

Ag 127

Filed February 17, 1976  
2:45 pm B. L. Poulson

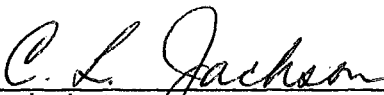
STATE OF WISCONSIN                    )  
  ) SS  
DEPARTMENT OF AGRICULTURE        )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Claire L. Jackson, Administrator, Trade Division, and custodian of the official records of said Division, do hereby certify that the annexed order adopting rules relating to home solicitation selling, Wis. Adm. Code Chapter Ag 127, was duly adopted by the department on February 16, 1976.

I further certify that said copy has been compared by me with the original on file in the 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 16th day of February, 1976.

  
\_\_\_\_\_  
Administrator  
Trade Division

DOCKET NO. 1202

ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE  
AMENDING AND ADOPTING RULES

Pursuant to authority vested in the State of Wisconsin Department of Agriculture by section 100.20(2), Wis. Stats., the State of Wisconsin Department of Agriculture hereby amends and adopts rules as follows:

1. Section Ag 127.01(3)(intro.) of the Wis. Adm. Code is amended to read:

Ag 127.01(3)(intro.) "Seller" means a person or organization engaged in home solicitation selling or the making of home solicitation sales, or advertising, offering or dealing in goods or services for the purpose of home solicitation selling, or providing or exercising supervision, direction, or control over sales practices used in home solicitation sales, but does not include banks, savings and loan associations, insurance companies and public utilities to the extent exempt from department regulation under section 93.01(13), Wis. Stats., or licensed real estate brokers or salesmen with respect to real estate listings or the sale or leasing of real estate, or incidental sales made by persons not regularly engaged in the business of selling goods or services. The term includes sales representatives, employes, or agents of a seller, however designated by the seller. It also includes a supplier or distributor of goods and services to a seller if:

2. Sections Ag 127.03(1)(intro.) and (b) of the Wis. Adm. Code are amended to read:

Ag 127.03(1)(intro.) No seller engaged in making a home

solicitation sale shall represent directly or by implication that the seller:

(b) Is conducting a survey, test or research project, or engaged in a contest or other venture to win a cash award, scholarship, vacation or similar prize, when in fact the principal objective is to make a sale or lease or to obtain information to help identify sales prospects.

3. Sections Ag 127.03(2)(intro.) and (3) to (5) of the Wis. Adm. Code are amended to read:

Ag 127.03(2)(intro.) No seller engaged in making a home solicitation sale shall misrepresent, directly or by implication:

(3) No seller engaged in making a home solicitation sale shall use any false, deceptive or misleading representations to induce a sale, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call, or fails to promptly leave the premises at which a sales presentation is made when requested to do so.

(4) No seller engaged in making a home solicitation sale shall make any material representations with respect to the warranty or guarantee of the product or services he sells unless such representations are true and are furnished to the buyer in writing as part of any sales document or agreement, or in a separate statement of warranty or guarantee. Separate statements of warranty or guarantee shall be furnished to the buyer prior to the time first payment is due.

(5) No seller engaged in making a home solicitation sale shall make any statement or representations inconsistent with or contradictory to any contract document or instrument in writing

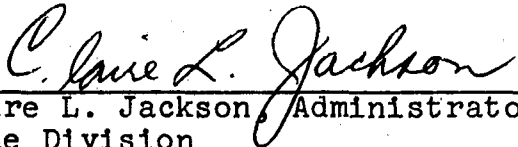
evidencing the transaction.

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

Dated:

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE

By

  
\_\_\_\_\_  
Claire L. Jackson, Administrator  
Trade Division