

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 491

H. P. 376

House of Representatives, February 2, 1971

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hall of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Regulating Imitation Milk and Milk Products.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 7, § 3101-A, additional. Title 7 of the Revised Statutes is amended by adding a new section 3101-A to read as follows:

§ 3101-A. Definitions

A. Imitation milk means the fluid food product pasteurized and packaged in a milk plant licensed by the Department of Agriculture or in a plant complying with all of the provisions of sections 2901 to 2904 and 3101 to 3103. It shall contain one or more edible fats or oils and not less than 8.5% milk solids-not-fat. Above the minimum level for milk solids-not-fat, edible food solids other than milk solids-not-fat may be used. Imitation milk shall contain not less than 3.25% by weight of edible fats and oils. If only one fat or oil is used it shall be a fat or oil other than milk fat. If more than one edible fat or oil is used in any such combination, one of them may be milk fat.

Imitation milk may contain one or more of the optional ingredients specified in paragraph B in amounts necessary to accomplish its or their intended purpose, except that if vitamin A is used, it is used in such a quantity that 8 fluid ounces of the finished product contains not less than 500 U. S. P. units and, when vitamin D is used it is used in such quantity that the finished product contains not less than 100 U. S. P. units.

B. The optional ingredients referred to in paragraph A are: Stabilizers, emulsifiers, diacetyl and other like flavors, vitamins, minerals, edible food solids other than milk solids and other similar ingredients.

C. Imitation low-fat milk conforms in all respects to the definition and standard of identity for imitation milk including the provisions relating to the use of optional ingredients, except that it shall contain not less than 0.5% and not more than 2.5% by weight of edible fats and oils.

D. Imitation milk products means and includes any combination of edible fats and oils with milk solids-not-fat so that the resulting product is in semblance or imitation of any milk product, dairy product, or both, as defined in sections 2901 to 2904 and 3101 to 3103 or is in imitation of any milk product or dairy product, or both, which may be so designated by the commissioner.

With respect to each particular imitation milk product, edible fats and oils shall be present in the same proportion as the minimum milk fat requirement for the dairy product in semblance or imitation of which it is made. If only one fat or oil is used, it shall be a fat or oil other than milk fat. If more than one edible fat or oil is used in any such combination, one of them may be milk fat. Each particular imitation milk product shall contain not less than the minimum proportion of milk solids-not-fat as is present in the milk product in semblance of which the imitation milk product is made. Above the minimum level for milk solids-not-fat, edible food solids other than milk solids-not-fat may be used.

Imitation milk products may contain one or more of the following optional ingredients in amount not in excess of the amount necessary to accomplish the intended purpose of its use: Flavorings, sweeteners, stabilizers, emulsifiers, acidifiers, vitamins, minerals, edible food solids other than milk solids, and similar ingredients approved by the commissioner.

E. The name of each imitation milk product shall be "Imitation _____," the blank to be filled by the name of the milk product in semblance or imitation of which the imitation milk product is made.

2. Misbranding. Imitation milk, imitation low-fat milk, imitation milk products or any of them shall be deemed to be misbranded unless:

A. Its label bears the name under which any such product is defined in subsection 1.

B. Its label bears in letters of uniform size a list of ingredients of which the product consists in descending order of predominance, provided that the specific fats or oils shall be named such as "vegetable oils are soybean, cottonseed and coconut oils" together with the percentage of each such fat or oil in the product; milk solids-not-fat may be listed as such without naming the specific milk product; stabilizers, emulsifiers and acidifiers may be listed in general rather than specific terms; the words "Imitation" appears on the label in letters of the same or larger size, in the same color and on the same background as the word or words which it precedes, and the ingredient list appears in conspicuous letters of uniform size without intervening written, printed or graphic matter between the words in the ingredient list or between the word "Imitation" and the word or words it

precedes; the net contents, the name and address of the dealer together with sufficient information to identify the plant where packaged appears on the label.

If any artificial flavor or color is used, the label shall bear a statement such as "artificially flavored" or "artificial flavor added" or "artificially colored" or "artificial color added."

3. Imitations. A food which is made in semblance of imitation milk, imitation low-fat milk or any imitation milk product, as those products are defined, but which does not meet the edible fats and oils, or milk solids-not-fat minimum requirements prescribed in subsection 1, paragraph D or which contains no dairy ingredient shall be deemed to be misbranded if:

A. There appears on the container of any such food the word "milk" or any of the product names enumerated in subsection 1, paragraph D, even if preceded by the word "Imitation." Such products shall be labeled by using a fanciful or brand name only.

B. There appears on the label or container of any such product any designation, design, symbol, picture, device or any combination thereof that such food is a milk or dairy product, or is imitation milk, imitation low-fat milk or imitation milk product as those terms are defined, provided that the words "dairy" or "dairy farm" shall not appear on the package other than as a part of the dealer's name and was licensed in such name prior to January 1, 1971 by the Department of Agriculture, provided that this paragraph shall not apply to trademarks registered in the State of Maine by milk dealers licensed by the Department of Agriculture prior to January 1, 1971.

4. Adulteration. Imitation milk, imitation low-fat milk, imitation milk products or any of them or any food made in semblance of any such product shall be deemed to be adulterated, unless it is pasteurized, handled and packaged in a milk plant licensed by the Department of Agriculture or in a plant complying with sections 2901 to 2904 and 3101 to 3103 and unless it complies with the bacterial, coliform, temperature and phosphatase standards for pasteurized milk and pasteurized milk products of section 3103, and the standards of identity for imitation milk, imitation milk products and foods made in semblance of imitation milk and imitation milk products.

The examination of imitation milk and imitation milk products or any food made in semblance of any such product shall conform to the procedures in the current edition of "Standard Methods for the Examination of Dairy Products" recommended by the American Public Health Association or shall conform to the official methods of the "Association of Official Analytical Chemists."

It shall be unlawful for any person to sell or have in his possession any misbranded or adulterated imitation milk, imitation milk products or any misbranded or adulterated foods made in semblance of any such imitation milk or imitation milk products.

It shall be unlawful for any person to simultaneously display milk and milk products and imitation milk and milk products, or foods simulating milk and milk products for sale at retail in the same establishment, unless they are in separate compartments, or in the same compartment separated by a barrier, and marked respectively, as "Milk Products" and "Imitation Milk and Milk Products."

Sec. 2. R. S., T. 7, § 2903, amended. Section 2903 of Title 7 of the Revised Statutes is amended by adding at the end the following new paragraph:

It shall be unlawful for any person, firm or corporation, by himself, his servant or agent or as the servant or agent of another, to manufacture, sell, exchange, distribute, offer or expose for sale or distribution in the State any condensed or evaporated milk which shall not conform at least to the minimum standards established by regulation by the commissioner or established by statute and which, if contained in hermetically sealed cans, does not bear, stamped or labeled thereon, the name and address of the manufacturer or jobber thereof.

Sec. 3. R. S., T. 7, §§ 3001 - 3003, repealed. Sections 3001 to 3003 of Title 7 of the Revised Statutes are repealed.

STATEMENT OF FACT

The intent of this Act is as follows:

- (1) To recognize a food product, "Imitation Milk and Milk Products," previously prohibited by law.
- (2) To establish appropriate laws, regulations and administrative procedures as will protect the public health and welfare.
- (3) To establish standards of definition and identity for this product "Imitation Milk and Milk Products" that will prevent consumer misunderstanding and promote honesty and fair dealing in the market place.