

2001 ASSEMBLY BILL 773

February 5, 2002 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Agriculture.

1 **AN ACT** *to repeal and recreate* 97.57 of the statutes; **relating to:**
2 representations made regarding wild rice sold or offered for sale in this state,
3 granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTE provided by the joint legislative council in the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on state-tribal relations. It repeals and recreates the existing statute relating to the labeling of wild rice offered for sale in this state.

Under current law, a wholesaler or supplier is required to label cultivated wild rice as being "paddy-grown" unless the wild rice is blended with wild-grown wild rice. In addition, a wholesaler or supplier is prohibited from labeling wild rice as "100% natural wild rice" unless it is 100% wild-grown wild rice.

This draft requires that the label of any wild rice that is sold or offered for sale in this state, at retail or wholesale, and any sign, advertisement, or other representation regarding such wild rice must inform consumers if the wild rice is cultivated, if it is a

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blend of wild-grown and cultivated wild rice, and if it is machine harvested. If the wild rice is a blend, the label must indicate the proportions making up the blend. If the wild rice is in a packaged food product that contains at least 40% other food products and that is labeled or marketed as a wild rice product, the label must indicate the proportion of the product that is wild rice. Wild rice that is identified as cultivated or blended and packaged wild rice products are not required to be identified as machine harvested. The draft also requires that labels and representations regarding wild rice clearly indicate the state or province in which the wild rice was grown.

The draft does not make any requirements regarding the labeling of or representations regarding wild rice that is 100% wild-grown or that is harvested by traditional methods except to require that the state or province of origin be identified.

The draft requires the department of agriculture, trade and consumer protection to promulgate rules for implementation of the requirements created by the draft.

The draft provides that a person who violates the labeling and advertising requirements that the draft creates shall forfeit not less than \$50 nor more than \$500 for the first violation and not less than \$200 nor more than \$1,000 for subsequent violations.

1 **SECTION 1.** 97.57 of the statutes is repealed and recreated to read:

2 **97.57 Advertising and labeling of wild rice. (1) DEFINITIONS.** In this
3 section:

4 (a) “Cultivated” means grown in a field or paddy that is flooded during the
5 growing season and drained at the time of harvesting.

6 (b) “Machine harvested” means harvested by any method other than
7 traditional methods.

8 (c) “Packaged wild rice product” means a packaged food product that contains
9 wild rice and at least 40% other food products and that is labeled or marketed as a
10 wild rice product or blend.

11 (d) “Traditional methods” means using only a hand-propelled boat and 2
12 hand-held wooden sticks or rods.

13 (e) “Wild-grown” means grown in a lake, river, slough, or other water body that
14 is not drained at the time of harvesting.

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1 **(2) CULTIVATED WILD RICE.** Except as provided in sub. (6) (a), a person who sells
2 or offers for sale cultivated wild rice, at retail or wholesale, in this state shall do all
3 of the following:

4 (a) Clearly and conspicuously label the wild rice as being cultivated.

5 (b) Clearly and conspicuously indicate in any sign, advertisement, or other
6 representation regarding the wild rice that it is cultivated.

7 **(3) BLENDED WILD RICE.** Except as provided in sub. (6) (a), a person who sells
8 or offers for sale a blend of wild-grown and cultivated wild rice, at retail or wholesale,
9 in this state shall do all of the following:

10 (a) Clearly and conspicuously label the wild rice as being a blend of wild-grown
11 and cultivated wild rice and indicate the percentages of the blend that are
12 wild-grown and cultivated.

13 (b) Clearly and conspicuously indicate in any sign, advertisement, or other
14 representation regarding the wild rice that it is a blend of wild-grown and cultivated
15 wild rice.

16 **(3m) PACKAGED WILD RICE PRODUCTS.** Except as provided in sub. (6) (a), a person
17 who sells or offers for sale a packaged wild rice product, at retail or wholesale, in this
18 state, shall clearly and conspicuously indicate on the label the percentage of the
19 packaged wild rice product that is wild rice.

20 **(4) MACHINE HARVESTED WILD RICE.** Except as provided in sub. (6), a person who
21 sells or offers for sale machine harvested wild rice, at retail or wholesale, in this state
22 shall do all of the following:

23 (a) Clearly and conspicuously label the wild rice as being machine harvested.

24 (b) Clearly and conspicuously indicate in any sign, advertisement, or other
25 representation regarding the wild rice that it is machine harvested.

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1 **(5) PLACE OF ORIGIN.** Except as provided in sub. (6) (a), a person who sells or
2 offers for sale wild rice, at retail or wholesale, in this state shall clearly and
3 conspicuously indicate in the label and any sign, advertisement, or other
4 representation regarding the wild rice the state or province in which the wild rice
5 was grown.

6 **(6) EXCEPTIONS.** (a) Subsections (2) to (5) do not apply to wild rice that is cooked
7 and ready to eat.

8 (b) Subsection (4) does not apply to wild rice that is labeled in accordance with
9 sub. (2), (3), or (3m).

10 **(7) RULES.** The department shall promulgate rules establishing minimum
11 standards for the labels required under subs. (2) (a), (3) (a), (3m), (4) (a), and (5) and
12 for representations made under subs. (2) (b), (3) (b), (4) (b), or (5).

13 **(8) PENALTY.** A person who violates this section shall forfeit not less than \$50
14 nor more than \$500 for the first violation and not less than \$200 nor more than
15 \$1,000 for subsequent violations.

16 **(END)**