



Method of Sale for Ready-To-Eat Foods

BUREAU OF WEIGHTS & MEASURES

PO Box 8911
Madison, WI 53708
608-224-4942
datcp.wi.gov

RESOURCES

More information on applicable Wisconsin laws can be found at these links:

http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/91/Title

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

<http://www.nist.gov/pml/wmd/pubs/upload/HB130-11-final.pdf>

Ready-to-eat food is defined by ATCP 91.01(5) as food that is ready for consumption without further washing, heating, thawing or other preparation. Restaurant style food offered or exposed for sale, whether in restaurants, supermarkets, or similar food service establishments, that is ready for consumption, though not necessarily on the premises where sold is considered “ready-to-eat” per National Institute of Standards and Technology (NIST) Handbook 130.

Ready-to-eat food sold from bulk or in single serving packed at the point of sale may be sold by any of the following methods:

- Weight
- Measure
- Count, which for this purpose may include a serving count.

If ready-to-eat food is sold by weight, its declared weight shall be its cooked weight unless the declared weight is clearly identified as pre-cooked weight.

Ready-to-eat food does not include:

- Raw fruits or vegetables, except when sold as part of a ready-to-eat meal
- Sliced meat or poultry, or other sliced luncheon products, except when sold as part of a ready-to-eat meal
- Cheese, except when sold as part of a ready-to-eat meal
- Candy or snack foods, except when sold as part of a ready-to-eat meal
- Beverages in air-tight sealed containers

Some common examples of ready-to-eat foods are heated products such as egg rolls, corn dogs, burritos, pizza by the slice, chicken whole or by the piece; salad from a self-serve salad bar or store packed as a ready to eat meal; store packed cold sandwiches; single serving mini-bagels with dip and like items; sushi packed as a ready to eat meal; restaurant style entrees, plate lunches, and like items that require no additional preparation or heating.

Some common examples of foods that do not meet the requirements for ready-to-eat foods are bulk salads and pastas purchased from the cold deli case; cheese trays or party trays; sliced meat, poultry or cheese being sold separately; uncooked, prepacked pizzas, garlic breads, and like items; cold cooked chicken; cold stuffed clams and processed seafood sticks; single serving cold entrees or plate lunches that require heating.