

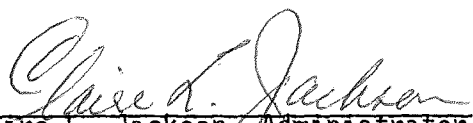
Ag 129

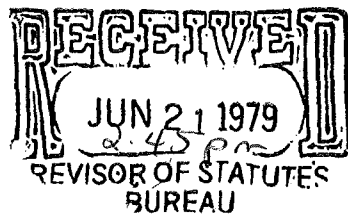
STATE OF WISCONSIN)
DEPARTMENT OF AGRICULTURE,) SS
TRADE & CONSUMER PROTECTION)

I, Claire L. Jackson, Administrator, Trade Division, and custodian of the official records of said Division do hereby certify that the annexed order amending and repealing rules relating to soda water beverage industry unfair trade practices, Wis. Adm. Code Chapter 129, was duly adopted by the Department on June 20, 1979.

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 20th day of June, 1979.


Claire L. Jackson, Administrator
Trade Division





ORDER OF THE DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

AMENDING AND REPEALING RULES

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

Section Ag 129.02(2)(a) of the Wis. Adm. Code is amended to read:

(a) The sale or rental of such equipment to a retailer under a written agreement describing the equipment sold or rented, and specifying the price and other terms and conditions under which it is to be sold or rented. Copies of agreements shall be kept on file by the wholesaler for at least 3 years after final payment has been received. No agreement for the sale or rental of equipment other than agreements for the rental of coin-operated vending machines shall contain any provision that prohibits the use of the equipment for the storage, display, or dispensing of the products of competing wholesalers or reserves any part of the available capacity of the equipment for the products of the wholesaler selling or renting the equipment.

1. Terms for the sale of equipment shall provide that the wholesaler shall recover at least the wholesaler's cost for the equipment, including all costs for transportation and installation of the equipment, either by advance payment in full or by equal monthly installment payments over a period not to exceed five years.

2. Terms for the rental of equipment, other than coin-operated vending machines, shall provide that minimum monthly rental charges shall be no less than one-sixtieth (1/60) of the total cost to the wholesaler, including all costs for transportation and installation of the equipment. Rentals may be charged in equal periodic installments or on a volume basis, and shall be collected at least once each year in an amount sufficient to recover all such costs within a period of 60 months.

3. Terms for the rental of coin-operated vending machines shall provide that the minimum monthly rental charge shall be no less than one ninety-sixth (1/96) of the total cost to the wholesaler, including all costs for transportation and installation. Rentals may be charged in equal periodic installments or on a volume basis, and shall be collected at least once each year in an amount sufficient to recover all such costs within a period of 96 months.

4. Cost of equipment which has been returned or repossessed or on which rental contracts are renewed shall be based on fair market value of the equipment, whether or not cost was recovered in whole or in part under a previous sale or rental agreement.

Section Ag 129.02(2)(c) of the Wis. Adm. Code is repealed.

Section Ag 129.02(3) of the Wis. Adm. Code is amended to read:

(3) Discriminate, directly or indirectly, between customers in furnishing of advertising, promotional or other services or facilities to them, or in compensating customers for services or facilities to be rendered or furnished by or through them in connection with the sale or distribution of soda water beverages, under terms or conditions not available to all customers on pro-

portionally equal terms, where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly, or otherwise injure, destroy or prevent competition between wholesalers of soda water beverages or any of their customers. This does not apply to the furnishing of equipment under subsection (2)(b).

The rules, amendments and repeals contained herein shall become effective as provided in sec. 227.026(1), Wis. Stats.

Dated: June 20, 1979.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By Claire L. Jackson
Claire L. Jackson, Administrator
TRADE DIVISION