

901:11-8-01

Dairy labeling.

- (A) Pursuant to R.C. 917.05 and R.C. 3715.60, dairy products will be deemed to be misbranded if they contain a statement which is false or misleading.
- (B) A dairy label which contains a production claim that "this milk is from cows not supplemented with rbST" (or a substantially equivalent claim) may be considered misleading on the basis of such language, unless:
- (1) The labeling entity has verified that the claim is accurate, and proper documents, including, but not limited to, producer signed affidavits, farm weight tickets and plant audit trails, to support the claim, are made readily available to ODA for inspection; and
 - (2) The label contains, in the same label panel, in exactly the same font, style, case, and color and at least half the size (but no smaller than seven point font) as the foregoing representation, the following contiguous additional statement (or a substantially equivalent statement): "The FDA has determined that no significant difference has been shown between milk derived from rbST-supplemented and non-rbST-supplemented cows."
- (C) Making claims regarding the composition of milk with respect to hormones, such as "No Hormones", "Hormone Free", "rbST Free", "rbGH Free", "No Artificial Hormones" and "bST Free", is false and misleading. ODA will not permit such statements on any dairy product labels.
- (D) Statements may be considered to be false or misleading if they indicate the absence of a compound not permitted by the United States Food and Drug Administration to be present in any dairy product, including, but not limited to antibiotics or pesticides. Except as otherwise provided in this rule, accurate production claims will not be deemed false or misleading.
- (E) All dairy product labels must meet the requirements of this rule no later than one hundred twenty days after its effective date.
- (F) The provisions of this rule shall not be construed to prohibit seals or marks referenced in and specifically authorized by a federal law or Ohio statute.

Effective: 05/22/2008

R.C. 119.032 review dates: 05/20/2013

CERTIFIED ELECTRONICALLY

Certification

05/12/2008

Date

Promulgated Under: 119.03
Statutory Authority: 901.03, 917.02
Rule Amplifies: 917.05, 3715.60