

Passed on File
April 11, 1969

Reprinted 2/9/70
SENATE FILE 628

By COMMITTEE ON AGRICULTURE

Passed Senate, Date 1-13-70 Passed House, Date

Vote: Ayes 56 Nays 0 Vote: Ayes Nays

Approved

A BILL FOR *Sub. for H. F. 753, 1-14-70*

1 An Act to establish definitions and standards for frozen *Conference committee*

2 desserts.

3 *Be It Enacted by the General Assembly of the State of Iowa:*

4 Section 1. For the purpose of this Act:

5 1. "Vegetable fat frozen dessert" or "mellorine" means
6 the food prepared by freezing, while stirring, a pasteurized
7 mix composed of food fats, solids-not-fat, sugar or other
8 sweeteners, one or more flavoring ingredients, and one or
9 more stabilizers or emulsifiers or both. It may also con-
10 tain one or more egg ingredients, and one or more caseinates.

11 2. "Food fats" means edible natural fats derived from
12 vegetable sources, and includes milk fat, meat fat, and fat
13 derived from marine animals or fish. It is not necessary
14 that such food fats be hydrogenated.

15 3. "Solids-not-fat" means:

16 a. Skim milk.

17 b. Concentrated skim milk.

18 c. Evaporated skim milk.

19 d. Condensed skim milk.

20 e. Super-heated condensed skim milk.

21 f. Sweetened condensed skim milk.

22 g. Nonfat dry milk.

23 h. Dry whey.

24 i. Concentrated whey.

25 j. Sweet cream buttermilk (whether fluid, condensed or

- 1 dried).
- 2 Any of the foregoing products from which all or a portion of
- 3 the lactose has been removed after crystallization or the
- 4 lactose has been converted to simple sugars by hydrolysis.
- 5 4. "Sweetening ingredients" means:
 - 6 a. Sugar (sucrose) or sugar syrup.
 - 7 b. Dextrose.
 - 8 c. Invert sugar (in paste or syrup form).
 - 9 d. Corn syrup, dried corn syrup, glucose syrup, dried
 - 10 glucose syrup.
 - 11 e. Maple syrup, maple sugar.
 - 12 f. Honey.
 - 13 g. Brown sugar.
 - 14 h. Malt syrup, maltose syrup, malt extract.
 - 15 i. Dried malt syrup, dried maltose syrup, dried malt ex-
 - 16 tract.
 - 17 j. Refiner's syrup.
 - 18 k. Molasses (other than blackstrap).
 - 19 l. Lactose.
 - 20 m. Fructose.
- 21 5. "Flavoring ingredients" means:
 - 22 a. Ground spice, ground vanilla beans, infusion of coffee
 - 23 or tea, or any natural food flavoring.
 - 24 b. Any artificial food flavoring.
 - 25 c. Chocolate or cocoa, which may be added as such or as
 - 26 a suspension in syrup, and which may contain disodium phosphate
 - 27 or sodium citrate in such quantity that the finished vegetable
 - 28 fat frozen dessert or mellorine contains not more than zero
 - 29 point two percent by weight or disodium phosphate or sodium
 - 30 citrate.
 - 31 d. Mature fruit or the juice of mature fruit, either of
 - 32 which may be fresh, frozen, canned, concentrated, or partially
 - 33 or wholly dried.
 - 34 e. Nut meats, which may be roasted, cooked in an edible
 - 35 fat or oil, or preserved in syrup, and which may be salted.

- 1 f. Malted milk, properly prepared and cooked cereal,
- 2 g. Confectionery. For the purposes of this paragraph,
- 3 the term "confectionery" means candy, cakes, cookies, glaced
- 4 fruits, and variegating flavors.
- 5 6. "Egg ingredients" means:
- 6 a. Liquid eggs.
- 7 b. Frozen eggs.
- 8 c. Dried eggs.
- 9 d. Egg yolks.
- 10 e. Frozen egg yolks.
- 11 f. Dried egg yolks. Any egg ingredient used shall be
- 12 added to the mix before it is pasteurized. †
- 13 7. "Caseinates" means casein prepared by precipitation
- 14 with gums, ammonium caseinate, calcium caseinate, potassium
- 15 caseinate, and sodium casinate. Caseinates may be added in
- 16 liquid or dry form, but must be free of excess alkali and
- 17 contain not less than eight percent by weight of food fats,
- 18 and not less than two point fifty-six percent of protein.
- 19 8. "Stabilizers and emulsifiers" mean:
- 20 a. Agar-agar, algin (sodium alginate), calcium sulfate,
- 21 gelatin, gum acacia, guar seed gum, gum karaya, locust bean
- 22 gum, oat gum, gum tragacanth, carageenan, lecithin, psyllium
- 23 seed husk, cellulose gum and propylene glycol alginate. The
- 24 total weight of the solids of any such ingredient used singly
- 25 or of any combination of two or more such ingredients used
- 26 (including any such ingredient and pectin added separately
- 27 to the fruit ingredient) is not more than zero point five
- 28 percent of the weight of the finished vegetable frozen fat
- 29 dessert or mellorine. Such ingredients may be added in ad-
- 30 mixture with dextrin, propylene glycol or glycerin. Salts
- 31 of carrageenan, furcelleran, salts of furcelleran, and sodium
- 32 carboxymethylcellulose.
- 33 b. Monoglycerides or diglycerides or both of fat-forming
- 34 fatty acids. The total weight of such ingredients shall not
- 35 be more than zero point two percent of the weight of the

1 finished mellorine. When a preparation having over ninety
2 percent of monoglycerides is used, it may be preblended with
3 edible fat in an amount not exceeding twenty percent by weight
4 of such blend and the total amount of such blend used shall
5 not exceed zero point two percent of the weight of the fin-
6 ished vegetable fat frozen dessert of mellorine.

7 c. Polyoxyethylene-twenty sorbitan tristearate or polyoxy-
8 ethline-twenty sorbitan monooleate or both, in an amount not
9 exceeding zero point one percent of the weight of the finished
10 vegetable fat frozen dessert or mellorine, and microcrystalline
11 cellulose in a quantity not to exceed one point five percent by
12 weight of the finished vegetable fat frozen dessert or mellorine.

13 Sec. 2. Vegetable fat frozen dessert or mellorine shall
14 contain not less than eight percent by weight of food fats
15 and not less than two point fifty-six percent of protein de-
16 rived from solids-not-fat, except when it contains one or
17 more of the optional flavoring ingredients as defined in this
18 Act. It shall contain not less than eight percent by weight
19 of food fats and not less than two point fifty-six percent
20 protein derived from solids-not-fat, except for such reduction
21 as is due to the addition of such optional flavoring ingredi-
22 ents but in no case shall it contain less than six point four
23 percent of food fats or less than two point zero five percent
24 of protein derived from solids-not-fat. Vegetable fat frozen
25 dessert or mellorine shall contain not less than one point
26 six pounds of total food solids per gallon and shall weigh
27 not less than four point five pounds per gallon. Coloring
28 and water may be added and the mix may be seasoned with salt
29 and be homogenized.

30 Sec. 3. Fats from animal sources may not be combined in
31 the manufacture of any vegetable fat frozen dessert or mellorine
32 product, with fats from vegetable sources. Harmless optional
33 ingredients may be used to prevent fat oxidation in an amount
34 not exceeding zero point five percent of the weight of the
35 finished food.

1 Sec. 4. Fruit used for flavoring may be whole, shredded,
2 or comminuted; it may be sweetened, thickened with pectin or
3 with one or more of the stabilizers or emulsifiers named in
4 section one (1) of this Act, subject to the restriction on
5 the total quantity of such substances in vegetable fat frozen
6 dessert or mellorine prescribed in that section, and it may
7 be acidulated with citric, ascorbic or phosphoric acid. The
8 fruit is prepared by the removal of pits, seeds, skins, and
9 cores, where such removal is usual in preparing that kind of
10 fruit for consumption as fresh fruits. In the case of fruit
11 or fruit juice from which part of the water is removed, the
12 substances contributing flavor volatilized during water re-
13 moval may be condensed and reincorporated in the concentrated
14 fruit or fruit juice. In the case of the citrus fruits the
15 whole fruit, including the peel but excluding the seeds, may
16 be used, and in the case of citrus juice or concentrated
17 citrus juice, cold-pressed citrus oil may be added in an
18 amount not exceeding that which would have been obtained if
19 the peel from the whole fruit had been used. For the purposes
20 of this section, the flesh of the coconut shall be considered
21 a fruit.

22 Sec. 5. The secretary of agriculture may promulgate regu-
23 lations specifying the manner by which the characterizing
24 flavor of the frozen dessert shall be declared. The terms
25 of such regulation shall conform to those which are required
26 in the case of the characterizing flavor declaration by
27 statutes or regulations for ice cream.

28 Sec. 6. Vegetable fat frozen dessert or mellorine shall
29 be sold in unopened packages, bagged, or otherwise wrapped,
30 and purveyed to the consumer in its original factory filled
31 package. The name, vegetable fat frozen dessert or mellorine,
32 shall appear on the label in such type size and with such
33 prominence as may be readily seen and understood under normal
34 conditions of purchase. Vegetable fat frozen dessert or
35 mellorine may not be designated by the use of the word "cream"

1 or its phonetic equivalent. Products made in accordance with
2 this Act shall be labeled mellorine, unless the food fat por-
3 tion thereof contains only vegetable fat in which case they
4 may be labeled either vegetable fat frozen dessert or mellorine.
5 The foods herein defined shall not be dispensed or served from
6 the original factory filled package in any place where it is
7 sold and shall not be dispensed by vendors in milk shakes,
8 milk drinks, sodas, sundaes, or other items normally served
9 at soda fountains and eating establishments. The container
10 or wrapper shall bear labeling declaring all the ingredients
11 therein in the order of their decreasing predominance; whether
12 any fat or oil ingredient is hydrogenated or hardened, and
13 the number of United States Pharmacopeia units of vitamin A
14 added if any is present.

15 Sec. 7. The false and misleading advertising of vegetable
16 fat frozen dessert or mellorine is prohibited. An advertise-
17 ment of these foods shall be deemed to be false and misleading
18 if in such advertisement representations are made or suggested
19 by statement, word, grade, designation, design, device, symbol,
20 sound, or any combination thereof, that such food is a dairy
21 product, except that nothing contained herein shall prevent
22 a truthful, accurate, and full statement in any such advertise-
23 ment of all the ingredients in such foods.

24 Sec. 8. Any frozen sweetened product regardless of the
25 name under which it is manufactured, sold, or offered for
26 sale, and which is manufactured in a manner similar to the
27 process used in manufacturing ice cream, french ice cream,
28 ice milk, fruit sherbet, water ices, vegetable fat frozen
29 dessert or mellorine, quiescently frozen confection, and
30 quiescently frozen dairy confection, but which does not con-
31 form to the definition and standard of identity established
32 for any of the foregoing products in this or any other statute
33 or regulation promulgated under any other statute of this
34 state, is deemed to be an imitation frozen dessert. Any such
35 frozen sweetened product shall be designated on the label as

1 imitation frozen dessert, however, any special frozen dietary
2 dessert manufactured and sold under the provisions of any
3 law or regulation of this state, shall not be considered an
4 imitation frozen dessert for the purposes of this section.
5 The label of any imitation frozen dessert shall also bear in
6 such type size and with such prominence as may be readily
7 seen and understood under normal conditions of purchase, the
8 common usual name of each ingredient contained in such imi-
9 tation frozen dessert. Failure to comply with any of the
10 provisions of this section shall constitute misbranding and
11 is hereby prohibited.

12 Sec. 9. The preparation, storage, packaging, labeling,
13 sale, offering for sale, serving, or dispensing of vegetable
14 fat frozen dessert or mellorine, in violation of this Act is
15 hereby prohibited. The false and misleading advertising of
16 vegetable fat frozen dessert or mellorine, in violation of
17 this Act, is hereby prohibited. Preparation of vegetable fat
18 frozen dessert or mellorine in violation of section thirteen
19 (13) of this Act is hereby prohibited.

20 Sec. 10. The secretary of agriculture shall administer
21 and supervise the enforcement of this Act, prescribe rules
22 and regulations to carry out its purposes, provide for peri-
23 odic inspections and investigations as deemed necessary,
24 receive and provide for the investigation of complaint, and
25 provide for the institution and presecution of civil or
26 criminal actions or both. The provisions of this Act and
27 the rules and regulations issued thereunder may be enforced
28 by injunction in any court having jurisdiction to grant in-
29 junctive relief, and adulterated or misbranded articles
30 illegally held or otherwise involved in a violation of this
31 Act or of rules and regulations shall be subject to seizure
32 and disposition in accordance with an order of court.

33 Sec. 11. Every particle of vegetable fat frozen dessert
34 or mellorine mix shall be pasteurized in the same manner as
35 prescribed for ice milk under section one hundred ninety

1 point one (190.1), subsection thirty-five (35), of the Code.
 2 Sec. 12. Section one hundred ninety point one (190.1),
 3 Code 1966, as amended by chapter one hundred eighty-one (181),
 4 section one (1), and chapter one hundred eighty-two (182),
 5 section one (1), Acts of the Sixty-second General Assembly,
 6 is hereby further amended as follows:

7 1. By adding the following new subsection:

8 "Frozen dessert means and includes any ice cream, ice milk,
 9 milk sherbet, frozen malted milk, and frozen custard as de-
 10 fined in this chapter and vegetable fat frozen dessert or
 11 mellorine as defined in section one (1) of this Act and imi-
 12 tation frozen dessert as defined in section nine (9) of this
 13 Act."

14 2. By striking from subsection thirty-three (33), line
 15 seventeen (17), the words "one hundred" and inserting in lieu
 16 thereof the word "fifty".

17 Sec. 13. Chapter one hundred ninety (190), Code 1966, is
 18 hereby amended by adding the following new section:

19 "Frozen desserts and the pasteurized dairy ingredients
 20 used in the manufacture thereof, shall comply with the follow-
 21 ing standards:

22	Milk, cream, and fluid	Temperature	Storage at 45°
23	dairy ingredient		Fahrenheit
24		Bacterial limit	50,000 per milliliter
25		Coliform limit	10 per milliliter

27	Frozen dessert mixes.	Temperature	Storage at 45°
28	frozen desserts (plain)		Fahrenheit
29		Bacterial limit	50,000 per gram
30		Coliform limit	10 per gram

32	Dry dairy ingredient	Extra grade or better as defined
33		by U. S. Standards for grades for
34		the particular product.

35

- 1 The bacteria count and coliform determination shall not exceed
- 2 this standard in three out of the last five consecutive sam-
- 3 ples taken by the regulatory agency.
- 4 This section shall not preclude holding mix at a higher
- 5 temperature for a short period of time immediately prior to
- 6 freezing where applicable to the particular manufacturing or
- 7 processing practices.
- 8 This section shall not apply to sterilized mix in hermeti-
- 9 cally sealed containers.
- 10 The coliform determination for bulky flavored frozen des-
- 11 serts shall not be more than twenty per gram."

EXPLANATION OF SENATE FILE 628

The purpose of this bill is to establish definitions and standards for vegetable fat frozen dessert or mellorine.

1 Amend Senate File 628 as follows:

2 1. Page 3, line one (1), by striking all after the word
3 "milk" and inserting in lieu thereof a period.

4 2. Page 3 by inserting after line four (4) the following:
5 "h. Properly prepared and cooked cereal."

6 3. Page 4 by striking from line eighteen (18) all after the
7 word "Act", all of lines nineteen (19) through line twenty-three
8 (23), and inserting in lieu thereof the following:

9 "in which case it shall contain at least six point four
10 percent of food fats and at least two point zero five percent".

11 4. Page 6, line five (5), by striking the words "The foods
12 herein defined", and inserting in lieu thereof the words "Vegetable
13 fat frozen dessert or mellorine".

14 5. Page 6, line eight (8), by inserting after the word "sundaes"
15 the words "cones or cups"

16 6. Page 7, line five (5), by striking the word "label" and
17 inserting in lieu thereof the words "labeling, dispensing and selling
18 at retail".

19 7. Page 7, line five (5), by striking all after the word "shall,"
20 all of lines six (6) through eight (8) and through the word "dessert".
21 in line nine (9), and inserting in lieu thereof the words "be in
22 accordance, as nearly as may be, with the provisions for ice milk in
23 subsection thirty-five (35) of section one hundred ninety point one
24 (190.1) of the Code. The retail establishment sign containing the
25 words 'Imitation Frozen Dessert Sold Here' shall also list the
26 ingredients of each such product sold at such establishment in such
27 type size as may be readily seen and understood by the purchaser."

28 8. Page 7, line thirty-three (33), by striking the words
29 "vegetable fat".

30 9. Page 7, line thirty-four (34), by striking the words "or
31 mellorine".

32 10. Page 8, line twelve (12), by striking the word and figure
33 "nine (9)", and inserting in lieu thereof the word and figure "eight
34 (8)".

Filed - *Adopted 1-13-70*
May 6, 1969

By STEPHENS and OLLENBURG

1 Amend the Stephens-Ollenburger amendment to Senate File
2 628, filed May 6, 1969, as follows:

3 1. By inserting in line 15 before the word "cones" a
4 comma.

5 2. By reversing the quotation marks and period at the
6 end of line 20.

Filed - *Adopted 1-13-70*
May 7, 1969

By STEPHENS and OLLENBURG

February 9, 1970

SENATE FILE 628

By COMMITTEE ON AGRICULTURE
(AS PASSED BY THE SENATE)

Passed Senate, Date 1-13-70 Passed House, Date 2-16-70

Vote: Ayes 56 Nays 0 Vote: Ayes 77 Nays 12

Approved March 20, 1970

*Passed per House amendment
as amended 2-24
58-1*

A BILL FOR

- 1 An Act to establish definitions and standards for frozen
- 2 desserts.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. For the purpose of this Act:
- 5 1. "Vegetable fat frozen desserts" or "mellorine" means
- 6 the food prepared by freezing, while stirring, a pasteurized
- 7 mix composed of food fats, solids-not-fat, sugar or other
- 8 sweeteners, one or more flavoring ingredients, and one or
- 9 more stabilizers or emulsifiers or both. It may also con-
- 10 tain one or more egg ingredients, and one or more caseinates.
- 11 2. "Food fats" means edible natural fats derived from
- 12 vegetable sources, and includes milk fat, meat fat, and fat
- 13 derived from marine animals or fish. It is not necessary
- 14 that such food fats by hydrogenated.
- 15 3. "Solids-not-fat" means:
- 16 a. Skim milk.
- 17 b. Concentrated skim milk.
- 18 c. Evaporated skim milk.
- 19 d. Condensed skim milk.
- 20 e. Super-heated condensed skim milk.
- 21 f. Sweetened condensed skim milk.
- 22 g. Nonfat dry milk.
- 23 h. Dry whey.
- 24 i. Concentrated whey.
- 25 j. Sweet cream buttermilk (whether fluid, condensed or

*Conference Committee 3/2
Senators Kirtz, Stephen,
Kilberg and Dadd
Representatives Struthers,
Fisher, Knight, and Cochran.*

*Passed per Conference
Committee Report
Senate 3/12 53-1
House 3/13 84-6*

1 dried).

2 Any of the foregoing products from which all or a portion of
3 the lactose has been removed after crystallization or the
4 lactose has been converted to simple sugars by hydrolysis.

5 4. "Sweetening ingredients" means:

6 a. Sugar (sucrose) or sugar syrup.

7 b. Dextrose.

8 c. Invert sugar (in paste or syrup form).

9 d. Corn syrup, dried corn syrup, glucose syrup, dried
10 glucose syrup.

11 e. Maple syrup, maple sugar.

12 f. Honey.

13 g. Brown sugar.

14 h. Malt syrup, maltose syrup, malt extract.

15 i. Dried malt syrup, dried maltose syrup, dried malt ex-
16 tract.

17 j. Refiner's syrup.

18 k. Molasses (other than blackstrap).

19 l. Lactose.

20 m. Fructose.

21 5. "Flavoring ingredients" means:

22 a. Ground spice, ground vanilla beans, infusion of coffee
23 or tea, or any natural food flavoring.

24 b. Any artificial food flavoring.

25 c. Chocolate or cocoa, which may be added as such or as
26 a suspension in syrup, and which may contain disodium phosphate
27 or sodium citrate in such quantity that the finished vegetable
28 fat frozen dessert or mellorine contains not more than zero
29 point two percent by weight of disodium phosphate or sodium
30 citrate.

31 d. Mature fruit or the juice of mature fruit, either of
32 which may be fresh, frozen, canned, concentrated, or partially
33 or wholly dried.

34 e. Nut meats, which may be roasted, cooked in an edible
35 fat or oil, or preserved in syrup, and which may be salted.

- 1 f. Malted milk.
- 2 g. Confectionery. For the purposes of this paragraph,
- 3 the term "confectionery" means candy, cakes, cookies, glaceed
- 4 fruits, and variegating flavors.
- 5 h. *Properly prepared and cooked cereal.*
- 6 6. "Egg ingredients" means:
 - 7 a. Liquid eggs.
 - 8 b. Frozen eggs.
 - 9 c. Dried eggs.
 - 10 d. Egg yolks.
 - 11 e. Frozen egg yolks.
 - 12 f. Dried egg yolks. Any egg ingredient used shall be
 - 13 added to the mix before it is pasteurized.
- 14 7. "Caseinates" means casein prepared by precipitation
- 15 with gums, ammonium caseinate, calcium caseinate, potassium
- 16 caseinate, and sodium casinate. Caseinates may be added in
- 17 liquid or dry form, but must be free of excess alkali and
- 18 contain not less than eight percent by weight of food fats
- 19 and not less than two point fifty-six percent of protein.
- 20 8. "Stabilizers and emulsifiers" mean:
 - 21 a. Agar-agar, algin (sodium alginate), calcium sulfate,
 - 22 gelatin, gum acacia, guar seed gum, gum karaya, locust bean
 - 23 gum, oat gum, gum tragacanth, carageenan, lecithin, psyllium
 - 24 seed husk, cellulose gum and propylene glycol alginate. The
 - 25 total weight of the solids of any such ingredient used singly
 - 26 or of any combination of two or more such ingredients used
 - 27 (including any such ingredient and pectin added separately
 - 28 to the fruit ingredient) is not more than zero point five
 - 29 percent of the weight of the finished vegetable frozen fat
 - 30 dessert or mellorine. Such ingredients may be added in ad-
 - 31 mixture with dextrin, propylene glycol or glycerin. Salts
 - 32 of carrageenan, furcelleran, salts of furcelleran, and sodium
 - 33 carboxymethylcellulose.
 - 34 b. Momoglycerides or diglycerides or both of fat-forming
 - 35 fatty acids. The total weight of such ingredients shall not

1 be more than zero point two percent of the weight of the
2 finished mellorine. When a preparation having over ninety
3 percent of monoglycerides is used, it may be preblended with
4 edible fat in an amount not exceeding twenty percent by weight
5 of such blend and the total amount of such blend used shall
6 not exceed zero point two percent of the weight of the fin-
7 ished vegetable fat frozen dessert of mellorine.

8 c. Polyoxyethylene-twenty sorbitan tristearate or polyoxy-
9 ethline-twenty sorbitan monooleate or both, in an amount not
10 exceeding zero point one percent of the weight of the finished
11 vegetable fat frozen dessert or mellorine, and microcrystalline
12 cellulose in a quantity not to exceed one point five percent by
13 weight of the finished vegetable fat frozen dessert or mellorine.

14 Sec. 2. Vegetable fat frozen dessert or mellorine shall
15 contain not less than eight percent by weight of food fats
16 and not less than two point fifty-six percent of protein de-
17 rived from solids-not-fat, except when it contains one or
18 more of the optional flavoring ingredients as defined in this
19 *Act in which case it shall contain at least six point four*
20 *percent of food fats and at least two point zero five percent*
21 *of protein derived from solids-not-fat.* Vegetable fat frozen
22 dessert or mellorine shall contain not less than one point
23 six pounds of total food solids per gallon and shall weigh
24 not less than four point five pounds per gallon. Coloring
25 and water may be added and the mix may be seasoned with salt
26 and be homogenized.

27 Sec. 3. Fats from animal sources may not be combined in
28 the manufacture of any vegetable fat frozen dessert or mellorine
29 product, with fats from vegetable sources. Harmless optional
30 ingredients may be used to prevent fat oxidation in an amount
31 not exceeding zero point five percent of the weight of the
32 finished food.

33 Sec. 4. Fruit used for flavoring may be whole, shredded,
34 or comminuted; it may be sweetened, thickened with pectin or
35 with one or more of the stabilizers or emulsifiers named in

1 section one (1) of this Act, subject to the restriction on
2 the total quantity of such substances in vegetable fat frozen
3 dessert or mellorine prescribed in that section, and it may
4 be acidulated with citric, ascorbic or phosphoric acid. The
5 fruit is prepared by the removal of pits, seeds, skins, and
6 cores, where such removal is usual in preparing that kind of
7 fruit for consumption as fresh fruits. In the case of fruit
8 or fruit juice from which part of the water is removed, the
9 substances contributing flavor volatilized during water re-
10 moval may be condensed and reincorporated in the concentrated
11 fruit or fruit juice. In the case of the citrus fruits the
12 whole fruit, including the peel but excluding the seeds, may
13 be used, and in the case of citrus juice or concentrated
14 citrus juice, cold-pressed citrus oil may be added in an
15 amount not exceeding that which would have been obtained if
16 the peel from the whole fruit had been used. For the purposes
17 of this section, the flesh of the coconut shall be considered
18 a fruit.

19 Sec. 5. The secretary of agriculture may promulgate regu-
20 lations specifying the manner by which the characterizing
21 flavor of the frozen dessert shall be declared. The terms
22 of such regulation shall conform to those which are required
23 in the case of the characterizing flavor declaration by
24 statutes or regulations for ice cream.

25 Sec. 6. Vegetable fat frozen dessert or mellorine shall
26 be sold in unopened packages, bagged, or otherwise wrapped,
27 and purveyed to the consumer in its original factory filled
28 package. The name, vegetable fat frozen dessert or mellorine,
29 shall appear on the label in such type size and with such
30 prominence as may be readily seen and understood under normal
31 conditions of purchase. Vegetable fat frozen dessert or
32 mellorine may not be designated by the use of the word "cream"
33 or its phonetic equivalent. Products made in accordance with
34 this Act shall be labeled mellorine, unless the food fat por-
35 tion thereof contains only vegetable fat in which case they

1 may be labeled either vegetable fat frozen dessert or mellorine.
2 *Vegetable fat frozen dessert or mellorine* shall not be dispensed or
3 the original factory filled package in any place where it is served from
4 sold and shall not be dispensed by vendors in milk shakes,
5 milk drinks, sodas, sundaes, *cones or cups*, or other items normally
6 at soda fountains and eating establishments. The container served
7 or wrapper shall bear labeling declaring all the ingredients
8 therein in the order of their decreasing predominance; whether
9 any fat or oil ingredient is hydrogenated or hardened, and
10 the number of United States Pharmacopeia units of vitamin A
11 added if any is present.

12 Sec. 7. The false and misleading advertising of vegetable
13 fat frozen dessert or mellorine is prohibited. An advertise-
14 ment of these foods shall be deemed to be false and misleading
15 if in such advertisement representations are made or suggested
16 by statement, word, grade, designation, design, device, symbol,
17 sound, or any combination thereof, that such food is a dairy
18 product, except that nothing contained herein shall prevent
19 a truthful, accurate, and full statement in any such advertise-
20 ment of all the ingredients in such foods.

21 Sec. 8. Any frozen sweetened product regardless of the
22 name under which it is manufactured, sold, or offered for
23 sale, and which is manufactured in a manner similar to the
24 process used in manufacturing ice cream, french ice cream,
25 ice milk, fruit sherbet, water ices, vegetable fat frozen
26 dessert or mellorine, quiescently frozen confection, and
27 quiescently frozen dairy confection, but which does not con-
28 form to the definition and standard of identity established
29 for any of the foregoing products in this or any other statute
30 or regulation promulgated under any other statute of this
31 state, is deemed to be an imitation frozen dessert. Any such
32 frozen sweetened product shall be designated on the label as
33 imitation frozen dessert, however, any special frozen dietary
34 dessert manufactured and sold under the provisions of any
35 law or regulation of this state, shall not be considered an
36 imitation frozen dessert for the purposes of this section.

1 The labeling, dispensing and selling at retail
2 of any imitation frozen dessert shall
3 be in accordance, as nearly as may be, with the provisions
4 for ice milk in subsection thirty-five (35) of section one
5 hundred ninety point one (190.1) of the Code. The retail
6 establishment sign containing the words "Imitation Frozen
7 Dessert Sold Here" shall also list the ingredients of each such
8 product sold at such establishment in such type size as may be
9 readily seen and understood by the purchaser.

10 Failure to comply with any of the
11 provisions of this section shall constitute misbranding and
12 is hereby prohibited.

13 Sec. 9. The preparation, storage, packaging, labeling,
14 sale, offering for sale, serving, or dispensing of vegetable
15 fat frozen dessert or mellorine, in violation of this Act is
16 hereby prohibited. The false and misleading advertising of
17 vegetable fat frozen dessert or mellorine, in violation of
18 this Act, is hereby prohibited. Preparation of vegetable fat
19 frozen dessert or mellorine in violation of section thirteen
20 (13) of this Act is hereby prohibited.

21 Sec. 10. The secretary of agriculture shall administer
22 and supervise the enforcement of this Act, prescribe rules
23 and regulations to carry out its purposes, provide for peri-
24 odic inspections and investigations as deemed necessary,
25 receive and provide for the investigation of complaint, and
26 provide for the institution and prosecution of civil or
27 criminal actions or both. The provisions of this Act and
28 the rules and regulations issued thereunder may be enforced
29 by injunction in any court having jurisdiction to grant in-
30 junctive relief, and adulterated or misbranded articles
31 illegally held or otherwise involved in a violation of this
32 Act or of rules and regulations shall be subject to seizure
33 and disposition in accordance with an order of court.

34 Sec. 11. Every particle of frozen dessert
35 mix shall be pasteurized in the same manner as

1 prescribed for ice milk under section one hundred ninety
 2 point one (190.1), subsection thirty-five (35), of the Code.
 3 Sec. 12. Section one hundred ninety point one (190.1),
 4 Code 1966, as amended by chapter one hundred eighty-one (181),
 5 section one (1), and chapter one hundred eighty-two (182),
 6 section one (1), Acts of the Sixty-second General Assembly,
 7 is hereby further amended as follows:

8 1. By adding the following new subsection:

9 "Frozen dessert means and includes any ice cream, ice milk,
 10 milk sherbet, frozen malted milk, and frozen custard as de-
 11 fined in this chapter and vegetable fat frozen dessert or
 12 mellorine as defined in section one (1) of this Act and imi-
 13 tation frozen dessert as defined in section *eight* (8) of this
 14 Act."

15 2. By striking from subsection thirty-three (33), line
 16 seventeen (17), the words "one hundred" and inserting in lieu
 17 thereof the word "fifty".

18 Sec. 13. Chapter one hundred ninety (190), Code 1966, is
 19 hereby amended by adding the following new section:

20 "Frozen desserts and the pasteurized dairy ingredients
 21 used in the manufacture thereof, shall comply with the follow-
 22 ing standards:

23	Milk, cream, and fluid	Temperature	Storage at 45°
24	dairy ingredient		Fahrenheit
25		Bacterial limit	50,000 per milliliter
26		Coliform limit	10 per milliliter
27	-----		
28	Frozen dessert mixes,	Temperature	Storage at 45°
29	frozen desserts (plain)		Fahrenheit
30		Bacterial limit	50,000 per gram
31		Coliform limit	10 per gram
32	-----		
33	Dry dairy ingredient	Extra grade or better as defined	
34		by U. S. Standards for grades for	
35		the particular product.	
36	-----		

- 1 The bacteria count and coliform determination shall not exceed
- 2 this standard in three out of the last five consecutive sam-
- 3 ples taken by the regulatory agency.
- 4 This section shall not preclude holding mix at a higher
- 5 temperature for a short period of time immediately prior to
- 6 freezing where applicable to the particular manufacturing or
- 7 processing practices.
- 8 This section shall not apply to sterilized mix in hermeti-
- 9 cally sealed containers.
- 10 The coliform determination for bulky flavored frozen des-
- 11 serts shall not be more than twenty per gram."

EXPLANATION

The purpose of this bill is to establish definitions and standards for vegetable fat frozen dessert or mellorine.

REPORT OF CONFERENCE COMMITTEE
(SENATE FILE 628)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 628, a bill for an Act to establish definitions and standards for frozen desserts, respectfully submit the following recommendations:

1. That the House concur in the Senate amendment to the House amendment.

2. Amend the House amendment by adding after line 93 the following:

"13. Page 7, by striking lines 1 through 9, inclusive, and inserting in lieu thereof the following new sentences: 'A sign shall be posted in every retail establishment where "vegetable fat frozen dessert", "mellorine" or "imitation frozen dessert" is sold in other than factory-filled packages. This sign shall state in letters of such size as to be visible and easily read by the purchaser at the point of sale: (name of product) SOLD HERE.'"

On the part of the House:

On the part of the Senate:

CHARLES F. STROTHMAN, Chm.	WAYNE KEITH, Chm.
C. RAYMOND FISHER	RICHARD L. STEPHENS
HAROLD KNIGHT	H. L. OLLENBURG
DALE M. COCHRAN	ROBERT R. DODDS

Adopted 3/12
Senate 3/13
House 3/13

HOUSE AMENDMENT TO SENATE FILE 628

1 Amend Senate File 628, as reprinted, as follows:

2 1. Page 1, by striking from line 5 the words "or 'mellorine'".

3 2. Page 1, by striking from line 7 the words "food fats" and
4 inserting in lieu thereof the following:

5 "One or more edible natural vegetable fats or oils derived
6 from vegetable sources".

7 3. Page 1, by inserting after line 10 the following new sub-
8 sections:

9 "Mellorine" means the food prepared by freezing, while
10 stirring, a pasteurized mix composed of a blend of one or
11 more edible natural food fats or oils derived from vegetable
12 sources with one or more natural food fats or oils derived
13 from animal sources, other than milk fat, or consists
14 entirely of one or more animal fats or oils, solids-not-fat,
15 sugar or other sweeteners, one or more flavoring ingredients,
16 and one or more stabilizers or emulsifiers or both. It may
17 also contain one or more egg ingredients, and one or more
18 caseinates.

19 "Imitation frozen dessert" means any frozen sweetened
20 product regardless of the name under which it is manufactured,
21 sold or offered for sale, and which is manufactured in a
22 manner similar to the process used in manufacturing ice cream,
23 french ice cream, ice milk, fruit sherbet, water ices,
24 vegetable fat frozen dessert or mellorine, quiescently frozen
25 confection, and quiescently frozen dairy confection, but which
26 does not conform to the definition and standards of identity
27 established for any of the products defined in this or any
28 other statute or regulation promulgated under any other
29 statute of this state.

30 "Frozen dessert mix" means the pasteurized unfrozen
31 liquid or fluid combination of two or more ingredients
32 permitted in a frozen dessert with or without fruit, fruit
33 juices, candy, baked goods and confections, nut meats, or
34 other harmless flavor or color or both.

35 "Dry powder mix" is the unfrozen combination of two
36 or more ingredients, which shall have been properly
37 pasteurized if they are derivatives of milk, dairy products,
38 or eggs, which are permitted in a frozen dessert before
39 liquefying into a mix or the addition of fruit, fruit juices,
40 candy, baked goods and confections, nut meats, or other
41 harmless flavor or color or both.

42 "Frozen desserts" means ice cream, frozen custard, french
43 ice cream, french custard ice cream, artificially sweetened
44 ice cream, ice milk, fruit sherbet, water ice, quiescently
45 frozen confection, quiescently frozen dairy confection,
46 vegetable fat frozen dessert, frozen confection, mellorine
47 frozen dessert, imitation frozen desserts together with any
48 liquid or dry mix used in such frozen desserts, and any
49 products which are similar in appearance, odor or taste to
50 such products, or are prepared or frozen as frozen desserts
51 are customarily prepared or frozen, whether made with dairy
52 products or nondairy products.

53 4. Page 1, by inserting in line 11 after the word "fats"
54 the words "or oils".

55 5. Page 1, by inserting in line 14 after the period the
56 following new sentence:

57 "Harmless optional ingredients may be used, in an amount
58 not exceeding one-half of one percent of the weight of the
59 finished food, to prevent fat oxidation."

60 6. Page 3, by striking from lines 16, 17, and 18 the words
61 "may be added in liquid or dry forms, but must be free of excess
62 alkali and contain", and inserting in lieu thereof the
63 words "in liquid or dry form, but free of excess alkali
64 may be added to a mix containing".

65 7. Page 4, by striking lines 27 through 32, inclusive.

66 8. Page 5, by striking lines 25 through 29, inclusive,
67 and inserting in lieu thereof the following:

68 "Sec. 6. The name vegetable fat frozen dessert, mellorine,
69 or imitation frozen dessert shall appear on any label required
70 by law or departmental rules on packages or containers of
71 such products, in such type size and with such".

72 9. Page 5, by striking from lines 31 and 32 the words "or
73 mellorine" and inserting in lieu thereof the words ", mellorine,
74 or imitation frozen dessert".

75 10. Page 5, by striking lines 34 and 35, and page 6, by
76 striking lines 1 through 6, inclusive, and inserting in lieu
77 thereof the following:

78 "this Act shall be labeled 'vegetable fat frozen dessert'
79 when the food fat portion thereof contains only vegetable
80 fats or oils, and shall be labeled 'mellorine' when vegetable
81 fats or oils are blended and in combination with animal
82 fats or oils (other than milk fat) or when the food portion
83 contains an animal fat or oil or a blend of animal fats or
84 oils. The container".

85 11. Page 6, by striking from line 13 the words "or mellorine"
86 and inserting in lieu thereof the words ", mellorine, or
87 imitation frozen dessert".

88 12. Page 6, by striking lines 11 through 32, inclusive,
89 and inserting in lieu thereof the following:

90 "Sec. 8. Any imitation frozen dessert manufactured, sold, or
91 offered for sale in such manner that a label is required by
92 law or departmental rule shall be designated on such label
93 as".

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94 13. Page 7, by striking lines 1 through 9, inclusive, and
95 inserting in lieu thereof the following new sentences:

96 A sign shall be posted in every retail establishment
97 where vegetable fat frozen dessert, mellorine, or imitation
98 frozen dessert is sold in other than the factory-filled
99 packages, on a white card not less than twelve by twenty-
100 two inches in dimension with letters not less than three
101 inches in height and two inches in width, for the following:

102 (1) For vegetable fat frozen dessert or mellorine,
103 it shall state "vegetable fat frozen dessert sold here" or
104 "mellorine sold here", as the case may be. Said sign shall
105 also state in letters of such size as to be easily read the
106 names of the fats or oils used in such product and whether
107 any such fat or oil is hydrogenated or hardened.

108 (2) For imitation frozen dessert, it shall state
109 "imitation frozen dessert sold here". Said sign shall also
110 list in letters of such size as to be easily read all of the
111 ingredients therein in the order of their decreasing predominance,
112 and the names of any fats or oils used in such product and
113 whether any such fat or oil is hydrogenated or hardened.

114 14. Page 7, by striking lines 34 and 35, and page 8, by
115 striking lines 1 and 2, and inserting in lieu thereof the
116 following:

117 Sec. 11. No dry powder mix, as defined by this Act, shall
118 be required to be repasteurized after being liquified.

119 15. Page 8, by striking lines 8 through 14, inclusive, and
120 renumbering the succeeding subsection accordingly.

121 16. Page 8, by inserting after line 17 the following new sub-
122 section:

123 By striking from subsection thirty-five (35) lines fifty-
124 four (54) through seventy-four (74), inclusive.

125 17. Page 8, by inserting after line 36 the following:

126 Dry powder mix	Bacterial limit	50,000 per gram
127	Coliform limit	10 per gram

128 18. Page 9, by inserting after line 11 the following new
129 section:

130 Chapter one hundred ninety (190), Code 1966, is hereby
131 amended by adding thereto the following new section:

132 Notwithstanding any other labeling provision of the Code,
133 frozen dessert of any kind or flavor may be dispensed and sold
134 at retail in edible containers or as a part of any food
135 preparation intended for consumption without further preparation,
136 including but not limited to the preparations commonly termed
137 milk shakes, malted milks, sundaes, and floats.

Filed

February 19, 1970

-
- 1 Amend the House amendment to Senate File 628 by striking
 - 2 lines 94 through 113 inclusive.

Filed and adopted
February 24, 1970

By DODERER

SENATE AMENDMENT TO HOUSE AMENDMENT
TO SENATE FILE 628

- 1 Amend the House amendment to Senate File 628 by striking
- 2 lines 94 through 113, inclusive.

Received from the Senate
February 24, 1970

*House refused to
concur 2-26
Senate inserted
2-27*

SENATE FILE 628

1 Amend Senate File 628, as reprinted, as follows:

2 1. Page 1, by striking from line 5 the words "or 'mellorine'".

3 2. Page 1, by striking from line 7 the word "food fats" and

4 inserting in lieu thereof the following:

5 "one or more edible natural vegetable fats or oils derived from

6 vegetable sources".

7 3. Page 1, by inserting after line 10 the following new subsec-

8 tions:

9 "Mellorine" means the food prepared by freezing, while stir-
10 ring, a pasteurized mix composed of a blend of one or more edible
11 natural food fats or oils derived from vegetable sources with one
12 or more natural food fats or oils derived from animal sources,
13 other than milk fat, or consists entirely of one or more animal
14 fats or oils, solids-not-fat, sugar or other sweeteners, one or
15 more flavoring ingredients, and one or more stabilizers or emul-
16 sifiers or both. It may also contain one or more egg ingredients,
17 and one or more caseinates.

House 2

18 "Imitation frozen dessert" means any frozen sweetened product
19 regardless of the name under which it is manufactured, sold or
20 offered for sale, and which is manufactured in a manner similar
21 to the process used in manufacturing ice cream, french ice cream,
22 ice milk, fruit sherbet, water ices, vegetable fat frozen dessert
23 or mellorine, quiescently frozen confection, and quiescently
24 frozen dairy confection, but which does not conform to the de-
25 finition and standard of identity established for any of the
26 products defined in this or any other statute or regulation
27 promulgated under any other statute of this state.

28 "Frozen dessert mix" means the pasteurized unfrozen liquid
29 or fluid combination of two or more ingredients permitted in a
30 frozen dessert with or without fruit, fruit juices, candy, baked
31 goods and confections, nut meats, or other harmless flavor or
32 color or both.

33 "Dry powder mix" is the unfrozen combination of two or more
34 ingredients, which shall have been properly pasteurized if they
35 are derivatives of milk, dairy products, or eggs, which are per-
36 mitted in a frozen dessert before liquifying into a mix or the
37 addition of fruit, fruit juices, candy, baked goods and confec-
38 tions, nut meats, or other harmless flavor or color or both.

39 "Frozen desserts" means ice cream, frozen custard, french
40 ice cream, french custard ice cream, artificially sweetened ice
41 cream, ice milk, fruit sherbet, water ice, quiescently frozen
42 confection, quiescently frozen dairy confection, vegetable fat
43 frozen dessert, frozen confection, mellorine frozen dessert,
44 imitation frozen desserts together with any liquid or dry mix
45 used in such frozen desserts, and any products which are similar
46 in appearance, odor or taste to such products, or are prepared or
47 frozen as frozen desserts are customarily prepared or frozen,
48 whether made with dairy products or nondairy products.

49 4. Page 1, by inserting in line 11 after the word "fats" the
50 words "or oils".

51 5. Page 1, by inserting in line 14 after the period the follow-
52 ing new sentence:

53 "Harmless optional ingredients may be used, in an amount
54 not exceeding one-half of one percent of the weight of the
55 finished food, to prevent fat oxidation."

56 6. Page 3, by striking from lines 15, 16, and 17 the words "may
57 be added in liquid or dry form, but must be free of excess alkali
58 and contain", and inserting in lieu thereof the words "in liquid
59 or dry form, but free of excess alkali may be added to a mix con-
60 taining".

61 7. Page 4, by striking lines 27 through 32, inclusive.

62 8. Pages 5, by striking lines 25 through 29, inclusive, and insert-
63 ing in lieu thereof the following:

64 "Sec. 6. The name vegetable fat frozen dessert, mellorine,

House 3

65 or imitation frozen dessert shall appear on any label required
66 by law or departmental rules on packages or containers of such
67 products, in such type size and with such".

68 9. Page 5, by striking from lines 31 and 32 the words "or mello-
69 rine" and inserting in lieu thereof the words ", mellorine, or imi-
70 tation frozen dessert".

71 10. Page 5, by striking lines 34 and 35, and page 6, by striking
72 lines 1 through 6, inclusive, and inserting in lieu thereof the
73 following:

74 "this Act shall be labeled 'vegetable fat frozen dessert'
75 when the food fat portion thereof contains only vegetable fats or
76 oils, and shall be labeled 'mellorine' when vegetable fats or oils
77 are blended and in combination with animal fats or oils (other
78 than milk fat) or when the food portion contains an animal fat
79 or oil or a blend of animal fats or oils. The container".

80 11. Page 6, by striking from line 13 the words "or mellorine"
81 and inserting in lieu thereof the words ", mellorine, or imi-
82 tation frozen dessert".

83 12. Page 6, by striking lines 21 through 32, inclusive, and
84 inserting in lieu thereof the following:

85 "Any imitation frozen dessert manufactured, sold, or offered
86 for sale in such manner that a label is required by law or de-
87 partmental rule shall be designated on such label as".

88 13. Page 7, by striking lines 1 through 9, inclusive, and in-
89 serting in lieu thereof the following new sentences:

90 A sign shall be posted in every retail establishment where
91 vegetable fat frozen dessert, mellorine, or imitation frozen
92 dessert is sold in other than the factory-filled packages, on
93 a white card not less than twelve by twenty-two inches in
94 dimension with letters not less than three inches in height
95 and two inches in width, for the following:

96 (1) For vegetable fat frozen dessert or mellorine, it
97 shall state "vegetable fat frozen dessert sold here" or
98 "mellorine sold here", as the case may be. Said sign shall
99 also state in letters of such size as to be easily read the
100 names of the fats or oils used in such product and whether
101 any such fat or oil is hydrogenated or hardened.

102 (2) For imitation frozen dessert, it shall state
103 "imitation frozen dessert sold here". Said sign shall also list
104 in letters of such size as to be easily read all of the
105 ingredients therein in the order of their decreasing pre-
106 dominance, and the names of any fats or oils used in such
107 product and whether any such fat or oil is hydrogenated or
108 hardened.

109 14. Page 7, by striking lines 34 and 35, and page 8, by striking
110 lines 1 and 2, and inserting in lieu thereof the following:

111 Sec. 11. No dry powder mix, as defined by this Act, shall
112 be required to be repasteurized after being liquified.

113 15. Page 8, by striking lines 8 through 14, inclusive, and re-
114 numbering the succeeding subsection accordingly.

115 6. Page 8, by inserting after line 17 the following new sub-
116 section:

House 4

- 117 By striking from subsection thirty-five (35) lines fifty-
118 four (54) through seventy-four (74), inclusive.
119 17. Page 8, by inserting after line 36 the following:
120 Dry powder mix Bacterial limit 50,000 per grams
121 Coliform limit 10 per grams
122 18. Page 9, by inserting after line 11 the following new section:
123 Chapter one hundred ninety (190), Code 1966, is hereby
124 amended by adding thereto the following new section:
125 Notwithstanding any other labeling provision of the Code,
126 frozen dessert of any kind or flavor may be dispensed and sold at
127 retail in edible containers or as a part of any food preparation
128 intended for consumption without further preparation, including
129 but not limited to the preparations commonly termed milk shakes,
130 malted milks, sundaes, and floats.

EXPLANATION OF AMENDMENT TO S. F. 628

This amendment separates the definitions of "vegetable fat frozen deserts" and "mellorine", so that the former means a frozen dessert made only with vegetable fats or oils in combination with certain other ingredients, while "mellorine" signifies a product which includes either animal fats or oils (other than milk fat) or both animal and vegetable fats or oils. The amendment also defines "imitation frozen dessert" so as to include virtually any type of frozen dessert which does not meet the statutory definitions of ice cream, ice milk, vegetable fat frozen dessert, or mellorine.

In addition, the amendment establishes definitions for "frozen dessert mix", which means an unfrozen liquid preparation from which frozen dessert is made, and "dry powder mix", which means a nonliquid preparation which may be liquified and made into a frozen dessert. The amendment requires pasteurization of frozen dessert mix, and requires that derivatives of milk, dairy products, or eggs used in a dry powder mix be properly pasteurized before being processed, but not require the liquid made from dry powder mix to be repasteurized. Bacterial and coliform limits for dry powder mix are added to the bill by the amendment.

Finally, the general term "frozen desserts" is defined so as to include the full range of products from dairy ice cream to imitation frozen deserts. Reasonable labeling requirements for packages and containers of vegetable fat frozen dessert, mellorine, and imitation frozen dessert are established, and the amendment also requires that retail establishments dispensing such products give the consumer an opportunity to know the nature of the product he is purchasing. However, the present requirement that cones and milk shake containers in which ice milk is dispensed be so labeled is repealed, and sale of all types of frozen desserts as cones, milk shakes, and other preparations ready for immediate consumption is specifically authorized without restrictive labeling requirements for the cone, cup, or container that is actually delivered to the customer.

Filed - *Adopted 2-16*
February 13, 1970

FISHER of Green
COCHRAN of Webster
KNIGHT of Humboldt-Pocahontas
STROTHMAN of Henry
PIERSON of Mahaska