

STATE OF CONNECTICUT  
**DEPARTMENT OF CONSUMER PROTECTION**  
165 CAPITOL AVENUE, HARTFORD, CONNECTICUT 06106

WILLIAM M. RUBENSTEIN  
COMMISSIONER

DANNEL P. MALLOY  
GOVERNOR

September 26, 2013

James Robert Johnson  
Resolution Legal Group 100 East California, Suite 200  
Oklahoma City, Oklahoma 73104

RE: Declaratory Ruling

Dear Mr. Johnson:

This is in response to your request for a declaratory ruling dated and received on August 19, 2013.

Be advised that pursuant to Connecticut General Statutes Section 4-176, I have exercised my discretion in this matter and have issued a declaratory ruling within the prescribed statutory requirements.

Accordingly, please find attached a copy of said declaratory ruling.

Sincerely,

William M. Rubenstein

In the Matter of  
ORANGE LEAF HOLDINGS, LLC

DOCKET NO. 13-687

### **DECLARATORY RULING**

Orange Leaf Holdings, LLC, hereinafter referred to as petitioner, requested the Department of Consumer Protection to issue a declaratory ruling in response to the following question: " Does Connecticut law and/or do Connecticut regulations require further pasteurization of pasteurized milk to which has been added a low water activity powder comprised of pasteurized dairy products, sweeteners and other shelf-stable ingredients and which is immediately frozen for sale and consumption by the public as a frozen dessert at a retail restaurant". A copy of said request is attached hereto and marked as Exhibit A.

I now exercise the discretion vested in me by Section 4-176 of the Connecticut General Statutes and Section 21a-1-10 of the Regulations of Connecticut State Agencies to issue a declaratory ruling.

The frozen dessert product requirements sold within the State of Connecticut are set forth in Sections 21a-48 through 21a-59 of the Connecticut General Statutes and Sections 21a-58-1 through 21a-58-37 of the Regulations of the Connecticut State Agencies.

In pertinent part, Section 21a-53 of the Connecticut General Statutes provides:

The Commissioner of Consumer Protection, if satisfied that the plant or plants named in the application are maintained in accordance with the standards of sanitation, and that only pure and wholesome ingredients produced under sanitary conditions are used as prescribed in the regulations promulgated under the authority of section 21a-58, shall issue a license for the manufacture of frozen desserts and frozen dessert mix. No license shall be issued if any statement in the application is false or misleading, or if the brand name or label or advertisement of the frozen dessert and frozen dessert mix involved in the application gives a false indication of origin, character, composition or place of manufacture, or is otherwise false or misleading in any particular.

Section 21a-48 of the Connecticut General Statutes set out the definitions of "frozen desserts" and "frozen dessert mix". That section provides, in pertinent part:

(4) "Frozen desserts" means ice cream, French ice cream, frozen custard, ice milk, frozen dietary dairy dessert, including special dietary dairy desserts containing nutritive sweeteners, fruit sherbet, water ices, quiescently frozen confection, quiescently frozen dairy confection, quiescently frozen whipped cream confection, frozen whipped cream, freezer made milk shakes, French

custard ice cream, nonfruit sherbet, nonfruit water ices, manufactured dessert mix, frozen confection, mellorine frozen dessert, parevine, frozen yogurt, freezer made shakes, lo-mel, and dietary frozen desserts as all such products are commonly known, together with any mix used in such frozen desserts and any products which are similar in appearance, odor or taste to such products, or are prepared or frozen as frozen desserts are customarily prepared or frozen, whether made with dairy products or nondairy products.

"(5) "Frozen dessert mix" means any unfrozen mixture to be used in the manufacture of frozen desserts or milk shakes offered for sale or resale.

In pertinent part, Section 21a-102 of the Connecticut General Statutes provides:

A food shall be deemed to be misbranded: (a) If its labeling is false or misleading in any particular. .... (g) if it purports to be or simulates or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 21a-100, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, so far as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring and coloring, present in such food;

Sections 21a-58-1 through 21a-58-37 of the Regulation of the Connecticut State Agencies provide standards of identity for various frozen desserts. Thus, if a standard of identity for a particular frozen dessert is not met, the frozen dessert is considered misbranded and in violation of Section 21a-93 of the Connecticut General Statutes.

The standards of identity for various frozen desserts require the use of a "pasteurized mix". See for example: Section 21a-58-15 (ice cream and frozen custard); Section 21a-58-17 (sherbet); Section 21a-58-21 (mellorine); Section 21a-58-23 (frozen yogurt); Section 21a-58-28 (frozen dietary dairy dessert). Several other examples exist.

It has long been, and continues to be, the Department of Consumer Protection's interpretation that the term "pasteurized mix" requires that all particles in a mix be pasteurized. As the petitioner points out, this interpretation is consistent with the definition of "pasteurized mix" in the United States Food and Drug Administration's regulations. See paragraph 9 of petitioner's Request for a Declaratory Ruling and 21 C.F.R. § 135.3. The addition of non-pasteurized material to a mix would mean that not every particle in the new mix is pasteurized. Therefore, before the mix with such added ingredients could be used, it would have to be pasteurized to meet the requirement that all particles in the mix be pasteurized, unless the standard of identity specifically and affirmatively permitted such additions to a mix without pasteurization.

Petitioner contends that the Department of Consumer Protection requirement of a pasteurization of all particles in a mix does not conform to the wishes of the Connecticut General Assembly in that "the definitions and standards so promulgated [by the Commission *sic*] of Consumer Protection] shall conform so far as practical to the definitions and standards promulgated by the Commissioner of the Food and Drug Administration, U.S. Department of Health and Human Services".

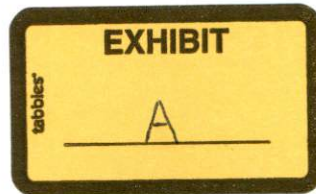
However, as set out above, the Department of Consumer Protection's interpretation of the term "pasteurized mix" is congruent with the Food and Drug Administration's definition of that term. Moreover, a survey of rulings of the United States Food and Drug Administration reveals that it has not promulgated any rulings regarding this matter that require states to prohibit pasteurization as outlined above. Moreover, there are conditions when federal regulations do require repasteurization as when "condensed milk products made from pasteurized milk may be transported to a drying plant, provided that it shall be effectively repasteurized at the drying plant, prior to drying..." 7 CFR 58.236; pasteurized products such as all fluid whey used in the production of dry whey, dry whey products, modified whey products and lactose transported to another plant for final processing shall be repasteurized and if unpasteurized ingredients are added it shall be repasteurized, 7 CFR 58.809; any edible dried egg powder under certain conditions during processing shall be repasteurized, 9 CFR 590.544.

Petitioner also contends that the United States Food and Drug Administration Pasteurized Milk Ordinance ("PMO") requires that petitioner's question be answered in the negative. However, the PMO only applies to Grade A dairy products. Frozen dessert is not a Grade A dairy product. Connecticut has not adopted the PMO for application to frozen desserts.

Therefore, with regard to frozen desserts for which the standard of identity requires a "pasteurized mix" and does not specifically and affirmatively permit the addition of subsequent non-pasteurized ingredients, petitioner's question must be answered in the affirmative, yes.

Dated this <sup>25<sup>th</sup></sup> day of September, 2013

  
William M. Rubenstein  
Commissioner of Consumer Protection



ORANGE LEAF HOLDINGS LLC, )  
 )  
 Petitioner, )  
 )  
 AND )  
 )  
 THE COMMISSIONER OF )  
 CONSUMER PROTECTION, )  
 )  
 Respondent. )

STATE OF CONNECTICUT  
 DEPARTMENT OF  
 CONSUMER PROTECTION

19 AUGUST, 2013

**PETITION FOR DECLARATORY RULING**

COMES NOW the Petitioner, Orange Leaf Holdings LLC (“Petitioner”), pursuant to Connecticut General Statutes Section 4-176, and hereby petitions the Connecticut Department of Consumer Protection for a declaratory ruling on the applicability of Connecticut Frozen Dessert Statutes, C.G.S. Section 21a-48 through 21a-58 and Connecticut Regulations, Title 21a, Chapter 58, Sections 1 through 37, to manufacturing methods for Petitioner’s frozen dessert products.

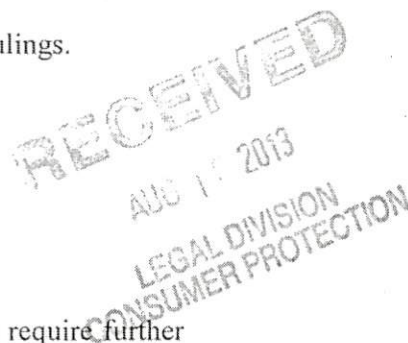
This petition is filed pursuant to Connecticut Department of Consumer Protection (the “DCP”) regulation 21a-1-10, setting forth DCP practices regarding petitions for declaratory rulings.

**DISPOSITIVE QUESTION:**

The Dispositive Question presented by this petition is as follows:

Does Connecticut law and/or do Connecticut regulations require further pasteurization of pasteurized milk to which has been added a low water activity powder comprised of pasteurized dairy products, sweeteners and other shelf-stable ingredients and which is immediately frozen for sale and consumption by the public as a frozen dessert at a retail restaurant?

In support of this petition for declaratory ruling, Petitioner states and avers as follows:



## BACKGROUND:

1. Petitioner is in the business of franchising retail frozen dessert restaurants. The frozen desserts of Petitioner are primarily frozen dairy desserts. Petitioner has franchised approximately 300 restaurants across the United States and has approximately 100 others in various stages of development. The primary products sold at franchised restaurants are Petitioner's proprietary frozen desserts, developed specifically for Petitioner, as well as a variety of fruit, syrup, candy, cereal and other toppings for the frozen desserts. Franchised restaurants sell Petitioner's proprietary recipe frozen desserts in retail, self-serve settings.
2. Petitioner's frozen dessert products are prepared for sale at the franchised retail restaurants by franchisees. This is done by combining Petitioner's proprietary frozen dessert powder, comprised of shelf-stable dairy products, sweeteners, thickeners and flavorings, with two gallons of pasteurized milk. All dairy products used in making the powder were appropriately pasteurized prior to the drying process. The drying process consists generally of spray-drying the dairy products at high temperature (350 degrees F.). The pasteurized milk with the dairy/sweetener powder is then frozen while stirred in a standard freezer dispenser known in the industry. [See Affidavit of Reese Travis, Exhibit 1.]
3. Petitioner's franchisees operate in approximately forty (40) states across the United States, in each of which states Petitioner and Petitioner's franchisees work to comply with state and local statutes, regulations, ordinances and other requirements. Although the level of regulation varies from state to state, most states have in place statutes and regulations at least as strict as federal regulations for food safety for the types of products sold by Petitioner's franchisees. Many states, including Connecticut, likewise have enacted standards of identity for various types of frozen desserts.
4. When venturing into each new state, Petitioner and its franchisees review applicable health and safety laws to determine necessary standards of operation as well as license requirements in such

state so as to ensure the operation of each restaurant is in compliance with all applicable laws, regulations and ordinances.

5. Petitioner seeks to establish franchised restaurants in the state of Connecticut. In support of these efforts, Petitioner has sought guidance from the Connecticut Department of Consumer Protection, Food and Standards Division, as to required standards of operation in Connecticut.
6. The State of Connecticut has enacted laws regulating the manufacturing and sale of frozen desserts. C.G.S. Sec. 21a-48 through 21a-58. Further, the Commissioner of the DCP has, pursuant to C.G.S. Sec. 21a-58, promulgated regulations concerning the same.
7. Petitioner has discussed with representatives of the Food and Standards Division of the DCP its processes for making its proprietary frozen desserts. Petitioner has been advised by such representatives that Petitioner's product must be re-pasteurized prior to freezing and sale at any retail restaurant operating in Connecticut. Specifically, by way of email response [Exhibit 2] to Petitioner's inquiry, the DCP's representatives, advised Petitioner that pursuant 21a-58-23, combining the powder ingredient, described above, to pasteurized milk requires an additional pasteurization of the combination. They further advised Petitioner that the combination of these ingredients constituted a frozen dessert mix which required pasteurization prior to freezing.
8. The requirement to re-pasteurize the combination of Petitioner's powder and pasteurized milk creates an unnecessary and expensive burden on Petitioner to the point that Petitioner is unable to expand its business into Connecticut in that the method used by Petitioner is an acceptable method for combining ingredients pursuant to applicable U.S. Food and Drug Administration guidance and other authority. As such, the decision of the FSD raises actual, bona fide and substantial impediments to the ability of Petitioner to carry on lawful business activities in the State of Connecticut. Petitioner respectfully asserts that the actions of the Food and Standards Division are inconsistent with state law and statutory duties of the Department of Consumer Protection, exceed the statutory mandate of the FSD and are contrary to the interests of the State of Connecticut.

## LEGAL ISSUES AND DISCUSSION:

9. Although Connecticut statutes and regulations are free-standing in their enforceability, Connecticut's Frozen Dessert Act and regulations are nonetheless derivative of federal regulations regarding frozen desserts and pasteurization and are informed by the same. For example, federal regulations of the Food and Drug Administration, 21 CFR Part 135, defines a "pasteurized mix" as well as provides standards of identity for several types of frozen desserts. Therein, 21 CFR Sec. 135.3 defines a "pasteurized mix" as"

[A mix] in which every particle of the mix has been heated in properly operated equipment to one of the temperatures specified in this section [omitted] and held continuously at or above that temperature for the specified time (or other time/temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction).

[Exhibit 3]

10. Federal regulations in 21 CFR Part 135 define several types of frozen dessert. "Ice cream," for example, is defined in part as "a food produced by freezing, while stirring, a *pasteurized mix* consisting of one or more of the optional ingredients specified in paragraph (b) of this section[.] 21 CFR Sec. 135.110. (Emphasis added.) [Exhibit 4]
11. Federal regulations do not further define "pasteurized mix" as to dairy products. However, the U.S. Food and Drug Administration publishes, for use and adoption by states, the Pasteurized Milk Ordinance ("PMO") to help ensure the safety of dairy products. The Connecticut Department of Agriculture has adopted substantive parts of the PMO. Connecticut Regulations 22-133-115. Parts of the PMO adopted in Connecticut include Section 1, Sections 4 through 7 inclusive, Section 10, Section 12 through 14 inclusive, and Appendices B, D through O inclusive, and Q. The PMO provides thorough and definitive guidance across the U.S. on matters regarding pasteurization, including the addition of ingredients to milk.
12. Connecticut has used federal regulations in developing its regulatory framework for frozen desserts, although not exclusively. While federal regulations do not define "frozen dessert mix,"



Connecticut defines it as "any unfrozen mixture used in the manufacture of frozen desserts or milk shakes offered for sale or resale." C.G.S. Sec. 21a-48.

13. "Pasteurization" is defined as "the process of heating every particle of [frozen dessert] mix to any one of the following temperatures [table omitted] and holding at the temperature for the specified time." Connecticut Regulations 21a-58-13. This definition is substantially consistent with 21 CFR Sec. 135.3. Further, Connecticut's standard of identity for ice cream (21a-58-15) is substantially similar to the federal definition (21 CFR Sec. 135.110). In addition to federally defined frozen desserts, Connecticut has promulgated standards of identities for other frozen desserts, such as frozen yogurt (21a-58-23), low fat frozen yogurt (21a-58-24) and nonfat frozen yogurt (21a-58-25). Each of these definitions for frozen *dairy* desserts describes the use therein of a "pasteurized mix" in the preparation of the frozen dessert.
14. In seeking to determine the ability of Petitioner's franchisees to operate in Connecticut, Petitioner met with representatives of the DCP, Food and Standards Division ("FSD"). Having apprised representatives of the FSD of the production methods for making Petitioner's products, the FSD advised Petitioner that although the dairy products in Petitioner's powder have been pasteurized and although the milk with which the powder is combined has been pasteurized, a second pasteurization is required pursuant to 21a-58-23. [Exhibit 5] It is Petitioner's contention that the second pasteurization is unnecessary and unduly burdens Petitioner's ability to expand its franchise into Connecticut. While secondary pasteurization may be necessary for some types of frozen dessert mixes, the nature of Petitioner's product, as described below, negates the need for additional pasteurization and comports fully with federal standards for the production of frozen desserts.
15. Although the DCP has some authority to interpret its regulations, the Connecticut General Assembly has invoked upper limits on the level of regulatory oversight the DCP may impose on manufacturers and retailers of frozen desserts.

The definitions and standards so promulgated [by the Commission of Consumer Protection] shall conform so far as practical to the definitions and standards promulgated by the Commissioner of the Food and Drug Administration, U.S. Department of Health and Human Services.

C.G.S. 21a-58.

16. The interpretation of the FSD regarding re-pasteurization requirements is inconsistent with determinations and guidance of the FDA regarding both frozen dessert manufacturing and the pasteurization of dairy products.
17. In August, 2005, the FDA reviewed an outbreak of Salmonella poisoning resulting from the use of dry cake batter incorporated into ice cream mix. In that incident, boxed dry cake batter was added directly to a pasteurized sweet cream base for ice cream without further pasteurization. The FDA noted that Salmonella may be present in flour and the failure to pasteurize the combination a second time resulted in the risk of food poisoning. [Exhibit 6]
18. The FDA did not, however, describe a need for a blanket further pasteurization of ice cream mix based on the addition of any ingredients whatsoever to the ice cream mix. To the contrary, the FDA identified a specific risk posed by certain additional ingredients. In the case of dry cake batter, the flour, which may contain Salmonella, was not considered a food "ready to eat" without additional processing (cooking) prior to mixing and freezing. Said the FDA, "incorporating an ingredient that is intended to be cooked into a ready-to-eat food that will not be cooked or otherwise treated to eliminate microorganisms of public health concern can pose a serious food safety risk."
19. Critically, in the case of the dry cake batter, although the FDA determined that the flour required further processing, no such risk was seen as to the pasteurized egg products in the dry cake batter. Although raw eggs in food carry many if not most of the same risks posed by raw milk, the prior pasteurization of the eggs eliminated a need for re-pasteurization of those products even when added to a pasteurized milk product for making a frozen dessert. This is substantially identical to the process used in making Petitioner's products, in which a pasteurized product in powder form

is added to pasteurized milk. As to food safety, no substantive difference exists between adding pasteurized eggs versus pasteurized milk products

20. In short, the statement of the FDA identified a risk of adding ingredients which are not "ready-to-eat" to ice cream bases. Where an ingredient requires cooking or other processing in order to be safe to eat, the combination of such an ingredient into an ice cream mix therefore requires further pasteurization. Where a product, such as an egg or other potentially dangerous ingredient, has been made ready-to-eat, no further pasteurization is necessary even if mixed with a liquid frozen dairy dessert base.
21. This line of logic is seen in the Pasteurized Milk Ordinance. Section 7, Item 16p of the PMO, Administrative Procedures [Exhibit 7], identifies ingredients which may be added to pasteurized milk products without a requirement for secondary pasteurization. Article 7 has been adopted by the State of Connecticut, Department of Agriculture. These ingredients include, among others:
  - a. Fresh fruits and vegetables, under specified conditions
  - b. Ingredients which have been subjected to prior heating or other technology to destroy pathogenic microorganisms
  - c. Ingredients having a water activity of 0.85 or less.
  - d. Ingredients having a high acid content (pH level of 4.6 or below)
  - e. Roasted nuts
  - f. Dry sugars and salts.
22. A review of the above list, as well as the full list contained in section 7 of the PMO, reflects that each such allowed ingredient which can be added to milk without further pasteurization would be considered "ready-to-eat" in the same manner as allowed by the FDA bulletin of 19 August, 2005.
23. In seeking to ensure the safety of its products, Petitioner had the water activity level of its primary products tested by an independent laboratory. [Exhibit 8] The laboratory found each of Petitioner's products to have a water activity level well below the threshold of the PMO.

Specifically, each of Petitioner's products were tested as having water activity levels on the area of 0.3 or lower. It is well-known in food safety research that low water activity products do not promote the growth of pathogenic microorganisms. Although at certain levels of water activity pathogenic microorganisms may live, they are typically unable to reproduce. At water activity levels below 0.5, pathogenic microorganisms are unable to live. Petitioner notes research conducted at Pennsylvania State University in support of this assertion. [Exhibit 9] Petitioner further requests the Commissioner to take administrative notice of this research generally. Petitioner's products are comprised primarily of pasteurized dairy products (milk and yogurt) as well as dry sugars. Moreover, dairy products in Petitioner's products are subjected twice to prior heating, once to destroy pathogenic microorganisms and a second time to dry the product to a powder. This second heating is at a higher temperature and for longer duration than pasteurization, certainly ensuring the destruction of pathogenic microorganisms.

24. Viewed in light of the FDA advisory on "ready-to-eat" ingredients of 19 August, 2005, as well as the PMO, Petitioner's frozen dessert powder is a ready-to-eat ingredient that has a very low water activity level and which has been previously heated to destroy pathogenic microorganisms. As such, the addition of Petitioner's powder to pasteurized milk in making frozen desserts creates no need whatsoever for a secondary pasteurization pursuant to any FDA regulation or guidance. To the contrary, the FDA would view Petitioner's product as "ready-to-eat" and otherwise safe to be added to pasteurized milk without a need for secondary pasteurization.
25. The determination of the FSD that Petitioner's product requires a second pasteurization does not conform to the mandate of C.G.S. 21a-58. Rather than reading Connecticut regulations to conform to standards of the Commissioner of the Food and Drug Administration, the FSD has interpreted Connecticut regulations much more broadly, so as to require unnecessary steps and expense in the production of frozen desserts. By failing to conform to the standards of the FDA, the FSD has exceeded its statutory and regulatory limitations.

26. Petitioner has a direct legal and equitable interest in the issues raised in this petition in that it is deprived of the ability to engage in lawful business activities in Connecticut without a proper and reasonable interpretation of Connecticut law and regulations relative to its products and in conformity with Connecticut law and FDA guidance.
27. Petitioner has either named as parties or provided notice to all persons reasonably having an interest in the subject matter of this petition.
28. There are no other remedies which Petitioner can or must exhaust prior to seeking this declaratory relief.
29. There are actual, bona fide and substantial questions and issues in dispute requiring determination. The relief requested herein should be granted to resolve the questions and decide the issues raised in this petition and prevent the substantial danger of loss to Petitioner and to remove the uncertainty of Petitioner's rights.

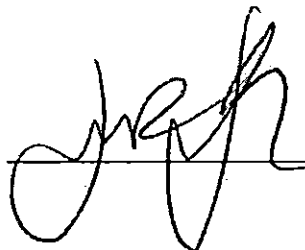
**PRAYER FOR RELIEF:**

**WHEREFORE**, premises considered, Petitioner hereby requests the Commissioner of Consumer Protection to issue a declaratory ruling that Connecticut law and Connecticut regulations do not require further pasteurization of pasteurized milk to which has been added a low water activity powder comprised of pasteurized dairy products, sweeteners and other shelf-stable ingredients and which is immediately frozen for sale and consumption by the public as a frozen dessert at a retail restaurant.

Submitted this \_\_\_\_\_ day of August, 2013.

**PETITIONER: ORANGE LEAF HOLDINGS LLC**

**BY:**



---

James Robert (Jim) Johnson\*  
Resolution Legal Group  
100 East California, Suite 200  
Oklahoma City, Oklahoma 73104  
Tel: 405-235-6500  
Fax:  
Email: [jim@palmerwantland.com](mailto:jim@palmerwantland.com)

\*Admitted to practice in Connecticut and Oklahoma

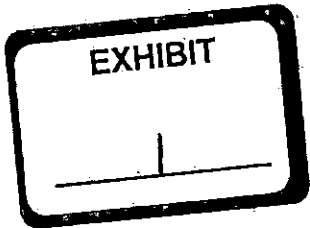


EXHIBIT 1

AFFIDAVIT OF REESE TRAVIS

I, Reese Travis, being of lawful age, hereby depose and state:

1. I am the president and chief executive office of Orange Leaf Holdings LLC ("Orange Leaf"), the Petitioner in the instant Petition for Declaratory Ruling. I have held this position since JULY (month) of 201D.
2. By reason of my position, I am fully familiar with all production and manufacturing processes of Orange Leaf, including the frozen dessert powder used in Orange Leaf products.
3. All Orange Leaf frozen dessert products are manufactured exclusively for Orange Leaf using pasteurized dairy products, sugar or other sweeteners, thickeners and flavorings. These ingredients are then spray-dried at 350 degrees F.
4. All franchisees, managers and employees of franchisees are trained in safe production methods for mixing Orange Leaf products. Specifically, frozen dessert powder is added to refrigerated pasteurized milk and then frozen while stirred.
5. Orange Leaf has investigated the possibility of franchising retail restaurants in the State of Connecticut. Orange Leaf has current opportunities to franchise in Connecticut. However, the requirement for secondary pasteurization required by personnel of the Food and Standards Division of the Connecticut Department of Consumer Protection creates a significant financial burden on prospective franchisees, as a result of which no franchisees have signed to begin operation in Connecticut.

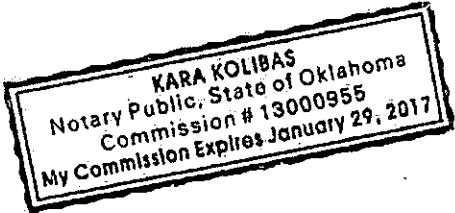
Signed and sworn to this 5<sup>th</sup> day of August, 2013.

Reese Travis

Signed and sworn to before me, a notary public, this 5 day of August, 2013.

[Signature]

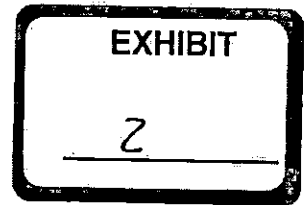
My commission expires: January 29, 2017



**Jim Johnson**

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**From:** Faulise, Ted [Ted.Faulise@ct.gov]  
**Sent:** Monday, June 24, 2013 1:37 PM  
**To:** Jim Johnson  
**Cc:** Greene, Frank  
**Subject:** RE: Rule changes



The requirement to pasteurize is in the regulation. There is no provision for allowing a non pasteurized mix.

The low fat and non fat yogurt standards are in 21a-58-24 and 21a-58-25

Connecticut Department of Consumer Protection  
Food & Standards Division  
Theodore A. Faulise, Supervisor  
165 Capitol Ave  
Hartford, CT 06106  
[ted.faulise@ct.gov](mailto:ted.faulise@ct.gov)  
Fax 860-706-1240

---

**From:** Jim Johnson [mailto:jim@resolutionlegal.com]  
**Sent:** Monday, June 24, 2013 2:19 PM  
**To:** Faulise, Ted  
**Cc:** Greene, Frank  
**Subject:** RE: Rule changes

Hi Ted,

I appreciate you getting back to me. I do have a follow-up question or two. When we previously discussed this issue, the context was as to adding a low water activity powder to milk at the time of freezing. Recall, the water activity of the powder here is about 0.3, well below the upper limit set forth in the PMO (0.85). While I understand the standard of identity for frozen yogurt in Connecticut, is it your decision that a low water activity powder cannot be added to milk without re-pasteurization? Is that by statute or regulation?

One other quick question. Based on your email below, does Connecticut not make allowance for low-fat or nonfat frozen yogurt (fat content ranging from 0.5% or less through 2.0%)?

Thanks again and regards,

Jim

**JAMES R. (JIM) JOHNSON**

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Oklahoma City, OK 73104  
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**From:** Faulise, Ted [mailto:Ted.Faulise@ct.gov]  
**Sent:** Monday, June 24, 2013 12:20 PM  
**To:** Jim Johnson  
**Cc:** Greene, Frank  
**Subject:** RE: Rule changes

Sorry it took so long to get back to you regarding the yogurt issue.

Based on the existing language of the Connecticut Frozen Dessert Laws and regulations the product would need to be pasteurized. The reconstitution of dry dairy ingredients by adding milk is the process of making a frozen dessert mix which requires pasteurization.

The Connecticut Frozen Yogurt regulations Sec.2a-58-23 requires that the mix be pasteurized. Please be advised that the regulations also require only permitted ingredients set forth in CT regulation 21a-58-15, live cultures, not less than 3.25% milk fat and not less than 8.25 % milk solids. The yogurt shall have titratable acidity of not less than 0.5 % expressed as lactic acid.

Connecticut Department of Consumer Protection  
Food & Standards Division  
Theodore A. Faulise, Supervisor  
165 Capitol Ave  
Hartford, CT 06106  
[ted.faulise@ct.gov](mailto:ted.faulise@ct.gov)  
Fax 860-706-1240

---

**From:** Jim Johnson [mailto:jim@resolutionlegal.com]  
**Sent:** Wednesday, June 05, 2013 12:05 PM  
**To:** Faulise, Ted  
**Subject:** Rule changes

Hi Ted,

Thanks yet again for taking the time to meet with me the other day. It was much appreciated.

This is sent to see if you and Frank have discussed the licensing issues discussed. Would you be in support of a rule change to allow my client to mix its powder with milk in-store and without further pasteurization? If so, would your

office be in a position to take the reins on that or should we? I'm happy to move it forward and would appreciate the ability to discuss with you the changes we suggest.

Given the amount of time a rule change requires, is it possible for a franchisee to obtain some form of temporary permits to allow the store to open while the rule change is working through the system?

Regards,

Jim

## JAMES R. (JIM) JOHNSON

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DEPARTMENT OF HEALTH AND HUMAN SERVICES  
SUBCHAPTER B--FOOD FOR HUMAN CONSUMPTION

## PART 135 -- FROZEN DESSERTS

## Subpart A--General Provisions

## Sec. 135.3 Definitions.

For the purposes of this part, a pasteurized mix is one in which every particle of the mix has been heated in properly operated equipment to one of the temperatures specified in the table in this section and held continuously at or above that temperature for the specified time (or other time/temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction):

	Temperature	Time
155 deg. F		30 min.
175 deg. F		25 sec.

[42 FR 19132, Apr. 12, 1977]

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TITLE 21--FOOD AND DRUGS  
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 SUBCHAPTER B--FOOD FOR HUMAN CONSUMPTION

## PART 135 -- FROZEN DESSERTS

## Subpart B--Requirements for Specific Standardized Frozen Desserts

## Sec. 135.110 Ice cream and frozen custard.

(a) *Description.* (1) Ice cream is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in paragraph (b) of this section, and may contain one or more of the optional caseinates specified in paragraph (c) of this section subject to the conditions hereinafter set forth, one or more of the optional hydrolyzed milk proteins as provided for in paragraph (d) of this section subject to the conditions hereinafter set forth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are natural components of flavoring ingredients used or are added in incidental amounts to accomplish specific functions. Ice cream is sweetened with safe and suitable sweeteners and may be characterized by the addition of flavoring ingredients.

(2) Ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Ice cream contains not less than 10 percent milkfat, nor less than 10 percent nonfat milk solids, except that when it contains milkfat at 1 percent increments above the 10 percent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

Percent milkfat	Minimum percent nonfat milk solids
10	10
11	9
12	8
13	7
14	6

Except that when one or more bulky flavors are used, the weights of milkfat and total milk solids are not less than 10 percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of the bulky flavors from the weight of the finished food; but in no case is the weight of milkfat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished food. Except in the case of frozen custard, ice cream contains less than 1.4 percent egg yolk solids by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. Frozen custard shall contain 1.4 percent egg yolk solids by weight of the finished food: *Provided, however,* That when bulky flavors are added the egg yolk solids content of frozen custard may be reduced in proportion to the amount by weight of the bulky flavors added, but in no case is the content of egg yolk solids in the finished food less than 1.12 percent. A product containing egg yolk solids in excess of 1.4 percent, the maximum set forth in this paragraph for ice cream, may be marketed if labeled as specified by paragraph (e) (1) of this section.

(3) When calculating the minimum amount of milkfat and nonfat milk solids required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when

certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in paragraph (a) of this section are: Cream; dried cream; plastic cream (sometimes known as concentrated milkfat); butter; butter oil; milk; concentrated milk; evaporated milk; sweetened condensed milk; superheated condensed milk; dried milk; skim milk; concentrated skim milk; evaporated skim milk; condensed skim milk; superheated condensed skim milk; sweetened condensed skim milk; sweetened condensed part-skim milk; nonfat dry milk; sweet cream buttermilk; condensed sweet cream buttermilk; dried sweet cream buttermilk; skim milk, that may be concentrated, and from which part or all of the lactose has been removed by a safe and suitable procedure; skim milk in concentrated or dried form that has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate; and whey and those modified whey products (e.g., reduced lactose whey, reduced minerals whey, and whey protein concentrate) that have been determined by FDA to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any whey and modified whey products used contribute, singly or in combination, not more than 25 percent by weight of the total nonfat milk solids content of the finished food. The modified skim milk, when adjusted with water to a total solids content of 9 percent, is substantially free of lactic acid as determined by titration with 0.1N NaOH, and it has a Ph value in the range of 8.0 to 8.3.

(c) *Optional caseinates.* The optional caseinates referred to in paragraph (a) of this section that may be added to ice cream mix containing not less than 20 percent total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinate may be added in liquid or dry form, but must be free of excess alkali.

(d) *Optional hydrolyzed milk proteins.* One or more of the optional hydrolyzed milk proteins referred to in paragraph (a) of this section may be added as stabilizers at a level not to exceed 3 percent by weight of ice cream mix containing not less than 20 percent total milk solids, provided that any whey and modified whey products used contribute, singly or in combination, not more than 25 percent by weight of the total nonfat milk solids content of the finished food. Further, when hydrolyzed milk proteins are used in the food, the declaration of these ingredients on the food label shall comply with the requirements of 102.22 of this chapter.

(e) *Methods of analysis.* The fat content shall be determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), sections 16.287 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, or may be examined 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(f) *Nomenclature.* (1) The name of the food is "ice cream"; except that when the egg yolk solids content of the food is in excess of that specified for ice cream by paragraph (a) of this section, the name of the food is "frozen custard" or "french ice cream" or "french custard ice cream".

(2) (i) If the food contains no artificial flavor, the name on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla", in letters not less than one-half the height of the letters used in the words "ice cream".

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream", followed by the word "flavored", in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "Vanilla flavored", or "Peach flavored", or "Vanilla flavored and Strawberry flavored".

(iii) If the food contains both a natural characterizing flavor and an artificial flavor

simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor in letters not less than one-half the height of the letters used in the words "ice cream", preceded by "artificial" or "artificially flavored", in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "artificial Vanilla", or "artificially flavored Strawberry" or "artificially flavored Vanilla and artificially flavored Strawberry".

(3)(i) If the food is subject to the requirements of paragraph (f)(2)(ii) of this section or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial \_\_\_ flavor added", the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

(ii) Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this paragraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over: Provided, however, That where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand, may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor: And provided further, That if the finished product contains more than one flavor of ice cream subject to the requirements of this paragraph, the statements required by this paragraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "Vanilla flavored, Chocolate, and Strawberry flavored, artificial flavors added".

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor".

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent, as that term is defined in 169.3(c) of this chapter.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus ice cream, 6 percent in the case of berry or cherry ice cream, and 10 percent in the case of ice cream prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in paragraph (e)(5)(ii) or (iii) of this section. For example, if a combination ice cream contains less than 5 percent of bananas and less than 1 percent of almonds it would be "artificially flavored banana-almond ice cream". However, if it contains more than 5 percent of bananas and more than 1 percent of almonds it would be "banana-almond flavored ice cream".

(6) If two or more flavors of ice cream are distinctively combined in one package, e.g., "Neapolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

(7) Until September 14, 1998, when safe and suitable sweeteners other than nutritive carbohydrate sweeteners are used in the food, their presence shall be declared by their common or usual name on the principal display panel of the label as part of the statement of identity in letters that shall be no less than one-half the size of the type used in the

term "ice cream" but in any case no smaller than one-sixteenth of an inch. If the food purports to be or is represented for special dietary use, it shall bear labeling in accordance with the requirements of part 105 of this chapter.

(g) *Label declaration.* Each of the ingredients used shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter, except that the sources of milkfat or milk solids not fat may be declared in descending order of predominance either by the use of all the terms "milkfat and nonfat milk" when one or any combination of two or more of the ingredients listed in 101.4(b)(3), (b)(4), (b)(8), and (b)(9) of this chapter are used or, alternatively, as permitted in 101.4 of this chapter. Under section 403(k) of the Federal Food, Drug, and Cosmetic Act, artificial color need not be declared in ice cream, except as required by 101.22(c) or (k) of this chapter. Voluntary declaration of all colors used in ice cream and frozen custard is recommended.

[43 FR 4598, Feb. 3, 1978, as amended at 45 FR 63838, Sept. 26, 1980; 46 FR 44433, Sept. 4, 1981; 47 FR 11826, Mar. 19, 1982; 49 FR 10096, Mar. 19, 1984; 54 FR 24894, June 12, 1989; 58 FR 2896, Jan. 6, 1993; 59 FR 47079, Sept. 14, 1994; 63 FR 14035, Mar. 24, 1998; 63 FR 14818, Mar. 27, 1998]

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(a) Description. Goats milk ice cream is a food prepared in the same manner and from the same ingredients permitted for ice cream in Section 21a-58-15 and shall comply with all the provisions of Section 21a-58-15 including provisions for label statements of optional ingredients except that all milkfat and nonfat milk solids shall be from goats milk. No milkfat or nonfat milk solids from any source other than goats milk will be permitted in goats milk ice cream. On the label, in the name of the food, the letters in the words "Goats Milk" shall be the same size, type, and color, and on the same contrasting background as the letters in the words "Ice Cream."

(b) Goats milk ice milk is a food prepared in the same manner and from the same ingredients permitted for ice milk in Section 21a-58-16 and shall comply with all the provisions of Section 21a-58-16 including provisions for label statements of optional ingredients except that all milkfat and nonfat milk solids shall be from goats milk. No milk fat or nonfat milk solids from any source other than goats milk will be permitted in goats milk ice milk. On the label, in the name of the food, the letters in the words "Goats Milk" shall be the same size, type, and color, and on the same contrasting background as the letters in the words "Ice Milk."

(Effective July 27, 1984.)

**Sec. 21a-58-23. Frozen yogurt: identity; label statement**

(a) Description. Frozen Yogurt is the food which is prepared by freezing, while stirring, a pasteurized mix consisting of the ingredients permitted for ice cream in Section 21a-58-15. Such ingredients are cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, provided, however, fruit, nuts, or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply to the mix prior to culturing. Frozen yogurt, exclusive of any flavoring contains not less than 3.25 per cent milkfat, not less than 8.25 per cent milk solids not fat and has a titratable acidity of not less than 0.5 per cent expressed as lactic acid. This characteristic acidity is developed as a result of the bacterial activity and no heat or bacteriostatic treatment, other than refrigeration, which results in destruction or partial destruction of the organisms, shall be applied to the product after such culturing. The finished yogurt shall weigh not less than five pounds per gallon.

(b) The name of the food is "frozen yogurt."

(c) In addition to all other required information, the label shall contain a complete list of ingredients, in accordance with the provisions of 21 CFR 101.4, and comply with the provisions of subdivisions (h) & (i) of 21 CFR 101.22. On the label of frozen yogurt the strains of bacteria may be collectively referred to as yogurt culture.

(Effective July 27, 1984.)

EXHIBIT

6

Home Food Guidance & Regulation Retail Food Protection

**Food**

**Bulletin to the Food Service and Retail Food Store Industry Regarding Cake Batter Ice Cream and Similar Products**

This is a revision of the bulletin originally posted on August 9, 2005. It contains revisions made August 19, 2005.

**FROM:** CFSAN Retail Food Protection Program  
**TO:** Food Service and Retail Food Store Industry  
**SUBJECT:** Cake Batter Ice Cream and Similar Products

The U.S. Food and Drug Administration (FDA) is informing the retail and food service industries that incorporating an ingredient that is intended to be cooked into a ready-to-eat food that will not be cooked or otherwise treated to eliminate microorganisms of public health concern can pose a serious food safety risk. A recent multi-state outbreak of *Salmonella* Typhimurium has been associated with consumption of "cake batter" ice cream.

FDA wants to alert the industry that *Salmonella* is known to occasionally be present in flour and other ingredients that may be listed on the dry cake mix label. 21 CFR 135.110 requires ice cream be made from pasteurized mix and FDA has confirmed that the sweet cream base mix was pasteurized as well as any egg in the dry cake mix.

For these reasons, FDA is asking food service operations to review their menus for these types of products and to either work with their suppliers to ensure all ingredients are intended to be ready-to-eat or to process their final products to eliminate microorganisms of public health concern. Also, routine precautionary measures should also be taken to prevent cross-contamination from raw products and surfaces that have not been adequately cleaned and sanitized.

- During the past two months, health and agriculture officials investigated a multi-state outbreak of salmonellosis related to an ice cream product. The following states have had laboratory confirmed *Salmonella* Typhimurium illness cases: Massachusetts, Virginia, Washington, Oregon, Minnesota, Ohio, Michigan, and California. A case in Illinois was confirmed but is counted in Virginia since that is where the person ate the ice cream.
- Cold Stone Creamery recently recalled its cake batter ice cream. No other flavors of ice cream have been associated with illness to date.
- U.S. Food and Drug officials, during their investigation, have confirmed that the sweet cream ice cream base was pasteurized and the dry cake mix that was added to the ice cream base was labeled by the manufacturer a baking mix. All recipe variations included instructions for baking.
- This Cake Batter Ice Cream was prepared in food service establishments. The preparation involved adding a dry cake mix to a pasteurized sweet cream base and the combination did not undergo additional processing prior to freezing. Dry cake mix is a product that has been designed to be rehydrated and then cooked. Dry cake mix should not be considered a ready-to-eat food because it has not been processed to ensure that pathogens have been destroyed or reduced in numbers to an acceptable level. Ready-to-eat foods are typically processed to ensure that they are safe to consume without further cooking. Similar products, such as "cookie dough" ice creams and "cake mix" milk shakes, could also pose a serious food safety risk if they are prepared with ingredients that are intended to be cooked.

**CONTACTS:** If you have any further questions, please contact the Retail Food Protection Program, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, at 301-436-2440

or 301-436-2438.

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as from udder infections, and when the milk or milk product is not properly refrigerated before pasteurization. Such toxins may cause severe illness. Aseptic processing has also been conclusively demonstrated to be effective in preventing outbreaks from milkborne pathogens. Numerous studies and observations clearly prove that the food value of milk is not significantly impaired by pasteurization.

### ADMINISTRATIVE PROCEDURES

The pasteurization portion of this Item is deemed to be satisfied when:

1. Every particle of milk or milk product is heated in properly designed and operated equipment that meets the requirements of this Item and Appendix H., to one of the temperatures specified in the following table and held continuously at or above that temperature for at least the time specified:

Table 3. Pasteurization Temperature vs. Time	
Temperature	Time
63°C (145°F) *	30 minutes
72°C (161°F) *	15 seconds
89°C (191°F)	1.0 second
90°C (194°F)	0.5 seconds
94°C (201°F)	0.1 seconds
96°C (204°F)	0.05 seconds
100°C (212°F)	0.01 seconds

\*If the fat content of the milk product is ten percent (10%) or greater, or a total solids of 18% or greater, or if it contains added sweeteners, the specified temperature shall be increased by 3°C (5°F).

Provided, that eggnog shall be heated to at least the following temperature and time specifications:

Temperature	Time
69°C (155°F)	30 minutes
80°C (175°F)	25 seconds
83°C (180°F)	15 seconds

Provided further, that nothing shall be construed as barring any other process found equivalent to pasteurization for milk and milk products, which has been recognized by FDA as provided in section 403 (h)(3) of the *FFD&CA*.

2. All milk and milk products, i.e., milk solids, whey, nonfat dry milk, condensed milk, cream, skim milk, etc., eggs, egg products, cocoa, cocoa products, emulsifiers, stabilizers, vitamins and liquid sweeteners shall be added prior to pasteurization. Provided, ingredients which may be added after pasteurization are those flavoring ingredients and other ingredients which have been found to be safe and suitable and which include:

- a. Ingredients permitted by the CFR standards of identity when considering a standardized milk or milk product;
- b. Fresh fruits and vegetables added to cultured milk and milk products provided the resultant equilibrium pH level (4.6 or below when measured at 24°C (75°F)) of the finished product is reached without undue delay and is maintained during the shelf life of the product.
- c. Ingredients subjected to prior heating or other technology, which has been demonstrated to FDA to be sufficient to destroy or remove pathogenic microorganisms;
- d. Ingredients having a  $a_w$  of 0.85 or less;
- e. Ingredients having a high acid content (pH level of 4.6 or below when measured at 24°C (75°F)) or high alkalinity (pH level greater than 11 when measured at 24°C (75°F));
- f. Roasted nuts;
- g. Dry sugars and salts;
- h. Flavor extracts having a high alcohol content;
- i. Safe and suitable bacterial cultures and enzymes; and
- j. Ingredients, which have been found to be safe and suitable by FDA.

All such additions shall be made in a sanitary manner, which prevents the contamination of the added ingredient or the milk or milk product.

3. All milk and milk products shall be pasteurized, prior to the entrance into RO, UF, evaporator or condensing equipment, and shall be performed in the milk plant where the processing is done, except that:

- a. If the product is whey, pasteurization is not required, provided:
  - (1) The product is acid whey (pH less than 4.7); or
  - (2) It is processed in RO or UF equipment at temperatures at or below 7°C (45°F).
- b. If the product is raw milk for pasteurization, the product may be concentrated by the use of RO or UF membrane filtration without pasteurization, prior to the entrance into the equipment, provided the following sampling, testing, design, installation and operational criteria are met:
  - (1) Prior to processing, all raw milk supplies are sampled and tested for antibiotic residues in accordance with the provisions of Appendix N.;
  - (2) The RO or UF filtration system is designed and operated to assure that milk or milk product temperature is maintained at or below 18.3°C (65°F) throughout the process. Provided that the product temperature may rise above 18.3°C (65°F) for a period of not more than fifteen (15) minutes, further provided that should the product temperature rise above 21.1°C (70°F), the product shall be either immediately diverted to the system's balance tank until the product is again below 18.3°C (65°F) or diverted to exit the system entirely. Diverted product that has exited the system shall be either discarded, immediately cooled to below 7°C (45°F), or immediately pasteurized;
  - (3) The RO or UF system must be equipped with temperature monitoring and recording devices that comply with the applicable specifications outlined in Appendix H. of this *Ordinance*. At a minimum, milk or milk product temperature shall be monitored and recorded prior to entering the system, prior to entering each stage of the modules in series that contains cooling, and the retentate stream prior to any final cooler and upon exiting the system; and
  - (4) If the RO or UF system is not designed, installed and operated in accordance with the above noted criteria, the raw milk or milk product must be pasteurized prior to entering the RO or UF system.

4. All condensed milk and milk products transported to a milk plant for drying shall be re-pasteurized at the milk plant where it is dried.
5. If condensed whey containing at least forty percent (40%) total solids, has been partially crystallized by cooling, it may be transported to a separate milk plant for drying without re-pasteurization, provided the following conditions are complied with:
  - a. The condensed, partially crystallized whey is cooled and maintained at 7°C (45°F) or less.
  - b. Milk tank trucks used to transport the condensed, partially crystallized whey, shall be washed and sanitized immediately prior to filling and are sealed after filling until unloading.
  - c. Separate unloading pumps and pipelines shall be provided and used only for the unloading of the condensed, partially crystallized whey. Such pumps and pipelines shall be cleaned and sanitized as a separate cleaning circuit.
6. The design and operation of pasteurization equipment and all appurtenances thereto shall comply with the applicable specifications and operational procedures of Subitems (A), (B), (D) and (E).

#### **ITEM 16p.(A) BATCH PASTEURIZATION**

All indicating and recording thermometers used in connection with the batch pasteurization of milk or milk products shall comply with the applicable specifications set forth in Appendix H. Specifications for test thermometers and other test equipment appear in Appendix I.

#### **PUBLIC HEALTH REASON**

Unless the temperature-control instruments and devices used on pasteurization equipment are accurate within known limits, there can be no assurance that the proper pasteurization temperature is being applied. Pasteurization must be performed in equipment, which is properly designed and operated and which insures that every particle of milk or milk product will be held continuously at the proper temperature for the specified period of time.

Recording thermometers are the only known means for furnishing the Regulatory Agency with a record of the time and temperature of pasteurization. Experience has shown that recording thermometers, due to their mechanical complexity, are not entirely reliable. Therefore, mercury indicating thermometers or equivalent, which are much more reliable, are needed to provide a check on the recording thermometer and assurance that proper temperatures are being applied.

The recording thermometer shows the temperature of the milk or milk product immediately surrounding its bulb, but cannot indicate the temperature of the milk or milk product in other portions of the batch pasteurizer. Similarly, it shows the holding time in manual-discharge vats, but not in automatic-discharge systems. The pasteurizer must, therefore, be so designed and so operated and, where necessary, provided with such automatic controls, as to assure that every portion of the milk or milk product will be subjected to the proper temperature for the required length of time.

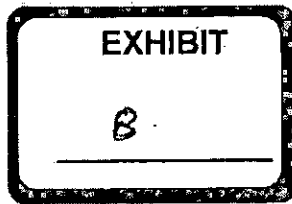
Unless the outlet valve and connections to the vats are properly designed and operated, cold pockets of milk or milk product may be held in the outlet valve or pipeline and raw or incompletely pasteurized milk or milk product may leak into the outlet line during the filling, heating or holding period.

Tests have shown that when foam is present on milk or milk product in vats or pockets during pasteurization, the temperature of the foam may be well below the pasteurization temperature. In



**SILLIKER, Inc.**  
**Illinois Laboratory**

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Tel. 877-777-6375 Fax. 312-729-1320



**PRELIMINARY REPORT**

Report No.:	PRE-3593-0
Supersedes:	None
Report Date	4/17/13
Page 1 of 1	

**TO:**

Mr. Shelby Norman  
VP of Operations  
Orange Leaf Holdings, LLC  
14201 Caliber Dr., Ste 200  
Oklahoma City, OK 73134

Received From:	Oklahoma City, OK
Received Date:	4/11/13

Location of Test: (except where noted)  
Crete, IL

**Analytical Results**

Desc. 1:	Sample Code: Y812-D4448	Laboratory ID:	338654089
Desc. 2:	Premium Vanilla Base Mix Powder	Condition Rec'd:	NORMAL
		Temp Rec'd (°C):	19.2
<u>Analyte</u>		<u>Method Reference</u>	<u>Test Date Loc.</u>
Water Activity		AOAC 978.18	4/13/13
Aw Reading	0.256 -		
Aw Temp	24.9 Deg C		
Desc. 1:	Lot # 6972	Laboratory ID:	338654106
Desc. 2:	Plain Tart Yogurt Powder	Condition Rec'd:	NORMAL
		Temp Rec'd (°C):	19.2
<u>Analyte</u>		<u>Method Reference</u>	<u>Test Date Loc.</u>
Water Activity		AOAC 978.18	4/13/13
Aw Reading	0.322 -		
Aw Temp	24.9 Deg C		
Desc. 1:	Sample Code: Y811-D4448	Laboratory ID:	338654120
Desc. 2:	Premium Chocolate Base Mix Powder	Condition Rec'd:	NORMAL
		Temp Rec'd (°C):	19.2
<u>Analyte</u>		<u>Method Reference</u>	<u>Test Date Loc.</u>
Water Activity		AOAC 978.18	4/13/13
Aw Reading	0.214 -		
Aw Temp	24.9 Deg C		

  
Randy Fleener Laboratory Director

Preliminary results provided on this report reflect only data available at the time of issuance. For samples determined as "suspect" for any individual analysis, confirmation may be in progress to determine whether the organism in question is present. Final results will be issued on a Certificate of Analysis when analysis is complete.

Silliker assumes no responsibility for any actions taken by client or any third party based on preliminary results.

Results reported herein are provided "as is" and are based solely upon samples as provided by client. This report may not be distributed or reproduced except in full. Client shall not at any time misrepresent the content of this report. Silliker assumes no responsibility, and client hereby waives all claims against Silliker, for interpretation of such results.

Except as otherwise stated, Silliker, Inc. Terms and Conditions for Testing Services apply.



# Penn State Extension

EXHIBIT

9

## Water Activity of Foods Table

Most microorganisms grow well at 0.91 to 0.99. *Clostridium botulinum* will grow and produce deadly botulism toxin if the pH is above 4.6 and the water activity is above 0.85.

Microorganisms grow at this $a_w$ and above	Food examples
0.95 <i>Pseudomonas</i> , <i>Escherichia</i> , <i>Proteus</i> , <i>Shigella</i> , <i>Klebsiella</i> , <i>Bacillus</i> , <i>Clostridium perfringens</i> , some yeasts	Highly perishable foods (fresh and canned fruits, vegetables, meat, fish), milk, cooked sausages, breads, foods with up to 4 oz sucrose or 7% NaCl
0.91 <i>Salmonella</i> , <i>Vibrio parahaemolyticus</i> , <i>C. botulinum</i> , <i>Lactobacillus</i> , some molds	Some cheese (Cheddar, Swiss, Provolone), cured meat, fruit juice concentrates with 55% sucrose or 12% NaCl
0.87 Many yeasts, <i>Candida</i> , <i>Torulopsis</i> , <i>Hansenula micrococcus</i>	Fermented sausage, sponge cakes, dry cheese, margarine, foods with 65% sucrose or 15% NaCl
0.80 Most molds, most <i>Saccharomyces</i> spp., <i>Debaryomyces</i> , <i>Staphylococcus aureus</i>	Most fruit juice concentrates, condensed milk, syrup, flour, high-sugar cakes, pulses containing 15-17% moisture
0.75 Most halophilic bacteria, Mycotoxigenic <i>aspergilli</i>	Jam, marmalade, glaze fruits, marzipan, marshmallows
0.60 Osmophilic yeasts, few molds	Dried fruits with 15-20% moisture, caramel, toffee, honey
0.50	Noodles with 12% moisture, spices with 10% moisture
0.40	Whole egg powder with 5% moisture
0.03	Whole milk powder with 2-3% moisture, dehydrated soups

Source: Water Activity of Some Foods and Susceptibility to Spoilage by Microorganisms  
Adapted from Beuchat (1981).

Flavor	Yogurt Base	Yogurt Base Ingredients	Non-Fat Milk	Flavoring	Flavor Ingredients	Additional Items	Additional Item Ingredients
Blueberry (GF)	Blueberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Blueberry Flavor, Guar Gum, FD&C Red #40 and Blue #1	2 Gallons	Blueberry Syrup 15 oz	Corn Syrup, Malt Syrup, Glucose, Fresh Blueberry, Brilliant Blue FCF (FD&C Blue #1), Aura Red (FD&C Red #40), Blueberry Extract, Malic Acid, Potassium Sorbate	N/A	N/A
Blueberry Banana (GF)	Blueberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Blueberry Flavor, Guar Gum, FD&C Red #40 and Blue #1	2 Gallons	Banana Base 10 oz	Sugar, Glucose, Non-Dairy Creamer, (Maltodextrin, Vegetable Oil, Sodium Caseinate, Potassium Tripoly Phosphate, Potassium Phosphate Dibasic, Approved Emulsifiers, Sodium Sulfate Aluminate) Whole Milk Powder, Banana Extract, FD&C Yellow #5, FD&C Red #40	N/A	N/A
Cherry (GF)	Cherry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Cherry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Cherry Syrup 10 oz	Pure cane sugar, water, natural flavors, citric acid, sodium benzoate (to preserve freshness), FD&C red #40	N/A	N/A
Classic Tart (GF)	Plain Tart Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural & Artificial Yogurt Flavor, Guar Gum	2 Gallons	N/A	N/A	Water 20 oz	Water 20 oz
Grape (GF)	Plain Tart Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural & Artificial Yogurt Flavor, Guar Gum	2 Gallons	Grape Syrup 15 oz	Grape Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Blue #1, Potassium Sorbate	N/A	N/A
Grapefruit (GF)	Plain Tart Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural & Artificial Yogurt Flavor, Guar Gum	2 Gallons	Grapefruit Syrup 16 oz	Grapefruit Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Yellow #4 & #5, Potassium Sorbate	N/A	N/A
Green Apple (GF)	Green Apple Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural and Artificial Green Apple Flavor, Guar Gum, FD&C Yellow #5 and Blue #1	2 Gallons	Green Apple Syrup 15 oz	Green Apple Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Green #3, Potassium Sorbate	N/A	N/A
Green Tea (GF)	Plain Tart Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural & Artificial Yogurt Flavor, Guar Gum	2 Gallons	Green Tea Base 3.5 oz	Green Tea Leaves	N/A	N/A
Honeydew (GF)	Plain Tart Powder: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural & Artificial Yogurt Flavor, Guar Gum	2 Gallons	Honeydew Base 12 oz	Non-Dairy Creamer, Sugar, Flavor, Color FD&C (Blue #1, Yellow #4)	Water 24 oz	Water 24 oz
Key Lime Pie (GF)	Plain Tart Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural & Artificial Yogurt Flavor, Guar Gum	2 Gallons	Key Lime Pie Syrup 20 oz	Pure Cane Sugar, Water, Natural Key Lime Extract, Citric Acid, Natural Key Lime Pie Flavor, Natural Flavoring, Graham Cracker Flavor, Potassium Sorbate (Preservative), FD&C Yellow #5	N/A	N/A
Kiwi (GF)	Plain Tart Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural & Artificial Yogurt Flavor, Guar Gum	2 Gallons	Kiwi Syrup 20 oz	Kiwi concentrate, Citric Acid, Natural Flavor, Colo Melon Color, Potassium Sorbate	Water 24 oz	Water 24 oz
Lemon (GF)	Lemon Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Lemon Flavor, Guar Gum, FD&C Yellow #5	2 Gallons	Lemon Syrup 15 oz	Lemon Concentrate, Malic Acid, Citric Acid, Natural Flavor, Potassium Sorbate	N/A	N/A
Lychee (GF)	Lychee Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Lychee Flavor, Guar Gum	2 Gallons	Lychee Syrup 10 oz	Lychee Concentrate, Malic Acid, Citric Acid, Natural Flavor, Potassium Sorbate	N/A	N/A
Mango (GF)	Mango Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Mango Flavor, Guar Gum, FD&C Yellow #5	2 Gallons	Mango Syrup 15 oz	Mango Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Yellow #5, Potassium Sorbate	N/A	N/A
Mango Strawberry Banana (GF)	Strawberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Strawberry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Mango Syrup 8 oz	Mango Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Yellow #5, Potassium Sorbate	Banana Base 8 oz	Sugar, Glucose, Non-Dairy Creamer, (Maltodextrin, Vegetable Oil, Sodium Caseinate, Potassium Tripoly Phosphate, Potassium Phosphate Dibasic, Approved Emulsifiers, Sodium Sulfate Aluminate) Whole Milk Powder, Banana Extract, FD&C Yellow #5, FD&C Red #40
Orange (GF)	Orange Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural and Artificial Orange Flavor, Guar Gum, FD&C Yellow #5	2 Gallons	Orange Syrup 15 oz	Orange Booster, Malic Acid, Citric Acid, Natural Flavor, FD&C Yellow #5, Potassium Sorbate	N/A	N/A
Passion Fruit (GF)	Passion Fruit Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural and Artificial Passion Fruit Flavor, Guar Gum, FD&C Red #40 and Blue #1	2 Gallons	Passion Fruit Syrup 10 oz	Passion Fruit Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Yellow #5, Potassium Sorbate	N/A	N/A
Peach (GF)	Peach Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural and Artificial Peach Flavor, Guar Gum, FD&C Yellow #5 & #6	2 Gallons	Peach Syrup 15 oz	Peach Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Yellow #5, Potassium Sorbate	N/A	N/A

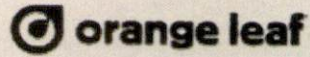
Pomegranate (GF)	Pomegranate Base: 1 Bag	Premium Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat Dry Milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Natural Pomegranate Flavors, Citric Acid, FD&C Red #40	2 Gallons	Pomegranate Syrup 15oz	Pure cane sugar, water, natural flavors, tartaric acid, sodium benzoate (to preserve freshness), caramel color and FD&C red #40	N/A	N/A
Raspberry (GF)	Raspberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Raspberry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Raspberry Syrup 15 oz	Corn Syrup, Malt Syrup, Glucose, Fresh Raspberry, Alura Red AC (FD&C Red #40), Raspberry Extract, Malic Acid, Potassium Sorbate	N/A	N/A
Raspberry Banana (GF)	Raspberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Raspberry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Banana Base 10 oz	Sugar, Glucose, Non-Dairy Creamer, (Maltodextrin, Vegetable Oil, Sodium Caseinate, Potassium Tripoly Phosphate, Potassium Phosphate Dibasic, Approved Emulsifiers, Sodium Solico Aluminate) Whole Milk Power, Banana Extract, FD&C Yellow #5 FD&C Red #40	N/A	N/A
Raspberry Lemonade (GF)	Raspberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Raspberry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Lemon Syrup 15 oz	Lemon Concentrate, Malic Acid, Citric Acid, Natural Flavor, Potassium Sorbate	N/A	N/A
Strawberry (GF)	Strawberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Strawberry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Strawberry Syrup 15 oz	Strawberry Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Red #40, Potassium Sorbate	N/A	N/A
Strawberry Banana (GF)	Strawberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Strawberry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Banana Base 10 oz	Sugar, Glucose, Non-Dairy Creamer, (Maltodextrin, Vegetable Oil, Sodium Caseinate, Potassium Tripoly Phosphate, Potassium Phosphate Dibasic, Approved Emulsifiers, Sodium Solico Aluminate) Whole Milk Power, Banana Extract, FD&C Yellow #5 FD&C Red #40	N/A	N/A
Strawberry Cheesecake (GF)	Strawberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Strawberry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Cheesecake Syrup 8 oz	Pure cane sugar, water, natural flavors, salt, citric acid, potassium Sorbate (to preserve freshness), caramel color.	Cream Cheese: 40 oz (5 Packs)	Pasteurized nonfat milk and milk fat, cheese culture, whey protein concentrate, salt, guar gum, carob bean gum
Strawberry Raspberry Blueberry (GF)	Strawberry Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Strawberry Flavor, Guar Gum, FD&C Red #40	2 Gallons	Raspberry Syrup 10 oz	Corn Syrup, Malt Syrup, Glucose, Fresh Raspberry, Alura Red AC (FD&C Red #40), Raspberry Extract, Malic Acid, Potassium Sorbate.	Blueberry Syrup 10 oz	Corn Syrup, Malt Syrup, Glucose, Fresh Blueberry, Brilliant Blue FCF (FD&C Blue #1), Alura Red (FD&C Red #40), Blueberry Extract, Malic Acid, Potassium Sorbate
Taro (GF)	Plain Tart Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural & Artificial Yogurt Flavor, Guar Gum	2 Gallons	Taro Base 12 oz	Corn Syrup Solids, Hydrogenated Soybean Oil, Sodium Caseinate, Dipotassium Phosphate, Mono and Di-Glycerides, Sodium Aluminosilicate, Sugar, Glucose, Taro Powder, Allura Red AC (FD&C Red #40), Brilliant Blue FCF, Erythrosine	N/A	N/A
Watermelon (GF)	Watermelon Base: 1 Bag	Premium Pure Cane Sugar, Dextrose, Maltodextrin, Dairy Blend (Whey, Nonfat dry milk, and Lactose), Yogurt Powder (Milk solids-Nonfat, Lactic, and Cultures), Citric Acid, Natural Watermelon Flavor, Guar Gum, FD&C Red #40	2 Gallons	N/A	N/A	N/A	N/A
<b>Vanilla Flavor Base</b>							
Banana (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Banana Base 24 oz	Sugar, Glucose, Non-Dairy Creamer, (Maltodextrin, Vegetable Oil, Sodium Caseinate, Potassium Tripoly Phosphate, Potassium Phosphate Dibasic, Approved Emulsifiers, Sodium Solico Aluminate) Whole Milk Power, Banana Extract, FD&C Yellow #5 FD&C Red #40	N/A	N/A
Birthday Cake (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Birthday Cake Syrup 20 oz.	Corn Syrup, Water, Propylene Glycol, Natural and artificial flavor, Citric Acid, Sodium Benzoate, Potassium Sorbate	N/A	N/A
Butter Pecan (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Butter Pecan Syrup 20 oz	Pure Cane Sugar, water, natural flavors, sodium benzoate and potassium Sorbate (to preserve freshness) citric acid. Contains Peanut Allergens	N/A	N/A
Caramel (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Caramel Syrup 20 oz	Pure Cane Sugar, Water, Natural flavors, citric acid, sodium benzoate and potassium Sorbate (to preserve freshness), caramel color.	N/A	N/A
Caramel Apple (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Caramel Apple Syrup 20 oz	Corn syrup, Water, Caramel Color, Propylene Glycol, Alcohol, Citric Acid, Natural & Artificial Flavor, Malic Acid, Red #40, Yellow #5, Sodium Benzoate, Yellow #6, Potassium Sorbate. Contains: Milk, Soy and less than 150 ppm Sulfites.	N/A	N/A

Cheese Cake (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Cheesecake Syrup 8oz	Pure cane sugar, water, natural flavors, salt, citric acid, potassium Sorbate (to preserve freshness), caramel color.	Cream Cheese 40 oz (5 packs)	Pasteurized nonfat milk and milk fat, cheese culture, whey protein concentrate, salt, guar gum, carob bean gum
Coconut (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Coconut Base 24 oz	Corn Syrup Solids, Hydrogenated Soybean Oil, Sodium Caseinate, Dipotassium Phosphate, Mono and Di-Glycerides, Sodium Aluminosilicate, Sugar, Glucose, Coconut Powder	N/A	N/A
Coffee (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Coffee Slush Base 8 oz	Sugar, Non-Dairy Creamer, Instant Coffee Powder, Cocoa Powder, Sodium Carboxymethyl Cellulose, Flavor, Sucralose	Instant Coffee 4 oz	100% Pure Coffee -dehydrated.
Cotton Candy (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Cotton Candy Base 28 oz	Sugar, Fructose, Corn Syrup Solids, Nonfat Milk, Partially Hydrogenated Coconut Oil, Artificial Flavors, Maltodextrin, Sodium Caseinate (A Milk Derivative), Xanthan Gum, Dipotassium Phosphate, Mono and Diglycerides (A Soy Derivative), Silicon Dioxide (Anti-caking Agent), Sodium Silicoaluminate, Soy Lecithin (Emulsifier), FD&C Blue #1, Annatto Extract (For Color)	N/A	N/A
Cookies & Cream	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Cookies & Cream Base 12 oz	Sugar, Coconut Oil, Corn Syrup Solids, Nonfat Milk, Cocoa Powder (Processed with Alkali), Oreo Cake Base (Enriched Flour, Wheat Flour, Niacin, Reduced Iron, Thiamine Mononitrate (Vitamin B1), Riboflavin (Vitamin B2), Folic Acid), Sugar High Oleic Canola Oil and/or Soybean Oil, Cocoa (Processed with Alkali), High Fructose Corn Syrup, Leavening (Baking Soda and/or Calcium Phosphate), Salt, Soy Lecithin (Emulsifier), Chocolate, Vanillin, Natural and Artificial Flavors, Sodium Caseinate, Carmel Color, Silicon Dioxide (Anti-caking agent), Salt, Dipotassium Phosphate Propylene Glycol Esters of Fatty Acids, Mono-and-Diglycerides, Carrageenan, Soy Lecithin, Guar Gum, Xanthan Gum, Annatto Extract (For Color), Red #40.	12 Oreo cookies	Sugar, unbleached enriched flour (Wheat flour, niacin, reduced iron, thiamine mononitrate (vitamin B1), Riboflavin (Vitamin B2), Folic Acid, High oleic canola oil and/or Palm oil and/or Canola Oil and/or Soybean oil, Cocoa (processed with Alkali), High fructose corn syrup, cornstarch, leavening (Baking soda and/or calcium phosphate), salt, soy lecithin, vanillin-An artificial flavor, chocolate. Contains: WHEAT, SOY.
Cookie Cake	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Cookies & Cream Base 12 oz	Sugar, Coconut Oil, Corn Syrup Solids, Nonfat Milk, Cocoa Powder (Processed with Alkali), Oreo Cake Base (Enriched Flour, Wheat Flour, Niacin, Reduced Iron, Thiamine Mononitrate (Vitamin B1), Riboflavin (Vitamin B2), Folic Acid), Sugar High Oleic Canola Oil and/or Soybean Oil, Cocoa (Processed with Alkali), High Fructose Corn Syrup, Leavening (Baking Soda and/or Calcium Phosphate), Salt, Soy Lecithin (Emulsifier), Chocolate, Vanillin, Natural and Artificial Flavors, Sodium Caseinate, Carmel Color, Silicon Dioxide (Anti-caking agent), Salt, Dipotassium Phosphate Propylene Glycol Esters of Fatty Acids, Mono-and-Diglycerides, Carrageenan, Soy Lecithin, Guar Gum, Xanthan Gum, Annatto Extract (For Color), Red #40.	12 Oreo cookies	Sugar, unbleached enriched flour (Wheat flour, niacin, reduced iron, thiamine mononitrate (vitamin B1), Riboflavin (Vitamin B2), Folic Acid, High oleic canola oil and/or Palm oil and/or Canola Oil and/or Soybean oil, Cocoa (processed with Alkali), High fructose corn syrup, cornstarch, leavening (Baking soda and/or calcium phosphate), salt, soy lecithin, vanillin-An artificial flavor, chocolate. Contains: WHEAT, SOY.
Eggnog (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Eggnog Syrup 20 oz	Pure cane sugar, water, natural flavors, fractionated coconut oil, ester gum, citric acid, sodium benzoate and potassium Sorbate (to preserve freshness), FD&C yellow #5, FD&C yellow #6, caramel color.	N/A	N/A
English Toffee (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	English Toffee Syrup 20 oz	Water, Natural Flavors, Citric Acid, Sodium Benzoate (to preserve freshness), Potassium Sorbate, Caramel Color	N/A	N/A
Gingerbread (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Gingerbread Syrup 20 oz	Pure cane sugar, water, natural flavors, salt, citric acid, sodium benzoate (to preserve freshness), caramel color.	N/A	N/A
Hazelnut (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Hazelnut Syrup 20 oz	Water, Natural Flavors, Citric Acid, Sodium Benzoate (to preserve freshness), Potassium Sorbate, Carmel Color	N/A	N/A
Oatmeal Cookie (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Oatmeal Cookie Syrup 20 oz	Corn Syrup, Water, Alcohol, Citric Acid, Natural Flavors, Sodium Benzoate, Potassium Sorbate	N/A	N/A
Peanut Butter (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	N/A	N/A	Cream Peanut Butter 20 oz (3 spoils)	Roasted Peanuts, Sugar, less than 2% of hydrogenated vegetable oils (Cottonseed and Rapeseed), Salt, Partially hydrogenated cottonseed oil. Contains: PEANUTS

Peppermint (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Mint Syrup 20 oz	Pure can sugar, water, natural mint flavor.	N/A	N/A
Pistacio (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Pistacio Syrup 20 oz.	Pure cane sugar, water, pistachio flavor	N/A	N/A
Pumpkin Pie (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Pumpkin Syrup 20 oz	Pure cane sugar, water, natural flavors, sodium benzoate (to preserve freshness), citric acid, potassium Sorbate (to preserve freshness), caramel color. Contains: Dairy Allergens.	N/A	N/A
Red Velvet (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Red Velvet Syrup 20 oz.	Corn Syrup, Water, Propylene Glycol, Cocoa processed with alkali, caramel color, natural and artificial flavor, red #40, citric acid, sodium benzoate, potassium sorbate	N/A	N/A
Snickerdoodle (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Snickerdoodle Syrup 20 oz.	Corn Syrup, Water, Propylene Glycol, Ground Cinnamon, Alcohol, Citric Acid, Natural and Artificial Flavors, Sodium Benzoate, Potassium Sorbate. Contains: Milk, Soy	N/A	N/A
Spoonberry (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Spoonberry Syrup 20 oz	Corn Syrup, Water, Propylene Glycol, Citric Acid, Sodium Benzoate, Potassium Sorbate, Blue #1	N/A	N/A
Vanilla Flavor Base (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	N/A	N/A	N/A	N/A
Wedding Cake (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Wedding Cake Syrup 20 oz	Corn Syrup, Water, Propylene Glycol, Natural and artificial flavors, citric Acid, Sodium Benzoate, Potassium Sorbate, Yellow #5	N/A	N/A
White Chocolate (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	White Chocolate Base 16 oz	Sugar, Partially Hydrogenated Coconut Oil, Corn Syrup Solids, Sodium Caseinate Milk Derivative, Natural and Artificial Flavors (Contains Dairy), Dipotassium Phosphate, Propylene Glycol Esters of Fatty Acid, Mono and Diglycerides, Sodium Silico Aluminate, Salt, Soy Lecithin - an Emulsifier, Calcium carrageenan, Artificial Color.	N/A	N/A
White Chocolate Strawberry (GF)	Vanilla Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	White Chocolate Base 16 oz	Sugar, Partially Hydrogenated Coconut Oil, Corn Syrup Solids, Sodium Caseinate Milk Derivative, Natural and Artificial Flavors (Contains Dairy), Dipotassium Phosphate, Propylene Glycol Esters of Fatty Acid, Mono and Diglycerides, Sodium Silico Aluminate, Salt, Soy Lecithin - an Emulsifier, Calcium carrageenan, Artificial Color.	Strawberry Syrup 20 oz	Strawberry Concentrate, Malic Acid, Citric Acid, Natural Flavor, FD&C Red #40, Potassium Sorbate
<b>Chocolate Flavor Base</b>							
Brownie Batter (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Brownie Batter Syrup 20 oz	Corn Syrup, Water, Propylene Glycol, Cocoa Processed with Alkali, Alcohol, Natural and artificial flavors, Citric Acid, Sodium Benzoate, Potassium Sorbate	N/A	N/A
Chocolate (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	N/A	N/A	N/A	N/A

Chocolate Carmel (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Caramel Syrup 20 oz	Pure cane sugar, water, natural flavors, citric acid, sodium benzoate and potassium Sorbate (to preserve freshness), caramel color.	N/A	N/A
Chocolate Cheesecake (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Cheesecake Syrup 8 oz	Pure cane sugar, water, natural flavors, salt, citric acid, potassium Sorbate (to preserve freshness), caramel color	Cream Cheese: 40 oz (5 Packs)	Pasteurized nonfat milk and milk fat, cheese culture, whey protein concentrate, salt, guar gum, carob bean gum
Chocolate Cherry (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Cherry Syrup 20 oz	Pure can sugar, water, natural flavors, citric acid, sodium benzoate (to preserve freshness), FD&C red #40	N/A	N/A
Chocolate Coconut (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Coconut Base 20 oz	Corn Syrup Solids, Hydrogenated Soybean Oil, Sodium Caseinate, Dipotassium Phosphate, Mono and Di-Glycerides, Sodium Aluminosilicate, Sugar, Glucose, Coconut Powder.	N/A	N/A
Chocolate Hazelnut (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Hazelnut Syrup 20 oz.	Water, Natural Flavors, Citric Acid, Sodium Benzoate (to preserve freshness), Potassium Sorbate, Caramel Color	N/A	N/A
Chocolate Mint (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Mint Syrup 20 oz	Pure Cane Sugar, Water, Natural Mint Flavor.	N/A	N/A
Chocolate Peanut Butter	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	N/A	N/A	Creamy Peanut Butter: 20 oz (3 Spatulas)	Roasted Peanuts, Sugar, less than 2% of hydrogenated vegetable oils (Cottonseed and Rapeseed), Salt, Partially hydrogenated cottonseed oil, Contains: PEANUTS
Chocolate Raspberry (GF)	Chocolate Base: 1 Bag	Sugar, Corn Syrup Solids, Coconut Oil, Cocoa (processed with Alkali), Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus). Contains: Milk, Soy	2 Gallons	Raspberry Syrup 15 oz	Corn Syrup, Malt Syrup, Glucose, Fresh Raspberry, Alura Red AC (FD&C Red #40), Raspberry Extract, Malic Acid, Potassium Sorbate	N/A	N/A
<b>No Sugar Added Flavor Base</b>							
Vanilla (GF)	No Sugar Added Vanilla: 1 Bag	Maltodextrin, Polydextrose, Xylitol, Non Fat Dry Milk, Cultured Skim Milk, Cellulose Gum, Guar Gum, Natural and Artificial Vanilla Flavor, Sucralose, Acesulfame Potassium (Streptococcus thermophilus, Lactobacillus bulgaricus, Lactobacillus acidophilus, Bifidobacterium lactis, Lactose). Contains Milk, Soy	2 Gallons	N/A	N/A	N/A	N/A
Chocolate (GF)	No Sugar Added Chocolate: 1 Bag	Maltodextrin, Polydextrose, Xylitol, Cocoa Powder (processed with Alkali) Non Fat Dry Milk, Cellulose Gum, Guar Gum, Sucralose, Acesulfame Potassium (Streptococcus thermophilus, Lactobacillus bulgaricus, Lactobacillus acidophilus, Bifidobacterium lactis, Lactose) Contains: Milk, Soy	2 Gallons	N/A	N/A	N/A	N/A
<b>Non-Dairy Flavor Base</b>							
Dole Pineapple (GF)	Pineapple Base: 1 Bag	Sugar, Dextrose, Coconut Oil, Stabilizers (Cellulose Gum, Xanthan Gum, Locust Bean Gum, Karaya Gum, Pectin), Maltodextrin, Citric Acid, Natural & Artificial Flavor (contains Pineapple Juice), Modified Food Starch, Malic Acid, Artificial Color (Yellow 5 & 6), Mono & Diglycerides, Less than 2% Silicon Dioxide (Anticaking)	N/A	N/A	N/A	Water 1 Gallon Cool Water,	Water 1 Gallon Cool Water,
Dole Orange (GF)	Orange Base: 1 Bag	Sugar, Dextrose, Coconut Oil, Stabilizers (Cellulose Gum, Xanthan Gum, Locust Bean Gum, Karaya Gum, Pectin), Citric Acid Maltodextrin, Natural Flavor (contains Orange Juice) Modified Food Starch, Mono & Diglycerides, Artificial Color (Yellow 6), Less than 2% Silicon Dioxide (Anticaking)	N/A	N/A	N/A	Water 1 Gallon Cool Water,	Water 1 Gallon Cool Water,

Toppings					
Cone Mix Mochi Orange Popping Boba Strawberry Popping Boba		Niacin, Reduced Iron, Thiamin Mononitrate, Riboflavin, Folic Acid, May contain malted barley flour, Enzymes, Ascorbic acid, Sugar, Partially Hydrogenated Soybean & Cottonseed Oils, Eggs, Buttermilk, Salt, Artificial Flavor			
		Maltose, Glutinous Rice Powder, Sugar, Potato Starch, Sorbic Acid (under 5g/kg)			
		Water, Sugar, Orange Juice, Calcium Lactate, Seaweed Extract, Malic Acid, Orange Flavor, FD&C Yellow #5, FD&C Yellow #6, Potassium Sorbate (as preservative)			
		Water, Sugar, Strawberry Juice, Calcium Lactate, Seaweed Extract, Malic Acid, Strawberry Flavor, FD&C Red #40, Potassium Sorbate (as preservative)			
Passion Fruit Popping Boba Mango Popping Boba		Water, Sugar, Passion Fruit Juice, Calcium Lactate, Seaweed Extract, Malic Acid, FD&C Yellow #6, Passion Fruit Flavor, Potassium Sorbate			
		Water, Sugar, Mango Juice, Calcium Lactate, Seaweed Extract, Malic Acid, Mango Flavor, FD&C Yellow #5, FD&C Yellow #6, Potassium Sorbate			



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# PREMIUM VANILLA BASE MIX

## Y812-D4448

Naturally & Artificially Flavored

Ingredients: Sugar, Corn Syrup Solids, Coconut Oil, Nonfat Yogurt (Cultured Nonfat Milk), Natural & Artificial Flavor, Sodium Caseinate, Salt, Potassium & Sodium Phosphate, Guar Gum, Mono & Diglycerides, Soy Lecithin, Xanthan Gum, Lactic Acid Bacteria (Lactobacillus bulgaricus, Streptococcus thermophilus).

Contains: Milk, Soy

### Nutrition

#### Facts

Serving Size 2 Tbsp Mix (22.2g)  
 (Makes 1/2 Cup Softserve (200g))  
 (Prepared with Nonfat Milk)  
 Servings Per Container: About 117  
 Calories 120  
 Calories from Fat 25

Amount / Serving	% Daily Value*	Amount / Serving	% Daily Value*
Total Fat 3g	6%	Total Carbohydrate 22g	7%
Saturated Fat 2.5g	13%	Dietary Fiber 0g	0%
Trans Fat 0g		Sugars 18g	
Cholesterol 0mg	0%	Protein 3g	
Sodium 120mg	5%		
Vitamin A 0%		Vitamin C 0%	
		Calcium 10%	
		Iron 0%	

**5/6 LB BAGS NET WT. 30 LBS**

Plant 19-399