

**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING, AMENDING OR REPEALING RULES**

The state of Wisconsin department of agriculture, trade and consumer protection adopts the following order to renumber ATCP 81.23(5)(b) to (d); to amend ATCP 81.23(5)(title), 81.70(3), Table 15 and 81.71(3); to repeal and recreate ATCP 81.23(5)(a); and to create ATCP 81.01(10m), 81.23(5)(b)(intro.) and 81.23(5m); relating to cheese grading.

**Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection**

Statutory Authority: ss. 93.07(1), 97.09(4) and 97.177(1) and (4), Stats.
Statutes Interpreted: s. 97.177, Stats.

The department of agriculture, trade and consumer protection (DATCP) regulates the grading, packaging and labeling of cheese in this state. This rule modifies current rules related to the grading, packaging and labeling of Swiss (also known as emmentaler) cheese. The current rules are contained in ch. ATCP 81, Wis. Adm. Code.

Swiss Cheese Grading Terms

Under current rules, a cheese grader evaluates Swiss cheese based on eye, texture and other cheese characteristics. The current rule spells out grade standards for eye and texture characteristics in table format, using customary (but undefined) industry terms to identify various physical traits. This rule defines those terms, consistent with industry custom.

Swiss Cheese Grading Procedure

Under current rules, a grader must grade cheese by withdrawing and evaluating sample “plugs” of cheese using an implement known as a “trier.” This rule spells out a slightly different procedure for Swiss cheese. Under this rule:

- A cheese grader must determine Swiss cheese *flavor* and *body* characteristics by withdrawing and evaluating “plugs” of cheese. This rule spells out the procedure for withdrawing and evaluating Swiss cheese “plugs” using a trier.

- A grader must normally determine *texture, color* and *eye* characteristics by dividing a wheel or block of cheese in half and examining the exposed cut surfaces. If Swiss cheese has been already been cut into smaller pieces, the grader may examine the cut surfaces without making additional cuts. A grader may evaluate “plugs” of cheese, rather than cut pieces, if the cheese owner requests that procedure.

Wisconsin Grade Standards; Eye and Texture Characteristics

This rule changes current grade standards for Wisconsin grade A and Wisconsin state brand Swiss cheese. Under current rules, eyes must be uniformly distributed and a majority of the eyes must be $\frac{9}{16}$ to $\frac{13}{16}$ inch in diameter. Under this rule, eyes must be uniformly distributed and relatively uniform in size. A majority of the eyes must be $\frac{3}{8}$ to $\frac{13}{16}$ inch in diameter.

This rule establishes an eye size requirement for Wisconsin grade B Swiss cheese that is identical to that for Wisconsin grade A Swiss cheese. Under this rule, the majority of eyes must be $\frac{3}{8}$ to $\frac{13}{16}$ inch in diameter.

1 **SECTION 1.** ATPC 81.01(10m) is created to read:

2 ATPC 81.01 (10m) “Eye and texture characteristics” includes the following traits, for
3 purposes of Swiss cheese grading under this chapter:

4 (a) “Afterset” means that there are small eyes caused by secondary fermentation.

5 (b) “Blind” means that no eyes are formed.

6 (c) “Cabbage” means that there are so many eyes in most of the cheese that the eyes crowd
7 each other and leave only a paper-thin layer of cheese between eyes, causing the cheese to have a
8 cabbage appearance and very irregular eyes.

9 (d) “Checks” means that there are small, short cracks within the body of the cheese.

10 (e) “Collapsed” means that eyes are improperly formed, so that they appear flattened or
11 buckled rather than round or slightly oval.

12 (f) “Dead” means that eyes have completely lost their glossy or velvety appearance.

13 (g) “Dull” means that eyes have lost some of their bright shiny luster.

1 (h) “Frog mouth” means that eyes are lenticular or spindle-shaped.

2 (i) “Irregular” means that eyes are not properly formed as round or slightly oval openings,
3 but are not accurately described by other terms under this subsection.

4 (j) “Large eyed” means that a majority of eyes are more than $\frac{13}{16}$ inch in diameter. “Large
5 eyed” includes all the following:

6 1. “Slight large eyed” means that a majority of eyes are more than $\frac{13}{16}$ inch but less than
7 one inch in diameter.

8 2. “Definite large eyed” means that a majority of eyes are more than one inch in diameter.

9 (k) “Nesty” means that, in localized areas, there are too many small eyes.

10 (l) “One sided” means that eyes are reasonably developed on one side of the cheese and
11 underdeveloped on the other.

12 (m) “Overset” means that there are too many eyes.

13 (n) “Picks” means that there are small irregular or ragged openings in the body of the
14 cheese.

15 (o) “Relatively uniform eye size” means that the majority of eyes are within the size
16 range specified in s. ATCP 81.70(3), and that the difference in diameter between the smallest and
17 largest of that majority of eyes is not more than $\frac{1}{4}$ inch.

18 (p) “Rough” means that eyes do not have smooth, even walls.

19 (q) “Shell” means that eyes have wall surfaces that look like rough-shelled nuts.

20 (r) “Small eyed” means that a majority of eyes are less than $\frac{3}{8}$ inch in diameter. “Small
21 eyed” includes all the following:

22 1. “Slight small eyed” means that a majority of eyes are less than $\frac{3}{8}$ inch but more than $\frac{1}{8}$
23 inch in diameter.

1 2. “Definite small eyed” means that a majority of eyes are less than 1/8 inch in diameter.

2 (s) “Splits” means that the body of the cheese contains sizable cracks, usually in parallel
3 layers and usually clean cut.

4 (t) “Streuble” means that there are too many small eyes just under the surface of the cheese.

5 (u) “Underset” means that there are too few eyes in the cheese.

6 (v) “Uneven” means eyes are reasonably developed in some areas and underdeveloped in
7 others.

8 **SECTION 2.** ATCP 81.23(5)(title) is amended to read:

9 ATCP 81.23(5)(title) ~~GRADING PROCEDURE;~~ GENERAL.

10 **SECTION 3.** ATCP 81.23(5)(a) is repealed and recreated to read:

11 ATCP 81.23(5)(a) To grade cheese from any vat lot, a grader shall withdraw and
12 evaluate at least one plug from a cheese sample selected at random from that vat lot. The grader
13 shall withdraw each plug with a cheese trier that complies with par. (b).

14 **SECTION 4.** ATCP 81.23(5)(b)(intro.) is created to read:

15 (b) A cheese trier shall comply with the following requirements, as applicable:

16 **SECTION 5.** ATCP 81.23 (5)(b) to (d) are renumbered ATCP (5)(b)1. to 3.

17 **SECTION 6.** ATCP 81.23(5m) is created to read:

18 ATCP 81.23(5m) **SWISS CHEESE GRADING PROCEDURE.** To grade Swiss or emmentaler
19 cheese from any vat lot, a grader shall use the following procedure in place of the procedure
20 under sub. (5):

21 (a) The grader shall determine flavor and body characteristics by withdrawing and
22 evaluating at least one plug from a cheese sample selected at random from the vat lot. The
23 grader shall withdraw the plug with a trier, inserting the trier at the approximate center of the

1 largest flat surface area on the cheese sample. The grader shall withdraw and evaluate a full trier
2 plug of cheese, except that a grader may withdraw and evaluate a less-than-full trier plug if the
3 cheese is not deep enough to permit withdrawal of a full trier plug.

4 (b) Except as provided in par. (c) or (d), a grader shall determine texture, color and eye
5 characteristics by evaluating a cheese wheel or block selected at random from the vat lot. The
6 grader shall divide the cheese wheel or block approximately in half, and shall evaluate the 2
7 exposed cut surfaces.

8 (c) If cheese from a vat lot has been cut into sizes smaller than a wheel or block, a grader
9 may determine texture, color and eye characteristics by evaluating already exposed cut surfaces
10 without making additional cuts.

11 (d) At the request of the cheese owner, a grader may determine the texture, color and eye
12 characteristics of a vat lot by withdrawing and evaluating at least one plug of cheese selected at
13 random from that vat lot, rather than by evaluating cut surfaces under par. (b) or (c). The grader
14 shall withdraw and evaluate the plug according to par. (a). The grader shall disclose, on the
15 grade certification or inspection report, that the grader used this grading. The authorized
16 representative of a cheese owner may request this grading method on behalf of the cheese owner.

17 **SECTION 7.** ATCP 81.70(3) and Table 15 are amended to read:

18 ATCP 81.70(3) EYE AND TEXTURE CHARACTERISTICS. Wisconsin grade A or Wisconsin
19 state brand Swiss or emmentaler cheese shall be properly set and possess well developed, round
20 or slightly oval eyes. The eyes shall be relatively uniform in size and uniformly distributed. The
21 majority of the eyes shall be $\frac{9}{16}$ to $\frac{3}{8}$ to $\frac{13}{16}$ inch in diameter. The cheese may have very slight
22 dull, rough and shell eye characteristics. The texture of the cheese may contain very slight

- 1 checks ~~and~~, picks, and streuble. Eye and texture standards are shown in the grade A column of
- 2 Table 15.

TABLE 15. SWISS (EMMENTALER) CHEESE

GRADING STANDARDS FOR EYE AND TEXTURE CHARACTERISTICS				
IDENTIFIED EYE AND TEXTURE CHARACTERISTIC IN CHEESE BEING GRADED	GRADE A	GRADE B	GRADE C	GRADE D
AFTERSET			S	D
CABBAGE			S	D
CHECKS	VS	S	D	D
COLLAPSED			S	D
DEAD		VS	D	D
DULL	VS	S	D	D
FROG MOUTH		S	D	D
GASSY			S	D
IRREGULAR			S	D
LARGE EYED			S	D
NESTY		VS	D	D
ONE SIDED		S	D	P
OVERSET		S	D	D
PICKS	VS	S	D	D
ROUGH	VS	S	D	P
SHELL	VS	S	D	D
SMALL EYED		VS	S	D
SPLITS			S	D
STREUBLE	VS	S	D	D
UNDERSET		S	D	D
UNEVEN		S	D	D

VS = very slight; S = slight; D = definite; P = pronounced.

SECTION 8. ATCP 81.71(3) is amended to read:

ATCP 81.71(3) EYE AND TEXTURE CHARACTERISTICS. Wisconsin grade B Swiss or emmentaler cheese shall have well-developed, round or slightly oval shaped eyes. The majority of the eyes shall be $\frac{3}{8}$ to $\frac{13}{16}$ inch in diameter. The cheese may also have various undesirable

eye and texture characteristics to a very slight or slight degree for the applicable trait. Eye and texture standards are shown in the grade B column of Table 15 under s. ATCP 81.70(3).

SECTION 9. EFFECTIVE DATE. The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided under s. 227.22(2)(intro.), Stats.

Dated this _____ day of May, 2002.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE, AND CONSUMER PROTECTION

By _____
James E. Harsdorf
Secretary