

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
DIVISION OF FOOD, DRUGS AND DAIRIES

TECHNICAL INFORMATION BULLETIN

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SUBJECT: Production of Restaurant Yogurt/Cultured Milk for
Immediate Consumption

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AUTHORIZED

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Local Health Departments (LHD) have questioned the acceptability of a restaurant producing yogurt or cultured milk to be sold at that restaurant. Yogurt is a dairy product made by culturing milk with a bacterial culture containing *Lactobacillus bulgaricus* and *Streptococcus thermophilus* (21 CFR 131.200). Cultured milk is a similar product that is milk cultured by other characterizing bacterial organisms (21 CFR 131.112). The cultured milk category includes Kefir and cultured buttermilk. This yogurt is not to be confused with frozen yogurt which is a manufactured frozen dessert rather than a Grade A dairy product and is not covered by this Technical Information Bulletin (TIB). This TIB is intended to give background information and guidance so the LHD may determine under what circumstances a restaurant not possessing a Grade A permit may safely produce yogurt or cultured milk for immediate consumption.

Yogurt and cultured milk are a Grade A dairy products. Under the Illinois Grade A Pasteurized Milk and Milk Products Act (410 ILCS 635/) all Grade A dairy products are required to be legally pasteurized at the dairy plant where the product is packaged. This dairy plant is required to have an Illinois Grade A dairy permit (410 ILCS 635/5). This permit would be obtained through the Illinois Department of Public Health (IDPH) Central Office.

Yogurt and cultured milk start as milk to which specific micro-organisms are added to ferment the product and produce lactic acid. This acid thickens the milk and provides not only flavor and texture to the product but it inhibits the growth of pathogens when the acid is allowed to reach a certain minimum level. To measure the level of acid production, a pH meter is required. The natural inhibition of bacterial growth that occurs with the lower pH (higher acid content), combined with proper manufacturing, handling and monitoring procedures, can result in a product that can be safely prepared and served at retail restaurants.

If a restaurant wishes to produce yogurt/cultured milk for **immediate consumption** on the premises, and **no packaging** of the product for carry-out is occurring, the Department will allow this limited manufacture without a permit if the procedures listed in this document are strictly followed by the restaurant to minimize the hazard potential, and these procedures are enforced by the local health department:

1. The restaurant must have facilities for the consumer to sit and consume the food on the premises.
2. No product may be packaged for carry-out, or prepackaged for sale.
3. All dairy ingredients used in the production of this yogurt/cultured milk must be from approved sources and the liquid dairy ingredients must have been legally pasteurized at an approved facility. No raw milk is ever permitted for the production of this product.
4. Freeze dried starter cultures from an approved source **must** be used in the production of yogurt by the restaurant. The organisms in the freeze dried cultures are clearly defined by the manufacturer so a product can be designed based on desired characteristics.

Previous batches of yogurt/cultured milk may **not** be saved and used as the starter culture for the manufacture of new batches of product.

Some recipes recommend the use of containers (purchased in the grocery store) of plain yogurt or cultured milk with live cultures as the starter culture for the production of yogurt/cultured milk. Because of the variation in the age of the product and in the number of live culture organisms remaining in the product, this method of manufacture can provide inconsistent results with slow or variable pH changes that jeopardize the safety of the product. Therefore, this is

not an acceptable method of production of yogurt/cultured milk by restaurants.

5. Restaurants wishing to manufacture yogurt/cultured milk under the above conditions must:
- a. Submit to the local health department or regulatory authority a detailed HACCP plan relating to the source of ingredients and the preparation and storage of all ingredients and finished product.
 - b. Provide product/process testing results from an independent third party (university or approved laboratory) to verify finished product pH and coliform count for a representative batch of product.
 - c. Provide a properly calibrated pH meter with controls so each batch of product can be tested. Each batch of product must have a final pH of 4.6 or lower.
 - d. Maintain a log identifying the date, batch volume/weight, time culturing begins, time culturing ends, final product pH and date used or discarded for each batch produced. The log shall also contain pH results of testing of controls including date and time tested. This log shall be made available for regulatory inspection.
 - e. Maintain the cultured finished product under refrigeration at 41 degrees Fahrenheit or lower until served or discarded.
 - f. Product must be served or discarded within 7 days of the date and time that culturing begins.

If the above procedures are not followed, the yogurt or cultured milk product made by a restaurant that does not have a Grade A dairy permit will be deemed to be from an unapproved source and not acceptable for human consumption.

If you have questions, you may contact your Food, Drugs and Dairies Regional Supervisor or Central Office at 217-785-2439.