

Selling Raw Apple Cider in Wisconsin

Relevant Rules

FEDERAL (FDA) PASTEURIZATION REQUIREMENT FOR WHOLESALE:

21 CFR 120(a) *Any juice sold as such or used as an ingredient in beverages shall be processed in accordance with the requirements of this part.* Juice means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. ***The requirements of this part shall apply to any juice regardless of whether the juice, or any of its ingredients, is or has been shipped in interstate commerce*** (as defined in section 201(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(b)). Raw agricultural ingredients of juice are not subject to the requirements of this part. Processors should apply existing agency guidance to minimize microbial food safety hazards for fresh fruits and vegetables in handling raw agricultural products.

21 CFR 120.24(a) In order to meet the requirements of subpart A of this part, processors of juice products ***shall include in their Hazard Analysis and Critical Control Point (HACCP) plans control measures that will consistently produce, at a minimum, a 5 log (i.e., 10⁵) reduction, for a period at least as long as the shelf life of the product when stored under normal and moderate abuse conditions, in the pertinent microorganism.*** For the purposes of this regulation, the “pertinent microorganism” is the most resistant microorganism of public health significance that is likely to occur in the juice.

FEDERAL EXEMPTION FOR DIRECT SALES:

21 CFR 120(j)(2)(ii): For the purposes of this part, ***processing does not include:*** The operation of a ***retail establishment.***

21 CFR 120(l): Retail establishment is an operation that ***provides juice directly to the consumers*** and does not include an establishment that sells or distributes juice to other business entities as well as directly to consumers. “Provides” includes storing, preparing, packaging, serving, and vending.

WISCONSIN EXEMPTION FOR DIRECT SALES:

In Wisconsin, a retail food establishment is also exempt.

DATCP 97.30(2)(b): A retail food establishment which is primarily engaged in selling fresh fruits and vegetables, honey, cider or maple syrup produced by the operator of the retail food establishment, if that retail food establishment is not engaged in other food processing activities.

DATCP 75.03(9)(g): A retail food establishment primarily engaged in selling fresh fruits and vegetables, honey, *cider*, sorghum or maple syrup produced by the operator of the retail food establishment if no other food processing activities are conducted at that retail food establishment.

Unpasteurized cider may be sold only if it was pressed by the producer at the producer's own farm. If the apple grower has their apples pressed at any other location, they need to have it pasteurized in a licensed Food Processing Plant if they intend to sell it directly to consumers or through wholesale distribution systems.

WARNING LABEL FOR UNPASTEURIZED CIDER:

21 CFR 101.17(g) Food labeling, warning, notice, and safe handling statements: Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."