

the daily bag and possession limit may not exceed more than 1 Ross' goose.

Except in the States of Arizona and Utah; in Clark County, Nevada; the Idaho counties of Bear Lake, Bonerville, Caribou, Clark, Fremont, Jefferson, Madison, Teton, Bingham, Power, Bannock, Oneida, and Franklin; and in those portions of the States of Montana, Wyoming, Colorado, and New Mexico, placed in the Pacific Flyway, the daily bag and possession limit shall not include more than 2 Canada geese.

Except in the States of Washington and Idaho, the daily bag limit is 3 geese and the possession limit is 6.

No open season is prescribed for the taking of snow, blue, and Ross' geese in the Idaho counties of Clark, Madison, Fremont, and Teton; nor the Montana counties of Beaverhead, Gallatin, and Madison.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

Effective date: Notice and public procedure thereon having been found to be impracticable, these amendments shall become effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

OCTOBER 3, 1969.

[F.R. Doc. 69-12063; Filed, Oct. 8, 1969; 8:46 a.m.]

PART 12—AREAS CLOSED TO HUNTING

Mason Neck National Wildlife Refuge, Va.

The purpose of this designation is to increase the effectiveness of the refuge for the purposes for which it was established by the United States of America.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the formulation of the proposed rules. However, it is hereby found that the provision which allows interested persons 30 days to submit their views, data, or arguments in writing is impracticable because of the urgent need for the protection of the southern bald eagle, which is an endangered species, and allowance of such a period of time is contrary to the public interest.

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of mi-

gratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture or kill migratory birds is not permitted, an area of water in Fairfax County, Va., adjacent to the boundary of the Mason Neck National Wildlife Refuge, described by metes and bounds as follows:

Beginning at a point in the ordinary low water mark of the right bank of the Potomac River, on the peninsula known as Mason Neck, at the point where the Virginia-Maryland State line intersects the said ordinary low water line at Sycamore Point; then in a northeasterly and easterly direction, with the ordinary low water mark of the right bank of the Potomac River and of all tributary creeks, guts and inlets along the shoreline, approximately 3 miles to Hallowing Point, in the Virginia-Maryland State line; thence in a southwesterly direction, with the said State line, approximately 11,600 feet to the point of beginning, it being the intent to include in this description all public waters lying to the landward or northern side of the Virginia-Maryland State line as it passes from Hallowing Point to Sycamore Point. This designation of closed area to be effective as of the date of publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 69-12046; Filed, Oct. 8, 1969; 8:45 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Retrieving zones of approximately 100 yards in width are established immediately inside the exterior refuge boundary at certain locations as designated by signs. These retrieving zones are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. A hunter may enter these retrieving zones to retrieve dead or crippled waterfowl which he has legally killed or crippled by hunting outside the refuge boundary but which have fallen inside the exterior boundary of the refuge and within the designated retrieving zones. The use of dogs and the possession of firearms or weapons inside the exterior boundary of the refuge and in the

authorized retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through January 4, 1970.

WILLIAM T. KRUMMES,
Regional Director.

OCTOBER 2, 1969.

[F.R. Doc. 69-12081; Filed, Oct. 8, 1969; 8:47 a.m.]

PART 32—HUNTING

Seedskaade National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of cottontail rabbits on the Seedskaade National Wildlife Refuge, Wyo., is permitted from August 30, 1969, to March 31, 1970, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the Refuge Office, Room 118, Courthouse, Green River, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1970.

MERLE O. BENNETT,
Refuge Manager.

SEPTEMBER 29, 1969.

[F.R. Doc. 69-12065; Filed, Oct. 8, 1969; 8:46 a.m.]

PART 32—HUNTING

Seedskaade National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of mule deer on the Seedskaade National Wildlife Refuge, Wyo. is permitted as follows: West of the Green River from October 15, through November 15, 1969, inclusive; east of the Green River from November 12, through November 20, 1969, inclusive. All of the

refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the Refuge Office, Room 118, Courthouse, Green River, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of mule deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1969.

MERLE O. BENNETT,
Refuge Manager.

SEPTEMBER 29, 1969.

[F.R. Doc. 69-12064; Filed, Oct. 8, 1969;
8:46 a.m.]

PART 33—SPORT FISHING

Crescent Lake National Wildlife Refuge and North Platte National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing: for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebr., is permitted on Crane and Island Lakes only on the areas designated by signs as open to fishing. These open areas comprising about 1,040 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, through September 30, 1970, inclusive.

(2) Boats propelled with poles, oars or paddles only may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows or seine or net for capturing minnows.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas

generally which are set forth in Title 50, Part 33, and are effective through September 30, 1970.

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The open season for sport fishing on the refuge extends from January 15, through September 30, 1970, inclusive.

(2) Boats, motorboats, and other floating craft may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1970.

DON R. PERKUCHIN,
Refuge Manager.

OCTOBER 3, 1969.

[F.R. Doc. 69-12080; Filed, Oct. 8, 1969;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

OCCUPATIONS IN AGRICULTURE PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF CHILDREN BELOW THE AGE OF 16

Notice of Proposed Rule Making

Pursuant to section 13(c) of the Fair Labor Standards Act of 1938 (52 Stat. 1067, as amended; 29 U.S.C. 213) and Reorganization Plan No. 2 of 1946 (3 CFR, 1943-48 Comp., p. 1064), and in accordance with 29 CFR Part 1500, Subpart D, I hereby propose to revise subpart E-1 of 29 CFR Part 1500 to read as set forth below.

Interested persons may make oral presentations of data, views, and arguments pertinent to this proposal to Hearing Examiner E. West Parkinson or John B. Mealy on November 18, 1969, commencing at 10 a.m., in Conference Rooms 102 C and D of the U.S. Department of Labor building at 14th Street and Constitution Avenue, Washington, D.C. Interested persons may also submit written data, views, and arguments pertinent to this proposal by filing them with the Director of the Bureau of Labor Standards, Wage and Labor Standards Administration, Room 401, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210, not later than November 13, 1969.

Any person desiring to participate in the oral proceedings is requested to file a notice of intention to do so with the Director of the Bureau of Labor Standards, not later than November 13, 1969. The notice should state the name and address of the person who is to appear, specify his interest in this proposal, and indicate approximately the amount of time his presentation will require.

The oral proceedings shall be reported, and transcripts shall be made available to interested persons on such terms as the hearing examiner may provide. The hearing examiner shall regulate the course of the proceedings in accordance with the procedure prescribed in 29 CFR 1500.45, and shall have the powers conferred by that section. Following the close of the record of the proceeding, the hearing examiner shall certify the record to the Secretary of Labor in accordance with 29 CFR 1500.46.

Subpart E-1 of 29 CFR Part 1500 would be revised to read as follows:

Subpart E-1—Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16

Sec.

1500.71 Definitions.

1500.72 Findings and declarations of fact.

1500.73 Exclusions.

AUTHORITY: The provisions of this Subpart E-1 issued under secs. 12, 13, 18, 52 Stat. 1067, 1069, as amended; 29 U.S.C. 212, 213, 218.

§ 1500.70 Purpose and scope.

(a) *Purpose.* Section 13(c)(2) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213(c)(2)) states that the "provisions of section 12 [of the Act] relating to child labor shall apply to an employee below the age of 16 employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of 16, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person." The purpose of this subpart is to give effect to this provision.

(b) *Exception.* This subpart shall not apply to the employment of a child below the age of 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(c) *Higher standards.* Nothing in this subpart shall justify or excuse noncompliance with any Federal or State law, regulation, or municipal ordinance establishing a standard higher than a standard established by this subpart. If more than one standard in this subpart apply to a single activity, the highest standard shall be applicable.

§ 1500.71 Definitions.

As used in this subpart, the terms "agriculture" and "employer" have the meanings given to the terms by section 3 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203).

§ 1500.72 Findings and declarations of fact.

Except as otherwise provided in § 1500.73, the following occupations in agriculture are particularly hazardous for the employment of children below the age of 16:

(a) Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.

(b) Operating or assisting to operate (including starting, stopping, adjusting, feeding or any other activity involving physical contact associated with the operation) any of the following machines:

(1) Cornpicker, cotton picker, grain combine, hay mower, forage harvester (rotary or flail-type), hay baler, potato digger, or pea viner;

(2) Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer; or

(3) Power post-hole digger, power post driver, or nonwalking type rotary tiller.

(c) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

(1) Trencher or earthmoving equipment;

(2) Fork lift;

(3) Potato combine; or

(4) Power-driven circular, band, or chain saw.

(d) Working in a yard, pen, or stall occupied by a:

(1) Bull, boar, or stud horse maintained for breeding purposes; or

(2) Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).

(e) Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches.

(f) Working from a ladder or scaffold (painting or repairing building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.

(g) Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

(h) All work:

(1) Inside any fruit, forage, or grain storage designed so as to retain an oxygen deficient or toxic atmosphere;

(2) Inside an upright silo within 2 weeks after silage has been added;

(3) Inside a silo when a top unloading device is in operating position;

(4) Inside a manure pit; or

(5) Operating a tractor for packing purposes on a horizontal silo.

(i) Work involving:

(1) Handling or applying any agricultural chemical classified under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) as:

(i) Category I of toxicity, the label of which chemical bears the word "danger" and the "skull and crossbones" poison symbol; or

(ii) Category II of toxicity, the label of which chemical bears the word "warning";

(2) Decontaminating or cleaning equipment used in connection with any of the chemicals specified in subparagraph (1) of this paragraph;

(3) Disposing, returning, or handling empty containers used for any of the chemicals specified in subparagraph (1) of this paragraph;

(4) Serving as a flagman for an aircraft applying any of the chemicals specified in subparagraph (1) of this paragraph;

(5) Handling or using a blasting agent, including, but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or

(6) Transporting, transferring, or applying anhydrous ammonia.

§ 1500.73 Exclusions.

(a) *Student-Learners.* The findings and declarations of fact in § 1500.72 shall not apply to the employment of any child as vocational agricultural student-learner in any of the occupations described in paragraph (a), (b), (c), (d), (e), or (f) of § 1500.72 when all of the following requirements are met: (1) The student-learner is enrolled in a course of study and training in a cooperative vocational education training program in agriculture under a recognized State or local educational authority, or in a course of study in a substantially similar program conducted by a private school; (2) such student-learner is employed under a written agreement which provides: (i) that the work of the student-learner in the occupation is necessarily incidental to his training; (ii) that such work shall be intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person; (iii) that safety instructions shall be given by the school and correlated by the employer with on-the-job training; and (iv) that a schedule of organized and progressive work processes to be performed on the job have been prepared; (3) such written agreement contains the name of the student-learner, and is signed by the employer and by a person authorized to represent the educational authority or school; and (4) copies of each such agreement are kept on file by both the educational authority or school and by the employer.

(b) *Federal Extension Service.* The findings and declarations of fact in § 1500.72 shall not apply to the employment in any occupation referred to in subparagraph (1), (2), or (3) of this paragraph of a child who has been instructed by his employer on the safe and proper operation of the specific equipment he is to use, is continuously and closely supervised by the employer where feasible, or, where not feasible, in work such as cultivating, his safety is checked at least at midmorning, noon, and mid-afternoon, and who also satisfies whichever of the following requirements are appropriate:

(1) If the child is employed in an occupation described in paragraph (a) of § 1500.72—

- (i) He is a 4-H member;
- (ii) He is 14 years of age, or older;
- (iii) He is familiar with the normal working hazards in the occupations;
- (iv) He has completed a 10-hour training program which includes the following units from the manuals of the 4-H tractor program conducted by, or in accordance with the requirements of, The Cooperative Extension Service of a land grant college or university:

(a) First-Year Manual:
Unit 1—Learning How To Be Safe;
Unit 4—The Instrument Panel;
Unit 5—Controls for Your Tractor;
Unit 6—Daily Maintenance and Safety Check; and

Unit 7—Starting and Stopping Your Tractor;

(b) Second-Year Manual:
Unit 1—Tractor Safety on the Farm;

(c) Third-Year Manual:
Unit 1—Tractor Safety on the Highway;
Unit 3—Hitches, Power-Take-Off, and Hydraulic Controls;

(v) He has passed a written examination on tractor safety and has demonstrated his ability to operate a tractor safely with a two-wheeled trailed implement on one of the 4-H Tractor Operator's Contest Courses; and

(vi) His employer has on file with the child's records kept pursuant to Part 516 of this title a true copy of a certificate relating to the child, signed by the 4-H leader who conducted the training program and by a county agricultural agent of the Cooperative Extension Service of a land grant college or university, to the effect that the child has completed all the requirements specified in subdivisions (i) through (v) of this subparagraph.

(2) If the child is employed in an occupation described in paragraph (b) of § 1500.72—

(i) He satisfies all the requirements specified in subdivisions (i) through (v) of subparagraph (1) of this paragraph;

(ii) He has completed an additional 10-hour training program on farm machinery safety, including 4-H Fourth-Year Manual, Unit 1, Safe Use of Farm Machinery;

(iii) He has passed a written and practical examination on safe machinery operation; and

(iv) His employer has on file with the child's records kept pursuant to Part 516 of this title a true copy of a certificate relating to the child, signed by the 4-H leader who conducted the training program and by a county agricultural agent of the Cooperative Extension Service of a land grant college or university, to the effect that the child has completed all of the requirements specified in subdivisions (i) through (iii) of this subparagraph.

(3) If the child is employed in an occupation described in paragraph (a) or (b) of § 1500.72—

(i) He is 14 years of age, or older;

(ii) He has completed a 4-hour orientation course familiarizing him with the normal working hazards in the occupation;

(iii) He has completed a 20-hour training program on safe operation of tractors and farm machinery, which covers all material specified in subparagraphs (1)(iv) and (2)(ii) of this paragraph.

(iv) He has passed a written examination on tractor and farm machinery safety, and has demonstrated his ability to operate a tractor with a two-wheeled trailed implement on a course like a 4-H Tractor Operator's Contest Course, and to operate farm machinery safely.

(v) His employer has on file with the child's records kept pursuant to Part 516 of this title a true copy of a certificate relating to the child, signed by the volunteer leader who conducted the training

program and by a county agricultural agent of the Cooperative Extension Service of a land grant college or university, to the effect that all of the requirements of subdivisions (i) through (iv) of this subparagraph have been met.

(c) *Vocational Agriculture Training.* The findings and declarations of fact in § 1500.72 shall not apply to the employment in any occupation referred to in subparagraph (1) or (2) of this paragraph of any child who has been instructed by his employer on the safe and proper operation of the specific equipment he is to use, is continuously and closely supervised by his employer where feasible or, where not feasible, in work such as cultivating, his safety is checked at least at midmorning, noon, and mid-afternoon, and who also satisfies whichever of the following requirements are appropriate:

(1) If the child is employed in an occupation described in paragraph (a) of § 1500.72—

(i) He is 14 years of age, or older;

(ii) He is familiar with the normal working hazards in the occupation;

(iii) He has completed a 15-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Tractor Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare. The training program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

(iv) He has passed both a written test and a practical test on tractor safety including a demonstration of his ability to operate safely a tractor with a two-wheeled trailed implement on a test course similar to that described in the Vocational Agriculture Training Program in Safe Tractor Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare; and

(v) His employer has on file with the child's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and by the Vocational-Agriculture teacher who conducted the course, to the effect that the child has completed all the requirements specified in subdivisions (i) through (iv) of this subparagraph.

(2) If the child is employed in an occupation described in paragraph (b) of § 1500.72—

(i) He satisfies all the requirements specified in subdivisions (i) through (iv) of subparagraph (1) of this paragraph;

(ii) He has completed an additional 10-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Farm Machinery Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare;

(iii) He has passed both a written test and a practical test on safe machinery operation similar to that described in the Vocational Agriculture Training Program in Safe Farm Machinery Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare; and

(iv) His employer has on file with the child's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and by the Vocational-Agriculture teacher who conducted the course, to the effect that the child has completed all the requirements specified in subdivisions (i) through (iii) of this subparagraph.

(d) *Agency Review.* The provisions of paragraphs (a), (b), and (c) of this section will be reviewed and reevaluated prior to January 1, 1972, in order to determine whether the use of protective devices, such as antilift frames and crush resistant cabs, should be made a condition of the child employment exclusions.

Signed at Washington, D.C., this 6th day of October 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-12093; Filed, Oct. 8, 1969;
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

IMITATION MILKS, STANDARDS OF IDENTITY AND QUALITY

Notice of Proposed Rule Making

In the matter of establishing standards of identity and quality for imitation milks and creams:

A notice of proposed rulemaking in the above-identified matter was published on the initiative of the Commissioner of Food and Drugs in the *FEDERAL REGISTER* of May 18, 1968 (33 F.R. 7456). In response, over 85 comments were received and the principal suggested changes in the proposal are as follows:

1. Remove from coverage the imitation creams and imitation half-and-half because the products imitated are not major dietary sources of nutrients and therefore requiring fortification of such imitations with protein, vitamins, and minerals would be unreasonable.

2. Require that certain other vitamins and minerals be added to imitation milks in addition to the calcium, phosphorus, vitamin A, and riboflavin specified by the proposal. Such supplementation with nutrients would make imitation milks more nearly equivalent to cow's milk.

3. Require that a portion of the fat in imitation milks be linoleate present in the glyceride form.

4. Specify methods for determining compliance with the requirements for

amount and biological quality of protein used in imitation milks.

5. Specify product names that do not include the word "imitation" followed by the words "milk" or "cream." Some stated that the names specified in the proposal suggest an equivalence with the products imitated that does not exist. Others suggested that the word "imitation" connotes inferiority while in fact the substitute products may be superior in some respects to the dairy products they replace. The term "nondairy" was suggested as having meaning for consumer; however, certain nutritionists regarded this term as misleading for products containing sodium caseinate and that it would be a potential danger to the substantial numbers of infants allergic to casein.

Having considered the comments received and other relevant information, the Commissioner concludes that a revised proposal should be published incorporating the suggestions described in 1 through 4 above. This revised proposal supersedes the proposal published May 18, 1968.

Accordingly, the Commissioner proposes that standards of identity and quality for imitation milks be established by adding two new sections to Part 18, as follows:

§ 18.550 Imitation milks; identity; label statement of optional ingredients.

(a) Imitation milks are the foods that are not filled milks as defined in the Filled Milk Act (21 U.S.C. 61(c)) but which are made in semblance of and intended to be used in substitution for skim milk, low-fat milk, part-skimmed milk, or milk in single strength liquid, concentrated, dried, or frozen form containing one or more of the optional ingredients specified in paragraph (b) of this section and having the edible oil or fat content specified in paragraph (d) of this section.

(b) The optional ingredients referred to in paragraph (a) of this section are any substances that perform a useful function, but if any such substance is a food additive or a color additive within the meaning of section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act, it is used in conformity with a regulation established pursuant to section 409 or 706 of the act. The optional ingredients that may be used in imitation milks include, but are not limited to:

(1) Substances or food-grade chemicals derived from milk by physical and/or chemical treatment so that the resultant product is not milk, skim milk, or cream. Such milk derivatives include, but are not limited to, casein, salts of casein, lactose, milk proteins (coprecipitates of casein, lactalbumins, and lactoglobulins), whey, and whey modified by partial or complete removal of lactose or minerals or both.

(2) Any food fat or oil.

(3) Emulsifiers, stabilizers, and preservatives.

(4) Natural and artificial flavors that impart to the foods a semblance of those milks named in paragraph (a) of this section.

(5) Natural and artificial food coloring that imparts to the foods a semblance of those milks named in paragraph (a) of this section.

(6) Any vitamin, mineral, amino acid, linoleate, or carbohydrate that provides the nutrients in biologically available forms to meet the nutrient levels specified for imitation milks by § 18.551.

(c) The food shall be pasteurized, sterilized, or sealed in a container and so processed by heat, either before or after sealing, as to prevent spoilage.

(d) (1) Imitation skim milk is the food complying with the provisions of paragraph (a) of this section and made in semblance of skim milk. The oil or fat content is less than 0.5 percent by weight.

(2) Imitation low-fat milk is the food complying with the provisions of paragraph (a) of this section and made in semblance of low-fat milk. The oil or fat content is not less than 0.5 percent but is less than 2.0 percent by weight.

(3) Imitation part-skimmed milk is the food complying with the provisions of paragraph (a) of this section and made in semblance of part-skimmed milk. The oil or fat content is not less than 2.0 percent but is less than 3.25 percent by weight.

(4) Imitation milk is the food complying with the provisions of paragraph (a) of this section and made in semblance of milk. The oil or fat content is not less than 3.25 percent by weight.

(5) Imitation concentrated milks are the foods complying with the provisions of paragraph (a) of this section and from which part of the moisture has been removed and which upon addition of water or other fluids in accordance with label directions result in one of the foods named in and meeting the requirements of subparagraph (1), (2), (3), or (4) of this paragraph.

(6) Imitation dried milks are the dry foods complying with the provisions of paragraph (a) of this section and from which substantially all of the moisture has been removed and which upon addition of water in accordance with label directions result in one of the foods named in and meeting the requirements of subparagraph (1), (2), (3), or (4) of this paragraph.

(e) (1) The names of the imitation milks are those provided for those foods specified in paragraph (d) of this section except as modified in subparagraph (4) of this paragraph.

(2) The optional ingredients used, as provided for in paragraph (b) of this section, shall be declared on the principal display panel or panels of the label by their common names and shall be displayed with such prominence and conspicuousness as to render them likely to be read and understood by ordinary individuals under customary conditions of purchase, except that in lieu of the common names of flavors or colors the words "artificial flavor added" or "artificial color added," as appropriate, may be used. Carotene added for its vitamin A contribution shall also be declared on the label as an artificial color.