

Where the seller of cattle falsely represented to the buyer that heifers had been tested for Bang's disease within 30 days of the date of sale and gave the buyer an excuse why test cards were not being delivered as required by 95.49 (1), Stats. 1949, and promised to deliver cards in the near future, and the buyer relied on such representation and excuse, the buyer was not in pari delicto with the seller and was entitled to recover damages for fraud and deceit. *Schaefer v. Weber*, 265 W 160, 60 NW (2d) 696.

Where a conditional sales contract was void as being in violation of 95.49, the waiver provisions contained in such contract were of no effect. Where the promissory note executed in connection therewith was part of the transaction and was not severable therefrom, the note itself was likewise void and no recovery could be had thereon. *Ebenreiter v. Freeman*, 274 W 290, 79 NW (2d) 649.

95.495 History: 1949 c. 345; Stats. 1949 s. 95.495; 1953 c. 335; 1955 c. 24; 1969 c. 162.

95.50 History: 1917 c. 308; 1917 c. 677 s. 65; Stats. 1917 s. 1491m; 1923 c. 152 s. 60; Stats. 1923 s. 94.36; 1935 c. 550 s. 109, 160; Stats. 1935 s. 95.50; 1939 c. 276; 1953 c. 15; 1969 c. 210.

95.64 History: 1929 c. 421 s. 2; Stats. 1929 s. 98.33; 1935 c. 550 s. 109, 174; Stats. 1935 s. 95.64; 1939 c. 322; 1943 c. 229.

Sale of livestock remedies complying with the provisions of 95.64 and 95.65, Stats. 1951, sold pursuant to 151.04 (3), in the form of proprietary medicines in sealed packages, labeled to comply with the federal and state pure food and drug law, with directions for using and carrying the name and location of the manufacturer, is not restricted to registered pharmacists, even though the same may contain items listed as drugs under 151.06 or may contain dangerous drugs enumerated in 151.07. 40 Atty. Gen. 341.

95.65 History: 1929 c. 421 s. 2; Stats. 1929 s. 98.34; 1931 c. 470 s. 6; 1935 c. 550 s. 175; Stats. 1935 s. 95.65; 1937 c. 322; 1943 c. 401; 1955 c. 10.

95.66 History: 1929 c. 421 s. 2; Stats. 1929 s. 98.35; 1935 c. 550 s. 176; Stats. 1935 s. 95.66.

95.69 History: 1935 c. 550 s. 179; Stats. 1935 s. 95.69; 1937 c. 244; 1945 c. 131; 1951 c. 208, 223; Stats. 1951 ss. 95.69, 97.72 (4); 1953 c. 61; 1969 c. 286 s. 47; Stats. 1969 s. 95.69.

95.70 History: 1951 c. 607, 636; Stats. 1951 s. 95.70; 1953 c. 61 s. 94, 95; 1955 c. 10 s. 88; 1957 c. 55; 1959 c. 282; 1963 c. 224.

95.72 History: 1923 c. 448 s. 52; Stats. 1923 s. 146.12; 1929 c. 306; 1939 c. 423; 1943 c. 275 s. 43; 1943 c. 400; 1945 c. 22, 586; 1947 c. 143; 1947 c. 362 s. 2; 1951 c. 261 s. 10; 1955 c. 10; 1961 c. 191 ss. 72, 85 to 100, 109; Stats. 1961 s. 95.72; 1963 c. 470; 1965 c. 249; 1967 c. 321; 1969 c. 392 s. 84.

146.12, Stats. 1939, licensing and regulating the rendering business, is an exercise of the police power of the state, but the police power cannot be extended so as to control acts beyond the jurisdiction of the state. The state board of health should not issue a renderer's license to an out-of-state renderer whose plant

is located in another state, and thereby enable him lawfully to transport dead animal matter on the highways in this state and into such other state, at least in the absence of some reciprocal agreement between the states under 146.12 (1) (b), since the statute contemplates the issuance of a renderer's license only to a renderer whose plant is subject to inspection and regulation by the state. *LaForge v. State Board of Health*, 237 W 597, 296 NW 93.

A license under 146.12, Stats. 1939, may be issued only to the operator of a rendering plant. Transportation of animals is not licensed apart from the rendering thereof. One engaged in the business of collecting and processing dead animals for purposes of resale to operators of fox, fur or dog farms must obtain a renderer's license. 29 Atty. Gen. 64.

Ch. 423, Laws 1939, does not authorize a town to prohibit the construction of a rendering plant. Rules of the state board of health regarding trucks employed by renderers do not apply to fur farmers collecting carcasses for food for their own animals. A licensed renderer may lease trucks and hire drivers to operate them. 29 Atty. Gen. 76.

An operator of a fur farm who collects carcasses only for food for his fur-bearing animals is exempted by 146.12 (1) (b), Stats. 1943, but the exemption does not permit him to collect carcasses to feed to hogs nor for the purpose of engaging in a rendering business. 146.12 (12) prohibits operation of a hog farm in connection with a rendering plant. 32 Atty. Gen. 385.

146.12, Stats. 1947, requires purchasers of existing rendering plants to pay an application fee of \$25 and a license fee of \$100 for the license year in which they apply. 37 Atty. Gen. 430.

The operator of a rendering plant which was lawfully located within less than one-eighth of a mile from a public highway on September 9, 1939, may not under 146.12 (4), Stats. 1947, erect a new building for rendering a few feet from the old building, even though it is connected with the old building by a conveyor and steam pipes and some of the processing is done in the old building. 37 Atty. Gen. 574.

A rendering plant constructed prior to September 9, 1939 and located within less than one-eighth of a mile of a public highway may be repaired and placed in operating condition after a fire which does extensive damage to the building but which leaves the rendering machinery and equipment in operating condition. 42 Atty. Gen. 216.

95.80 History: 1959 c. 294; Stats. 1959 s. 95.80; 1961 c. 191 s. 109; 1961 c. 621; 1969 c. 392 s. 84; 1969 c. 459.

CHAPTER 96.

Agricultural Marketing Act.

96.01 History: 1957 c. 511; Stats. 1957 s. 100.32 (1); 1959 c. 33; 1961 c. 664 ss. 3, 7 to 11, 28; Stats. 1961 s. 96.01; 1969 c. 276 ss. 362, 583 (2).

96.02 History: 1957 c. 511; Stats. 1957 s.

100.32 (2); 1961 c. 664 s. 12; Stats. 1961 s. 96.02.

96.03 History: 1957 c. 511; Stats. 1957 s. 100.32 (3); 1961 c. 664 ss. 13, 28; Stats. 1961 s. 96.03; 1969 c. 276 s. 583 (2).

96.04 History: 1957 c. 511; Stats. 1957 s. 100.32 (4); 1959 c. 33; 1961 c. 664 ss. 13, 28; Stats. 1961 s. 96.04; 1965 c. 252; 1969 c. 276 s. 583 (2); 1969 c. 287.

96.05 History: 1961 c. 664 s. 4; Stats. 1961 s. 96.05.

96.06 History: 1957 c. 511; Stats. 1957 s. 100.32 (6); 1961 c. 664 ss. 15, 28; Stats. 1961 s. 96.06; 1963 c. 6; 1969 c. 276 s. 583 (2).

96.07 History: 1961 c. 664 s. 5; Stats. 1961 s. 96.07; 1969 c. 276 s. 583 (2); 1969 c. 287.

96.08 History: 1957 c. 511; Stats. 1957 s. 100.32 (8); 1961 c. 664 s. 17; Stats. 1961 s. 96.08; 1969 c. 276 s. 583 (2).

96.09 History: 1957 c. 511; Stats. 1957 s. 100.32 (9); 1961 c. 664 s. 18; Stats. 1961 s. 96.09.

96.10 History: 1957 c. 511; Stats. 1957 s. 100.32 (10); 1961 c. 664 ss. 18, 28; Stats. 1961 s. 96.10; 1969 c. 276 s. 583 (2).

96.11 History: 1957 c. 511; Stats. 1957 s. 100.32 (11); 1961 c. 664 ss. 18, 28; Stats. 1961 s. 96.11; 1969 c. 276 s. 583 (2).

96.12 History: 1957 c. 511; Stats. 1957 s. 100.32 (12); 1961 c. 664 ss. 18, 28; Stats. 1961 s. 96.12; 1969 c. 276 s. 583 (2).

96.13 History: 1957 c. 511; Stats. 1957 s. 100.32 (13); 1961 c. 664 s. 19; Stats. 1961 s. 96.13.

96.14 History: 1957 c. 511; Stats. 1957 s. 100.32 (14); 1961 c. 664 ss. 6, 20, 21, 22, 28; Stats. 1961 s. 96.14; 1969 c. 276.

96.15 History: 1957 c. 511; Stats. 1957 s. 100.32 (15); 1961 c. 664 ss. 23, 28; Stats. 1961 s. 96.15; 1969 c. 276.

96.16 History: 1957 c. 511; Stats. 1957 s. 100.32 (16); 1959 c. 33; 1961 c. 664 ss. 23, 24; Stats. 1961 s. 96.16; 1969 c. 276 s. 583 (2).

96.17 History: 1957 c. 511; Stats. 1957 s. 100.32 (17); 1961 c. 664 s. 25; Stats. 1961 s. 96.17; 1969 c. 276 s. 583 (2).

96.18 History: 1957 c. 511; Stats. 1957 s. 100.32 (18); 1961 c. 664 ss. 25, 28; Stats. 1961 s. 96.18; 1969 c. 276 s. 583 (2).

96.19 History: 1957 c. 511; Stats. 1957 s. 100.32 (19); 1959 c. 19; 1961 c. 664 ss. 25, 28; Stats. 1961 s. 96.19; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 276 s. 583 (2).

96.20 History: 1957 c. 511; Stats. 1957 s. 100.32 (20); 1961 c. 664 ss. 25, 28; Stats. 1961 s. 96.20; 1969 c. 276 s. 583 (2).

96.21 History: 1957 c. 511; Stats. 1957 s. 100.32 (21); 1961 c. 664 ss. 26, 28; Stats. 1961 s. 96.21; 1969 c. 276.

96.22 History: 1957 c. 511; Stats. 1957 s. 100.32 (22); 1961 c. 664 ss. 26, 28; Stats. 1961 s. 96.22.

96.23 History: 1957 c. 511; Stats. 1957 s. 100.32 (23); 1961 c. 664 ss. 26, 28; Stats. 1961 s. 96.23.

CHAPTER 97.

Food Regulation.

On exercises of police power see notes to sec. 1, art. I; on legislative power generally and on delegation of power see notes to sec. 1, art. IV; and on municipal home rule see notes to sec. 3, art. XI.

Liability-without-fault criminal statutes—their relation to major developments in contemporary economic and social policy. Remington, Robinson and Zick, 1956 WLR 625.

97.01 History: 1969 c. 286; Stats. 1969 s. 97.01.

Legislative Council Note, 1969: This section replaces ss. 97.01 and 97.02. The definitions of s. 97.01 are retained, except for the definition of drug. The revised ch. 97 does not include references to drugs. Drugs are regulated by chs. 151 and 161.

The definitions of “butter”, “milk”, “nonfat dry milk” and “whey cream” are retained from s. 97.02. The several other definitions are new. The other extensive definitions of various agricultural products are not retained. These definitions are either found in a standard dictionary or are prescribed by federal or state regulation. [Bill 24-A]

97.02 History: 1969 c. 286; Stats. 1969 s. 97.02.

On exercises of police power see notes to sec. 1, art. I; on legislative power generally see notes to sec. 1, art. IV; and on jurisdiction of circuit courts see notes to sec. 8, art. VII, and notes to 252.03.

97.03 History: 1931 c. 113; Stats. 1931 s. 352.41 (2); 1935 c. 550 s. 245; Stats. 1935 s. 97.46 (2); 1953 c. 369; 1967 c. 128; 1969 c. 286 ss. 7, 34; Stats. 1969 s. 97.03.

Legislative Council Note, 1969: Sub. (1) establishes branding (labeling) requirements for foods which do not meet the standards of the federal act. [Bill 24-A]

Wrapped bread in the form of loaves, whether sliced or unsliced, must comply with 125.21, Stats. 1933, regulating the weight of loaves of bread sold; and bread sold in wrappers is not sold in “package” form, within the meaning of 352.08, relating to the false branding of food so sold. *M. Carpenter Baking Co. v. Dept. of Agriculture and Markets*, 217 W 196, 257 NW 606.

Cheese wrapped in parchment and tinfoil is not a package within the meaning of sec. 4601aa, Stats. 1913. 3 Atty. Gen. 915.

Sec. 4601aa, Stats. 1921, requires that the net contents be marked on the crate or container of quart or other boxes of berries. 10 Atty. Gen. 523.

A label which states that contents of a can are of consistency of cream is not, as a matter of law, in violation of sec. 4601aa. 10 Atty. Gen. 922.