



CORNUCOPIA
INSTITUTE

Selling Raw Apple Cider in Wisconsin

Federal rules require all juices—including apple cider—to be pasteurized to protect consumers from foodborne illnesses such as salmonella with the following exception:

In Wisconsin, producers are exempt from this pasteurization requirement if the following 4 criteria are met:

1. The unpasteurized cider is **pressed and bottled at the producer's own farm**. If an apple grower uses another facility, such as a neighbor's farm, or shared commercial kitchen, to press and bottle apples, it must be pasteurized in a licensed food processing plant.
2. The unpasteurized cider must be **sold directly to the final consumer by the producer** who pressed and bottled the cider.
3. The producer may sell unpasteurized cider **directly to consumers** at:
 - a. A farmer's market
 - b. Directly from the farm
 - c. Roadside farm stand operated by the producer
 - d. A CSA ("Community Supported Agriculture") marketing program operated by the producer
 - e. Door-to-door.
4. The container with the unpasteurized cider bears the following **warning label**:

"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."

Producers may press and bottle apples that they grew themselves, or apples that were purchased from other growers.

Wisconsin rules specify that food shall be protected from contamination, and windfall apples (apples that have fallen to the ground) may adulterate cider. The

use of windfall apples, although not specifically prohibited in Wisconsin regulations, is a serious potential food safety hazard, and therefore should be excluded from cider production.

While Wisconsin regulations do not require refrigeration, the FDA is now requiring all cider, whether raw or pasteurized, to be maintained at a cool temperature unless the cider is packaged in a hermetically sealed container. At this time, DATCP recommends cider be kept cold if not hermetically sealed.

Background

This fact sheet has been prepared in response to confusion among farm operators and managers of farmers markets throughout Wisconsin due to inconsistencies in written and verbal instructions from staff members at the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).

Some farmers markets had told their vendors that they could not legally sell unpasteurized cider and DATCP staff provided inconsistent guidance in various parts of the state.

Cornucopia researchers conferred with DATCP management in preparing this document. They were extremely helpful in answering our questions and have assured us that statewide training and communications with their field staff will clear up these problems this season and in subsequent years.

Contact Information

Producers with questions, or interested in more information, can contact the Wisconsin Department of Agriculture, Trade and Consumer Protection's Bureau of Food Safety; Jacqueline Owens, Field Services Director, 608-224-4734, Jacqueline.owens@wisconsin.gov.

Any producer selling raw apple cider who fulfills the 4 criteria listed above should contact The Cornucopia Institute if they feel that they are inappropriately targeted by food safety inspection officers. The Cornucopia Institute can help connect producers with lawyers to protect their rights. To reach The Cornucopia Institute, please email cultivate@cornucopia.org or call 608-625-2042.

Relevant State and Federal Regulations:

<http://www.cornucopia.org/FoodSafety/AppleCider WI rules.pdf>

The Cornucopia Institute is dedicated to the fight for economic justice for the family-scale farming community. Through research, advocacy and economic development our goal is to empower farmers both politically and through marketplace initiatives. www.cornucopia.org.