

PART 12

Adulteration And Cleanliness Of Milk

(Statutory authority: Agriculture and Markets Law, §§ 18,46, 46-a, 47, 255)

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Historical Note

Part added, filed Jan. 25, 1961 to be eff. Apr. 1, 1961.

§ 12.1 Routine tests to be made.

At each plant where milk is received from producers, routine sediment tests shall be made as follows:

(a) Except as provided in subdivision (b) of this section, at each plant where milk is received from producers, whether in cans or by tank truck, it shall be the duty of the plant manager, or individual in charge, to have a sediment test made of each producer's milk at least once each month or more frequently if the sediment test results on samples from plant storage tanks, transport tanks, farm pick-up tanks, or other blended supplies, when tested by the mixed sample method as hereinafter defined, are found to contain sediment of one mg. or more in a one gallon sample or proportionately lesser quantities of sediment if less than one gallon is tested. In the event that milk in such bulk supplies is found to contain one mg. or more of sediment in a one gallon sample, or its equivalent, it shall be the duty of the plant manager, within 48 hours, to take additional samples of individual producer supplies involved, and to proceed as provided pursuant to section 12.6, or to take such other action as is necessary to correct the unsatisfactory condition.

(b) In the case of any producer whose milk is found to be satisfactory on the basis of three successive monthly tests, tests of that producer's milk need not be made more than once each three months so long as tests show continued compliance with these regulations.

(c) At each plant where milk is received from producers it shall be the duty of the plant manager or individual in charge to have a sediment test made on the first day of receipt of milk from any producer from whom milk has not previously been received or whose deliveries of milk have been interrupted, and no milk shall be accepted from such producer unless such milk is found to contain less than 1.5 mg. of sediment.

(d) In the case of milk collected at producers' farms by tank truck, and delivered to a plant, the plant manager or person in charge of such plant may be relieved from making such tests if a cooperative association or the operator of some other plant has agreed to make' such tests and to comply with these regulations and if the samples so tested are taken at the point of original receipt of the milk before the milk so sampled is co-mingled with other milk.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be eff. July 1, 1968. New sec. substituted.

§ 12.2 Equipment for sediment testing.

In making sediment tests, equipment shall meet the following requirements:

§ 12.2

(a) A tester of simple construction, which allows easy cleaning and adjustment between samples and for sanitary removal of used disc and replacement with clean, unused disc, shall be used.

(b) For stirred sample method, a pressure, gravity, or vacuum type device shall be used. Equipment may be needed for warming the milk and to aid in its passage through the disc. Burning of the milk shall be avoided.

(c) When testing a one gallon stirred sample, a tester with filter area one and one-eighth inches in diameter shall be used.

(d) When testing a one pint mixed sample, a tester with a filter area of 0.40 inch in diameter shall be used. When testing mixed samples of other quantities, the diameter of the filter area shall have the same relation to the quantity sampled as one and one-eighth inches for one gallon. For example, the diameter of the filter area for a one quart sample shall be 0.56 inch; for a two quart sample 0.80 inch; and for a three quart sample 1.0 inch.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be eff. July 1, 1968. New (d) substituted; deleted (e),

§ 12.3 Standard testing discs.

When testing samples, a standard white cotton lintine disc, or a disc of other suitable equivalent material, or the same material cut in other shapes, shall be securely fitted in the tester so that no milk or sediment by-passes the filtering area. The discs used shall meet the requirements as prescribed in the latest edition of "Standard Methods for the Examination of Dairy Products" as published by the American Public Health Association.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be eff. July 1, 1968. Added "The discs *** Association."

§ 12.4 Reference discs.

For the purpose of determining the sediment content of milk, reference discs or photographic reproductions of same shall be used. The commissioner recognizes for the purpose of this Part, the applicable charts of sediment standards for milk and milk products as prescribed by the United States Department of Agriculture, numbered CFR 58.2728 through CFR 58.2731 and/or those prescribed in the latest edition of "Standard Methods for the Examination of Dairy Products" as published by the American Public Health Association, or such other charts approved by the commissioner.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be eff. July 1, 1968. New sec. substituted.

§ 12.5 Testing methods.

When testing milk to determine its sediment content, a mixed sample shall be used.

(b) A mixed sample shall mean a sample taken from the milk which is to be tested, which milk has been adequately agitated immediately prior to the sampling, sufficient for the procurement of a representative butterfat sample. Farm bulk milk samples to be tested shall be warmed to 90⁰ F to 100⁰ F.

(c) If one test is to be made of the entire quantity of milk received in several cans, the milk in each can shall be thoroughly agitated. A sufficient proportionate amount shall be promptly transferred from each can to a clean container from which a representative stirred portion shall be taken for the test, or the test portion shall be removed from the entire delivery immediately after it has been dumped into the weigh vat.

(d) The sample to be tested shall be filtered through a standard filter disc which conforms to the provisions of section 12.3 of this Part, and the size of the filter area shall conform to the provisions of section 12.2(c) and (d) of this Part.

Note: In addition to the tests as prescribed in these rules and regulations, the off-bottom method of testing may be used as a screening test, but the results of such tests are not to take the place of the tests required by these rules and regulations.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be eff. July 1, 1968. New sec. substituted.

§ 12.6 Rejection of unsatisfactory milk.

(a) For the purposes of this Part, when reference is made to the quantity of sediment, such as 1 mg., 1.5 mg., or 3.0 mg., it is to be understood that this refers to the amount of sediment in a one-gallon sample filtered through a filter area 1 Vs inches in diameter, and that when smaller samples are filtered through proportionately smaller filter areas, the quantity of sediment which necessitates action is proportionately less.

Note: Filter areas for different volume samples are as follows:

<i>Quantity Filtered</i>	<i>Diameter of Filter Area</i>
1 pint	0.40 inch
1 quart	0.56 inch
2 quarts	0.80 inch
3 quarts	1.0 inch
1 gallon	1.125 inches

(b) Milk received from producers or from any other source may be rejected if it is found to be unclean by an off-bottom screening test of milk in cans.

(c) Milk received from producers or from any other source shall be rejected under the following conditions:

(1) If it is found to contain any floating extraneous matter such as flies, hairs, dirt, chaff, etc.

(2) If any milk is found to contain 1.5 mg. or more of sediment, except as otherwise provided in paragraph (3) of this subdivision.

(3) If milk which has been sampled has been received in a bulk tank: truck and co-mingled with other milk before the sample is tested or if milk is received in cans and is dumped into a weigh tank: or other receiving equipment before sampling, the following procedure shall be followed, except as provided in subparagraph (iv) of this paragraph:

(i) If the milk is found to contain 1.5 mg. or more of sediment, the producer or other person from whom such milk was received, shall be promptly notified of such condition and advised to correct it immediately.

(ii) At the time of the first delivery of milk by such producer or other person after 48 hours from such notice, the milk so delivered shall be tested. If the milk is found to contain 1.5 mg. or more of sediment, the producer shall be immediately notified and no more milk thereafter shall be accepted from such source until it is found to contain less than 1.5 mg. of sediment.

(iii) If the milk is found to contain 3.0 mg. or more of sediment, the producer or other person from whom such milk was received shall be promptly notified of such condition and that no more milk will be accepted from such source until it is found to contain less than 1.5 mg. of sediment.

(iv) With respect to milk received from producers in cans prior to January 1, 1969, if it is found to contain 1.5 mg. or more but less than 2.0 mg. of sediment, such producer shall be notified -that his milk is probational, but such milk need not be rejected unless it is found to contain 2.0 mg. or more of sediment.

(4) For the purpose of determining whether or not additional milk is to be received from any source, samples shall be taken and tested as follows:

(i) If the milk is to be received in bulk, a representative sample shall be taken from such source and shall be tested before accepting any such milk, and such milk shall not be accepted if it contains 1.5 mg. or more of sediment.

(ii) If the milk to be received is in cans, a representative proportionate sample shall be taken from each can if the delivery consists of five cans or less; from at least five cans if the delivery consists of more than five cans but not more than 10 cans, and from at least one half of the cans if the delivery consists of more than 10 cans. The samples from each can shall be promptly transferred to a clean container from which the proper amount shall be taken for making the test. Except as provided in subparagraph (3) (iv) of subdivision (c) of this section, unless this milk is found to contain less than 1.5 mg. of sediment, no milk shall be accepted from such source.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be eff. July 1, 1968. New sec. substituted.

§ 12.7 Notice to producers.

When notice of unsatisfactory milk is given to producers pursuant to the provisions of section 12.6(c)(ii) or (Hi) of this Part, or when milk is rejected pursuant to the provisions of section 12.6(c)(2) or (3) of this Part, the producer shall be notified that the sediment disc resulting from the test of such milk is available for examination during the following two week period.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be eff. immediately. New sec. substituted.

§ 12.8 Care and filing of discs.

Discs resulting from sediment tests shall be mounted, graded, and filed at the plant within 48 hours after testing, in the following manner:

(a) To mount and grade discs, the discs shall be removed from the tester and mounted on a smooth white surface or shall be mounted for storage in individually identified envelopes, with transparent opening for viewing face of discs with retained sediment thereon.

(b) Each unsatisfactory disc shall be graded as to the amount of sediment thereon by visual comparison with the standard as provided for in section 12.4. -If unsatisfactory discs do not contain the same amount of sediment as any standard reference disc, such discs shall be graded by referring to the closest lower reference disc and reported as "more than - mg." of sediment, as so determined.

(c) On the surface referred to in subdivision (a) of this section or on the envelope on or in which the disc is mounted, the following information shall be legibly recorded:

- (1) the name or permanent number assigned to the producer;
- (2) the date upon which the test was made;
- (3) the method used, such as "1 pint mixed" or "1 gallon mixed"; (4) the grade assignment given to each unsatisfactory disc.

(d) Discs shall be filed systematically at the plant where prepared. All discs shall be retained at least one month.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be-eff. July 1, 1968. New sec. substituted.

§ 12.9 Disposal of rejected milk.

Milk which is rejected because it contains sediment in excess of that permitted pursuant to this Part shall be so handled and disposed of that it will not be used as food or as an ingredient in any form in a food product, except that it may be used by the producer of such milk on his own farm.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be *eff.* July 1, 1968. New sec. substituted.

§ 12.10 Rejected milk to be tagged.

Milk rejected because of sediment in excess of that provided pursuant to this Part shall bear an identifying tag attached to the container thereof as soon as such determination has been made. The tag shall state the reason for such rejection and a warning printed thereon declaring that it shall be illegal for any person to purchase such rejected milk or to use such rejected milk as food or as an ingredient in any form in a food product, except that the producer of such milk, as set forth in section 12.9 may use it on his own farm. The tag on any container of rejected milk shall not be removed therefrom while such rejected milk is in such container.

Historical Note

Sec. added, filed Jan. 25, 1961; amd., filed May 10, 1968 to be *eff.* July 1, 1968. New sec. substituted.

§ 12.11 Record of sediment tests.

(a) A separate written record shall be made and kept for each producer, which may be combined with other quality records for such producer, and for each other source from which milk is received, and such record shall contain the following information:

- (1) The name or permanent number of each producer or other person from whom milk is received.
- (2) The dates upon which tests of milk from such producer or other source, were made. (3) The results of the test made, whether acceptable or unsatisfactory and if unsatisfactory, the amount of sediment found.
- (4) The date and method of giving notice of unsatisfactory milk pursuant to section 12.6(c)(3)(i), (ii) and (iii) of this Part .
- (5) The quantity of milk rejected and the date of such rejection.

(b) Such records shall be kept on file at least one year at the plant where the tests are made, or in the case of milk in farm bulk tanks tested at the farm, at the plant having the responsibility for making such tests.

Historical Note

Sec. added, filed Jan. 25, 1961; and., filed May 10, 1968 to be *eff.* July 1, 1968. New sec. substituted.