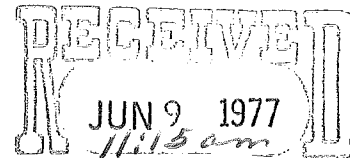


Ag 54

STATE OF WISCONSIN)
) SS
DEPARTMENT OF AGRICULTURE)



REVISOR OF STATUTES
BUREAU *Cl Poulson*

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Norman E. Kirschbaum, Administrator of the Food and Standards Division, and custodian of the official records of said division do hereby certify that the annexed rules relating to methods of sale of commodities, Wis. Adm. Code Chapter Ag 54, was duly adopted by this department on June 8, 1977.

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 8th day of June, 1977.

Norman E. Kirschbaum

Norman E. Kirschbaum
Administrator
Food and Standards Division

DOCKET NO. 1263

ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE
ADOPTING RULES

Pursuant to authority vested in the State of Wisconsin Department of Agriculture by sections 93.07(1), 98.06, 98.07, and 100.20, Wis. Stats., the State of Wisconsin Department of Agriculture hereby adopts rules as follows:

CHAPTER AG 54
METHODS OF SALE OF COMMODITIES

Ag 54.01 Scope and effect of rules; general policy.

(1) As an exception to the general requirement that commodities in liquid form be sold by liquid measure and commodities not in liquid form be sold by weight, section 98.06(1), Wis. Stats., also permits the sale of liquid commodities by weight and non-liquid commodities by count or measure if such methods are in general use and give accurate information as to the quantity of commodity sold. Under this exception, differing methods of sale have been used in the sale of commodities of the same kind or class, with a significant lack of uniformity among merchants as to specific methods of sale under which such commodities may be sold. While such differing methods of sale may have been in general use, they did not always provide the consumer with ac-

curate quantity information, or enable the consumer to make value comparisons. This has resulted in consumer deception and confusion and unfair competition in the marketplace. The purpose of these rules is to achieve greater uniformity in methods of sale used in this state, assure greater accuracy of quantity information, prevent consumer deception and confusion, and promote fair competition.

(2) These rules apply to the retail sale of foods and other commodities as provided in this chapter, but do not apply to:

(a) Food or other commodities sold, as provided under section 98.06(3), Wis. Stats., for immediate consumption on the premises where sold, or in compliance with a state or federal law prescribing another method of sale.

(b) Berries and small fruits sold in compliance with section 98.06(2)(a), Wis. Stats.

(c) Food items offered for sale and sold in separate and distinct units as a single ready-to-eat meal, or part of a single ready-to-eat meal for consumption off the premises where sold.

Ag 54.02 Definitions. (1) "Department" means the state of Wisconsin department of agriculture.

(2) "Food" means food as defined in section 97.01(2), Wis. Stats., and includes all articles or components of any article used for food or drink by man.

(3) "Method of sale" means the unit or system of weights or measures used in the sale of commodities to determine quantity.

(4) "Retail sale" means the sale of commodities directly to the consumer for use or consumption other than resale or further manufacturing or processing.

Ag 54.03 Fruits and vegetables. (1) FRESH FRUITS AND VEGETABLES. Fresh fruits and vegetables shall be sold by weight, except that items identified under paragraphs (a) to (d), may be sold by weight or methods of sale as provided under paragraphs (a) to (d).

(a) Weight or count:

- Artichokes
- Avocadoes
- Cantaloupe or honey dew melons
- Celery
- Citrus fruits
- Corn on the cob
- Coconut
- Dill
- Green top root vegetables
- Lettuce and like products
- Mangoes
- Papayas
- Persimmons
- Pineapple
- Pomegranates
- Pumpkins

(b) Weight or dry measure units of one quart, one pint or one-half pint:

- Berries
- Cherries
- Cherry or plum tomatoes

(c) Weight or dry measure units of one bushel or one-half bushel:

Apples
Peaches and like products
Pears
Plums
Tomatoes

(d) Weight, count or dry measure units of one bushel or one-half bushel:

Cucumbers

(2) PICKLED FRUITS AND VEGETABLES. Pickled fruits and vegetables, including pickled relishes, may be sold by fluid measure, except that 2 whole pickles in transparent wrapping and pickles sold from bulk containers may be sold by count.

Ag 54.04 Meat, poultry, sea food and cheese. (1) Meat, poultry, sea food, cheese, or products derived in whole or substantial part therefrom, shall be sold by weight, except that mollusks in the shell may be sold by count. If removed from the shell, mollusks shall be sold by weight. The term "mollusks" means shellfish such as oysters, clams, mussels and snails.

(2) Ready-to-cook stuffed poultry products shall be sold by total net weight with a separate minimum weight declaration for the poultry without the stuffing.

Ag 54.05 Ready-to-eat carryout foods and delicatessen items.

Pre-prepared ready-to-eat carryout food and delicatessen items not in liquid form, shall be sold by weight, except as otherwise provided under section Ag 54.01(2)(c).

Ag 54.07 Sale of bulk commodities. Prices at which bulk commodities or commodities not in package form are sold, adver-

tised, offered or displayed for sale by weight shall be declared in terms of whole units of weight, and not in common or decimal fractions, or multiples of whole units of weight.

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

Dated: June 8, 1977.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

By Norman E. Kirschbaum
Norman E. Kirschbaum
Administrator
Food and Standards Division