



Wisconsin Food Code Fact Sheet



Wholesale Meat Exemptions at Retail

Typically, meat and poultry products from retail establishments may not be wholesaled except for the exemptions noted below.

Retail Exemption

Retail food establishments are exempt from compulsory meat inspection when making sales directly to household consumers on the premises where the products were processed, or to hotels, restaurants, and other institutions (HRI) as cited in 9 CFR 303.1(d), Wis. Stat. § 97.42(2)(b), and Wis. Admin. § Code 55.03(2)(e). Requirements for wholesale distribution to HRI accounts are discussed in the next section.

- Sales to household consumers must occur at the retail food establishment where the meat products are processed. These can be in person or online sales.*
- Retail food establishments can prepare meat products at a central retail store location for sales at that location, and unlimited distribution and subsequent sale to consumers at their satellite retail outlets such as additional retail stores, kiosks, and farmers market booths owned by the same person, firm or corporation.

Examples: A retail food establishment can internally distribute to its farmer market booths or mobile food establishments of the same ownership.

Examples of product: jerky, smoked sausage, cuts of meats, inspected bulk product broken down to consumer- size packages. Products will not bear federal or state inspection labels.

*For interstate sales made online, the retail food establishment may only use federally inspected meat and poultry products.

Hotels, Restaurants, and Institutions (HRI) Exemption

This exemption allows licensed retail food establishments to sell meat and poultry products to other-than-household consumers such as hotels, restaurants, and institutions (HRI) as specified in Wis. Stat. § 97.42(2)(b) and Wis. Admin. Code § ATCP 55.03(2)(e).

- May only wholesale meat and poultry products to HRI facilities for use in meals served to individual consumers at those locations only.
- HRI sales are limited to the lesser of 25% of the dollar value of total sales of meat and poultry product or limits specified in 9 CFR 303.1(d)(2)(iii)(b) and 9 CFR 381.10(d)(2)(iii)(b).
- Meat and poultry products wholesaled to HRI accounts are limited to:
 - Cutting, slicing and trimming carcasses, halves, quarters, or wholesale cut into retail cuts such as steak, chops and roasts. Cuts may also be frozen.
 - Grinding and shaping ground meat into patties or sausages.
 - Breaking bulk shipments of products.
 - Wrapping or rewrapping products.
- The retail food establishment may perform typical retail operations such as slicing of cured or cooked products such as cooked ham, bacon, deli meat, pepperoni, etc. from a federal or state inspected meat establishment.
- A retail food establishment cannot sell retail products using the HRI exemption if the retail establishment is curing, cooking, smoking, rendering or refining the meat or poultry product.

- A retail food establishment may assemble meat or poultry pizzas with raw topping or cured/cooked toppings from federal or state inspected meat establishments.
- Only federally inspected source materials can be used in the preparation of meat products for sales to interstate HRI customers. If state-inspected source materials are used in the preparation of HRI products, the product can only be sold intrastate.

An example of sales to HRI purchasing entities: Grocery stores selling hamburger patties to bars and retail food establishments-serving meals (restaurants).

Central Kitchen Exemption

A licensed central kitchen can produce both meat and poultry products that are cooked and then transported to retail food establishments operated by the same legal entity for service as specified in 9 CFR 303.1(d)(2)(iv)(c); and 9 CFR 381.10(d)(2)(iv)(c), as cited in Wis. Stat. § 97.42(2)(bg).

- The meat or poultry product must be fully prepared and ready to eat when they leave the facility. If refrigerated prior to delivery, good manufacturing practices must be used to ensure the meals are kept at 41 degrees F or below.
- Employees of the central kitchen must transport the meat or poultry products directly to the receiving retail food establishment.
- Once the food leaves the central kitchen, it shall be delivered to the retail food establishment without any intervening transfer or storage.
- The meat or poultry product can be served only as a meal or entrée to the end customer.
- There are no dollar volume limitations.

Example: An operator has a central restaurant kitchen that produces smoked meat products. They may transport the smoked meat product to other retail food establishments-serving meals that are operated by the same person that owns or operates such facility for sale as part of a meal.

Meat and/or Poultry Pizza Exemption

This exemption applies to meat and poultry pizzas as defined under 9 CFR 303.1(d)(2)(iv)(e)(1); and 9 CFR 381.10(d)(2)(iv)(e)(1), as cited in Wis. Stat. § 97.42(2)(bg), that are made and transported ready-to-eat to be sold by a public or private nonprofit institution.

- The pizzas may only be transported to public or private nonprofit institutions.
- The pizzas must be prepared and cooked before delivery. If refrigerated prior to delivery, good manufacturing practices must be used to ensure the pizzas are kept at 41°F or below.
- The pizza must be transported by employees of the preparing firm, receiving institution, or a private food service management company contracted to conduct food service at the public or private nonprofit institution, without intervening transfer or storage.

Examples: A school cafeteria receives fully-cooked pizzas from a local retail food establishment and resells the pizzas during a meal service. Or a pizza restaurant delivers ready-to-eat pizzas to the sports booster's concession stand at the football game so the boosters can sell the pizza to raise money for their nonprofit group.



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