

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 34 DAIRY AND EGG PRODUCERS
PART 6 STANDARDS OF IDENTITY FOR FROZEN DAIRY DESSERTS

21.34.6.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[1/1/98; 21.34.6.1 NMAC - Rn & A, 21 NMAC 34.6.1, 05/29/09]
[MSC 3189, P. O. Box 30005, Las Cruces, New Mexico 88003-8005, Telephone: (575) 646-3007]

21.34.6.2 SCOPE: All processors of frozen dairy desserts.
[1/1/98; 21.34.6.2 NMAC - Rn, 21 NMAC 34.6.2, 05/29/09]

21.34.6.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university,
under the Dairy Act, Chapter 25, Article 7, Sections 1 through 8, New Mexico Statutes Annotated, 1978
Compilation.
[1/1/98; 21.34.6.3 NMAC - Rn, 21 NMAC 34.6.3, 05/29/09]

21.34.6.4 DURATION: Permanent
[1/1/98; 21.34.6.4 NMAC - Rn, 21 NMAC 34.6.4, 05/29/09]

21.34.6.5 EFFECTIVE DATE: January 1, 1998
[1/1/98; 21.34.6.5 NMAC - Rn, 21 NMAC 34.6.5, 05/29/09]

21.34.6.6 OBJECTIVE: This rule establishes the standards of identity for frozen dairy desserts.
[1/1/98; 21.34.6.6 NMAC - Rn, 21 NMAC 34.6.6, 05/29/09]

21.34.6.7 DEFINITIONS:
A. "Board" means the board of regents of New Mexico state university.
B. "Director" means the director of the New Mexico department of agriculture.
[1/1/98; 21.34.6.7 NMAC - Rn, 21 NMAC 34.6.7, 05/29/09]

21.34.6.8 [RESERVED]

21.34.6.9 COMPOSITION STANDARDS OF IDENTITY: The standards of identity for the composition
of frozen dairy desserts shall be the same as those set forth in Title 21 of the Code of Federal Regulations, as
revised.
[1/1/98; 21.34.6.9 NMAC - Rn, 21 NMAC 34.6.9, 05/29/09]

21.34.6.10 WEIGHT STANDARDS OF IDENTITY:
A. Ice cream shall weigh not less than four and one-half (4.5) pounds net to the gallon.
B. Reduced fat ice cream, light ice cream, lowfat ice cream, nonfat or fat free ice cream or other
lower fat ice cream products shall weigh not less than four (4.0) pounds net to the gallon.
C. Mellorine shall weigh not less than four and one-half (4.5) pounds net to the gallon.
D. Sherbet shall weigh not less than six (6.0) pounds net to the gallon.
[1/1/98; 21.34.6.10 NMAC - Rn, 21 NMAC 34.6.10, 05/29/09]

21.34.6.11 - 21.34.6.15 [RESERVED]

21.34.6.16 NONSTANDARD PRODUCTS: Frozen dairy dessert products for which neither the board nor
the federal food and drug administration have not established standards of identity may be sold in New Mexico until
such time as standards of identity are established only if the products are properly labeled as to composition.
[1/1/98; 21.34.6.16 NMAC - Rn, 21 NMAC 34.6.16, 05/29/09]

21.34.6.17 EMERGENCY WAIVER: Any or all of the provisions of this rule may be temporarily waived
by the director when he determines, in his discretion, that an emergency warrants such waiver.
[1/1/98; 21.34.6.17 NMAC - Rn, 21 NMAC 34.6.17, 05/29/09]

HISTORY OF 21.34.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule No. DOA 70-5, Regulatory Order No. 1 (Revised), Dairy Standards, filed 12/24/70.

NMDA Rule No. DOA 70-5, Amendment No. 1, Regulatory Order No. 2, Dairy Standards, filed 1/30/74.

NMDA Rule No. DOA 75-3, Regulatory Order No. 3, Dairy Standards, filed 9/15/75.

NMDA Rule No. DOA 77-6, Regulatory Order No. 4, Dairy Standards, filed 9/19/77.

NMDA Rule No. DOA 78-2, Regulatory Order No. 5, Standards, Open Dating, filed 9/21/78.

History of Repealed Material: [RESERVED]