



ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

July 16, 2019

RE: Change for all frozen dessert products, milk, and milk product ingredients obtained from an international source

Dear Frozen Dessert Manufacturer or Handler;

We understand that you have applied or intend to apply for a New York State Wholesale Frozen Dessert Handler or Manufacturer License which includes a frozen dessert product, or ingredient, from a source outside of the United States.

Please be advised that pursuant to Agriculture and Markets Law, section 71-d the Commissioner must be satisfied that frozen desserts manufactured, stored, or maintained in New York must be done so in accordance with New York sanitary standards. Recognizing the limitations associated with obtaining an inspection that meets the specific standards of New York State in locations outside of the United States and in preparation of FSMA's Foreign Supplier Verification Rule - 21 CFR 1.502, the Department will begin requiring a third-party certificate to certify that all frozen dessert products manufactured outside of the United States were manufactured in a facility that meets or exceeds all current and relevant international food sanitary standards.

Below is a list of certifying bodies that have met the requirements of FMSA's Foreign Supplier Verification Rule - 21 CFR 1.502 and are available to assist with the certification process. Please be advised, however, that the New York State Department of Agriculture and Markets makes no representation as to the competency of any particular certifying body nor should or will it be held liable for any action taken by a certifying body:

Safe Quality Food Institute	http://www.sqfi.com/
The Global Food Safety Initiative	http://www.mygfsi.com/
BRC Global Standards	http://www.brcglobalstandards.com/
International Featured Standards	https://www.ifs-certification.com/index.php/en/

We will permit the sale of your frozen dessert products, provided that the third party certificate referenced above is received by the Department not more than six-months from the date of this letter.

Please note that if you are unable to provide the necessary certificate by this date, your license will no longer cover frozen dessert products and it will be unlawful for you to continue to market these products within New York State. Products offered for sale without a valid license are subject to seizure and destruction.

If you have any questions about this requirement, please contact me at 518-485-1905 or louis.canter@agriculture.ny.gov.

Sincerely

Louis Canter

Louis Canter
Program Manager

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