

Delicatessen Items

Effective Date: December 4, 2004

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Background

Wis. Stats. § 98.06, sets forth general requirements on how commodities may be sold by weight, measure, or count. Wis. Admin. Code §ATCP 91.03(2), amended in 2009, sets general rules for “ready-to-eat foods”. Since current law does not clearly define “single serving”, inspectors need to exercise their judgment when dealing with this issue.

-  [Wis. Stats. 98.06](#)
-  [Wis. Stats. 98.07](#)
-  [Wis. Stats. 97.03](#)
-  [ATCP 91.03\(2\)](#)
-  [NIST Handbook 130](#)

Code Interpretation

In 1994, senior city and state weights and measures officials were appointed to, and developed, the following reference list:

COMMODITY	METHOD OF SALE
Bulk Self Serve Salad Bar	Net Weight or Count (single serving, ready-to-eat exemption-91.03(2))
Hot: Egg Rolls, Corn Dogs, Burritos, Potato Pancakes, Pasties, and Like Items	Count (single serving, ready-to-eat exemption-91.03(2))
Single Serving Hot Meals: entrees, plate lunches, dinners, and like items	Count (single serving, ready-to-eat exemption-91.03(2))
Store Packaged Cold Sandwiches Personal Serving Size Containers of Salads Single Pieces of Fruit	Net Weight or Count (single serving, ready-to-eat exemption-91.03(2))
Cooked Pizza by the Slice	Count (single serving, ready-to-eat exemption-91.03(2))
Cooked Chicken on the Spit-Pieces/Whole	Net Weight or Count (ready-to-eat exemption-91.03(2))
Store Prepackaged Frozen Yogurt, Ice Cream, Sherbet, Etc. (Cartons)	Liquid Measure Standard Sizes, Except Those of 1/2 Liquid Pint or Less, Which Shall be Sold by Fluid Ounce, e.g. 5 Fluid Ounces
Store Prepackaged Frozen Yogurt, Ice Cream, Sherbet, Etc. (Novelties, including bars, cones, sandwiches, cups)	Liquid Measure, e.g. 2 1/2 Fluid Ounces

Bulk Desserts	Net Weight or Count (single serving, ready-to-eat exemption-91.03(2))
Gyro Sandwich Makings: Store Prepacked	Net Weight Only (further preparation required, heating -98.06)
Herring in Sauce	Net Weight Only - 98.06
Single Serving Mini-Bagels with Dip and Like Items	Count (single serving, ready-to-eat exemption-91.03(2))
Party Trays, Cheese Trays	Net Weight Only - 98.06
Uncooked, Prepackaged Pizzas, Garlic Breads, and Like Items	Net Weight Only - 98.06
Cold Stuffed Clams and Processed Seafood Sticks (precooked seafood portions)	Net Weight Only
Cold Cooked Chicken - Prepackaged	Net Weight Only
Cold Quiche - Whole, Prepackaged	Net Weight Only (further preparation required, heating - 98.06)
Single Serving Cold Meals: entrees, plate lunches, dinners, store prepackaged	Net Weight Only (further preparation required, heating- 98.06)
Cold Egg Rolls, Corn Dogs, Burritos, Potato Pancakes, Pasties and Like Items	Net Weight Only