

- (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) will 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, size and color 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, as opposed to the manner in which milk is produced, such as "No Hormone", "Hormone Free", rbST Free, rbGH Free, and "bST Free" are false and misleading. ODA will not permit such statements on any dairy product labels.
- (D) Statements may be considered to be false and 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.