



# Method of Sale for Bread and Non-Bread Bakery Products

## BUREAU OF WEIGHTS AND MEASURES

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## RESOURCES

Wis. Statute 98  
<http://docs.legis.wisconsin.gov/statutes/statutes/98/>  
Title

Wis. Admin. Code ATCP 91  
[http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/090/91/Title](http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/91/Title)

Wis. Admin. Code ATCP 90  
[http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/090/90/Title](http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/90/Title)

### Method of Sale Information for Bread

Bread is flour or meal mixed with water plus possibly a leavening agent, and baked into eight ounce or larger loaves. Examples of bread include traditional wheat breads, sweet breads and seasonal breads. Items less than eight ounces, for the most part, are considered buns or rolls.

- Wisconsin Law, Chapter 98, 98.21(1) and ATCP 91.03(1)(a), requires all bread to be sold by net weight. Net weight means the weight of the product only, excluding the weight of wrappers, bags, ties, labels, etc.
- The weight must be on the label of prepackaged bread along with the product identity and declaration of responsibility (name and mailing address of business). One exception is that products packaged and sold at the same location are not required to list the declaration of responsibility on the label.
- Bread sold from a display case and bagged at time of sale must have a sign or placard indicating the loaf weight.
- “Stale Bread” that is conspicuously marked as “Stale” is exempted from quantity labeling per Ch. 98.21(2) and ATCP 91.03(1)(a).

### Method of Sale Information for Non-Bread Bakery Products

Donuts, buns, rolls, crescents, bagels, cookies, bars, cupcakes and like items are considered non-bread bakery products. There are two methods used to sell non-bread bakery products. They are “prepackaged” or “packaged at time of sale”.

#### Pre-Packaged Products:

- The net weight must be on the label unless the product is packaged and sold at the same location, in which case it may also be sold by count
- Packaged non-bread bakery items allowed to be sold by count, that are in packages of six (6) or fewer units are exempt from having a quantity declaration on the package if the number of units can be easily counted by consumers without opening the package
- The label must include the product identity
- The declaration of responsibility that includes the name and mailing address of business must be included on the label. Products packaged and sold at the same location are not required to list the declaration of responsibility on the label
- If you package and ship a product to another location for sale, you must follow ATCP 90 labeling requirements. Specifically, it must be labeled with “Declaration of Product Identity”, “Declaration of Responsibility”, and “Declaration of Net Quantity”

#### Products Packaged at the Time of Sale:

- Unpackaged, non-bread bakery items sold from a display case or bulk bin may be sold by weight or count

Pies and cakes displayed for sale unpackaged or as special orders may be sold by weight or count.