

§ 131.200

(3) Nutritive sweeteners.

(4) Characterizing flavoring ingredients (with or without coloring) as follows:

(i) Fruit and fruit juice (including concentrated fruit and fruit juice).

(ii) Natural and artificial food flavoring.

(c) *Methods of analysis.* The milkfat content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), in sections 16.156 and 16.059, under "Fat, Roese-Gottlieb Method—Official Final Action," which is incorporated by reference. Copies may be obtained from the AOAC INTERNATIONAL, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877, 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.

(d) *Nomenclature.* The name of the food is "Half-and-half". 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 shall accompany the name of the food wherever it appears 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) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

(ii) The word "sweetened" if no characterizing flavor ingredients are used, but nutritive sweetener is added.

(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.

(e) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the

21 CFR Ch. I (4–1–23 Edition)

applicable sections of parts 101 and 130 of this chapter.

[42 FR 14360, Mar. 15, 1977, as amended at 47 FR 11825, Mar. 19, 1982; 49 FR 10092, Mar. 19, 1984; 54 FR 24893, June 12, 1989; 58 FR 2891, Jan. 6, 1993]

§ 131.200 Yogurt.

(a) *Description.* Yogurt is the food produced by culturing one or more of the basic dairy ingredients specified in paragraph (b) of this section and any of the optional dairy ingredients specified in paragraph (c) of this section with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus delbrueckii* subsp. *bulgaricus* and *Streptococcus thermophilus*. The ingredients specified in paragraphs (b) and (c) of this section may be homogenized and must be pasteurized or ultra-pasteurized before the addition of the characterizing bacterial culture. One or more of the other optional ingredients specified in paragraph (d) of this section may also be added. Yogurt, before the addition of bulky flavoring ingredients, contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat and has either a titratable acidity of not less than 0.7 percent, expressed as lactic acid, or a pH of 4.6 or lower. To extend the shelf life of the food, yogurt may be treated after culturing to inactivate viable microorganisms.

(b) *Basic dairy ingredients.* Cream, milk, partially skimmed milk, skim milk, or the reconstituted versions of these ingredients may be used alone or in combination.

(c) *Optional dairy ingredients.* Other safe and suitable milk-derived ingredients may be used to increase the milk solids not fat content of the food above the minimum of 8.25 percent required in paragraph (a) of this section, provided that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present must not be decreased as a result of adding such ingredients.

(d) *Other optional ingredients.* The following safe and suitable ingredients may be used:

(1) Cultures, in addition to the characterizing bacterial culture specified in paragraph (a) of this section.

- (2) Sweeteners.
- (3) Flavoring ingredients.
- (4) Color additives.
- (5) Stabilizers.
- (6) Emulsifiers.
- (7) Preservatives.
- (8) Vitamin addition (optional).

(i) If added, vitamin A must be present in such quantity that the food contains not less than 10 percent Daily Value per Reference Amount Commonly Consumed (RACC) thereof, within limits of current good manufacturing practice.

(ii) If added, vitamin D must be present in such quantity that the food contains not less than 10 percent Daily Value per Reference Amount Commonly Consumed (RACC) thereof, within limits of current good manufacturing practices.

(e) *Methods of analysis*—(1) *Milk*—(i) *Milkfat content*. As determined by the method prescribed in section 33.2.26, AOAC Official Method 989.05, Fat in Milk Modified Mojonnier Ether Extraction Method.

(ii) *Milk solids not fat*. Calculated by subtracting the milkfat content from the total solids content using the method prescribed in section 33.2.45, AOAC Official Method 990.21, Solids-Not-Fat in Milk by Difference between Total Solids and Fat Contents.

(iii) *Titrateable acidity*. As determined by the method prescribed in section 33.2.06, AOAC Official Method 947.05, Acidity of Milk Titrimetric Method.

(2) *pH*. As determined by the potentiometric method described in § 114.90(a) of this chapter.

(3) *Live and active cultures*. As determined by the method described in ISO 7889:2003(E)/IDF 117:2003(E), Yogurt—Enumeration of Characteristic Microorganisms—Colony-Count Technique at 37 °C.

(f) *Nomenclature*. The name of the food is “yogurt.” The name of the food must be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter.

(1) The following term(s) must accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The word “sweetened” if a nutritive carbohydrate sweetener is added without the addition of characterizing flavor.

(ii) The phrase “does not contain live and active cultures” if the dairy ingredients have been treated after culturing to inactivate viable microorganisms.

(iii) The phrase “vitamin A” or “vitamin A added”, or “vitamin D” or “vitamin D added”, or “vitamins A and D added”, as appropriate. The word “vitamin” may be abbreviated “vit”.

(2) The name of the food may be accompanied by the phrase “contains live and active cultures” or another appropriate descriptor if the food contains a minimum level of live and active cultures of 10^7 colony forming units per gram (CFU/g) at the time of manufacture with a reasonable expectation of 10^6 CFU/g through the manufacturer’s assigned shelf life of the product.

(3) The term “homogenized” may appear on the label if the dairy ingredients used are homogenized.

(g) *Yogurt containing less than 3.25 percent milkfat*. (1) Yogurt may contain less than 3.25 percent milkfat and at least 2.44 percent milkfat. If the milkfat content is below 2.44 percent, the product is considered a modified food and is covered under § 130.10 of this chapter.

(2) Yogurt with milkfat content less than 3.25 percent and at least 2.44 percent milkfat, must be labeled with the following two phrases in the statement of identity, which must appear together:

(i) The word “yogurt” in type of the same size and style.

(ii) The statement “___ percent milkfat,” the blank being filled in with the nearest half percent to the actual milkfat content of the product. This statement of milkfat content must appear in letters not less than one-half of the height of the letters in the phrase specified in paragraph (g)(2)(i) of this section, but in no case less than one-eighth of an inch in height.

(3) Yogurt with milkfat less than 3.25 percent and at least 2.44 percent milkfat must comply with this standard, except that it may deviate as described in § 130.10 (b), (c), and (d) of this chapter.

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

(i) *Incorporation by reference.* The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, FDA must publish a document in the FEDERAL REGISTER, and the material must be available to the public. All approved material is available for inspection at the Food and Drug Administration's Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, and is available from the sources indicated in this paragraph (i). It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

(1) AOAC INTERNATIONAL, 2275 Research Blvd., Suite 300, Rockville, MD 20850–3250:

(i) AOAC Official Method 947.05, Acidity of Milk Titrimetric Method, Section 33.2.06, Official Methods of Analysis, 21st edition, 2019, Vol. 1.

(ii) AOAC Official Method 989.05, Fat in Milk Modified Mojonnier Ether Extraction Method, Section 33.2.26, Official Methods of Analysis, 21st edition, 2019, Vol. 1.

(iii) AOAC Official Method 990.21, Solids-Not-Fat in Milk by Difference between Total Solids and Fat Contents, Section 33.2.45, Official Methods of Analysis, 21st edition, 2019, Vol. 1.

(2) ISO, ISO Central Secretariat, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland.

(i) ISO 7889:2003(E), Yogurt—Enumeration of Characteristic Microorganisms—Colony-Count Technique at 37 °C, First edition, 2003–02–01.

NOTE 1 TO PARAGRAPH (h)(2)(i): ISO 7889:2003(E) is co-published as IDF 117:2003(E).

(ii) [Reserved]

[86 FR 31137, June 11, 2021, as amended at 87 FR 76568, Dec. 15, 2022]

PART 133—CHEESES AND RELATED CHEESE PRODUCTS

Subpart A—General Provisions

Sec.

133.3 Definitions.

133.5 Methods of analysis.

133.10 Notice to manufacturers, packers, and distributors of pasteurized blended cheese, pasteurized process cheese, cheese food, cheese spread, and related foods.

Subpart B—Requirements for Specific Standardized Cheese and Related Products

133.102 Asiago fresh and asiago soft cheese.

133.103 Asiago medium cheese.

133.104 Asiago old cheese.

133.106 Blue cheese.

133.108 Brick cheese.

133.109 Brick cheese for manufacturing.

133.111 Caciocavallo siciliano cheese.

133.113 Cheddar cheese.

133.114 Cheddar cheese for manufacturing.

133.116 Low sodium cheddar cheese.

133.118 Colby cheese.

133.119 Colby cheese for manufacturing.

133.121 Low sodium colby cheese.

133.123 Cold-pack and club cheese.

133.124 Cold-pack cheese food.

133.125 Cold-pack cheese food with fruits, vegetables, or meats.

133.127 Cook cheese, koch kaese.

133.128 Cottage cheese.

133.129 Dry curd cottage cheese.

133.133 Cream cheese.

133.134 Cream cheese with other foods.

133.136 Washed curd and soaked curd cheese.

133.137 Washed curd cheese for manufacturing.

133.138 Edam cheese.

133.140 Gammelost cheese.

133.141 Gorgonzola cheese.

133.142 Gouda cheese.

133.144 Granular and stirred curd cheese.

133.145 Granular cheese for manufacturing.

133.146 Grated cheeses.

133.147 Grated American cheese food.

133.148 Hard grating cheeses.

133.149 Gruyere cheese.

133.150 Hard cheeses.

133.152 Limburger cheese.

133.153 Monterey cheese and monterey jack cheese.

133.154 High-moisture jack cheese.

133.155 Mozzarella cheese and scamorza cheese.

133.156 Low-moisture mozzarella and scamorza cheese.

133.157 Part-skim mozzarella and scamorza cheese.

133.158 Low-moisture part-skim mozzarella and scamorza cheese.