

Assembly Hearing Slip

(Please print plainly)

Date: 3-21-00  
Bill No. SB 10  
Or  
Subject \_\_\_\_\_

Name John Umhoefer  
Street Address or Route Number P.O. Box 2133  
City and Zip Code Madison WI 53701  
Representing Wis Cheese Makers Assn.

Speaking in favor:	<input checked="" type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

Please promptly return this slip to the messenger at the committee.

Provided by:  
Assembly Sergeant at Arms  
411 West, State Capitol  
Madison, WI 53708

Assembly Hearing Slip

(Please print plainly)

Date: 3/21/00  
Bill No. SB 10  
Or  
Subject \_\_\_\_\_

Name Brad Leyreid  
Street Address or Route Number 8383 Greenway Blvd  
City and Zip Code Middleton 53562  
Representing WI Dairy Products Assn.

Speaking in favor:	<input checked="" type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

Please promptly return this slip to the messenger at the committee.

Provided by:  
Assembly Sergeant at Arms  
411 West, State Capitol  
Madison, WI 53708

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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: leg.council@legis.state.wi.us

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**DATE:** March 20, 2000  
**TO:** REPRESENTATIVE ALVIN OTT  
**FROM:** Mark C. Patronsky, Senior Staff Attorney  
**SUBJECT:** Substitute Amendment to 1999 Senate Bill 10, Relating to Representations Concerning Cheese

This memorandum contains a brief description of 1999 Senate Bill 10, relating to representations concerning cheese, and an Assembly substitute amendment to the bill (LRBs0445/1, copy attached). The Senate passed Senate Bill 10, together with Senate Amendments 1 and 2.

### **SENATE BILL 10**

Current law prohibits false advertising concerning food. Section 100.183 (1), Stats., prohibits any advertisement regarding food which "contains any assertion, representation or statement which is untrue, deceptive or misleading." Other provisions of s. 100.183, Stats., relate to representations regarding the grade or quality of food.

Senate Bill 10, as affected by Senate Amendments 1 and 2, imposes additional restrictions on representations regarding cheese or the labeling of cheese with respect to its place of manufacture. In the bill, "manufactured" does not include dried, grated, shredded, cut or packaged. The bill prohibits a person from doing any of the following:

- Representing or implying that cheese is Wisconsin cheese or is from or made in Wisconsin unless the cheese is manufactured in this state.
- Selling or offering for sale cheese that is not manufactured in this state and that has an outline or map of this state on the cheese or its label unless the label identifies the state or country in which the cheese is manufactured.

A violation of one of these prohibitions is punishable by a civil forfeiture of from \$100 to \$5,000. The act takes effect on the first day of the sixth month beginning after publication.

**ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0445/1)**

The Assembly substitute amendment *retains* the first prohibition described above. The substitute amendment modifies this prohibition by deleting "or imply." Thus, a person may not represent that cheese is Wisconsin cheese or is from or made in Wisconsin unless the cheese is manufactured in this state. The substitute amendment retains, as a penalty, the forfeiture of not less than \$100 nor more than \$5,000 for each violation.

The substitute amendment *deletes* the second prohibition described above. In its place, the substitute amendment prohibits the labeling of cheese with a Wisconsin state grade or the license number of a cheese grader licensed under s. 97.175, Stats., if the cheese is manufactured in another state or country. The penalty, in current statutes, for violation of this provision is a civil forfeiture of not more than \$1,000 for each violation or, at the discretion of the prosecutor, a fine of not less than \$100 nor more than \$1,000 or imprisonment for not more than six months for the first offense, and a higher penalty for the second or subsequent offense.

If I can provide further information on this subject, please feel free to contact me.

MCP:jal:wu:jal

Attachment



WISCONSIN FEDERATION OF COOPERATIVES • 30 West Mifflin Street, Suite 401 • Madison, WI 53703 • Phone (608) 258-4400

Date: 3/20/2000  
To: Members, Assembly Committee on Agriculture  
From: John Manske, Director of Government Relations  
RE: Position on SB 10

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I'm sorry that an obligation will keep me away from the meeting of the Assembly Committee on Agriculture Tuesday when action on SB 10 is considered. WFC's Dairy Legislative and Regulatory Committee had opposed Assembly action on the bill in the form that it was received from the State Senate. **Now, due to the input of others and us representing the cheese industry, an ASA to SB 10 (LRB 0445/1) has been written.**

**WFC approves of the language in this ASA to SB 10.** In a significant change to the bill, it will reflect changes to the regulation of cheese grading that are being currently advanced in a DATCP administrative rule (ATCP 81). WFC approves of the language found in proposed ATCP 81 that reads, "No person may use any Wisconsin grade mark or Wisconsin grade label designation on cheese manufactured in another state or country." In addition, the ASA will appropriately prohibit the representation "that cheese is Wisconsin cheese or is from or made in Wisconsin unless the cheese is manufactured in" Wisconsin.

**WFC appreciates the effort of Representative Ott and Senator Clausing to find SB 10 language acceptable to the cheese industry as it competes in a national and world marketplace.**