

FOOD SOLD AT RETAIL MUST COME FROM AN APPROVED SOURCE

Wisconsin Food Code Fact Sheet #25

2001 Wisconsin Food Code states "FOOD shall be obtained from sources that comply with all LAWS relating to FOOD and FOOD labeling" (3-201.11 (A))

Definitions:

APPROVED: acceptable to the REGULATORY AUTHORITY based on a determination of conformity with principles, practices, and generally recognized standards that protect public health. (1-201.10 (4))

FOOD: a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum. (1-201.10 (27))

LAW: applicable local, state, and federal regulations, and ordinances. (1-201.10 (45))

REGULATORY AUTHORITY: the local, state, or federal enforcement body or authorized representative having jurisdiction over the FOOD ESTABLISHMENT. (1-201.10 (69))

FOOD ESTABLISHMENT: an operation that stores, prepares, serves, vends sells or otherwise provides FOOD for human consumption. (1-201.10 (31))

Applicable Laws:

State statute 97, titled "Food Regulation" is the LAW applicable to food sources "upstream" from FOOD ESTABLISHMENTS.

Federal and other state laws that govern food products that come across state lines are applicable also.

An Approved Source will mean that a food, as it arrives at a food establishment must

1. Come from a licensed facility or
2. Come from an unlicensed facility that is exempt from licensing by definition in the Statute.

97.29 (g) Wis. Stats. states "any manufacture or preparation of food for sale.....is "food processing." ADDITIONALLY it continues to say anyone operating a food processing plant needs a license from the State. State and Federally licensed meat plants and State licensed Dairy plants do not need an additional "Processing Plant" license to process and wholesale meat and dairy products, respectively.

For a restaurant or an institution, an approved source for food products could be a retail grocery store that is properly licensed for food processing. Retail grocery stores are allowed to wholesale up to 25% OF THEIR GROSS ANNUAL FOOD SALES. (ATCP 70.03 (7) (a) (2) Wis. Adm. Code)

Meat and poultry products must come from a State of Wisconsin inspected plant or a USDA inspection plant. **Except** that under 97.42(2)(b) Wis. Stats., retail grocery stores may wholesale meat and poultry to institutions and restaurants up TO 25% OF THE VOLUME OF THEIR MEAT SALES OR \$28,800 ANNUALLY, WHICHEVER IS LESS. **However**, this exemption only applies to "**fresh**" meats and poultry." In other words a retailer cannot cure, smoke, season, can, or cook meat products and sell them to restaurants and institutions. So, fresh cuts of meat and hamburger qualify; however, brats do not.

Retail restaurants may not wholesale any food or meat products unless they acquire a Food Processing License from the State. (ATCP 70.03 (7) (b) (1) & (2) Wis. Adm. Code)

Under no circumstances may retail food establishments engage in canning or the production of processed fish without a separate Food Processing Plant License from the State. (70.03 (7))