	$1.30 / PC	$62.40 / CASE

CAVIAR

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
29000	CAVIAR RED SALMON (USA)	2.2 LB	@
29001	CAVIAR RED (CAN) (RUSSIA)	140 GR	@
29002	CAVIAR RED (CAN) (RUSSIA)	95 GR	@

@ - CALL FOR SPECIAL LOW PRICE

SPRATS IN TOMATO SAUSE
36002

MACKEREL IN TOMATO SAUCE
36004

RIGA SPRATS
36000

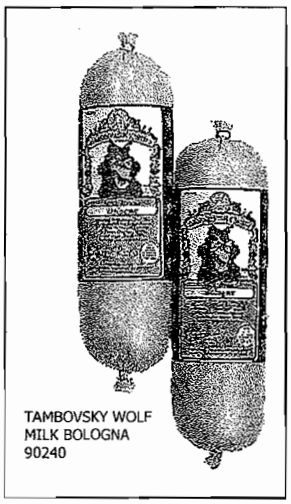
SARDINES IN OWN JUICE
336006

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

MEAT PRODUCTS

GOLD STAR

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
90124*	BOLOGNA MOLOCHNAYA	LB	$1.70
90139*	VETCHINORUBLENAYA	LB	$2.75
90149*	SALAMI MOSCOWSKA	LB	$2.00
90210*	BOLOGNA RED SKIN	LB	$2.00
90222*	BOLOGNA MILK (LONG & SHORT)	LB	$2.30
90230*	BOLOGNA BEEF "TAMBOVSKY WOLF"	LB	$2.15
90240*	BOLOGNA MILK "TAMBOVSKY WOLF"	LB	$2.45
38001*	ROAST BEEF W/GRAVY "TAMBOVSKY WOLF" (TOUSHENKA)	24 / 14 OZ	$36.00



TAMBOVSKY WOLF
MILK BOLOGNA
90240

SCHMALTZ

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
90100	BACON CANADIAN	LB	$3.90
90101	BACON CANADIAN DOUBLE	LB	$3.90
90102	SMOKED PORK BUTTS	LB	$2.55
90103	CHESNOCHNAYA	LB	$1.65
90106	BOLOGNA BLACK SKIN	LB	$1.55
90107	BOLOGNA BABY	LB	$1.75
90109	BOLOGNA RED SKIN	LB	$1.60
90110	BOLOGNA NATURAL SKIN	LB	$1.70
90112	FRANKFURTERS LOOSE	LB	$2.25
90113	FRANKFURTERS V/P	LB	$2.35
90114	VEAL FRANKFURTERS V/P	LB	$2.60
90115	HAM BLACK FOREST	LB	$3.70
90116	HAM OLD FASHION	LB	$2.45
90117	VEAL KNOCKWURST V/P	LB	$2.30
90118	HEAD CHEESE	LB	$1.80
90119	KABANOSY	LB	$2.25
90121	KRESTIYANSKAYA	LB	$1.70
90122	HEAD CHEESE WITH BLOOD	LB	$1.90
90123	LIVERWURST	LB	$1.80
90124	BOLOGNA MILK	LB	$1.70
90125	BOLOGNA TIROLSKAYA	LB	$2.50
90127	MORTADELLA	LB	$1.70
90128	SALAMI MOSCOWSKA	LB	$2.15
90131	SALAMI HUNGARIAN STYLE	LB	$3.65
90132	SALAMI RED KRAKOWSKAYA	LB	$2.70
90133	KNOCKWURST	LB	$1.85
90134	KNOCKWURST V/P	LB	$1.95
90135	SMOKED KRAKOWSKAYA	LB	$2.80
90136	PEANUTS	LB	$2.35
90138	VEAL ROLL CURED	LB	$4.10
90140	HEAD CHEESE OLD FASHION	LB	$2.00
90144	SMOKED COOKED SAUSAGES "STOLICHNAYA"	LB	$3.60
91001	SALAMI BEAR	LB	$3.50

TAMBOVSKY WOLF
TOUSHONKA
38001

COLUMBUS*

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
92901*	SALAMI TSARSKAYA	LB	$3.70
92902*	SALAMI ARBATSKAYA	LB	$4.50
92903*	SALAMI PITERSKAYA	LB	$5.35
92904*	SALAMI SOPRESSATA	LB	$5.50
92905*	SALAMI NEW RUSSIAN	PC	$4.15
92906*	SALAMI MONASTYRSKAYA	LB	$4.85
92907*	SALAMI KUPECHESKAYA	LB	$5.35
92908*	SALAMI NEW UKRAINIAN	PC	$3.15
92910*	SALAMI GUSARSKAYA	LB	$4.70

MONASTYRSKAYA SALAMI
92906

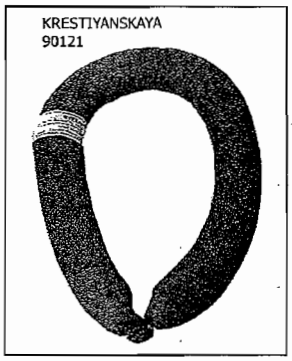
ARBATSKAYA SALAMI
92902

NEW RUSSIAN SALAMI
92905

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

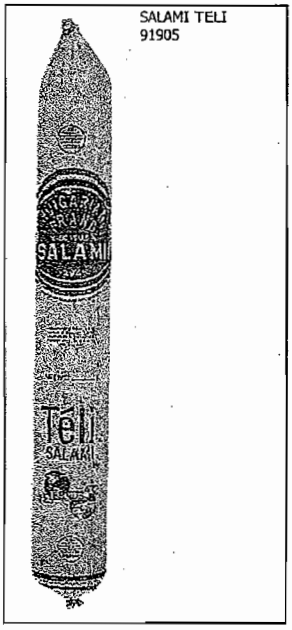
KARL EHMER

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
90201	BACON CANADIAN W/FAT	LB	$4.45
90202	BACON IRISH STYLE	LB	$4.55
90203	BACON BLACK BONELESS V/P	LB	$3.75
90205	SALAMI BEEF	LB	$4.35
90207	BOLOGNA GERMAN NATURAL	LB	$2.60
90208	BOLOGNA PROFESSORSKAYA WIDE	LB	$2.25
90209	BOLOGNA PROFESSORSKAYA NARROW	LB	$2.40
90211	FRANKFURTERS	LB	$2.75
90213	SALAMI GERMAN WHITE SKIN LONG	LB	$4.75
90214	SALAMI GERMAN WHITE SKIN SHORT	LB	$4.75
90216	HAM BLACK FOREST FLAT	LB	$4.40
90217	HAM OLD FASHION	LB	$3.65
90218	HEAD CHEESE	LB	$2.90
90219	HAM OLD FASHION (HALVES)	LB	$3.75
90221	SALAMI BEAR	LB	$4.85
90222	MILK BOLOGNA (SHORT/LONG)	LB	$2.30
90224	MORTADELLA	LB	$2.60
90226	BLACK RIB BACON V/P	LB	$3.35
90228	KNOCKWURST	LB	$2.50
90229	LASHINKEN	LB	$6.30
90231	SALAMI TOURIST	LB	$3.99
90236	CERVELAT WITH COGNAC	LB	$4.50


KRESTIYANSKAYA
90121

LIBERTY

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
92200	SALAMI PICK NATURAL	LB	$5.50
92201	SALAMI PICK WHITE SKIN (LONG)	LB	$5.50
92202	SALAMI PICK PAPRIKA	LB	$5.25
92201	SALAMI PICK WHITE SKIN (SHORT)	LB	$5.50



SALAMI TELI
91905

PILLER

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
90500	SALAMI ALEXANDER	LB	$4.45
90502	SALAMI CERVELAT SMALL	LB	$4.00
90503	SALAMI SERVELAT LARGE	LB	$3.20
90504	SALAMI GYPSY LARGE	LB	$4.20
90505	SALAMI GYPSY SMALL	LB	$4.00
90506	SALAMI MAILANDER	LB	$4.70
90507	SALAMI OLD FOREST	LB	$4.70
90508	SALAMI SQUARE	LB	$4.70

MOTT HAVEN

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
90700	BACON CANADIAN	LB	$3.90
90701	KIELBASA POLSKA	LB	$1.75
90702	BOLOGNA NATURAL SKIN	LB	$1.70
90703	BOLOGNA BABY NARROW LONG	LB	$1.95
90704	BOLOGNA BLACK	LB	$1.65
90705	BOLOGNA LOW SALT	LB	$1.65
90706	BOLOGNA BABY RING	LB	$1.90
90707	BOLOGNA RED	LB	$1.65
90709	MORTADELLA	LB	$1.70
90712	SOSISKI LOW SALT V/P	LB	$2.35
90713	PRESSED TONGUE	LB	$6.50
90714	SMOKED VEAL TONGUE	LB	$6.50
90715	BOLOGNA NARROW SHORT	LB	$2.05

BLACK SKIN BOLOGNA
90205

ALEF SAUSAGE

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
92001	SALAMI ARMOVIRSKAYA	LB	$3.80
92002	BACON WITH FAT (KOREYKA)	LB	$2.60
92003	SMOKED CHICKEN SAUSAGE	LB	$2.80

PERDUE

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
91200	TURKEY BREAST COOKED	LB	$1.60
91201	TURKEY BREAST SMOKED	LB	$3.25
91202	TURKEY PASTRAMI	LB	$1.75

EAGLE

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
91805	BACON SIDE SMOKED BONELESS	LB	$3.69
91808	SMOKED MEAT BALICK DARNITSK	LB	$5.35
91811	BOLOGNA VEAL	LB	$3.00
91816	HAM OLD FASHION SQURE	LB	$2.99
91817	SALAMI KIEV	LB	$4.80
91820	HAM SMOKED MONTREAL	LB	$3.60
91822	PASTRAMA - BUZHENINA	LB	$4.40
91830	SALAMI TSARSKAYA	LB	$4.80
91831	SALAMI VIENSKAYA	LB	$2.95
91832	HAM WESTPHALIAN	LB	$5.45
91833	SALAMI CASALINGO	LB	$4.65
91842	RED KRAKOWSKAYA	LB	$3.30
91843	SALAMI LEON FLAT	LB	$4.80
91844	SALAMI ALPINO	LB	$4.95

BENDE

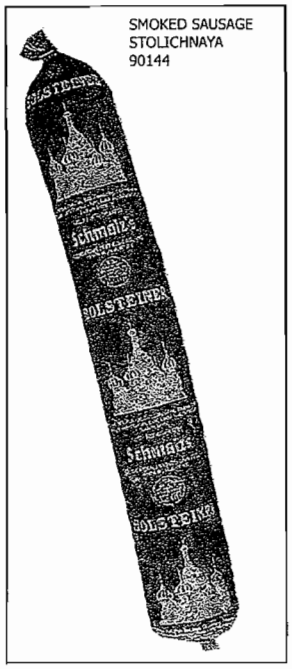
ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
91900	GYULAI HOT	LB	$2.95
91901	GYULAI MILD	LB	$2.95
91902	KARAJ SMOKED MEAT	LB	$4.90
91903	BACON KOLOZVARY	LB	$3.15
91904	SALAMI TELI LONG	LB	$4.20
91905	SALAMI TELI SHORT	LB	$4.30
91906	SALAMI CSABAI PAPRICA LONG	LB	$4.09

RED SQUARE

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
91400	PRESSED CHICKEN/VEAL/PORK	LB	$3.20
91401	CHICKEN ROLL W/MUSHROOMS	LB	$2.50
91402	KIELBASY HOME STYLE (PORK, CHICKEN OR KUPATI)	LB	$2.85
91403	SMOKED CHICKEN LEGS	LB	$1.60
91404	CHICKEN LIVER PATE	LB	$2.20
91405	CHICKEN NECK W/STUFFING	LB	$2.20
91407	PASTRAMA-BUZHENINA	LB	$3.70
91409	RIB BACON	LB	$3.20
91411	VEAL ROLL	LB	$3.90
91413	BEEF ROLL	LB	$3.95
91419	CHICKEN ROLL	LB	$2.50
91420	CHICKEN ROLL W/LIVER	LB	$2.50
91423	CHICKEN ROLL W/TONGUE	LB	$2.50
91430	SMOKED PORK BUTTS	LB	$2.40

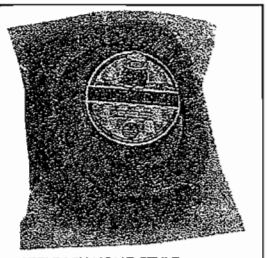
SMOKE HOUSE

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
92501	KARPATSKAYA SALAMI	LB	$4.10
92502	MOSCOWSKAYA SALAMI	LB	$4.10
92504	SHINKOVA KIELBASA	LB	$3.00
92506	RULET LENINGRAD	LB	$4.00
92507	SALO (PORK FAT)	LB	$2.75
92513	HAM TAMBOVSKY (OKOROK)	LB	$3.90



SMOKED SAUSAGE
STOLICHNAYA
90144

SMOKED MEAT "KARAJ"
91902


KIELBASY HOME STYLE
91402

KOENEMANN

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
91500	BLOODWURST	LB	$2.50
91501	LIVERWURST	LB	$2.50
91502	SALAMI BEAR LONG	LB	$4.20
91503	SALAMI BEAR RING	LB	$4.00

GAISER

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
91600	SALAMI RUSSKAYA DRY	LB	$4.50
91601	HAM OLD FASHION	LB	$3.30
91602	SALAMI ABSOLUT	LB	$5.50
91603	GOOSE LIVERWURST	LB	$2.70
91604	SALAMI RUSSKAYA	LB	$3.65
91605	SMOKED BUTTS - PICNIC	LB	$2.75
91606	BABY BOLOGNA	LB	$1.85
91607	VEAL BABY BOLOGNA	LB	$2.05
91608	SMOKED VEAL ROLL	LB	$3.90
91613	HEAD CHEESE	LB	$2.20

GROEZINGER

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
91700	BABY BOLOGNA	LB	$1.95
91701	ESTONSKAYA	LB	$3.10
91702	MOLDAVSKAYA	LB	$2.60
91703	MOSKOVSKAYA	LB	$2.45
91704	MINSKAYA	LB	$3.10

MISCELLANEOUS

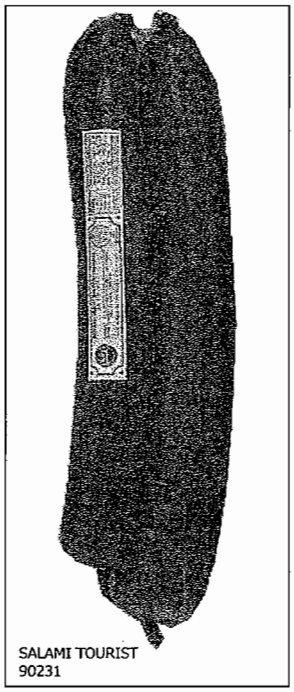
ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
90800	SALAMI SOPRESSATA (IDEAL)	LB	$4.95
91100	SALAMI GENOA (FIORUCHI)	LB	$1.90
91101	PROSCUITO (FIORUCHI)	LB	$4.50
92500	BASTURMA (KRADJIAN)	LB	$6.50

EUROAM

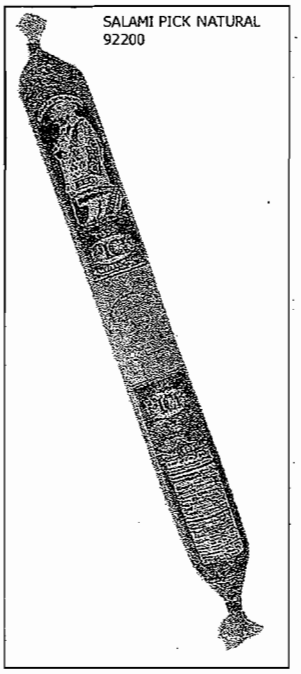
ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
90301	BUKOVINSKAYA	LB	$2.15
90302	CHESNOCHNAYA	LB	$1.70
90303	DROGOBICHEVSKAYA	LB	$2.40
90304	KABANOSY	LB	$2.10
90305	HEAD CHEESE (ZELTS)	LB	$2.60
90306	KIELBASY ODESSKAYA	LB	$2.15
90310	RIB BACON V/P	LB	$2.50
90315	CASALINCO	LB	$4.50
90350	SALAMI DNEPROVSKAYA	LB	$3.00

IVAN THE TERRIBLE

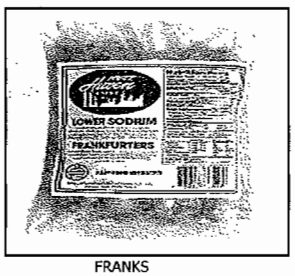
ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB
90309	SMOKED BONELESS SIDE BACON	LB	$3.65
90311	PORK FAT SALTED	LB	$2.85
90312	BUZHENINA (PASTRAMA)	LB	$4.50
90316	LACHSCINKEN	LB	$5.25
90319	SALAMI SOPRESSATA	LB	$4.50
90320	SALAMI ALPINO	LB	$4.85
90321	SALAMI KIEV	LB	$4.70
90322	SALAMI TSARSKAYA	LB	$4.70
90323	HAM OLD FASHION	LB	$3.30
90325	SALAMI ALEXANDER	LB	$4.75



SALAMI TOURIST
90231



SALAMI PICK NATURAL
92200



FRANKS
90712

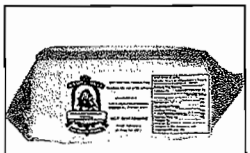
Tel: (718) 522-1545
Fax: (718) 260-9194

International Gold Star Trading Corp.
570 Smith Street, Brooklyn, NY 11231

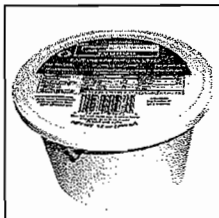
DAIRY PRODUCTS

CHEESE

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
40201	MADRIGAL	LB	$2.55	
40205	SWEDISH CREAM HAVARTI	LB	$2.50	
40206	GOUDA SMOKED	LB	$2.25	
40213	CANADIAN HAVARTI	LB	$2.25	
40306	VOLENDAMER	LB	$2.45	
40307	GERMAN SWISS	LB	$2.09	
40308	POLISH GOUDA (WHEEL)	LB	$2.05	
40310	FINNISH HAVARTI	LB	$2.75	
40311	MORSKI / KASTELYANSKI	LB	$2.25	
40312	POLISH BABY SWISS "KOLDAMER"	LB	$2.50	
40313	MUENSTER	LB	$2.50	
40314	LAPPI	LB	$2.75	
40315	PODLASKI (LOAVES)	LB	$2.30	
40319	SUWALSKI	LB	$2.25	
40322	AUSTRIAN SWISS	LB	$2.09	
40606	FRENCH EMMENTHAL	LB	$2.40	
40609	DANISH EMMENTHAL	LB	$2.65	
40700	EDAM BALL	LB	$2.75	
40701	EDAM LOAF	LB	$2.70	
40702	GOUDA RED	LB	$2.65	
41600	SULUGUNI	LB	$3.90	
42011	YOGURT GARLIC (WHEEL)	LB	$2.50	
42012	YOGURT SMOKED (WHEEL)	LB	$2.70	
42013	YOGURT VEGETABLE (WHEEL)	LB	$2.65	
42014	YOGURT PLAIN (WHEEL)	LB	$2.55	
42021	YOGURT GARLIC (LOAF)	LB	$2.60	
42022	YOGURT SMOKED (LOAF)	LB	$2.59	
42023	YOGURT VEGETABLE (LOAF)	LB	$2.60	
42024	YOGURT PLAIN (LOAF)	LB	$2.50	
42025	YOGURT HAVARTI	LB	$2.60	
42015	"OLD SALZBERG" CHEESE	LB	$3.00	
42027	LACEY BABY SWISS CHEESE (LOAF)	LB	$2.49	



TVOROG "BABUSHKA'S "
41501

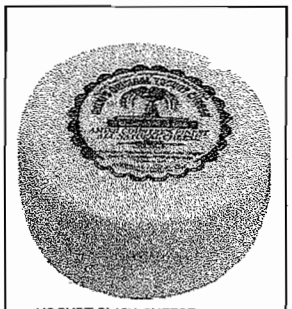


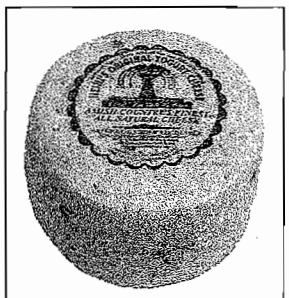
TVOROG SOFT CHEESE
40502

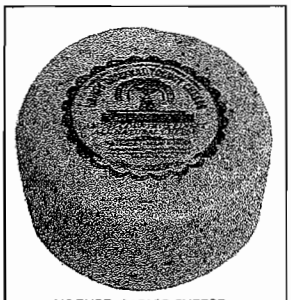
FETA & FARMER CHEESE

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
40110	FARMER CHEESE "SWISS STYLE"	18 / 16 OZ	$2.30 / PC	$41.40 / CASE
40111	FARMER CHEESE W/RAISINS "SWEET KISS"	18 / 16 OZ	$2.45 / PC	$44.10 / CASE
40112	FARMER CHEESE	18 / 16 OZ	$2.40 / PC	$43.20 / CASE
40113	FARMER CHEESE FAT FREE	18 / 16 OZ	$2.30 / PC	$41.40 / CASE
40114	FARMER CHEESE "KRESTYANSKY"	18 / 16 OZ	$2.50 / PC	$45.00 / CASE
40940	FARMER CHEESE W/CHOC. CHIPS	18 / 16 OZ	$2.30 / LB	$41.40 / CASE
40946	FARMER CHEESE FAT FREE	18 / 16 OZ	$2.15 / LB	$38.70 / CASE
40501*	FARMER CHEESE CANADIAN STYLE	4 / 5 LB	$11.75 / PC	$47.00 / CASE
41501*	BABUSHKA'S FARMER CHEESE (LARGE)	LB	$2.25	
41502*	BABUSHKA'S FARMER CHEESE (SMALL)	20 / 1 LB	$2.50 / LB	$50.00 / CASE
40500*	TVOROG - SOFT CHEESE CHOCOLATE	12 / 12 OZ	$1.85 / PC	$22.20 / CASE
40502*	TVOROG - SOFT CHEESE	12 / 12 OZ	$1.70 / PC	$20.40 / CASE
40115	WHITE CHEESE	LB	$2.60	
41500	POT CHEESE	1 / 5 LB	$1.35 / LB	$6.75 / CASE
40316	CHEESE SPREAD "VIOLA"	32 / 200 GR	$1.45 / PC	$44.00 / CASE
41201	CREAM CHEESE IN GLASS JAR	12 / 8.5 OZ	$1.80 / PC	$21.60 / CASE
41202	CHEESE SPREAD (FRANCE)	48 / 5 OZ	$0.75 / PC	$36.00 / CASE
40500	FETA DOUBLE CREAM "KRINOS" (GREECE)	1 / 15 LB	$1.70 / LB	$25.50 / CASE
40601	FETA CHEESE / BRINZA MANNOURI KRINOS (GREECE)	LB	$2.65	
40603	FETA CHEESE / BRINZA FRENCH STYLE	LB	$3.20	
40604	FETA CHEESE / BRINZA KRINOS (GREECE)	LB	$2.00	
40608	FETA CREAMY	12 / 16 OZ	$2.55 / PC	$30.60 / CASE
41601	FARMER'S BRINZA	LB	$3.10	
41440	FETA CHEESE / BRINZA ODESSKAYA	LB	$2.82	
41800	SOUR CREAM	1 / 10 LBS	$1.00 / LB	$10.000 / CASE

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*


YOGURT PLAIN CHEESE
42014


YOGURT VEGETABLE CHEESE
42013


YOGURT GARLIC CHEESE
42011

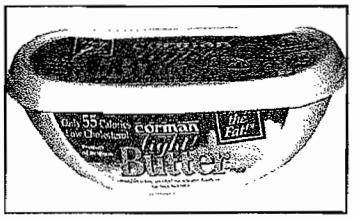
CHEESE "OLD SALZBERG"
42015

KEFIR/RYZHENKA/ETC.

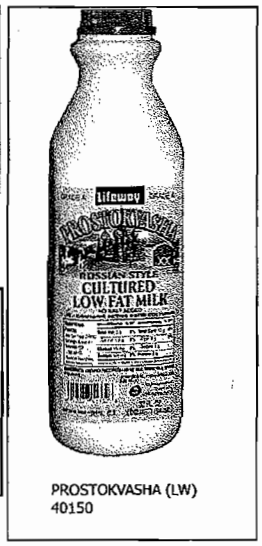
ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
40116	KEFIR PLAIN (LIFEWAY)	12 / 32 OZ	$1.55 / PC	$18.60 / CASE
40117	KEFIR LOW FAT (LIFEWAY)	12 / 32 OZ	$1.55 / PC	$18.60 / CASE
40132	KEFIR FRUIT MIX (LIFEWAY)	12 / 32 OZ	$1.65 / PC	$19.80 / CASE
40150	PROSTOKVASHA (LIFEWAY)	12 / 32 OZ	$1.55 / PC	$18.60 / CASE
40160	RYAZHENKA (LIFEWAY)	12 / 32 OZ	$1.55 / PC	$18.60 / CASE
40904	KEFIR PLAIN (FRESH MADE)	12 / 32 OZ	$1.65 / PC	$19.80 / CASE
40907	RYAZHENKA (FRESH MADE)	12 / 32 OZ	$1.85 / PC	$22.20 / CASE

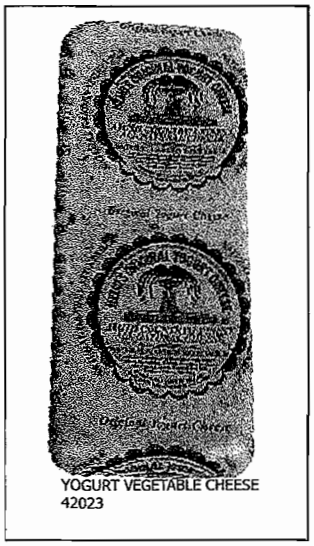
BUTTER

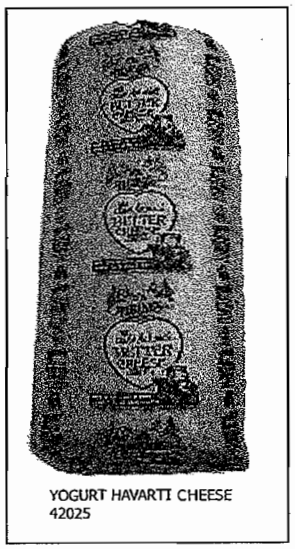
ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
40905	ELEGANT COW	24 / 12 OZ	$1.60 / PC	$38.40 / CASE
40901	SLENDER COW	24 / 12 OZ	$1.95 / PC	$46.80 / CASE
40902	SLENDER COW CHOCHOLATE	12 / 8 OZ	$1.85 / PC	$22.20 / CASE
40903	VOLOGODSKOYE	30 / 8 OZ	$1.85 / PC	$55.50 / CASE
40607	BELGIUM LIGHT BUTTER	20 / 250 GR	$1.60 / PC	$32.00 / CASE
41900	MARGARINE "OMA" (LATVIA)	16 / 400 GR	$1.00 / PC	$16.00 / CASE


BELGUM LIGHT BUTTER
40607

BUTTER "ELEGANT COW"
41500


PROSTOKVASHA (LW)
40150


YOGURT VEGETABLE CHEESE
42023


YOGURT HAVARTI CHEESE
42025

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

Tel: (718) 522-1545
Fax: (718) 260-9194

International Gold Star Trading Corp.
570 Smith Street, Brooklyn, NY 11231

GROCERY PRODUCTS

FROZEN PRODUCTS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT / LB	PRICE / CASE
31401	BLINTZES (BERRIES)	25 / 6 PCS	$2.20 / PACK	$55.00 / CASE
31402	BLINTZES (CHEESE & CHERRY)	25 / 6 PCS	$2.20 / PACK	$55.00 / CASE
31404	BLINTZES (CHEESE)	25 / 6 PCS	$2.20 / PACK	$55.00 / CASE
31405	BLINTZES (CHEESE & RAISINS)	25 / 6 PCS	$2.20 / PACK	$55.00 / CASE
31406	BLINTZES (MEAT)	25 / 6 PCS	$2.20 / PACK	$55.00 / CASE
31407	BLINTZES (POTATO & MUSHROOMS)	25 / 6 PCS	$2.20 / PACK	$55.00 / CASE
31410	PELMENI (BEEF)	25 / 50 PCS	$1.35 / PACK	$33.75 / CASE
31412	PELMENI (CHICKEN)	25 / 50 PCS	$1.30 / PACK	$32.50 / CASE
31415	PELMENI SIBERIYAN	25 / 50 PCS	$1.45 / PACK	$36.25 / CASE
31416	PELMENI (TURKEY)	25 / 50 PCS	$1.45 / PACK	$36.25 / CASE
31417	PELMENI (VEAL)	25 / 50 PCS	$1.55 / PACK	$38.75 / CASE
31408	VARENIKI (CHERRY)	1 / 25 PCS	$2.52 / PACK	$63.00 / CASE
31411	VARENIKI (CHEESE)	25 / 30 PCS	$1.80 / PACK	$45.00 / CASE
31414	VARENIKI (POTATO & MUSHROOMS)	25 / 30 PCS	$1.25 / PACK	$31.25 / CASE
31700	PUFF PASTRY (TESTO)	18 / 1 LB	$1.15 / PACK	$20.70 / CASE

CANNED VEGETABLES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT / LB	PRICE / CASE
30508	GRAPE LEAVES (TURKEY)	12 / 700 GR	$1.80 / PC	$21.60 / CASE
31204	BLACK OLIVES (GREECE)	1 / 12 KG	$35.00 / PAIL	
32402	WHOLE OLIVES MEDIUM (SPAIN)	6 / 2.75 KG	$8.75 / PAIL	$52.50 / CASE
38501	BLACK OLIVES (TURKEY)	4 / 2.9 KG	$8.00 / PC	$32.00 / CASE
38502	BLACK OLIVES (TURKEY)	12 / 550 GR	$1.75/ PC	$21.00 / CASE

PICKLED & MARINATED JARRED VEGETABLES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT / LB	PRICE / CASE
30208	EGGPLANT PASTE "VERES" (UKRAINE)	12 / 520 GR	$1.20 / PC	$14.40 / CASE
30800	PICKLES BARREL (GERMANY)	6 / 34 OZ	$2.05 / PC	$12.30 / CASE
31900	LETCHO (HUNGARY)	12 / 24.5 OZ	$1.65 / PC	$19.80 / CASE
31901	SALAD MIXED (HUNGARY)	12 / 24 OZ	$1.45 / PC	$17.40 / CASE
39900*	PICKLED CUCUMBERS (HUNGARY) GOLD STAR BRAND	6 / 720 GR	$0.80 / PC	$4.80 / CASE
39901*	LETCHO (HUNGARY) GOLD STAR BRAND	6 / 500 GR	$1.00 / PC	$6.00 / CASE
39902*	PICKLED SQUASH PATISSON (HUNGARY) GOLD STAR BRAND	6 / 1020 GR	$1.80 / PC	$10.80 / CASE
39903*	MARINATED BONNET PEPPERS (HUNGARY) GOLD STAR BRAND	6 / 500 GR	$0.90 / PC	$5.40 / CASE
39904*	MARINATED CHERRY PEPPERS (HUNGARY) GOLD STAR BRAND	6 / 500 GR	$0.80 / PC	$4.80 / CASE
39905*	PICKLED ASSORTI (HUNGARY) GOLD STAR BRAND	6 / 1020 GR	$1.65 / PC	$9.90 / CASE
39906*	MARINATED TOMATOES (HUNGARY) GOLD STAR BRAND	6 / 720 GR	$0.80 / PC	$4.80 / CASE
39907*	CHERRY TOMATOES (HUNGARY) GOLD STAR BRAND	6 / 500 GR	$0.80 / PC	$4.80 / CASE
34206	PICKLES IN BRINE "FROM AUNT SONYA" (ISRAEL)	12 / 19 OZ	$0.90 / PC	$10.80 / CASE
34207	PICKLES IN BRINE "FROM AUNT SONYA" (ISRAEL)	6 / 43 OZ	$2.00 / PC	$12.00 / CASE
32416	PICKLES IN BRINE (ISRAEL)	6 / 1.8 KG	$3.50 / PC	$21.00 / CASE

LETCHO
39901

PICKLED CUCUMBERS
39900

PICKLED PATISSON
39902

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

MARINATED VEGETABLES & SALADS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
32703	MARINATED GRUZD'YA MUSHROOMS	1 / 5 LB PAIL	$3.00 / LB	$15.00 / PAIL
32704	MARINATED CHAMPINION MUSHROOMS	1 / 5 LB PAIL	$3.50 / LB	$17.50 / PAIL
32707	MARINATED SMORCHKI MUSHROOMS	1 / 5 LB PAIL	$3.30 / LB	$16.50 / PAIL
32708	MARINATED MASLYATA KOROLEVSKIE	1 / 5 LB PAIL	$3.40 / LB	$17.00 / PAIL
32705	CARROTS KOREAN	1 / 5 LB PAIL	$2.50 / LB	$12.50 / PAIL
32706	MARINATED BEETS	1 / 5 LB PAIL	$2.50 / LB	$12.50 / PAIL
32711	MARINATED RED PEPPERS	1 / 5 LB PAIL	$2.89 / LB	$14.45 / PAIL
32714	MARINATED SEA WEED	1 / 15 LB PAIL	$22.00 / PAIL	
33701	SAUERKRAUT	1 / 30 LB PAIL	$30.00 / PAIL	
33702	SOUR TOMATOES	1 / 18 LB PAIL	$20.00 / PAIL	
33703	CHERRY TOMATOES	1 / 15 LB PAIL	$19.00 / PAIL	
33708	SOUR GREEN TOMATOES	1 / 20 LB PAIL	$20.00 / PAIL	
33704	PICKLES SOUR	1 / 15 LB PAIL	$20.00 / PAIL	
33710	PICKLES HALF SOUR	1 / 20 LB PAIL	$20.00 / PAIL	
32717	SOUR APPLES	1 / 15 LB PAIL	$18.00 / PAIL	
32701	MUSHROOM SALAD	1 / 5 LB PAIL	$3.00 / LB	$15.00 / PAIL
32709	ODESSKY/VOSTOCHNY SALAD	1 / 5 LB PAIL	$2.50 / LB	$12.50 / PAIL
33707	SATE SALAD	1 / 5 LB PAIL	$2.50 / LB	$12.50 / PAIL
32715	ISRAELI STYLE SALAD	1 / 5 LB PAIL	$2.50 / LB	$12.50 / PAIL
32716	BULGARIAN STYLE SALAD	1 / 5 LB PAIL	$2.50 / LB	$12.50 / PAIL
32719	FRENCH STYLE SALAD	1 / 5 LB PAIL	$3.20 / LB	$16.00 / PAIL
32718	OGONYOK SALAD	1 / 5 LB PAIL	$3.00 / LB	$15.00 / PAIL

SPICES/SAUCES/CONDIMENTS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
31907	SUPER VEGETA	12 /14 OZ	$1.69 / PC	$20.28 / CASE
32100	HORSERADISH	12 / 16 OZ	$1.70 / PC	$20.40 / CASE
32101	HORSERADISH	24 / 8 OZ	$0.90 / PC	$21.60 / CASE
32303	HORSERADISH "SIBERIAN"	12 / 6 OZ	$1.25 / PC	$15.00 / CASE
32302	MUSTARD "SIBERIAN"	24 / 4 OZ	$1.20 / PC	$28.80 / CASE
30805	MUSTARD "NEKTAR"	15 / 250 GR	$1.00 / PC	$15.00 / CASE
32304	AJIKA "SIBERIAN"	12 / 6 OZ	$1.50 / PC	$18.00 / CASE
32501	SATSEBELY SAUCE	12 / 8.5 OZ	$1.75 / PC	$21.00 / CASE
32502	TKEMALY SAUCE	12 / 8.5 OZ	$1.85 / PC	$22.20 / CASE
35505*	KETCHUP GARLIC "CHUMAK" (UKRAINE)	12 / 500 GR	$1.00 / PC	$12.00 / CASE
35506*	KETCHUP TOMATO "CHUMAK" (UKRAINE)	12 / 500 GR	$1.00 / PC	$12.00 / CASE
35507*	KETCHUP HOT "CHUMAK" (UKRAINE)	12 / 500 GR	$1.00 / PC	$12.00 / CASE
35511*	CHEF'S SAUCE "CHUMAK" (UKRAINE)	8 / 620 GR	$1.25 / PC	$10.00 / CASE
35512*	GRILL SAUSE "CHUMAK" (UKRAINE)	12 / 300 GR	$1.00 / PC	$12.00 / CASE
35601*	MAYONAISE PROVANCAL "OMA" (LATVIA)	6 / 470 GR	$1.50 / PC	$9.00 / CASE
35602*	MAYONAISE FOR SALAD "OMA" (LATVIA)	6 / 470 GR	$1.50 / PC	$9.00 / CASE
35603*	MAYONAISE DRESSING W/HORSEREDDISH "OMA" (LATVIA)	6 / 350 GR	$1.50 / PC	$9.00 / CASE
35604*	MAYONAISE DRESSING W/GARLIC & DILL "OMA" (LATVIA)	6 / 350 GR	$1.50 / PC	$9.00 / CASE
35605*	SALAD DRESSING "THOUSAND ISLANDS" "OMA" (LATVIA)	6 / 350 GR	$1.50 / PC	$9.00 / CASE
35606*	GOURMET HORSEREDDISH "OMA" (LATVIA)	10 / 200 GR	$1.25 / PC	$12.50 / CASE

CEREALS & GRAINS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
30202	PUMPKIN SEEDS	1 / 25 LB	$1.76 / LB	$44.00 / CASE
31103	MILLET (POLAND)	25 / 16 OZ	$0.66 / PC	$16.50 / CASE
31105	BUCKWHEAT (POLAND)	25 / 16 OZ	$0.55 / PC	$13.75 / CASE
31201	FARINA (POLAND)	25 / 16 OZ	$0.55 / PC	$13.75 / CASE
31202	BARLEY (POLAND)	25 / 16 OZ	$0.45 / PC	$11.25 / CASE
31203	OATMEAL (POLAND)	20 / 16 OZ	$0.55 / PC	$11.00 / CASE
32419	SUNFLOWER SEEDS NO SALT	1 / 30 LB	$1.20 / LB	$36.00 / CASE
34402	BUCKWHEAT (UKRAINE)	40 / 16 OZ	$0.40 / PC	$16.00 / CASE

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

OILS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
35527*	SUNFLOWER OIL UNREFINED "CHUMAK" (UKRAINE)	15 / 1 LT	$1.50 / PC	$22.50 / CASE
35528*	SUNFLOWER OIL REFINED "CHUMAK" (UKRAINE)	15 / 1 LT	$1.50 / PC	$22.50 / CASE

HALVAH

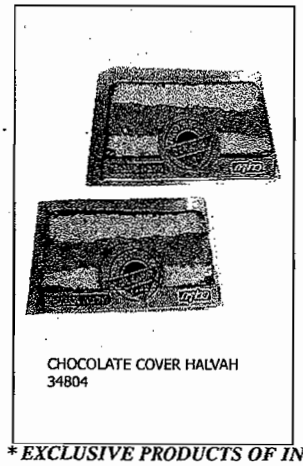
ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
30601	VANILLA (GREECE)	1 / 5.5 LB BLOCK	$1.90 / LB	$10.45 / CASE
30602	MARBLE (GREECE)	1 / 5.5 LB BLOCK	$1.90 / LB	$10.45 / CASE
30603	ALMOND (GREECE)	5.5 LBS BLOCK	$2.10 / LB	$11.55 / CASE
30604	PISTACHIO (GREECE)	5.5 LBS BLOCK	$2.10 / LB	$11.55 / CASE
31800	VANILLA "JOYVA" (USA)	12.5 LB / PAIL	$2.15 / LB	$26.88 / CASE
31801	MARBLE "JOYVA" (USA)	12.5 LB/ PAIL	$2.15 / LB	$26.88 / CASE
31802	MARBLE WITH NUTS "JOYVA" (USA)	12.5 LB/ PAIL	$2.35 / LB	$29.38 / CASE
31803	VANILLA WITH NUTS "JOYVA" (USA)	12.5 LB/ PAIL	$2.35 / LB	$29.38 / CASE
32403	VANILLA "ACHVA" (ISRAEL)	12 / 16 OZ	$1.85 / PC	$22.20 / CASE
32404	MARBLE "ACHVA" (ISRAEL)	12 / 16 OZ	$1.85 / PC	$22.20 / CASE
32405	PISTACHIO "ACHVA" (ISRAEL)	12 / 500 GR	$2.00 / PC	$24.00 / CASE
32406	VANILLA SUGAR FREE (ISRAEL)	12 / 9.68 OZ	$1.95 / PC	$23.40 / CASE
32410	VANILLA SUGAR FREE (ISRAEL)	16 / 300 GR	$2.00 / PC	$32.00 / CASE
32413	MARBLE "ACHVA" (ISRAEL)	24 / 500 GR	$1.50 / PC	$36.00 / CASE
32414	MARBLE SUGAR FREE (ISRAEL)	16 / 300 GR	$2.00 / PC	$32.00 / CASE
34804	CHOCOLATE COVERED HALVAH (ISRAEL)	10 / 350 GR	$2.05 / PC	$20.50 / CASE
30801*	"MAXIMUM" CHOCOLATE COVERED HALVAH BAR (UKRAINE)	80 / 90 GR	$0.50 / PC	$40.00 / CASE
30802*	SUNFLOWER VANILLA HALVAH "NEKTAR" (UKRAINE)	18 / 500 GR	$1.25 / PC	$22.50 / CASE
30803*	SUNFLOWER VANILLA HALVAH "NEKTAR" (UKRAINE)	1 / 5 KG	$0.75 / LB	$8.25 / PC
30804*	"TVOYA HALVAH" SUNFLOWER VANILLA HALVAH BAR (UKRAINE)	50 / 165 GR	$0.75 / PC	$37.50 / CASE

HONEY

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
32000	"OMELIA" (ROMANIA)	12 / 2LB	$3.50 / PC	$42.00 / CASE
32001	"OMELIA" (ROMANIA)	12 / 1LB	$2.25 / PC	$27.00 / CASE
32209	LETHERWOOD (AUSTRALIA)	24 / 17.5 OZ	$3.33 / PC	$80.00 / CASE

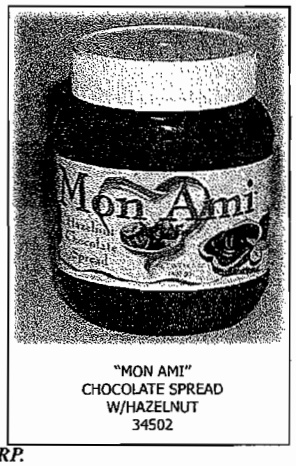
COMPOTES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
31902	SOUR CHERRY (HUNGARY)	12 / 23 OZ	$1.59 / PC	$19.08 / CASE
31904	CHERRY WITH RUM (HUNGARY)	12 / 23 OZ	$1.79 / PC	$21.50 / CASE



CHOCOLATE COVER HALVAH
34804

CARALEM SPREAD
"PINK COW"
37001



"MON AMI"
CHOCOLATE SPREAD
W/HAZELNUT
34502

CEYLON TEA ANURA
34501

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

JAMS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
31601	DIET BLACK CURRANT (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31602	DIET BLUEBERRY (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31603	DIET CHERRY (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31604	DIET APRICOT (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31605	DIET PLUM BUTTER (GERMANY)	6 / 15.2 OZ	$2.60 /PC	$15.60 / CASE
31607	DIET RASPBERRY / BLACKBERRY (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31608	DIET STRAWBERRY (GERMANY)	6 / 15.2 OZ	$2.60 / PC	$15.60 / CASE
30806	APPLE (UKRAINE)	12 / 650 GR	$1.00 / PC	$12.00 / CASE

PRESERVES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
30509	APRICOT "KAFKAS" (TURKEY)	12 / 15 OZ	$1.75 / PC	$21.00 / CASE
30511	SOUR CHERRY "KAFKAS" (TURKEY)	12 / 15 OZ	$1.75 / PC	$21.00 / CASE
30512	FIGS "KAFKAS" (TURKEY)	12 / 15 OZ	$1.75 / PC	$21.00 / CASE
30513	CORNEALIAN CHERRY "KAFKAS" (TURKEY)	12 / 15 OZ	$1.45 / PC	$17.40 / CASE
30515	RASPBERRY "KAFKAS" (TURKEY)	12 / 15 OZ	$1.75 / PC	$21.00 / CASE
30516	STRAWBERRY "KAFKAS" (TURKEY)	12 / 15 OZ	$1.75 / PC	$21.00 / CASE
30517	QUINCE "KAFKAS" (TURKEY)	12 / 15 OZ	$1.75 / PC	$21.00 / CASE
30518	ROSE "KAFKAS" (TURKEY)	12 / 15 OZ	$1.75 / PC	$21.00 / CASE
30520	ROSEHIP "KAFKAS" (TURKEY)	12 /15 OZ	$1.75 / PC	$21.00 / CASE
30536	STRAWBERRY "KAFKAS" (TURKEY)	12 /15 OZ	$1.75 / PC	$21.00 / CASE
30609	SOUR CHERRY (GREECE)	12 /16 OZ	$3.00 / PC	$36.00 / CASE
31205	WALNUT (GREECE)	12 / 16 OZ	$3.00 / PC	$36.00 / CASE
35608	STRAWBERRY "OMA" (LATVIA)	6 / 350 GR	$1.50 / PC	$9.00 / CASE
35607	CHERRY "OMA" (LATVIA)	6 / 350 GR	$1.50 / PC	$9.00 / CASE
35609	RASPBERRY "OMA" (LATVIA)	6 / 350 GR	$1.50 / PC	$9.00 / CASE

SWEET SPREADS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
37001*	CARAMEL SPREAD "PINK COW" (ARGENTINA)	24 / 500 GR	$2.49 / PC	$59.50 / CASE
70270*	"MON AMI" CHOCOLATE SPREAD W/HAZELNUT (FRANCE)	12 / 400 GR	$1.25 / PC	$15.00 / CASE

SYRUPS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
50711	BLACK CURRANT "MARCO POLO"	12 / 33 OZ	$2.25 / PC	$27.00 / CASE
50713	RASPBERRY "MARCO POLO"	12 / 33 OZ	$2.25 / PC	$27.00 / CASE
50714	BLUEBERRY "MARCO POLO"	12 / 33 OZ	$2.25 / PC	$27.00 / CASE

TEA & COFFEE

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
32200	TEA INDAR	12 / 20 TB	$2.35 / PC	$28.20 / CASE
34501	TEA CEYLON ANURA	48 / 250 GR	$2.05 / PC	$94.40 / CASE
34502	TEA CEYLON EARL GREY	48 / 250 GR	$3.50 / PC	$168.00 / CASE
32400	COFFEE INSTANT "ELITE" /TIN/ (ISRAEL)	12 / 200 GR	$4.20 / PC	$50.40 / CASE
33301	COFFEE INSTANT "ELITE EXTRA CLASSIC" /JAR/(ISRAEL)	6 / 100 GR	$2.50 / PC	$15.00 / CASE
32420	CEYLON TEA "AHMAD" (ENGLAND)	16 / 500 GR	$3.50 / PC	$56.00 / CASE
32421	ENGLISH TEA "AHMAD" (ENGLAND)	24 / 100 TB	$ 2.40 / PC	$57.60 / CASE
34000	ROSEHIP TEA "MILFORD" (GERMANY)	24 / 20 TB	$1.25 / PC	$30.00 / CASE
34001	PEPPERMINT TEA "MILFORD" (GERMANY)	24 / 20 TB	$1.00 / PC	$24.00 / CASE
34002	CAMOMILE TEA "MILFORD" (GERMANY)	24 / 20 TB	$1.00 / PC	$24.00 / CASE
34003	RASPBERRY TEA "MILFORD" (GERMANY)	24 / 20 TB	$1.25 / PC	$30.00 / CASE
34004	FOREST FRUITS TEA "MILFORD" (GERMANY)	24 / 20 TB	$1.25 / PC	$30.00 / CASE
34005	CEYLON TEA "MILFORD" (GERMANY)	24 / 20 TB	$1.00 / PC	$24.00 / CASE
34006	EARL GREY TEA "MILFORD" (GERMANY)	24 / 20 TB	$1.00 / PC	$24.00 / CASE
34007	GREEN TEA "MILFORD" (GERMANY)	24 / 20 TB	$1.00 / PC	$24.00 / CASE

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

BEVERAGES

JUICES

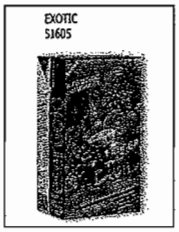
ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT / LB	PRICE / CASE
51601*	TOMATO (GERMANY)	12 / 1 LT	$0.90/ PC	$10.80 / CASE
51602*	BLACKCURRANT (GERMANY)	12 / 1 TL	$1.15 / PC	$13.80 / CASE
51603*	PEACH-ORANGE (GERMANY)	12 / 1 LT	$0.90 / PC	$10.80 / CASE
51604*	APRICOT-ORANGE (GERMANY)	12 / 1 LT	$0.90 / PC	$10.80 / CASE
51605*	EXOTIC (GERMANY)	12 / 1 LT	$0.90 / PC	$10.80 / CASE
51606*	FRUIT MIX (GERMANY)	12 / 1 LT	$0.90 / PC	$10.80 / CASE
51607*	APPLE (GERMANY)	12 / 1 LT	$1.00 / PC	$12.00 / CASE
51608*	PASSION FRUIT (GERMANY)	12 / 1 LT	$1.00 / PC	$12.00 / CASE
51609*	MULTIVITAMIN (GERMANY)	8 / 2 LT	$1.50 / PC	$12.00 / CASE
51611*	JUICE SOUR CHERRY (GERMANY)	10 / 0.75 LT	$1.15 / PC	$11.50 / CASE
51612*	JUICE CARROT W / HONEY (GERMANY)	18 / 0.33 LT	$0.55 / PC	$9.90 / CASE
51613*	JUICE CARROT W / BANANA (GERMANY)	18 / 0.33 LT	$0.55 / PC	$9.90 / CASE
35523*	TOMATO JUICE "CHUMAK" (UKRAINE)	6 / 1.85 LT	$1.99 / PC	$11.94 / CASE
52101*	VEGETABLE JUICE "CIDO" (LATVIA)	6 / 1 LT	$1.25 / PC	$15.00 / CASE

MINERAL WATER

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT / LB	PRICE / CASE
50401	HARGHITA MINERAL WATER (ROMANIA)	12 / 750 ML	$0.65 / PC	$7.80 / CASE
50800	GEROLSTEINER MINERAL WATER (GERMANY)	12 / 1 LT	$0.85 / PC	$10.20 / CASE
50902	BORJOMI MINERAL WATER (GEORGIA)	12 / 0.5 LT	$0.90 / PC	$10.80 / CASE
52501	BORJOM CLUB SODA	8 / 2 LT	$1.50 / PC	$12.00 / CASE
52502	BORJOM CLUB SODA	24 / 20 OZ	$0.70 / PC	$16.80 / CASE

SOFT DRINKS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT / LB	PRICE / CASE
34805	GOLD MALT (ISRAEL)	24 / 11 OZ	$0.60 / PC	$14.40 / CASE
50507	GAZOZ DRINK (TURKEY)	24 / 0.5 LT	$0.53 / PC	$12.55 / CASE
51610*	DRINK GREEN TEA (GERMANY)	8 / 1.5 LT	$1.00 / PC	$8.00 / CASE
51610*	KVAS "RIGA-800" (LATVIA)	6 / 1.5 LT	$1.00 / PC	$6.00 / CASE
37501	KVAS "GUBERNIJA" (LATHUANIA)	20 / 16.9 OZ	$0.75 / PC	$15.00 / CASE



** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

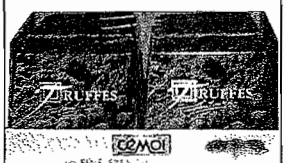
CANDIES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
	FRENCH			
70072*	ESCARGOTS LIGHT	10 / 228 GR	$4.00 / PC	$40.00 / CASE
70068*	ESCARGOTS DARK	10 / 228 GR	$4.00 / PC	$40.00 / CASE
70205	FERRERO ROCHER	6 / 24 PCS	$7.25 / PC	$43.50 / CASE
71072*	CHERRY IN LIQUOR "CERISES"	10 / 295 GR	$4.00 / PC	$40.00 / CASE
71215*	LIQUOR BOTTLES	12 / 200 GR	$7.50 / PC	$90.00 / CASE
71430*	"MOSCOW NIGHTS" VODKA FLAVORED	10 / 250 GR	$5.00 / PC	$50.00 / CASE
71683	ROCHERS LIGHT	10 / 300 GR	$4.95 / PC	$49.50 / CASE
72877*	TRUFFLES	11 / 500 GR	$5.00 / PC	$55.00 / CASE
72873*	TRUFFLES	24 / 250 GR	$3.00 / PC	$72.00 / CASE
72875*	TRUFFLES	6 / 1 KG	$8.00 / PC	$48.00 / CASE
77159*	DANSEUS	10 / 1 KG	$15.00 / PC	$150.00 / CASE
77416*	CAVIAR DE CHOCOLAT	10 / 460 GR	$12.00 / PC	$120.00 / CASE
77605*	PLACE BLANCHE	10 / 500 GR	$10.00 / PC	$100.00 / CASE
77870*	PARIS VIEWS "FLANERIE" (PURPLE)	10 / 724 GR	$10.00 / PC	$100.00 / CASE
77848*	PROMENADE / GONDOLE	10 / 1 KG	$15.00 / PC	$150.00 / CASE
77802*	CAVIAR DE CHOCOLAT	10 / 752 GR	$15.00 / PC	$150.00 / CASE
77804*	ROSES VENETIANES	10 / 1 KG	$15.00 / PC	$150.00 / CASE
77704*	VASE	10 / 500 GR	$8.00 / PC	$80.00 / CASE
77732*	CORFOU	10 / 500 GR	$8.00 / PC	$80.00 / CASE
77552*	TROUBADOUR	10 / 500 GR	$8.00 / PC	$80.00 / CASE
77799*	LES AMOREUX	10 / 724 GR	$10.00 / PC	$100.00 / CASE
77760*	YELLOW ROSES	10 / 1 KG	$15.00 / PC	$150.00 / CASE
77761*	RED ROSES	10 / 1 KG	$15.00 / PC	$150.00 / CASE
77869*	PARIS VIEWS "CHAMPS ELYSEES" (BLUE)	10 / 724 GR	$10.00 / PC	$100.00 / CASE
77871*	PARIS VIEWS "SOIR DE GALA" (RED)	10 / 724 GR	$10.00 / PC	$100.00 / CASE
77868*	PARIS VIEWS "CATHEDRALE" (YELLOW)	14 / 724 GR	$10.00 / PC	$140.00 / CASE
78000*	DARK CHOCHOLATE BAR	30 / 100 GR	$0.50 / PC	$15.00 / CASE
78001*	HAZELNUTS WITH RAISINS CHOCHOLATE BAR	30 / 100 GR	$0.50 / PC	$15.00 / CASE
78002*	MILK CHOCOLATE BAR	30 / 100 GR	$0.50 / PC	$15.00 / CASE
78003*	MILK CHOCOLATE BAR WITH HAZELNUTS	30 / 100 GR	$0.50 / PC	$15.00 / CASE
78005*	CHOCOLATE RAISIN BAR	30 /100 GR	$0.50 / PC	$15.00 / CASE
78006*	CHOCOLATE MARBLE BAR	30 /100 GR	$0.50 / PC	$15.00 / CASE
78007*	CHOCOLATE BAR W / RICE	24 /100 GR	$0.50 / PC	$12.00 / CASE
	POLISH			
70106*	HONEY LIQUOR	4.4 LB		$10.00 / CASE
70110*	WIOSENNE MIX	6.6 LB		$12.50 / CASE
70111*	WIOSENNE MIX DISPLAY	4.851 LB	$8.50	
70112*	CREAMY FUDGE	8.8 LB		$10.10 / CASE
70113*	CAPPUCCINO	4.4 LB		$11.88 / CASE
70114*	MIESZANKA DISPLAY	4 LB		$9.50 / CASE
70116*	"CHERRY CORDIAL" CHERRY IN LIQUOR	4.4 LB		$12.30 / CASE
70119*	DELPHINA P.	8 / 42 X 33 GR	$10.50 / PC	$84.00 / CASE
70125*	"DELFIKI" FRUIT FILLED HARD CANDIES	20 / 100 GR		$10.00 / CASE
70123*	BIRD'S MILK (LEMON)	20 / 220 GR	$1.10 / PC	$22.00 / CASE
70124*	BIRD'S MILK (VANILLA)	20 / 220 GR	$1.10 / PC	$22.00 / CASE
70126*	BIRD'S MILK (CHOCOLATE)	20 / 220 GR	$1.10 / PC	$22.00 / CASE
	OTHER			
70201	FERRERO PYRAMID (ITALY)	3 / 25 PCS	$7.25 / PC	$22.75 / CASE
70202	FERRERO ROCHER GIFT BOX (ITALY)	4 / 42 PCS	$10.75 / PC	$43.00 / CASE
75100	CARAMEL "LOBSTER TAILS" (RUSSIA)	1 / 24.25 LBS		$29.00 / CASE
70400*	DARK CHOCOLATE	1 / 40 LBS	$2.85 / PC	$114.00 / CASE

RED ROSE
77761

DANSEUS
77159

"MOSCOW NIGHTS"
71430



TRUFFLES (1 KG)
72875

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

Tel: (718) 522-1545
Fax: (718) 260-9194

International Gold Star Trading Corp.
570 Smith Street, Brooklyn, NY 11231

SNACKS

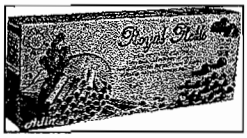
COOKIES

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
60501	PETIT BEURRE (TURKEY)	24 / 100 GR	$0.20 / PC	$4.80 / CASE
60502	PETIT BEURRE BISQUIT (TURKEY)	12 / 175 GR	$0.47 / PC	$5.60 / CASE
63100	MARIA (SPAIN)	22 / 200 GR	$0.49 / PC	$10.78 / CASE
63101	CAMPECHANAS BOX (SPAIN)	6 / 500 GR	$1.65 / PC	$9.90 / CASE
63102	CAMPECHANAS (SPAIN)	22 / 165 GR	$0.49 / PC	$10.80 / CASE
63104	MARIA (SPAIN)	24 / 100 GR	$0.25 / PC	$6.00 / CASE
63105	SURTIDO DESAYUNO MIX W/CANDY (SPAIN)	8 / 375 GR	$2.20 / PC	$17.60 / CASE
63110	CREAM SANDWICH (SPAIN)	6 / 600 GR	$1.59 / PC	$9.50 / CASE
63113	LADYFINGERS (SPAIN)	14 / 200 GR	$0.65 / PC	$9.00 / CASE
63304	DELICJE APRICOT (POLAND)	20 / 150 GR	$0.80 / PC	$16.00 / CASE
63305	DELICJE RASPBERRY (POLAND)	20 / 150 GR	$0.80 / PC	$16.00 / CASE
63306	DELICJE CHERRY (POLAND)	20 / 150 GR	$0.80 / PC	$16.00 / CASE
63308	DELICJE ORANGE (POLAND)	40 / 150 GR	$0.68 / PC	$27.00 / CASE
63309	DELICJE APPLE (POLAND)	20 / 150 GR	$0.80 / PC	$16.00 / CASE
63340	CHOC. COVERED HONEY COOKIES W/ ORANGE (POLAND)	16 / 200 GR	$0.75 / PC	$12.00 / CASE
63341	CHOC. COVERED HONEY COOKIES W/ APRICOT (POLAND)	16 / 200 GR	$0.75 / PC	$12.00 / CASE
63342	CHOC. COVERED HONEY COOKIES W/ STRAWBERRY (POLAND)	16 / 200 GR	$0.75 / PC	$12.00 / CASE
63343	CHOC. COVERED HONEY COOKIES W/ APPLE (POLAND)	16 / 200 GR	$0.75 / PC	$12.00 / CASE
64202	HONEY - PRYANIK (ISRAEL)	12 / 1 LB	$1.70 / PC	$20.40 / CASE
64203	HONEY - PRYANIK IN PAIL (ISRAEL)	4 / 2 LB	$3.30 / PC	$13.20 / CASE
64501	"TULSKIY PRYANIK" HONEY COOKIES IN PAIL (ISRAEL)	4 / 2 LB	$3.50 / PC	$14.00 / CASE

WAFERS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
63312	PRINCE POLO (POLAND)	10 / 60 X 20 GR	$6.50 / PC	$65.00 / CASE
63302	WAFERS FOR CAKE (ROUND)	25 / 110 GR	$0.76 / PC	$19.00 / CASE
63303	TORTIK (POLAND)	12 / 250 GR	$1.55 / PC	$18.60 / CASE
63307	PRINCE POLO (POLAND)	10 / 30 X 40 GR	$5.85 / PC	$58.50 / CASE
63502	WAFERS FOR CAKE (SQUARE)	18 / 250 GR	$0.99 / PC	$17.85 / CASE
64601	LEMON WAFERS (ISRAEL)	24 / 200 GR	$0.70 / PC	$16.80 / CASE
64602	CHOCOLATE WAFERS (ISRAEL)	24 / 200 GR	$0.70 / PC	$16.80 / CASE
64603	VANILLA WAFERS (ISRAEL)	24 / 200 GR	$0.70 / PC	$16.80 / CASE
64604	CHOCOLATE WAFERS (ISRAEL)	1 / 2 KG	$5.50 / PC	
64605	WAFERS CUBITES (ISRAEL)	18 / 200 GR	$0.84 / PC	$15.00 / CASE
64607	CHOCOLATE COVERED WAFERS "MTZUPONIM"(ISRAEL)	12 / 400 KG	$1.50 / PC	$18.00 / CASE
64606	HAZELNUT ROYAL ROLLS (ISRAEL)	20 / 100 GR	$0.75 / PC	$15.00 / CASE
62400	MANAMIM W/CHOCOLATE (ISRAEL)	12 / 14 OZ	$1.99 / PC	$23.88 / CASE
62401	MANAMIM SUGAR FREE (ISRAEL)	24 / 200 GR	$0.95 / PC	$22.80 / CASE

CHOCOLATE WAFERS
64602

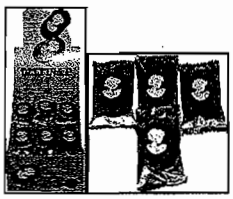


HAZELNUT ROYAL ROLLS
64606

CHOCOLATE COVERED WAFERS "PRINCE POLO"
63307

SPANISH COOKIES

CANDY BARS "DELPHINA P."
70119



WAFERS "CUBITES"
64605

BREAD

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
80100	ARNAUTSKY	PC	$1.40	
80101	BORODINSKY 2 LB	PC	$1.80	
80102	DARNITSKY	PC	$1.40	
80103	KISHENEVSKY	PC	$0.80	
80104	MOSKOWSKY	PC	$0.80	
80105	ORLOVSKY 2 LB	PC	$1.25	
80106	RUSSIAN	PC	$1.15	
80107	RYE	PC	$1.15	
80108	SLOVIANSKY	PC	$1.40	
80109	UKRANIAN	PC	$1.15	
80110	WHITE BRICK	PC	$0.80	
80112	HEALTH	PC	$1.00	
80113	YEAST FREE BREAD	PC	$1.40	
80121	UKRAINIAN RYE	PC	$1.45	

SUGAR FREE PRODUCTS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
31600	JAM DIET APRICOT (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31601	JAM DIET BLACKCURRANT (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31602	JAM DIET BLUEBERRY (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31603	JAM DIET CHERRY (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31605	JAM DIET PLUM BUTTER (GERMANY)	6 / 15.2 OZ	$2.60 /PC	$15.60 / CASE
31607	JAM DIET RASPBERRY / BLACKBERRY (GERMANY)	6 / 15.2 OZ	$2.40 / PC	$14.40 / CASE
31608	JAM DIET STRAWBERRY (GERMANY)	6 / 15.2 OZ	$2.60 / PC	$15.60 / CASE
32410	HALVAH VANILLA	32 / 300 GR	$2.00 / PC	$64.00 / CASE
32414	HALVAH MARBLE	32 / 300 GR	$2.00 / PC	$64.00 / CASE
62401	WAFER MANAMIM (ISRAEL)	24 / 200 GR	$0.95 / PC	$22.80 / CASE

KOSHER PRODUCTS

ITEM#	DESCRIPTION	PACKAGING	PRICE / UNIT/ LB	PRICE / CASE
32400	COFFEE INSTANT ELITE (ISRAEL)	12 / 200 GR	$4.20 / PC	$50.40 / CASE
32401	HALVAH MARBLE (ISRAEL)	12 / 16 OZ	$1.85 / PC	$22.20 / CASE
32403	HALVAH VANILLA "ACHVA" (ISRAEL)	24 / 500 GR	$2.00 / PC	$48.00 / CASE
32404	HALVAH MARBLE "ACHVA" (ISRAEL)	24 / 500 GR	$2.00 / PC	$48.00 / CASE
32405	HALVAH PISTACHIO "ACHVA" (ISRAEL)	24 / 500 GR	$2.25 / PC	$54.00 / CASE
32406	HALVA SUGAR FREE (ISRAEL)	12 / 9.68 OZ	$1.95 / PC	$23.40 / CASE
32410	HALVA VANILLA SUFAR FREE (ISRAEL)	16 / 300 GR	$2.00 / PC	$32.00 / CASE
32413	HALVAH MARBLE "ACHVA" (ISRAEL)	24 / 500 GR	$1.50 / PC	$36.00 / CASE
32414	HALVA MARBLE SUGAR FREE (ISRAEL)	16 / 300 GR	$2.00 / PC	$32.00 / CASE
32419	SUNFLOWER SEEDS NO SALT (ISRAEL)	1 / 30 LB	$1.15 / LB	$34.50 / CASE
33802	PICKLES (ISRAEL)	24 / 19 OZ	$0.90 / PC	$21.60 / CASE
34206	PICKLES IN BRINE "FROM AUNT SONYA" (ISRAEL)	12 / 19 OZ	$0.90 / PC	$10.80 / CASE
34207	PICKLES IN BRINE (ISRAEL)	6 / 43 OZ	$2.00 / PC	$12.00 / CASE
34804	HALVAH CHOCOLATE COVER (ISRAEL)	10 / 350 GR	$2.25 / PC	$22.50 / CASE
34805	GOLD MALT DRINK (ISRAEL)	24 / 11 OZ	$0.60 / PC	$14.40 / CASE
62400	WAFER MANAMIM W/CHOCOLATE (ISRAEL)	12 / 14 OZ	$2.20 / PC	$26.40 / CASE
62401	WAFER MANAMIM SUGAR FREE (ISRAEL)	24 / 200 GR	$0.95 / PC	$22.80 / CASE
64202	PRYANIK HONEY (ISRAEL)	12 / 1 LB	$1.70 / PC	$20.40 / CASE
64203	PRYANIK HONEY IN PAIL (ISRAEL)	4 / 2 LB	$3.30 / PC	$13.20 / CASE
40500*	TVOROG - SOFT CHEESE CHOCOLATE	12 / 12 OZ	$1.85 / PC	$22.20 / CASE
40501*	FARMER CHEESE CANADIAN STYLE	4 / 5 LB	$11.75 / PC	$47.00 / CASE
40502*	TVOROG - SOFT CHEESE	12 / 12 OZ	$1.50 / PC	$18.00 / CASE
31101	HALVA CHOCOLATE FLAVOR	4 / 6 LB	$15.30 / PC	$61.20 / CASE
64601*	LEMON WAFERS (ISRAEL)	24 / 200 GR	$0.70 / PC	$16.80 / CASE
64602*	CHOCOLATE WAFERS (ISRAEL)	24 / 200 GR	$0.70 / PC	$16.80 / CASE
64603*	VANILLA WAFERS (ISRAEL)	24 / 200 GR	$0.70 / PC	$16.80 / CASE
64604*	CHOCOLATE WAFERS (ISRAEL)	1 / 2 KG	$5.50 / PC	
64605*	WAFERS CUBITES (ISRAEL)	18 / 200 GR	$0.84 / PC	$15.00 / CASE
63502*	HAZELNUT ROYAL ROLLS (ISRAEL)	20 / 100 GR	$0.75 / PC	$15.00 / CASE

** EXCLUSIVE PRODUCTS OF INTERNATIONAL GOLD STAR TRADING CORP.*

CONFIDENTIAL APPLICATION FOR CREDIT

Credit terms are available to clients who meet criteria set by International Gold Star Trading Corp. If your company meets these requirements, (keeps payment current, provides acceptable credit information, accepts responsibilities defined on this form), we will be pleased to extend credit within reasonable limits.

*Please note: Our credit terms are available for convenience of payment only, **not** for the purpose of financing your business. Therefore, we will appreciate your prompt payments in order to avoid any problems including cancellation of your credit terms.*

Date ___ / ___ / ___

Firm Name _____ Telephone _(___)_____

Address _____ City _____ State _____ ZIP _____

Kind of Business _____

Name of Principal(s) 1)_____ 2)_____

Legal Identify: Sole ownership ☐ Co-partnership ☐ Corporation ☐ How long in business _____

Fed ID # _____ Tax Exempt # _____ Applicable State _____

Bank Reference _____ Branch _____

Address _____ City _____ State ___ZIP___Phone_(___)_____

Account # _____ Person to contact _____

Three Business References:

1) Name _____ Phone _(___)_____

Address _____ City _____ State ___ ZIP_____

2) Name _____ Phone _(___)_____

Address _____ City _____ State ___ ZIP_____

3) Name _____ Phone _(___)_____

Address _____ City _____ State ___ ZIP_____

(Please turn over)

GUARANTEE OF PAYMENT

In the event _____ defaults in the performance of any obligation incurred to International Gold Star Trading Corp., we personally will be responsible for and will immediately discharge said obligations.

This is a guarantee of payment not collection.

Signature(s) _____ _____ Name _____

Residence Address _____ City _____ State ____ ZIP_____

Telephone _(____)_____ Social Security Number _____--_____--_____

Driver License # _____ State _____

Credit Card Number _____ Expiration Date __ / __ Type: VISA MC AMEX

Emergency Contact Name _____ Phone (____)_____

THE APPLICANT AGREES TO THE TERMS AND CONDITIONS OF THE *INTERNATIONAL GOLD STAR TRADING CORP.* OPEN ACCOUNT AGREEMENT AS FOLLOWS:

1. Payment in full is due within ____ days of receipt of the G.S. invoice for each order which will be submitted with delivery.
2. An open account is offered to those customers who will average _____($_____) or more per month in charges.
3. All legal fees, court costs, and collection fees to be paid for by the applicant, in case of default on terms of this agreement.
4. Interest will be paid to G.S. , by the applicant, at the rate established by law, on all money due G.S. over _____ days.
5. The applicant hereby gives permission to disclose its experience with the bank indicated above, to G.S.
   This information is to be used in consideration of granting an open account to the applicant.

ACCEPTANCE OF TERMS & CONDITIONS AS HEREBY SET FORTH BY OWNER, PARTNER OR CORPORATE OFFICER.

Authorized Signature _____ Title _____ Date ___ / ___ / ____

NOTARY PUBLIC

On this ____ day _____ of, 2000 , before me personally appeared _____ _____to me known and known to me to be the individual who executed the foregoing instrument, and he duly acknowledgment to me that he executed the same.

_____
NOTARY PUBLIC

FOR OFFICE USE ONLY:

Approved by: _____ Date____ /____ / ___ Open Account Limit _$_____

Open Account Ledger Started ☐ Customer Notified Application is Accepted ☐

Customer Number: _____ Other Notes: _____

This Confidential Application For Credit is the property of *International Gold Star Trading Corp.* (d.b.a. *Gold Star Smoked Fish)* 570 Smith St., Brooklyn, NY 11231 tel. (718) 522-1545; fax (718) 260-9194

COMPANY RETURN POLICY

1. GOODS SHALL NOT BE CONSIDERED ACCEPTED FOR RETURN UNTIL WE HAVE RECEIVED, INSPECTED AND APPROVED SAID GOODS AT OUR PLACE OF BUSINESS.
2. RETURNED GOODS MUST BE INVOICED AND SUBJECT TO INSPECTION AND RETURN APPROVAL BEFORE CREDIT CAN BE ISSUED.
3. NO CREDIT WILL BE ISSUED FOR ANY GOODS UNINSPECTED BY THE CUSTOMERS AT THE POINT OF DELIVERY OR HELD BY THE CUSTOMER FOR A PERIOD OF MORE THEN THREE (3) DAYS.
4. ALL RETURNED GOODS SHALL BE IN RE-SALABLE CONDITION AND REPRESENT GOODS WE EITHER CURRENTLY STOCK OR CAN RETURN TO OUR SUPPLIER FOR CREDIT. WE RESERVE THE RIGHT TO REJECT NON-CONFORMING GOODS.
5. IF GOODS ARE SHIPPED VIA COMMON CARRIER, THE CUSTOMER SHALL BE RESPONSIBLE FOR ALL FREIGHT COSTS AND RISK OF LOSS IN TRANSIT.

DIRECTIONS TO GOLD STAR

FROM LONG ISLAND / JFK:

Take Belt Pkwy West* into Brooklyn-Queens Expressway East (BQE 278 East) to exit 268 (Hamilton Ave). After traffic light stay to your left and make U-turn after approximately 200 feet on Woodhull Street. Stay on Hamilton Ave. and at the third traffic light make a right turn on Court Street. At the third intersection, make a left turn on Creamer Street and at next one make left turn to Smith Street.

FROM NEW JERSEY via STATEN ISLAND (Verrazano Bridge):

Take Brooklyn-Queens Expressway East (BQE 278 East) to exit 268 (Hamilton Ave). After traffic light stay to your left and make U-turn after approximately 200 feet on Woodhull Street. Stay on Hamilton Ave. and at the third traffic light make a right turn on Court Street. At the third intersection, make a left turn on Creamer Street and at next one make left turn to Smith Street.

FROM MANHATTAN / QUEENS via Brooklyn-Queens Expressway West (BQE 278 West):

Take Brooklyn-Queens Expressway West (BQE 278 West) to exit 26 (Hamilton Ave.). Stay on Hamilton Ave. and at the second traffic light make a right turn on Court Street. At the third intersection, make a left turn on Creamer Street and at next one make left turn to Smith Street.

FROM MANHATTAN via Buttery Tunnel:

Right after the tunnel take Hamilton Ave. exit. Stay on Hamilton Ave. and at the second traffic light make a right turn on Court Street. At the third intersection, make a left turn on Creamer Street and at next one make left turn to Smith Street.

IN BROOKLYN via Ocean Pkwy:

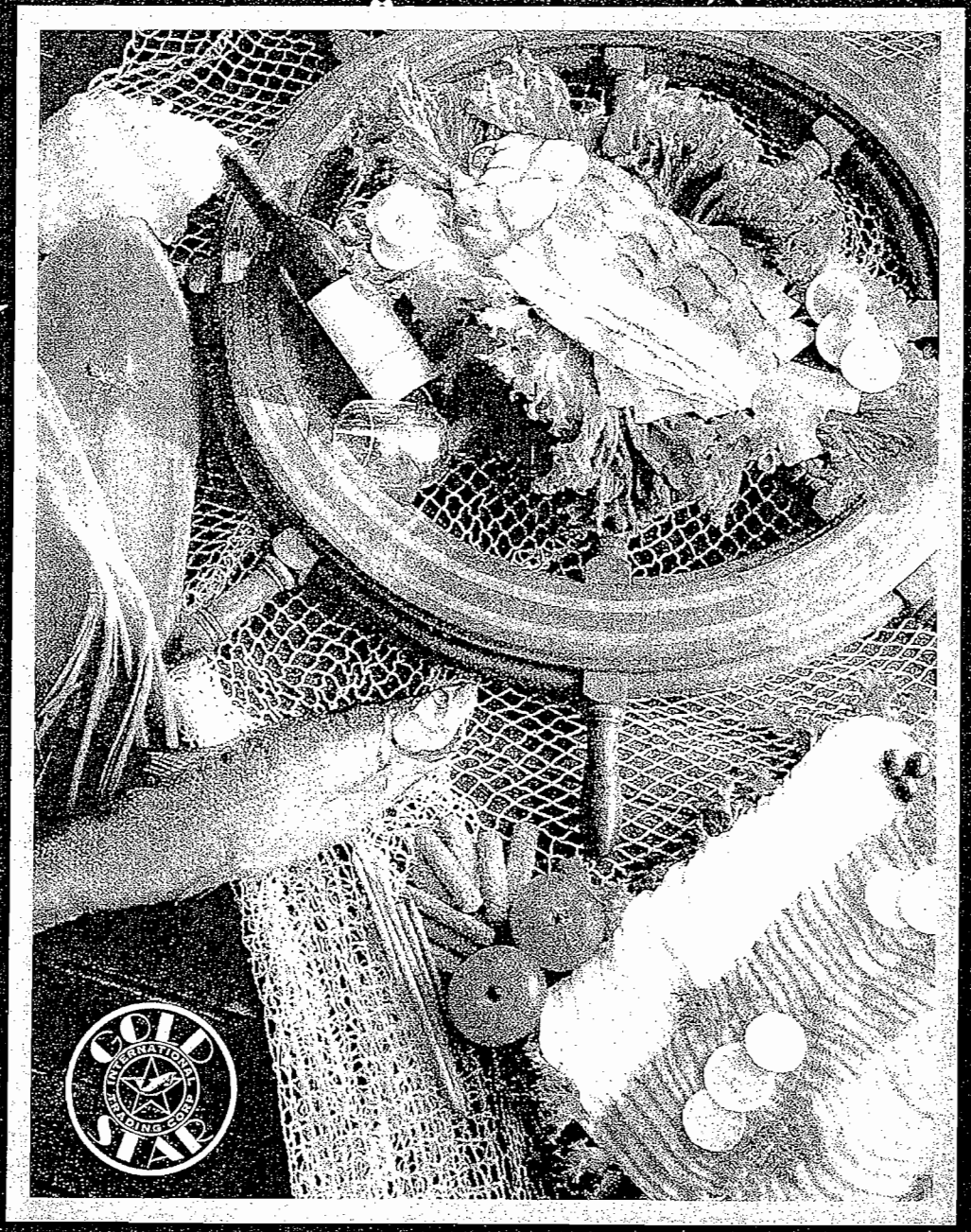
Take Ocean Pkwy. Northbound direction, towards Manhattan. Ocean Pkwy. ends at Church Ave. and leads into Prospect Expressway. Take exit #1 (Hamilton Ave.) from Prospect Expressway and stay on Hamilton Ave. At the second traffic light (corner of Hamilton Ave. and Smith St.), make a left turn on Loraine Street. (Note: You can not make a left turn on Smith St., because it is a One-Way Street). At the first intersection of Loraine Street and Court Street make a left turn on Court Street. On the next block at the corner of Court Street and Creamer Street make another left turn on Creamer Street, and at the corner of Creamer Street and Smith Street, one more left turn on Smith Street.

*** No Commercial Traffic is Permitted on Belt Pkwy.**

GOLD STAR

570 SMITH STREET
BROOKLYN, NY 11231

GOLD0061



GOLD STAR SMOKED FISH CORP.
INTERNATIONAL GOLD STAR TRADING CORP.

Manufacturers of Gourmet Smoked Fish
Distributors of Imported and Domestic Specialty Foods

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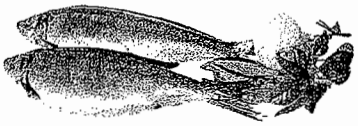
☆ International Gold Star Trading Corp. ☆
570 Smith Street, Brooklyn, NY 11231, USA
e-mail: intl@goldstarco.com

Tel. 718☆522☆1545
Fax. 718☆260☆9194

FISH PRODUCTS ☆☆☆

HERRING

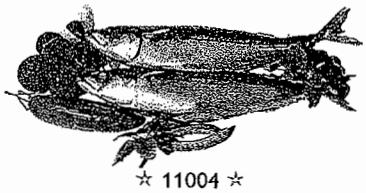


☆ 10000 ☆

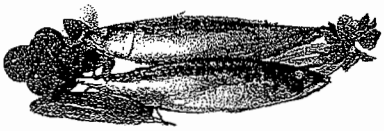
☆ 10003 ☆

10000	HERRING SUPER JUMBO	25 PCS / PAIL
10001	HERRING JUMBO	30 PCS / PAIL
10002	HERRING JUMBO MEDIUM	35 PCS / PAIL
10003	HERRING COLD SMOKED V/P	LB
10006	HERRING FILLET V/P	6 / 2.5 LB TRAY
22003	HERRING DRY CAVIAR V/P	40 / 4 OZ

MACKEREL



☆ 11004 ☆

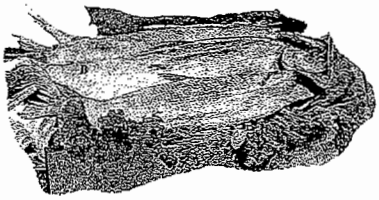


☆ 11005 ☆

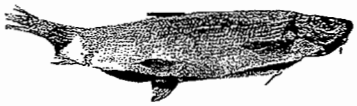
☆ 11007 ☆

11000	MACKEREL COLD SMOKED MEDIUM	LB
11001	MACKEREL COLD SMOKED MEDIUM V/P	LB
11004	MACKEREL COLD SMOKED	LB
11005	MACKEREL HOT SMOKED	LB
11006	MACKEREL COLD SMOKED V/P	LB
11007	MACKEREL SALTED "ODESSA" STYLE	LB

WHITEFISH

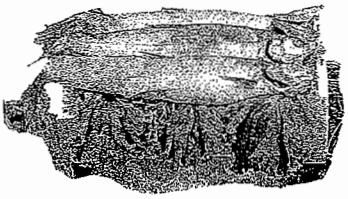


☆ 12000 ☆

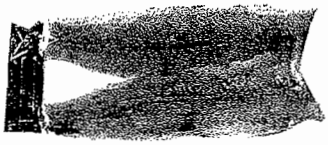


☆ 12001 ☆

☆ 12002 ☆



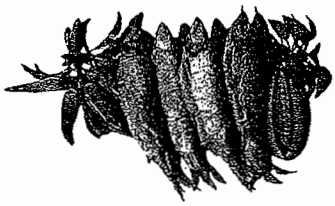
☆ 12004 ☆



☆ 12011 ☆

12000	WHITEFISH COLD SMOKED (RIBETZ)	LB
12001	WHITEFISH COLD SMOKED V/P (RIBETZ)	LB
12002	WHITEFISH DRY	LB
12003	WHITEFISH DRY V/P	LB
12004	WHITEFISH HOT SMOKED	LB
12006	WHITEFISH COLD SMOKED SMALL (RIBETZ)	LB
12011	WHITEFISH FILLET COLD SMOKED V/P	LB
12012	WHITEFISH FILLET DRY V/P	LB

CHUBS



☆ 13001 ☆

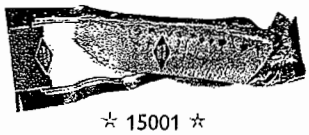
13001	CHUBS HOT SMOKED	LB

☆☆☆ FISH PRODUCTS

SHAD

15000.....SHAD COLD SMOKED.....LB
15001.....SHAD COLD SMOKED V/P.....LB
15002.....SHAD COLD SMOKED CHUNKED V/P.....LB
15003.....SHAD SLICED V/P.....30 / 0.5 LB
15004.....SHAD SLICED COLD SMOKED V/P.....0.25 LB
15007.....SHAD TAILS PCS.....LB

☆ 15000 ☆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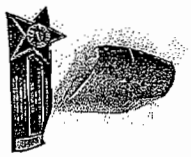
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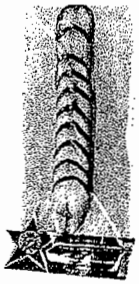
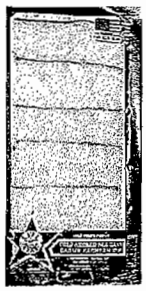
✦ 15007 ✦


☆ 15004 ☆

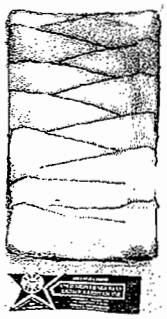
☆ 15003 ☆

SEA BASS

18000.....BALIC CAPITAN COLD SMOKED CHUNK V/P.....LB
18001.....BALIC CAPITAN COLD SMOKED SLICED V/P.....60 / 0.25 LB
18002.....BALIC CAPITAN COLD SMOKED SLICED V/P.....30 / 0.5 LB
18003.....BALIC CAPITAN COLD SMOKED SLICED V/P.....5 / 3 LB TRAY
18004.....GOLDEN CAPITAN SLICED V/P.....35 / 0.5 LB
18005.....GOLDEN CAPITAN SLICED V/P.....60 / 0.25 LB
18006.....GOLDEN CAPITAN CHUNK V/P.....LB
18008.....BALIC CAPITAN CUSTOM SLICED V/P.....LB
18010.....BALIC CAPITAN CHUNK.....LB
18011.....BALIC CAPITAN PCS.....LB
18012.....GOLDEN CAPITAN SLICED V/P.....20 / 1LB


☆ 18001 ☆

☆ 18002 ☆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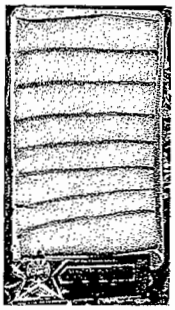
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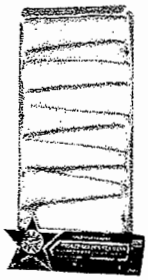
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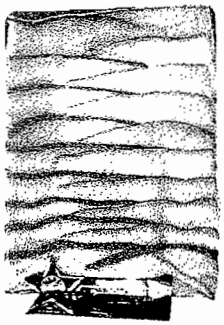
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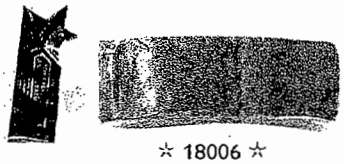
☆ 18000 ☆

☆ 18010 ☆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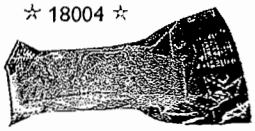
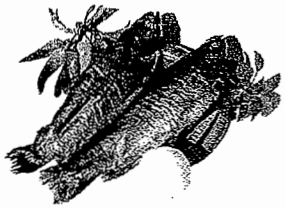

☆ 18008 ☆

RAINBOW TROUT

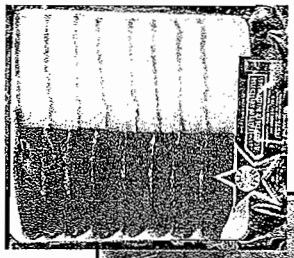
25002.....RAINBOW TROUT HOT SMOKED.....LB
25003.....RAINBOW TROUT HOT SMOKED V/P.....LB


☆ 25002 ☆

☆ 25003 ☆

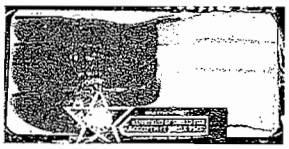
FISH PRODUCTS ☆☆☆

FISH ASSORTMENTS



☆ 23000 ☆

☆ 23015 ☆



☆ 23026 ☆

ASSORTMENT - 2

23000.....SALMON TROUT & BALIC.....30 / 0.5 LB
23015.....SALMON TROUT & STURGEON.....30 / 0.5 LB
23026.....SALMON TROUT & BALIC.....60 /0.25 LB

ASSORTMENT - 3

23002.....SALMON TROUT, BALIC & LAKE STURGEON.....35 / 0.5 LB
23003.....SALMON TROUT, BALIC & SHAD SLICED.....35 / 0.5 LB
23004.....SALMON TROUT, BALIC & SHAD SLICED (ON BONE).....60 / 0.5 LB
23025.....SALMON TROUT, BALIC & LAKE STURGEON.....60 / 0.25 LB
23027.....SALMON TROUT, BALIC & LAKE STURGEON.....20 / 1 LB

ASSORTMENT - 4

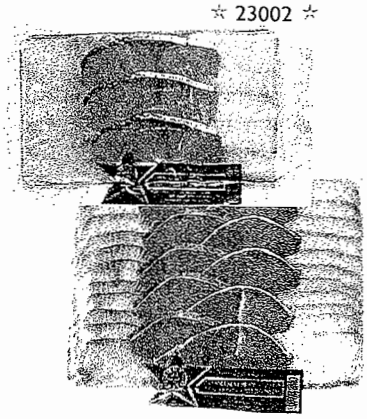
23005.....STURGEON, SALMON TROUT, BALIC & SWD. SALMON.....20 / 0.68 LB
23006.....STURGEON, SALMON TROUT, SHAD & SWD. SALMON.....20 / 0.68 LB
23017.....STURGEON, SALMON TROUT, SHAD & SWD. SALMON (ON BONE).....20 / 0.68 LB

ASSORTMENT - 5

23019.....STURG., SALM. TROUT., PALT., SWD. SALM.& SHAD (ON BONE).....15 / 0.85 LB
23020.....STURG., SALM.TROUT, BALIC, SWD. SALM. & PALTUS.....15 / 0.85 LB

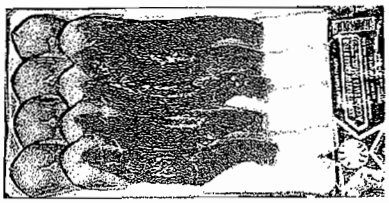
ASSORTMENT - 6

23021.....STURG., SALM. TROUT, BALIC, SWD. SALM., SHAD & PALT.....10 / 1.02 LB
23022.....STURG., SALM. TROUT, BALIC, SWD. & NORW. SALM. & PALT.....10 / 1.02 LB
23024.....STURG., SALM. TROUT, BALIC, NORW. SALM. ,WH. FISH & PALT.....10 / 1.35 LB

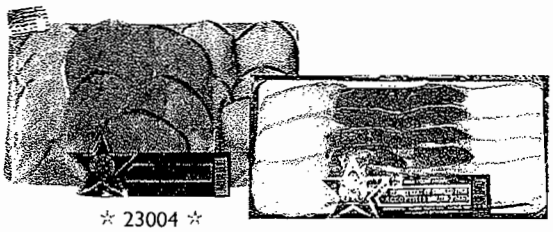


☆ 23002 ☆

☆ 23027 ☆

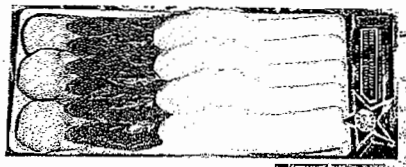


☆ 23003 ☆

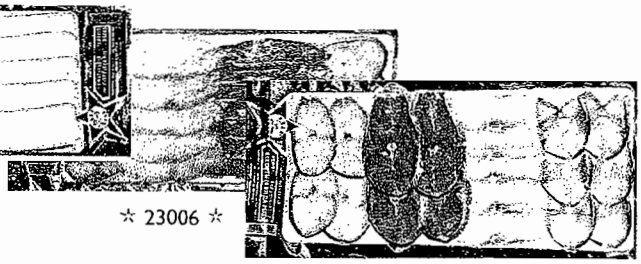


☆ 23004 ☆

☆ 23025 ☆

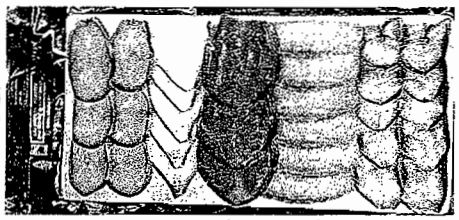


☆ 23005 ☆

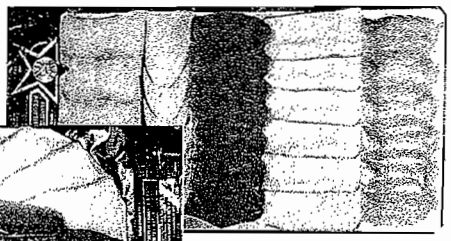


☆ 23006 ☆

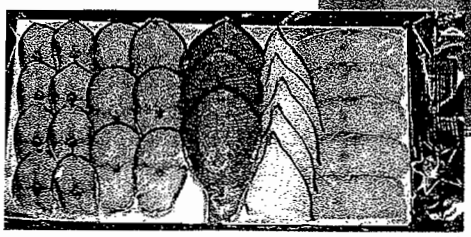
☆ 23017☆



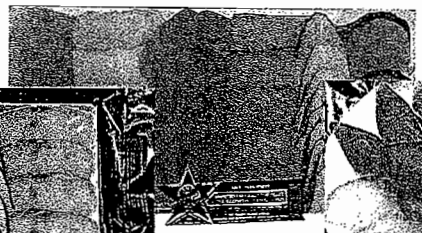
☆ 23019 ☆



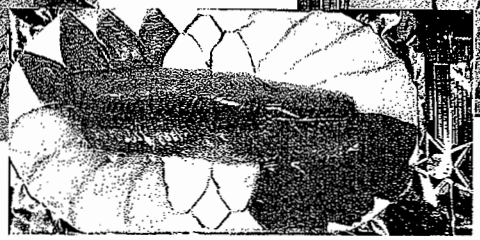
☆ 23020



☆ 23021



☆ 23022

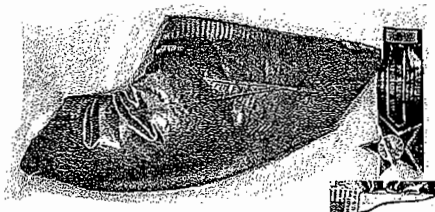


☆ 23024

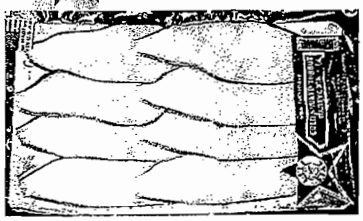
☆☆☆ FISH PRODUCTS

PALTUS

20000.....PALTUS COLD SMOKED V/P.....LB
20001.....PALTUS COLD SMOKED SLICED V/P.....30 / 0.5 LB
20004.....PALTUS COLD SMOKED PCS.....LB
20006.....PALTUS COLD SMOKED SLICED V/P.....20 / 1 LB
20007.....PALTUS COLD SMOKED SLICED V/P.....60 / 0.25 LB



☆ 20000 ☆



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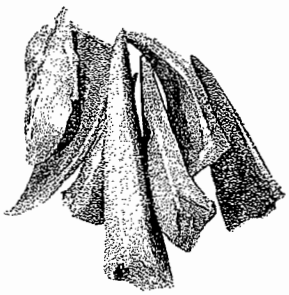
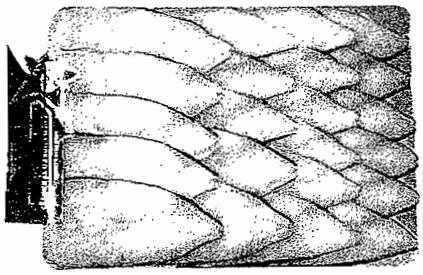


☆ 20004 ☆

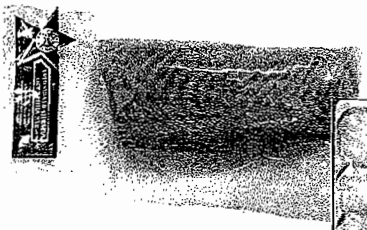


☆ 20006 ☆

☆ 20007 ☆

STURGEON (LAKE)

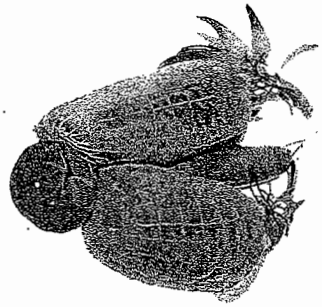
19000.....STURGEON COLD SMOKED V/P.....LB
19001.....STURGEON COLD SMOKED SLICED V/P.....60 / 0.25 LB
19003.....STURGEON COLD SMOKED SLICED V/P.....30 / 0.5 LB
19004.....STURGEON COLD SMOKED SLICED V/P.....5 / 3 LBS TRAY
19006.....STURGEON HOT SMOKED NET.....LB
19009.....STURGEON HOT SMOKED PCS.....LB
19011.....STURGEON COLD SMOKED SLICED V/P BOARD.....LB
19012.....STURGEON COLD SMOKED PCS V/P.....LB
19015.....STURGEON FRESH FROZEN.....LB
19016.....STERLYAD HOT SMOKED.....LB



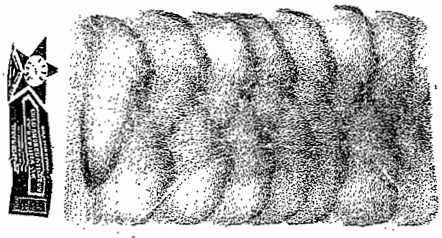
☆ 19000 ☆

☆ 19001 ☆

☆ 19003 ☆



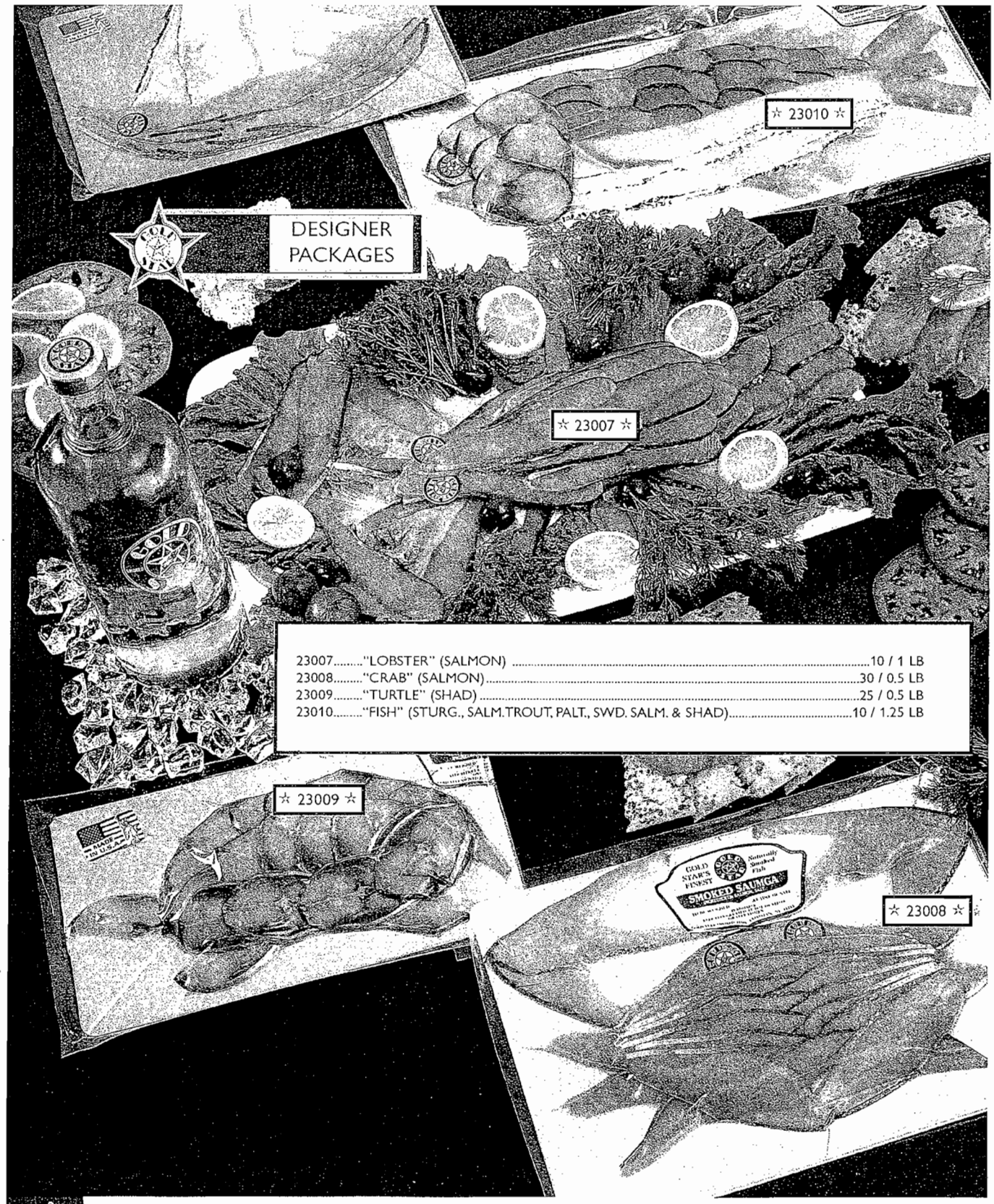
☆ 19006



☆ 19004

GOLD0067

FISH PRODUCTS ☆☆☆



23007	"LOBSTER" (SALMON)	10 / 1 LB
23008	"CRAB" (SALMON)	30 / 0.5 LB
23009	"TURTLE" (SHAD)	25 / 0.5 LB
23010	"FISH" (STURG., SALM.TROUT, PALT., SWD. SALM. & SHAD)	10 / 1.25 LB

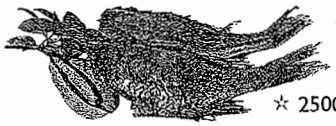
☆☆☆ FISH PRODUCTS

OTHER HOT SMOKED SPECIALTIES

16000.....EEL HOT SMOKED .....LB
16002.....EEL HOT SMOKED CHUNKS V/P .....LB
25004.....RED SNAPPER HOT SMOKED .....LB
25006.....WHITING HOT SMOKED - HECK .....LB

☆ 16000 ☆

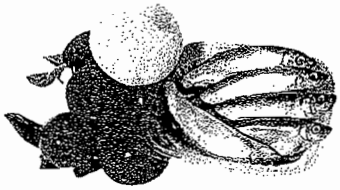
☆ 25006 ☆

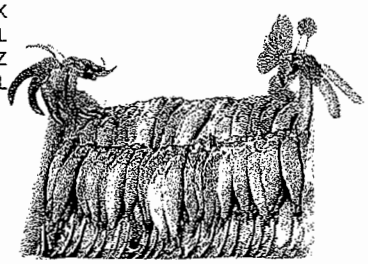

☆ 25004 ☆

SPRATS

25000.....SALTED SPRATS IN BRINE (SARDINES) .....4 LBS / PAIL
25001.....SPRATS (HOLLAND) .....6.6 LBS / BOX
25002.....SALTED SPRATS IN BRINE .....8 / 7 LB PAIL
25008.....ODESSA STYLE TULKA .....16 OZ
25010.....SALTED SPRATS IN BRINE .....8 / 7 LB PAIL

☆ 25010 ☆


☆ 25008 ☆


☆ 25001 ☆

☆ 25000 ☆ ☆ 25002 ☆

DRIED FISH

25005.....VOBLA DRY .....LB
25007.....MOYVA .....10 LB / CASE
25009.....ASTRAKHAN VOBLA .....LB

☆ 25005 ☆

☆ 25009 ☆

☆ 10008 ☆

☆ 10009 ☆

SEAFOOD SPECIALTIES

10004.....HERRING IN OIL .....12 / 16 OZ
10008.....HERRING MARINATED .....10 / 7 OZ
10009.....HERRING MARINATED .....10 / 14 OZ
14012.....SALMON IN OIL .....12 / 16 OZ
15005.....SHAD IN OIL .....12 / 16 OZ
15006.....SHAD IN OIL .....1 / 8 LB PAIL
19010.....STURGEON IN OIL .....12 / 16 OZ
30605.....TARAMOSALATA CARP (GREECE) .....12 / 10 OZ
30607.....TARAMOSALATA (GREECE) .....12 / 15 OZ
30608.....TARAMOSALATA (GREECE) .....12 / 8.5 OZ
31000.....MATJAS HERRING (FINLAND) .....12 / 6 OZ
31001.....COD LIVER (ICELAND) .....50 / 116 GR
32900.....COD LIVER SMOKED IN OIL (DENMARK) .....24 / 121 GR
33302.....SILVER CARP IN TOMATO SAUCE (UKRAINE) .....48 / 8.8 OZ
35000.....CRAB MEAT V/P .....15 / 16 OZ
35001.....SAIRA (SAURY) IN OIL .....48 / 240 GR
36000.....RIGA SPRATS (LATVIA) .....72 / 160 GR
37292.....CREVETS IN BRINE (SWEDEN) .....12 / 170 GR

☆ 19010 ☆ ☆ 15005 ☆

☆ 10004 ☆ ☆ 14012 ☆

☆ 30607 ☆ ☆ 30608 ☆ ☆ 30605 ☆

☆ 31000 ☆

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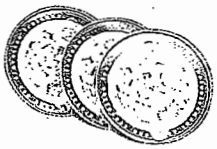
☆ 33302 ☆

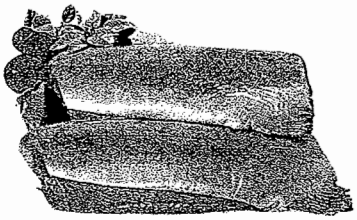
☆ 35001 ☆


☆ 37292 ☆

☆ 35000 ☆

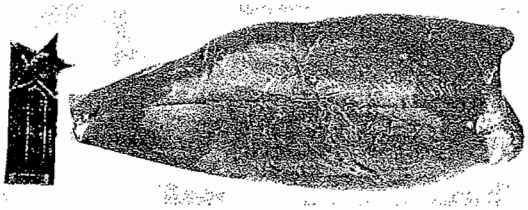
☆ 36000 ☆

FISH PRODUCTS ☆☆☆



☆ 14000 ☆

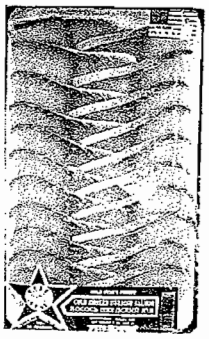
☆ 14005 ☆



☆ 14007 ☆

14000	SEMGA COLD SMOKED	LB
14002	SEMGA COLD SMOKED V/P (WHOLE)	LB
14004	SEMGA FILLET SLICED V/P (BOARD)	LB
14005	SEMGA SMOKED SLICED V/P	60 / 0.25 LB
14006	SEMGA SMOKED SLICED V/P	35 / 0.5 LB
14007	SEMGA SIDE V/P	LB
14008	SEMGA FILLET SLICED V/P	5 / 3 LBS TRAY
14014	SWEDISH SALMON SLICED V/P	35 / 0.5 LB
14015	SWEDISH SALMON SLICED V/P	60 / 0.25 LB
14016	SEMGA CHUNKED V/P	LB
14021	SWEDISH SALMON FILLET SIDE V/P	LB
14022	SWEDISH SALMON FILLET SIDE SLICED V/P	LB
17001	SALMON NORWEGIAN FILLET SLICED V/P	LB
17002	SALMON NORWEGIAN SLICED V/P	60 / 0.25 LB
17003	SALMON NORWEGIAN SLICED V/P	30 / 0.5 LB
17005	SALMON BELLIES	5 / 3 LB TRAY
17008	SALMON NOVA FILLET SLICED V/P	LB
17010	SALMON NOVA SLICED V/P	60 / 0.25 LB
17011	SALMON NOVA SLICED V/P	30 / 0.5 LB
17012	SEMGA BELLIES V/P	20 / 1 LB
17015	SALMON NOVA WINGS	LB
17016	SALMON NOVA BITS V/P	LB
17019	SALMON NOVA SLICED V/P	5 / 3 LB TRAY

☆ 14006 ☆



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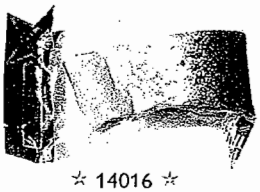
☆ 14015 ☆



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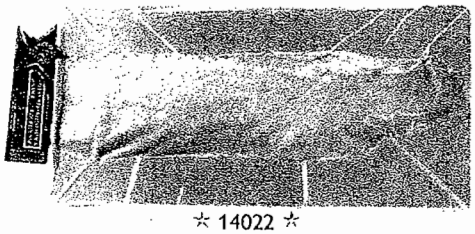
☆ 14021 ☆



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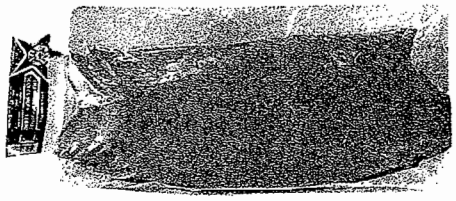
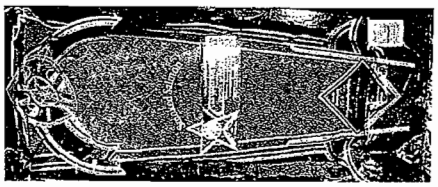


☆ 17001 ☆

☆ 17002 ☆

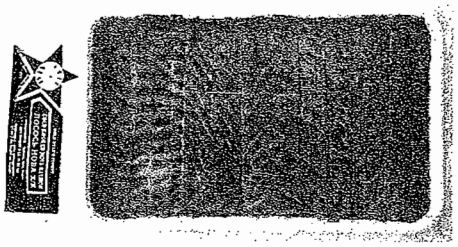
☆ 17003 ☆



☆ 17008 ☆

☆ 17011 ☆

☆ 17016 ☆

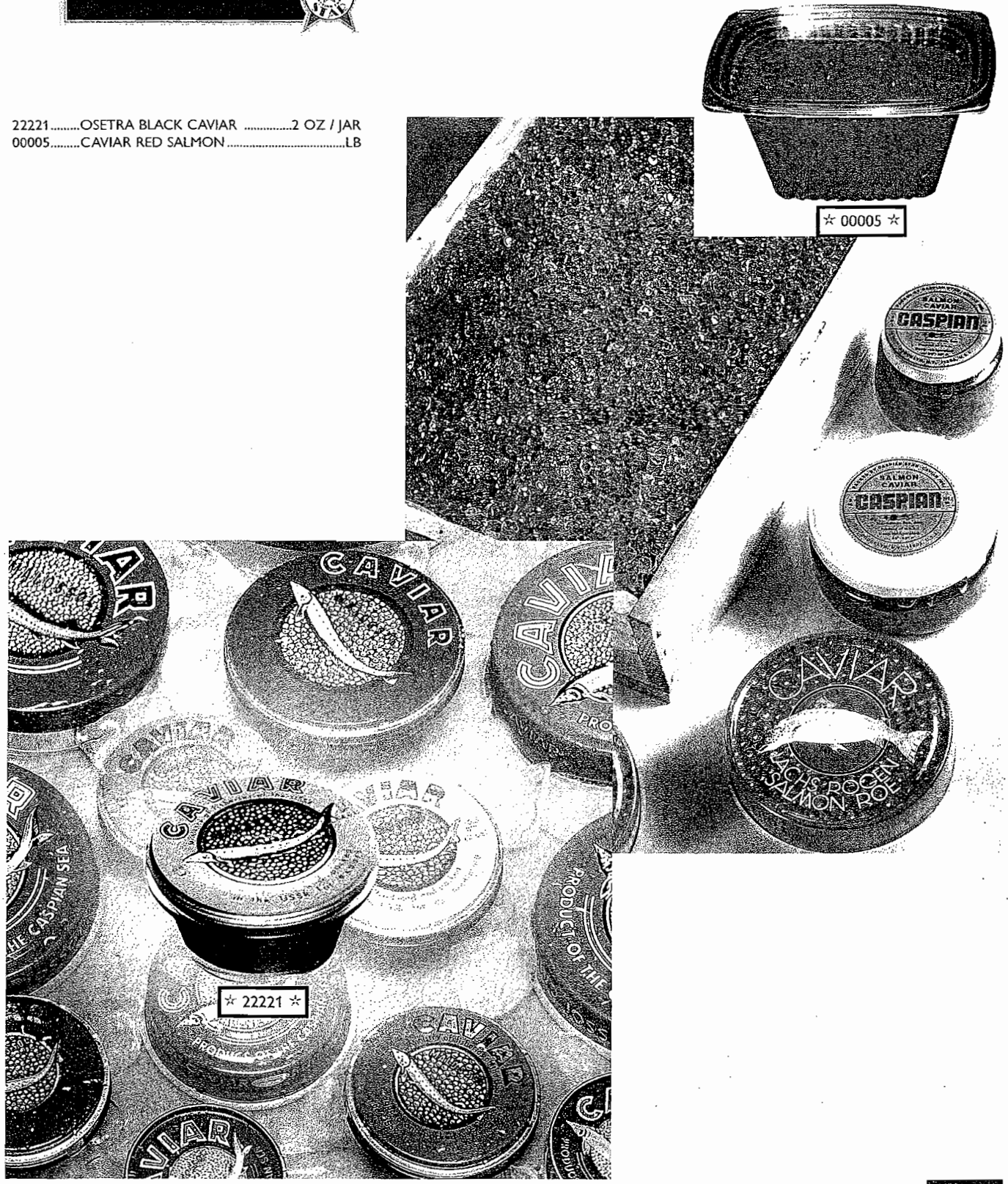


☆ 17019 ☆

☆ 17010 ☆

CAVIAR

22221.....OSETRA BLACK CAVIAR .....2 OZ / JAR
00005.....CAVIAR RED SALMON.....LB

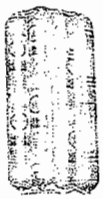


MEAT PRODUCTS ☆☆☆

GOLD STAR

90124	BOLOGNA MOLOCHNAYA	LB
90139	VETCHINORUBLENAYA	LB
90149	SALAMI MOSCOWSKAYA	LB
90210	BOLOGNA RED SKIN	LB
90222	BOLOGNA MILK (LONG & SHORT)	LB
90230	BOLOGNA TCHAYNAYA	LB
90238	FRANKFURTERS "TAMBOVSKY WOLF"	LB
90239	KNOCKWURST "TAMBOVSKY WOLF"	LB
90240	BOLOGNA MILK "TAMBOVSKY WOLF"	LB
90702	BOLOGNA NATURAL SKIN	LB
92801	POLISH KIELBASY	LB
92802	SMOKED PORK BELLY	LB
92803	SMOKED KABANOSY	LB

☆ 90139 ☆


☆ 90222 ☆

☆ 90149 ☆

☆ 90124 ☆

☆ 90210 ☆

☆ 90702 ☆

☆ 90230 ☆

☆ 90238 ☆

☆ 90239 ☆

☆ 90240 ☆

SCHMALTZ

90100	BACON CANADIAN	LB
90101	BACON CANADIAN DOUBLE	LB
90102	SMOKED PORK BUTTS	LB
90103	CHESNOCHNAYA	LB
90104	HAM OVAL SPICED	LB
90106	BOLOGNA BLACK SKIN	LB
90107	BOLOGNA BABY	LB
90109	BOLOGNA RED SKIN	LB
90110	BOLOGNA NATURAL SKIN	LB
90112	FRANKFURTERS LOOSE	LB
90113	FRANKFURTERS V/P	LB
90115	HAM BLACK FOREST	LB
90116	HAM OLD FASHION	LB
90118	HEAD CHEESE	LB
90119	KABANOSY	LB

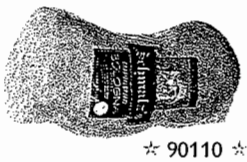
☆ 90100 ☆

☆ 90101 ☆

☆ 90103 ☆

☆ 90102 ☆

☆ 90104 ☆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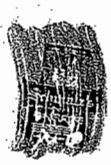
☆ 90112 ☆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☆ 90115 ☆

☆ 90116 ☆

☆ 90118 ☆

☆ 90107 ☆

☆ 90119 ☆

☆ 90106 ☆

☆ 90109 ☆

SCHMALTZ

90121	KRESTIYANSKAYA	LB
90122	HEAD CHEESE WITH BLOOD	LB
90123	LIVERWURST	LB
90127	MORTADELLA	LB
90128	SALAMI MOSCOWSKA	LB
90131	SALAMI HUNGARIAN STYLE	LB
90132	SALAMI RED KRAKOWSKAYA	LB
90133	KNOCKWURST	LB
90134	KNOCKWURST V/P	LB
90135	SMOKED KRAKOWSKAYA	LB
90136	PEANUTS / COCKTAIL FRANKS	LB
90138	VEAL ROLL CURED	LB
90140	HEAD CHEESE OLD FASHIONED	LB
90144	SMOKED SAUSAGE "STOLICHNAYA"	LB

☆ 90121 ☆

☆ 90122 ☆

☆ 90123 ☆

☆ 90127 ☆

☆ 90128 ☆

☆ 90131 ☆

☆ 90132 ☆

☆ 90133 ☆

☆ 90134 ☆

☆ 90135 ☆

☆ 90136 ☆

☆ 90144 ☆

☆ 90138 ☆

☆ 90140 ☆

EUROAM

90301	BUKOVINSKAYA	LB
90302	CHESNOCHNAYA W/GARLIC	LB
90303	DROGOBICHEVSKAYA	LB
90304	KABANOSY	LB
90306	KIELBASY ODESSKAYA	LB
90307	KNOCKWURST LOOSE	LB
90310	RIB BACON V/P	LB
90313	SMOKED PORK BUTTS	LB
90315	CANADIAN BACON	LB

☆ 90301 ☆

☆ 90302 ☆

☆ 90304 ☆

☆ 90306 ☆

☆ 90303 ☆

☆ 90307 ☆

☆ 90310 ☆

☆ 90315 ☆

MEAT PRODUCTS ☆☆☆

KARL EHMER

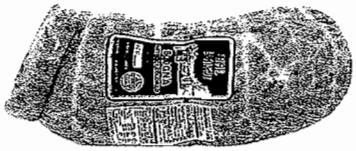
90201	BACON CANADIAN W/FAT	LB
90202	BACON IRISH STYLE	LB
90203	BACON BLACK BONELESS V/P	LB
90205	SALAMI BEEF	LB
90207	BOLOGNA GERMAN NATURAL	LB
90208	BOLOGNA PROFESSORSKAYA WIDE	LB
90209	BOLOGNA PROFESSORSKAYA NARROW	LB
90211	FRANKFURTERS	LB
90213	SALAMI GERMAN WHITE SKIN LONG	LB
90214	SALAMI GERMAN WHITE SKIN SHORT	LB
90216	HAM BLACK FOREST FLAT	LB
90217	HAM OLD FASHION	LB
90218	HEAD CHEESE	LB
90221	SALAMI BEAR	LB
90224	MORTADELLA	LB
90226	BLACK RIB BACON V/P	LB
90228	KNOCKWURST	LB
90229	LASHINKEN	LB
90231	SALAMI TOURIST	LB
90236	CERVELAT WITH COGNAC	LB
90237	CERVELAT PEPPERCORN	LB

☆ 90201 ☆

☆ 90202 ☆

☆ 90203 ☆

☆ 90205 ☆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☆ 90208 ☆

☆ 90209 ☆

☆ 90211 ☆

☆ 90213 ☆

☆ 90221 ☆

☆ 90226 ☆

☆ 90214 ☆

☆ 90216 ☆

☆ 90217☆

☆ 90218 ☆

☆ 90224 ☆

☆ 90236

☆ 90228 ☆

☆ 90229 ☆

☆ 90231 ☆

☆ 90237 ☆

☆☆☆ MEAT PRODUCTS

SIENA

90400 .....SALAMI CASALINGO LARGE.....LB
90403 .....SMOKED MEAT COPA .....LB

☆ 90400 ☆

☆ 90403 ☆

PILLER

90502 .....SALAMI CERVELAT SMALL .....LB
90505 .....SALAMI GYPSY SMALL .....LB
90506 .....SALAMI MAILANDER .....LB
90507 .....SALAMI OLD FOREST.....LB
90508 .....SALAMI SQUARE .....LB

☆ 90502 ☆

☆ 90505 ☆

☆ 90506 ☆

☆ 90507 ☆

☆ 90508 ☆

PERDUE

91200 .....TURKEY BREAST COOKED .....LB
91201 .....TURKEY BREAST SMOKED.....LB
91202 .....TURKEY PASTRAMI .....LB

☆ 91200 ☆

☆ 91201 ☆

☆ 91202 ☆

LIBERTY

92200 .....SALAMI PICK NATURAL.....LB
92201 .....SALAMI PICK WHITE SKIN .....LB
92202 .....SALAMI PICK PAPRIKA.....LB

☆ 92200 ☆

☆ 92201 ☆

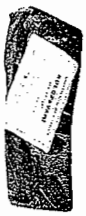
☆ 92202 ☆

MEAT PRODUCTS ☆☆☆

☆ 91900 ☆

☆ 91901 ☆

☆ 91902 ☆


☆ 91903 ☆

☆ 91904 ☆

☆ 91905 ☆

BENDE

91900 .....GYULAI HOT .....LB
91901 .....GYULAI MILD .....LB
91902 .....KARAJ SMOKED MEAT .....LB
91903 .....BACON KOLOZVARY .....LB
91904 .....SALAMI TELI LONG .....LB
91905 .....SALAMI TELI SHORT .....LB

☆ 91010 ☆

☆ 91400 ☆

☆ 91401 ☆

☆ 91402 ☆

RED SQUARE

91010 .....CANADIAN BACON .....LB
91400 .....PRESSED CHICKEN .....LB
91401 .....CHICKEN ROLL W/MUSHROOMS .....LB
91402 .....KIELBASY HOME STYLE
(PORK, CHICKEN OR KUPATI).....LB
91403 .....SMOKED CHICKEN LEGS.....LB
91404 .....CHICKEN LIVER PATE .....LB
91405 .....CHICKEN NECK W/STUFFING.....LB
91407 .....PASTRAMA-BUZHENINA .....LB
91409 .....RIB BACON.....LB
91410 .....VEAL HOME STYLE .....LB
91411 .....VEAL ROLL .....LB
91412 .....KABANOSY SMOKED .....LB
91419 .....CHICKEN ROLL.....LB
91420 .....CHICKEN ROLL W/LIVER.....LB
91421 .....CHICKEN ROLL W/OLIVES .....LB
91422 .....CHICKEN ROLL W/RED PEPPER.....LB
91423 .....CHICKEN ROLL W/TONGUE .....LB
91430 .....SMOKED PORK BUTTS .....LB

☆ 91403 ☆

☆ 91404 ☆

☆ 91405 ☆

☆ 91407 ☆

☆ 91409 ☆

☆ 91410 ☆

☆ 91411 ☆

☆ 91412 ☆

☆ 91430 ☆

☆ 91419 ☆

☆ 91420 ☆

☆ 91422 ☆

☆ 91423 ☆

☆☆☆ MEAT PRODUCTS

MOTT HAVEN

90700	BACON CANADIAN	LB
90701	BUTTS SMOKED	LB
90703	BOLOGNA BABY NARROW LONG	LB
90704	BOLOGNA BLACK	LB
90705	BOLOGNA LOW SALT	LB
90706	BOLOGNA BABY RING	LB
90707	BOLOGNA RED	LB
90708	SOSISKI LOOSE	LB
90709	MORTADELLA	LB
90711	SARDELI LOOSE OR V/P	LB
90712	SOSISKI LOW SODIUM V/P	LB
90713	PRESSED BEEF TONGUE	LB
90714	SMOKED VEAL TONGUE	LB

☆ 90700 ☆

☆ 90701 ☆

☆ 90703 ☆

☆ 90712 ☆

☆ 90706 ☆

☆ 90705 ☆

☆ 90707 ☆

☆ 90711 ☆ ☆ 90708 ☆

☆ 90709 ☆

☆ 90713 ☆

☆ 90714 ☆

☆ 90704 ☆

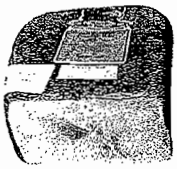
EAGLE

91801	BASTURMA	LB
91805	BACON SIDE SMOKED BONELESS	LB
91808	SMOKED MEAT BALICK DARNITSK	LB
91811	BOLOGNA VEAL	LB
91816	HAM OLD FASHION SQURE	LB
91817	SALAMI KIEV	LB
91820	HAM SMOKED MONTREAL	LB
91822	PASTRAMA - BUZHENINA	LB
91830	SALAMI TSARSKAYA	LB
91831	SALAMI VIENSKAYA	LB
91832	HAM WESTPHALIAN	LB
91833	SALAMI CASALINGO	LB
91842	RED KRAKOWSKAYA	LB
91843	SALAMI LEON FLAT	LB
91844	SALAMI ALPINO	LB
91833	SALAMI CASALINGO	LB

☆ 91801 ☆

☆ 91805 ☆

☆ 91808 ☆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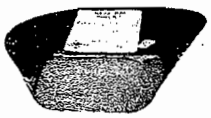
☆ 91811 ☆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☆ 91830 ☆

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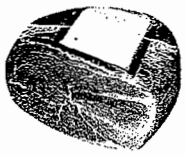
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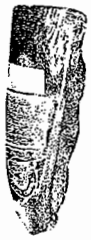
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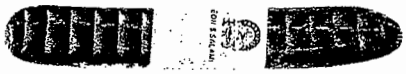

☆ 91843 ☆

☆ 91844 ☆

GOLD0077

MEAT PRODUCTS ☆☆☆

☆ 91500 ☆

☆ 91501 ☆

☆ 91502 ☆

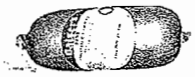
☆ 91503 ☆

KOENEMANN

91500 .....BLOODWURST.....LB
91501 .....LIVERWURST.....LB
91502 .....SALAMI BEAR LONG.....LB
91503 .....SALAMI BEAR RING.....LB

☆ 91600 ☆

☆ 91608 ☆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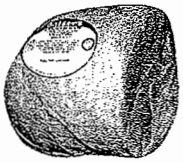

☆ 91601 ☆

☆ 91605 ☆

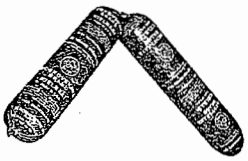
GAISER

91600 .....SALAMI RUSSKAYA DRY.....LB
91601 .....HAM OLD FASHION.....LB
91603 .....GOOSE LIVERWURST.....LB
91605 .....SMK. BUTTS - PICNIC.....LB
91608 .....SMOKED VEAL ROLL.....LB

☆ 91700 ☆

☆ 91702 ☆

☆ 91701 ☆


☆ 91703 ☆

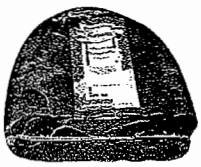
☆ 91704 ☆

GROEZINGER

91700 .....BABY BOLOGNA.....LB
91701 .....ESTONSKAYA.....LB
91702 .....MOLDAVSKAYA.....LB
91703 .....MOSKOVSKAYA.....LB
91704 .....MINSKAYA.....LB

☆ 90800 ☆

☆ 91100 ☆


☆ 91101☆

☆ 92500 ☆

MISCELLANEOUS

90800 .....SALAMI SOPRESSATA (IDEAL).....LB
91100 .....SALAMI GENOA (FIORUCHI).....LB
91101 .....PROSCUITO (FIORUCHI).....LB
92500 .....BASTURMA (KRADJIAN).....LB

☆☆☆ DAIRY PRODUCTS

40201	MADRIGAL	LB
40203	HAVARTI GRAND TOAST	LB
40205	HAVARTI SWEDISH CREAM	LB
40206	GOUDA SMOKED	LB
40213	HAVARTI CANADIAN	LB
40310	HAVARTI FINLAND	LB
40311	MORSKI / KASTELYANSKI	LB
40312	POLISH BABY SWISS "KOLDAMER" PER	LB
40314	LAPPI	LB
40315	LOAVES PODLASKI	LB
40606	FRENCH EMMENTAL	LB
40609	DANISH EMMENTAL	4 / 7 LB

☆ 40201 ☆

☆ 40205 ☆

☆ 40203 ☆

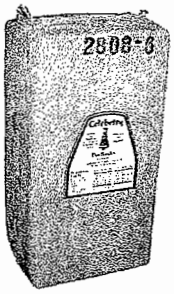
☆ 40206 ☆

☆ 40213 ☆

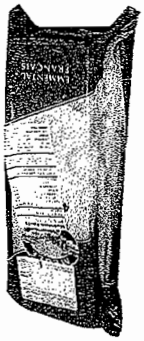
☆ 40310 ☆

☆ 40311 ☆

☆ 40314 ☆



☆ 40315 ☆


☆ 40606 ☆

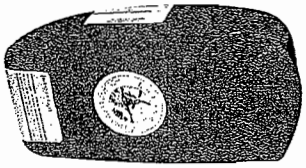
☆ 40609 ☆

☆ 40312 ☆

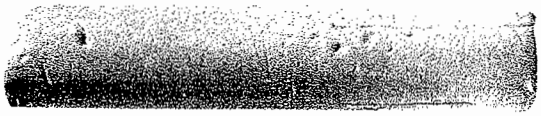
DAIRY PRODUCTS ☆☆☆

CHEESE

☆ 40700 ☆



☆ 40701 ☆

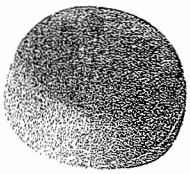


☆ 40703 ☆

40700	EDAM BALL	LB
40701	EDAM LOAF	LB
40702	GOUDA RED	LB
40703	GOUDA CHOLESTEROL FREE	LB
41600	SULUGUNI	LB
42011	YOGURT GARLIC (WHEEL)	LB
42012	YOGURT SMOKED (WHEEL)	LB
42013	YOGURT VEGETABLE (WHEEL)	LB
42014	YOGURT PLAIN (WHEEL)	LB
42021	YOGURT GARLIC (LOAF)	LB
42022	YOGURT SMOKED (LOAF)	LB
42023	YOGURT VEGETABLE (LOAF)	LB
42024	YOGURT PLAIN (LOAF)	LB
42025	YOGURT HAVARTI	LB
42026	BUTTER CHEESE	LB

☆ 40702 ☆

☆ 42011 ☆



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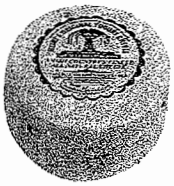

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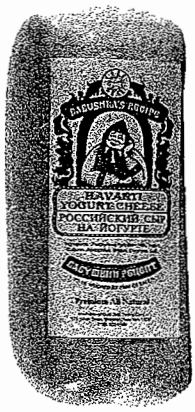
☆ 42024 ☆



☆ 42025 ☆

☆☆☆ DAIRY PRODUCTS

BUTTER

40300.....CZECH UNSALTED.....1 / 55 LB
40607.....BELGIAN LIGHT BUTTER.....20 / 250 GR
40901.....SLENDER COW.....24 / 12 OZ
40902.....SLENDER COW CHOCHOLATE.....12 / 8 OZ
40903.....VOLOGODSKOYE.....30 / 8 OZ
40905.....ELEGANT COW.....24 / 12 OZ
48001.....HOME-STYLE BUTTER.....9/5 LB

☆ 40607 ☆

☆ 40901 ☆

☆ 40902 ☆

☆ 48001 ☆

☆ 40903 ☆

☆ 40905 ☆

KEFIR

40102.....BASIC PLUS.....12 / 32 OZ
40116.....PLAIN (LIFEWAY).....12 / 32 OZ
40117.....LOW FAT.....20 / 32 OZ
40132.....FRUIT MIX.....20 / 32 OZ
40150.....PROSTOKVASHA.....12 / 32 OZ
40160.....RYAZHENKA (LIFEWAY).....12 / 32 OZ
40170.....KVASHENKA.....12 / 2 LB
40904.....PLAIN (FRESH MADE).....12 / 32 OZ
40907.....RYAZHENKA (FRESH MADE).....12 / 32 OZ

☆ 40102 ☆

☆ 40116 ☆

☆ 40132 ☆

☆ 40150 ☆

☆ 40117 ☆

☆ 40160 ☆

☆ 40170 ☆

☆ 40904 ☆

☆ 40907 ☆

DAIRY PRODUCTS ☆☆☆

FETA & FARMER CHEESE

☆ 40110 ☆

☆ 40111 ☆

☆ 40112 ☆

☆ 40113 ☆

☆ 40114 ☆

☆ 40115 ☆

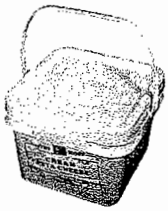
☆ 40316 ☆

☆ 40500 ☆

☆ 40501 ☆

☆ 40603 ☆

40110	FARMER CHEESE "SWISS STYLE"	18 / 16 OZ
40111	FARMER CHEESE W/RAISINS "SWEET KISS"	18 / 16 OZ
40112	FARMER CHEESE	18 / 16 OZ
40113	FARMER CHEESE FAT FREE	18 / 16 OZ
40114	FARMER CHEESE "KRESTYANSKY"	18 / 16 OZ
40115	WHITE CHEESE	LB
40316	CHEESE SPREAD "VIOLA"	32 / 200 GR
40500	TVOROG - SOFT CHEESE CHOCOLATE	12 / 12 OZ
40501	FARMER CHEESE CANADIAN STYLE	4 / 5 LB
40502	TVOROG - SOFT CHEESE	12 / 12 OZ
40600	FETA CREAM / BRINZA KRINOS (GREECE)	1 / 15 LB
40601	FETA CHEESE / BRINZA MANNOURI KRINOS (GREECE)	LB
40603	FETA CHEESE / BRINZA FRENCH STYLE	LB
40604	FETA CHEESE / BRINZA KRINOS (GREECE)	LB
40605	FETA CHEESE / BRINZA FRENCH STYLE	2 / 4.4 LB
40608	FETA CREAMY	12 / 16 OZ
40800	FETA CHEESE / BRINZA MANNOURI KRINOS (GREECE)	4 / 4.4 LB
40940	FARMER CHEESE W/CHOC. CHIPS	18 / 16 OZ
41100	FETA CHEESE / BRINZA MOLDAVSKAYA	LB
41200	FETA CHEESE / BRINZA MANNOURI MYKONOS (GREECE)	LB
41201	CREAM CHEESE IN GLASS JAR	24 / 8.5 OZ
41440	FETA CHEESE / BRINZA ODESSKAYA	LB
41500	POTCHEESE	1 / 5 LB
41501	FARMER CHEESE (LARGE)	LB
41502	FARMER CHEESE	20 / 1 LB
41800	SOUR CREAM	1 / 10 LB


☆ 40600 ☆

☆ 40601 ☆

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☆ 40605 ☆

☆ 40800 ☆

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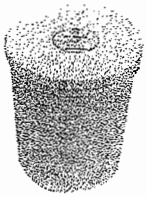
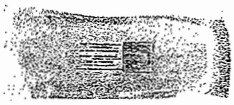
☆ 41100 ☆

☆ 41200 ☆

☆ 41201 ☆

☆ 41440 ☆


☆ 41500 ☆


☆ 41502 ☆

☆ 41800 ☆

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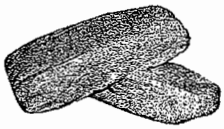
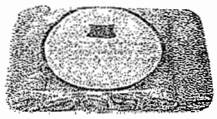

☆ 41501 ☆

FROZEN PRODUCTS



☆ 31400 ☆

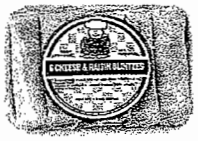
☆ 31401 ☆

31400	BLINTZES WITH APPLE	20 / 6 PCS
31401	BLINTZES WITH BERRIES	20 / 6 PCS
31402	BLINTZES WITH CHEESE & CHERRY	20 / 6 PCS
31403	BLINTZES WITH CABBAGE	20 / 6 PCS
31404	BLINTZES WITH CHEESE	20 / 6 PCS
31405	BLINTZES WITH CHEESE & RAISINS	20 / 6 PCS
31406	BLINTZES WITH MEAT	20 / 6 PCS
31407	BLINTZES WITH POTATO & MUSHROOMS	20 / 6 PCS
31408	VARENIKI WITH CHERRY	15 / 20-22 PCS
31410	PELMENI WITH BEEF	25 / 50 PCS
31411	VARENIKI WITH CHEESE	25 / 30 PCS
31412	PELMENI WITH CHICKEN	25 / 50 PCS
31414	VARENIKI WITH POTATO & MUSHROOMS	25 / 30 PCS
31415	PELMENI SIBERIYAN	25 / 50 PCS
31416	PELMENI WITH TURKEY	25 / 50 PCS
31417	PELMENI WITH VEAL	25 / 50 PCS
31700	PUFF PASTRY (TESTO)	18 / 1 LB

☆ 31402 ☆

☆ 31403 ☆

☆ 31404 ☆



☆ 31405 ☆

☆ 31406 ☆

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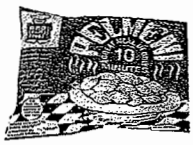
☆ 31410 ☆

☆ 31411 ☆



☆ 31412 ☆

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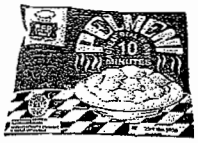
☆ 31415 ☆



☆ 31416 ☆

☆ 31417 ☆

☆ 31700 ☆

GROCERY PRODUCTS ☆☆☆

CANNED VEGETABLES

30502

30508

31200

31204

34401

30502	GRAPE LEAVES STUFFED (TURKEY)	24 / 398 GR
30508	GRAPE LEAVES (TURKEY)	12 / 700 GR
31200	BEANS PALIRIA (TURKEY)	24 / 10 OZ
31204	OLIVES BLACK (GREECE)	28 LBS / 5 GAL
31905	RED PEPPERS STUFFED	12 / 23.5 OZ
34401	PEAS GREEN	24 / 15 OZ

PICKLED & MARINATED VEGETABLES

30800

31900

31901

30800	PICKLES BARREL (GERMANY)	6 / 34 OZ
31900	LETCHO (HUNGARY)	12 / 24.5 OZ
31901	SALAD MIXED (HUNGARY)	12 / 24 OZ
32401	PICKLES (ISRAEL)	12 / 43 OZ
33700	SALAD ISRAELI STYLE	PAIL / 5 LBS
33802	PICKLES (ISRAEL)	24 / 19 OZ

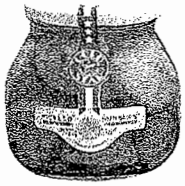
32401 33802

☆☆☆ GROCERY PRODUCTS

PICKLED & MARINATED VEGETABLES

39900.....PICKLED CUCUMBERS.....6/720G
39901.....HUNGARIAN LETCHO.....6/720G
39902.....PICKLED SQUASH PATISSON.....6/720G
39903.....MARINATED BONNET PEPPERS.....6/500G
39904.....MARINATED CHERRY PEPPERS.....6/500G
39905.....PICKLED TOMATOES AND CUCUMBERS.....6/1020G
39906.....TOMATOES IN VINEGAR.....6/720G
39907.....CHERELINO TOMATOES IN VINEGAR.....6/500G
39908.....PICKLED MIXED VEGETABLES.....6/720G

☆ 39900 ☆


☆ 39902 ☆

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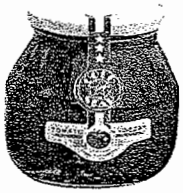
☆ 39904 ☆

☆ 39905 ☆


☆ 39906 ☆

☆ 39908 ☆

HOME MADE MARINATED VEGETABLES

32701.....MUSHROOM SALAD.....1 / 5 LB PAIL
32702.....SAUERKRAUT RED.....1 / 20 LB PAIL
32703.....GRUZD'YA MUSHROOMS MARINATED.....1 / 5 LB PAIL
32704.....MUSHROOMS MARINATED.....1 / 5 LB PAIL
32705.....CARROTS KOREAN.....1 / 5 LB PAIL
32706.....BEETS MARINATED (MOLDOVA).....1 / 5 LB PAIL
32707.....SMORCHKI MUSHROOMS.....1 / 5 LB PAIL
32708.....MASLYATA KOROLEVSKIE.....1 / 5 LB PAIL
32709.....SALAD ODESSKY.....1 / 5 LB PAIL
33700.....SALAD ISRAELI STYLE.....1 / 5 LB PAIL
33701.....SAUERKRAUT.....1 / 30 LB PAIL
33702.....TOMATOES SOUR.....1 / 18 LB PAIL
33703.....CHERRY TOMATOES.....1 / 15 LB PAIL
33704.....PICKLES SOUR.....1 / 20 LB PAIL
33705.....PICKLED WATERMELON.....1 / 20 LB PAIL
33706.....SALAD BULGARIAN.....1 / 5 LB PAIL
33707.....SALAD SATE.....1 / 5 LB PAIL
33708.....TOMATO GREEN SOUR.....1 / 20 LB PAIL
33710.....PICKLES HALF SOUR.....1 / 20 LB PAIL

SPICES/SAUCES/ CONDIMENTS

31100.....BAY LEAVES.....30 / 1 OZ
31907.....SUPER VEGETA.....12 /14 OZ
32100.....HORSERADISH.....12 / 16 OZ
32101.....HORSERADISH.....24 / 8 OZ
32301.....MUSTARD TSARSKAYA.....12 / 8 OZ
32500.....AJIKA SAUCE.....12 / 6.5 OZ
32501.....SATSEBELY SAUCE.....12 / 6.5 OZ
32502.....TKEMALY SAUCE.....12 / 6.5 OZ
33400.....POMEGRANATE PASTE.....12 / 16 OZ

☆ 32100 ☆

☆ 32101 ☆

☆ 32301 ☆

☆ 32500 ☆

☆ 31100 ☆

☆ 32501 ☆ ☆ 32502 ☆

☆ 33400 ☆

GOLD0085

GROCERY PRODUCTS ☆☆☆

CEREALS & GRAINS

☆ 32419 ☆

☆ 31201 ☆

☆ 31203 ☆

☆ 31202 ☆

☆ 31105 ☆

☆ 31103 ☆

30202	PUMPKIN SEEDS	1 / 25 LB
31103	MILLET (POLAND)	25 / 16 OZ
31105	BUCKWHEAT (POLAND)	25 / 16 OZ
31201	FARINA (POLAND)	25 / 16 OZ
31202	BARLEY (POLAND)	25 / 16 OZ
31203	OATMEAL - KASHA (POLAND)	15 / 16 OZ
32419	SUNFLOWER SEEDS NO SALT	1 / 25 LB

CHUMAK

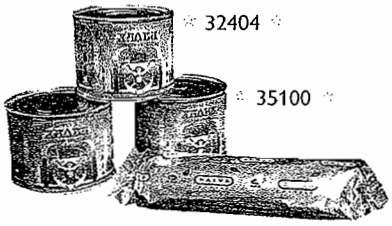
35001	KETUP TOMATO G/B	500 ml
35002	KETCHUP TOMATO G/B	300 ml
35503	KETCHUP HOT G/B	500 ml
35004	KETCHUP HOTG/B	300 ml
35505	KETCHUP GARLIC G/B	500 ml
35506	KETCHUP GARLIC G/B	300 ml
35507	MAYONAISE "REAL" G/J	370 ml
35508	MAYONAISE "REAL" ECOPACK	200 ml
35509	MAYONAISE "GARLIC" G/J	370 ml
35510	SAUCE "COOKING" G/J	370 ml
35511	SAUCE "COOKING" G/J	720 ml
35512	SAUCE GRILL "GURMAN" G/B	300 ml
35513	SUACE KARRI "GURMAN" G/B	300 ml
35514	SAUCE CHILI "GURMAN" G/B	300 ml
35515	SAUCE MUSTARD "GURMAN" G/B	300 ml
35516	TOMATO PASTE G/J	370 ml
35517	TOMATO PASTE G/J	620 ml
35518	PICKLED WHOLE CUCUMBERS G/J	920 ml
35519	PICKLED SLICED CUCUMBERS G/J	920 ml
35520	PICKLED WHOLE TOMATOES RED G/J	920 ml
35521	PICKLED WHOLE TOMATOES GREEN G/J	920 ml
35522	TOMATOES IN TOMATO JUICE G/J	920 ml
35523	TOMATO JUICE G/J	1850 ml
35524	PICKLED RED PEPPER G/J	720 ml
35525	DEODORIZED REFINED SUNFLOWER OIL PET	1000 ml
35526	DEODORIZED REFINED SUNFLOWER OIL PET	5000 ml
35527	"HOUSEHOLD" SUNFLOWER OIL PET	1000 ml
35528	COLD PRESS VIRGIN SUNFLOWER OIL G/B	500 ml

HALVAH

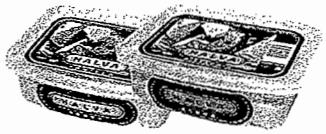
30201	SUNFLOWER HALVAH IN TIN (UKRAINE)	1 / 17.6 LB
30601	VANILLA (GREECE)	5.5 LBS BLOCK
30602	MARBLE (GREECE)	5.5 LBS BLOCK
30603	ALMOND (GREECE)	5.5 LBS BLOCK
30604	PISTACHIO (GREECE)	5.5 LBS BLOCK
31800	VANILLA "JOYVA"	12.5 LB PAIL
31801	MARBLE "JOYVA"	12.5 LB PAIL
31802	MARBLE WITH NUTS "JOYVA"	12.5 LB PAIL
31803	VANILLA WITH NUTS "JOYVA"	12.5 LB PAIL
32403	VANILLA "ACHVA" (ISRAEL)	24 / 500 GR
32404	MARBLE "ACHVA" (ISRAEL)	24 / 500 GR
32405	PISTACHIO "ACHVA" (ISRAEL)	24 / 500 GR
32410	VANILLA SUGAR FREE	32 / 300 GR
32413	MARBLE "ACHVA" (ISRAEL)	24 / 500 GR
32414	MARBLE SUGAR FREE	32 / 300 GR
34804	CHOCOLATE COVER (ISRAEL)	10 / 350 GR
35100	SUNFLOWER - ODESSKAYA	24 / 500 GR

30601 30602 30603 30604

31801 31800 31802 31803



32404 35100 32413



32403 32405

32410

32414

34804

HONEY

30503	TURKISH	2.5 LB
30506	TURKISH SMALL	12 / 1 LB
32000	"OMELIA" (ROMANIA)	12 / 2LB
32001	"OMELIA" (ROMANIA)	12 / 1LB
32209	LETHERWOOD (AUSTRALIA)	24 / 17.5 OZ

30503 30506 32000 32001 32209

GROCERY PRODUCTS ☆☆☆

☆ 31600

☆ 31601 ☆

☆ 31602 ☆

☆ 31603 ☆

☆ 31605 ☆

☆ 31607 ☆

☆ 31608 ☆

JAMS

31600	DIET APRICOT (GERMANY)	6 / 15.2 OZ
31601	DIET BLACK CURRANT (GERMANY)	6 / 15.2 OZ
31602	DIET BLUEBERRY (GERMANY)	6 / 15.2 OZ
31603	DIET CHERRY (GERMANY)	6 / 15.2 OZ
31604	GOOSEBERRY (GERMANY)	12 / 15.2 OZ
31605	DIET PLUM BUTTER (GERMANY)	6 / 15.2 OZ
31607	DIET RASPBERRY / BLACKBERRY (GERMANY)	6 / 15.2 OZ
31608	DIET STRAWBERRY (GERMANY)	6 / 15.2 OZ

☆ 32420 ☆

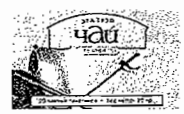
34501 ☆ 34502 ☆

☆ 30102 ☆

☆ 32400 ☆

TEA & COFFEE

30102	TEA ROSEHIP POMPADOUR (GERMANY)	20 TB
32200	TEA INDAR	12 / 20 TB
32400	COFFEE INSTANT ELITE (ISRAEL)	12 / 200 GR
32420	TEA CEYLON	36 / 16 OZ
33601	EMPIRE PETER THE GREAT (BLACK, TEA BAGS)	12 / 20 TB
33602	EMPIRE ALEXANDER I (GREEN, TEA BAGS)	12 / 20 TB
33603	EMPIRE CATHERINE THE GREAT (CHERRY, BAGS)	12 / 20 TB
33604	EMPIRE NICHOLAS II (EARL GREY, TEA BAGS)	12 / 20 TB
33605	EMPIRE PETER THE GREAT (BLACK, LOOSE)	12 / 250 GR
33606	EMPIRE ALEXANDER I (GREEN, LOOSE)	12 / 100 GR
33607	EMPIRE PETER THE GREAT (BLACK, LOOSE)	12 / 100 GR
33608	TEAPORTS BLACK (LOOSE)	12 / 250 GR
33609	TEAPORTS BLACK (TEA BAGS)	12 / 20 TB
33610	TEAPORTS STRAWBERRY (TEA BAGS)	12 / 20 TB
33611	TEAPORTS LEMON (TEA BAGS)	12 / 20 TB
33612	TEAPORTS EARL GREY (TEA BAGS)	12 / 20 TB
33613	TEAPORTS BLACK CURRANT (TEA BAGS)	12 / 20 TB
33614	TEAPORTS CHERRY (TEA BAGS)	12 / 20 TB
33615	TEAPORTS RASPBERRY (TEA BAGS)	12 / 20 TB
33616	TEAPORTS ORANGE (TEA BAGS)	12 / 20 TB
34501	TEA CEYLON ANURA	48 / 250 GR
34502	TEA CEYLON EARL GREY	48 / 250 GR
34503	TEA CEYLON PARAKUM	80 / 25 TB
34603	TEA ROSEHIP PODRAVKA	25 / 20 TB
34604	TEA STRAWBERRY PODRAVKA	25 / 20 TB
34605	TEA BLACK CURRANT	25 / 20 TB
34606	TEA WILD CHERRY	25 / 20 TB



33612 ☆

☆ 33616 ☆

☆ 32200 ☆

☆ 33601 ☆

☆ 33603 ☆

☆ 34503 ☆

SWEET SPREADS

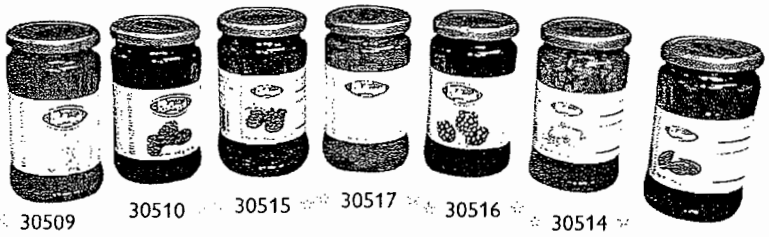
30200	CHOCOLATE SPREAD "NUTELLA" (ITALY)	12 / 13 OZ
33911	CHOCOLATE SPREAD (ITALY)	6 / 400 GR
70270	CHOCOLATE-HAZELNUT SPREAD MON AMI	12 / 400 GR
37001	CARAMEL SPREAD "PINK COW" (ARGENTINA)	24 / 500 GR

☆ 30200 ☆

☆ 70270 ☆

☆ 37001 ☆

PRESERVES



30509 30510 30515 30517 30516 30514 30513

30509	APRICOT "KAFKAS" (TURKEY)	12 / 15 OZ
30510	BLACKBERRY "KAFKAS" (TURKEY)	12 / 16 OZ
30511	SOURCHERRY "KAFKAS" (TURKEY)	12 / 15 OZ
30512	FIGS "KAFKAS" (TURKEY)	12 / 15 OZ
30513	CORNEALIAN CHERRY "KAFKAS" (TURKEY)	12 / 15 OZ
30514	PEACH "KAFKAS" (TURKEY)	12 / 15 OZ
30515	RASPBERRY "KAFKAS" (TURKEY)	12 / 15 OZ
30516	STRAWBERRY "KAFKAS" (TURKEY)	12 / 15 OZ
30517	QUINCE "KAFKAS" (TURKEY)	12 / 15 OZ
31205	SOUR CHERRY (GREEK)	12 / 16 OZ
32415	SOUR CHERRY	12 / 12 OZ
34702	WHITE CHERRY (MOLDOVA)	16 / 30.3 OZ
34801	DIET APRICOT (ISRAEL)	12 / 10 OZ
34802	DIET CHERRY (ISRAEL)	12 / 10
34803	DIET STRAWBERRY (ISRAEL)	12 / 10 OZ

32415 34702 34801 34802 34803

SYRUPS

50711	BLACK CURRANT "ADRIA"	12 / 33 OZ
50712	MIX FRUIT "ADRIA"	12 / 33 OZ
50713	RASPBERRY "ADRIA"	12 / 33 OZ
50714	BLUEBERRY "ADRIA"	12 / 33 OZ
50715	ORANGE "ADRIA"	12 / 33 OZ
50716	SOUR CHERRY "ADRIA"	12 / 33 OZ

50711 50712 50713 50715 50716

GOLD0089

CANDIES ☆☆☆

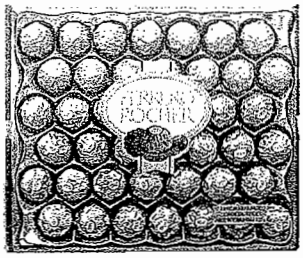
CANDIES

70003	ESCARGOTS LIGHT (FRANCE)	10 / 228 GR
70063	ESCARGOTS DARK (FRANCE)	10 / 228 GR
70200	FERRERO ROCHER	12 / 16 PCS
70201	FERRERO PYRAMID (ITALY)	3 / 25 PCS
70202	FERRERO ROCHER GIFT BOX (ITALY)	4 / 42 PCS
70205	FERRERO ROCHER (FRANCE)	6 / 24 PCS
70300	KOROVKA (POLAND)	1 / 11 LB
70301	JELLY IN CHOCOLATE (POLAND)	1 / 6.6 LB
70400	DARK CHOCOLATE	1 / 40 LBS
71033	CERISES (FRANCE)	10 / 295 GR
71215	LIQUOR BOTTLES (FRANCE)	12 / 200 GR
71261	ROCAMOUR (FRANCE)	12 / 250 GR
71683	ROCHERS LIGHT (FRANCE)	10 / 300 GR
72872	TRUFFLES (FRANCE)	12 / 500 GR
72873	TRUFFLES (FRANCE)	12 / 250 GR
73300	LILA STARS RAISINS	24 / 80 GR
73301	LILA STARS HAZELNUT	24 / 70 GR
75100	CARAMEL LAPKI & GOOSE PAW (RUSSIA)	1 / 22 LBS
75101	ASSORTED CARAMEL (RUSSIA)	1 / 22 LBS
77133	EVENTAIL	10 / 1 KG
77284	MADEMOISELLE DE PARIS (FRANCE)	12 / 260 GR
77285	YEUX NOIRS RUSSIE (FRANCE)	10 / 278 GR
77416	CAVIAR DE CHOCOLAT (FRANCE)	10 / 470 GR
77531	HONEY MOON (FRANCE)	10 / 500 GR
77574	MAGIE DE NOEL (FRANCE)	10 / 500 GR
77609	VICTORIA	5 / 500 GR
77710	PARIS VIEWS "FLANERIE" (PURPLE)	10 / 724 GR
77799	LES AMOREUX (FRANCE)	10 / 724 GR
77802	CAVIAR DE CHOCOLAT (FRANCE)	10 / 740 GR
77814	NEFERTITY (FRANCE)	10 / 500 GR
77841	PARIS VIEWS "CHAMPS ELYSEES" (BLUE)	10 / 724 GR
77843	PARIS VIEWS "SOIR DE GALA" (RED)	10 / 724 GR
77845	PARIS VIEWS "CATHEDRALE" (YELLOW)	10 / 724 GR
78000	DARK CHOCHOLATE BAR (FRANCE)	30 / 100 GR
78001	HAZELNUTS W/RAISINS CHOCHOLATE BAR (FRANCE)	30 / 100 GR
78002	MILK CHOCOLATE BAR (FRANCE)	30 / 100 GR
78003	CHOCOLATE W/ NUTS & RAISINS (FRANCE)	30 / 100 GR

☆ 70003 ☆

☆ 70063 ☆

☆ 70201 ☆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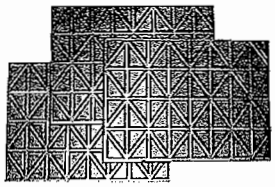
☆ 70205 ☆

☆ 70300 ☆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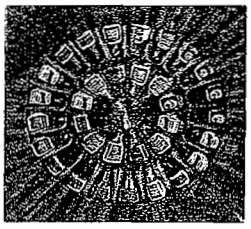
☆ 70301 ☆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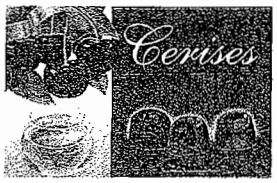


☆ 71033 ☆

☆ 73300 ☆

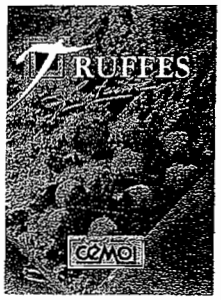
☆ 75100 ☆

☆ 73301 ☆

☆ 75101 ☆

☆ 71261 ☆

☆ 71683 ☆



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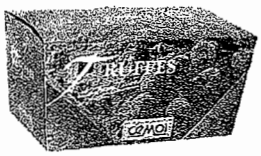
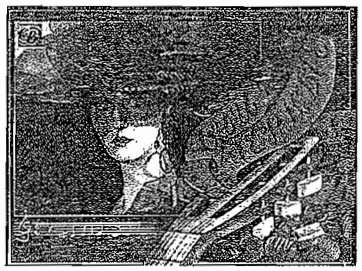


☆ 72873 ☆

☆ 77133 ☆

☆☆☆ CANDIES

☆ 77284 ☆



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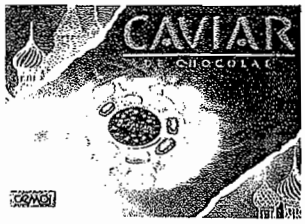

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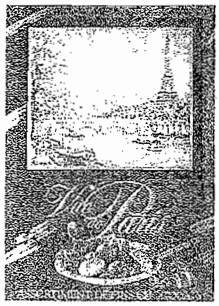
☆ 77574 ☆

☆ 77609 ☆



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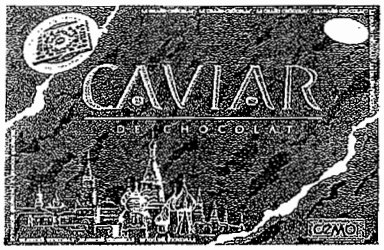

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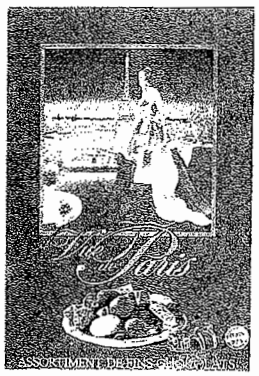


☆ 77843 ☆

☆ 77845 ☆

☆ 78000 ☆

☆ 78001 ☆

☆ 78003 ☆

☆ 78002 ☆

SNACKS

COOKIES

60502

61000

63105

63100 ☆ 63104

63101 ☆ 63102

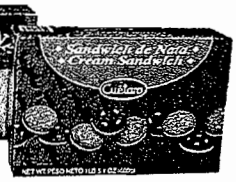
63107

63106

60501	PETIT BEURRE (TURKEY)	24 / 100 GR
60502	PETIT BEURRE BISQUIT (TURKEY)	12 / 175 GR
61000	SWEDISH CRISPBREAD (SWEEDEN)	24 / 200 GR
63100	MARIA (SPAIN)	22 / 200 GR
63101	CAMPECHANA BOX (SPAIN)	6 / 500 GR
63102	CAMPECHANA (SPAIN)	22 / 165 GR
63104	MARIA (SPAIN)	24 / 100 GR
63105	SURTIDO DESAYUNO MIX W/CANDY (SPAIN)	10 / 400 GR
63106	SOCIAL TEA BISCUITES (SPAIN)	24 / 200 GR
63107	NEW ENGLAND TEA BISCUITES (SPAIN)	22 / 160 GR
63108	SURTIDO COOKIES (SPAIN)	8 / 600 GR
63109	NAPOLITANA (SPAIN)	6 / 500 GR
63110	CREAM SANDWICH	6 / 600 GR
63111	CREAM CRACKERS (SPAIN)	24 / 200 GR
63113	LADY FINGERS (SPAIN)	14 / 200 GR
63308	DELICJE ORANGE (POLAND)	40 / 150 GR
63901	PASTRY PUFFS W/JAM (ITALY)	12 / 200 GR
63904	TORCETTI PRETZEL (ITALY)	20 / 150 GR
63919	CRACKERS WHEAT (ITALY)	12 / 250 GR
64202	HONEY - PRYANIK (ISRAEL)	12 / 1 LB
64203	HONEY - PRYANIK IN PAIL (ISRAEL)	4 / 2 LB

63108

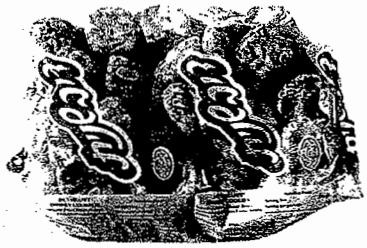
63109



63111

63110

63308



64202

63904

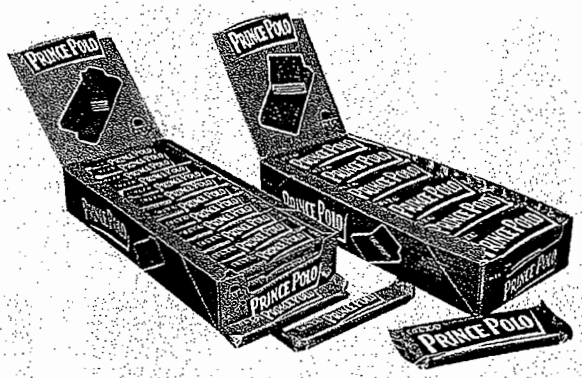
63113

63919

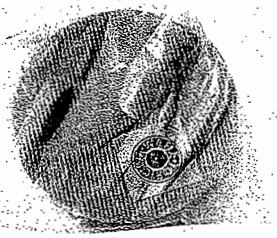
64203

WAFERS

62400	MANAMIM W/CHOCOLATE (ISRAEL)	12 / 14 OZ
62401	MANAMIM SUGAR FREE (ISRAEL)	12 / 14 OZ
63300	PRINCE POLO (POLAND)	12 / 24 X 40 GR
63301	PRINCE POLO (POLAND)	12 / 48 X 20 GR
63302	WAFERS FOR CAKE	25 / 110 GR
63303	TORCIK (POLAND)	12 / 250 GR
63307	PRINCE POLO (POLAND)	10 / 30 X 40 GR
63501	WAFER ROLLS WITH COCOA CREAM (POLAND)	24 / 175 GR
63502	WAFER SHEETS FOR TORTS (POLAND)	18 / 250 GR
63503	WAFER ROLLS (POLAND)	10 / 160 GR
63506	WAFER ROLLS WITH COCOA CREAM (POLAND)	24 / 100 GR



☆ 63301 ☆ ☆ 63300 ☆



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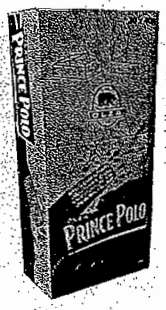
☆ 63303 ☆



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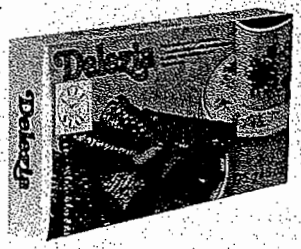
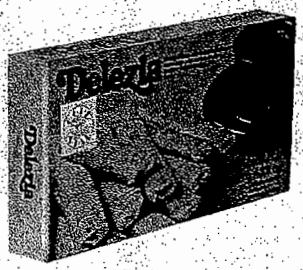


☆ 63501 ☆

☆ 62400 ☆

☆ 62401 ☆



☆ 63506 ☆

☆ 63502 ☆

☆ 63503 ☆

BEVERAGES ☆☆☆

JUICES

☆ 51416 ☆

☆ 51601 ☆

☆ 51602 ☆

☆ 51603 ☆

☆ 51604 ☆

☆ 51605 ☆

☆ 51606 ☆

☆ 51607 ☆

☆ 51608 ☆

☆ 51609 ☆

☆ 51611 ☆

51416	TOMATO (ISRAEL)	6 / 1 LT
51601	TOMATO (GERMANY)	12 / 1 LT
51602	BLACKCURRENT (GERMANY)	12 / 1 TL
51603	PEACH-ORANGE (GERMANY)	12 / 1 LT
51604	APRICOT-ORANGE (GERMANY)	12 / 1 LT
51605	EXOTIC (GERMANY)	12 / 1 LT
51606	FRUIT MIX (GERMANY)	12 / 1 LT
51607	APPLE (GERMANY)	12 / 1 LT
51608	PASSION FRUIT (GERMANY)	12 / 1 LT
51609	MULTIVITAMIN (GERMANY)	8 / 2 LT
51611	SOUR CHERRY (GERMANY)	10 / 0,75 LT

MINERAL WATER

☆ 50100 ☆

☆ 50101 ☆

☆ 50401 ☆

☆ 50800 ☆

☆ 52501 ☆

☆ 52502 ☆

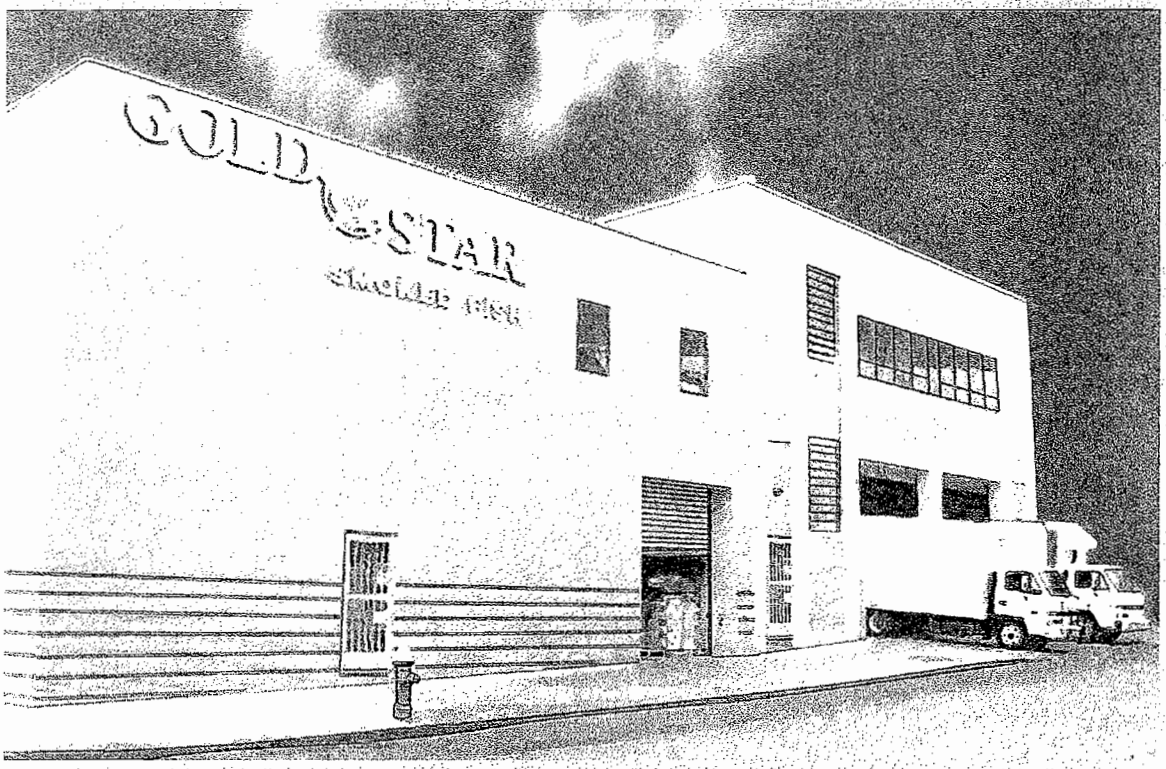
☆ 50902 ☆

50100	"SOLE" MINERAL WATER (ITALY)	12 / 1 LT
50101	"SOLE" MINERAL WATER (ITALY)	24 / 11 OZ
50401	HARGHITA MINERAL WATER (ROMANIA)	12 / 750 ML
50800	GEROLSTEINER MINERAL WATER (GERMANY)	12 / 1 LT
52501	BORJOM CLUB SODA	8 / 2 LT
52502	BORJOM CLUB SODA	24 / 20 OZ
50902	BORJOMI MINERAL WATER (GEORGIA)	0.5 LT

SOFT DRINKS

☆ 50507 ☆

50507	GAZOZ DRINK (TURKEY)	24 / 0.5 LT



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