



## Starting a Small Food Business in Wisconsin

How do you go about getting permission to market your famous barbecue sauce? Or what if you wish to sell pickles or homemade jam at the local farmers' market?

### ***Getting Started***

This fact sheet is designed to summarize food safety steps that are important in starting a small food business in Wisconsin. It also provides you with links to sources of information that will help you get your business off to a good start.

The Wisconsin Department of Agriculture, Trade and Consumer Protection – Division of Food Safety regulates the processing and sale of food items manufactured and sold in Wisconsin. To start a small-scale food processing business you need to investigate:

- *Types of foods you can (and cannot) safely process on a small scale*
- *Licensing, facility and equipment requirements*
- *Product packaging and labeling requirements*
- *The safety and adequacy of your recipe*

### ***First Step***

The Division of Food Safety has regional offices located around the state. Contacting one of these offices should be your first step if you are interested in processing and selling food in Wisconsin. The regional offices are:

#### **Central Administrative Office**

2811 Agriculture Drive, 3<sup>rd</sup> Floor  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4700  
In Milwaukee area, call: (920) 849-7733

#### **Northeast Regional Office**

200 N. Jefferson, Suite 146A  
Green Bay, WI 54301  
Phone: (920) 448-5120

#### **Northwest Regional Office**

3610 Oakwood Hills Parkway  
Eau Claire, WI 54701-7754  
(715) 839-3844

You may also wish to contact the Department of Food Safety by email: [food@datcp.state.wi.us](mailto:food@datcp.state.wi.us)

### ***Types of Food***

Many foods may be safely processed on a small scale if safe and sanitary methods of processing and handling are followed. These include: jams and jellies, pickled or acidified fruits and vegetables, and herbal or flavored vinegars.

Home or farm-based processing is generally not feasible for meats or low-acid canned foods such as beans, corn and peas. Inadequate processing during the canning of low-acid foods may cause these foods to be unsafe. Small scale processing is generally impractical because the equipment needed to produce consistently safe food is highly technical and expensive.

Certain kinds of foods are 'potentially hazardous'. The term 'potentially hazardous food' (PHF) applies to food that may become unsafe unless processed and handled safely. Potentially hazardous foods of animal origin include products such as milk, milk products, eggs, meat, poultry and fish. Foods of plant origin that are potentially hazardous are: plant foods that are

heat-treated; raw sprouted seeds (such as alfalfa sprouts); cut melons; and garlic-in-oil mixtures. PHF must be handled with care to ensure safety.

### ***Licensing Requirements***

Wisconsin's food laws require that food that is offered for sale is safe and wholesome. To prevent contamination, food must be prepared under sanitary conditions, and the equipment must be suitable for the product being sold. Requirements differ depending on the type of food and the degree of processing involved. There are several categories of licenses that may apply to your business:

- **Retail Food Establishment License.** In general, producers who sell processed foods such as cheese or other dairy products, fresh eggs, bakery foods and meat must obtain a retail food establishment license. However, if you grow or process and sell raw and uncut fruits and vegetables, apple cider, honey or maple syrup directly to the consumer, no license is required. No license is required if you sell only packaged foods that are not potentially hazardous and are obtained from a licensed food processor.
- **Food Processing Plant License.** If you intend to process and/or package food for wholesale to other businesses then you will most likely need to obtain a food processing plant license. A food processing plant license is necessary if you manufacture the following items:
  - **Canning - Acid Foods:** jams and jellies, acidic fruits, some sauces or condiments, herbal-flavored vinegar, sauerkraut and most tomatoes and tomato products having a finished equilibrium pH of less than 4.6.
  - **Canning - Acidified and Low-Acid Foods:** cucumbers, most vegetable products, pickled eggs, salsas or any tomato product having a finished equilibrium pH of greater than 4.6.
- **Food Processing License.** If you cut, blanch, freeze, mix, or package vegetables or other fresh produce, then you need to apply for a food processing license. If you process any of the following foods you also need a food processing license: any fish or seafood product, bakery or confectionary items, eggs (if sold wholesale), juice, or apple cider (sold wholesale). Individuals wishing to process meat and meat items must apply for a **meat processor license**.

The cost of each of these licenses varies, primarily based on the volume of annual sales. Some special food safety requirements may also apply. More information about each of these licenses may be found on the internet <http://datcp.state.wi.us/> or from your local office of the Division of Food Safety (DFS).

The **exact legal requirements** for commercially processing food in Wisconsin are contained in Chapter ATCP 70 (Food Processing) of the Wisconsin Administrative Code. A copy of ATCP 70 can be obtained by contacting the Division of Food Safety.

### ***Facilities and Equipment***

Meeting the licensing requirement assures that your facility's processing and food handling practices comply with regulatory requirements. Your food processing area must be a room (or rooms) separate from your home kitchen, preferably in a separate building. It must be of sufficient size to allow the handling, preparation, packaging, and storage of ingredients and finished products without danger of contamination from other food contact surfaces, unprocessed foods or ingredients, or the processing environment. In addition, specific requirements relate to the construction of the facility, to the equipment and appliances you will be using, and to the water supply. Your local DFS inspector will be able to help you in evaluating your food processing facility.

Since setting up a proper facility can be expensive, you may want to consider other alternatives. A processing facility may be a church kitchen, a small commercial food processing facility or a restaurant kitchen. These facilities, if they meet sanitary standards, can be licensed for a food processing operation.

### ***Product Packaging and Labeling***

Any packaged products that you sell must be properly labeled. Accurate information on food labels assists the consumer in making wise food choices. Labels provide weight and content information to help consumers choose the best value for their food dollars. The ingredient list identifies products that consumers may need to avoid due to potential allergic reactions or other health concerns.

In general a packaged product label must list: name of the product; list of ingredients in decreasing order of predominance by weight; net weight or volume; contact information of the manufacturer, packer or distributor; and nutrition information (unless specifically exempt). Contact your local DFS office for more information.

Labeling approval is not required under Wisconsin state law, but staff with the Division of Food Safety will answer labeling questions and provide assistance. A free publication **Frequent Food Label Questions** is available through any DFS regional office. Also available through DFS is **A Food Labeling Guide**, published by FDA. The **Guide** provides both basic and detailed food label information for food businesses. The publication can be obtained, for a fee, from the Division of Food Safety.

### ***Safety of Your Recipe***

If you start a small scale business canning foods such as pickled products, herbal vinegars, dressings, jams and jellies, or any food sold in air-tight containers (canned food), state and federal regulations require that you use an approved written process, or recipe. You must submit your scheduled process (recipe) to DFS prior to licensing. DFS does not approve processes, but will review and evaluate the process based upon available scientific data resources. You may also be asked to submit the process, or recipe, to a 'competent process authority' for evaluation. A process authority would either provide you with a written statement that your process is safe, or they may recommend that you do further testing before the process can be approved. A statement by the process authority should be filed with the Division of Food Safety.

If you intend to sell your product outside of Wisconsin, or use ingredients originating from outside Wisconsin, you will also need to file your process with the United States Food and Drug Administration (FDA). Since almost all processes use an ingredient from an out-of-state source, you will invariably have to file your process with the FDA if you thermally process low-acid or acidified food products. Filing your process with the FDA is not necessary for acid foods (see above).

Your local DFS inspector may be able to offer direction in whom to contact to serve as a process authority. Alternately, for help in filing your process you may wish to contact the **University of Wisconsin Food Safety Extension Specialist** at (608) 265-4801.

### ***Learning More***

If you are considering the commercial processing of canned food items, you may wish to attend the **Better Processing Control School** taught annually by the University of Wisconsin-Extension. If the processed food is to be sold outside of Wisconsin, the FDA requires

attendance and completion of the Better Processing School. To obtain a brochure describing this course or to register call the University of Wisconsin College of Agricultural and Life Sciences Outreach office at (608) 263-1672.

The **University of Wisconsin-Madison** also offers short courses on the manufacture of specialty cheeses and premium ice cream, as well as courses designed to help businesses meet federal and state regulations for safe handling and processing of meat, dairy products, and seafood. These short courses are listed on the UW-Madison Food Science Department's web site: [www.wifirst.wisc.edu](http://www.wifirst.wisc.edu) or call the Food Science Department (608) 263-6388 for more information.

### ***Business Advice***

The **Wisconsin Small Business Development Center**: <http://www.wisconsinsbdc.org/> is a joint venture between UW-Extension and the United States Small Business Administration. It provides advice, information and resources for existing and new businesses. There are 13 Small Business Development Centers service centers located throughout the state in Eau Claire, Green Bay, La Crosse, Madison, Milwaukee, Oshkosh, Racine, Kenosha, Platteville, River Falls, Stevens Point, Superior and Whitewater. Call (800) 940-7232 to find out about telephone counseling, one-on-one counseling, and business education.

The **Wisconsin Department of Commerce** business helpline can also be a useful source of information: 1-800-HELPBUS.

### ***Sources of Assistance***

As part of the licensing process, you may be asked to have the pH of your product tested, or to determine the anticipated shelf life. Specific nutrient information may be needed for your package label. Any of the companies listed on the attached sheet should be able to help you obtain the information that you need. Contact them directly for their fee schedule and testing options.

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## Sources of Assistance- Testing Laboratories

*This list is compiled from information obtained from the Institute of Food Technologists, Chicago, IL. Inclusion or exclusion of a particular company is not intended to promote or exclude service by that company. Listed in alphabetical order.*

### **Cherney Microbiological Services**

1110 S. Huron Road  
Green Bay, WI 54311-8024  
**Phone:** (920) 406-8300  
**Fax:** (920) 406-0070

### **Covance Laboratories**

3301 Kinsman Blvd.  
Madison, WI 53704-2523  
**Phone:** 888-541-7377  
(608) 241-4471  
**Fax:** (608)241-7227  
[www.covance.com](http://www.covance.com)

### **Marshfield Laboratories**

1000 North Oak Avenue  
Marshfield, WI 54449  
**Phone:** (888) 780-9897  
**Fax:** (715) 389-7599  
<http://www.marshfieldlaboratories.org/>

### **Medallion Laboratories**

9000 Plymouth Ave., N.  
Minneapolis, MN 55427  
**Phone:** (763) 764-4453  
**Fax:** (763) 764-4010  
[www.medlabs.com](http://www.medlabs.com)

### **Minnesota Valley Testing Labs, Inc.**

1126 North Front St.  
New Ulm, MN 56073  
**Phone:** (507) 354-8517 / (800) 782-3557  
**Fax:** (507) 359-2890  
[www.mvtl.com](http://www.mvtl.com)

### **Northland Laboratories Illinois**

<http://www.northlandlabs.com/main.htm>  
1818 Skokie Blvd  
Northbrook, IL 60062  
**Phone:** (847) 272-8700  
**Fax:** (847) 272-2348

### **Northland Laboratories Wisconsin**

<http://www.northlandlabs.com/main.htm>  
1044 Parkview Rd.  
Green Bay, WI 54304  
**Phone:** (920) 336-7465  
**Fax:** (920) 336-0647

1110 North Main St.  
Fort Atkinson, WI  
**Phone:** (920) 563-7962  
**Fax:** (920) 563-9388

### **R-Tech Laboratories**

PO Box 64101  
Saint Paul, MN 55164  
**Phone:** (651) 481-2668  
**Fax:** (651) 481-2002  
[www.rtechlabs.com](http://www.rtechlabs.com)

### **Silliker Laboratories Illinois**

<http://www.silliker.com>  
1304 Halsted Street  
Chicago Heights, IL 60411  
**Phone:** (708) 756-3210  
**Fax:** (708) 756-2898

### **Silliker - Iowa**

405 Eighth Avenue SE  
Cedar Rapids, IA 52401-2153  
**Phone:** (319) 366-3570  
**Fax:** (319) 366-4018

### **Silliker - Minnesota**

11585 K-Tel Drive  
Minnetonka, MN 55343  
**Phone:** (952) 932-2800  
**Fax:** (952) 932-0764

### **Silliker - Wisconsin**

3688 Kinsman Boulevard  
Madison, WI 53704  
**Phone:** (608) 249-9112  
**Fax:** (608) 249-9886