

1991 Assembly Bill 636

Date of enactment: **February 13, 1992**  
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# 1991 WISCONSIN ACT 111

AN ACT to *renumber and amend* 97.03 (3); to *amend* 100.36; and to *create* 97.03 (3) (b) and 97.48 (1) (a) 2m of the statutes, **relating to**: the sale of a food product produced to resemble butter that has fewer calories and less butterfat than butter.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 97.03 (3) of the statutes is renumbered 97.03 (3) (a) and amended to read:

97.03 (3) (a) ~~No person shall~~ Except as provided in par. (b), no person may use the term “butter” in the name or in connection with the name, designation, advertising or description of any article of food prepared and offered for sale or served with any meal for which a charge is made unless all of the fat contained in such article of food is butterfat, ~~but nothing herein shall be construed as prohibiting. This paragraph does not prohibit~~ any representation that a food is flavored with butter if at least 12% of the fat in such food is butterfat or if the food contains the concentrated flavor elements derived from natural butterfat in sufficient quantities to impart a characteristic butter flavor.

**SECTION 2.** 97.03 (3) (b) of the statutes is created to read:

97.03 (3) (b) A person may use the term “light butter” or “lite butter” in the name or in connection with the name, designation, advertising or description of an article of food prepared and offered for sale or served with any meal if the product is produced to resemble butter, contains 52% butterfat within tolerances that are acceptable to the department, has at least one-third fewer calories than butter, is made from pasteurized milk or cream or both and contains 15,000 international units of vitamin A per pound within tolerances of good manufac-

turing practices. The product may contain only the following additional ingredients:

1. Partially skimmed or skim milk.
2. Buttermilk.
3. Whey and whey-derived ingredients.
4. Water.
5. Salt or salt substitutes.
6. Bacterial cultures.
7. Nutritive sweeteners.
8. Emulsifiers and stabilizers.
9. Safe and suitable color additives.
10. Natural flavors.

11. Safe and suitable ingredients that improve texture, prevent syneresis or extend the shelf life of the product.

**SECTION 3.** 97.48 (1) (a) 2m of the statutes is created to read:

97.48 (1) (a) 2m. “Light butter” as described in s. 97.03 (3) (b).

**SECTION 4.** 100.36 of the statutes is amended to read:

**100.36 Frauds; substitute for butter; advertisement.** No person shall may use the word “butter” in any way in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter. No person shall may use terms such as “cream”, “creamery” or “dairy”, or the name or representation of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter unless at least 40% of the

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substitute is butterfat. If the term “butter” is used in connection with the name of any such product, it shall be qualified so as to distinguish it from butter as defined in

s. 97.01 (1). Nothing in this section prohibits a person from using the term “light butter” or “lite butter” in the manner provided in s. 97.03 (3) (b).

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