

Regulating raw milk sales in Wisconsin



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Wisconsin Statutes (paraphrased)

- 97.24 (2) (a) Any milk sold or distributed must be produced, processed, and distributed according to rules set by the department.
- 97.24 (2) (b) Milk and fluid milk products sold to consumers, restaurants, institutions, or retailers must be Grade A. Grade A milk and milk products must be pasteurized. The milk and fluid milk products must be produced, processed and distributed according to rules set by the department.
- 97.24 (2) (c) Grade A representation can only be used if department rules are followed.

Wisconsin Statutes (paraphrased)

But, there are exceptions...

97.24 (2) (d)

Canned milk (heat sterilized in hermetically sealed container)

Incidental sales of raw milk directly to consumers at the farm where the milk is produced

Incidental sales of pasteurized milk at a licensed dairy plant

Sales of Grade A milk and milk products produced and processed in other states with equivalent laws / rules

Wisconsin Administrative Code (paraphrased)

ATCP 65.52 Unpasteurized milk sales prohibited; exemptions

Ban on sale or distribution of unpasteurized milk or dairy products to consumers, or for resale or redistribution in unpasteurized form. Except....

Distribution of unpasteurized fluid milk from a farm to:

the holder of the milk producer license for that same farm

individual with a bona fide ownership interest in the dairy farm and milking operation (if milk producer license is held by legal entity other than an individual or married couple)

Exemptions for Distribution of unpasteurized fluid milk from a farm to:

Family or nonpaying household guests who consume the milk at the home of the milk producer or the home of a bona fide owner



Other Exemptions:

Sale or distribution of unpasteurized milk to:

employees of the farm where the milk was produced



The most contentious exemption:

“The incidental sale of unpasteurized milk to a consumer at the dairy farm where the milk is produced. A sale is not incidental if the consumer subsequently sells the milk or distributes the milk, other than distribution for consumption by the consumer, the consumer’s family, or the consumer’s nonpaying household guests. A sale is not incidental if it is made in the regular course of business, or is preceded by any advertising, offer or solicitation made to the general public through any communications medium.”



Current landscape

Relatively quiet for past several years

Exceptions:

- 2014 *Campylobacter* infection outbreak following Durand HS football team dinner
- 2011 *Campylobacter* infection outbreak following elementary school snack honoring June Dairy Month

At least one milk producer has a large number of employee-purchasers

Our approach:

Two paths: choose one, please

- Grade A – if you hold our license and permit → stay within the boundaries of our statute and rule
- Black market – unlicensed, caveat emptor, seller may face legal or insurance consequences if linked to an outbreak

