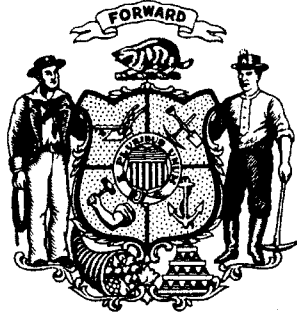


State of Wisconsin

PICKLE LAW



2009 Assembly Bill 229

Date of enactment: February 4, 2010
Date of publication*: February 18, 2010

2009 WISCONSIN ACT 101

AN ACT *to renumber* 97.29 (2) (b); and *to create* 97.29 (2) (b) 2. and 97.29 (6) of the statutes; **relating to:** the sale of home-canned food.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 97.29 (2) (b) of the statutes is renumbered 97.29 (2) (b) 1.

SECTION 2. 97.29 (2) (b) 2. of the statutes is created to read:

97.29 (2) (b) 2. A person is not required to obtain a license under this section to sell at retail food products that the person prepares and cans at home in this state if all of the following apply:

a. The food products are pickles or other processed vegetables or fruits with an equilibrium pH value of 4.6 or lower.

b. The person sells the food products at a community or social event or a farmers' market in this state.

c. The person receives less than \$5,000 per year from the sale of the food products.

d. The person displays a sign at the place of sale stating: "These canned goods are homemade and not subject to state inspection."

e. Each container of food product that is sold is labeled with the name and address of the person who pre-

pared and canned the food product, the date on which the food product was canned, the statement "This product was made in a private home not subject to state licensing or inspection.", and a list of ingredients in descending order of prominence. If any ingredient originates from milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients shall include the common name of the ingredient.

SECTION 3. 97.29 (6) of the statutes is created to read:

97.29 (6) INFORMATION ABOUT HOME CANNING. (a) The department shall encourage persons to whom the exemption in sub. (2) (b) 2. applies to attend and complete training, that is approved by the department, concerning preparing and canning foods and to have their recipes and processes reviewed by a person who is knowledgeable about the food canning industry and who is recognized by the department as an authority on preparing and canning food.

(b) The department, in cooperation with the University of Wisconsin-Extension, shall attempt to maximize the availability of information and technical services and support for persons who wish to home prepare and home can low-acid and acidified food products.

* Section 991.11, WISCONSIN STATUTES 2007-08: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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Home Canned Foods

SELLING HOME-CANNED FOODS

[Printer-friendly version](#) (2 page PDF)

A Wisconsin law – sometimes called the “pickle bill” – allows limited sales of home-canned foods without a license. Previously you needed to register with the Department of Agriculture, Trade and Consumer Protection for these sales, but that is no longer necessary.

Canned products you may sell without a license

- Fruits and vegetables that are either:
 - Naturally acidic, or
 - Acidified by pickling or fermenting
- The products must have an equilibrium pH of 4.6 or lower. This is a measure of acidity. The lower the pH value, the more acidic the food.
- Examples of products allowed if they meet the pH requirement:
 - Pickled fruits and vegetables (not refrigerator pickles)
 - Sauerkraut
 - Salsas
 - Chutneys
 - Jams and jellies
 - Applesauce

Sales permitted

- No more than \$5,000 in sales per year
- Retail only (direct from producer to consumer)
- Only at community or social events, such as bazaars, or at farmers' markets

Signs and labels required

- Sign at the point of sale, stating, “These canned goods are homemade and not subject to state inspection.”
- Product labels must include:
 - Name and address of the person who did the canning
 - Date of canning
 - Statement – “This product was made in a private home not subject to state licensing or inspection.”
 - All ingredients in descending order of prominence, including the common name for any ingredient that originates from milk, eggs, fish, shellfish, tree nuts, peanuts, wheat or soybeans

These are ingredients that can cause severe allergic reactions in some people, who must be able to recognize when they are present.

Testing pH suggested

- It's best to use a pH meter, properly calibrated on the day used.
- University of Wisconsin-Extension information about pH and choosing a pH meter
- Short-range paper pH test strips, commonly known as litmus paper, may be used instead, **if** the product normally has a pH of 4.0 or lower and the paper's range includes a pH of 4.6.

Training and recipes

You are urged to educate yourself about proper food safety procedures. Some good sources:

- *The Ball Blue Book* (current edition, available in bookstores and online)
- *The Ball Complete Book of Home Preserving* (current edition, available in bookstores and from online vendors)
- Ball Corp.
- The National Center for Home Food Preservation
- The University of Wisconsin-Extension

Or use recipes and processes reviewed by a person who is recognized by the Division of Food Safety as an authority on preparing and canning food.

Record-keeping suggested

Written record of every batch of product made for sale, including:

- Recipe, including procedures and ingredients
- Amount canned and sold
- Canning date
- Sale dates and locations
- Gross sales receipts
- Results of any pH test

Sanitation

Inspection is not required, but customers expect good sanitation. Here are some factors you should consider:

- Use clean equipment that has been effectively sanitized prior to use
- Clean work surfaces and then sanitize with bleach water before and after use
- Keep ingredients separate from other unprocessed foods
- Keep household pets out of the work area
- Keep walls and floors clean
- Have adequate lighting
- Keep window and door screens in good repair to keep insects out
- Wash hands frequently while working
- Consider annual testing of water if using a private well

Questions?

- About legal requirements:
 - Wisconsin Dept. of Agriculture, Trade & Consumer Protection, Division of Food Safety
 - Call 608-224-4682
 - Email food@wi.gov
- About canning processes and recipes:
 - University of Wisconsin-Extension [county offices](#)

Selling Home-Canned Foods: Do It Safe, Do It Legal

To process most foods in Wisconsin for sale, you must be licensed. This requirement provides assurance to you and your customers that the food that you process is safe and wholesome. A new law called **Wisconsin Act 101** (the **Pickle Bill**) allows you to sell some home-canned foods without a license under certain circumstances. The following information will help make sure you sell food that is safe and allowed by law.

Canned products you can sell without a license

- You **can sell** home-canned fruits and vegetables that are naturally acidic or have been acidified by pickling or fermenting.
- These products have an **equilibrium pH** of 4.6 or lower, meaning that they are **high in acid**.
- Examples of allowable products:
 - pickled fruits and vegetables (not refrigerator pickles)
 - salsas and chutneys
 - sauerkraut and kimchi
 - jams and jellies
 - applesauce

Not sure if your product can be sold without a license?

Contact University of Wisconsin Extension: 608-263-7383 or [Barbara Ingham](#)
Wisconsin Dept of Agriculture, Trade & Consumer Protection: 608-224-4682

Products you cannot sell without a license:

- You **can not** sell low-acid home-canned foods such as vegetables, fish and meat
- You **can not** sell sauces, dressings or condiments unless they are clearly fruit or vegetable products
- You **can not** sell home-canned foods that are not considered fruits or vegetables such as pickled eggs, lemon curd, and pesto
- You **can not** sell product made outside your home, such as in a restaurant or a shared kitchen.

Requirements of the new law:

- **Sales** of no more than \$5,000 **per household** per year. The \$5,000 exemption applies per farm/family, not per individual.
- Retail sales **only** (direct from producer to consumer) and only in Wisconsin. No internet sales.
- Sales **only** at community or social events or farmers' markets. These events include town celebrations, sporadic church or service club bazaars, and scheduled farmers' markets. Events where sales may not take place include for-profit events, craft shows, traveling circuses or carnivals, high school sporting or fund-raising events, and regularly occurring licensed food-sales events such as a church's Friday-night fish fry. A farmer may not put up a

roadside stand and sell product under the 'Pickle Bill,' farmers may only sell through recognized farmers' markets.

- Post a sign at your stand or booth: **“These products are homemade in a kitchen that has not been subject to state inspection.”**
- Label each jar:
 - Name and address of the person who did the canning
 - Date of canning
 - Ingredients (in descending amount)
 - Statement: **This product was made in a home not subject to state licensing or inspection.**

Training and recipes:

- A great way to help ensure the safety of the product that you sell is to follow a research-tested recipe. Excellent sources of approved recipes are:
 - Ball Blue Book (1994 or more current only)
 - [Ball web site](#)
 - [National Center for Home Food Preservation](#)
 - [University of Wisconsin Extension](#)

Questions about recipes? Contact your [local UW Extension office](#) or contact Barbara Ingham (Extension specialist) 608-263-7383 or email Barbara Ingham at bhingham@wisc.edu.

What about...

- Under the new law, there can be **no sales**:
 - Out of your home
 - Wholesale (resale by someone else)
 - On consignment
 - Via the internet OR out of state
 - Of exempt foods (pickle bill products) along with licensed foods

As your business becomes more and more successful, you'll want to consider becoming licensed. Contact the Wisconsin Department of Agriculture, Trade and Consumer Protection at 608-224-4682.

Good luck with your new venture!

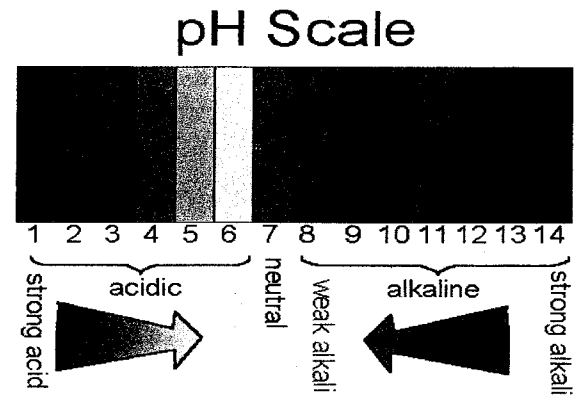
Helpful Links

- [Approved Home Canning Recipes](#)
- [National Center for Home Food Preservation](#)
- [Testing Labs \(pH testing\)](#)
- [Testing pH on Your Product](#)
- [UW-Extension Local Offices \(training in home canning\)](#)
- [Wisconsin Food Safety Regulations](#)
- [Wisconsin Local Food Marketing Guide](#)
- [Wisconsin Act 101 \(Pickle Bill\)](#)
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Purchasing and Using a pH meter

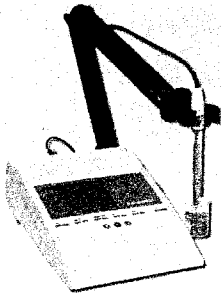
What is pH and why do I need to measure it?

pH measures the amount of **acidity** or **alkalinity** in a food or solution using a numerical scale between 1 and 14. A pH value of 1 is most acidic, a pH value of 7 is neutral, and values above 7 are referred to as basic or alkaline. **Acidified** foods have a pH value less than or equal to 4.6. The proper pH of a canned food product can be critical to ensuring the safety of the product. It is very important that pH testing be done correctly and accurately.



How is pH measured?

As processor of acidified foods, you will be required to monitor the pH of the product that you produce. Depending on the pH of the product, you may be able to use **paper pH strips** (often referred to as litmus paper), or required to use a **pH meter**. **Paper strips** that measure pH rely on a color change in the paper to indicate product pH. Paper strips can be used to measure pH **if the product pH is less than 4.0**. Paper strips are an inexpensive way to test pH, but can be inaccurate or difficult to read. A pH meter measures the amount of hydrogen-ion (acid) in solution using a glass electrode immersed in the solution. A pH meter **must** be used when product pH is **greater than, or equal to, 4.0**. If you are canning acidified foods, accurately monitoring and recording the product pH is key to knowing that you are selling a safe product.



What is equilibrium pH?

Equilibrium pH is the pH of a food product after the added acid has reached throughout the food; the pH of the acid brine and the food have equilibrated. When you monitor pH as part of process monitoring, it is the equilibrium pH that you are measuring. For a proper pH reading, you should test the pH of the product roughly 24 hours after processing, once the jars have cooled to room temperature and stabilized. Do not take the pH of a product just before or right after canning because it will not be an accurate measure of the equilibrium pH.

What should I look for if I need to purchase a pH meter?

If you are required to check your product pH with a meter, there are several things to consider.

- **Accuracy.** Accuracy is listed as a range of $\pm 0.XX$ pH units. This means that the meter may read so many pH units above or below the actual pH of the product. Purchase a pH meter with an accuracy of ± 0.02 units or better. For instance, a pH meter with an accuracy of ± 0.01 is a good choice. A pH meter with an accuracy of ± 0.10 is not a good choice, it is not accurate enough for all products.
- **Calibration.** All pH meters must be calibrated (checked against a known standard) to assure accuracy. Standards are colored liquids of known pH. Purchase a meter



that uses at least a 2-point calibration; for acidified foods you will calibrate your meter with pH 4.0 and 7.0 buffers.

- **Electrode.** The electrode is the part of the instrument that is immersed in solution. When considering which pH meter to purchase, consider the cost of replacement electrodes. Some electrodes have special non-clog tips and these may be useful if you will be measuring the pH of foods that are not easily blended.
- **Temperature.** pH readings are affected by temperature. In order to get an accurate reading, the pH meter must be calibrated at the same temperature as the samples being tested. More expensive meters will compensate for variations in sample temperature (too warm or too cold). If you take care to calibrate your pH meter just before you monitor product pH, and test the pH of room-temperature samples (after equilibrium pH has been reached), you do not necessarily need to purchase a meter with temperature compensation. If you can afford a meter with this feature, it's nice to have.

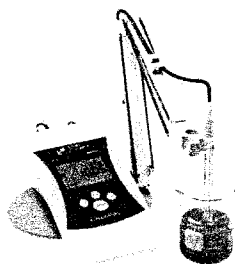
What should I purchase?

The cost of a pH meter ranges from under \$100 to well over \$500. As a starting point, there are several styles that small processors in the state are currently using. *These examples are provided only as suggestions and are not meant to exclude other similar options.

Cole Parmer*

625 East Bunker Court
Vernon Hills, IL 60061-1844
800-323-4340
<http://www.coleparmer.com/index.asp>

Denver Instrument UltraBasic
Benchtop pH Meter*
UB-5 Meter
\$435.75



Notes:

- Benchtop model
- Easily calibrated
- pH accuracy ± 0.01
- pH resolution 0.01
- 2-point calibration
- Automatic temperature compensation
- Replacement electrode \$84.00 (#59505-50)

Oakton Basic pH 11 Meter*
\$327.00



Notes:

- Portable model
- Easily calibrated
- pH accuracy ± 0.01 pH
- pH resolution 0.01
- Battery powered
- Automatic temperature compensation
- Replacement electrode \$75.25(#35811)

Edmund Scientific*
60 Pearce Ave.
Tonawanda, NY 14150
1-800-728-6999
www.scientificsonline.com

Hanna Instruments*
pH 'Checker'
#3081435 --\$39.95



- Notes:
- Requires a tiny screwdriver for calibration (not included)
 - Inexpensive and easy to use
 - Accuracy ± 0.02 pH
 - No temperature compensation
 - Battery powered

Nelson Jameson*
2400 East Fifth Street
Marshfield, WI 54449
800-826-8302
www.nelsonjameson.com

pH Calibration Buffers*
pH 4.01 - #034-3030
pH 7.00 - #034-3075
\$8.75 each



- Notes:
- Store in a cool, dark location.
 - Keep tightly sealed.

Hydrion pH Test Paper *
#220-3352
\$4.47

- Range 2.0-5.5
- Can be used with foods with equilibrium pH of 4.0, or below

LaMotte Chlorine Test Strips*
200/vial
#387-3425
\$5.32

- Range 10-200 ppm Cl
- Used to check the strength of chlorine sanitizing solution

Testing the Equilibrium pH of an Acidified Food Product

- 1. Open one jar and take a representative sample of your food product once it has cooled, usually 12 to 24 hours after processing.** You should sample each batch. Heat processing will drive the acid into your food product; sampling after processing (and cooling) will give you an accurate reading of the equilibrium pH.
- 2. Strain the solids, draining out the liquid (brine) from the jar.** Place the strained **solids** into a blender.
- 3. Blend the product, adding distilled water if necessary, to produce a slurry.** Added distilled water will not change the pH of the product and will allow for effective blending. You can purchase distilled water at many grocery stores or drug stores.
- 4. Use a calibrated pH meter, or paper pH test strips, to measure pH.**
 - The pH meter must be calibrated using a 2-point calibration with pH 4.0 and 7.0 buffers. The pH meter must be calibrated each day that you use it. A pH meter must be used to monitor the pH of foods with an equilibrium pH greater than 4.0.
 - Paper pH test strips can be used for foods with an equilibrium pH of 4.0 or below.
- 5. Record the results in your batch log.**

*See <http://www.foodsafety.wisc.edu/acidifiedcanning.html> for more information.