

### Article 13.1. Actionable Defect Levels for Processed Foods

**§ 16200. General Provisions.**

A manufacturer shall not mix a lot of a food containing defects exceeding the actionable level with another lot of food containing fewer defects than the actionable level. Such mixing renders the food actionable regardless of the defect level of the final food.

NOTE: Authority cited: Sections 208, 26202 and 26203, Health and Safety Code. Reference: Sections 26203, 26520 and 26523, Health and Safety Code.

**HISTORY**

1. New Article 13.1 (Sections 16200–16201) filed 5–30–78; effective thirtieth day thereafter (Register 78, No. 22).
2. Amendment filed 3–18–85; effective thirtieth day thereafter (Register 85, No. 12).

**§ 16201. Heat Processed Canned Peaches: Actionable Defect Levels for Insects.**

(a) Definitions.

(1) Standard Peach Unit means:

- (A) A single whole peach, or
- (B) A peach half, or

(C) A number of pieces smaller than halves which taken together are equal in weight to a fraction of the drained weight according to can size as follows:

| <i>Can Size</i>   | <i>Drained Weight<br/>or Drained<br/>Weight Fraction<br/>Equivalent to<br/>One Standard<br/>Peach Unit</i> |
|---|--|
| 8 oz. – 211x304 .....                                   | 1/3  |
| No. 300 – 300x407 .....                                 | 1/6  |
| No. 303 – 303x406 .....                                 | 1/6  |
| No. 2 – 307x409... ..                                   | 1/8  |
| No. 2 1/2 – 401x411 .....                               | 1/10   |
| No. 10 – 603x700 .....                                  | 1/40   |
| No. 10 – 603x700 solid pack or preheated pie pack ..... | 1.5 oz.  |
| Larger than above sizes .....                           | 1.5 oz.  |

1. The method of ascertaining drained weight shall be the method used for the USDA Quality Grade Standards for canned foods.

(2) Insect infested means a standard peach unit having embedded or clinging insects or insect fragments.

(b) Actionable levels for peaches which are principally peeled by hand, such as white peaches, are reached at any time when:

(1) More than five percent of standard peach units by count are insect infested, or

(2) More than twenty percent of the cans contain one or more free floating whole insect larvae, or the larval parts equivalent to a whole larva, or any free floating part of any adult insect.

(c) Actionable levels for peaches which are not principally peeled by hand are reached at any time when:

(1) More than one percent of standard peach units by count are insect infested, or

(2) More than two percent of the cans contain one or more free floating whole insect larvae, or the larval parts equivalent to a whole larva, or any free floating part of any adult insect.

(d) Sampling Requirements.

(1) The minimum number of standard peach units and the minimum number of cans selected from a single manufacturer's lot for evaluation of compliance shall be determined according to can size as follows:

| <i>Can Size</i>           | <i>Minimum<br/>Number of<br/>Standard<br/>Peach Units</i> | <i>Minimum<br/>Number<br/>of Cans</i> |
|---------------------------|---|---------------------------------------|
| 8 oz. – 211/304 .....     | 100   | 50                                    |
| No. 300 – 200x407 .....   | 100   | 25                                    |
| No. 303 – 303x406 .....   | 100   | 25                                    |
| No. 2 – 307x409 .....     | 125   | 25                                    |
| No. 2 1/2 – 401x411 ..... | 200   | 25                                    |
| No. 10 – 603x700 .....    | 200   | 8                                     |
| All Larger Cans .....     | 200   | 2                                     |

NOTE: Authority cited: Sections 208, 26202 and 26203, Health and Safety Code. Reference: Sections 26523 and 26524, Health and Safety Code.

**HISTORY**

1. New NOTE filed 7–3–84 (Register 84, No. 27).

### Article 14. Wine Standards and Prohibited Practices

**§ 17000. Order Promulgating Regulations and Standards.**

NOTE: Authority cited for Article 14: Sections 26540 and 26540.2, Health and Safety Code. Reference: Secs. 26540.2 and 26542.1, Health and Safety Code.

**HISTORY**

1. Repealer of Article 14 (Sections 17000 through 17105) and new Article 14 (17000, 17001, 17005, 17010, 17015, 17075, 17076, 17090, 17100, 17105 and 17116) filed 9–23–69; effective thirtieth day thereafter (Register 69, No. 39). For prior history, see Register 66, No. 20.
2. Repealer filed 9–1–78; effective thirtieth day thereafter (Register 78, No. 35).

**§ 17001. Adoption and Application of Regulations and Standards.**

(a) Application. The Treasury Department regulations adopted and the exceptions and additional provisions in this Article shall be applicable to all the wine produced, imported, bottled, offered for sale or sold within the state for beverage use, or any other purpose, except as hereinafter provided. The production, the importation, or sale within this state of any product as, or under the designation of wine, which fails to conform to the applicable standard described herein, except for distillation into wine spirits or industrial or nonbeverage purposes is hereby prohibited.

(b) Except as otherwise provided in this Article, the definitions and standards of identity and quality for wine and their amendments, now or hereafter promulgated by the U. S. Treasury Department, Internal Revenue Service, in Title 27 C.F.R., Part 4, Subparts B and C, Part 19, Subpart N, Part 231, Subpart F and Part 240, Subparts O, P, Q, R, S, T, V, W, X, Z, and ZZ, are the definitions and standards of identity and quality for wine in the State of California.

NOTE: Authority cited: Sections 208, 26202 and 26515, Health and Safety Code. Reference: Section 26515, Health and Safety Code.

**HISTORY**

1. Amendment filed 3–14–85; effective thirtieth day thereafter (Register 85, No. 11).

**§ 17005. Standards of Identity and Quality for Wine Produced in California or Elsewhere.**

(a) The standards herein established are minimum standards for wine of the several classes and types defined.

(b) Prohibited Wine. Wine derived from raisins, dried grapes, dried berries, and other dried fruit, and imitation or substandard wine, shall not be produced, imported, or sold in this state except for distillation into wine spirits or for industrial or nonbeverage purposes.

(c) Cellar Treatment. Cellar treatment shall conform to the methods and materials authorized for treatment of wine by the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service as well as the California Pure Foods Act and the Federal Food, Drug, and Cosmetic Act and the regulations adopted thereunder. In case of conflict between Federal and State laws or regulations the California law or regulation shall take precedence.

NOTE: Authority cited: Sections 208, 26202 and 26215, Health and Safety Code. Reference: Section 26515, Health and Safety Code.

HISTORY

- 1. Repealer of subsection (d) filed 3-14-85; effective thirtieth day thereafter (Register 85, No. 11).

§ 17010. Provisions Applicable to Wine Produced in California.

The following provisions shall apply to wines produced in California:

(a) Sugar Use. No sugar, or material containing sugar, other than pure condensed grape must, and no water in excess of the minimum amount necessary to facilitate normal fermentation, may be used in the production or cellar treatment of any grape wine except:

(1) In the production of sparkling wine (where sugar or liquid sugar may only be used in the traditional secondary fermentation and dosage).

(2) Carbonated and special natural wine; provided, however, that sparkling and carbonated wine or the residuum thereof may be reconverted into still wine, and such wine and special natural wine or the residuum thereof may be distilled into wine spirits if the unfermented sugar has not been refermented.

(3) Natural grape wine produced outside of the State of California with the use of sugar pursuant to applicable federal regulations may be blended with grape wine produced in California pursuant to these regulations only for the purpose of producing sparkling wine and carbonated wine. The resultant blend shall not be entitled to the appellation of origin "California" or any geographical subdivision thereof.

(b) Sweetness Limitation.

(1) The Brix saccharometer test, using a saccharometer calibrated at 20° C and made in the presence of the alcohol content provided herein shall be:

(A) Not less than 5.5 degrees for Angelica, Muscatel, Port and White Port.

(B) Not less than 3.5 degrees for Tokay (as a dessert wine).

(2) The reducing sugar content (per 100 milliliters at 20° C and calculated as dextrose) for sheries shall be as follows:

|   | <i>Minimum</i> | <i>Maximum</i> |
|---|----------------|----------------|
| Dry Sherry .....                            | 0.0 gram       | 2.5 grams      |
| Sherry .....                                | 2.5 grams      | 4.0 grams      |
| Sweet, Golden, Cream or Mellow Sherry ..... | 4.0 grams      |                |

(c) Fixed Acidity. The minimum titratable fixed acidity per 100 milliliters at 20° C for grape wine (except wine used solely for blending, medicinal or industrial purposes) calculated as tartaric acid, shall be as follows:

|                        |           |
|------------------------|-----------|
| red table wine .....   | 0.4 gram  |
| white table wine ..... | 0.3 gram  |
| all other wine .....   | 0.25 gram |

NOTE: Authority cited: Sections 208, 26202 and 26515, Health and Safety Code. Reference: Section 26515, Health and Safety Code.

HISTORY

- 1. Amendment of subsection (b) (1) (C) and (D) filed 6-12-70; effective thirtieth day thereafter (Register 70, No. 24).
- 2. Amendment filed 11-29-79; effective thirtieth day thereafter (Register 79, No. 48).
- 3. Amendment of NOTE filed 3-21-84 (Register 84, No. 12).

§ 17015. Wines Bearing the Appellation of Origin "California" or a Geographical Subdivision Thereof.

(a) A grape wine shall be entitled to the appellation of origin "California" or a geographical subdivision thereof only if:

(1) 100 percent of its volume is derived from fermented juice of fruit grown within California; except that wine spirits produced in California from residues of wines, which contain grapes grown outside of California, may be used in the production of wines bearing the appellation of origin "California" or subdivisions thereof, subject to all of the following limitations:

(A) The wine shall not derive more than 1 percent of its volume from fruit grown outside California.

(B) The non-California portion shall be derived solely from residue wine spirits.

(C) Grapes, juice, concentrate, wine or other distilling material shall not be imported into California for distilling of wine spirits for use under this Section, and

(2) It has been fully produced and finished within the State of California, and

(3) It conforms to the requirements of these regulations; provided, that no wine shall be entitled to an appellation of origin in violation of Section 25236 or Section 25237 of the California Alcoholic Beverage Control Act.

NOTE: Authority cited: Sections 208, 26202 and 26515, Health and Safety Code. Reference: Section 26515, Health and Safety Code.

HISTORY

- 1. Amendment filed 8-10-78; effective thirtieth day thereafter (Register 78, No. 32).
- 2. New NOTE filed 3-21-84 (Register 84, No. 12).

§ 17075. Labeling.

(a) Certificate. The permittee responsible for labeling shall, upon request of the Department, furnish adequate proof that a valid certificate of label approval for all labels has been obtained from the U. S. Treasury Department and that such certificate is unrevoked at the time the wine is offered for sale; provided a wine shall not be deemed to be mislabeled, if its label fails to conform to the federal requirements only in those particular respects which are specifically authorized in this Article.

(b) Service Containers. The prescribed mandatory information requirement shall not apply to containers used solely for service purposes, where such containers are filled on retail premises just before sale and for immediate use thereon.

NOTE: Authority cited: Sections 208, 26202 and 26515, Health and Safety Code. Reference: Section 26515, Health and Safety Code.

HISTORY

- 1. Amendment filed 3-14-85; effective thirtieth day thereafter (Register 85, No. 11).

§ 17076. Combination Wines.

HISTORY

- 1. Repealer filed 3-14-85; effective thirtieth day thereafter (Register 85, No. 11).

§ 17090. Advertising of Wine.

HISTORY

- 1. Repealer filed 3-14-85; effective thirtieth day thereafter (Register 85, No. 11).

§ 17100. Sanitation.

HISTORY

- 1. Repealer filed 3-14-85; effective thirtieth day thereafter (Register 85, No. 11).

§ 17105. Enforcement.

HISTORY

- 1. Repealer filed 3-14-85; effective thirtieth day thereafter (Register 85, No. 11).

§ 17116. Constitutionality.

HISTORY

- 1. Repealer filed 3-14-85; effective thirtieth day thereafter (Register 85, No. 11).

Article 15. Distilled Spirits Standards

§ 18000. California Brandy.

(a) A grape brandy shall be entitled to the appellation "California" only if:

(1) 100% of its volume is derived at the time of distillation from grapes grown within the State of California or from California wine and

(2) It has been fully distilled within the State of California.

NOTE: Authority cited: Sections 208 and 26514, Health and Safety Code. Reference: Section 26514, Health and Safety Code.

HISTORY

- 1. Repealer of Article 15 (Sections 18000-18135, not consecutive) filed 9-1-78; effective thirtieth day thereafter (Register 78, No. 35). For prior history, see Register 75, No. 19.

2. New Article 15 (Section 18000) filed 11-29-79; effective thirtieth day thereafter (Register 79, No. 48).
3. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

## Article 16. Processed Pet Food Regulations

### § 19000. Order Promulgating Standards.

NOTE: Authority cited: Sections 208, 27010 and 27040, Health and Safety Code. Reference: Sections 27010 and 27040, Health and Safety Code.

#### HISTORY

1. Repealer and new Article 16 (Sections 19000 through 19040, not consecutive) filed 8-10-70; effective thirtieth day thereafter (Register 70, No. 33). For prior history, see Registers 60, No. 3, and 64, No. 11.
2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 40).

### § 19001. Intent of Regulations.

NOTE: Authority cited: Sections 208, 27010 and 27040, Health and Safety Code. Reference: Sections 27010 and 27040, Health and Safety Code.

#### HISTORY

1. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 40).

### § 19005. Definitions.

(a) "Complete food" means a nutritionally adequate pet food compounded by a specific formula to be fed as the sole ration and capable of maintaining life and/or promoting normal reproduction in healthy pets without any additional substance being consumed except water, based upon the recommendations of recognized authority in the field of animal nutrition.

(b) "Balanced food" means a pet food having all known required nutrients in a proper amount and proportion based upon the recommendations of recognized authority in the field of animal nutrition for a given set of physiological animal requirements.

(c) "Edible" as used in this article is to be construed as food fit to be eaten by dogs, cats, or other domestic animals.

(d) "Meat" means the clean, wholesome flesh derived from slaughtered mammals and is limited to that part of the striated muscle which is skeletal or that which is found in the tongue, in the diaphragm, in the heart, or in the esophagus; with or without the accompanying and overlying fat, and the portions of skin, sinew, nerve and blood vessels which normally accompany the flesh. The term "meat" when applied to the corresponding portions of mammals other than cattle, swine, sheep and goats shall be used in qualified form, for example, "horsemeat."

(e) "Meat by-products" is the non-rendered, clean, wholesome parts of the carcass of slaughtered mammals such as lungs, spleens, kidneys, brains, liver, stomach, bone, blood, and intestines free of their contents. It does not include skin, horns, teeth and hoofs. The term "meat by-products" when applied to the corresponding portions of mammals other than cattle, swine, sheep and goats shall be used in qualified form, as, for example, "horsemeat by-products."

(f) "Poultry" means the eviscerated carcass of slaughtered poultry, exclusive of the head, feet and feathers.

(g) "Poultry parts" means the clean, wholesome parts of dressed poultry characterized by large portions of bone such as necks, backs, and wings exclusive of feet, heads, viscera and feathers.

(h) "Poultry by-products" means the non-rendered, clean parts of carcasses of slaughtered poultry such as heads, feet, and viscera free from fecal content and foreign matter, except in such trace amounts as might occur unavoidably in good factory practice.

(i) "Giblet" means the edible heart, liver, and gizzard of poultry.

(j) "Fish" means the fish and/or any part of fish used as a pet food ingredient with or without removal of entrails, head, tail and fins, except as provided in paragraph (k) of this section.

(k) "Fish by-products" means the heads, fins, tail ends, bones, skin and viscera of fish.

(l) "Fish meal" means the dried ground whole fish or fish cuttings, either or both, with or without extraction of part of the oil.

(m) The common names and definitions of other ingredients used in the processing of pet foods shall be those recognized in the Official Publication of Feed Control by the Association of American Feed Control Officials (AAFCO) Incorporated and/or the U.S. Department of Agriculture.

NOTE: Authority cited: Sections 208 and 27040, Health and Safety Code. Reference: Section 27040, Health and Safety Code.

#### HISTORY

1. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 40).

### § 19010. Chemical Analysis.

(a) All canned pet food shall comply with the following analysis:

- (1) Crude protein content—a minimum of 7 1/2 percent
- (2) Crude fat content—a minimum of 2 percent
- (3) Crude fiber content—a maximum of 1 1/2 percent
- (4) Moisture content—a maximum of 78 percent or the natural moisture content of the constituent ingredients of the product, whichever is greater.

(b) All semi-moist pet food shall comply with the following analysis:

- (1) Crude protein content—a minimum of 12 percent
  - (2) Crude fat content—a minimum of 5 percent
  - (3) Crude fiber content—a maximum of 5 percent
  - (4) Moisture content—a maximum of 65 percent
- (c) All dry pet food shall comply with the following analysis:
- (1) Crude protein content—a minimum of 18 percent
  - (2) Crude fat content—a minimum of 4 percent
  - (3) Crude fiber content—a maximum of 10 percent
  - (4) Moisture content—a maximum of 18 percent

NOTE: Authority cited: Sections 208 and 27040(a), Health and Safety Code. Reference: Sections 27033 and 27040, Health and Safety Code.

#### HISTORY

1. Editorial correction adding NOTE filed 4-13-84 (Register 84, No. 15).

### § 19015. Exemptions.

(a) Treats, candy and special diet for pets are exempt from the minimum and maximum requirements of the chemical analysis but shall comply with Section 19025, of this Article.

(b) A processed pet food consisting entirely of gravy, sauce, broth or juice, when so labeled, is exempt from the requirements of paragraphs (a), (b), and (c) of Section 19010 and paragraph (b) of Section 19025 of this Article.

NOTE: Authority cited: Sections 208 and 27040(a), Health and Safety Code. Reference: Sections 27033 and 27040(a), Health and Safety Code.

#### HISTORY

1. Editorial correction filed 4-13-84 (Register 84, No. 15).

### § 19020. Required Verifications.

(a) Prior to offering a processed pet food for sale in California, each pet food manufacturer shall submit in triplicate to the Department, the following:

- (1) A complete list of the pet food ingredients by their common or usual name, and in order of their predominance by weight. The percentage of each ingredient derived from mammals, poultry, or fish shall be stated for each formula when the product is as defined in Section 19025, paragraphs (i), (j), (k), and (l) of this Article.
- (2) copies of each label for all processed pet foods.

(b) Manufacturers of processed pet foods shall, upon request, supply verification of formulas, and/or flavor ingredients or claims to the State Department of Public Health.

NOTE: Authority cited: Sections 208 and 27040, Health and Safety Code. Reference: Sections 27031, 27032, 27033, 27034 and 27040(a) and (d), Health and Safety Code.