

To: All Legislators

From: Senator Marklein

Representative Tranel

Date: January 25, 2021

Re: Co-sponsorship of LRB 0747/1 and LRB 1215/1 relating to: labeling food as a type of dairy product or as a dairy ingredient and granting rule-making authority

Deadline: Wednesday, February 3rd @ Noon

In a recent study conducted by the Wisconsin Cheese Makers Association, Edge Dairy Farmer Cooperative and the Dairy Farmers of Wisconsin, nearly half of consumers mistook a plant-based food mimicking cheddar or mozzarella cheese to be traditional cheddar or mozzarella cheese, or were unclear about applying these traditional cheese names to plant-based foods. These findings are troublesome.

90% of Wisconsin's milk goes into cheese. It is concerning that many consumers don't know the difference between which products contain milk and which do not. This confusion, oftentimes without the consumer knowing otherwise, hurts Wisconsin's dairy industry. As dairy farmers continue to struggle with low milk prices, imitation products cut into a farmers' bottom-line.

Similarly, on the market are "dairy-free" yogurts, ice creams, and butter. Well-intentioned consumers should not have to be confused about whether or not the product they are buying is actually dairy.

LRB 0747 creates a truth-in-labeling law in Wisconsin for dairy products and dairy ingredients. This legislation will ensure that if a package says "cheese" or "yogurt", the product actually has dairy in it.

This legislation is supported by the Wisconsin Cheese Makers Association and the Dairy Business Association.

To cosponsor LRB 0747/1 and LRB 1215/1, please contact Vince in Sen. Marklein's office (6-0703) or Jeff in Rep. Tranel's office (6-1170). Cosponsors will automatically be signed onto both bills.

Analysis by the Legislative Reference Bureau

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product, such as cream, yogurt, or cheese, unless the food product is a dairy product. This prohibition applies to most dairy products but excludes milk and other products derived solely from the milk of cows or other hooved or camelid mammals.

Also, under the bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy ingredient unless the food product is derived from cow's milk, or hooved or camelid mammal's milk or a type of milk that meets certain

specifications under federal law. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the bill's prohibitions.

Each prohibition in the bill applies only if at least 10 states out of a group of 15 states listed in the bill enact a similar prohibition by June 30, 2031; otherwise the prohibition does not apply.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.