

## Chapter ATCP 55

### MEAT AND MEAT FOOD PRODUCTS

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**Note:** Chapter ATCP 55 as it existed on March 31, 2002 was repealed and a new chapter ATCP 55 was created, Register March 2002 No. 555, effective April 1, 2002.

**Note:** Chapter Ag 47 as it existed on September 30, 1971 was repealed and a new ch. Ag 47 was created, Register, September, 1971, No. 189, effective October 1, 1971; chapter Ag 47 was renumbered ch. ATCP 55 under s. 13.93 (2m) (b) 1., Stats., Register, March, 1993, No. 447.

**ATCP 55.01 Scope. (1) GENERAL.** Except as provided in sub. (2), this chapter applies to persons who slaughter food animals for human consumption, who submit food animals for slaughter for human consumption, or who process, store, transport, sell or distribute meat or meat food products for human consumption. This chapter applies to slaughter and processing establishments, mobile custom slaughterers and processors, food warehouses and locker plants, meat distributors and transporters, meat brokers, food retailers and central restaurant commissaries that engage in activities covered by this chapter.

**(2) EXEMPTIONS.** This chapter does not apply to any of the following:

(a) A restaurant, vending machine commissary or catering establishment licensed and inspected by the department of health services or its agent, provided that the following apply:

1. The establishment processes no meat other than state or federally inspected meat.

2. The establishment sells meat only as part of a meal.

3. Meat processing is confined to the premises where the meat is served as part of a meal or, in the case of a vending machine commissary or catering establishment, to the premises where meals are prepared for catered service or vending machine service to individual consumers.

(b) Establishments inspected by the United States department of agriculture under 21 USC 451 to 695.

(c) An individual slaughtering or transporting his or her own animals, or processing or transporting his or her own meat, for his or her own consumption. An individual's own consumption may include consumption by the individual's immediate family, immediate household and nonpaying guests.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; **correction in (2) (a) (intro.) made under s. 13.92 (4) (b) 6., Stats., Register April 2009 No. 640.**

**ATCP 55.02 Definitions.** In this chapter:

**(1)** "Ante mortem inspection" means a pre-slaughter inspection of a live food animal.

**(2)** "Captive game animals" means bison, white-tail deer and other animals of a normally wild type that are produced in captivity for slaughter and consumption. "Captive game animals" does not include farm-raised deer, ratites, captive game birds, fish, or animals kept solely for hunting purposes at a hunting preserve.

**(3)** "Captive game birds" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl and exotic birds, that are produced in captivity for slaughter and consumption. "Captive game birds" does not include poultry, ratites, or birds kept solely for hunting purposes in a hunting preserve.

**(4)** "Carcass" means all edible parts of a slaughtered animal, including edible viscera.

**(5)** "Custom processing" means processing meat as a custom service for an individual who owns that meat, and who uses all the resulting meat or meat food products for his or her own consumption. An individual's own consumption may include consumption by the individual's immediate family, immediate household and nonpaying guests. "Custom processing" includes mobile custom processing.

**Note:** A provider of custom processing services does not "sell" the slaughtered food animal or the resulting meat, but merely provides a service to the meat owner.

**(6)** "Custom slaughter" means slaughtering a food animal as a custom service for an individual who owns that animal, and who uses all the resulting meat or meat food products for his or her own consumption. An individual's own consumption may include consumption by the individual's immediate family, immediate household and nonpaying guests. "Custom slaughter" includes mobile custom slaughter.

**Note:** A provider of custom slaughtering services does not "sell" the slaughtered food animal or the resulting meat, but merely provides a service to the animal owner.

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

**(8)** "Diseased animal" means an animal that has been diagnosed with a disease not known to be cured, or that has exhibited signs or symptoms of a disease not known to be cured. "Diseased animal" does not include an otherwise healthy animal that suffers only from injuries such as fractures, cuts or bruises.

**(9)** "Domesticated food animal" means any of the following:

(a) Cattle.

(b) Swine.

(c) Poultry.

(d) Sheep.

(e) Goats.

(f) Farm-raised deer.

(g) Horses, mules and other equines.

**(10)** "Edible" means edible by humans.

**(11)** "Farm-raised deer" has the meaning given in s. 95.001 (1) (ag), Stats. "Farm-raised deer" does not include captive white-tail deer.

**(12)** "Food animals" means domesticated food animals, ratites, captive game animals and captive game birds.

**(13)** "Individual" means a natural person.

**(14)** "Livestock" means domesticated food animals other than poultry.

**(15)** "Meat" means the edible muscle and other edible parts of a food animal, including edible skeletal muscle, edible organs, and edible muscle found in the tongue, diaphragm, heart or esophagus. "Meat" includes edible fat, bone, skin, sinew, nerve or blood vessel that normally accompanies meat and is not ordinarily removed in processing.

(16) "Meat broker" means a person who, without taking title to meat or meat food products, arranges the purchase or sale of meat or meat food products.

(17) "Meat distributor" means a person who distributes meat or meat food products at wholesale.

(18) "Meat establishment" means a plant or fixed premises used to slaughter food animals for human consumption, or to process meat or meat food products for human consumption.

(19) "Meat food product" means any edible product derived in whole or in substantial and definite part from meat.

(20) "Mobile custom processing" means custom processing meat for another person at that person's premises.

(21) "Mobile custom slaughter" means custom slaughtering a food animal for another person at that person's premises.

(22) "Person" means an individual, corporation, partnership, cooperative association, limited liability company, trust, or other organization or entity.

(23) "Post mortem inspection" means the post-slaughter inspection of a slaughtered food animal's carcass.

(24) "Poultry" means domesticated fowl commonly used for human food, including domesticated chickens, turkeys, geese, ducks, guinea fowl and squab. "Poultry" does not include ratites or captive game birds.

(25) "Process" means to cut, grind, manufacture, compound, intermix or prepare meat or meat food products.

(26) "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rhea.

(27) "Sanitize" means to destroy pathogens and other microorganisms, to the maximum practicable extent, by applying an approved sanitizer or sanitizing method to food contact surfaces of equipment, utensils or food packages that are otherwise clean.

(28) "Sell" means to transfer ownership for a price, or to advertise, offer, hold or distribute for sale.

(29) "Unwholesome" has the meaning given in s. 97.42 (1) (m), Stats.

(30) "Veterinarian" has the meaning given in s. 97.42 (1) (n), Stats.

(31) "Wholesome" has the meaning given in s. 97.42 (1) (o), Stats.

(32) "Wild game" means edible wild animals other than fish. "Wild game" does not include any of the following:

- (a) Captive game animals or captive game birds.
- (b) Farm-raised deer.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; correction in (11) made under s. 13.93 (2m) (b) 7., Stats., Register October 2004 No. 586.

### ATCP 55.03 Meat establishment license.

(1) ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person may operate a meat establishment without a current annual license from the department. A license expires on June 30 of each year. A person who operates more than one meat establishment shall hold a current annual license for each meat establishment. Each slaughter establishment license shall bear a livestock premises code issued under s. ATCP 17.02 (7). A license may not be transferred between persons or meat establishments.

(2) LICENSE EXEMPTIONS. The license requirement under sub. (1) does not apply to any of the following:

- (a) Slaughter or processing operations inspected by the United States department of agriculture under 21 USC 451 to 695.
- (b) Mobile custom slaughter or mobile custom processing operations.
- (c) The custom slaughter or custom processing of captive game animals or captive game birds.

**Note:** Under s. 97.42 (3), Stats., the department provides ante mortem and post mortem inspection services only to licensed meat establishments. According to federal law and s. ATCP 55.04, captive game animals and captive game birds must be slaughtered subject to ante mortem and post mortem inspection if they are slaugh-

tered for sale for human consumption. This slaughter inspection requirement does not apply to the custom slaughter of captive game animals or captive game birds.

(d) A person slaughtering and processing poultry produced on that person's farm, provided that all the following apply:

1. The person slaughters and processes no more than 1,000 poultry per year.
2. The person slaughters, processes and sells the poultry at the farm where they are produced.
3. The person clearly and conspicuously labels each package or container of poultry meat with the person's name and address and the words "NOT INSPECTED."

**Note:** See s. 97.42 (11), Stats.

(e) A retail establishment that processes meat or meat food products primarily for sale to individual consumers at the retail establishment, provided that all the following apply:

1. The retail establishment is not engaged in slaughter operations.
2. The retail establishment sells the processed meat and meat food products only to individual consumers at the retail establishment, or to restaurants or institutions for use in meals served at those restaurants or institutions.
3. The retail establishment's sales of its processed meat and meat food products to restaurants or institutions do not exceed \$28,800 annually, or 25% by dollar volume of all meat sales from the retail establishment, whichever is less.

**Note:** The scope of the federal exemption under 7 CFR 303.1 does not affect the scope of the state licensing exemption under this paragraph.

4. The retail establishment receives meat only from meat establishments licensed under this section or inspected by the United States department of agriculture under 21 USC 451 to 695.

5. The operator of the retail establishment does not sell, to any person other than an individual consumer, any meat or meat food product that is cured, smoked, seasoned, canned or cooked at the retail establishment.

6. The operator of the retail establishment does not sell, to any person other than an individual consumer, any meat food product made by combining meat from different animal species at the retail establishment.

(3) LICENSE APPLICATION. A person shall apply for a meat establishment license on a form provided by the department. The application shall include all the following:

(a) The applicant's correct legal name, and any trade name under which the applicant proposes to operate a meat establishment.

(b) The applicant's social security number if the applicant is an individual.

**Note:** See s. 93.135 (1) (nm), Stats.

(c) The address of each meat establishment.

(d) For each meat establishment, a proposed slaughter and processing schedule under sub. (12) (a).

(dm) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(e) Other relevant information required by the department.

(f) The fees required under sub. (4).

(4) LICENSE FEES. A person shall pay a \$200 annual license fee for each licensed meat establishment, except that the person shall pay an annual license fee of \$80 if the person is solely engaged in custom slaughtering or custom processing operations at that meat establishment.

(5) PRE-LICENSE INSPECTION. Before the department issues a license for a new meat establishment, or issues a license to a new operator of an existing meat establishment, the department shall inspect that meat establishment. The department shall perform the inspection within 30 days after the operator applies for the license, unless the applicant agrees to a later inspection date.

**Note:** The department may inspect any meat establishment, regardless of whether an inspection is required under sub. (5).

**(6) ACTION ON LICENSE APPLICATION.** (a) Except as provided in par. (b), the department shall grant or deny an annual meat establishment license application within 30 days after the department receives a complete application.

(b) If sub. (5) requires a pre-license inspection, the department shall grant or deny the license application within 30 days after the department performs that inspection.

(c) If the department denies a meat establishment license application, the department shall give the applicant written notice of the reasons for that denial.

**(7) DENYING, SUSPENDING OR REVOKING A LICENSE.** The department may deny, suspend or revoke a meat establishment license for cause, as provided in ss. 93.06 (7), 97.42 (10) and 97.42 (12), Stats. Cause may include a violation of this chapter.

**Note:** The procedure for suspending or revoking a license, or for contesting a license denial, is set forth in ch. ATCP 1.

**(8) CONDITIONAL LICENSE.** The department may issue a meat establishment license subject to conditions, or may impose conditions on an existing license, as provided in s. 93.06 (8), Stats.

**Note:** The procedure for imposing conditions on an existing license, or for contesting license conditions, is set forth in ch. ATCP 1.

**(9) LICENSE DISPLAYED.** A person holding a meat establishment license shall display that license in a prominent location at the licensed meat establishment.

**(10) MEAT ESTABLISHMENT NUMBER.** The department shall assign, to each licensed meat establishment, a meat establishment number that uniquely identifies that meat establishment.

**(11) PROCESSING WILD GAME.** (a) Except as provided in par. (b), no person may slaughter or process any animals other than food animals at a meat establishment.

(b) A meat establishment operator may custom process legally harvested wild game at a meat establishment if all the following apply:

1. The operator notifies the department that the operator plans to custom process wild game at that meat establishment. Notice shall specify the type of wild game to be processed. The department may restrict wild game processing that is incompatible with the slaughter or processing of food animals.

2. The operator accepts only clean and apparently wholesome wild game carcasses for custom processing.

3. The operator, when custom processing wild game, complies with processing, labeling and record keeping requirements applicable to the custom processing of food animals under s. ATCP 55.08.

4. The operator custom processes wild game only at times when the operator is not engaged in slaughtering or processing food animals. The operator shall thoroughly clean and sanitize equipment and utensils used to process wild game before using the same equipment or utensils to slaughter or process food animals or the meat of food animals.

5. The operator keeps wild game and wild game products separate from all other meat and meat food products in the meat establishment.

6. The operator clearly labels wild game products, so they cannot be confused with other meat or meat food products. Wild game products shall be clearly identified by species.

7. The operator handles, processes and stores wild game and wild game products in a manner that prevents contamination of other meat and meat food products.

**(12) SLAUGHTER AND PROCESSING SCHEDULE.** (a) A person applying for a meat establishment license shall include, with the license application, a proposed slaughter and processing schedule. A meat establishment operator need not include a schedule with a license renewal application if there has been no change in the schedule last established for the meat establishment under this subsection.

(b) A schedule under par. (a) shall specify the days of each week, and the hours of each day, during which the applicant pro-

poses to engage in each of the following activities at the meat establishment:

1. Slaughter food animals to produce meat or meat food products for sale.

2. Process meat or meat food products for sale.

3. Custom slaughter food animals, or custom process meat or meat food products.

4. Custom process wild game, as provided in sub. (11).

(c) The department may require a change in a slaughtering and processing schedule under this subsection if any of the following apply:

1. A change is needed in order to make slaughter inspection services available, or to make efficient use of the department's slaughter inspection staff.

2. The operator proposes to process wild game during times also scheduled for the slaughter or processing of food animals.

**Note:** Sub. (11) (b) 4. prohibits simultaneous processing of wild game and food animals.

3. The operator proposes to engage in custom slaughter or processing operations during times also scheduled for the slaughter of food animals for sale, or the processing of meat for sale.

**Note:** A meat establishment operator may not engage in custom slaughter or custom processing operations while the operator is simultaneously slaughtering food animals for sale, or simultaneously processing the meat of food animals for sale. There are exceptions for *inspected* custom operations, and for simultaneous operations that are physically separated to prevent cross-contamination and commingling. The department may disapprove a simultaneous schedule if these exceptions do not apply. See s. ATCP 55.08 (3).

(d) A meat establishment operator may not deviate from a schedule established under this subsection, without prior department approval.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 04-103: am. (1) and cr. (3) (dm) Register September 2005 No. 597, eff. 10-1-05.

#### **ATCP 55.04 Slaughter inspection; general.**

**(1) SLAUGHTER INSPECTION REQUIRED.** (a) Except as provided in par. (b) or (c), no person may sell any meat from any food animal for human consumption unless the department or the United States department of agriculture has conducted a slaughter inspection of that food animal. The slaughter inspection shall include an ante mortem inspection of the live food animal, and a post mortem inspection of the food animal carcass.

**Note:** Slaughter inspection is not required for custom slaughtered animals, because there is no sale of meat. Federal law prohibits the interstate sale of meat from animals slaughtered under state (rather than federal) inspection. But this federal prohibition does not apply to meat from farm-raised deer, captive game animals or captive game birds.

(b) Paragraph (a) does not apply to a person selling meat from a captive game animal or captive game bird if neither the department nor the United States department of agriculture has established ante mortem or post mortem inspection procedures for that type of captive game animal or captive game bird.

**Note:** The exemption under par. (b) is very limited, because the department and USDA have established inspection standards for most captive game animals and game birds.

(c) Paragraph (a) does not apply to a person selling meat from not more than 1,000 poultry per year, provided that all the following apply:

1. The person produces all of those poultry on his or her farm.

2. The person slaughters, processes and sells the poultry at the farm where they are produced, or has them slaughtered and processed at a licensed meat establishment.

3. The person clearly and conspicuously labels each package or container of poultry meat with the person's name and address and the words "NOT INSPECTED."

**Note:** See s. 97.42 (11), Stats.

**(2) SLAUGHTER INSPECTION PROVIDED TO LICENSED MEAT ESTABLISHMENTS.** (a) The department shall provide ante mortem and post mortem slaughter inspection services to operators of meat establishments licensed under s. ATCP 55.03. The department may not provide slaughter inspection services to other persons.

(b) A meat establishment operator requesting slaughter inspection services shall submit the request to the department in writing, and shall specify a proposed slaughter schedule according to s. ATCP 55.03 (12) (b). The department may require a different schedule, as provided in s. ATCP 55.03 (12) (c). The meat establishment operator may not deviate from the specified schedule without prior department approval, as provided in s. ATCP 55.03 (12) (d).

**(3) SLAUGHTER INSPECTION SITE.** (a) The department may not perform a slaughter inspection at any place other than a meat establishment licensed under s. ATCP 55.03, except that the department may agree to perform field ante mortem inspections on any of the following:

1. Apparently healthy farm-raised deer or captive game animals that cannot be safely or humanely transported to a licensed meat establishment for ante mortem inspection.

2. Apparently healthy domesticated food animals, if special circumstances prevent the transportation of those animals to a licensed meat establishment for ante mortem inspection.

(b) The department may not perform field ante mortem inspections under par. (a) on diseased animals, or on animals that cannot stand or walk.

(c) If an animal passes a field ante mortem inspection under par. (a), the operator of a meat establishment licensed under s. ATCP 55.03 may stun and bleed the animal in the field. The operator shall bleed the animal immediately after stunning, and shall immediately transport the carcass to the meat establishment for skinning, post mortem inspection and processing. The operator shall transport the carcass in compliance with s. ATCP 55.11. The inspector shall identify the carcass and monitor the carcass shipment, as necessary, to ensure compliance with this paragraph.

**(4) SLAUGHTER INSPECTION CHARGES; WHEN REQUIRED.** The department shall provide slaughter inspection services under subs. (2) and (3) without charge, except that the department shall charge a meat establishment operator for slaughter inspection services if any of the following apply:

(a) The inspection pertains to a captive game animal or captive game bird.

(b) The department performs the inspection on any of the following days, or at any of the following times:

1. Days or times not included in the normal slaughter schedule under sub. (2).

2. Before 6:00 a.m. or after 6:00 p.m.

3. Any time in excess of 40 hours in any calendar week.

4. Saturday or Sunday.

5. The holidays of New Year's Eve, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve or Christmas Day. If any of these holidays falls on Sunday, the following Monday is considered the holiday.

6. Any day that is an official holiday for state employees.

**(5) SLAUGHTER INSPECTION CHARGES; AMOUNT.** (a) If sub. (4) requires a meat establishment operator to pay for slaughter inspection services, the department shall bill and the operator shall pay uniform hourly charges for those services. The department shall establish uniform hourly charges based on the department's statewide average cost to provide inspection services. The department may establish higher hourly charges for inspections that must be provided by veterinarians.

**Note:** A veterinarian must inspect animals that cannot stand or walk, and animals found to be suspect on ante mortem examination. See ss. ATCP 55.07 (8) and 55.05 (2).

(b) The department shall notify a meat establishment operator of the applicable hourly charge before providing an inspection service requiring a charge under sub. (4). The department shall give at least 30 days prior written notice before increasing hourly charges under an ongoing inspection agreement.

**(6) SLAUGHTER INSPECTION PROCEDURES.** Slaughter inspection procedures shall comply with this chapter, including ss. ATCP 55.05 to 55.07.

**(7) INSPECTOR ABSENCE.** A meat establishment operator shall immediately notify the department if a department inspector fails to appear for a scheduled ante mortem or post mortem inspection required under sub. (1). The department shall provide an inspector as soon as possible, so that slaughter may proceed in a timely manner.

**(8) WITHDRAWING SLAUGHTER INSPECTION.** The department may withdraw slaughter inspection for cause, including violations of this chapter. No person may conduct slaughter operations for which department inspection is required under this chapter while those services are withdrawn.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.

**ATCP 55.05 Ante mortem inspection. (1) GENERAL.** Ante mortem inspections shall comply with applicable standards under s. ATCP 55.07.

**(2) SUSPECT ANIMALS.** If a department inspector performing an ante mortem inspection suspects that a food animal is affected by a disease or condition that may cause all or part of the animal's carcass to be condemned after post mortem inspection, the inspector shall cause the animal to be held for ante mortem inspection by a department veterinarian. The animal shall be segregated from other food animals, and shall be placed in a holding area marked with a "WIS. SUSPECT" tag or placard until a department veterinarian performs an ante mortem inspection.

**(3) ANIMALS THAT CANNOT STAND OR WALK.** If the department performs an ante mortem inspection on an animal that cannot stand or walk, a department veterinarian shall perform the inspection. The department veterinarian may order the animal held for up to 24 hours for further observation. If the animal has been treated with drugs for which the prescribed withdrawal time has not elapsed, the department veterinarian shall condemn the animal or order the animal held until the withdrawal time elapses.

**(4) CONDEMNED ANIMALS.** Except as provided in sub. (5), if a department veterinarian performing an ante mortem inspection finds that a food animal is affected by a disease or condition that would cause the animal's carcass to be condemned in its entirety after post mortem inspection, the veterinarian shall condemn the animal. The condemned animal shall be segregated from other live food animals. The veterinarian shall supervise the humane slaughter and disposal of the animal.

**(5) TREATABLE ANIMALS.** If a department veterinarian performing an ante mortem inspection finds that a food animal is affected by a treatable disease or condition, the veterinarian may order the animal withheld from slaughter pending specified treatment. A food animal held for treatment may not be slaughtered for human consumption until a department veterinarian performs another ante mortem inspection after the animal is treated. A diseased animal may not be held for treatment in a manner that threatens the health of other animals.

**(6) FIELD ANTE MORTEM INSPECTION.** An inspector or veterinarian conducting a field ante mortem inspection under s. ATCP 55.04 (3) shall observe the live animal in the field, in motion and at rest. The inspector or veterinarian may specify other procedures, as necessary, to ensure a safe and effective field ante mortem examination.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.

**ATCP 55.06 Post mortem inspection. (1) GENERAL.** Post mortem inspections shall comply with applicable standards under s. ATCP 55.07.

**(2) DOMESTICATED FOOD ANIMALS.** Post mortem inspections of domesticated food animals, other than poultry, shall comply with 9 CFR 310. Post mortem procedures for farm-raised deer shall be the same as for sheep.

(3) **POULTRY AND CAPTIVE GAME BIRDS.** Post mortem inspections of poultry and captive game birds shall comply with 9 CFR 381.

(4) **CAPTIVE GAME ANIMALS.** (a) The department may specify post mortem inspection procedures for captive game animals. Post mortem inspections of captive game animals shall comply with 9 CFR 310, as applicable. Post mortem inspection procedures for bison shall be the same as for cattle.

(5) **SLAUGHTER INSPECTION MARKS.** (a) The department shall apply official inspection marks to each carcass that the department finds, after post mortem inspection, to be wholesome and fit for human food. The department shall mark each primal part of the carcass, each detached organ and each detached part that the department finds to be wholesome and fit for use as human food.

(b) Except as provided in par. (c), an official inspection mark under par. (a) shall consist of an outline map of Wisconsin enclosing the words "WIS. INSPECTED & PASSED," the department inspector number and the meat establishment license number assigned under s. ATCP 55.03 (10). If space is limited, the phrase "WIS. INSPECTED AND PASSED" may be abbreviated by the phrase "WIS. INSP'D & P'S'D."

**Note:** The following is an illustration of the official inspection mark under par. (b):



(c) For farm-raised deer, captive game animals and captive game birds, an official inspection mark under par. (a) shall consist of a triangle enclosing the words "WIS. INSPECTED & PASSED" and the meat establishment license number assigned under s. ATCP 55.03 (10). If space is limited, the phrase "WIS. INSPECTED AND PASSED" may be abbreviated by the phrase "WIS. INSP'D & P'S'D."

**Note:** The following is an illustration of the official inspection mark under par. (c):



(d) If the department finds upon post mortem inspection that any part of a carcass is fit for human food only after cooking, the department shall mark that part "PASSED FOR COOKING." The department shall use applicable standards in 9 CFR 315.2 to determine if any part of a carcass is fit for human consumption only after cooking. No person may process or sell any of the affected meat for human consumption without cooking, as required by the department.

(e) If the department finds upon post mortem inspection that any part of a carcass is unwholesome or unfit for human food, the department shall mark that part "WIS. INSPECTED AND CONDEMNED." If space is limited, the phrase may be abbreviated "WIS. INSP'D AND CONDEMNED."

(f) If the department finds that further inspection is needed to determine whether any part of a carcass is wholesome and fit for human food, the department may tag that part "WIS. RETAINED." The tagged part is deemed to be covered by a department holding order under s. ATCP 55.14 (2). The department may specify retention conditions, including refrigeration requirements. No person may process or sell any of the affected meat for human consumption unless the department completes its inspection and passes the meat.

(g) The department may stamp carcass parts with the appropriate marks under pars. (a) to (e). If an organ or other carcass part is not susceptible to stamping, the department may apply the mark by other means such as tagging.

(h) An authorized department inspector may apply inspection marks under this subsection on behalf of the department. No non-department personnel may apply inspection marks, except under the direct personal supervision of an authorized department inspector. When a department inspector is not using or personally supervising the use of a marking device at a licensed meat establishment, the inspector shall keep the device in a secure locked compartment or in the inspector's possession. A marking device kept in a locked compartment shall be accessible only by the inspector and other authorized department personnel.

(i) The department shall order all of the marking devices that the department uses to apply inspection marks under this subsection. A meat establishment operator shall pay for the marking devices that the department uses at the operator's meat establishment. A meat establishment operator may not order or create any marking device used to apply department inspection marks under this subsection.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.

**ATCP 55.07 Slaughter and processing standards; general.**

(1) **SLAUGHTER AND PROCESSING STANDARDS; DOMESTICATED FOOD ANIMALS.** (a) A meat establishment operator who does any of the following shall comply with applicable federal standards under 9 CFR parts 307 to 311, 313 to 315, 317, 319, 416, 417, 430 and 441:

1. Slaughters domesticated food animals, other than poultry, for human consumption.
2. Processes the meat of domesticated food animals, other than poultry, for human consumption.

(b) Paragraph (a) does not apply to mobile custom slaughter or mobile custom processing.

**Note:** See s. 97.42 (4m), Stats.

(2) **SLAUGHTER AND PROCESSING STANDARDS; POULTRY AND CAPTIVE GAME BIRDS.** (a) A meat establishment operator who does any of the following shall comply with applicable requirements under 9 CFR 416, 417 and 441, and subparts G, H, I, J, K, L, O and P of 9 CFR 381:

1. Slaughters poultry or captive game birds for human consumption.
2. Processes the meat of poultry or captive game birds for human consumption.

(b) Paragraph (a) does not apply to mobile custom slaughter or mobile custom processing.

(c) Paragraph (a) does not apply to a person slaughtering and processing not more than 1,000 poultry per year, provided that all the following apply:

1. The person produces all of those poultry on his or her farm.
2. The person slaughters, processes and sells the poultry at the farm where they are produced.

3. The person clearly and conspicuously marks each package or container of poultry meat with the person's name and address and the words "NOT INSPECTED."

**Note:** See ss. 97.42 (4m) and 97.42 (11), Stats.

**(3) SLAUGHTER AND PROCESSING STANDARDS: RATITES.** (a) A meat establishment operator who does any of the following shall comply with applicable requirements under 9 CFR 416 and 417, and subparts G, H, I, J, K, L, O and P of 9 CFR 381:

1. Slaughters ratites for human consumption.
2. Processes the meat of ratites for human consumption.

(b) Paragraph (a) does not apply to mobile custom slaughter or mobile custom processing.

**Note:** See s. 97.42 (4m), Stats.

**(4) SLAUGHTER AND PROCESSING STANDARDS; CAPTIVE GAME ANIMALS.** (a) A person slaughtering a captive game animal for human consumption shall do so in a humane and sanitary manner. If the department provides ante mortem and post mortem slaughter inspection, the person shall comply with procedures specified by the department. The procedures shall be consistent with procedures specified by the United States department of agriculture.

**(5) CUSTOM SLAUGHTER AND PROCESSING; STANDARDS.** Custom slaughter and custom processing operations shall comply with applicable requirements under this section and ss. ATCP 55.08 and 55.09.

**(6) DISEASED OR INJURED ANIMALS; GENERAL.** No person may slaughter a food animal for human consumption, or submit a food animal for slaughter for human consumption, if the person knows or has reason to know that the animal is diseased or injured. This does not prohibit any of the following:

(a) A slaughter that is subject to ante mortem and post mortem inspection by the department or the United States department of agriculture.

(b) The custom slaughter of an animal injured within 24 hours prior to slaughter, provided the animal is not diseased.

(c) The custom slaughter of an animal injured more than 24 hours prior to slaughter if all the following apply:

1. The animal is not diseased.
2. A licensed practicing veterinarian performs an ante mortem and post mortem inspection on the slaughtered animal.

**(7) DISEASED OR INJURED ANIMALS; OWNER CERTIFICATION.** If a person submitting a food animal for slaughter for human consumption knows or has reason to know the animal is diseased or injured; that person shall, prior to the animal's slaughter, sign and deliver a written statement to the person who will perform the slaughter. The statement shall certify all the following:

(a) The name and address of every person who has had custody of the animal within 30 days prior to the slaughter submission date.

(b) The nature of each known or suspected disease or injury.

(c) The date on which each injury occurred, if known.

(d) The cause of each injury, if known.

(e) The date on which the animal became incapable of standing or walking, if the animal is incapable of standing or walking.

(f) All drugs administered to the animal as treatments or feed additives within 30 days prior to the slaughter submission date, and the last date each drug was administered.

**Note:** The certification requirement under sub. (7) applies to inspected slaughterers as well as uninspected custom slaughterers.

**(8) ANIMALS THAT CANNOT STAND OR WALK.** No person may slaughter a food animal for human consumption or submit a food animal for slaughter for human consumption if that animal cannot stand, rise from a recumbent position, or walk without assistance. This prohibition does not apply to any of the following:

(a) Food animals, other than cattle, slaughtered at a meat establishment licensed under s. ATCP 55.03 if all the following apply:

1. The meat establishment has adequate facilities to handle the food animal in a humane manner, including facilities required under sub. (11) (c).

2. A department veterinarian performs an ante mortem and post mortem inspection on the food animal.

(b) Food animals, other than cattle, slaughtered at a meat establishment inspected by the United States department of agriculture under 21 USC 451 to 695.

(c) The mobile custom slaughter of food animals, other than cattle, that are injured within 24 hours prior to slaughter, provided the animals are not diseased.

(d) The mobile custom slaughter of food animals, other than cattle, that are injured more than 24 hours prior to slaughter if all the following apply:

1. The food animals are not diseased.

2. A licensed practicing veterinarian performs ante mortem and post mortem inspections on the slaughtered food animals.

**Note:** See subs. (6) and (7). A mobile custom slaughter must comply with ss. ATCP 55.08 and 55.09.

(e) Cattle that qualify for exemption under 9 CFR 309.3 based on ante mortem and post mortem inspection by a veterinarian employed by the department or by the United States department of agriculture under 21 USC 451 to 695.

**Note:** With very limited exemptions, 9 CFR 309.3 prohibits the slaughter of non-ambulatory cattle for human consumption (the prohibition applies to custom-slaughtered animals, as well as animals slaughtered for sale). An animal does not qualify for exemption unless a state or federal veterinarian makes that determination, based on an ante mortem and post mortem examination of the animal.

**(9) CARCASSES AND MEAT RECEIVED FOR PROCESSING.** (a) A meat establishment operator shall examine all carcasses and meat received for processing at that meat establishment. The operator shall examine the carcasses and meat before receiving them into any processing or storage area.

(b) A meat establishment operator may not receive, into any processing or storage area, any unclean or apparently unwholesome carcass or meat. The operator shall handle, store and prepare carcasses and meat to prevent contamination of other carcasses, meat and food.

(c) Except as provided in par. (d) or (e), a meat establishment operator may not process any carcass or meat produced by the custom slaughter of a diseased or injured animal.

(d) A meat establishment operator may custom process the carcass or meat produced by the slaughter of a food animal injured within 24 hours prior to slaughter, provided the animal was not diseased.

(e) A meat establishment operator may custom process the carcass or meat produced by the slaughter of a food animal injured more than 24 hours prior to slaughter if all the following apply:

1. The animal was not diseased.

2. A licensed practicing veterinarian performed an ante mortem and post mortem inspection on the slaughtered animal, and certified in writing that the carcass was wholesome and free of disease.

**Note:** The department may retain or condemn unwholesome, adulterated or misbranded meat or meat food products, including those produced by custom slaughter or processing (see ATCP 55.14). If the department inspects a custom slaughter, the department will follow applicable inspection procedures under this chapter.

**(10) CONDEMNED ANIMALS AND MEAT.** (a) If the department condemns a food animal on ante mortem inspection, the meat establishment operator shall kill the animal, inject it with a denaturant, and dispose of it as directed by the department. The denaturant shall consist of a 10% solution of carbolic or cresylic acid. A meat establishment operator may use another denaturant if the department pre-approves that denaturant. The meat establishment operator, acting under direct department supervision, shall inject at least 40 ml. of the denaturant into the heavy musculature of each carcass quarter and into each of the abdominal and thoracic cavities.

(b) No person may slaughter, for human consumption, any food animal that the department has condemned as being unwholesome or unfit for human consumption. The animal owner or meat establishment operator shall dispose of the condemned animal in a manner directed by the department.

(c) An animal condemned on ante mortem inspection may not be skinned or eviscerated at a meat establishment. This does not prohibit the recovery, under department supervision, of animal parts needed for diagnostic testing required by the department.

(d) No person may process for human consumption, or sell or distribute for human consumption, any meat that the department has condemned as being unwholesome or unfit for human consumption. The meat establishment operator shall denature or de-characterize the condemned meat so that the meat is no longer naturally edible by humans. Containers used for condemned meat shall be conspicuously marked "INEDIBLE."

(e) If the department orders a meat establishment operator to trim any carcass to remove unfit or unwholesome meat, the operator shall complete the trimming before placing the carcass in a cooler.

(f) A meat establishment operator shall clean and sanitize facilities, equipment and utensils that have come in contact with any condemned animal or meat before using the facilities, equipment or utensils in any other slaughter or processing operations.

**(11) HUMANE SLAUGHTER AND TREATMENT.** (a) Persons slaughtering food animals shall use humane methods. Humane methods include any of the following:

1. Captive bolt devices.
2. Electrical stunning.
3. CO<sub>2</sub> gas chamber.
4. Gun shot.
5. Established religious dietary law procedures, such as rabbinical (kosher) procedures.

(b) Persons receiving, transporting or holding food animals for slaughter shall do so in a humane manner.

(c) If a meat establishment receives food animals that cannot stand or walk, the meat establishment operator shall do all the following:

1. Maintain separate holding pens for those animals, and protect them from physical contact with other animals.
2. Maintain skids, mats or other department-approved conveyances for moving those animals humanely. A meat establishment operator may not drag an animal that cannot stand or walk, but shall move the animal by means of an approved conveyance.

(d) Meat establishment operators shall construct and maintain livestock pens, driveways and ramps to prevent injury to animals.

(e) Persons moving food animals to slaughter shall do so in a manner that minimizes animal excitement and discomfort. Persons driving food animals to slaughter shall avoid excessive use of driving implements that may cause unnecessary excitement, pain or injury to the animals. Persons driving food animals to slaughter may not stab or prod the animals with sharp driving implements.

(f) Food animals held at meat establishments pending slaughter shall have access to drinking water. If they are held for more than 24 hours, they shall also have access to feed.

(g) No livestock, ratites or captive game animals may be shackled, hoisted, stuck or cut for slaughter, except according to rabbinical (kosher) or other established religious dietary practices, until the livestock are rendered insensible to pain.

**Note:** See s. 95.80, Stats.

(h) If a bullet, bolt or other slaughter projectile penetrates the brain of a slaughtered food animal, that brain may not be used for human food.

(i) No head, head meat or cheek meet from a food animal slaughtered by gunshot may be used for human food. This para-

graph does not prohibit the use of the animal's tongue for human food.

**(12) HORSES AND HORSE MEAT.** No person may slaughter or process equines at a meat establishment where other domesticated food animals are slaughtered or processed. Equine carcasses, equine meat and equine meat food products shall be conspicuously labeled "HORSE MEAT" or "HORSE MEAT PRODUCT" in a manner approved by the department.

**(13) RECORDS.** (a) Except as provided in par. (b), a person who slaughters a food animal for human consumption, or who processes the meat of a food animal for human consumption, shall make a record of that slaughter or processing. The record shall include all the following:

1. The date and time of slaughter or processing.
2. The number and type of animals slaughtered, and the disposition of the carcasses.
3. The type and amount of meat processed, and the disposition of that meat.
4. Any certificates required under sub. (7).
5. Other relevant information required by the department.

(b) Paragraph (a) does not require a meat establishment operator to duplicate slaughter records kept by the department's inspector.

(c) A person required to make a record under par. (a) shall keep that record for at least 3 years, and shall make the record available to the department for inspection and copying upon request.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 07-116: am. (1) (a) (intro.), (2) (a) (intro.), (3) (a) (intro.) and (8), cr. (8) (e) Register November 2008 No. 635, eff. 12-1-08; CR 08-075: am. (3) (a) (intro.) Register April 2009 No. 640, eff. 5-1-09.

#### **ATCP 55.08 Custom slaughter and processing.**

**(1) GENERAL.** A person providing a custom slaughter or custom processing service shall do all the following:

(a) Hold a current annual license if required under s. ATCP 55.03.

(b) Hold a current annual registration certificate if required under s. ATCP 55.09 (2).

(c) Comply with applicable requirements under s. ATCP 55.07.

(d) Mark or label all the resulting meat and meat food products "NOT FOR SALE," as provided in sub. (2). A person providing a custom slaughter or custom processing service shall keep the service recipient's meat and meat food products separate from all other food that the service provider holds for others or offers for sale. The person may not sell any of the service recipient's meat or meat food products, or commingle them with any food that the person holds for others or sells.

**Note:** For example, a person providing custom slaughter or custom processing services may not combine saved carcass parts, such as head meat, tongues, hearts, fat or trimmings, with meat or meat food products processed for other service recipients or purchasers.

(e) Return all of the resulting meat and meat food products to the service recipient. The service recipient may use them only for the service recipient's personal consumption, which may include consumption by the service recipient's immediate family, immediate household and nonpaying guests.

(f) Comply with s. ATCP 55.09 if the person engages in mobile custom slaughter or mobile custom processing.

(g) Conduct custom slaughter and processing operations in a sanitary manner.

(h) Keep complete and accurate records of all custom slaughter and processing transactions. The service provider shall keep the records for at least 3 years, and shall make the records available to the department for inspection and copying upon request.

**(2) MARKING OR LABELING MEAT.** (a) A person providing a custom slaughter or custom processing service shall mark or label

the resulting meat and meat food products with all the following information:

1. The words "NOT FOR SALE" in block letters at least  $\frac{3}{8}$ " high.

2. The name or commonly recognized trade name of the person providing the custom slaughter or custom processing service. If the person performs the service at a meat establishment licensed under s. ATCP 55.03, the person may use the meat establishment number assigned under s. ATCP 55.03 (10) instead of the person's name. If the person provides the service as a mobile custom slaughter or mobile custom processing service, the person may use the registration number assigned under s. ATCP 55.09 (2) (g) instead of the person's name.

**Note:** The following examples illustrate possible label formats under par. (a):

**NOT FOR SALE**  
XYZ Market

**NOT FOR SALE**  
WIS 000

(b) A person providing a custom slaughter service shall mark the carcass of each custom slaughtered animal with the information required under par. (a). The person shall mark each side, quarter, detached organ and other part of the carcass. The person shall mark the carcass immediately after slaughter, before the carcass leaves the slaughter site.

(c) A person providing a custom processing service shall apply the label under par. (a) to all packages and containers of custom processed meat and meat food products when that meat or those meat food products are packaged or placed in those containers. The person shall individually label sausages that have a diameter of more than 1  $\frac{1}{2}$ " if those sausages are individually packaged, or if they are shipped or stored in unsealed containers.

**(3) CUSTOM SLAUGHTER AND PROCESSING SCHEDULE.** (a) Except as provided in par. (b), a meat establishment operator may not engage in custom slaughter or custom processing operations at a meat establishment while the operator is simultaneously doing any of the following at that establishment:

1. Slaughtering food animals for sale.
2. Processing the meat of food animals for sale.

(b) Paragraph (a) does not apply to any of the following:

1. A department-inspected custom slaughter, or the custom processing of meat from a department-inspected custom slaughter.
2. Simultaneous operations conducted in separate rooms or areas, if approved by the department. The department may approve simultaneous operations that are adequately separated and controlled to prevent cross-contamination or commingling of meat from the separated operations.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.

**ATCP 55.09 Mobile custom slaughter and processing.** **(1) GENERAL.** A person engaged in mobile custom slaughter or mobile custom processing shall comply with ss. ATCP 55.07 and 55.08 and this section.

**(2) ANNUAL REGISTRATION CERTIFICATE.** (a) No person may receive any compensation, other than bartered services, for providing mobile custom slaughter or mobile custom processing services unless that person holds a current annual registration certificate from the department. No registration certificate is required if the person holds a meat establishment license under s. ATCP 55.03.

(b) A registration certificate under par. (a) expires on June 30 annually.

(c) A person shall apply for a registration certificate under par. (a) on a form provided by the department. No fee is required. The application shall include all the following:

1. The applicant's correct legal name, and any trade name under which the applicant does business.
2. The applicant's business address.
3. The applicant's social security number if the applicant is an individual.

**Note:** See s. 93.135 (1) (nm), Stats.

4. Other relevant information required by the department.

(d) The department shall grant or deny an application under par. (c) within 30 days after the department receives a complete application.

(e) The department may deny, suspend or revoke a registration certificate under par. (a) for cause, as provided in s. 93.06 (7), Stats. Cause may include a violation of this chapter.

**Note:** The procedure for suspending or revoking a registration certificate, or for contesting the denial of a registration certificate, is set forth in ch. ATCP 1.

(f) The department may issue a registration certificate under par. (a) subject to conditions, or may impose conditions on an existing registration certificate, as provided in s. 93.06 (8), Stats.

**Note:** The procedure for imposing conditions on an existing registration certificate, or for contesting conditions imposed by the department, is set forth in ch. ATCP 1.

(g) The department shall assign, to each person holding a registration certificate under par. (a), a registration number that uniquely identifies that person.

**(3) FACILITIES AND SANITATION.** (a) Mobile custom slaughter and mobile custom processing operations shall be conducted under clean and sanitary conditions.

(b) Vehicles and facilities used in mobile custom slaughter and mobile custom processing operations shall be designed and constructed so they can be kept clean and sanitary.

(c) Facilities shall be available, at every mobile custom slaughter and mobile custom processing site, to clean and sanitize equipment and utensils.

**(4) EQUIPMENT AND UTENSILS.** Equipment and utensils used in mobile custom slaughter and mobile custom processing operations shall be of sanitary design and construction, and shall be kept clean and sanitary. Meat contact surfaces of equipment and utensils shall be cleaned and sanitized after each use, and more frequently as necessary, to keep them clean and sanitary.

**(5) PERSONNEL.** Personnel engaged in mobile custom slaughter or mobile custom processing operations shall wear clean and washable outer clothing, and shall wash and rinse their hands sufficiently during the operations to prevent contamination of carcasses, meat and meat food products.

**(6) WATER SUPPLY.** Potable water shall be available for all mobile custom slaughter and mobile custom processing operations. There shall be enough water for thorough cleaning of all carcasses, equipment and utensils. Water shall be available during all slaughtering, processing and cleanup operations.

**(7) CARCASS TRANSPORTED TO MEAT ESTABLISHMENT FOR CUSTOM PROCESSING.** (a) A person performing a mobile custom slaughter service shall return the resulting meat to the service recipient at the slaughter site, except that the service provider may transport a carcass to a meat establishment licensed under s. ATCP 55.03 for custom processing. The custom processor shall return the resulting meat to the service recipient.

**Note:** See s. ATCP 55.07 (9).

(b) Carcasses transported under par. (a) shall be transported according to s. ATCP 55.11. Inedible slaughter products, if transported on the same vehicle with meat, shall be transported in tightly covered waterproof containers or in separate waterproof compartments to prevent spillage of inedible products and contamination of meat.

**(8) MOBILE CUSTOM SLAUGHTER; MONTHLY REPORT.** A person holding a registration certificate under sub. (2) or a license under s. ATCP 55.03 shall file a report with the department for each month in which that person performs any mobile custom slaughter. The person shall file the report by the 10<sup>th</sup> day of the following month on a form provided by the department. The report shall include all the following information:

(a) The name and address of each individual for whom the person provided mobile custom slaughter services.



(b) The number and type of animals slaughtered for each service recipient.

(c) The date of each slaughter.

(d) The disposition of each carcass. The report shall indicate whether a carcass was transported to another location for processing and, if so, the location to which it was transported.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 07-116: am. (1) Register November 2008 No. 635, eff. 12-1-08.

**ATCP 55.10 Meat labels and formulas. (1) GENERAL.** Meat and meat food products sold in this state shall be labeled according to this chapter and ch. ATCP 90. No person may sell any misbranded meat or meat food products, or make any false, deceptive or misleading representation in connection with the sale of meat or meat food products.

**Note:** See ss. 97.03, 100.18 and 100.183, Stats. Chapter ATCP 90 (fair packaging and labeling) contains general requirements for the packaging and labeling of food and other consumer commodities.

**(2) MEAT LABELS; GENERAL.** No person may sell any meat or meat food product unless that meat or meat food product is clearly labeled with all the following:

(a) The name of the meat or meat food product.

(b) The net weight of the meat or meat food product.

(c) The name and address of the person who last processed the meat, or the name and address of the legally responsible distributor for whom the meat was last processed.

(d) An inspection legend if required under sub. (3) or 9 CFR 317.2.

(e) An ingredient statement if the product contains 2 or more ingredients. The ingredient statement shall contain the word "INGREDIENTS:" followed by a listing of ingredients in order of weight.

(f) Safe handling instructions if required under 9 CFR 317.2(l).

(g) One of the following statements if the meat or meat food product is being sold at retail and is perishable:

1. "Perishable."

2. "Keep refrigerated."

3. "Keep under refrigeration."

4. "Keep frozen."

**(3) INSPECTION LEGEND.** (a) Except as provided in par. (b), a license holder under s. ATCP 55.03 who processes meat or meat food products from meat inspected and passed by the department shall label that processed meat and those processed meat food products with a state inspection legend. The legend shall appear on all packages and containers of processed meat and meat food products, so that it is clearly visible to prospective purchasers.

(b) Paragraph (a) does not apply to meat and meat food products processed at a retail establishment and sold only to individual consumers at that establishment.

(c) Except as provided in par. (d), the state inspection legend under par. (a) shall consist of an outline map of Wisconsin enclosing the words "WIS. DEPT. AGR. INSPECTED" and the meat establishment number assigned under s. ATCP 55.03 (10).

**Note:** Federal law prohibits the sale, in other states, of state-inspected meat that is required to bear the Wisconsin inspection under par. (c). The following is an illustration of the Wisconsin inspection legend described in par. (c):



(d) The inspection legend under par. (a) shall consist of an equilateral or isosceles triangle enclosing the words "WIS. DEPT. AGR. INSPECTED" and the meat establishment number assigned under s. ATCP 55.03 (10) if all the following apply:

1. The meat or meat food product contains meat from farm-raised deer, captive game animals or captive game birds.

2. Meat from domesticated food animals and ratites constitutes less than 3% of the product by weight.

3. Meat fat from domesticated food animals and ratites constitutes less than 30% of the product by weight.

**Note:** Federal law does not prohibit the sale, in other states, of state-inspected meat from farm-raised deer, captive game animals or captive game birds (meat required to bear a triangular inspection legend under par. (d)). The following is an illustration of the state inspection legend described in par. (d):



(e) If space is limited, the word "INSPECTED" in the state inspection legend under par. (c) or (d) may be abbreviated as "INSP'D."

**(4) STANDARDS OF IDENTITY.** Labeling of meat and meat food products shall comply with applicable standards of identity in 9 CFR 319. No person may misrepresent the identity of any meat or meat food product.

**(5) FORMULA APPROVAL.** (a) No person may manufacture any meat food product in a meat establishment licensed under s. ATCP 55.03 unless the department first approves the product formula for compliance with applicable labeling and food safety requirements, including applicable standards of identity under sub. (4).

(b) To obtain the department's approval under par. (a), a person shall submit the product formula on a form provided by the department. The form shall identify the meat, chemical and other ingredients in the product, and shall include any other information required by the department.

(c) The department shall approve or disapprove a product formula within 30 days after the department receives a complete application under par. (b). The department shall give the applicant written notice of its action. If the department does not approve the formula, the notice shall state the department's reasons.

**(6) LABEL APPROVAL.** No person may sell any of the following meat or meat food products unless the department first approves the labeling of that meat or those meat food products:

(a) Meat or meat food products bearing labels that make health, quality or nutritional claims.

(b) Meat from farm-raised deer, captive game animals or captive game birds, or meat food products made from that meat.

(c) Meat or meat food products bearing labels that make claims related to organizational membership or organizational standards.

**(7) PROHIBITED LABELING PRACTICES.** (a) No person may apply, to any meat or meat food product, any mark, legend or label that is false, deceptive or misleading.

(b) No person may misrepresent that the department has inspected meat, or misrepresent the department's inspection findings related to meat.

(c) No person may misrepresent that any meat or meat food product has been processed at a licensed meat establishment, or is derived from meat inspected and passed by the department.

(d) No person may counterfeit or use without proper authority any inspection mark, label or marking device under this subsection.

(e) No person may wrongfully alter or remove any mark or label applied under this section.

(f) No person may sell, transport or store any meat or meat food product that is not marked, labeled or identified according to this chapter.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.

**ATCP 55.11 Transporting meat. (1) GENERAL.** A person transporting meat for human consumption shall do so in a manner that keeps the meat wholesome and unadulterated. Meat and meat food products for human consumption shall be refrigerated during transport if they are perishable, or if they are labeled "Keep Refrigerated" or "Keep Frozen." The internal temperature of the refrigerated products may not exceed 5° C (41° F) at the time of delivery.

**(2) VEHICLES AND FACILITIES.** Vehicles and facilities used to transport meat and meat food products shall be constructed and maintained to ensure that the meat and meat food products arrive at their destination in a wholesome and unadulterated condition. Vehicles and facilities shall be adequately equipped to ensure compliance with sub. (1).

**(3) UNWRAPPED MEAT.** Unwrapped meat and meat food products shall be transported in enclosed vehicles equipped with tight fitting doors, and shall be protected from contamination from the vehicle.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.

**ATCP 55.12 Meat brokers and meat distributors; registration. (1) ANNUAL REGISTRATION CERTIFICATE.** No person may operate as a meat broker or meat distributor without an annual registration certificate from the department, except that no registration certificate is required for a meat broker or meat distributor who holds a current annual meat establishment license under s. ATCP 55.03. A registration certificate expires on June 30 annually. No fee is required.

**(2) APPLYING FOR A REGISTRATION CERTIFICATE.** To obtain a registration certificate under sub. (1), a person shall apply on a form provided by the department. The application shall include all the following:

(a) The applicant's correct legal name, and any trade name under which the applicant does business.

(b) The applicant's business address.

(c) The applicant's social security number if the applicant is an individual.

**Note:** See s. 93.135 (1) (nm), Stats.

(d) Other relevant information required by the department.

**(3) ACTION ON APPLICATION.** The department shall grant or deny an application under sub. (2) within 30 days after the department receives a complete application.

**(4) DENYING, SUSPENDING OR REVOKING A REGISTRATION CERTIFICATE.** The department may deny, suspend or revoke a registration certificate under sub. (1) for cause, as provided in s. 93.06 (7), Stats. Cause may include a violation of this chapter.

**Note:** The procedure for suspending or revoking a registration certificate, or for contesting the denial of a registration certificate, is set forth in ch. ATCP 1.

**(5) CONDITIONAL REGISTRATION CERTIFICATE.** The department may issue a registration certificate under sub. (1) subject to conditions, or may impose conditions on an existing registration certificate, as provided in s. 93.06 (8), Stats.

**(6) RECORDS.** (a) A meat broker or meat distributor shall keep all of the following records related to transactions in which the meat broker or meat distributor is involved as a buyer, seller, or broker of meat or meat food products:

1. The name and address of the seller.
2. The name and address of the buyer.

3. The date and location of sale.

4. The types and amounts of meat or meat food products sold.

5. If the meat broker or meat distributor takes physical custody of the meat or meat food products, complete records related to the receipt, storage, and disposition of that meat or those meat food products.

(b) A meat broker or meat distributor shall retain each record under par. (a) for at least 3 years after the record is made, and shall make records available to the department for inspection and copying upon request.

**Note:** The procedure for imposing conditions on an existing registration certificate, or for contesting conditions imposed by the department, is set forth in ch. ATCP 1.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 07-116: cr. (6) Register November 2008 No. 635, eff. 12-1-08.

**ATCP 55.13 Prohibited practices.** No person may do any of the following:

**(1)** Process or sell, for human consumption, any unwholesome, adulterated or misbranded meat.

**(2)** Slaughter any food animal, for human consumption, under unsanitary conditions.

**(3)** Process, store, handle, transport or sell, under unsanitary conditions, meat or meat food products for human consumption.

**(4)** Slaughter any food animal for human consumption, or process any meat or meat food products for human consumption, at a place other than a meat establishment licensed under s. ATCP 55.03. This prohibition does not apply to slaughter or processing operations that are exempted from licensing under s. ATCP 55.03 (2).

**(5)** Make any false, deceptive or misleading statement, when submitting a food animal for slaughter, related to any of the following:

(a) The ownership, identity, origin or health status of the animal.

(b) The administration of any drug to the animal.

(c) The intended use of meat from the animal.

**(6)** Obstruct a department employee performing his or her duties. Obstruction includes any of the following:

(a) Physical interference.

(b) Verbal or physical assault or abuse.

(c) Threatening behavior or communications.

(d) Refusal to carry out legitimate directives.

(e) Intentional acts that impede the full, effective and efficient performance of the employee's duties.

**Note:** See s. 97.42(8), Stats.

**(7)** Wrongfully alter, deface or remove any department tag or mark applied under this chapter.

**(8)** Wrongfully alter, deface or remove any label or inspection legend required under s. ATCP 55.10.

**(9)** Custom slaughter a food animal, or custom process the meat of a slaughtered food animal, if the person knows or has reason to know all the following:

(a) That the slaughter was not inspected by the department or the United States department of agriculture.

(b) That the recipient of the custom slaughter or processing service will sell the meat of that animal for human consumption, in violation of s. ATCP 55.04 (1).

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.

**ATCP 55.14 Enforcement. (1) INVESTIGATIONS.** The department may conduct inspections and other investigations to determine compliance with this chapter and ch. 97, Stats. The department may exercise its authority under chs. 93 and 97, Stats., in support of its inspections and investigations.

**Note:** Under chs. 93 and 97, Stats., the department may inspect meat slaughtering, processing, selling and distributing facilities and practices, regardless of whether those practices occur at meat establishments licensed under s. ATCP 55.03. The

department will provide ante mortem and post mortem slaughter inspection only for persons licensed under s. ATCP 55.03.

**(2) MEAT HOLDING ORDER.** (a) The department may issue a holding order to prohibit the sale or movement of any meat or meat food product if the department has reasonable grounds to suspect that the meat or meat food product is unwholesome, adulterated or misbranded, or otherwise fails to meet the standards or requirements of this chapter or ch. 97, Stats. The department may issue a holding order pending further examination or analysis to determine whether the meat or meat food product is unwholesome, adulterated or misbranded, or otherwise fails to meet the standards or requirements of this chapter or ch. 97, Stats.

(b) The department shall serve a holding order by delivering a copy to the owner or custodian of the meat or meat food products, or by placing a copy in a conspicuous place on or near the meat or meat food products. A "WIS. RETAINED" tag applied under s. ATCP 55.06 (5) (f) has the effect of a holding order served under this subsection.

(c) A holding order remains in effect for 14 days unless the department withdraws it earlier. The department may extend a holding order for one additional 14-day period by re-serving the order or by leaving the "WIS. RETAINED" tag on the meat.

(d) No person may sell, move or alter any meat or meat food product under holding order, except with the department's permission. The department may authorize the owner or custodian to take appropriate corrective action.

(e) The department may release a holding order if the department finds that the suspect meat or meat food product is not unwholesome, adulterated or misbranded, or that the violation has been corrected.

**(3) MEAT CONDEMNATION ORDER.** (a) If the department finds that meat or a meat food product is unwholesome, adulterated, misbranded, not inspected and approved according to this chapter or s. 97.42, Stats., or not processed according to this chapter or s. 97.42, Stats., the department may order the owner or custodian to do any of the following:

1. Correct the violation within a reasonable time period specified by the department.

2. Dispose of the meat or meat food product, in a manner specified by the department. The department may order disposal of meat or a meat food product if a violation cannot be corrected, or if the owner or custodian fails to correct the violation within the time specified under subd. 1. Returning meat to the recipient of a custom slaughter or custom processing service does not correct a violation.

(b) The department shall serve an order under par. (a) by delivering a copy to the owner or custodian of the meat or meat food products, or placing a copy in a conspicuous place on or near the meat or meat food products. An order takes effect when served. A "WIS. INSP'D and CONDEMNED" mark applied under s.

ATCP 55.06 (5) (e) has the effect of a meat condemnation order served under this subsection.

(c) No person may sell, move or alter any meat or meat food product covered by the department's order except as directed by this chapter or by the department.

**(4) ORDER TO CORRECT VIOLATION.** The department may order a person to correct a violation of this chapter or ch. 97, Stats. The department may specify a deadline for correcting the violation.

**(5) REJECTED FACILITIES, EQUIPMENT OR UTENSILS.** The department may issue an order prohibiting the use of unsanitary facilities, equipment or utensils that may contaminate meat or meat food products. The department may issue an order under this subsection by applying a "REJECTED" tag to the facilities, equipment or utensils. A person may not use the equipment or utensils until the violation is corrected and the department withdraws its order.

**(6) MEAT INSPECTION STAFF AUTHORIZED TO ISSUE ORDERS.** An authorized department employee may issue orders under this section.

**Note:** Under ss. 93.06 and 97.42, Stats., the department may deny, suspend or revoke a license or permit for violations of this chapter. The department may also pursue court enforcement under ss. 93.21, 97.72 and 97.73, Stats., and other applicable laws.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 06-028: am. (2) (a) and (3) (a) (intro.) Register November 2006 No. 611, eff. 12-1-06.

**ATCP 55.15 Appeals. (1)** A person directly affected by any of the following department actions under this chapter may ask the department to reconsider that action:

(a) The denial of any application for a license or registration certificate.

(b) Ante mortem or post mortem inspection findings affecting the disposition of animals, carcasses or meat.

(c) Any order issued under s. ATCP 55.14.

(d) Decisions denying, limiting or withdrawing slaughter inspection services.

(e) Slaughter inspection billings.

**(2)** Whenever the department receives a request for reconsideration under sub. (1), the department shall schedule a prompt informal conference with the requester. If the matter concerns an ante mortem or post mortem inspection finding by an inspector who is not a veterinarian, the department may have a veterinarian review the inspector's findings.

**(3)** If a requester's dispute is not resolved by informal action under sub. (2), a requester may request a contested case hearing under ch. 227, Stats., and ch. ATCP 1.

**(4)** A request for reconsideration or hearing does not stay a department action under this chapter.

**(5)** This section does not limit a person's rights under ch. 227, Stats., or other applicable law.

**History:** CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.