

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE

CHAPTER 40-7-9
ADDITIONAL REGULATIONS APPLICABLE TO
MANUFACTURERS, DISTRIBUTORS, AND BOTTLERS
OF BOTTLED SOFT DRINKS AND SOFT DRINK SYRUPS**

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40-7-9-.01 Syrup Room.

- (1) Syrup rooms shall be separately enclosed.
- (2) A sink of sufficient size for operations performed, with hot and cold water under pressure, shall be provided.

Authority Ga. L. 1956 p. 195 as amended; p. 611. **History.** Original Rule entitled "Syrup Room" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.02 Syrup Making Equipment. All vats, jars, mixing and storage tanks, pipe lines, filters, and other apparatus used in the preparation of syrups, shall be of sanitary construction and lined with materials resistant to the action of syrup ingredients. All mixing and storage tanks shall be provided with approved covers at all times.

Authority Ga. L. 1956, p. 195 as amended; Ga. L. 1956, p. 611. Administrative **History.** Original Rule filed on June 30, 1965.

40-7-9-.03 Preparation of Syrups. Syrups shall be prepared in a sanitary manner and every precaution shall be taken against contamination or absorption of deleterious substances during the process of preparation and subsequent storage.

Authority Ga. L. 1956, P. 195 as amended; P. 611. **History.** Original Rule entitled "Preparation of Syrups" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.04 Washing, Carbonating, Filling and Crowning Equipment.

(1) Each plant shall be equipped with:

- (a) suitable mechanical bottle washing equipment;
- (b) approved machines for carbonating, filling, and crowning.

(2) These operations shall be conducted in such a manner as to prevent the operator or his clothing from coming in contact with those surfaces of the bottle which comes in contact with the product.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Washing, Carbonating, Filling and Crowning Equipment" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.05 Conveyors and Cases. Conveyors and cases shall be maintained in a clean and sanitary condition at all times.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Conveyors and Cases" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.06 Sterilization and Cleaning of Apparatus. All pipe lines, apparatus, and containers used in the manufacturing process shall be thoroughly cleaned and sterilized daily. Steam, hot water, chlorine or other equally efficient agents are permissible for Sterilization.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Sterilization and Cleaning of Apparatus" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.07 Miscellaneous Equipment (Temperature & Tests). Every plant manufacturing beverages shall be adequately provided with thermometers, and apparatus for ascertaining the alkalinity and/or causticity of the soaker solution used in bottle washing. The record of the A.B.C.D. Alkali Test or other approved index for ascertaining the strength of the soaker solution shall be available at all times.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Miscellaneous Equipment (Temperature & Tests)" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.08 Water Clarification Equipment. Electrical or chemical coagulation devices and filters used for clarification of water shall be of types approved by the Commissioner of Agriculture or his agent; shall not be operated beyond their rated capacity, and shall be maintained in a clean and sanitary condition at all times.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Water Clarification Equipment" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.09 Water. Water used in any phase of the manufacture or bottling of beverages shall conform to the latest standards established by the Georgia Department of Agriculture for potable water.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Water" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.10 Storage of Crowns. Crowns shall be stored in dustproof and vermin proof containers.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Storage of Crowns" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.11 Bottle Washing.

(1) Hand bottle washing, except as a preliminary to subsequent mechanical washing, shall be prohibited. All bottles shall be thoroughly cleaned and sterilized immediately before filling.

(2) Unclean bottles shall be exposed to a 3% alkali solution of which not less than 60% is caustic (sodium hydroxide), for a period of not less than 5 minutes at a temperature of not less than 130° F. or to an equivalent cleansing and sterilizing process.

(3) The bottles shall be rinsed free of all caustic with potable water.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Bottle Washing" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.12 Filling and Crowning. Manual filling or crowning shall be prohibited. Bottles shall be filled and capped with automatic machinery.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Filling and Crowning" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.13 Refuse and Rubbish. Broken bottles and all refuse or rubbish shall be placed in suitable container and removed from plant daily.

Authority Ga. L. 1956, p. 195 as amended; p. 611. **History.** Original Rule entitled "Refuse and Rubbish" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.14 Labeling.

(1) The name or trade-mark, net contents, name of product or flavor, address of bottler or distributor and such other descriptive matter as provided by law or regulations must appear on the label (bottle or crown).

(2) No bottler shall fill bottles or distribute products in bottles bearing a trade-mark other than his own trade-mark, unless such bottler has a contract right from the owner of such trade-mark to use it.

(3) No bottler may use a stock or plain bottle unless he attaches thereto a label which meets all of the requirements of the Georgia Bottling Act.

(4) All syrups, flavors, concentrates and beverage bases must be so labeled as to show their proper classification. They must state on the labels if Artificial Flavor or Artificial Color is present. If the product is made from pure juices and has artificial color, artificial cloud, or essential oils added, the label must so state.

(5) If any of these products contain artificial flavor, they must be labeled "Imitation" directly above the name of the product imitated. The wording "Artificial Flavor and Color" (if artificial color is present), must appear directly under the name of the product imitated. A list of ingredients must appear on label. Spices, flavorings and colorings, other than those sold as such, may be designated as spices, flavorings and colorings without naming each.

Authority Ga. L. 1956, p. 195 as Amended. **History.** Original Rule entitled "Labeling" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.15 Labeling of Dispensers. All vending machines and other devices used in dispensing bulk beverages must comply with all labeling regulations by signs or other acceptable methods.

Authority Ga. L. 1956, p. 195 as Amended. **History.** Original Rule entitled "Labeling of Dispensers" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.16 Definitions. Amended. The following words or terms shall have the meaning set forth herein wherever used in these rules and regulations:

(a) **Natural Flavor** is a flavor derived from natural sources, such as fruits, vegetables, leaves, roots, barks, or berries. It may contain ethyl alcohol or other suitable vehicle or solvent.

(b) **True Fruit Flavor** is a natural flavor derived from and limited to essence, extract, concentrate, or oil of the fruit named.

(c) **Artificial Flavor** is a synthetically produced flavor which contains any sapid or aromatic constituent.

(d) **Natural Color** is any harmless coloring material found in nature which is derived by extraction or other methods from natural sources.

(e) **Artificial Color** is any harmless coloring material not found in nature which is manufactured by a process of

synthesis or similar artifice.

(f) **Non-nutritive Artificial Sweeteners** may only be used in accordance with 21 C.F.R, 170-180 relating to food additives, GRAS or prior sanctioned substances allowed in 21 CFR, 181-186.

(g) **Nutritive Artificial Sweeteners** may only be used in accordance with 21 CFR, 170- 180 relating to food additives, GRAS or prior sanctioned substances allowed in 21 CFR, 181-186.

(h) **Chemical Preservative** is any chemical that, when added to a beverage product, tends to prevent or retard deterioration thereof.

(i) **Concentrate** is the food product resulting from the extraction of substantial quantity of water from a juice in the normal processing/manufacturing practice.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Definitions" adopted. Filed and effective Jun. 30, 1965. **Amended:** F. Aug. 23, 1996; eff. Sept. 12, 1996.

40-7-9-.17 Ingredients.

(1) Organic salts/Minerals, Use of.—Edible organic acids and their salts may be used. Mineral acids other than orthophosphoric acid and its salts, are prohibited.

(2) Colors.—Only caramel, U.S. Certified food colors, or harmless vegetable colors, may be used.

(3) Wholesome Ingredients.—All materials used in the manufacture of beverages must be wholesome and free from any deleterious or foreign substances. Such products must be handled in a sanitary manner.

(4) Preservatives.—If benzoate of soda, or benzoic acid is used, beverages may contain a maximum of 1/10 of 1%, as benzoate of soda. The presence and percentage must be indicated properly on the label.

(5) Saponins.—Saponins are permissible when not toxic or when not present in amounts that render beverages or other food products injurious to health. They will not be permitted when their use has the effect of concealing damage or inferiority in the finished article.

(6) Vitamin Added.—The vitamin content may not be claimed unless vitamins as such are added as an ingredient in the beverage. The fact that other ingredients in the beverage may contain vitamins will not support such a claim.

Authority Ga. L 1956, p. 195 as **Amended. History.** Original Rule entitled "Ingredients" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.18 Artificial Flavor and Color.

(1) When added artificial flavor (in semblance of a natural flavor), is used, all such drinks must be labeled "Imitation". The word "Imitation" must appear in the same size and type as the name of the fruit it imitates and on the same background. The statement "Artificial Flavor and Color", (if artificial color is used), must appear directly under the fruit name. When a product is made from pure juice or berries, and artificial color is added, the words, "Artificially Colored" or equivalent words must appear on the label.

(2) A flavored beverage sold under a trade-name, even though the name be non-descriptive, yet in color, appearance, or taste, it imitates a fruit or berry, it must be labeled "Imitation", and comply with all regulations pertaining to the labeling of fruit flavored beverages.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Artificial Flavor and Color" adopted. Filed and effective Jun. 30, 1965.

40-7-9-.19 Artificially Sweetened Non-Alcoholic Noncarbonated Beverage.

(1) Artificially Sweetened Nonalcoholic Noncarbonated Beverage is a beverage which complies in all respects

except sweetener(s) with the standard provided for the similar nutritively sweetened or unsweetened nonalcoholic noncarbonated beverage. It shall be sweetened with non-nutritive artificial sweeteners. It shall not contain added nutritive sweeteners. It may contain substances safe for use in dietary foods.

(2) The name of the beverage shall show "Artificially Sweetened" followed by the name of the similar nutritively sweetened beverage.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Artificially Sweetened Non- Alcoholic Noncarbonated Beverage" was filed and effective Jun. 30, 1965.

40-7-9-.20 Sweetening Agents.

(1) The sweetening agents used in the manufacture of beverages shall consist only of those nutritive sugars as set forth in the Georgia Food Laws.

(2) Non-nutritive sweeteners are prohibited in beverage bases and finished drinks, except when used in dietary beverages.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Sweetening Agents" was filed and effective Jun. 30, 1965.

40-7-9-.21 Dietary Beverages. Dietary beverages shall not contain nutritive sugars, and their label shall clearly state that they are for dietary purposes.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Dietary Beverages" was filed and effective Jun. 30, 1965.

40-7-9-.22 Use of Concentrates. When a juice type drink is made from a concentrate base (sweetened or unsweetened) and brought back to its original state with plain water, it shall be labeled as "Reconstituted", (Sweetened or unsweetened) on the main display panel.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Use of Concentrates" was filed and effective Jun. 30, 1965.

40-7-9-.23 Reconstituted Fruit Juice. Reconstituted fruit juice is the beverage composed of water and concentrated fruit juice of one or more fruits, with or without added juice of the fruit(s) named, provided an amount of water is added to the concentrated fruit juice(s) so as to restore to a reasonable average natural strength. It may contain a preservative, be heat-treated, chilled, canned, or frozen. The name of the beverage shall show that it is "reconstituted ____ juice" or "____ juice from concentrate", the blank shall be filled with the name of the fruit(s) used. If more than one fruit is used, the name shall appear in order of descending predominance.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Reconstituted Fruit Juice" was filed and effective Jun. 30, 1965.

40-7-9-.24 Sweetened Reconstituted Fruit Juice. Sweetened reconstituted fruit juice is reconstituted fruit juice with a nutritive sweetener added. The name of the beverage shall show that it is "reconstituted ____ juice" or "____ juice from concentrate" followed by sugar added or sweetened, with no intervening printed or graphic material. The blank shall be filled with the name of the fruit(s) used; if more than one fruit is used, the names shall appear in order of descending predominance.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Sweetened Reconstituted Fruit Juice" as filed and effective Jun. 30, 1965.

40-7-9-.25 Combination Fruit Juice. Combination fruit juice is the beverage composed of one or more fruit juices and one or more reconstituted fruit juices, provided the reconstituted portion does not exceed 50% of the total product. It may contain a preservative, be heat-treated, chilled, canned, or frozen. The name of the beverage shall conform to the names of the fruits from which the juice is derived or, if it contains three or more juices or reconstituted juices, it may be identified as combination fruit juice or mixed fruit juice immediately preceded or followed by the names of the fruits from which the juice is derived, listed in order of descending predominance.

Authority Ga. L. 1956, p. 195 as **Amended. History.** Original Rule entitled "Combination Fruit Juice" was filed and effective Jun. 30, 1965.