

PART 7
PASTEURIZATION OF CHEESE AND CHEESE CURD
(Statutory authority: Agriculture and Markets Law. §§ 18. 67-b. 214-b)

Sec.

7.1 Definitions

7.2 Sale of cheese and cheese curd regulated

7.3 Pasteurization defined

7.4 Labeling of cheese and cheese curd

§ 7.1 Definitions.

As used in these regulations:

- (a) *Commissioner* means the Commissioner of Agriculture and Markets of the State of New York.
- (b) The term *milk* means milk, cream or skimmed milk or any combination of milk, cream or skimmed milk.
- (c) The term *cheese curd* means the substance usually known by that term obtained by the bringing together of most of the solids and excluding most of the water from milk with or without other harmless ingredients and which may be utilized in such form or which may be subjected to further processing in the manufacture of cheese.
- (d) The term *cheese* means the product produced from cheese curd as herein defined or from milk with or without other harmless ingredients which is made by the bringing together of most of the solids and the exclusion of most of the water. It includes cheese of all types and varieties, including but not limited to cheese of the American or cheddar type, soft cheese such as cottage, pot, baker's or farmer's cheese. Italian-type cheese, and all other cheese by whatever name known.
- (e) The term *container* as used herein means any carton, box, crate, barrel, half-barrel, hamper, keg, drum, jug, jar, crock, bottle, bag, basket, pail, can, wrapper, parcel or package.

§ 7.2 Sale of cheese and cheese curd regulated.

No person shall release cheese or cheese curd to the retail trade or to any public eating place or to any institution or to any consumer unless such cheese or cheese curd has been either:

- (a) pasteurized;
- (b) made from pasteurized milk; or
- (c) held after manufacture for a period of not less than 60 days at a temperature not lower than 35 degrees Fahrenheit.

§ 7.3 Pasteurization defined.

Cheese or cheese curd shall not be deemed to be pasteurized unless:

- (a) every particle of the milk used in its manufacture has been subjected to a temperature of not less than 143 degrees Fahrenheit continuously for 30 minutes or more, or to a temperature of not less than 161 degrees Fahrenheit for 15 seconds or more; or

(b) every particle of the cheese itself has been subjected to a temperature of not less than 143 degrees Fahrenheit continuously for 30 minutes or more, or to a temperature of not less than 161 degrees Fahrenheit for 15 seconds or more; or

(c) subjected to some other treatment or process approved in writing by the commissioner.

In the absence of evidence to the contrary, milk pasteurized in a plant which has been found by the New York State Department of Health to be meeting the requirements of the Sanitary Code promulgated by the Public Health Council of the State of New York [10 NYCRR Chapter I], and milk pasteurized in a plant which has been found to be meeting the requirements of the sanitary code of the Board of Health of the Department of Health of the City of New York, shall be deemed to have been pasteurized as herein required so long as such plant continues to meet such requirements.

§ 7.4 Labeling of cheese and cheese curd.

Each separate cheese not in a container and each container of cheese or of cheese curd shall be plainly and legibly marked or labeled as follows:

(a) If the cheese or cheese curd has been pasteurized or has been made from pasteurized milk with the word "Pasteurized."

(b) If the cheese or cheese curd has not been pasteurized or made from pasteurized milk, with the date upon which such cheese was made.

(c) (1) With the name and address of the manufacturer, packer or distributor; or

(2) By the use of a stencil brand, stamp or label procured and issued by the commissioner pursuant to section 67 of the Agriculture and Markets Law and used in conformity with the provisions of such section and in conformity with the regulations promulgated thereunder.

(d) The manufacturer of cheese or cheese curd shall mark or label the cheese or cheese curd as provided in this section within 72 hours of its manufacture, provided that, if the cheese or cheese curd cannot itself be marked or labeled, the information herein required shall be placed on the container of the cheese or cheese curd or upon a tag or label securely affixed thereto.

(e) Cheese which has not been pasteurized as defined in section 7.3 of this Part but which has been held after manufacture for a period of not less than 60 days at a temperature not lower than 35 degrees Fahrenheit may, in lieu of being marked with the date of manufacture, be marked or labeled "Aged 60 days or more", provided that, when cheese has been so held for more the 60 days, such statement may indicate such longer period of aging.