

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1620 Session of
1993

INTRODUCED BY LLOYD, DeWEESE, B. SMITH, SURRA, STISH AND
GORDNER, MAY 11, 1993

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 11, 1993

AN ACT

1 Amending the act of September 1, 1965 (P.L.420, No.215),
2 entitled, as amended, "An act for the protection of the
3 public health, and to prevent fraud and deception in the
4 manufacture, sale, offering for sale, exposing for sale, and
5 possession with intent to sell, of adulterated or deleterious
6 frozen desserts, providing for licensing, authorizing and
7 regulating the manufacture and sale of frozen desserts,
8 conferring powers and imposing duties upon the Department of
9 Agriculture, prescribing penalties, providing for the
10 enforcement thereof, and making repeals," providing for low-
11 calorie frozen desserts; and further providing for the
12 rehydration of low-calorie frozen desserts.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 1(b)(1) of the act of September 1, 1965
16 (P.L.420, No.215), known as The Frozen Dessert Law, amended June
17 4, 1969 (P.L.54, No.18), is amended and the section is amended
18 by adding a clause to read:

19 Section 1. Declaration of Policy; Definitions.--* * *

20 (b) (1) For the purpose of this act, and for any rules,
21 regulations, definitions, standards of identity, or labeling
22 requirements promulgated pursuant thereto, the term "frozen

1 desserts" shall be deemed to include ice cream, frozen custard,
2 french ice cream, french custard ice cream, artificially
3 sweetened ice cream, artificially sweetened ice milk, ice milk,
4 freezer made milk shakes, fruit sherbet, water ice, quiescently
5 frozen confection, quiescently frozen dairy confection, whipped
6 cream confection, bisque tortoni, mellorine frozen desserts and
7 low-calorie frozen desserts as all such products are commonly
8 known, together with any mix used in such frozen desserts and
9 any products which are similar in appearance, odor, or taste to
10 such products or are prepared or frozen as such products are
11 customarily prepared or frozen, whether made with dairy or non-
12 dairy products but shall not apply to such commonly known or
13 designated bakery products as frozen cakes and pastries, cream
14 pies and fillings and toppings, meringue pie fillings and
15 toppings, cream and ice box pies, fruit and custard pie
16 fillings, boston cream pie fillings, cream puff fillings and
17 custards, eclair and napoleon fillings and custards, or the
18 like.

19 * * *

20 (3) For the purpose of this act, a "low-calorie frozen
21 dessert" shall mean a frozen dessert which supplies not more
22 than forty calories per serving or not more than 0.4 calories
23 per gram and which bears on its principal display label the term
24 "low calorie," "low in calories" or "a low-calorie food."

25 Section 2. The act is amended by adding a section to read:

26 Section 3.1. Rehydration of Low-Calorie Frozen Desserts.--

27 (a) Notwithstanding any other provision of law or rule or
28 regulation to the contrary, a low-calorie frozen dessert
29 containing powders or dry mixes or pasteurized whey, reduced
30 mineral whey, whey protein concentrate, reduced lactose whey or

1 optional caseinates which is rehydrated with potable water prior
2 to freezing shall not require repasteurization.

3 (b) Wheys, caseinates or other ingredients used to
4 manufacture or prepare a frozen dessert mixture pursuant to
5 subsection (a) shall be pasteurized prior to preparation of the
6 mixture.

7 (c) A rehydrated low-calorie frozen dessert mixture shall be
8 cooled to a maximum temperature of forty-five degrees Fahrenheit
9 within four hours after such rehydration and shall be frozen
10 within twenty-four hours.

11 (d) A low-calorie frozen dessert shall contain ingredients
12 recognized as safe for human consumption by the United States
13 Food and Drug Administration pursuant to the Federal Food, Drug,
14 and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) and
15 any rules and regulations promulgated by the Department of
16 Agriculture under the authority of this act.

17 (e) The Department of Agriculture shall adopt regulations
18 setting forth definitions, standards of identity, and any other
19 rules necessary to administer and enforce this section.
20 Regulations adopted by the department shall conform and be
21 consistent with rules and regulations promulgated pursuant to
22 the Federal Food, Drug and Cosmetic Act.

23 Section 3. This act shall take effect in 60 days.