

State of Wisconsin



2013 Assembly Bill 637

Date of enactment: **April 23, 2014**
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2013 WISCONSIN ACT 374

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

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

SECTION 1. 97.01 (2) of the statutes is repealed.

SECTION 2. 97.01 (7) of the statutes is repealed.

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

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

SECTION 4. 97.02 (1) to (14) of the statutes are repealed.

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

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

SECTION 6. 97.03 (1) (a) to (n), (2) and (3) of the statutes are repealed.

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

97.18 (1) (a) For the purposes of this section "oleomargarine" or "margarine" includes oleomargarine, margarine, butterine and other similar substances, fats and fat compounds sufficiently adaptable to the ordinary uses of butter, to lead readily to use as an alternative to butter, but this section shall not apply to lard, cream cheese, cheese

food compounds, nor to any other dairy product made exclusively of milk or milk solids with or without added vitamins, if such product is sold or distributed in such manner and form as will clearly distinguish it from butter. Nor shall this section apply to shortenings not churned or emulsified in milk or cream or having a melting point of 112 degrees Fahrenheit or more as determined by the capillary tube method unless there is sold or given away with such shortening any compound which, when mixed with such shortening, makes oleomargarine, butterine or similar substances. ~~Colored oleomargarine or margarine shall be made of domestic fats or oils and shall not be made of imported oils which include, without restriction because of enumeration, whale oil, coconut oil and palm oil.~~

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

SECTION 10. 97.46 of the statutes is repealed.

SECTION 11. 97.47 of the statutes is repealed.

SECTION 12. 97.48 of the statutes is repealed.

SECTION 13. 97.50 of the statutes is repealed.

SECTION 14. 97.52 of the statutes is repealed.

SECTION 15. 97.53 of the statutes is repealed.

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

100.057 Wisconsin cheese logotype. The department shall design an official logotype appropriate for affixation to and display in connection with natural cheese meeting quality standards established by the department and manufactured in this state entirely from

milk which is produced under standards which are equal to or greater than standards established under s. 97.24 and rules adopted under s. 97.24 ~~or under minimum sanitary and quality standards prescribed under s. 97.52 and rules adopted under s. 97.52~~. The design shall consist of an outline of the boundaries of the state and the words "100% Wisconsin Cheese" and such other specifications as the department deems appropriate. Nothing in this section shall prohibit the use of other appropriate labels or logotypes.

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

100.36 Frauds; substitute for butter; advertisement. No person 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 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 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).~~