

## Chapter ATCP 85

### BUTTER GRADING AND LABELING

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**Note:** Chapter Ag 85 was renumbered Chapter ATCP 85 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

#### ATCP 85.01 Definitions.

As used in this chapter:

(1) “Department” means the Wisconsin department of agriculture, trade and consumer protection.

(2) “Body characteristic” means one of the physical attributes related to the texture of a sample of butter, as set forth under s. ATCP 85.04 (1) (b).

(3) “Butter” has the meaning given in s. 97.01 (1r), Stats.

(4) “Color characteristic” means one of the attributes related to the quality of coloration in a sample of butter, as set forth under s. ATCP 85.04 (1) (c).

(5) “Cream” means the liquid milk product high in fat separated from milk which, after adjustment by adding milk, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk, contains not less than 18% milkfat.

(6) “Flavor characteristic” means one of the attributes organoleptically determined by taste and smell and ascribed to a sample of butter for grading purposes, as set forth under s. ATCP 85.04 (1) (a).

(7) “Grade” means the quality grade or score of a sample of butter as defined in s. 97.176 (3), Stats.

(8) “Intensity,” as applied to a flavor, body, color or salt characteristic of butter, means the degree to which the characteristic is present in a sample of butter, as provided under s. ATCP 85.04 (2).

(9) “Milk” has the meaning given in s. 97.01 (10) (a), Stats.

(10) “Salt characteristic” means one of the attributes related to the saltiness of a sample of butter, as set forth under s. ATCP 85.04 (1) (d).

**History:** 1-2-56; r. and recr. Register, January, 1985, No. 349, eff. 2-1-85; CR 06-028: am. (3) and (9) Register November 2006 No. 611, eff. 12-1-06; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register January 2017 No. 733.

**ATCP 85.02 Procedure for determining Wisconsin butter grades.** The Wisconsin grade of butter shall be determined on the basis of a representative butter sample, tested and rated according to the following sequential steps:

(1) Each applicable flavor characteristic of the sample shall be identified under s. ATCP 85.04 (1) (a), and the relative intensity of the characteristic shall be determined under s. ATCP 85.04 (2). A preliminary letter grade designation is given to the butter sample on the basis of the sample’s flavor characteristic and intensity, using the table under s. ATCP 85.05 (1). When more than one flavor characteristic is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest grade.

(2) Each applicable body, color and salt characteristic of the sample shall be identified under s. ATCP 85.04 (1) (b), (c) and (d), and the intensity of the characteristics shall be determined under s. ATCP 85.04 (2). Based on body, color and salt characteristics, and the intensity of the characteristics, the sample shall be given any requisite disratings, using the table under s. ATCP 85.05 (2).

(3) The final Wisconsin butter grade for the sample shall be established on the basis of the flavor classification, subject to disratings for body, color and salt characteristics, using the tables under s. ATCP 85.05 (2), (3) and (4). When disratings for body, color and salt characteristics exceed the allowable amount for any flavor classification, the final Wisconsin grade shall be lowered accordingly. Final Wisconsin butter grades shall meet the specifications set forth under s. ATCP 85.03.

**History:** 1-2-56; r. and recr. Register, January, 1985, No. 349, eff. 2-1-85.

**ATCP 85.03 Specifications for Wisconsin butter grades.** Specifications for final Wisconsin grades of butter are set forth in this section. Compliance with grade specifications is determined according to the procedure set forth under s. ATCP 85.02. The flavor, body, color and salt characteristics specified or allowed for butter grades under this section have the meanings set forth in s. ATCP 85.04 (1). The degrees of intensity for a specified or allowed butter characteristic under this section are set forth in s. ATCP 85.04 (2).

(1) Wisconsin Grade AA butter conforms to the following:

(a) It shall possess a fine and highly pleasing butter flavor.

(b) It may possess a feed or culture flavor to a slight degree or cooked flavor to a definite degree, or any combination of these characteristics.

(c) It shall be made from sweet cream of low natural acid to which a starter culture may or may not have been added.

(d) The total allowable disratings in body, color and salt characteristics are limited to one-half ( $\frac{1}{2}$ ).

(2) Wisconsin Grade A butter conforms to the following:

(a) It shall possess a pleasing and desirable butter flavor.

(b) It may possess any of the following flavors to a slight degree: acid, aged, bitter, coarse, flat, smothered and storage.

(c) It may possess a culture flavor and feed flavor to a definite degree.

(d) The total allowable disratings in body, color and salt characteristics are limited to one-half ( $\frac{1}{2}$ ), except when the flavor classification is AA, a disrating total of one (1) is permitted.

(3) Wisconsin Grade B butter conforms to the following:

(a) It shall possess a fairly pleasing butter flavor.

(b) It may possess any of the following flavors to a slight degree: malty, musty, neutralizer, scorched, utensil, weed and whey.

(c) It may possess any of the following flavors to a definite degree: acid, aged, bitter, coarse, flat, smothered, storage and old cream.

(d) It may possess culture and feed flavors to a pronounced degree.

(e) The total allowable disratings in body, color and salt characteristics are limited to one-half ( $\frac{1}{2}$ ), except when the flavor classification is AA, a disrating total of one and one-half ( $1\frac{1}{2}$ ) is permitted, and when the flavor classification is A, a disrating total of one (1) is permitted.

(4) Butter that fails to meet the requirements for Wisconsin Grade B shall be identified as Wisconsin Undergrade Butter.

**History:** 1-2-56; r. and recr. Register, January, 1985, No. 349, eff. 2-1-85.

**ATCP 85.04 Butter characteristics; intensity of characteristics.** (1) BUTTER CHARACTERISTICS. (a) *Flavor characteristics.* For grading purposes, the flavor of a sample of butter shall be based upon the presence or absence of one or more of the following characteristics, organoleptically determined by taste and smell:

1. “Acid” means the butter lacks a delicate flavor or aroma and is associated with a lactic acid condition, which is present other than as a result of the use of a lactic acid producing culture, but there is no indication of sourness.

2. “Aged” means the butter is characterized by lack of freshness.

3. “Bitter” means the butter has an astringent effect, similar to the taste of quinine, and produces a puckery sensation.

4. “Coarse” means the butter lacks a fine, delicate, smooth flavor.

5. “Cooked” means a smooth, nutty-like character resembling a custard flavor.

6. “Culture” means a slightly acid aromatic flavor, characteristic of a lactic acid producing culture.

7. “Feed” means an aromatic flavor characteristic of the feeds eaten by cows.

8. “Flat” means the absence or lack of a natural butter flavor.

9. “Malty” means a distinctive, harsh flavor suggestive of malt.

10. “Musty” means a flavor which is suggestive of the aroma of a damp vegetable cellar.

11. “Neutralizer” means a flavor suggestive of bicarbonate of soda or the flavor of similar alkaline compounds.

12. “Old Cream” means a flavor of aged cream characterized by lack of freshness, and which imparts a rough aftertaste on the tongue.

13. “Scorched” means an intensified flavor more distinct than “coarse”, and which imparts a harsh aftertaste suggestive of excessive heating.

14. “Smothered” means a bland flavor suggestive of improperly cooling the cream prior to churning.

15. “Storage” means a flavor characterized by lack of freshness and more intensified than “aged” flavor.

16. “Utensil” means a flavor suggestive of unclean utensils and equipment.

17. “Weed” means an aromatic flavor characteristic of the weeds eaten by cows.

18. “Whey” means a flavor or aroma characteristic of the acid development of cheese whey.

(b) *Body characteristics.* For grading purposes, the body characteristics of a sample of butter shall be based upon the presence or absence of one or more of the following physical attributes related to the texture of the butter:

1. “Crumbly” means the butter particles lack cohesion, have a tendency to break easily and lack plasticity.

2. “Gummy” means the butter does not melt readily and tends to be adhesive or gumlike.

3. “Leaky” means beads of moisture appear on cut surfaces of the butter.

4. “Mealy” or “grainy” means a condition which imparts a granular consistency that may be characterized as sandy when the butter is melted on the tongue.

5. “Ragged-boring” means a sticky-crumbly condition evidenced by the fact that a full sampling trier of butter cannot be drawn.

6. “Short” means a short-grained texture, lacking in plasticity, and tending toward brittleness, but not to the extent of being “crumbly.”

7. “Sticky” means possessing excessive adhesiveness and tending to be smeary.

8. “Weak” means a body texture that lacks firmness and tends to be spongy.

(c) *Color characteristics.* For grading purposes, the color characteristics of a sample of butter shall be based upon the presence or absence of one or more of the following attributes related to the butter’s coloration:

1. “Mottled” means a dappled condition with spots of lighter and deeper shades of yellow.

2. “Speckled” means the presence of small white or dark yellow particles of variable number and size.

3. “Streaked” means the coloration appears as light colored portions surrounded by more highly colored portions.

4. “Wavy” means an unevenness in the color that appears as waves of different shades of yellow.

(d) *Salt characteristics.* For grading purposes, the salt characteristics of a sample of butter shall be based upon the presence or absence of one of the following attributes related to the saltiness of the butter:

1. “Sharp” means the butter is characterized by taste sensations suggestive of salt.

2. “Gritty” means the butter is characterized by a sandlike feel of grains of undissolved salt on the tongue or between the teeth when the butter is chewed.

(2) INTENSITY. A butter characteristic under sub. (1) may be present with one of the following degrees of intensity:

(a) “Slight” means an attribute is barely identifiable and present only to a small degree.

(b) “Definite” means an attribute is readily identifiable and present to a moderate degree.

(c) “Pronounced” means an attribute is markedly identifiable and present to a substantial degree.

History: 1-2-56; r. and recr. Register, January, 1985, No. 349, eff. 2-1-85.

**ATCP 85.05 Wisconsin butter grades; classification and disrating tables.** (1) TABLE I. Classification of Flavor Characteristics.

Identified Flavor	Flavor Classification			
	AA	A	B	Undergrade
Acid	—	s	d	p
Aged	—	s	d	p
Bitter	—	s	d	p
Coarse	—	s	d	p
Cooked	d	—	—	—
Culture	s	d	p	—
Feed	s	d	p	—
Flat	—	s	d	p
Malty	—	—	s	d
Musty	—	—	s	d
Neutralizer	—	—	s	d
Old Cream	—	—	d	p
Scorched	—	—	s	d
Smothered	—	s	d	p
Storage	—	s	d	p
Utensil	—	—	s	d
Weed	—	—	s	d
Whey	—	—	s	d

s=slight, d=definite and p=pronounced intensity.

(2) TABLE II. Characteristics and Disratings In Body, Color and Salt.

Characteristic	Disratings		
	Slight	Definite	Pronounced
<i>Body</i>			
Crumbly	1/2	1	1 1/2 - 2
Gummy	1/2	1	1 1/2 - 2
Leaky	1/2	1	2
Mealy or Grainy	1/2	1	1 1/2 - 2
Ragged-boring	1	2	2 1/2 - 3
Short	1/2	1	1 1/2 - 2
Sticky	1/2	1	1 1/2 - 2
Weak	1/2	1	1 1/2 - 2
<i>Color</i>			
Mottled	1	2	2 1/2 - 3
Speckled	1	2	2 1/2 - 3
Streaked	1	2	2 1/2 - 3
Wavy	1/2	1	1 1/2 - 2
<i>Salt</i>			
Gritty	1	2	2 1/2 - 3
Sharp	1/2	1	1 1/2 - 2

(3) TABLE III. Relation of Final Wisconsin Butter Grade to Preliminary Flavor Classification as Affected by Total Disrating.

Preliminary Flavor Classification	Total Disrating	Final Wisconsin Grade
Grade AA	1/2	AA
Grade AA	1	A
Grade AA	1 1/2	B
Grade AA	2 or greater	Undergrade
Grade A	1/2	A
Grade A	1	B
Grade A	1 1/2 or greater	Undergrade
Grade B	1/2	B
Undergrade	1/2 or greater	Undergrade

(4) TABLE IV. Examples of the Relation of Wisconsin Butter Grade to Flavor Classification and Total Disratings in Body, Color and Salt Characteristics.

Flavor Classification	Body	Disratings Color	Salt	Total Disratings	Permitted Total Disratings	Disratings In Excess of Total Permitted	Wis. Grade
AA	1/2	0	0	1/2	1/2	0	AA
AA	1/2	1/2	0	1	1/2	1/2	A
AA	0	1	0	1	1/2	1/2	A
AA	1/2	1	0	1 1/2	1/2	1	B
A	1/2	0	0	1/2	1/2	0	A
A	0	1/2	1/2	1	1/2	1/2	B
A	0	1	0	1	1/2	1/2	B
A	1/2	1/2	1/2	1 1/2	1/2	1	Undergrade
B	1/2	0	0	1/2	1/2	0	B
B	1/2	1/2	0	1	1/2	1/2	Undergrade

History: 1-2-56; r. and recr. Register, January, 1985, No. 349, eff. 2-1-85.

**ATCP 85.06 Grade labeling.** (1) DEFINITION OF TERMS. (a) Selling butter "at retail" shall mean selling for consumption or use, or for any purpose other than resale as butter, regardless of quantity, and shall include selling to persons who sell meals or lunches. The term shall not include selling with and as a part of any meal or lunch.

(b) "Label" means a display of written, printed or graphic matter on the outside container or wrapper of the retail package of butter.

(2) GRADE STATEMENT ON PACKAGE LABEL. No person shall sell, offer or expose for sale, or have in possession with intent to sell, any butter at retail unless its label bears a statement of the grade determined under these regulations. The grade statement shall be "Wisconsin Grade AA", "Wisconsin Grade A", "Wisconsin Grade B", or "Wisconsin Undergrade", as the case may be. The letters "AA", "A" or "B" may immediately precede the term "Grade" and the name of the state may be abbreviated "Wis." The letters of the grade statement shall be not less than 12-point type, on a strongly contrasting background. The grade statement shall prominently appear on the part or panel of the label which is presented or displayed under customary conditions of purchase. The term "when graded" or similar qualifying terms shall not be used on the label in conjunction with the grade statement.

(3) UNIFORM INSIGNIA FOR WISCONSIN GRADE AA OR A. A uniform grade insignia may be used on the package label of butter which has been manufactured in Wisconsin and which has been graded "Wisconsin Grade AA" or "Wisconsin Grade A". The insignia shall consist of the grade statement enclosed by an outline map of Wisconsin. The lines forming the map shall be not less than 3 points in width. The grade statement shall otherwise conform to the requirements in sub. (2). No other written, printed or graphic matter shall appear within the outline map. No person shall use the grade insignia on the label of any butter except as herein provided; nor shall any person use any insignia in semblance thereof on the label of any butter.

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(4) CODING OF CONSUMER PACKAGES. Persons packaging butter shall mark or code each consumer package or bulk container of butter and shall keep records from which the department can determine the name of the grader certifying the grade and the date of printing or churning.

(5) EXCEPTION, U.S. GRADED BUTTER. The provisions of this section shall not be applicable to any butter, the label of which bears the grade U.S. Grade AA, U.S. Grade A or U.S. Grade B, determined by official inspection under federal regulations and standards.

History: 1-2-56; renum. (4) to be (5); cr. (4), Register, June, 1960, No. 54, eff. 7-1-60; am. (4), Register, January, 1985, No. 349, eff. 2-1-85; reprinted to correct printing error in (2), Register January 2002 No. 553.

**ATCP 85.07 Licensing of graders.** (1) No person shall certify or attempt to certify that any butter conforms to a grade or the specifications thereof established under these regulations without a license from the department. Licenses to certify the grade of butter shall be issued as provided in s. 97.175, Stats. The provisions of said s. 93.06 (7), Stats., governing revocation or suspension of licenses, and the conduct of licensees shall be applicable to persons licensed to certify the grade of butter. Application for license shall be in writing on a form furnished by the department, naming the location where the grading is to be done. Unless written approval is granted by the department, no licensee shall grade butter at a location other than one authorized on the license.

(2) A person applying for a license under sub. (1) shall pay a biennial license fee of \$75.

History: 1-2-56; am. Register, January, 1985, No. 349, eff. 2-1-85; CR 05-044: renum. to be (1), cr. (2) Register December 2005 No. 600, eff. 1-1-06; CR 07-037: am. (2) Register April 2008 No. 628, eff. 5-1-08.

**ATCP 85.08 Arbitration of grade disputes.** In case of disagreement under any sales contract as to the grade of any butter, any party to the contract may file with the department a written request for the appointment of an arbitration committee to

consist of 3 arbitrators. Each party to the dispute shall select one arbitrator and such 2 arbitrators shall select a third. All such arbitrators shall be state or federal licensed graders. The decision of a majority of such arbitrators as to the grade of butter shall be final. The party requesting the arbitration committee shall be responsi-

ble for the payment to each arbitrator of a fee of \$20 for each day or part thereof engaged in arbitration duties, and a round trip travel allowance of 10 cents per mile computed from place of residence.

**History:** 1-2-56.