

CHAPTER 494

AN ACT to amend 98.06 (2) and 98.07 (1); and to create 98.07 (4) of the statutes, relating to method of sale of commodities and declaration of quantity, and granting rule-making authority.

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

SECTION 1. 98.06 (2) of the statutes is amended to read:

98.06 (2) (a) Berries and small fruits may be sold by measure only if in containers having capacities of one-half dry pint, one dry pint, or one dry quart.

(b) *If a commodity is packaged in an aerosol container, it shall be sold by weight (including the propellant).*

SECTION 2. 98.07 (1) of the statutes is amended to read:

98.07 (1) No commodity which is marked, tagged or labeled, or for which a sign is displayed, with a selling price ~~based upon a price per unit of weight or measure~~, shall be sold unless the weight ~~or~~ measure or count of the commodity is conspicuously declared on the commodity or its tag, label or sign, *but a declaration of count is not required if the selling price is for a single unit, or a set or combination of commodities customarily sold to and understood by consumers as a single unit, or if the commodity is packaged prior to sale and the package contains less than 6 units which can be easily counted without opening the package.*

SECTION 3. 98.07 (4) of the statutes is created to read:

98.07 (4) In order to prevent consumer deception, the department shall prescribe, by rule, standards for determining and declaring weight, measure or count, including the conspicuousness of quantity declarations.

Approved December 20, 1965.

---