

Wisconsin Food Code Fact Sheet



Retail Labeling Requirements

Based on state law (Wisconsin Food Code 3-602.11), retail food establishments must label packaged products with the following information:

- Product name
- List of ingredients
- Food allergen statement
- Net weight
- Business name and address
- Nutrition information (unless exempt)

Requirements for each of these are explained in the following sections.

Product Name

You must place the product name on the package using the following criteria:

- **Text:** Include the common name of the food or an adequate identity description. Must be truthful and not misleading.
- **Location:** Place the name on the front of the package, also known as the main display panel. Generally the name will also run parallel to the base of the product.
- **Size:** Ensure the size of the text is at least half the type size of the most prominent printed matter (text, images, graphics) on the label, in bold.

List of Ingredients

You must state the ingredients of the product on the package using the following criteria:

- List by weight from most to least.
- All sub-ingredients for food with multiple ingredients. Sub-ingredients must be specific. For example, enriched flour may include wheat flour, niacin, etc., or soy sauce may include water, soybeans, wheat, etc.

- Some collective terms such as herbs, secret ingredients, seasonings, etc. may be used with limitations.
- Artificial colors or flavors and chemical preservatives. For example, FD&C Yellow #5, Red 40.
- For oils and fats include the source (soybean, vegetable, etc.) and state if the oil is hydrogenated.
- Water must be listed if used as an ingredient.

Food Allergen Statement

The name of each major food allergen must be declared in a statement unless the allergen is already listed as an ingredient. If a food product contains one of the major food allergens, even in the colors, flavors, or spice blends, the label must list the allergen in the ingredient section in plain language. For example, butter must include milk listed after the ingredient or as a statement such as “contains milk” at the end of the ingredient section. If more than one major allergen is present in the food item, the statement must list all major allergen ingredients contained in that food item.

More information about food allergen labeling is available at <https://datcp.wi.gov/Documents/FoodAllergenRequirementsForRetailers.pdf>.

Net Weight

You must state the net weight in a way that is visually obvious and easy to read. The stated amount must be accurate. The package cannot contain less product than what is stated on the package.

Business Name and Address

You must include on the package the legal name of the manufacturer, packer, or distributor and their city, state, and zip code.

Nutrition Information

To determine if your business needs to provide nutrition information, visit the Food and Drug Administration's (FDA) website at

<https://www.federalregister.gov/documents/2016/05/27/2016-11867/food-labeling-revision-of-the-nutrition-and-supplement-facts-labels>.

Some small businesses are exempt from nutrition labeling. To find out if your business qualifies and to file for an exemption with FDA, visit

<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm053857.htm>.

Additional Labeling Requirements Based on Type of Food Product

Bulk Foods

- Post labeling information nearby. For example, on a placard or in a binder.
- Provide consumers with a way to mark individual containers.
- Provide labeling information on a counter card, placard, or sign if you repack items that you received in bulk containers.

Sandwiches

- Provide the full ingredient label when you package at retail. Include sub-components of complex ingredients such as cheese and bread.
- Use weight, measure, or count for the amount of product if sold for immediate consumption at retail.
- Include the "Keep Refrigerated" statement (recommended).

Eggs

Include the following information on the label:

- "Safe Handling Instructions" statement for raw shell eggs.
- "Keep Refrigerated" statement.
- Date the eggs were packed.
- Expiration date or sell by date. Expiration date may not exceed 30 days from the pack date.

Meat

Include the following information on the label:

- "Safe Handling Instructions" statement.

- One of the following statements for **raw** meat:
 - "Perishable"
 - "Keep Refrigerated"
 - "Keep Under Refrigeration"
 - "Keep Frozen"
- Use the species name and cut in the product name.
- The full ingredient list if there is more than one ingredient. For example, Italian sausage.
- Inspection legend, if required under federal law (9 CFR 317.2 or 9 CFR 381.96).

More information about meat labeling is available at https://datcp.wi.gov/Pages/Programs_Services/MSInspection.aspx.

Smoked Fish

Include the following information on the label:

- Use the common species name in the product name.
- Processing date.
- "Perishable – keep refrigerated at or below 38° F" statement – only for hot-smoked fish in reduced-oxygen packaging (also known as vacuum-packaged), and sold **not** frozen. Statement must be visually obvious in text that is at least the same size of the name of the food.
- "Perishable – keep frozen prior to use" statement if sold frozen.

More Information

Resources for retailers:

- FDA Guidance for Industry: Food Labeling Guide
<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>
- General food labeling information
https://datcp.wi.gov/Pages/Programs_Services/FoodLabelingGeneral.aspx
- Wisconsin Food Code fact sheets
https://datcp.wi.gov/Pages/Programs_Services/FoodCode.aspx
- Wisconsin Food Code
http://docs.legis.wisconsin.gov/code/admin_code/atcp/055/75



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Food and Recreational Safety

2811 Agriculture Dr., P.O. Box 8911, Madison, WI 53708

<https://www.datcp.wi.gov>

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