

CR 94-175



STATE OF WISCONSIN)
) ss.
DEPARTMENT OF AGRICULTURE,)
TRADE AND CONSUMER PROTECTION)

Clearinghouse Rule
No. 94-175

CERTIFICATION:

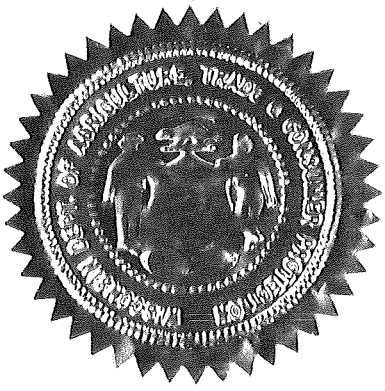
I, Alan T. Tracy, Secretary of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order relating to cheese grading, packaging and labeling, and standard of identity and labeling requirements for Baby Swiss Cheese was signed and adopted by the Department on October 31, 1995.

I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this 31st day of October, 1995.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Alan T. Tracy, Secretary



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

1 The state of Wisconsin department of agriculture, trade and
2 consumer protection adopts the following order to repeal ch. ATCP
3 79, ATCP 81.01(1) and 81.22(1)(c); to renumber ATCP 81.22(1)(d)
4 to (h); to amend ATCP 81.22(1)(b) and (2)(a), 81.22(2)(Note),
5 81.23(4), 81.24((1), 81.31(2)(e), 81.51(title), 81.70(title), (1)
6 Table 13, (2) Table 14, (3) Table 15, (4) Table 16 and (5) Table
7 17, 81.71(title), 81.72(title), 81.73(title) and 81.81(3)(a); and
8 to create ATCP 81.20(6) and subchapter IX of ch. ATCP 81;
9 relating to cheese grading, packaging and labeling, and standard
10 of identity and labeling requirements for baby Swiss cheese.

Analysis by the Department of Agriculture,
Trade and Consumer Protection

Statutory Authority: ss. 97.09(1) and 97.177(1) and (4), Stats.

Statutes Interpreted: ss. 97.09 and 97.177, Stats.

This rule modifies current rules under ch. ATCP 81, Wis. Adm. Code, related to cheese grading, packaging and labeling. This rule also incorporates, into ch. ATCP 81, current standards for Baby Swiss cheese under ch. ATCP 79.

Definition of "Age" or "Curing"

This rule repeals the current definition of "age" and "curing" under ch. ATCP 81. The current definition is unsuitable as applied to all cheeses under ATCP 81. In place of the repealed definition, this rule clarifies current labeling requirements for cheeses labeled as aged or cured.

Age Labeling

This rule establishes a new requirement for age labeling of cheese. If cheese is identified on the manufacturer's label as aged or cured, the label must include the minimum length of time in days, months, or years that the cheese has been aged or cured since its date of manufacture.

Equivalency of Wisconsin Grade A or Wisconsin State Brand

This rule consolidates and reorganizes current rules to clarify that "Wisconsin grade A" and "Wisconsin state brand" are both acceptable, equivalent names for the same grade category.

Grader's License Number Added to "Wisconsin Certified Premium Grade AA" Grade Label

Under current rules, the cheese grader's license number must be included on the grade mark or grade label of all graded cheese other than "Wisconsin certified premium grade AA." Under this rule, the cheese grader's license number must also appear on the grade mark or grade label of cheese graded as "Wisconsin certified premium grade AA."

Under current law, only department graders may certify cheese as "Wisconsin certified premium grade AA." By requiring that the grader be identified on the grade label, this rule will help prevent fraudulent grading of cheese as "Wisconsin certified premium grade AA."

Grade Labeling of Retail Cheese Packages

Under current law, a licensed retail food establishment holding a permit from the department may grade label retail packages of cheese. The rule allows licensed food processing plants to grade label retail packages of cheese in the same manner if they hold a permit from the department.

Cheese Container Requirements

Under current law, cheese boxes and containers must be "stamped" or "impressed" with the name and address of the manufacturer. This rule also permits cheese boxes and containers to be "labeled" with the name and address of the manufacturer.

Titles of Grade Standards Sections

This rule amends the titles of some sections of the current rule for better consistency.

Swiss or Emmentaler Cheese Wisconsin Grade D Standards

Tables indicating grade standard characteristics for "Wisconsin grade D" cheese are amended to allow the presence of all defects currently allowed for "Wisconsin grade C" or above. Tables in the current rule are incomplete in this respect.

Wisconsin Cheese Logotype

Under current law, the official Wisconsin cheese logotype may be used on cheese manufactured in this state which meets the grade standards of "Wisconsin grade A" or "Wisconsin state brand," or which achieves a grade score of 92 or better. This rule also allows the use of the official logotype on cheese manufactured in this state which meets the grade standard of "Wisconsin certified premium grade AA."

Baby Swiss Cheese; Standard of Identity and Labeling

This rule consolidates, into ch. ATCP 81, Wis. Adm. Code, the current standard of identity for Baby Swiss Cheese under ch. ATCP 79.

1 **SECTION 1.** Chapter ATCP 79 is repealed.

2 **SECTION 2.** ATCP 81.01(1) is repealed.

3 **SECTION 3.** ATCP 81.20(6) is created to read:

4 ATCP 81.20(6) AGE LABELING. If cheese is identified on the
5 manufacturer's label as aged or cured, the label shall include
6 the minimum length of time in days, months or years that the
7 cheese has been aged or cured since the cheese was manufactured.

8 **SECTION 4.** ATCP 81.22(1)(b) is amended to read:

9 ATCP 81.22(1)(b) Wisconsin grade A or Wisconsin state
10 brand.

11 **SECTION 5.** ATCP 81.22(1)(c) is repealed.

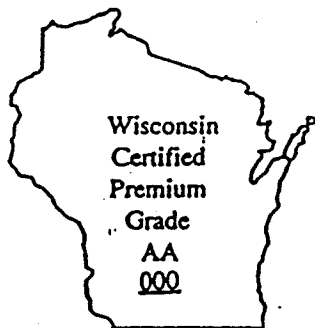
12 **SECTION 6.** ATCP 81.22(1)(d) to (h) are renumbered ATCP
13 81.22(1)(c) to (g).

1 SECTION 7. ATCP 81.22(2)(a) is amended to read:

2 ATCP 81.22(2)(a) Wisconsin certified premium grade AA,
3 Wisconsin grade A, or Wisconsin state brand. The grade mark for
4 cheese grades under sub. (1)(a) ~~to (e)~~ or (b) shall consist of a
5 miniature outline map of the boundaries of Wisconsin with the
6 cheese grader's license number and the name of the applicable
7 grade, as determined by the cheese grader, enclosed within the
8 outline map. ~~The grader's license number shall also be enclosed~~
9 ~~within the outline for cheese graded as Wisconsin grade A or~~
10 ~~Wisconsin state brand.~~ The type shall be spaced and designed so
11 as to be legible and present a symmetrical appearance.

12 SECTION 8. ATCP 81.22(2)(Note) is amended to read:

13 NOTE: The following are illustrations of the grade mark
14 requirements under s. ATCP 81.22(2)(a):



15 SECTION 9. ATCP 81.23(4) is amended to read:

16 ATCP 81.23(4) MINIMUM AGE OF CHEESE FOR STATE GRADE
17 CERTIFICATION. All cheese except Swiss or emmentaler cheese
18 offered for grade certification under sub. (3) shall be at least
19 10 days old on the day of certification. Swiss or emmentaler
20 cheese shall be at least 60 days old on the date of

1 certification. Age shall be determined from the date of
2 manufacture.

3 **SECTION 10.** ATCP 81.24(1) is amended to read:

4 ATCP 81.24(1) A retail food establishment licensed under s.
5 97.30, Stats., or a food processing plant licensed under
6 s. 97.29, Stats., may obtain a cheese grade labeling permit from
7 the department. A permit holder may affix a cheese grade label
8 to retail packages of graded cheese purchased in bulk by the
9 permit holder, if the bulk lot has been graded as Wisconsin
10 Certified Premium Grade AA, Wisconsin Grade A or Wisconsin State
11 Brand and the cheese is cut, packaged and labeled for retail
12 distribution. No retail food establishment may grade label
13 retail packages of cheese without a permit from the department.
14 Retail grade labeling shall comply with this section.

15 **SECTION 11.** ATCP 81.31(2) (e) is amended to read:

16 ATCP 81.31(2) (e) The name and address of the manufacturer
17 shall be plainly stamped, ~~or~~ impressed or labeled in type at
18 least ¼ inch high on the body of all boxes or containers
19 manufactured for use as a receptacle or container for cheese.

20 **SECTION 12.** ATCP 81.51(title) is amended to read:

21 ATCP 81.51(title) WISCONSIN GRADE A OR WISCONSIN STATE
22 BRAND STANDARDS.

23 **SECTION 13.** ATCP 81.70 (title) is amended to read:

24 ATCP 81.70(title) WISCONSIN GRADE A OR WISCONSIN STATE
25 BRAND STANDARDS.

1 SECTION 14. ATCP 81.70(1), Table 13, is amended to read:

2 TABLE 13. SWISS (EMMENTALER) CHEESE

GRADING STANDARDS FOR FLAVOR CHARACTERISTICS				
IDENTIFIED FLAVOR CHARACTERISTIC IN CHEESE BEING GRADED	GRADE A (Wisconsin State Brand)	GRADE B	GRADE C	GRADE D
ACID		VS	S	D
BARNY			S	D
BITTER		VS	S	D
FEED		S	D	P
FLAT		S	D	<u>D</u>
FRUITY			S	D
LIPASE or RANCID			S	D
METALLIC		VS	S	D
OLD MILK			S	D
SOUR			S	D
UTENSIL		VS	S	D
WEEDY			S	D
WHEY-TAINT			S	D
YEASTY			S	D

VS = very slight; S = slight; D = definite; P = pronounced; Blank = none detectable.

1 SECTION 15. ATCP 81.70(2), Table 14, is amended to read:

2 TABLE 14. SWISS (EMMENTALER) CHEESE

GRADING STANDARDS FOR BODY CHARACTERISTICS				
IDENTIFIED BODY CHARACTERISTIC IN CHEESE BEING GRADED	GRADE A (Wisconsin State Brand)	GRADE B	GRADE C	GRADE D
COARSE			S	D
PASTY			S	D
SHORT			S	D
WEAK		S	D	<u>D</u>

VS = very slight; S = slight; D = definite; P = pronounced; Blank = condition not present.

1 SECTION 16. ATCP 81.70(3), Table 15, is amended to read:

2 TABLE 15. SWISS (EMMENTALER) CHEESE

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

VS = very slight; S = slight; D = definite; P = pronounced; Blank = condition not present.

1 SECTION 17. ATCP 81.70(4), Table 16, is amended to read:

2 TABLE 16. SWISS (EMMENTALER) CHEESE

GRADING STANDARDS FOR FINISH AND APPEARANCE CHARACTERISTICS				
IDENTIFIED FINISH AND APPEARANCE CHARACTERISTIC IN CHEESE BEING GRADED	GRADE A (Wisconsin State Brand)	GRADE B	GRADE C	GRADE D
CHECKED RIND			S	D
HUFFED		S	D	P
MOLD ON RIND SURFACE	VS	S	D	P
MOLD UNDER WRAPPER OR COVERING	VS	S	D	P
SOFT SPOTS			S	D
SOILED SURFACE (rind)		S	D	P
SOILED SURFACE (rindless)			VS	S
UNEVEN		S	D	P
WET RIND		S	D	<u>D</u>
WET SURFACE (rindless)		S	D	<u>D</u>

VS = very slight; S = slight; D = definite; P = pronounced; Blank = condition not present.

1 SECTION 18. ATCP 81.70(5), Table 17 is amended to read:

2 TABLE 17. SWISS (EMMENTALER) CHEESE

GRADING STANDARDS FOR COLOR CHARACTERISTICS				
IDENTIFIED COLOR CHARACTERISTIC IN CHEESE BEING GRADED	GRADE A (Wisconsin State Brand)	GRADE B	GRADE C	GRADE D
ACID CUT			S	<u>D</u>
BLEACHED SURFACE		S	D	D
COLOR SPOTS			S	<u>D</u>
DULL OR FADED			S	D
MOTTLED			S	<u>D</u>
PINK RING			S	<u>D</u>

VS = very slight; S = slight; D = definite; P = pronounced; Blank = condition not present.

1 SECTION 19. ATCP 81.71(title) is amended to read:

2 ATCP 81.71(title) WISCONSIN GRADE B STANDARDS.

3 SECTION 20. ATCP 81.72(title) is amended to read:

4 ATCP 81.72(title) WISCONSIN GRADE C STANDARDS.

5 SECTION 21. ATCP 81.73(title) is amended to read:

6 ATCP 81.73(title) WISCONSIN GRADE D STANDARDS.

7 SECTION 22. ATCP 81.81(3) (a) is amended to read:

8 ATCP 81.81(3) (a) The official logotype may be affixed to
9 and used ~~only~~ on cheese manufactured in this state meeting the
10 grade standards of "WISCONSIN CERTIFIED PREMIUM GRADE AA,"
11 "WISCONSIN GRADE A" or "WISCONSIN STATE BRAND" ~~or~~ "WISCONSIN
12 GRADE A" ~~for cheese~~ if the cheese is one for which grade
13 standards have been adopted under this chapter, ~~or~~. The official
14 logotype may also be used on cheese, manufactured in this state,
15 which is given a score of a 92 score or better as specified under
16 par. (b) ~~for all other cheese for~~ if the cheese is one for which
17 no grade standards have been adopted by the department. The
18 official logotype may not be used on any cheese other than cheese
19 identified under this paragraph. Cheese shall be graded by
20 graders licensed under s. 97.17, Stats.

21 SECTION 23. Subchapter IX is created to read:

22 SUBCHAPTER IX

23 BABY SWISS CHEESE; STANDARD OF IDENTITY AND LABELING

24 ATCP 81.91 BABY SWISS CHEESE; PRODUCT DESCRIPTION AND
25 PREPARATION. (1) DESCRIPTION. Baby swiss cheese is the food
26 prepared by the process under sub. (2) or by any other process

1 which produces a finished cheese having the same physical and
2 chemical properties as that produced under sub. (2). Baby swiss
3 cheese has round, well-formed holes or eyes developed throughout
4 the cheese. The minimum milkfat content of baby swiss cheese is
5 45% by weight of the solids. The maximum moisture content is 43%
6 by weight, as determined by a method that complies with s. ATCP
7 80.32. Baby swiss cheese shall be held at the point of
8 manufacture for 60 days prior to distribution, or be made from
9 pasteurized milk. If pasteurized milk is used, the phenol
10 equivalent value of 0.25 grams of baby swiss cheese shall not
11 exceed 3 micrograms.

12 (2) PREPARATION. To prepare baby swiss cheese, the dairy
13 ingredients specified in s. ATCP 81.92(1)(a) shall be brought to
14 a temperature of 90° F. Bacterial cultures or enzymes specified
15 in s. ATCP 81.92 (1)(b) shall be added to the dairy ingredients,
16 in order to subject them to the action of lactic acid and
17 propionic acid. One or more of the clotting enzymes specified in
18 s. ATCP 81.92(1)(c) shall be added to the dairy ingredients, in
19 order to coagulate or set the dairy ingredients into a semisolid
20 mass. The semisolid mass shall be cut into curd particles by a
21 one-quarter inch curd knife. The whey shall be drained from the
22 semi-solid curds. Water shall be added to the curds, and the
23 temperature shall be raised to 106° F as the curds and water are
24 stirred. The temperature of 106° F shall be maintained and the
25 stirring shall continue until the curds become firm. The curds
26 shall be transferred to hoops or forms and pressed until the

1 desired shape and firmness are attained. The cheese shall then
2 be salted by immersing it in a saturated salt solution for 2 to
3 72 hours, depending on the desired degree of saltiness.

4 ATCP 81.92 INGREDIENTS. (1) The following ingredients shall
5 be used in the manufacture of baby swiss cheese:

6 (a) Dairy ingredients consisting of milk, skim milk, nonfat
7 milk, or cream, used alone or in combination, provided that the
8 final cheese product meets the fat and moisture requirements set
9 forth under s. ATCP 81.91(1).

10 (b) Cultures or enzymes of animal, plant or microbial
11 origin, used for acid production and for curing, flavor and
12 texture development.

13 (c) Clotting enzymes, consisting of rennet or other enzymes
14 of animal, plant or microbial origin, used to set the dairy
15 ingredients to a semisolid mass.

16 (2) The following optional ingredients may be used in the
17 manufacture of baby swiss cheese:

18 (a) Coloring.

19 (b) Calcium chloride, used as a coagulation aid. If used,
20 the amount of calcium chloride, calculated as anhydrous calcium
21 chloride, shall not exceed 0.02% by weight of the dairy
22 ingredients.

23 (c) Antimycotic agents, applied to the surface of slices or
24 cuts in consumer-sized packages, used to retard mold growth.

25 ATCP 81.93 NOMENCLATURE AND LABEL DECLARATION. The name of
26 the food described in s. ATCP 81.91(1) shall be baby swiss

1 cheese. The product label shall include an ingredient
2 declaration setting forth, in descending order of predominance by
3 weight, the common or usual name of each ingredient used in the
4 food. Enzymes of animal, plant or microbial origin may be
5 declared as enzymes. If the product is made from pasteurized
6 milk, it shall be so labeled.

7 **SECTION 24.** The rules contained in this order shall take
8 effect on the first day of the month following publication in the
9 Wisconsin administrative register, as provided under s.
10 227.22(2)(intro), Stats.

Dated this _____ day of _____, 19 ____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Alan T. Tracy, Secretary

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7 SECTION 24. The rules contained in this order shall take
8 effect on the first day of the month following publication in the
9 Wisconsin administrative register, as provided under s.
10 227.22(2)(intro), Stats.

Dated this 3/5th day of October, 19 95.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Alan T. Tracy, Secretary