the establishment of a regulation pertaining to a food additive.

(b) If a petition for a definition and standard of identity contains a proposal for a food additive regulation, and the petitioner fails to designate it as such, the Commissioner, upon determining that the petition includes a proposal for a food additive regulation, shall so notify the petitioner and shall thereafter proceed in accordance with the regulations in part 171 of this chapter.

PART 131—MILK AND CREAM

Subpart A—General Provisions

§ 131.3 Definitions.

(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) Pasteurized when used to describe a dairy product means that every particle of such product shall have been heated in properly operated equipment to one of the temperatures specified in the table of this paragraph and held continuously at or above that temperature for the specified time (or other time/temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction):

<table>
<thead>
<tr>
<th>Temperature</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>145 °F ¹</td>
<td>30 minutes</td>
</tr>
<tr>
<td>161 °F ¹</td>
<td>15 seconds</td>
</tr>
<tr>
<td>191 °F</td>
<td>1 second</td>
</tr>
<tr>
<td>204 °F</td>
<td>0.05 second</td>
</tr>
<tr>
<td>212 °F</td>
<td>0.01 second</td>
</tr>
</tbody>
</table>

¹ If the dairy ingredient has a fat content of 10 percent or more, or if it contains added sweeteners, the specified temperature shall be increased by 5 °F.

(c) Ultra-pasteurized when used to describe a dairy product means that such product shall have been thermally processed at or above 280 °F for at least 2 seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

§ 131.25 Whipped cream products containing flavoring or sweetening.

The unqualified name “whipped cream” should not be applied to any product other than one made by whipping the cream that complies with the standards of identity for whipping cream (§§ 131.150 and 131.157 of this chapter). If flavoring and/or sweetening is added, the resulting product is a flavored and/or sweetened whipped cream, and should be so identified.

Subpart B—Requirements for Specific Standardized Milk and Cream

§ 131.110 Milk.

(a) Description. Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultrapasteurized, and shall contain not less than 8¼ percent milk solids.
(a) Description. Acidified milk is the food produced by souring one or more of the optional dairy ingredients specified in paragraph (c) of this section with one or more of the acidifying ingredients specified in paragraph (d) of this section, with or without the addition of characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs (b) and (e) of this section may also be added. When one or more of the ingredients specified in paragraph (e)(1) of this section are used, they shall be included in the souring process. All ingredients used are safe and suitable. Acidified milk contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be

(b) Optional ingredients. The following safe and suitable ingredients may be used:

(1) Carriers for vitamins A and D.
(2) Characterizing flavoring ingredients (with or without coloring, nutritive sweetener, emulsifiers, and stabilizers) as follows:
   (i) Fruit and fruit juice (including concentrated fruit and fruit juice).
   (ii) Natural and artificial food flavorings.

(c) Methods of analysis. Referenced methods are from “Official Methods of Analysis of the Association of Official Analytical Chemists,” 13th Ed. (1980), which is incorporated by reference. Copies may be obtained from the AOAC INTERNATIONAL, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877, or may be examined at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(2) Milk solids not fat content—Calculated by subtracting the milk fat content from the total solids content as determined by the method “Total Solids, Method I—Official Final Action,” section 16.032.
(3) Vitamin D content—“Vitamin D—Official Final Action,” sections 43.195–43.208.

(e) Nomenclature. The name of the food is “milk.” The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in §101.22 of this chapter.

(1) The following terms may appear on the principal display panel or panels of the label in letters not less than one-half the height of the letters used in such name:
   (i) If vitamins are added, the phrase “vitamin A” or “vitamin A added”, or “vitamin D” or “vitamin D added”, or “vitamin A and D” or “vitamins A and D added”, as is appropriate. The word “vitamin” may be abbreviated “vit.”.
   (ii) The word “ultra-pasteurized” if the food has been ultra-pasteurized.

(2) The following terms may appear on the label:
   (i) The word “pasteurized” if the food has been pasteurized.
   (ii) The word “homogenized” if the food has been homogenized.

(f) Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.