

# Wisconsin Consumer Protection Laws

## Food Safety and Labeling

### *Dairy Products*

#### **Production and Processing**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) licenses and inspects:

- *Dairy Farms* (see Wisconsin Statutes sections 97.22 and 97.24). Dairy farms must comply with food safety and sanitation requirements (see Wisconsin Administrative Code chapter ATCP 60). There are standards for:
  - Dairy farm facilities.
  - Safe water supply.
  - Equipment and utensils.
  - Milking systems.
  - Milk handling and storage.
  
- *Dairy plants* (see Wisconsin Statutes section 97.20). Dairy plants must comply with food safety and sanitation requirements (see Wisconsin Administrative Code chapter ATCP 80). There are standards for:
  - Pasteurization to eliminate harmful pathogens.
  - Dairy plant facilities and equipment.
  - Safe processing, storage and handling of milk and dairy products.
  - Milk and dairy product testing.
  - Dairy plant records and reports.
  
- *Milk haulers* (see Wisconsin Administrative Code chapter ATCP 82). Milk haulers and their vehicles must be licensed. When haulers collect milk from farms, they must obtain milk samples for lab testing. Vehicles must comply with sanitation standards, and must be properly cleaned.

DATCP may suspend licenses, and may issue holding orders to stop sales of adulterated milk. DATCP may also initiate civil and criminal enforcement actions in court. See Wisconsin Statutes section 93.06 and chapter 97.

## **Testing**

Dairy plant operators must test milk shipments from dairy farms. Milk must be tested for bacteria, drug residues, somatic cells and sediment content. Laboratories must be certified by DATCP (see Wisconsin Administrative Code chapter ATCP 77). Dairy plant operators must report test results to DATCP (see Wisconsin Administrative Code chapter ATCP 80).

Dairy plant operators must reject adulterated milk, including milk contaminated with drug residues. If a farmer's drug-tainted milk shipment contaminates milk from other farmers, the dairy plant operator must charge the loss to the responsible farmer.

## **Grading**

Fluid milk products must originate from grade A farms. Cheese and other non-fluid dairy products may be made from either grade A or grade B milk. Most Wisconsin milk is grade A. Standard for grade A and grade B farms are spelled out in Wisconsin Administrative Code chapter ATCP 60.

DATCP enforces grading standards for certain dairy products, such as butter and cheese. Private graders evaluate products and assign grades based on DATCP standards (see Wisconsin Administrative Code chapters ATCP 81 and 85). DATCP audits private graders to ensure that consumers get what they pay for.

DATCP may suspend the license of a person who violates DATCP grading rules. DATCP may also initiate court enforcement proceedings to prevent the sale of misbranded products. See Wisconsin Statutes section 93.06 and chapter 97.

## **“rBST-free” Dairy Products**

Some dairy products have “rBST-free” labels, indicating that they made from milk produced without the use of rBST. rBST is a synthetic growth hormone that increases milk production in cows. The United States Food and Drug Administration has determined that rBST is safe to use in milk production. All milk contains natural bovine growth hormone (BST), and there is no test that can determine whether synthetic hormone (rBST) has been used.

Sellers may make an “rBST-free” labeling claim if the claim is not false or deceptive, and the seller has reasonable substantiation for the claim. Substantiation must comply with Wisconsin Administrative Code chapter ATCP 83. If the seller procures milk from farmers, the substantiation must include affidavits from those farmers.