



2013 ASSEMBLY BILL 637

January 21, 2014 - Introduced by Representatives WEATHERSTON, KNODL, T. LARSON, MARKLEIN, MURPHY and A. OTT, cosponsored by Senators COWLES, LASEE and OLSEN. Referred to Committee on Consumer Protection.

1 **AN ACT** *to repeal* 97.01 (2), 97.01 (7), 97.02 (1) to (14), 97.03 (1) (a) to (n), (2) and
2 (3), 97.46, 97.47, 97.48, 97.50, 97.52 and 97.53; *to renumber and amend* 97.02
3 (intro.) and 97.03 (1) (intro.); and *to amend* 97.18 (1) (a), 97.22 (10), 97.23 (2)
4 (a), 100.057 and 100.36 of the statutes; **relating to:** adulterated, misbranded,
5 and insanitary food.

Analysis by the Legislative Reference Bureau

Current law prohibits the sale of food that is adulterated or misbranded. The law contains lists of characteristics that cause a food to be considered adulterated or misbranded. This bill eliminates the lists and instead provides that a food is adulterated if it is considered to be adulterated under federal regulations and a food is misbranded if it is considered misbranded under federal regulations.

The bill also eliminates several statutes relating to substances that are prohibited in foods and to adulteration of specific foods.

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

6 **SECTION 1.** 97.01 (2) of the statutes is repealed.

7 **SECTION 2.** 97.01 (7) of the statutes is repealed.

ASSEMBLY BILL 637**SECTION 3**

1 **SECTION 3.** 97.02 (intro.) of the statutes is renumbered 97.02 and amended to
2 read:

3 **97.02 Standards; adulterated food.** ~~A~~ For the purposes of this chapter, a
4 food is adulterated: if it is adulterated within the meaning of 21 USC 342.

5 **SECTION 4.** 97.02 (1) to (14) of the statutes are repealed.

6 **SECTION 5.** 97.03 (1) (intro.) of the statutes is renumbered 97.03 and amended
7 to read:

8 **97.03 Standards; misbranding** ~~A~~ For the purposes of this chapter, a food
9 is misbranded: if it is misbranded within the meaning of 21 USC 343.

10 **SECTION 6.** 97.03 (1) (a) to (n), (2) and (3) of the statutes are repealed.

11 **SECTION 7.** 97.18 (1) (a) of the statutes is amended to read:

12 **97.18 (1)** (a) For the purposes of this section “oleomargarine” or “margarine”
13 includes oleomargarine, margarine, butterine and other similar substances, fats and
14 fat compounds sufficiently adaptable to the ordinary uses of butter, to lead readily
15 to use as an alternative to butter, but this section shall not apply to lard, cream
16 cheese, cheese food compounds, nor to any other dairy product made exclusively of
17 milk or milk solids with or without added vitamins, if such product is sold or
18 distributed in such manner and form as will clearly distinguish it from butter. Nor
19 shall this section apply to shortenings not churned or emulsified in milk or cream or
20 having a melting point of 112 degrees Fahrenheit or more as determined by the
21 capillary tube method unless there is sold or given away with such shortening any
22 compound which, when mixed with such shortening, makes oleomargarine,
23 butterine or similar substances. ~~Colored oleomargarine or margarine shall be made~~
24 ~~of domestic fats or oils and shall not be made of imported oils which include, without~~
25 ~~restriction because of enumeration, whale oil, coconut oil and palm oil.~~

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1 **SECTION 8.** 97.22 (10) of the statutes is amended to read:

2 **97.22 (10) CONFIDENTIALITY.** Any information obtained and kept by the
3 department under this section, under s. 97.24 ~~or 97.52~~, or under rules promulgated
4 under those sections, that pertains to individual milk producer production, milk fat
5 and other component tests and quality records is not subject to inspection under s.
6 19.35 except as required under s. 126.70 or except as the department determines is
7 necessary to protect the public health, safety or welfare.

8 **SECTION 9.** 97.23 (2) (a) of the statutes is amended to read:

9 **97.23 (2) (a)** If, in accordance with a rule promulgated by the department under
10 s. 93.07 (1), 97.09 (4), 97.20 (4), 97.22 (8), or 97.24 (3) ~~or 97.52~~, a dairy plant operator
11 rejects a bulk milk shipment because it is adulterated with a drug residue and if the
12 dairy plant operator incurs a monetary loss as a result of the rejection of the bulk
13 milk shipment, the dairy plant operator may recover the amount of the monetary loss
14 from the milk producer who caused the bulk shipment to be adulterated with the
15 drug residue. A dairy plant operator may deduct the amounts recoverable by him
16 or her under this paragraph from the proceeds of milk sold to or through the dairy
17 plant operator by the milk producer who caused the adulteration.

18 **SECTION 10.** 97.46 of the statutes is repealed.

19 **SECTION 11.** 97.47 of the statutes is repealed.

20 **SECTION 12.** 97.48 of the statutes is repealed.

21 **SECTION 13.** 97.50 of the statutes is repealed.

22 **SECTION 14.** 97.52 of the statutes is repealed.

23 **SECTION 15.** 97.53 of the statutes is repealed.

24 **SECTION 16.** 100.057 of the statutes is amended to read:

1 **100.057 Wisconsin cheese logotype.** The department shall design an
 2 official logotype appropriate for affixation to and display in connection with natural
 3 cheese meeting quality standards established by the department and manufactured
 4 in this state entirely from milk which is produced under standards which are equal
 5 to or greater than standards established under s. 97.24 and rules adopted under s.
 6 ~~97.24 or under minimum sanitary and quality standards prescribed under s. 97.52~~
 7 ~~and rules adopted under s. 97.52.~~ The design shall consist of an outline of the
 8 boundaries of the state and the words “100% Wisconsin Cheese” and such other
 9 specifications as the department deems appropriate. Nothing in this section shall
 10 prohibit the use of other appropriate labels or logotypes.

11 **SECTION 17.** 100.36 of the statutes is amended to read:

12 **100.36 Frauds; substitute for butter; advertisement.** No person may use
 13 the word “butter” in any way in connection or association with the sale or exposure
 14 for sale or advertisement of any substance designed to be used as a substitute for
 15 butter. No person may use terms such as “cream”, “creamery” or “dairy”, or the name
 16 or representation of any breed of dairy cattle, or any combination of such words and
 17 representation, or any other words or symbols or combinations thereof commonly
 18 used in the sale of butter unless at least 40% of the substitute is butterfat. If the term
 19 “butter” is used in connection with the name of any such product, it shall be qualified
 20 so as to distinguish it from butter as defined in s. 97.01 (1). ~~Nothing in this section~~
 21 ~~prohibits a person from using the term “light butter” or “lite butter” in the manner~~
 22 ~~provided in s. 97.03 (3) (b).~~