

Ag 94

Filed June 24, 1975
1:15 pm B. L. Tolson

STATE OF WISCONSIN)
) SS
DEPARTMENT OF AGRICULTURE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Robert F. Thayer, Administrator, Marketing Division, State of Wisconsin Department of Agriculture, and custodian of the official records of the Marketing Division, do hereby certify that the annexed order adopting rules relating to Wisconsin grain grades, Wis. Adm. Code chapter Ag 94, was duly adopted by this department on June 24, 1975.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 24 day of June, 1975.

Robert F. Thayer
Robert F. Thayer, Administrator
Marketing Division

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ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE ADOPTING RULES

Pursuant to authority vested in the State of Wisconsin Department of Agriculture by section 93.09, Wis. Stats., the State of Wisconsin Department of Agriculture hereby adopts rules as follows:

CHAPTER AG 94

WISCONSIN GRAIN GRADES

94.01 Definitions:

(1) "Department" means the State of Wisconsin Department of Agriculture.

(2) "Person" means any individual, partnership, corporation, firm, or association engaged in business as principal or agent in the buying, selling, storing or shipping grain.

(3) "Federal act" means the United States grain standards act of 1916, as amended (7 U.S.C. 71 et. seq.).

(4) "Grain" means corn, wheat rye, oats, barley, flaxseed, sorghum, soybeans and mixed grains, and any other food grains, feed grains, and oil seeds for which standards are established and defined under the federal act.

(5) "Official grade" means a numerical or sample grade designation, established under the federal act and used to identify the grade of grain which has been officially inspected and graded.

(6) "Official inspection" means the determination and the certification, by official inspection personnel, of the kind, class, quality, or condition of grain under standards established in the federal act.

(7) "Official inspection personnel" means employes of state or other governmental agencies, commercial agencies or other persons who are licensed to perform all or specified functions involved in official inspections under the federal act.

(8) "Grade" means a numerical or sample grade designation established under the federal act for use in identifying the grade, quality or condition of grain.

(9) "Officially graded" means any grain that has been officially sampled, inspected, and certified by official inspection personnel and found to be of a particular kind, class, quality or condition.

94.02 Prohibitions. (1) No person shall, in any sale, offer for sale, or consignment:

(a) Misrepresentation that any grain has been officially inspected or graded and found to be of a particular kind, class, grade, quality, condition or quantity, or that particular standards or factors have been established with respect to such grain by official inspection.

(b) Represent grain which has been officially inspected and graded as being of a grade or quality contrary to the grade or quality designation set forth in the official inspection certificate issued for such grain.

(c) Knowingly describe grain by any grade designation or other description which is false or misleading.

(d) Forge, counterfeit, alter, obliterate, damage or remove an official inspection certificate on any lot of grain.

(2) Nothing herein shall prohibit a person from designating a grade for grain or of using standards or factors as prescribed under the federal act in arriving at such grade for grain, provided no representations are made that the grain has been officially graded or that such standards or factors have been officially determined.

94.03 Fees. The department may grade any lot of grain upon the request of the owner or holder of such grain, and shall establish and collect fees sufficient to cover the actual cost of the grading services provided for herein.

The rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: June 24, 1975.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

By Robert F. Thayer
Robert F. Thayer, Administrator
Marketing Division