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1. Arena Cheese Debuts Spring Green Label with New Look, New Products

Arena Cheese is pleased to announce its new Spring Green™ brand of traditionally made Colby, Colby/Jack, Gouda and natural hardwood-smoked Gouda. Located in the famous Spring Green area of Wisconsin, known for its pure water and gently rolling hills, Arena Cheese crafts specialty cheeses from local, rbst-free milk, using original recipes that produce award-winning, great-tasting cheeses.



The new labels compliment the company's recent award at the 2010 American Cheese Society. Arena Cheese won a 2nd place medal for its traditionally made Colby, complimenting the awards recently won in the World Cheese Championships and United States Cheese Championships for its Colby and Colby/Jack.



In addition, Arena Cheese is preparing to launch a new, 3-pound, mild Gouda in a deli horn with red packaging for supermarket delis. The company will also offer its Colby/Jack in 3-pound deli horns in clear packaging, both featuring the new Spring Green label.

Arena has a longstanding reputation for crafting authentic Colby Cheese—a Wisconsin Original—developed in 1885 by Joseph Steinwand in Colby, Wisconsin. Arena Cheese also has another historical cheese achievement in the U.S. dairy industry -- the creation of the Wisconsin Original, CoJack -- and is known as the “Home of Co-Jack® Cheese.” Arena also makes Monterey Jack and Cheddar in a variety of flavors, and is planning to launch another new label in 2011 for Hispanic-based markets. More info: www.arenacheese.com

2. Team Column: How to Prepare For the Event of a Product Recall



This month, we hear from **Tom Johnson**. Tom is a cheesemaker, writer and consultant to the Dairy Business Innovation Center. He and his wife, Kristi, founded and operated Bingham Hill Cheese Company in Fort Collins, Colo. Bingham Hill, which ceased operations in 2006, earned numerous national and international awards. Johnson is currently writing *Hard Pressed*, a memoir about the rise and fall of Bingham Hill Cheese Company.

If you're a cheesemaker, chances are good you've lost sleep over the recent wave of cheese-related recalls. Chances also are good that you may not know what a recall actually involves and have done little to prepare your company should one be necessary.

In today's food safety climate, cheesemakers should assume that a recall is around the corner and take steps to prepare for it in advance, says food lawyer Richard S. Silverman. If FDA shows up at the door with evidence in hand, company managers should have a plan in place to protect themselves, their company and their customers.

"Crossing your fingers is not an effective strategy," Silverman says. "There are steps a cheesemaker can take in advance of a recall that might help the company survive the process. Most importantly, company managers should acknowledge the possibility and prepare as if a future recall is inevitable."

Silverman, a partner at Hogan Lovells in Washington, D.C., has represented scores of clients in his food law practice. He says he sees the same mistakes repeated by food manufacturers, big and small. "If I were to sum it up with one word, it would be 'preparation,'" Silverman says. "So often, the focus is on perfecting the product, selling the goods, and growing the business. Rarely is there any preparation for a recall. And especially with small companies, no one knows what to do when one happens."

Preparing for a Recall

Of course, the best preparation is to avoid a recall in the first place. Cheesemakers can decrease their risk by adhering to good manufacturing practices and implementing strong HACCP plans. But even with the best intentions and most concerted efforts, bad things sometimes happen. Silverman recommends that companies acknowledge this openly and act as if a recall could happen the very next day.

Preparations should include designating a recall coordinator and recall team, drafting press releases, updating customer contact lists, and implementing highly specific batch coding and tracking systems. Companies should then test their plans by conducting mock recalls.

"Even with large companies," Silverman says, "when they enter a recall and it's the first time they've gone through the exercise, it is very difficult. "You can't have your first recall be a live fire exercise. You need to continually go through the process, identify weaknesses, and improve the plan. Mock recalls familiarize company managers with the process, which makes it easier to survive an actual recall," he adds.

FDA provides resources on its website intended to assist industry members in handling all aspects of a product recall. Cheesemakers interested in learning how to prepare for a recall can use this information as a template for designing their own plans.

Targeting Raw Milk Cheese?

With five high-profile cheese recalls making headlines over the last several weeks, the need for a recall plan has never been greater. Many feel the industry is being singled out by FDA. Rumors are circulating among cheesemakers that the organization is targeting artisan and raw milk cheesemakers.

Silverman, who served six years as associate chief counsel for enforcement at FDA, says that the attention cheese is receiving from FDA probably is a function of momentum. Once FDA starts looking into a product category that is suspected of having adverse public health consequences, there is a tendency to take a closer look at the entire industry.

But is FDA actually targeting raw milk cheeses?

"I would not be surprised," Silverman says. "They're targeting the shellfish industry. They targeted peanut butter and juices. Now they're looking at raw milk cheeses."

FDA does admit to actively probing segments of the cheese industry. "With soft cheeses, especially those that are unpasteurized, we have had problems with Listeria," says FDA spokesperson Sue Challis. "We have something called an inspection assignment, under which we do more aggressive testing than we normally would do. There's currently an assignment with soft cheeses."



However, Challis says there is no official program targeting artisan cheeses. "There are different factors that lead us to inspect a plant," Challis says. "There's a wide list of them, including the products they make, the potential conditions that could support colonization of Listeria or other pathogens. But it's not aimed at the size of the company."

Challis says FDA recently has visited a number of cheese plants unannounced, not only to do regular inspections, but also to do environmental testing. "We're testing for various pathogens, and we're encouraging companies to do their own testing to confirm that their process is working," Challis says.

FDA sometimes learns of contamination problems from the company itself, if it is subject to doing so under the Reportable Food Registry requirements. The company might have its own testing program, or it might have a third party test for them.

Silverman urges cheesemakers to take note of the increased attention cheese is receiving and know that they're likely to get a visit from either FDA or their state health department. "I would suggest that cheesemakers be ready," says Silverman. "They should have a whole team in their back pocket. That team should include a lawyer, a food scientist familiar with HACCP, an expert in the field of microbiology and a public affairs person."

Advancements in Detection Technology

The rise in recalls also is a function of advancements in detection technology. FDA and the Centers for Disease Control now use sophisticated systems for establishing causal links between products and illnesses. "We do have better detection," FDA's Challis says. "We do have increased surveillance. We're

linking cases up more efficiently through better databases. All this probably leads to more recalls. This is in the best interest of all of us, because we all want a safer food system.”

Often, by the time FDA gets involved, the CDC already has received reports of foodborne illness in some part of the country. CDC analyzes clusters of illness to identify patterns and establish common links. With the recent Bravo Farms outbreak, that link was Costco.

“When you started getting E. coli 0157:H7 clustering in those five states, and all of the sick people shopped at Costco, and all of the Costcos were recently running a specialty food promotion, and at each of them, the sick people all sampled this one particular cheese, a link could be established,” Challis says. “At that point, CDC says ‘this is an outbreak.’ Then FDA became involved, because cheese is an FDA regulated product.”

FDA’s role is then to protect the public. They do this by ensuring proper flow of information to those at risk and stopping the flow of product. Sometimes, retailers are in a better position to communicate with potentially affected consumers.

“Companies like Costco are very good because they have retail records with customer numbers that enable them to contact customers directly,” says Brendan Flaherty, an attorney with Pritzker Olsen in Minneapolis. His firm represents injured people in claims involving foodborne illness. Pritzker Olsen represents some plaintiffs in the Bravo Farms recall, including an 85-year-old Arizona woman whose condition developed into life-threatening hemolytic-uremic syndrome (HUS).



“Because Costco is a club, if you purchased a recalled product at Costco, you’ll receive a message from the store explaining that you have a recalled product that shouldn’t be consumed,” says Flaherty. “The exception is samples, because there’s no record of who sampled a product.”

That was the case with the Bravo Farms recall. The company was participating in a Costco Road Show, in which a sampling program accompanied retail sales. After CDC identified the outbreak, FDA was able to test unopened Bravo Farms products that Costco had pulled from its shelves as well as opened packages from infected people’s refrigerators. All contained a rare strain of E. coli that was then matched to an identical strain found in environmental samples at the company’s plant.

Triggering a Recall

With or without illnesses, cheeses contaminated with certain organisms, particularly E. coli 0157:H7, Listeria monocytogenes, or Salmonella, usually trigger a recall request.

“You’re not likely to receive a call,” Silverman says. “Usually the FDA, and often a representative of CDC, will show up at your door unannounced. They present the evidence they have and ask or strongly advise that you issue a recall. Then they stay with you and wait for an answer.”

If you refuse, and if federal or state government representatives believe the threat to public health is great

enough, they might invoke the powers of the courts to force you to comply. This was the case with the Estrella Family Creamery and Morningland Dairy recalls. Both refused to follow government agency recommendations, and both had their inventories detained by the courts.

“Typically you’re given very little time to react,” Silverman says. “You’ll have a window of opportunity to discuss the data and the evidence, but that window will be very narrow. If you don’t react quickly, they will react for you. FDA or CDC will issue bulletins that result in bad publicity. They’ll be quite confident in their data — the only real question in their mind will be the identification of the affected product and the company’s ability to retrieve it properly.”

That’s where good batch coding and record-keeping practices come into play. Without being able to pinpoint the affected batches, their times and dates of production and the exact customers who received them, the scope of the recall and the volume of product pulled back can be enormous.

After contamination has been established, FDA brings in “swat teams” of up to 20 investigators at a time. These investigators take samples of product and swabs of floor drains, product contact surfaces and even air ducts, searching for evidence of the organism.



Silverman estimates that in 90 percent of cases, FDA ultimately finds the organism in the product or plant. When it's not found, FDA finds other conditions in the facility that warrant the issuance of a recall, he says. They're looking for anything that would support a finding the food is adulterated. Food can be adulterated because of what's in it, but also because of the conditions under which it is made. FDA likes to have both, but if they can't, they'll use conditions or processes in the facility to justify the need for a recall. If illnesses are associated with the recall, the company is likely to face legal action from infected customers.

Flaherty says there are two facets to a plaintiff's case. First, there's the microbiological and epidemiological investigation, which links product to illness. “With the technology available today, this evidence is usually rock solid and bullet-proof,” says Flaherty. “There's a genetic fingerprint that links illness to a specific food. In the case of Bravo Farms, there was a very rare genetic fingerprint found in the cheese and in the victims.”

In the course of litigation, attorneys also look for ordinary negligence. That negligence could take the form of unsafe manufacturing processes or poor sanitation. Companies undergoing a recall are forced to manage all of this activity simultaneously. Often the company simply doesn't have the bodies or energy to deal with all that is coming its way, and this can have disastrous consequences.

“The worst thing you can do is not be able to manage this in a timely manner,” Silverman says. “FDA will then characterize you as ‘out of control.’ If they determine that you can't handle the situation in ways that they believe are warranted, they will effectively take over to the extent that they're legally allowed to do so. They will live in your facility and look over your shoulder at everything you do. They will be your new best friend, and your life will be miserable.”

Mistakes Made

Silverman says that the companies he sees often make the same mistakes in response to a recall request. Among the most common mistakes involves how companies communicate with the press. The company's goal is to restrict the scope of the recall, Silverman says, but sometimes they do so without justification. This can lead to a serial recall, in which date codes are added to the recall each day.

The result is that the company is in the headlines for weeks.

Another mistake is that people draft their own press releases rather than using the models from the FDA web site. Self-drafted press releases sometimes look more like promotional pieces than recall notices, Silverman says. If FDA feels the recall notice is inadequate or misleading, it will issue its own followup release. "Use the template," Silverman advises, "and run your press release by the FDA before you distribute it."



Lawyers can help manage the details of a recall. They can ensure that what is being requested of the company is legally justified. They can advise the company as to their rights and provide recommendations related to document production requests. They can help interpret liability insurance policies and determine whether they will cover the company's liabilities.

Many companies aren't even aware that they have liability insurance or what limitations are imposed on the company, Silverman says. Some policies require that you notify the carrier in advance of a recall, or the policy will be void.

Distributors and retail chains often require producers to carry liability insurance, but cheesemakers might have elected the lowest amount of coverage allowable, often \$2-\$3 million. In the event of illness or death, this amount of coverage can quickly be exhausted. "E. coli is a very serious bug," Flaherty says. A single E. coli case could result in millions of dollars in damages. If it develops into HUS, there could be a million dollars in medical expenses alone. It happens all time."

Flaherty isn't willing to venture a guess on the amount of insurance coverage a cheesemaker should carry. He says there are too many variables, from the type and volume of cheese produced to the range of distribution and outlets for consumption. He does say that producers should consider the specific dangers inherent to their product.

"Raw milk is a ticking time bomb," Silverman says. "That product seems so vulnerable to being contaminated. Any product that you don't have a kill step is problematic. If you're going to be in that business, you have to minimize to the extent possible the opportunity for things to go wrong. You need good sanitation, effective GMPs, a foolproof HACCP plan, and rigid adherence to all of those things. Everything has to be done perfectly."

With legislation pending that would increase funding and powers at FDA, recall rates aren't likely to subside. The FDA Food Safety Modernization Act (Food Safety Bill S510) would authorize FDA to increase inspections of food production facilities and tax businesses to fund the activity. And, fulfilling a long-standing dream of agency officials, the bill would grant FDA unilateral authority to order recalls.

"What you're eventually going to see is much more stringent enforcement and increased inspections," Silverman says. "FDA will have more money, more resources, and a significant portion of the food industry is supportive of that, because then FDA will be better able to do its job."

3. Market Research Materials Available to Industry from the WMMB

This month, the Market Research staff at the Wisconsin Milk Marketing Board, consisting of Margaret Welke, Suzanne Isige and Katie Neuser, share information about market research materials available through the WMMB.

The WMMB, funded by Wisconsin cow's milk dairy farmers, primarily works with the state's cow's milk dairy manufacturers and processors, we in Market Research literally have at our fingertips a plethora of secondary information, syndicated research and topic-specific reports that can help those of you in these businesses make more informed decisions and discover new opportunities.

So, what specific kind of information do we have on hand and what do we mean by secondary, syndicated and topic-specific reports?

Secondary data and information are published and available to everyone, typically from magazines as well as via government websites and reports. We have government statistics on total dairy, butter, cheese and milk consumption and production trends. We also collect secondary source information on a daily basis from a wide variety of resources and categorize it by topic, for example: *Advertising, Promotions and Marketing; Food and Beverage Trends; Labeling; Packaging; Wisconsin Dairy Industry* and so forth – almost 90 different topic areas. Although you won't find this huge catalogue of articles and reports on our website, we can send you links to relevant articles given your information needs. Just give us a call with your questions.

Syndicated data are retail sales databases we can access in order to answer customized questions on retail volume sales, dollar sales, pricing, promotion and distribution. Our syndicated database categories include: cheese, cheese dips, cheese sauces and fluid milk. Analyses can be customized to focus on a company's own products, a specific group of products, such as Sharp Cheddar Cheese, or a specific market or region of the country, such as the Great Lakes region or Milwaukee. Again, the best thing is to give us a call so we can tailor the data to your needs.

Topical reports are available on our website for registered users and include Retail reports such as: "Random Weight Cheese Trends," "Private Label Trends," and "The Retail Cheese Topline Report," our custom "Foodservice Cheese Tracker" report examining cheese volume and share for 50 cheese varieties across 21 foodservice segments (e.g., Limited Service, Casual, Fine Dining and the Beyond Restaurant segments) and our "Cheese Usage in Food Processing" study. We also have Multi-Channel reports such as the "Food Industry Review," "Specialty Cheese Trends" and our "Cheese Snacking" reports along with many others. If you have not previously visited our website, www.WMMB.com, or even if you are registered but it's been some time since you last visited, just give us a call and we'll show you how to access these reports.

If there is information you need and we don't have, we can usually give you a contact or website to assist with your request. Just give us a call. We're here to help!



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4. Center for Dairy Research Announces 2011 Course Schedule

Dedicated to continuing education opportunities for the dairy industry, the Center for Dairy Research at the University of Wisconsin-Madison has announced its 2011 Dairy Short Course Schedule. Detailed information on each short course can be found at: www.cdr.wisc.edu/shortcourses

January

- Milk Pasteurization - January 4-5
- Successful Ice Cream - January 14-17
- Batch Freezer Course - January 18-20

February

- Lab Techniques Course - February 1-2
- Dairy Field Reps - February 8-9
- Process Cheese Course - February 22-23

March

- Buttermakers Short Course - March 1-3
- Cheese Tech Short Course - March 21-25

May

- World of Cheese - May 1-5
- Cleaning and Sanitation - May 10
- HACCP - May 11
- Applied Dairy Chemistry - May 17-18

June

- Cheese Grading Short Course - June 7-9

August

- Milk Pasteurization - August 9-10

September

- Cultured Dairy Products - September 13-14
- Master Cheesemaker Course - September 20-22

October

- Cheese Tech Short Course - October 3-7
- Dairy Ingredient Applications - October 18-19

November/December

- Cheese Grading Short Course - November 9-11
- Waste Water Short Course - November 15-16
- Carbon Accounting - November 17
- Ice Cream Makers Short Course - November 30 - December 2

5. The Last Word with Norm Mosen: Lesson for New Cheesemakers



We know that a good cheesemaker works hard, understands and appreciates milk, and is always willing to learn more about the craft. But are there other traits that need to be in the makeup of a great cheesemaker? It's a good question to ask, because if so, we need to tell the next generation what traits to seek out.

After years of watching and getting to know the great cheesemakers of Wisconsin, I'd speculate they do have one trait that maybe the next generation of cheesemakers need to be aware of - and maybe count it as a lesson.

Plain and simple, it is called Balance of Life. More often than not, a great cheesemaker finds time to get away from the vat and do other things. For sure it helps balance the stress of every day work. I'd argue that it probably makes the cheesemaker better at his or her craft, and maybe more creative.

Here is a short list of a few of the hobbies or other interests I know our cheese makers possess:

- One cheesemaker plays the piano and even continues to take lessons even though he is an accomplished pianist
- One cheesemaker flies an airplane
- One cheesemaker practices judo
- One cheesemaker is an accomplished violinist
- One cheesemaker has a small herd of purebred Brown Swiss cattle
- One cheesemaker fishes the lakes of Missouri and Canada - and makes sure his schedule allows him to
- Many cheesemakers travel to underdeveloped countries to volunteer their time to help with food safety
- One cheesemaker skies the mountains of Wyoming every winter
- One cheesemaker skies the mountains of Switzerland every winter
- One cheesemaker coaches youth hockey

And the list goes on. What a good example and lesson for the next generation of cheesemakers – to have balance in life and the profession. A good lesson for all of us, as well, during the season. Merry Christmas and Happy New Year.

*The **Dairy Business Innovation Center** offers technical assistance to dairy producers and processors in developing value-added dairy products, business planning and market development. For more information, visit www.dbicusa.org or contact Jeanne Carpenter at 608-358-7837, email: jeanne@wordartisanllc.com.*

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