

1981 Senate Bill 600

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CHAPTER 351 , Laws of 1981

AN ACT to renumber 100.16; to amend 100.15 (3) (e), 100.18 (2) and 945.01 (2) (b) 2. f; and to create 100.15 (3) (f) and (g), 100.16 (2), 100.18 (2) (a) 2 to 4, (b) and (c) and 945.01 (2) (b) 2. g of the statutes, relating to miscellaneous trade practices changes.

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

SECTION 1. 100.15 (3) (e) of the statutes is amended to read:

100.15 (3) (e) A coupon, certificate or similar device, which is within, attached to, or a part of any package or container as packed by the original manufacturer or retailer and which is to be redeemed by a retailer or another manufacturer if:

1. The coupon, certificate or similar device clearly states the names and addresses of both the issuing manufacturer or retailer and ~~the~~ any redeeming manufacturer; and
2. The issuing manufacturer or retailer is responsible to redeem the coupon, certificate or similar device if the redeeming retailer or manufacturer fails to do so.

SECTION 2. 100.15 (3) (f) and (g) of the statutes are created to read:

100.15 (3) (f) A coupon, ticket, certificate, card or similar device issued, distributed or furnished by a retailer and redeemed by that retailer for any product or service the retailer sells or provides in the usual course of business. Redemption under this paragraph shall be made by the issuing retail outlet on request of the customer, and may be made by any other retail outlet operating under the same business name.

(g) An entry blank or game piece redeemed for merchandise in a chance promotion exempt under s. 100.16 (2).

SECTION 3. 100.16 of the statutes is renumbered 100.16 (1).

SECTION 4. 100.16 (2) of the statutes is created to read:

100.16 (2) This section does not apply to an in-pack chance promotion if all of the following are met:

- (a) Participation is available, free and without purchase of the package, from the retailer or by mail or toll-free telephone request to the sponsor for entry or for a game piece.
- (b) The label of the promotional package and any related advertising clearly states any method of participation and the scheduled termination date of the promotion.
- (c) The sponsor on request provides a retailer with a supply of entry forms or game pieces adequate to permit free participation in the promotion by the retailer's customers.
- (d) The sponsor does not misrepresent a participant's chances of winning any prize.
- (e) The sponsor randomly distributes all game pieces and maintains records of random distribution for at least one year after the termination date of the promotion.

(f) All prizes are randomly awarded if game pieces are not used in the promotion.

(g) The sponsor provides on request of a state agency a record of the names and addresses of all winners of prizes valued at \$100 or more, if the request is made within one year after the termination date of the promotion.

SECTION 5. 100.18 (2) of the statutes is amended to read:

100.18 (2) (a) In advertising or otherwise representing the sale or furnishing of any property or services combined with or conditioned on the purchase of any other property or services described in such advertisement or other representation, it is deceptive for a retailer to fail:

1. Fail to state the price or amount which must be paid for the property or services included in such sale, along with any other requirement which is a condition to the receipt of such property or services, if the advertisement or representation does not refer to the price of the property or services as the "regular price". The price or amount which must be paid shall be set forth clearly, conspicuously and in such manner that the total price or amount to be paid may be readily ascertained.

SECTION 6. 100.18 (2) (a) 2 to 4, (b) and (c) of the statutes are created to read:

100.18 (2) (a) 2. Sell the property or services at more than the regular price or fail to state any other condition to the receipt of the property or services included in the sale, if the advertisement or representation refers to the price of the property or services as the "regular price".

3. Mark up the regular price of the property or services which must be purchased.

4. Substitute property or services of inferior value or quality for the property or services which must be purchased.

(b) This subsection does not apply to advertisements or representations concerning custom-made property.

(c) In this subsection, "regular price" means the lowest price for the same quantity and quality of product or the same services, at which the seller or advertiser of the product or services openly and actively sold the product or services in the geographic trade area of the advertisement or representation during the seller's or advertiser's most recent and regular 30-day course of business.

SECTION 7. 945.01 (2) (b) 2. f of the statutes is amended to read:

945.01 (2) (b) 2. f. To fill out a coupon or entry blank obtained and deposited on the premises of visit a mercantile establishment if no admission or other place without being required to make a purchase or pay an admittance fee or purchase is required.

SECTION 8. 945.01 (2) (b) 2. g of the statutes is created to read:

945.01 (2) (b) 2. g. To use a chance promotion exempt under s. 100.16 (2).
