

Chapter ATCP 87

HONEY AND MAPLE SYRUP

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Note: Chapter Ag 92 was renumbered chapter ATCP 157 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

Subchapter I — Honey

ATCP 87.01 Definitions. In this subchapter:

(1) "Chunk honey" is comb honey surrounded by extracted honey.

(2) "Clean" means free from foreign material when strained through standard bolting cloth of 86 meshes per inch at a temperature of not more than 130° Fahrenheit.

(3) "Color". The color for honey of the grades Wisconsin Fancy and Wisconsin No. 1 shall be determined by the Pfund color-scale instrument as follows:

(4) "Comb honey" is honey contained in the cells of comb. As sold at retail, "comb honey" means comb honey in sections.

(5) "Cut comb honey" is comb honey cut out to a uniform size.

<i>Pfund scale readings</i>	<i>(in millimeters)</i>
White	Under 35
Golden	From 35 to 85
Dark	Over 85

(6) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(7) "Evenly capped" means that combs shall be free from pronounced irregularities in the surface.

(8) "Extracted honey" is honey which has been separated from the crushed or uncrushed comb by centrifugal force, gravity, straining, or other means. Extracted honey of the "crystallized type" shall be uniformly granulated, smooth and fine in texture, and when liquefied at 130° Fahrenheit shall meet all other requirements of the grade represented.

(9) "Fairly clean" means free from foreign material when strained through 2 thicknesses of cheesecloth of 36 by 40 mesh at a temperature of not more than 130° Fahrenheit.

(10) "Firmly attached" means that the comb shall be attached to wood sections at least 85% of the way around.

(11) "Good quality" comb honey means honey which is commercially salable, not containing cells of pollen or honeydew of insect origin, not extensively granulated, poorly ripened, sour or weeping, and not in leaking, injured or patched up sections.

(12) "Honey" means the natural sweet substance produced by honey bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in the honey comb to ripen and mature. When honey comes from the nectars of plants it can be called blossom honey or nectar honey. When honey comes mainly from excretions of plant-sucking insects on the living parts of plants or secretions of living parts of plants, it can be called honeydew honey.

(13) "Not projecting" means that no part of the comb shall project beyond the outer edge of the sections.

(14) "Uniformly colored" means that all cells contained in any section shall be of the same color.

History: 1-2-56; renum. from ATCP 156.01 and am. (intro.), Register, February, 1996, No. 482, eff. 3-1-96; **CR 11-038: renum. 157.01 (1) to (12) to be 87.01 (4), (8), (1), (5), (3), (11), (10), (13), (14), (7), (2) and (9), cr. (6), (12) Register January 2012 No. 673, eff. 2-1-12.**

ATCP 87.015 Honey standard. No person may represent, directly or by implication in connection with the sale, offering for sale, or advertising or distributing for sale of any product, that the product is "honey" unless the product meets the criteria for "honey" described in Part One, Section 3.1 through Part One, Section 4.2 of the *Codex Alimentarius*, number 12-1981 (revised 2001) adopted by the United Nations food and agriculture organization and the World Health Organization.

Note: Copies of the Codex Alimentarius, number 12-1981 (revised 2001) are on file with the department and the legislative reference bureau. Copies may also be obtained at www.codexalimentarius.net/download/standards/310/cxs_012e.pdf.

Violations of s. ATCP 87.015 are subject to the penalties in s. 97.72, Stats., and the injunctive remedy provided in s. 97.73, Stats. A competitor or other person who suffers damage as a result of a violation may also pursue the private remedy provided under s. 100.187 (3) (b), Stats.

History: CR 11-038: cr. Register January 2012 No. 673, eff. 2-1-12.

ATCP 87.017 Wisconsin certified honey. (1) PROHIBITION. No person may represent, directly or by implication in connection with the sale, offering for sale, or advertising or distributing for sale of any product, that the product is "Wisconsin certified honey" unless that product meets all of the following requirements:

- (a) It complies with the honey standard in s. ATCP 87.015.
- (b) It was collected from honey bee hives in this state.
- (c) Its producer holds a valid approval under sub. (2).

Note: Violations of s. ATCP 87.017 are subject to the penalties in s. 97.72, Stats., and the injunctive or other remedies provided in s. 100.187 (2) (b), Stats.

(2) **BIENNIAL APPROVAL.** A person who produces honey in this state may apply to the department for a biennial approval authorizing any person to sell, offer, advertise or distribute that honey as "Wisconsin certified honey." Approval expires on December 31 in odd-numbered years.

Note: An approval under sub. (2) authorizes the honey producer (and the producer's distributors) to sell honey as "Wisconsin certified honey." However, it does not constitute a warranty from the department to any buyer that the honey complies with sub. (1).

(3) **APPLICATION FOR BIENNIAL APPROVAL.** A person shall submit an application for a biennial approval, under sub. (2), on a form provided by the department. The application shall include all of the following:

(a) A statement by the applicant certifying that all honey that the applicant proposes to sell, offer, advertise, or distribute as "Wisconsin certified honey" will meet all of the following requirements:

- 1. It will be collected from honey bee hives in this state.
- 2. It will comply with the honey standard in s. ATCP 87.015.

(b) A summary of laboratory test results and the methods used to obtain those results that supports the requirement under par. (a) 2. The summary shall include test results for moisture, fructose and glucose content, sucrose content and internal stable carbon isotope ratio analysis. The laboratory testing shall be performed at a commercial laboratory not affiliated with the applicant on a representative sample of honey using methods established by AOAC International or other methods approved by the department.

(c) A payment of \$50.

Note: A person may obtain an application form by calling (608) 224-4720, by visiting the department website at <http://www.datcp.wi.gov>, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection, Food Safety Division, Attn: honey certification, P.O. Box 8911, Madison, WI 53708-8911

The "Official Methods of Analysis of AOAC International", 18th Edition (2005), current through Revision 1, 2006, is on file with the department and the legislative reference bureau. Copies are available from AOAC International at 481 North Frederick Avenue, Suite 500, Gaithersburg, MD 20877-2417.

(4) **ACTION ON APPLICATION.** The department shall grant or deny an application under sub. (3), in writing, within 30 days after the department receives a complete application. If the department denies an application, the department shall specify the reasons for the denial.

History: CR 11-038: cr. Register January 2012 No. 673, eff. 2-1-12; correction in numbering of (4) under s. 13.92 (4) (b) 7., Stats, Register January 2012 No. 673.

ATCP 87.02 Industry grading. (1) Each producer or packer of honey shall be entitled to grade and label the honey produced or packed by him or her in conformity with the standards established by this order.

(2) The Wisconsin department of agriculture, trade and consumer protection will enforce the standards established by this order through the inspection and sample grading of honey; and it will, insofar as possible, assist producers and packers in the determination of the grade and color of their honey.

History: 1-2-56; correction made under s. 13.93 (2m) (b) 5. and 6., Stats., Register, April, 1993, No. 448; renum. from ATCP 156.02, Register, February, 1996, No. 482, eff. 3-1-96; CR 11-038: renum from 157.02 Register January 2012 No. 673, eff. 2-1-12.

ATCP 87.03 Packaging and labeling. (1) Each section and each case of comb honey and every container in which cut comb honey, chunk honey or extracted honey is sold or offered for sale shall declare the name and address of the packer or dealer and the net weight of the contents.

(2) Every container of honey of any class represented as Wisconsin No. 1 shall bear a label statement of the color of such honey as specified in the definition.

(3) Crystallized extracted honey shall be labeled as such. The term "candied" may be used.

(4) No honey of any class shall be labeled or otherwise sold or offered for sale as "Wisconsin Fancy" honey unless it is white in color as specified in the definitions.

(5) No honey shall be sold or offered for sale at retail in anything but new sections or other containers; provided, however, that clean, sanitary, rust-free containers holding 50 pounds or more may be re-used for sales within the trade or to large commercial consumers.

(6) When the predominant flavor of the honey or the principal source from which the honey is derived is clearly predominant and readily distinguishable by experienced people in the industry, such flavor or such source may be declared on the label; provided, however, that this paragraph shall not be construed to permit the naming of more than one flavor or more than one source, nor to permit the naming of the honey by season.

History: 1-2-56; renum. from ATCP 156.03, Register, February, 1996, No. 482, eff. 3-1-96; CR 11-038: renum from 157.03 Register January 2012 No. 673, eff. 2-1-12.

ATCP 87.04 Ungraded honey. (1) Every producer who does not intend to market all the honey in conformity with the standards established by this order shall plainly stamp or mark "Ungraded" on each container or section, and on each case or box.

(2) When a producer sells a portion of an annual honey crop on a graded basis, all of such annual honey crop shall be sold on a graded basis and no part thereof sold as "Ungraded" honey.

(3) This section shall not be construed to prohibit the sale of Ungraded honey to any consumer selecting honey on the basis of flavor and completing the purchase on the premises of the packer or dealer.

History: 1-2-56; correction made under s. 13.93 (2m) (b) 5., Stats., Register, April, 1993, No. 448; renum. from ATCP 156.04, Register, February, 1996, No. 482, eff. 3-1-96; CR 11-038: renum from 157.04 Register January 2012 No. 673, eff. 2-1-12.

ATCP 87.05 Comb honey. (1) **WISCONSIN FANCY WHITE.** No honey may be graded or labeled Wisconsin Fancy White unless it conforms to the following standards:

(a) No section shall weigh less than 13½ ounces gross or 12½ ounces net.

(b) It shall consist of good quality comb honey in which the sections are free from propolis or other stain.

(c) The combs shall be free from travel stain, firmly attached, not projecting beyond the wood, uniformly colored throughout, evenly capped and entirely sealed except the cells in the outside row next to the wood which may be unsealed.

(2) **WISCONSIN No. 1.** No honey may be graded or labeled Wisconsin No. 1 unless it conforms to the following standards:

(a) No section shall weigh less than 12 ounces gross or 11 ounces net.

(b) It shall consist of good quality comb honey in which the sections are free from propolis or other stain.

(c) The combs shall be firmly attached, not projecting beyond the wood and entirely sealed except that not more than 6 cells on each side, in addition to those of the outer row next to the wood, may be unsealed.

(d) The combs may show slight travel stain and surface irregularity, and not to exceed 10 cells on each side may contain honey of a color other than that declared on the label.

(3) **WISCONSIN No. 2.** Honey of this grade shall consist of good quality comb honey which falls below the standards for the grades "Wisconsin Fancy" or "Wisconsin No. 1".

History: 1-2-56; renum. from ATCP 156.05, Register, February, 1996, No. 482, eff. 3-1-96; CR 11-038: renum from 157.05 Register January 2012 No. 673, eff. 2-1-12.

ATCP 87.06 Cut comb honey. (1) **WISCONSIN FANCY WHITE.** No honey may be graded or labeled Wisconsin Fancy White unless it conforms to the following standards:

(a) It shall be free from open or unsealed cells, weeping or bruised surface or wet edges.

(b) It shall be wrapped in transparent material to prevent leakage and shall be packed in a container, which may be open at the top.

(c) It shall meet all other requirements of Wisconsin Fancy White comb honey except as to weight.

(2) **WISCONSIN No. 1.** No honey may be graded or labeled Wisconsin No. 1 unless it conforms to the following standards:

(a) It shall meet the requirements under sub. (1) (a) and (b) of Wisconsin Fancy cut comb honey.

(b) It shall meet all other requirements of Wisconsin No. 1 comb honey except as to weight.

History: 1-2-56; renum. from ATCP 156.06, Register, February, 1996, No. 482, eff. 3-1-96; CR 11-038: renum from 157.06 Register January 2012 No. 673, eff. 2-1-12.

ATCP 87.07 Chunk honey. (1) WISCONSIN FANCY WHITE. No honey may be graded or labeled Wisconsin Fancy White unless it conforms to the following standards:

(a) It shall consist of a combination of comb honey equal to Wisconsin Fancy White comb honey and extracted honey equal to Wisconsin Fancy White extracted honey.

(b) One-half its net weight shall be comb honey in not more than 2 pieces and it shall have no broken pieces of comb honey.

(2) WISCONSIN NO. 1. No honey may be graded or labeled Wisconsin No. 1 unless it conforms to the following standards:

(a) It shall consist of a combination of comb honey equal to Wisconsin No. 1 comb honey and extracted honey equal to Wisconsin No. 1 extracted honey.

(b) One-half its net weight shall be comb honey in not more than 2 pieces and it shall have no broken pieces of comb honey.

History: 1-2-56; renum. from ATCP 156.07, Register, February, 1996, No. 482, eff. 3-1-96; **CR 11-038: renum from 157.07 Register January 2012 No. 673, eff. 2-1-12.**

ATCP 87.08 Extracted honey. (1) WISCONSIN FANCY WHITE. No honey may be graded or labeled Wisconsin Fancy White unless it conforms to the following standards:

(a) It shall weigh not less than 11 pounds 12 ounces per gallon of 231 cubic inches at 68° Fahrenheit.

(b) It shall be clean; shall be free from odors or flavors foreign to honey; and shall contain no honeydew.

(c) It shall be clear, not showing air bubbles or other substances in suspension.

(d) It shall be heat-treated to prevent fermentation and delay crystallization.

(2) WISCONSIN NO. 1. No honey may be graded or labeled Wisconsin No. 1 unless it conforms to the following standards:

(a) It shall weigh not less than 11 pounds 10 ounces per gallon of 231 cubic inches at 68° Fahrenheit.

(b) It shall be clean; shall be free from odors or flavors foreign to honey; and shall contain no honeydew.

(c) It shall be clear, not showing air bubbles or other substances in suspension.

(3) WISCONSIN NO. 2. No honey may be graded or labeled Wisconsin No. 2 unless it conforms to the following standards:

(a) It shall weigh not less than 11 pounds 8 ounces per gallon of 231 cubic inches at 68° Fahrenheit.

(b) It shall be fairly clean, but may contain a small number of air bubbles or other edible substances in suspension.

(c) Its flavor or odor may be slightly affected by overheating or other means.

(d) It may contain a maximum of 20% honeydew.

History: 1-2-56; renum. from ATCP 156.08, Register, February, 1996, No. 482, eff. 3-1-96; **CR 11-038: renum from 157.08 Register January 2012 No. 673, eff. 2-1-12.**

Subchapter II — Maple Syrup

ATCP 87.11 Wisconsin fancy. Wisconsin Fancy maple syrup shall be lighter than medium amber in color and shall have a characteristic and pleasant maple flavor, and shall be clear and reasonably free from sediment.

History: 1-2-56; am. Register, March, 1956, No. 3, eff. 4-1-56; renum. from ATCP 157.01, Register, February, 1996, No. 482, eff. 3-1-96; **CR 11-038: renum from 157.11 Register January 2012 No. 673, eff. 2-1-12.**

ATCP 87.12 Wisconsin grade A. Wisconsin Grade A maple syrup shall be no lighter than medium amber nor darker than dark amber in color and shall possess a characteristic maple flavor which may not be as mild as that required for Wisconsin Fancy maple syrup, and may contain a trace of sediment.

History: 1-2-56; am. Register, March, 1956, No. 3, eff. 4-1-56; renum. from ATCP 157.02, Register, February, 1996, No. 482, eff. 3-1-96; **CR 11-038: renum from 157.12 Register January 2012 No. 673, eff. 2-1-12.**

ATCP 87.13 Wisconsin manufacturer's grade. Wisconsin Manufacturer's Grade maple syrup shall be darker than dark amber and shall possess a characteristic maple flavor, and may contain somewhat more than a trace of sediment.

History: 1-2-56; am. Register, March, 1956, No. 3, eff. 4-1-56; renum. from ATCP 157.03, Register, February, 1996, No. 482, eff. 3-1-96; **CR 11-038: renum from 157.13 Register January 2012 No. 673, eff. 2-1-12.**

ATCP 87.14 Color standards. The colors referred to in this regulation are the colors developed by the Eastern Research Laboratory of the United States Department of Agriculture and are described in publication AIC-260, February, 1950, "Permanent glass color standards for maple syrup," Bureau of Agricultural and Industrial Chemistry, Agricultural Research Administration, United States Department of Agriculture.

History: 1-2-56; am. Register, March, 1956, No. 3, eff. 4-1-56; renum. from ATCP 157.04, Register, February, 1996, No. 482, eff. 3-1-96; **CR 11-038: renum from 157.14 Register January 2012 No. 673, eff. 2-1-12.**