Chapter Ag 118

BREWERS, UNFAIR SALES DISCRIMINATION

Ag 118.01 Definitions
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Ag 118.01 Definitions. (1) "Brewer" means a person, firm or corporation engaged in manufacturing or bottling fermented malt beverages.

(2) "Wholesaler" means a person, firm, or corporation engaged in the sale of fermented malt beverages for resale.

(3) "Fermented malt beverages" means any liquor or liquid capable of being used for beverage purposes, made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing one-half of one per cent or more of alcohol by volume.

History: Cr. Register, August, 1968, No. 152, eff. 9–1–68.

Ag 118.02 Prohibited trade practices. (1) No brewer shall discriminate in price, allowance, rebate, refund, commission, discount, or service between wholesalers purchasing fermented malt beverages of like kind or quality, unless such discrimination is:

(a) Merely commensurate with a difference in the cost of manufacture, sale, or delivery resulting from differing methods or quantities of sale or delivery, or

(b) Made in good faith to meet or enable a wholesaler to meet the price, services, or other terms of a competitor of either of them.

(2) No brewer shall threaten any wholesaler with any discrimination prohibited under subsection (1) with the purpose or effect of changing or maintaining resale prices of the wholesaler.

(3) Nothing in this chapter shall be deemed to prohibit brewers from selecting their own customers in bona fide transactions not in restraint of trade.

History: Cr. Register, August, 1968, No. 152, eff. 9–1–68.

Ag 118.03 Report requirements. In any investigation under this chapter a brewer or wholesaler upon request of the department shall furnish to it price lists and such other information as directed concerning the terms of any agreement, transaction, or offer which may be the subject of any prohibition under this chapter.

History: Cr. Register, August, 1968, No. 152, eff. 9–1–68.