

(a) **Drugs and food generally.**—The standards for the quality, purity and strength of drugs under Sections 187 to 197 of this subtitle shall be the standard set by the United States Pharmacopoeia or the National Formulary. In case of foods and drugs not already standardized by the United States Pharmacopoeia or the National Formulary, the standards of quality, purity and strength prescribed by regulations lawfully adopted from time to time by the Food and Drug Administration of the Department of Health, Education and Welfare are hereby declared to be the standards of quality, purity and strength for such foods and drugs in the State of Maryland, except in the case[s] of [ice cream, artificially sweetened ice cream, artificially sweetened ice milk, ice milk, frozen custard, sherbet, water ice or fruit ice, milk products, stabilizer, artificial sweetener, imitation ice cream, and quiescently frozen confections and quiescently frozen dairy confections in which cases the standards are declared to be as follows:] *frozen desserts.*

To carry out the purposes of this act, to prevent deception in the sale of frozen desserts and to safeguard the welfare and health of consumers, the Secretary of Health and Mental Hygiene shall after public hearing adopt, promulgate, and enforce definitions and standards of identity for frozen desserts and the mixes used in the manufacture thereof together with rules and regulations governing the packaging, labeling, sanitary requirements and all other conditions relating to the manufacture, processing, distribution, and sale of frozen desserts, whether manufactured or processed in a regular manufacturing plant, in a counter freezer or otherwise. All definitions and standards of identity and rules and regulations promulgated by the Secretary shall be based on the record of the hearing, and following any hearing to consider definitions and standards of identity or rules and regulations, the Secretary shall issue a recommended decision and shall afford interested parties an opportunity to file exceptions based on the hearing record. The Secretary, in issuing a final decision, shall rule on any exceptions filed, setting forth his reasons therefor. Such regulations, when finally promulgated, shall have the force and effect of law. The Secretary is hereby authorized to adopt the standards of identity and definitions for frozen desserts from time to time promulgated by the Secretary of Health, Education and Welfare of the United States under Federal acts defining and standardizing frozen desserts.

[(b) (i) *Ice cream* means the pure, clean, frozen products made from a combination of "milk products," sugar, dextrose, corn syrup in dry or liquid form, water, with or without egg or egg products, with harmless flavoring and with or without harmless coloring, and with or without added "stabilizer" or "emulsifier" composed of wholesome edible material. It shall contain not more than one half of one per centum by weight of "stabilizer" and not more than one fifth of one per centum by weight of "emulsifier," not less than ten per centum by weight of milk fat, and not less than twenty per centum by weight of total milk solids; except when fruit, nuts, cocoa, chocolate, maple syrup, cakes or confection are used for the purpose of flavoring, then such reduction in milk fat and in total milk solids as is due to the addition of such flavors shall be permitted, but in no such case shall it contain less than eight per centum by weight of milk fat nor less than sixteen per centum by weight of total milk