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4-3-102 Definitions.

As used in this chapter:

- (1) "Adulterated" means any dairy product that:
 - (a) contains any poisonous or deleterious substance that may render it injurious to health;
 - (b) has been produced, prepared, packaged, or held:
 - (i) under unsanitary conditions;
 - (ii) where it may have become contaminated; or
 - (iii) where it may have become diseased or injurious to health;
 - (c) contains any food additive that is unsafe within the meaning of 21 U.S.C. Sec. 348;
 - (d) contains:
 - (i) any filthy, putrid, or decomposed substance;
 - (ii) fresh fluid milk with a lactic acid level at or above .0018; or
 - (iii) cream with a lactic acid level at or above .008 or that is otherwise unfit for human food;
 - (e) is the product of:
 - (i) a diseased animal;
 - (ii) an animal that died otherwise than by slaughter; or
 - (iii) an animal fed upon uncooked offal;
 - (f) has intentionally been subjected to radiation, unless the use of the radiation is in conformity with a rule or exemption promulgated by the department; or
 - (g)
 - (i) has any valuable constituent omitted or abstracted;
 - (ii) has any substance substituted in whole or in part;
 - (iii) has damage or inferiority concealed in any manner; or
 - (iv) has any substance added, mixed, or packed with the product to:
 - (A) increase its bulk or weight;
 - (B) reduce its quality or strength; or
 - (C) make it appear better or of greater value.
- (2) "Cow-share program" means a program in which a person acquires an undivided interest in a milk producing hoofed mammal through an agreement with a producer that includes:
 - (a) a bill of sale for an interest in the mammal;
 - (b) a boarding arrangement under which the person boards the mammal with the producer for the care and milking of the mammal and the boarding arrangement and bill of sale documents remain with the program operator;
 - (c) an arrangement under which the person receives raw milk for personal use not to be sold or distributed in a retail environment or for profit; and
 - (d) no more than two cows, 10 goats, and 10 sheep per farm in the program.
- (3) "Dairy product" means any product derived from raw or pasteurized milk.
- (4) "Distributor" means any person who distributes a dairy product.
- (5)
 - (a) "Filled milk" means any milk, cream, or skimmed milk, whether condensed, evaporated, concentrated, powdered, dried, or desiccated, that has fat or oil other than milk fat added, blended, or compounded with it so that the resultant product is an imitation or semblance of milk, cream, or skimmed milk.
 - (b) "Filled milk" does not include any distinctive proprietary food compound:
 - (i) that is prepared and designated for feeding infants and young children, which is customarily used upon the order of a licensed physician;

- (ii) whose product name and label does not contain the word "milk"; and
 - (iii) whose label conforms with the food labeling requirements.
- (6) "Frozen dairy products" mean dairy products normally served to the consumer in a frozen or semifrozen state.
- (7) "Grade A milk," "grade A milk products," and "milk" have the same meaning that is accorded the terms in the federal standards for grade A milk and grade A milk products unless modified by rules of the department.
- (8) "License" means a document allowing a person or plant to process, manufacture, supply, test, haul, or pasteurize milk or milk products or conduct other activity specified by the license.
- (9) "Manufacturer" means any person who processes milk in a way that changes the milk's character.
- (10) "Manufacturing milk" means milk used in the production of non-grade A dairy products.
- (11) "Misbranded" means:
- (a) any dairy product whose label is false or misleading in any particular, or whose label or package fails to conform to any federal regulation adopted by the department that pertains to packaging and labeling;
 - (b) any dairy product in final packaged form manufactured in this state that does not bear:
 - (i) the manufacturer's, packer's, or distributor's name, address, and plant number, if applicable;
 - (ii) a clear statement of the product's common or usual name, quantity, and ingredients, if applicable; and
 - (iii) any other information required by rule of the department;
 - (c) any butter in consumer package form that is not at least B grade, or that does not meet the grade claimed on the package, measured by U.S.D.A. butter grade standards;
 - (d) any imitation butter made in whole or in part from material other than wholesome milk or cream, except clearly labeled "margarine";
 - (e) renovated butter unless the words "renovated butter," in letters not less than 1/2-inch in height appear on each package, roll, square, or container of such butter; or
 - (f) any dairy product in final packaged form that makes nutritional claims or adds or adjusts nutrients that are not so labeled.
- (12) "Pasteurization" means any process that renders dairy products practically free of disease organisms and is accepted by federal standards.
- (13) "Permit or certificate" means a document allowing a person to market milk.
- (14) "Plant" means any facility where milk is processed or manufactured.
- (15) "Processor" means any person who subjects milk to a process.
- (16) "Producer" means a person who owns a cow or other milk producing hooved mammal that produces milk for consumption by persons other than the producer's family, employees, or nonpaying guests.
- (17) "Raw milk" means unpasteurized milk.
- (18) "Renovated butter" means butter that is reduced to a liquid state by melting and drawing off such liquid or butter oil and churning or otherwise manipulating it in connection with milk or any product of milk.
- (19) "Retailer" means any person who sells or distributes dairy products directly to the consumer.