

No. 374, S.]

[Published August 16, 1961.

CHAPTER 386

AN ACT to amend 100.22 (1) and 100.24 (1) and (3) of the statutes, relating to unfair discrimination in purchase of dairy products.

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

SECTION 1. 100.22 (1) of the statutes is amended to read:

100.22 (1) Any person, firm or corporation, foreign or domestic, engaged in the business of buying milk, cream or butter fat for the purpose of manufacture, that \* \* \* *discriminates* between different sections, communities, towns, villages or cities of this state, or between persons, firms or corporations in any locality of this state, by paying for such commodity at a higher price or rate in one section, community, town, village or city, or to any person, firm or corporation in any locality of this state, than is paid for the same commodity by said person, firm or corporation, foreign or domestic, in another section, community, town, village or city, or to another person, firm or corporation in any locality of this state, *where the effect may be to lessen substantially competition or to tend to create a monopoly or to injure, destroy or prevent competition*, shall be guilty of unfair discrimination, which is hereby prohibited and declared unlawful; provided, that it shall be a justification for such a discrimination in price if the difference is merely commensurate with an actual difference in the quality or quantity of the commodity purchased or in transportation charges or other expense of marketing involved in said purchase; *provided, further, that it shall be a justification for such a discrimination in price if it is done in good faith to meet competition.*

SECTION 2. 100.24 (1) and (3) of the statutes are amended to read:

100.24 (1) Any corporation organized under the laws of this state which \* \* \* *violates* any order issued under s. 100.20, or which is found guilty of unfair discrimination under s. 100.22, shall forfeit all the rights and privileges conferred by the laws of this state upon corporations and shall forfeit its charter, *such remedy to be granted at the discretion of the court and upon such terms as the court deems just and equitable, but only upon proof of a substantial and wilful violation of such statutes or orders.*

(3) Any foreign corporation which \* \* \* *violates* any order issued under s. 100.20, or which is found guilty of unfair discrimination under s. 100.22, shall, upon proof thereof, in any court of competent jurisdiction, have its license or authority to do business in this state canceled, *such remedy to be granted at the discretion of the court and upon such terms as the court deems just and equitable, but only upon proof of a substantial and wilful violation of such statutes or orders.*

Approved August 7, 1961.