**Section 760.200 Bakery Product Fillings**

Custards, cream fillings, and similar products, including synthetic fillings, shall meet the temperature requirement in Section 760.150(c) of this Part following preparation and be maintained at that temperature during storage, transportation, and display. Products with synthetic fillings may be excluded from this requirement if:

a) The food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less under standard conditions; or

b) It is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or

c) Other scientific evidence is on file with the regulatory authority demonstrating that the specific product will not support the growth of pathogenic microorganisms.

d) Bakery products with synthetic fillings, which meet the above criteria, may be labeled to state that refrigeration is not required.