



WISCONSIN

FOOD SAFETY REGULATIONS

For Small Food Processing Facilities & Farmers Market Vendors

FOOD SAFETY REQUIREMENTS

The Division of Food Safety (DFS) is part of the Wisconsin Department of Agriculture, Trade and Consumer Protection. Our mission is to ensure that the food consumers buy is safe to eat and free of contamination. We protect and ensure the quality of the food supply through licensing, inspecting, testing, and enforcement activities. The Division also monitors food package labeling, which helps inform the public about what is being purchased and who processed or distributed the product.

DFS has a central office in Madison and three regional offices. Our staff helps businesses comply with state and federal rules and laws governing food processing and the sale of food at roadside stands or farmers markets.

To be absolutely clear about labeling and processing laws that apply to your business, we suggest you call the nearest DFS regional office for guidance (see back page for phone numbers and locations). Wisconsin food-safety laws and regulations affecting direct marketers are available through the DFS regional offices.

WISCONSIN'S FOOD LAWS

Wisconsin's food laws require that food offered for sale be safe and wholesome. To prevent contamination, food must be prepared under sanitary conditions, and the equipment used must be suitable for the product being sold.

Requirements differ depending on the type of food and the degree of processing involved. For example, clean trucks or clean baskets are suitable for weekend sales of raw agricultural products such as sweet corn, apples, or melons. If melons are sliced or apples are carameled, however, more elaborate facilities are required to protect the food from adulteration by the environment, insects, or customers. Potentially hazardous foods are the most highly regulated.

IMPORTANT INFORMATION ON STARTING A BUSINESS

Before starting your business, contact your local city and county zoning board, as well as your local city or county health department. Another good source of information is the Wisconsin Department of Commerce hotline at 1-800-HELPBUS.

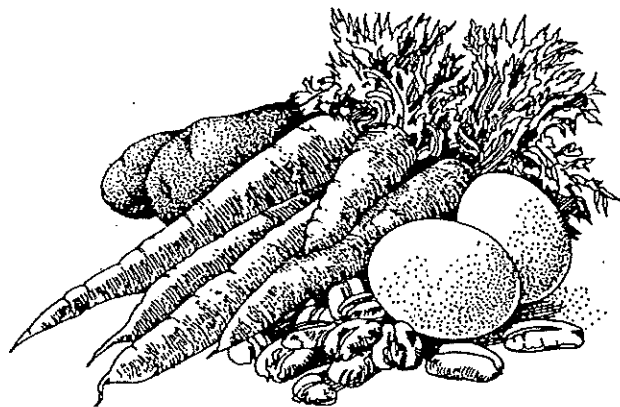
Since the cost of setting up a proper facility can be expensive, you may want to consider other alternatives. Options include off-hour rental of a restaurant or other private kitchen facility such as a VFW or church.

LICENSING

In general, producers who sell processed foods such as cheese or other dairy products, fresh eggs, bakery foods, or meat products must be licensed as retail food establishments.

A retail license is not required if your farmers market business:

- Is a tax-exempt charitable operation that operates less than 14 days per year
- Does not process food
- Sells only raw agricultural products, such as uncut fruits and vegetables
- Sells maple syrup, honey or sorghum
- Sells only pre-packaged foods that are not potentially hazardous and are obtained from a licensed food processor.



FOOD PROCESSING FACILITIES

Food processing facilities must meet specific requirements pertaining to construction, lighting, equipment, sanitation, and related items. A copy of the regulations (ATCP 75) can be obtained from a DFS regional office.

FACILITIES AND EQUIPMENT

- Your food processing area must be a room (or rooms) separate from all living and sleeping quarters. Home kitchen processing is not allowed. A separate building is preferable. The area must be large enough to allow the handling, preparation, and storage of ingredients, finished products, and packaging materials without danger of contamination from other food-contact surfaces, unprocessed foods or ingredients, or the processing environment.
- Walls and ceilings must be smooth, impervious, and finished with a light colored, easy-to-clean surface.
- Floors must be in good repair. Wood-surfaced floors are unacceptable.
- Lighting must be sufficient for the intended purpose. Light bulbs or florescent tubes must be shatter-proof or protected with covers to prevent contamination of food in the event of bulb breakage.
- If you have a private water supply, your well construction must meet state code and must be tested annually for bacterial contamination.
- Plumbing must meet all state and local codes.
- Sinks (minimum 3 compartments) must be adequate to wash, rinse, and sanitize utensils and equipment.
- Toilet facilities should include an adequate toilet, hand washing facility, and ventilation fan. The door cannot open into the food processing area unless there is a vestibule.
- Hand washing facilities must include a non-hand operated washing sink located in the processing area. This sink may not be used for food preparation. Hand soap, single-use (cloth or paper) towels in a dispenser, and an easy-to-clean waste container are required. Common towels -- cloth towels used by more than one person -- cannot be used.

Ventilation, whether natural or mechanical, must be adequate to remove excessive heat, condensation, smoke, or fumes.

Equipment and utensils must be separate from those used for family cooking. Pots, pans, knives, mixers, blenders, ovens, and refrigerators must be used only for the licensed food processing business.

Tables, counters, and other work surfaces must be in good repair and easily cleanable.

Wood and glassware equipment or utensils are generally unacceptable.

Other Equipment: Depending on the product, it may be necessary to have additional equipment such as a pH meter (to test the acidity of your product), a salometer (to measure the percentage of salt), or other testing/monitoring equipment or devices.

Storage of your ingredients and finished product must be appropriate for the type of product being processed and must protect the food from contamination. Refrigerated foods must be held at 41° F or less.

MOBILE OR TEMPORARY FOOD STANDS

Mobile or temporary concession stands are also required to produce, pack, prepare, or hold food under sanitary conditions. Call your regional DFS office for further guidance.

CANNED-FOOD PROCESSORS

If you start a small scale business canning foods such as pickled products, herbal vinegars, dressings, jellies and jams, or any food sold in air-tight containers (canned food), you must be licensed. For more complete information, please call the nearest DFS regional office to request a brochure called "Commercial Processing of Food In Hermetically/Airtight Sealed Containers On A Small Scale." This brochure is free of charge.

State and federal regulations require that canned foods offered for sale be made using a written process, or recipe. You must submit your process to DFS prior to licensing. DFS does not approve processes, but will review and evaluate the process based upon available scientific data resources.

If you intend to sell your product outside of Wisconsin or use ingredients originating from outside Wisconsin, you must also file your process with the US Food and Drug Administration (FDA). For the phone number and address of the nearest FDA office, please call a DFS regional office.

LOW ACID FOODS



Because of the risk of botulism associated with under-processed low acid foods, such as beans or corn, small scale commercial processing of low acid foods is discouraged. The typical home pressure cooker is not equipped with the necessary controls to process low acid foods for commercial use.

LEARNING MORE ABOUT PROCESSING

DFS strongly recommends that persons considering the commercial processing of low acid foods, example vegetables, attend the Better Processing School, sponsored by the University of Wisconsin Cooperative Extension Service. To obtain a brochure describing this course or to register call (608) 263-1672.

ON-FARM SALES OF POULTRY AND RABBITS

If the only point of sale is the producer's farm, farm raised rabbits and poultry (up to 1,000 birds per year) may be produced, processed and sold directly to consumers without a retail or processing license.

Although no license is required, foods processed for on-farm sales must be processed under sanitary conditions and handled according to food-safety guidelines.

Poultry must be labeled with the producer's name and address. The words "not inspected" must also appear on the label.

SOURCES

Processed foods must come from licensed food processing establishments. Meat products, including poultry, exotics (emu, bison, ostrich) and farm-raised venison must be processed in licensed meat plants. Some exceptions apply. Consult your local regional DFS office.

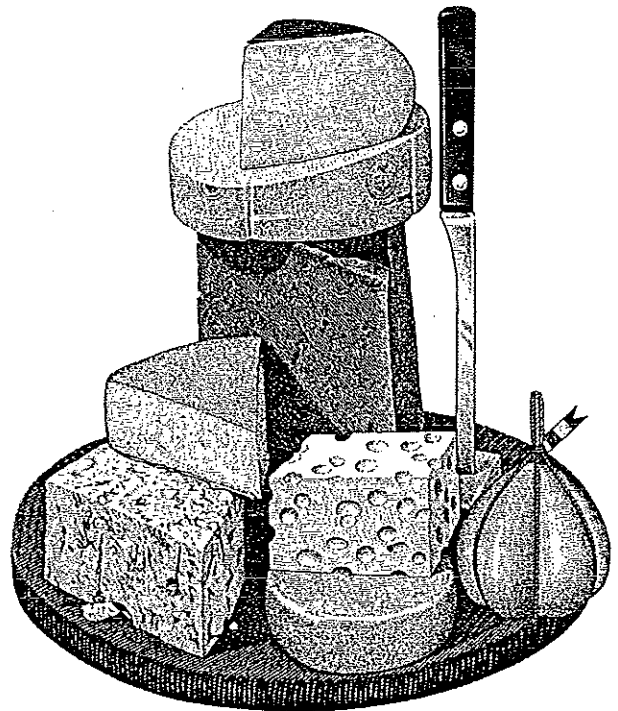
PESTICIDE RESIDUE

The proper use of pesticides on and around agricultural food products is the responsibility of the direct marketer. DFS monitors food products for the presence of pesticide residue, whether offered for sale through traditional distribution channels or a direct market such as farmers markets. Raw agricultural commodities produced and sold by direct marketers are sampled on a random basis.

DEFINITIONS

Potentially hazardous is a technical phrase used to describe food that may become unsafe unless processed and handled safely. Potentially hazardous foods include foods of animal origin such as milk, milk products, eggs, meat, poultry, fish, shellfish, and edible crustacean (raw or heat-treated); and foods of plant origin (raw or heat-treated) such as raw seed sprouts, cut melons or garlic and oil mixtures.

Processing is the manufacture or preparation of food for sale through the process of canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling, packaging, or through any other treatment or preservation process. Food processing includes the activities of a bakery, confectionery, or bottling establishment and also includes the receipt and salvaging of distressed food for sale or use as food.



LABELING

IMPORTANCE OF ACCURATE LABELS

Accurate information on food labels assists the consumer in making wise food choices. Labels provide weight and content information to help consumers choose the best value for their food dollars. The ingredient list identifies products that may need to be avoided due to potential allergic reactions or other health concerns.

INCORRECTLY LABELED OR MISBRANDED PRODUCTS CAN BE REMOVED FROM SALE BY AGENCIES ENFORCING LABELING LAWS.

LABELING LAWS

Food labeling requirements fall under state and federal regulation. All packaged foods need to be labeled.

In general, a packaged product label must list:

- the name of the product
- a listing of ingredients in decreasing order of predominance by weight
- a net weight or volume statement
- the name, address, and zip code of the manufacturer, packer, or distributor
- nutrition information, unless specifically exempt.

Since May 8, 1994, food labels containing nutrition labeling have been required on most packaged foods. Some items exempt from nutrition labeling may include restaurant food, food produced by small businesses, and food served for immediate consumption. Complete nutrition labeling is required when any health, dietary, or nutrition claim, such as "low fat," "diet," or "lean" is made.

Very small food businesses (including manufacturers, packers, and distributors) are exempt from the required "Nutrition Facts" label if they make no nutrition or health claim, have less than 10 full-time employees, and sell less than 10,000 consumer packages of any specific food item. (For a business selling a number of different food items, no more than 10,000 packages of each item can be sold.) Business owners who exceed those levels should contact the nearest DFS office for more information.

Bakeries, delicatessens, or farmer's markets may sell foods that are not prepackaged. A label is not required when these foods are portioned and packaged per the customer's request and placed in a

wrapper, carry-out box, or other non-durable container to facilitate handling.

LABEL DEVELOPMENT

Label approval is not required under state law, but DFS staff will answer labeling questions and provide assistance. Responsibility to comply with current food labeling requirements rests solely upon the manufacturer or distributor of the food.

The Division of Food Safety recommends that manufacturers, packers, and distributors become fully informed about the applicable labeling laws before offering food for distribution in Wisconsin. A free publication, **Frequent Food Label Questions**, is available through any DFS regional office.

Also available through DFS is **A Food Labeling Guide**, published by FDA. The **Guide** provides both basic and detailed food label information for food businesses. The cost is \$4.50 per booklet. To receive a copy send check, name of item requesting, your name, address, city, state, and zip code to: WDATCP, Division of Food Safety, Drawer 586, Milwaukee, WI 53293-0586. If you need additional information, contact the DFS office in your area.

ADDITIONAL INFORMATION

If you have questions or need more information, please contact the DFS regional office serving your area.



IF YOU SELL WHOLESALE, YOU MUST BE LICENSED IN MOST CASES.

IF YOU GROW OR PROCESS AND SELL DIRECTLY TO THE CONSUMER:

Food product	Retail license required at the location of sale	Other information
Fruit and vegetables (raw and uncut)	No	
Apple cider	No	applies only to apple producers
Melons (sliced) and other cleaned and cut raw fruits or vegetables	Yes	must be refrigerated at 41 degrees F or less at all times. Cut fruit surfaces must be protected with plastic wrap or other covering.
Honey, sorghum, maple syrup	No	home canning jars may be reused only if in good condition, properly washed, and sanitized. New lids are required.
Cakes, pies, candied apples	Yes, if processed on site	If products are processed or packaged at a licensed processing plant, a retail license is not needed.
Eggs	Yes, if sold anywhere but on producer's farm	After washing and packing, eggs must be refrigerated at 41 degrees F or less, even at the sales location. Used cartons must be clean, with all inaccurate label information removed. New and used cartons must be labeled with name, address, size and grade (or labeled "ungraded").
Meats—beef, pork, veal, lamb, goat, farm-raised venison, exotic meats	Yes	Producers selling meat products must be licensed food establishments. Meat products must be processed in licensed meat plants. Special rules apply to farm-raised venison and other exotic meats. Please call regional DFS office for further information.
Farm-raised rabbit	Yes, if sold anywhere but on producer's farm	If sold at locations other than producer's farm, must be processed at licensed meat or food processing plant and be properly labeled.
Farm-raised poultry	Yes, if sold anywhere but on producer's farm	If sales take place where birds are raised and processed, producer can sell directly to consumer up to 1,000 birds per year without inspection. For all other sales, birds must be processed at licensed meat plant.
Cheese curd	Yes	Refrigerated curd must be stored at 41 degrees F or less at all times. Unrefrigerated curd can be sold only on the day it is made and must be labeled with date of manufacture. Unsold curd must be discarded immediately.

FOOD SAFETY REGIONAL OFFICES

(Region 1)

- SOUTHERN REGIONAL OFFICE
 (608) 224-4661 FAX (608) 224-4664
 MILWAUKEE AREA (414) 266-1225
 2811 Agriculture Drive, 1st Floor
 PO Box 8911
 Madison, WI 53708-8911

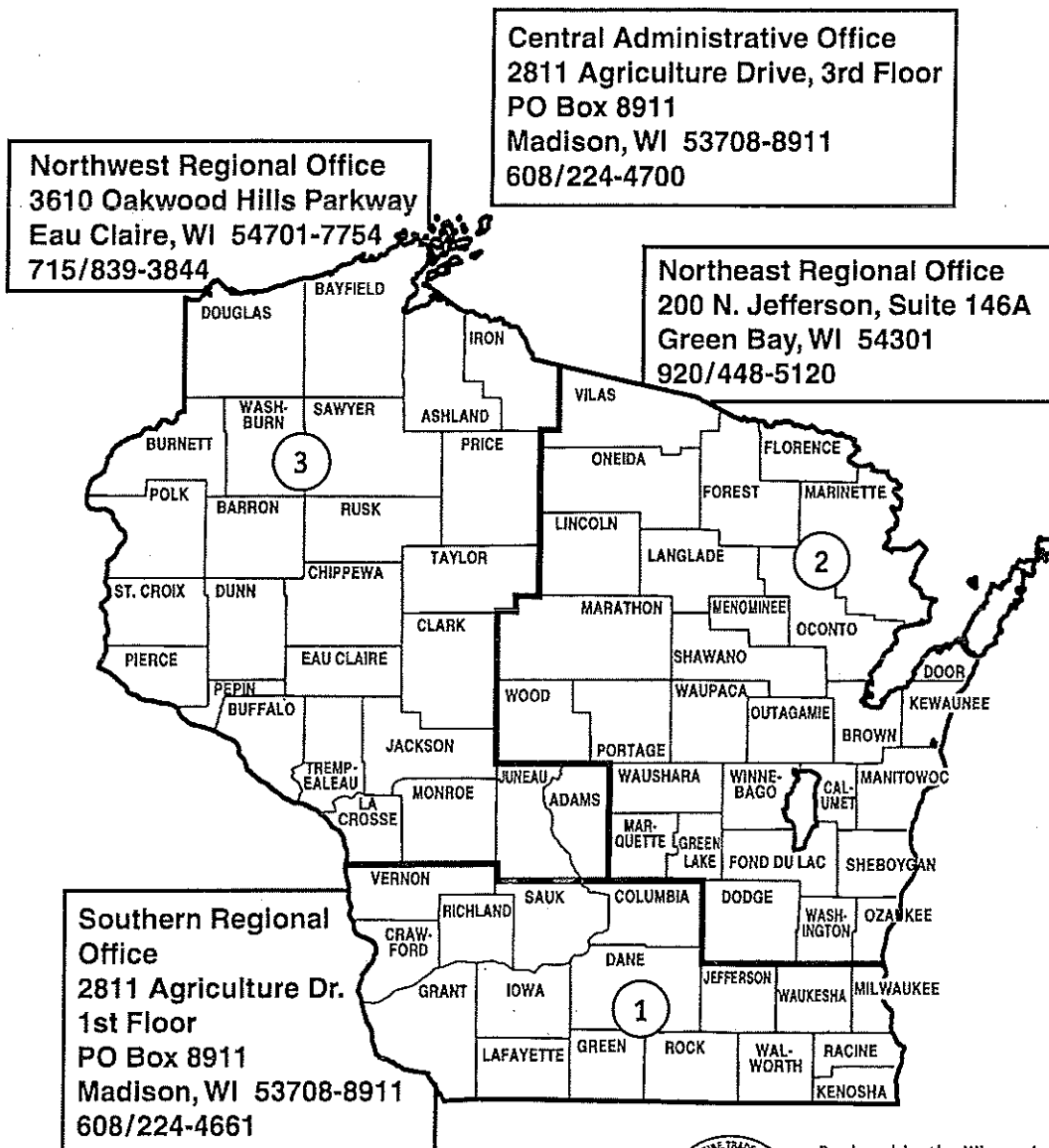
(Region 2)

- NORTHEAST REGIONAL OFFICE
 (920) 448-5120 FAX (920) 448-5124
 200 N. Jefferson, Suite 146A
 Green Bay, WI 54301

(Region 3)

- NORTHWEST REGIONAL OFFICE
 (715) 839-3844 FAX (715) 839-3867
 3610 Oakwood Hills Parkway
 Eau Claire, WI 54701-7754

- DFS CENTRAL ADMINISTRATIVE OFFICE
 (608) 224-4700 FAX 224-4710
 PO Box 8911
 2811 Agriculture Drive, 3rd Floor
 Madison, WI 53708-8911



Produced by the Wisconsin Department of
 Agriculture, Trade & Consumer Protection
 Division of Food Safety
 PO Box 8911
 Madison, WI 53708-8911