

defects in body, color and salt are limited to a total of one-half ($\frac{1}{2}$) unless the flavor classification permits these defects to exceed one-half ($\frac{1}{2}$). Butter that has a flavor classification of AA and total defects in body, color and salt which exceed one-half ($\frac{1}{2}$) but do not exceed two and one-half ($2\frac{1}{2}$) shall be Wisconsin Grade B. Butter that has a flavor classification of A and total defects in body, color and salt which exceed one-half ($\frac{1}{2}$) but do not exceed one and one-half ($1\frac{1}{2}$) shall be Wisconsin Grade B.

(4) WISCONSIN UNDERGRADE. Butter that is below the requirements for Wisconsin Grade B.

Ag 85.06 Grade labeling. (1) DEFINITION OF TERMS. (a) Selling butter "at retail" shall mean selling for consumption or use, or for any purpose other than resale as butter, regardless of quantity, and shall include selling to persons who sell meals or lunches. The term shall not include selling with and as a part of any meal or lunch.

(b) "Label" means a display of written, printed or graphic matter on the outside container or wrapper of the retail package of butter.

(2) GRADE STATEMENT ON PACKAGE LABEL. No person shall sell, offer or expose for sale, or have in possession with intent to sell, any butter at retail unless its label bears a statement of the grade determined under these regulations. The grade statement shall be "Wisconsin Grade AA", "Wisconsin Grade A", "Wisconsin Grade B", or "Wisconsin Undergrade", as the case may be. The letters "AA", "A" or "B" may immediately precede the term "Grade" and the name of the state may be abbreviated "Wis." The letters of the grade statement shall be not less than 12-point type, on a strongly contrasting background. The grade statement shall prominently appear on the part or panel of the label which is presented or displayed under customary conditions of purchase. The term "when graded" or similar qualifying terms shall not be used on the label in conjunction with the grade statement.

(3) UNIFORM INSIGNIA FOR WISCONSIN GRADE AA OR A. A uniform grade insignia may be used on the package label of butter which has been manufactured in Wisconsin and which has been graded "Wisconsin Grade AA" or "Wisconsin Grade A". The insignia shall consist of the grade statement enclosed by an outline map of Wisconsin. The lines forming the map shall be not less than 3 points in width. The grade statement shall otherwise conform to the requirements in subsection (2). No other written, printed or graphic matter shall appear within the outline map. No person shall use the grade insignia on the label of any butter except as herein provided; nor shall any person use any insignia in semblance thereof on the label of any butter.

(4) CODING OF CONSUMER PACKAGES. Persons packaging butter shall mark or code each consumer package or bulk container of consumer packages of butter and shall keep records from which the department can determine the name of the grader certifying the grade and the date of printing or churning.

(5) EXCEPTION, U. S. GRADED BUTTER. The provisions of this section shall not be applicable to any butter, the label of which bears the grade U. S. Grade AA, U. S. Grade A or U. S. Grade B, determined by official inspection under federal regulations and standards.

History: 1-2-56; renum. (4) to be (5); cr. (4), Register, June, 1960, No. 54, eff. 7-1-60.

Ag 85.07 Licensing of graders. No person shall certify or attempt to certify that any butter conforms to a grade or the specifications therefor established under these regulations without a license from the department. Licenses to certify the grade of butter shall be issued as provided in section 93.11, Wis. Stats. The provisions of said section 93.11 governing revocation or suspension of licenses, and the conduct of licensees shall be applicable to persons licensed to certify the grade of butter. Application for license shall be in writing on a form furnished by the department, naming the location where the grading is to be done. Unless written approval is granted by the department, no licensee shall grade butter at a location other than one authorized by his license.

Ag 85.08 Arbitration of grade disputes. In case of disagreement under any sales contract as to the grade of any butter, any party to the contract may file with the department written request for the appointment of an arbitration committee to consist of three arbitrators. Each party to the dispute shall select one arbitrator and such two arbitrators shall select a third. All such arbitrators shall be state or federal licensed graders. The decision of a majority of such arbitrators as to the grade of butter shall be final. The party requesting the arbitration committee shall be responsible for the payment to each arbitrator of a fee of \$20 for each day or part thereof engaged in arbitration duties, and a round trip travel allowance of 10 cents per mile computed from place of residence.