

No. 706, S.]

[Published November 28, 1953.

### CHAPTER 663

AN ACT to amend 97.02 (5) (o) and 97.025 (1) to (5); and to repeal 97.02 (10), (10a), (10b), (12) (b) to (f) and (k) to (m) and (14) (unnumbered third paragraph) and (unnumbered last paragraph), 97.025 (6) and 97.58 of the statutes, relating to definitions and standards for certain food products.

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

SECTION 1. 97.02 (5) (o) of the statutes is amended to read:

97.02 (5) (o) Malted milk beverage is a \* \* \* product \* \* \* made with \* \* \* milk, ice cream or ice cream mix, and \* \* \* malted milk, with or without flavoring, and shall contain not less than 5 per cent by weight of \* \* \* malted milk. Milk shake \* \* \* or dairy shake \* \* \* is a beverage prepared with \* \* \* milk and \* \* \* ice cream or ice cream mix and may contain eggs, fruit, fruit syrup, fruit juice or other natural flavor.

SECTION 2. 97.02 (10), (10a), (10b), (12) (b) to (f) and (k) to (m) and (14) (unnumbered third paragraph) and (unnumbered last paragraph) of the statutes are repealed.

SECTION 3. 97.025 (1) to (5) of the statutes are amended to read:

97.025 (1) No person shall manufacture \* \* \* or sell \* \* \* any article, product or compound made wholly or partly out of milk, cream, sweetening ingredient, flavoring, with or without coloring or eggs, which shall be in imitation of ice cream, ice milk, sherbet or ices \* \* \*.

(2) No person shall manufacture \* \* \* or sell \* \* \* any form of ice cream mixed with any ice milk, ice or sherbet so that the milk fat content of the mixture is less than that prescribed \* \* \* for ice cream.

(3) No person shall manufacture \* \* \* or sell \* \* \* any food similar to ice cream soda or ice cream sundae in which ice milk, ice or sherbet is used with or instead of ice cream unless represented and sold in such manner as will advise the consumer of its real character and contents.

(4) Nothing in this section shall be construed as prohibiting the manufacture and sale of any frozen mixture or compound that is free from coloring, flavoring or sweetening which coloring, flavoring or sweetening would cause it to be in imitation of \* \* \* ice cream, ice milk, sherbets or ices defined and standardized \* \* \* pursuant to s. 97.022.

SECTION 4. 97.025 (6) of the statutes is repealed.

SECTION 5. 97.58 of the statutes is repealed.

Approved November 20, 1953.