

added beyond that amount that is normally present in the specified dairy ingredient.

(b) *Nomenclature.* The name of the food is “skim milk chocolate”, “skim milk chocolate coating”, “sweet skim milk chocolate”, or “sweet skim milk chocolate coating”.

**§ 163.145 Mixed dairy product chocolates.**

(a) *Description.* Mixed dairy product chocolates are the foods that conform to the standard of identity, and are subject to the requirements for label declaration of ingredients for milk chocolate in § 163.130, except that:

(1) The optional dairy ingredients for each of the foods are mixtures of two or more of the following:

(i) Any dairy ingredients specified in § 163.130;

(ii) Any dairy ingredients specified in § 163.135;

(iii) Any dairy ingredients specified in § 163.140; or

(iv) Malted milk; and

(2) The finished mixed dairy product chocolates shall contain not less than 12 percent by weight of total milk solids derived from those dairy products referred to in paragraph (a)(1) of this section, exclusive of any added sweetener or other dairy-derived ingredient that is added beyond that amount that is normally present in the specified dairy product, and may contain less than 3.39 percent by weight of milkfat. The quantity of each component used in any such mixture is such that no component contributes less than one third of the weight of the total milk solids contributed by that component which is used in the largest proportion.

(b) *Nomenclature.* The name of the food is “chocolate”, or “chocolate coating”, preceded by the designation of the type of milk ingredients used as prescribed in paragraph (a) of this section in order of predominance by weight, e.g., “milk and skim milk chocolate”.

**§ 163.150 Sweet cocoa and vegetable fat coating.**

(a) *Description.* Sweet cocoa and vegetable fat coating is the food that conforms to the definition and standard of identity, and is subject to the require-

ments for label declaration of ingredients for sweet chocolate in § 163.123, except that:

(1) In the preparation of the product, cocoa or a mixture of cocoa and chocolate liquor is used in such quantity that the finished food contains not less than 6.8 percent by weight of nonfat cacao solids, calculated on a moisture-free basis;

(2) One or more optional ingredients specified in paragraph (b) of this section are used; and

(3) The requirement in § 163.123(a)(2) limiting the total milk solids content to less than 12 percent by weight does not apply.

(b) *Optional ingredients.* (1) Breakfast cocoa, cocoa, lowfat cocoa;

(2) Chocolate liquor;

(3) Safe and suitable vegetable derived fats, oils, and stearins other than cacao fat. The fats, oils, and stearins may be hydrogenated;

(4) Safe and suitable dairy-derived ingredients; and

(5) Safe and suitable bulking agents, formulation aids, humectants, and texturizers.

(c) *Nomenclature.* The name of the food is “sweet cocoa and vegetable fat coating”. Alternatively, the common or usual name of the vegetable derived fat ingredient may be used in the name of the food, e.g., “sweet cocoa and \_\_\_\_\_ oil coating”, the blank being filled in with the common or usual name of the specific vegetable fat used.

**§ 163.153 Sweet chocolate and vegetable fat coating.**

(a) *Description.* Sweet chocolate and vegetable fat coating is the food that conforms to the definition and standard of identity, and is subject to the requirements for label declaration of ingredients for sweet chocolate in § 163.123, except that one or more optional ingredients specified in paragraph (b) of this section are used. Compliance with the requirement in § 163.123(a)(2) limiting the total milk solids content to less than 12 percent by weight shall be calculated by including only those dairy ingredients referred to in § 163.123(b)(4), exclusive of any added sweetener or other dairy-derived ingredient that is added beyond

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that amount that is normally present in the specified dairy ingredient.

(b) *Optional ingredients.* (1) Safe and suitable vegetable derived fats, oils, and stearins other than cacao fat. The fats, oils, and stearins may be hydrogenated;

(2) Safe and suitable dairy-derived ingredients; and

(3) Safe and suitable bulking agents, formulation aids, humectants, and texturizers.

(c) *Nomenclature.* The name of the food is "sweet chocolate and vegetable fat coating". Alternatively, the common or usual name of the vegetable derived fat ingredient may be used in the name of the food, e.g., "sweet chocolate and \_\_\_\_\_ oil coating", the blank being filled in with the common or usual name of the specific vegetable fat used.

**§ 163.155 Milk chocolate and vegetable fat coating.**

(a) *Description.* Milk chocolate and vegetable fat coating is the food that conforms to the standard of identity, and is subject to the requirements for label declaration of ingredients for milk chocolate in §163.130 or skim milk chocolate in §163.140, except that one or more optional ingredients specified in paragraph (b) of this section are used. Compliance with the requirement in §163.130(a)(2) that the product contains not less than 12 percent by weight of nonfat milk solids shall be calculated using only those dairy ingredients referred to in §163.130(b)(4), exclusive of any added sweetener or other dairy-derived ingredient that is added beyond that amount that is normally present in the specified dairy ingredient.

(b) *Optional ingredients.* (1) Safe and suitable vegetable derived oils, fats, and stearins other than cacao fat. The oils, fats, and stearins may be hydrogenated;

(2) Safe and suitable dairy-derived ingredients; and

(3) Safe and suitable bulking agents, formulation aids, humectants, and texturizers.

(c) *Nomenclature.* The name of the food is "milk chocolate and vegetable fat coating" or "skim milk chocolate and vegetable fat coating", as appro-

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priate. Alternatively, the common or usual name of the vegetable derived fat ingredient may be used in the name of the food, e.g., "milk chocolate and \_\_\_\_\_ oil coating", the blank being filled in with the common or usual name of the specific vegetable fat used.

**PART 164—TREE NUT AND PEANUT PRODUCTS**

**Subpart A [Reserved]**

**Subpart B—Requirements for Specific Standardized Tree Nut and Peanut Products**

Sec.

164.110 Mixed nuts.

164.120 Shelled nuts in rigid or semirigid containers.

164.150 Peanut butter.

AUTHORITY: 21 U.S.C. 321, 341, 343, 348, 371, 379e.

SOURCE: 42 FR 14475, Mar. 15, 1977, unless otherwise noted.

**Subpart A [Reserved]**

**Subpart B—Requirements for Specific Standardized Tree Nut and Peanut Products**

**§ 164.110 Mixed nuts.**

(a) Mixed nuts is the food consisting of a mixture of four or more of the optional shelled tree nut ingredients, with or without one or more of the optional shelled peanut ingredients, of the kinds prescribed by paragraph (b) of this section; except that when 2 ounces or less of the food is packed in transparent containers, three or more of the optional tree nut ingredients shall be present. Each such kind of nut ingredient when used shall be present in a quantity not less than 2 percent and not more than 80 percent by weight of the finished food. For purposes of this section, each kind of tree nut and peanut is an optional ingredient that may be prepared by any suitable method in accordance with good manufacturing practice. The finished food may contain one or more of the optional nonnut ingredients provided for in paragraph (c) of this section.