

- 163.123 Sweet chocolate.
- 163.124 White chocolate.
- 163.130 Milk chocolate.
- 163.135 Buttermilk chocolate.
- 163.140 Skim milk chocolate.
- 163.145 Mixed dairy product chocolates.
- 163.150 Sweet cocoa and vegetable fat coating.
- 163.153 Sweet chocolate and vegetable fat coating.
- 163.155 Milk chocolate and vegetable fat coating.

AUTHORITY: 21 U.S.C. 321, 331, 341, 343, 348, 371, 379e.

SOURCE: 58 FR 29529, May 21, 1993, unless otherwise noted.

### Subpart A—General Provisions

#### § 163.5 Methods of analysis.

Shell and cacao fat content in cacao products shall be determined by the following methods of analysis prescribed in “Official Methods of Analysis of the Association of Official Analytical Chemists,” which are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the AOAC INTERNATIONAL, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877, or may be examined at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(a) Shell content—12th ed. (1975), methods 13.010–13.014, under the heading “Shell in Cacao Nibs—Official Final Action,” pp. 208–210.

(b) Fat content—15th ed. (1990), method 963.15, under the heading “Fat in Cacao Products—Soxhlet Extraction Method—Final Action, 1973,” pp. 770–771.

[58 FR 29529, May 21, 1993, as amended at 63 FR 14035, Mar. 24, 1998]

### Subpart B—Requirements for Specific Standardized Cacao Products

#### § 163.110 Cacao nibs.

(a) *Description.* (1) Cacao nibs is the food prepared by removing the shell from cured, cleaned, dried, and cracked

cacao beans. The cacao shell content is not more than 1.75 percent by weight, calculated on an alkali free basis, as determined by the method prescribed in § 163.5(a).

(2) The cacao nibs, or the cacao beans from which they are prepared, may be processed by heating with one or more of the optional alkali ingredients specified in paragraph (b)(1) of this section.

(3) The cacao nibs, or the cacao beans from which they are prepared, as appropriate, may be further processed with one or more of the optional neutralizing agents specified in paragraph (b)(2) of this section.

(b) *Optional ingredients.* The following safe and suitable ingredients may be used:

(1) Alkali ingredients. Ammonium, potassium, or sodium bicarbonate, carbonate, or hydroxide, or magnesium carbonate or oxide, added as such, or in aqueous solution. For each 100 parts by weight of cacao nibs, used as such, or before shelling from the cacao beans, the total quantity of alkali ingredients used is not greater in neutralizing value (calculated from the respective combined weights of the alkali ingredients used) than the neutralizing value of 3 parts by weight of anhydrous potassium carbonate.

(2) Neutralizing agents. Phosphoric acid, citric acid, and *L*-tartaric acid, added as such, or in aqueous solution. For each 100 parts by weight of cacao nibs, used as such, or before shelling from the cacao beans, the total quantity of phosphoric acid used is not greater than 0.5 part by weight, expressed as P<sub>2</sub>O<sub>5</sub>. The total amount, singly or in combination, of citric acid and *L*-tartaric acid is not greater than 1.0 part by weight.

(c) *Nomenclature.* The name of the food is “cacao nibs”, “cocoa nibs”, or “cracked cocoa”. (1) When the cacao nibs, or the cacao beans from which they are prepared, are processed with alkali ingredients specified in paragraph (b)(1) of this section, the name of the food shall be accompanied by the statement “Processed with alkali” or “Processed with \_\_\_\_\_”, the blank being filled in with the common or usual name of the specific alkali ingredient used in the food.