

"Tankage" is included and may not be sold except upon compliance with secs. 1494—11 to 1494—18, Stats. 1913. 4 Atty. Gen. 188.

Inorganic mixtures prepared for feed are within the purview of sec. 1494—11, Stats. 1921. 10 Atty. Gen. 705.

A salesman who takes orders in Wisconsin for concentrated commercial feed to be shipped from an adjoining state violates 96.56, Stats. 1925, unless the feed is labeled and license procured. 14 Atty. Gen. 199.

Feed as defined in 96.56 (1), Stats. 1929, includes concentrated commercial feed substances or materials which furnish vitamin potency. 18 Atty. Gen. 356.

94.755 History: 1955 c. 246; Stats. 1955 s. 94.755; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 276 ss. 361, 583 (2).

94.76 History: 1897 c. 150; Stats. 1898 s. 1494f, 4605a; 1903 c. 188 s. 1; Supl. 1906 s. 1494f; 1913 c. 39; Stats. 1913 s. 1494f; 1915 c. 413; 1919 c. 330; 1923 c. 152 s. 151; 1923 c. 381 s. 1; Stats. 1923 s. 96.49; 1933 c. 470 s. 10; 1935 c. 550 s. 105; Stats. 1935 s. 94.76; 1943 c. 70; 1951 c. 61; 1969 c. 276 s. 583 (1).

94.761 History: 1955 c. 266; Stats. 1955 s. 94.761.

94.77 History: 1935 c. 550 s. 106; Stats. 1935 s. 94.77; 1937 c. 68, 399; 1939 c. 476; 1943 c. 229; 1951 c. 223 s. 5, 6; 1961 c. 622.

94.80 History: 1935 c. 535; 1935 c. 551 s. 2; Stats. 1935 s. 94.80; 1939 c. 535; 1943 c. 229; 1947 c. 9 s. 31; 1953 c. 251; 1959 c. 228 s. 66; 1961 c. 33 s. 45; 1961 c. 622; 1963 c. 343; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 276 s. 583 (1).

CHAPTER 95.

Animal Health.

95.10 History: 1953 c. 146; Stats. 1953 s. 95.10; 1955 c. 10; 1963 c. 224, 470; 1965 c. 109, 322.

95.11 History: R. S. 1849 c. 38 s. 1, 2; R. S. 1858 c. 45 s. 1, 2; R. S. 1878 s. 1468; Stats. 1898 s. 1468; 1923 c. 152 s. 86; Stats. 1923 s. 95.11; 1969 c. 176.

95.12 History: 1887 c. 229; Ann. Stats. 1889 s. 4423a; Stats. 1898 s. 4438c; 1925 c. 4; Stats. 1925 s. 343.403; 1935 c. 550 s. 120; Stats. 1935 s. 95.12.

95.13 History: 1913 c. 112; Stats. 1913 s. 4470n; 1915 c. 49; 1925 c. 4; Stats. 1925 s. 343.726; 1935 c. 550 s. 121; Stats. 1935 s. 95.13.

95.14 History: 1923 c. 151; Stats. 1923 s. 95.12; 1935 c. 550 s. 122; Stats. 1935 s. 95.14; 1959 c. 660.

95.16 History: 1917 c. 592 s. 4; Stats. 1917 s. 1492ab sub. 5m; 1923 c. 152 s. 26; Stats. 1923 s. 94.04; 1935 c. 550 s. 124; Stats. 1935 s. 95.16; 1937 c. 356; 1951 c. 571; 1953 c. 15; 1963 c. 393.

95.17 History: 1915 c. 14; Stats. 1915 s. 1492ab—5; 1923 c. 152 s. 34; Stats. 1923 s. 94.11; 1935 c. 550 s. 109, 125; Stats. 1935 s. 95.17; 1947 c. 433; 1949 c. 262.

A veterinarian employed by the U. S. department of agriculture cannot be employed by the state unless he has qualified under the civil service law of the state. 17 Atty. Gen. 251.

95.18 History: 1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a subs. 6, 7; Stats. 1898 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1909 c. 542; 1911 c. 637; Stats. 1911 s. 1492c sub. 4; 1917 c. 592 s. 3; Stats. 1917 s. 1492ab sub. 5h; 1923 c. 152 s. 27; Stats. 1923 s. 94.05; 1935 c. 550 s. 126; Stats. 1935 s. 95.18.

95.19 History: 1917 c. 548 s. 2; Stats. 1917 s. 1492ab sub. 5r; 1921 c. 491; 1923 c. 152 s. 28; Stats. 1923 s. 94.06; 1935 c. 550 s. 127; Stats. 1935 s. 95.19; 1955 c. 24; 1959 c. 282.

Independently of statute a vendor of animals is not liable for damages sustained by the communication of a disease by those sold to other animals owned by the vendee because he had information that tuberculosis had shown itself in the herd of which those sold were part, at a former time, if he did not know or have reasonable ground for believing that they or some of them were infected with a contagious disease at the time of sale. The provisions of ch. 467, Laws 1885, do not apply to an administrator who sells cattle under the order of the county court. *Newell v. Clapp*, 97 W 104, 72 NW 366.

95.20 History: 1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a subs. 6, 7; Stats. 1898 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1909 c. 542; 1911 c. 637; Stats. 1911 s. 1492c sub. 1; 1917 c. 548 s. 2; 1917 c. 592 s. 2; Stats. 1917 s. 1492ab sub. 5g; 1923 c. 152 s. 25; 1923 c. 391 s. 1; Stats. 1923 s. 94.03; 1935 c. 550 s. 128; Stats. 1935 s. 95.20.

95.21 History: 1919 c. 117; Stats. 1919 s. 1492ab sub. 5a; 1923 c. 152 s. 24; Stats. 1923 s. 94.02; 1935 c. 550 s. 109, 129; Stats. 1935 s. 95.21; 1937 c. 244; 1953 c. 386.

Sec. 95.21, Stats. 1939, does not apply to the removal of dogs to or from a district quarantined for rabies. 30 Atty. Gen. 101.

95.22 History: 1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a subs. 6, 7; Stats. 1898 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1909 c. 542; 1911 c. 637; Stats. 1911 s. 1492c subs. 1, 2; 1917 c. 592 s. 2, 6; 1923 c. 152 s. 53; Stats. 1923 s. 94.29; 1935 c. 550 s. 130; Stats. 1935 s. 95.22; 1955 c. 24.

95.23 History: 1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a subs. 6, 7; Stats. 1898 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1909 c. 542; 1911 c. 637; Stats. 1911 s. 1492c sub. 3; 1917 c. 592 s. 7; 1919 c. 690 s. 5; 1923 c. 152 s. 54; Stats. 1923 s. 94.30; 1935 c. 550 s. 131; Stats. 1935 s. 95.23; 1943 c. 229; 1957 c. 212; 1959 c. 282.

Sec. 94.30, Stats. 1923, authorizes the commissioner of agriculture and other members of his department or delegated authorities to examine and test herds without previous application for an area test of the county or a herd test by the owner; if, upon such test, infected animals are found, general provisions of the statutes relating to disposition of such animals apply. 12 Atty. Gen. 484.

95.235 History: 1955 c. 81; Stats. 1955 s. 97.685; 1969 c. 286 ss. 44, 52; Stats. 1969 s. 95.235.

95.24 History: 1951 c. 83; Stats. 1951 s. 95.24 (1), (3); 1953 c. 15; 1955 c. 117; 1957 c. 18; 1963 c. 393; 1965 c. 318; 1967 c. 168.

95.25 History: 1921 c. 167; Stats. 1921 s. 1492ab sub. 7; 1923 c. 152 s. 30; 1923 c. 381 s. 1; 1923 c. 387 s. 1; 1923 c. 442 s. 1, 2, 3; 1923 c. 449 s. 27, 28; Stats. 1923 s. 94.07; 1925 c. 392 s. 1, 3; 1929 c. 52; 1929 c. 351 s. 1; 1929 c. 529 s. 9; 1933 c. 140 s. 1, 5; 1935 c. 550 s. 133; Stats. 1935 s. 95.25; 1939 c. 55; 1943 c. 229; 1959 c. 228 s. 64; 1963 c. 393; 1965 c. 252; 1967 c. 170.

95.26 History: 1945 c. 131; Stats. 1945 s. 95.26; 1947 c. 433; 1949 c. 344; 1951 c. 571; 1953 c. 16, 321; 1955 c. 46, 182; 1957 c. 212 s. 3, 4, 5; 1959 c. 282; 1961 c. 303; 1963 c. 393, 555; 1967 c. 169; 1969 c. 154.

95.27 History: 1923 c. 442 s. 3; 1923 c. 449 s. 27; Stats. 1923 s. 94.065; 1935 c. 550 s. 109, 135; Stats. 1935 s. 95.27.

95.28 History: 1891 c. 431; Stats. 1898 s. 4607g; 1925 c. 4; Stats. 1925 s. 352.43; 1935 c. 550 s. 225; Stats. 1935 s. 97.55; 1953 c. 200; 1965 c. 582; 1969 c. 286 s. 37; Stats. 1969 s. 95.28.

97.55, Stats. 1947, does not apply to a sale of meat for use as feed for animals since, under 97.01, the term "food" as used in 97.55 means articles used for food by "man." *Cohan v. Associated Fur Farms, Inc.* 261 W 584, 53 NW (2d) 788.

95.29 History: 1953 c. 208; Stats. 1953 s. 97.555; 1969 c. 286 s. 37; Stats. 1969 s. 95.29.

95.30 History: 1915 c. 413 s. 3; 1915 c. 609 s. 2; Stats. 1915 s. 1492ab sub. 5; 1923 c. 152 s. 36; 1923 c. 381 s. 1; Stats. 1923 s. 94.13; 1935 c. 550 s. 109, 139; Stats. 1935 s. 95.30; 1945 c. 131; 1955 c. 23; 1963 c. 393.

95.31 History: 1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a sub. 4, 5; Stats. 1898 s. 1492b; 1901 c. 440 s. 3; 1903 c. 22 s. 3; 1905 c. 32 s. 1; Supl. 1906 s. 1492b; 1907 c. 273; 1909 c. 542; 1911 c. 637; Stats. 1911 s. 1492b sub. 1; 1915 c. 93; 1919 c. 690 s. 2; 1923 c. 152 s. 37; 1923 c. 381 s. 1; Stats. 1923 s. 94.14; 1935 c. 550 s. 109, 140; Stats. 1935 s. 95.31; 1955 c. 23; 1967 c. 276; 1969 c. 87.

95.32 History: 1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a sub. 4, 5; Stats. 1898 s. 1492b; 1901 c. 440 s. 3; 1903 c. 22 s. 3; 1905 c. 32 s. 1; Supl. 1906 s. 1492b; 1907 c. 273; 1911 c. 637; Stats. 1911 s. 1492b sub. 2 to 5; 1913 c. 364; 1915 c. 93; 1917 c. 504; 1919 c. 587 s. 2; 1919 c. 690 s. 2; 1921 c. 491 s. 1; 1923 c. 152 s. 38; Stats. 1923 s. 94.15; 1935 c. 550 s. 141; Stats. 1935 s. 95.32; 1967 c. 276; 1969 c. 30, 87; 1969 c. 331 s. 45.

Appraisers of diseased animals are not entitled to mileage. 4 Atty.Gen. 583.

95.33 History: 1913 c. 698; Stats. 1913 s. 1492b sub. 3a; 1915 c. 93; 1923 c. 152 s. 39; Stats. 1923 s. 94.17; 1935 c. 550 s. 109, 142; Stats. 1935 s. 95.33.

95.34 History: 1885 c. 467; 1887 c. 76; Ann.

Stats. 1889 s. 1492a sub. 4, 5; Stats. 1898 s. 1492b; 1901 c. 440 s. 3; 1903 c. 22 s. 3; 1905 c. 32 s. 1; Supl. 1906 s. 1492b; 1907 c. 273; 1909 c. 375, 542; 1911 c. 637; Stats. 1911 s. 1492b sub. 9; 1915 c. 561; 1923 c. 152 s. 42; Stats. 1923 s. 94.18; 1935 c. 550 s. 109, 143; Stats. 1935 s. 95.34.

95.35 History: 1915 c. 305; Stats. 1915 s. 392em—10, sub. 3; 1917 c. 453 s. 2; 1917 c. 628 s. 12; Stats. 1917 s. 36.21 (3); 1935 c. 550 s. 132; Stats. 1935 s. 95.24; 1951 c. 83; Stats. 1951 s. 95.24 (2); 1963 c. 393; 1965 c. 318 s. 1; Stats. 1965 s. 95.35; 1967 c. 196.

95.36 History: 1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a sub. 4, 5, 8, 9; Stats. 1898 s. 1492b, 1492d; 1901 c. 440 s. 3, 5; 1903 c. 22 s. 3; 1905 c. 32 s. 1; 1905 c. 162 s. 2; Supl. 1906 s. 1492b, 1492d; 1907 c. 273; 1909 c. 375, 542; 1911 c. 637; 1911 c. 664 s. 153; Stats. 1911 s. 1492b sub. 10, 1492d; 1915 c. 93; 1917 c. 14 s. 97, 98; 1917 c. 504; 1917 c. 677 s. 12, 13; 1921 c. 491 s. 1, 2; 1923 c. 152 s. 43; Stats. 1923 s. 94.19; 1935 c. 550 s. 109, 145; Stats. 1935 s. 95.36; 1941 c. 24; 1945 c. 131.

95.37 History: Stats. 1911 s. 1492b sub. 11, 1492d sub. 1; 1913 c. 364; 1913 c. 773 s. 118; 1915 c. 93; 1917 c. 14 s. 95, 98; 1919 c. 690 s. 4; 1923 c. 152 s. 44; 1923 c. 381 s. 4; Stats. 1923 s. 94.20; 1935 c. 550 s. 109, 146; Stats. 1935 s. 95.37; 1945 c. 131; 1947 c. 9 s. 31; 1953 c. 321; 1955 c. 46; 1959 c. 282; 1959 c. 659 s. 79; 1967 c. 276; 1969 c. 87.

The destruction of valuable cattle, free from disease, by the state veterinarian under color of ch. 467, Laws 1885, as amended, is unlawful and tortious. *Houston v. State*, 98 W 481, 74 NW 111.

95.38 History: 1945 c. 131; Stats. 1945 s. 95.38.

95.39 History: 1945 c. 131; Stats. 1945 s. 95.39; 1965 c. 184; 1969 c. 371.

95.40 History: 1945 c. 131; Stats. 1945 s. 95.40.

95.41 History: 1911 c. 637; Stats. 1911 s. 1492b—3; 1917 c. 363; Stats. 1917 s. 1492b, 1492em sub. 8; 1923 c. 152 s. 47, 59; Stats. 1923 s. 94.23, 94.35; 1935 c. 550 s. 109, 150, 151; Stats. 1935 s. 95.41; 1945 c. 131, 506; 1951 c. 485; 1957 c. 259; 1961 c. 303.

95.42 History: 1945 c. 131; Stats. 1945 s. 95.42.

95.43 History: 1945 c. 131; Stats. 1945 s. 95.43; 1949 c. 344; 1951 c. 571; 1959 c. 19.

95.45 History: 1945 c. 131; Stats. 1945 s. 95.45.

95.46 History: 1945 c. 131; Stats. 1945 ss. 95.46, 95.47; 1951 c. 485, 571; 1953 c. 11, 111; 1963 c. 393; 1969 c. 371; Stats. 1969 s. 95.46.

95.48 History: 1945 c. 131, 529; Stats. 1945 s. 95.48; 1951 c. 571; 1953 c. 11, 363; 1963 c. 393, 555.

95.49 History: 1945 c. 131; Stats. 1945 s. 95.49; 1947 c. 70; 1949 c. 11; 1951 c. 571; 1953 c. 11; 1957 c. 55, 66; 1957 c. 212 s. 6 to 10; 1959 c. 282; 1963 c. 393; 1969 c. 173.

Where the seller of cattle falsely represented to the buyer that heifers had been tested for Bang's disease within 30 days of the date of sale and gave the buyer an excuse why test cards were not being delivered as required by 95.49 (1), Stats. 1949, and promised to deliver cards in the near future, and the buyer relied on such representation and excuse, the buyer was not in pari delicto with the seller and was entitled to recover damages for fraud and deceit. *Schaefer v. Weber*, 265 W 160, 60 NW (2d) 696.

Where a conditional sales contract was void as being in violation of 95.49, the waiver provisions contained in such contract were of no effect. Where the promissory note executed in connection therewith was part of the transaction and was not severable therefrom, the note itself was likewise void and no recovery could be had thereon. *Ebenreiter v. Freeman*, 274 W 290, 79 NW (2d) 649.

95.495 History: 1949 c. 345; Stats. 1949 s. 95.495; 1953 c. 335; 1955 c. 24; 1969 c. 162.

95.50 History: 1917 c. 308; 1917 c. 677 s. 65; Stats. 1917 s. 1491m; 1923 c. 152 s. 60; Stats. 1923 s. 94.36; 1935 c. 550 s. 109, 160; Stats. 1935 s. 95.50; 1939 c. 276; 1953 c. 15; 1969 c. 210.

95.64 History: 1929 c. 421 s. 2; Stats. 1929 s. 98.33; 1935 c. 550 s. 109, 174; Stats. 1935 s. 95.64; 1939 c. 322; 1943 c. 229.

Sale of livestock remedies complying with the provisions of 95.64 and 95.65, Stats. 1951, sold pursuant to 151.04 (3), in the form of proprietary medicines in sealed packages, labeled to comply with the federal and state pure food and drug law, with directions for using and carrying the name and location of the manufacturer, is not restricted to registered pharmacists, even though the same may contain items listed as drugs under 151.06 or may contain dangerous drugs enumerated in 151.07. 40 Atty. Gen. 341.

95.65 History: 1929 c. 421 s. 2; Stats. 1929 s. 98.34; 1931 c. 470 s. 6; 1935 c. 550 s. 175; Stats. 1935 s. 95.65; 1937 c. 322; 1943 c. 401; 1955 c. 10.

95.66 History: 1929 c. 421 s. 2; Stats. 1929 s. 98.35; 1935 c. 550 s. 176; Stats. 1935 s. 95.66.

95.69 History: 1935 c. 550 s. 179; Stats. 1935 s. 95.69; 1937 c. 244; 1945 c. 131; 1951 c. 208, 223; Stats. 1951 ss. 95.69, 97.72 (4); 1953 c. 61; 1969 c. 286 s. 47; Stats. 1969 s. 95.69.

95.70 History: 1951 c. 607, 636; Stats. 1951 s. 95.70; 1953 c. 61 s. 94, 95; 1955 c. 10 s. 88; 1957 c. 55; 1959 c. 282; 1963 c. 224.

95.72 History: 1923 c. 448 s. 52; Stats. 1923 s. 146.12; 1929 c. 306; 1939 c. 423; 1943 c. 275 s. 43; 1943 c. 400; 1945 c. 22, 586; 1947 c. 143; 1947 c. 362 s. 2; 1951 c. 261 s. 10; 1955 c. 10; 1961 c. 191 ss. 72, 85 to 100, 109; Stats. 1961 s. 95.72; 1963 c. 470; 1965 c. 249; 1967 c. 321; 1969 c. 392 s. 84.

146.12, Stats. 1939, licensing and regulating the rendering business, is an exercise of the police power of the state, but the police power cannot be extended so as to control acts beyond the jurisdiction of the state. The state board of health should not issue a renderer's license to an out-of-state renderer whose plant

is located in another state, and thereby enable him lawfully to transport dead animal matter on the highways in this state and into such other state, at least in the absence of some reciprocal agreement between the states under 146.12 (1) (b), since the statute contemplates the issuance of a renderer's license only to a renderer whose plant is subject to inspection and regulation by the state. *LaForge v. State Board of Health*, 237 W 597, 296 NW 93.

A license under 146.12, Stats. 1939, may be issued only to the operator of a rendering plant. Transportation of animals is not licensed apart from the rendering thereof. One engaged in the business of collecting and processing dead animals for purposes of resale to operators of fox, fur or dog farms must obtain a renderer's license. 29 Atty. Gen. 64.

Ch. 423, Laws 1939, does not authorize a town to prohibit the construction of a rendering plant. Rules of the state board of health regarding trucks employed by renderers do not apply to fur farmers collecting carcasses for food for their own animals. A licensed renderer may lease trucks and hire drivers to operate them. 29 Atty. Gen. 76.

An operator of a fur farm who collects carcasses only for food for his fur-bearing animals is exempted by 146.12 (1) (b), Stats. 1943, but the exemption does not permit him to collect carcasses to feed to hogs nor for the purpose of engaging in a rendering business. 146.12 (12) prohibits operation of a hog farm in connection with a rendering plant. 32 Atty. Gen. 385.

146.12, Stats. 1947, requires purchasers of existing rendering plants to pay an application fee of \$25 and a license fee of \$100 for the license year in which they apply. 37 Atty. Gen. 430.

The operator of a rendering plant which was lawfully located within less than one-eighth of a mile from a public highway on September 9, 1939, may not under 146.12 (4), Stats. 1947, erect a new building for rendering a few feet from the old building, even though it is connected with the old building by a conveyor and steam pipes and some of the processing is done in the old building. 37 Atty. Gen. 574.

A rendering plant constructed prior to September 9, 1939 and located within less than one-eighth of a mile of a public highway may be repaired and placed in operating condition after a fire which does extensive damage to the building but which leaves the rendering machinery and equipment in operating condition. 42 Atty. Gen. 216.

95.80 History: 1959 c. 294; Stats. 1959 s. 95.80; 1961 c. 191 s. 109; 1961 c. 621; 1969 c. 392 s. 84; 1969 c. 459.

CHAPTER 96.

Agricultural Marketing Act.

96.01 History: 1957 c. 511; Stats. 1957 s. 100.32 (1); 1959 c. 33; 1961 c. 664 ss. 3, 7 to 11, 28; Stats. 1961 s. 96.01; 1969 c. 276 ss. 362, 583 (2).

96.02 History: 1957 c. 511; Stats. 1957 s.