

No. 23, A.]

[Published May 21, 1951.]

CHAPTER 223.

AN ACT to repeal 94.47, 94.665 (9), 94.77 (3) to (9), 97.045 (7), 97.72 (4), 98.13 (1) (f) and 100.26 (4) and to amend 93.21 (1), (2) and (3), 94.72 (14) (a), 94.77 (2), 95.69, 97.72 (1) and (3), 98.12 (2), 98.18, 98.19, 98.25 (1) and (2), 98.26, 99.12, 100.07 (5), 100.26 (1) and 100.35 (2) of the statutes, relating to certain penalties in connection with agriculture, foods and drugs and markets.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 93.21 (1), (2) and (3) of the statutes are amended to read:

93.21 (1) Any owner or manager of any creamery, cheese factory, butter factory, condensery or milk receiving plant, and any person dealing in or manufacturing dairy products, who fails to furnish the statement prescribed under section 93.06 (2) to every person from whom milk is purchased or received, or who fails to comply with the provisions of section 93.07 (20), shall be * * * *fined not to exceed \$200 or imprisonment in the county jail not to exceed 6 months or both.*

(2) Any person who obstructs the department or any of its subordinates in the performance of their duty by refusing him entry to any place he is authorized to enter or by refusing to deliver to him a sample of any article of food, drink or drug made, sold, offered or exposed for sale by the person to whom request therefor is made, if the value thereof is tendered, shall be punished * * * *as in subsection (1).*

(3) Any person who violates any provision of *sections 93.09 (8), 93.10 (2), or 93.11 (7), or who wilfully violates or refuses, neglects or fails to obey any order or regulation * * * of the department, shall * * * be punished as in subsection (1).*

SECTION 2. 94.47 of the statutes is repealed.

SECTION 3. 94.665 (9) of the statutes is repealed.

SECTION 4. 94.72 (14) (a) of the statutes is amended to read:

94.72 (14) (a) Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell, offer or expose for sale or distribute in this state, any commercial

feeds, who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent said department or its authorized agent in the performance of his duty in connection with the provisions of this section or who shall sell, offer or expose for sale or distribute in this state any commercial feeds as defined in subsection (1) without complying with the requirements of the provisions of this section or who shall sell, offer or expose for sale or distribute in this state any commercial feed which contains a smaller per cent of crude protein, crude fat, calcium, phosphorus or iodine, or a larger per cent of crude fiber or salt than is certified to be contained therein, or which contains excessive undeclared germinative weed seeds, or which does not comply with label requirements established under paragraph (i) of subsection (2), or who shall fail to properly state the name of each and every ingredient used in its manufacture, or who shall sell any commercial feed which carries any false or misleading statements upon or attached to the package, or if false or misleading statements regarding its feeding value are made on the package by the corporation, firm or individual registering said commercial feed, or if the number of net pounds set forth upon the package is not correct, or who shall violate any other provision of this section shall be * * * punished as in section 94.77 (2).

SECTION 5. 94.77 (2) of the statutes is amended to read:

94.77 (2) Any person who violates any provision of * * * *this chapter for which a specific penalty is not prescribed* shall be * * * *fined not to exceed \$200 or imprisoned in the county jail not to exceed 6 months or both.*

SECTION 6. 94.77 (3) to (9) of the statutes are repealed.

SECTION 7. 95.69 of the statutes is amended to read:

95.69 Any person who shall violate any of the provisions of this chapter shall * * * for the first offense, be * * * *fined not to exceed \$200 or imprisoned in the county jail not to exceed 6 months or * * * both * * **; and * * * for any subsequent offense * * * *fined not less than * * * \$200 nor more than \$500, or * * * imprisoned in the county jail not less than 30 days nor more than 6 months, or * * * both * * **.

SECTION 8. 97.045 (7) of the statutes is repealed.

SECTION 9. 97.72 (1) and (3) of the statutes are amended to read:

97.72 (1) Any person who shall use any room, building, or apartment for the purpose of establishing or operating a bakery or confectionary establishment therein without first securing a license permitting him so to do, or who, by himself or his servant or agent, or as the servant or agent for any firm or corporation, shall violate or fail to comply with any of the provisions of sections 97.12 to 97.16, or of sections 97.19 and 97.20, 30 days after notice in writing shall have been served upon him personally, or sent through registered mail to him by the department, requiring such person to take such action or to make or cause to be made such changes, repairs or alterations in such bakery or confectionary establishment as may be necessary to have such bakery or confectionary establishment conform to the provisions of law for their sanitary regulation, or if the required changes, repairs, or alterations could in the exercise of reasonable diligence not be made or completed within 30 days, after such additional time as may have been necessary to complete the required action, change, repairs, or alterations has expired, not to exceed 90 days, however, from the receipt of notice in any case; or who by himself or his servant or agent, or as the servant or agent of any firm or corporation shall violate or fail to comply with the provisions of section 97.18, after one day's notice in writing has been served upon him by the department to discontinue his employment in or about such bakery or confectionary establishment; or who by himself or his servant or agent, or as the servant or agent of any firm or corporation, shall violate or fail to comply with the provisions of section 97.17, shall be * * * *punished as in subsection (3).*

(3) Each violation of any of the provisions of * * * *this chapter for which a specific penalty is not prescribed* shall be * * * *fined not to exceed \$200 or imprisoned in the county jail * * * not to exceed 6 months*, for the first offense; and for each subsequent offense, * * * *fined not less than * * * \$200 nor more than \$500, or * * * imprisoned in the county jail not less than 30 days nor more than * * * 6 months, or * * * both * * **.

SECTION 10. 97.72 (4) of the statutes is repealed.

SECTION 11. 98.12 (2) of the statutes is amended to read:

98.12 (2) Any manufacturer who sells milk or cream bottles to be used in this state that do not comply as to capacity and markings with this section shall forfeit \$500, to be recovered by the attorney-general in an action against the offender's bondsmen, brought in the name of the state. Any person who uses, for the sale of milk or cream at retail, bottles that do not comply with this section as to markings and capacity, shall be punished * * * *as in section 98.26 (1).*

SECTION 11 a. 98.13 (1) (f) of the statutes is repealed.

SECTION 12. 98.18 of the statutes is amended to read:

98.18 No person shall sell, buy or receive in store any grain at any weight or measure per bushel other than the standard weight or measure per bushel fixed by law * * *.

SECTION 12 a. 98.19 of the statutes is amended to read:

98.19 No person shall determine the grade of any grain which is brought or received in store at any mill, elevator, warehouse or storehouse by the use of any grain tester that is not sealed in accordance with the United States standard of measure and which sealer is not in accordance therewith at the time it is used. When grain is tested at the instance of the seller the tester shall be filled by pouring the grain into it from a scoop or a similar vessel, and when the tester is filled it shall be struck or leveled with 3 zigzag movements of a straight edge. Any person who shall violate the provisions of this section and thereby cheat or defraud the seller or buyer of any grain shall be punished as is provided in section * * * 98.26 (1).

SECTION 13. 98.25 (1) and (2) of the statutes are amended to read:

98.25 (1) Any person who, by himself or by his agent or servant, or as the agent or servant of another, shall use in the buying or selling of any commodity or thing, or for hire or award, or retain in his possession, any false weight or measure or weighing device; or who shall sell or offer for sale, or have in his possession for the purpose of selling, any false weight or measure or weighing or measuring device, or any device or instrument to be used or calculated to falsify any weight or measure; or who shall use or retain in his possession, except as expressly provided by statute any weight or measure or weighing or measuring device which has not been sealed by a sealer of weights and measures within one year; or who shall sell, or offer or expose for sale, or keep for the purpose of sale a lesser quantity of any commodity than he represents such quantity to be, or shall take or attempt to take more than the quantity he represents, when, as buyer, he furnishes the weight, measure, or weighing or measuring device, by means of which the amount of commodity is determined; or who shall sell or offer or expose for sale, or keep for the purpose of sale any commodity in a manner contrary to law; or who shall violate any provisions of sections 98.01 to 98.24, for which a specific penalty has not been prescribed; shall be punished * * * as in section 98.26 (1).

(2) Or any person who wilfully, with intent to cheat or defraud the buyer or seller of electric current, gas, water, or steam, shall make or cause to be made or aid in the making of any electric conductor, gas pipe, water pipe, steam pipe, or other instrument or contrivance, or any connection as to conduct or supply or intended to conduct or supply electric current, gas, water, or steam to any lamp or motor or machine or burner or orifice or appliance from which such electricity, gas, water, or steam may be consumed or utilized, without passing through or being registered by a meter; or any person who shall wilfully use a false meter for the measurement of electric current, gas, water, or steam in the buying or selling of the same; or who shall wilfully obstruct or interfere with the working of any meter used for such purposes, so as to cause or be intended to cause a false registration of the amount of electric current, water, gas, or steam consumed with the intent to cheat or defraud the seller or buyer of such electric current, gas, water, or steam, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding \$500; but in case the amount of damages occasioned by such cheat or fraud shall not exceed \$20, he shall be punished * * * as in section 98.26 (1); and in computing the amount of damages occasioned, the value of such electric current, water, gas, or steam shall be the regular current price therefor, charged to the consumer by the seller thereof.

SECTION 14. 98.26 of the statutes is amended to read:

98.26 (1) Any person, * * * who shall violate any of the provisions of * * * this chapter for which a specific penalty is not prescribed shall be * * * fined not to exceed \$200 or imprisoned in the county jail not * * * to exceed 6 months or both.

(2) Whoever in any manner whatsoever impersonates or hinders the state department of agriculture or any inspector or any sealer of weights and measures, in the performance of their official duties shall be punished * * * as in subsection (1).

SECTION 15. 99.12 of the statutes is amended to read:

99.12 Any person, * * * violating any provision of this chapter * * * shall be * * * for the first offense * * * fined not to exceed \$200 or imprisoned in the county jail not to exceed 6 months, or both and for the second or any subsequent offense * * * fined not more than \$1,000 or * * * imprisoned not more than 6 months, or * * * both * * *.

SECTION 16. 100.07 (5) of the statutes is amended to read:

100.07 (5) Any person who violates this section by failing to pay to the department the deductions required by this section, or by failing to make or to keep the required records or reports, or by wilfully making any false entry in such records or reports, or by wilfully failing to make full and true entries in such records or reports, or by obstructing,

refusing or resisting other than through judicial process any department audit of such records, shall be * * * *fined* not * * * *to exceed \$200* or * * * *imprisoned* in the county jail not more than 6 months or by both * * *.

SECTION 17. 100.26 (1) of the statutes is amended to read:

100.26 (1) Any person who violates * * * *any provision of this chapter for which no specific penalty is prescribed* shall be fined * * * *not to exceed \$200*, or imprisoned in the county jail not * * * more than * * * *6 months* or both.

SECTION 18. 100.26 (4) of the statutes is repealed.

SECTION 19. 100.35 (2) of the statutes is amended to read:

100.35 (2) Any person violating this section shall * * * *be punished as in section 100.26 (1)*.

Approved May 17, 1951.
