

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF AGRICULTURE, ) SS.  
 )  
TRADE & CONSUMER PROTECTION )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, William D. Mathias, Administrator of the Food Division of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order adopting Chapter Ag 95, Wis. Adm. Code, relating to the product description and labeling of reduced fat cheeses.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 11 day of April, 1989.

*William D. Mathias*

William D. Mathias  
Administrator  
Food Division

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Revisor of Statutes  
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Bureau

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

The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes to adopt the following order to create ch. Ag 95 relating to reduced fat cheeses.

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

Statutory authority: ss. 93.07(1) and 97.09(1), Wis. Stats.

Statutes interpreted: ss. 97.03(1), 97.09(1), and 97.10, Wis. Stats.

These rules establish a standard of identity for reduced fat cheeses through product description and labeling. Standards of identity for cheese varieties are found in Title 21, Code of Federal Regulations, Part 133, and become standards of identity in Wisconsin pursuant to s. 97.09(1), Wis. Stats. Wisconsin cheese products must be labeled to correctly reflect the standard of identity. Reduced fat cheese is a cheese variety having no standard of identity, but which recently had an increase in production and sales. It is generally similar to the referenced variety in the Code of Federal Regulations, except that it has a lower milkfat content with slightly higher moisture content. The rules require the total milkfat content of a reduced fat cheese to be at least one-third less than the minimum milkfat requirement of the referenced variety based on the percentage in the total product. The maximum moisture content of the reduced fat cheese shall not exceed 125 percent of the maximum moisture of the referenced cheese as determined by the current Association of Official Analytical Chemists' standard analytical methods. The milk used in processing reduced fat cheese must be pasteurized to assure product safety for the consumer.

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SECTION 1. Ch. Ag 95 is created to read:

CHAPTER AG 95

REDUCED FAT CHEESES; PRODUCT DESCRIPTION  
AND LABELING

Ag 95.01 DEFINITIONS. As used in this chapter:

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

(2) "Milk" means milk as defined in s. 97.01(10), Stats., and includes the milk of cows or goats.

Ag 95.02 REDUCED FAT CHEESE. (1) PRODUCT DESCRIPTION.

Reduced fat cheese is the food prepared from milk and other ingredients by the procedure required by sub.(2), or by an alternate procedure which produces a finished cheese having the same or substantially the same flavor, texture, and body characteristics as the standardized variety referenced on the product label of the reduced fat cheese. Reduced fat cheese shall comply with the following requirements:

(a) The maximum total milkfat content of reduced fat cheese shall be at least one-third less than the minimum total milkfat requirement of the referenced standardized variety, as measured in grams per one ounce serving.

(b) The maximum moisture content of reduced fat cheese shall not exceed 125% of the maximum allowable moisture of the referenced standardized cheese variety. Moisture content shall be determined by procedures in "Official Methods of Analysis of the Association of Official Analytical Chemists," 14th Edition (1984).

NOTE: The "Official Methods of Analysis of the Association of Official Analytical Chemists," 14th Edition (1984), is on file in the office of the department, the secretary of state, and the revisor of statutes. A copy may be purchased from the Association of Official Analytical Chemists, Inc., 1111 North Nineteenth Street, Suite 210, Arlington, VA 22209.

(2) PREPARATION. Reduced fat cheese shall be prepared from pasteurized milk and other ingredients under s. Ag 95.03 according to the manufacturing procedure set forth for the referenced standardized variety in the applicable section of Title 21, Code of Federal Regulations, Part 133, entitled "Cheeses and Related Cheese Products."

Ag 95.03 INGREDIENTS. Dairy ingredients, including milk, nonfat milk or cream or the condensed or concentrated form of these dairy ingredients may be used in the manufacture of reduced fat cheese, provided the finished reduced fat cheese product meets the requirements set forth under s. Ag 95.02. Vitamin A may be added as an optional ingredient in the manufacture of a reduced fat cheese.

At 95.04 LABEL REQUIREMENTS. (1) NOMENCLATURE. The principal display panel of a reduced fat cheese shall bear the name of the food. The name of the food described under s. Ag 95.02(1) shall be "Reduced Fat \_\_\_\_\_ Cheese" or "Light \_\_\_\_\_ Cheese," the blank to be filled in with the varietal name of the referenced standardized cheese in the same type size as the words "reduced fat cheese" or "light cheese." The name of the food for the reduced fat version of a non-standard cheese shall appear on the principal display panel in bold type in a size reasonably related to the most prominent printed matter of the principal display panel.

(2) NUTRITION INFORMATION. The product label of a reduced fat cheese shall include comparative nutritional information per one-ounce serving for the reduced fat cheese and the standardized variety of the referenced cheese. The nutritional labeling shall meet the requirements of Title 21, Code of Federal Regulations, s. 101.9 entitled "Nutrition labeling of food" and s. 101.25 entitled "Labeling of foods in relation to fat and fatty acid and cholesterol content."

(3) FAT REDUCTION STATEMENT. The principal display panel of a reduced fat cheese shall clearly and concisely describe the amount of fat reduction from the fat content of the referenced cheese variety, expressed as a percentage or fraction (for example, "33% Less Fat than Cheddar Cheese"). The statement declaring the amount of fat reduction shall appear in close proximity to the name of the reduced fat cheese in type size not less than one-half the size or height of the tallest letters used in the name of the reduced fat cheese.

Ag 95.05 REDUCED FAT VERSIONS OF NON-STANDARD CHEESES. A reduced fat cheese manufactured as an alternative to a non-standardized variety may not utilize the common or usual name of the non-standardized cheese or the terms "reduced fat" or "light," but shall have its own appropriate descriptive or fanciful name which is not false or misleading.

Ag 95.06 REVIEW. The department shall hold an advisory hearing approximately 2 years after the effective date of this chapter to solicit public comment on whether this chapter should be amended

or repealed. At the hearing, the department shall solicit comments from manufacturers, distributors, and consumers of reduced fat cheese, and any other person who may have an interest in this chapter.

SECTION 2. 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 in s. 227.22(2)(intro.), Wis. Stats.

Dated this 11 day of April, 1988.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By William D. Mathias  
William D. Mathias  
Administrator, Food Division

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