

Chapter Ag 54

METHODS OF SALE OF COMMODITIES

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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 accurate 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.

History: Cr. Register, July, 1977, No. 269, eff. 8-1-77.

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.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

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
Avocados
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.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

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

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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.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

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).

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

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

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.