

Ag 118

STATE OF WISCONSIN)
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DEPARTMENT OF AGRICULTURE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Donald E. Wilkinson, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture, do hereby certify that the annexed order amending and creating rules relating to brewers, unfair sales discrimination, Wis. Adm. Code chapter Ag 118, was duly adopted by this department on June 24, 1969.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 24th day of June, 1969.

Donald E. Wilkinson
Secretary of Agriculture

Docket No. 839.

ORDER OF THE DEPARTMENT OF AGRICULTURE
AMENDING AND CREATING RULES

Pursuant to authority vested in the Department of Agriculture by section 100.20, Wis. Stats., the Department of Agriculture hereby amends and creates rules as follows:

1. Section Ag 118.01 (1) of the Wisconsin administrative code is amended to read:

Ag 118.01 Definitions. (1) "Brewer" means a person, firm or corporation engaged in the sale of beer to wholesalers licensed to sell beer to retailers under the provisions of section 66.054 (6), Wis. Stats.

2. Section Ag 118.02 (1) of the Wisconsin administrative code is amended to read:

Ag 118.02 Prohibited trade practices. (1) No brewer shall discriminate in price, allowance, rebate, refund, commission or discount between wholesalers purchasing fermented malt beverages of like kind or quality where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly, or to injure, destroy or prevent competition by a person who is or in good faith intends to become a competitor, in the wholesaling of fermented malt beverages, 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 or other terms of a competitor of either of them.

3. Section Ag 118.02 (4) of the Wisconsin administrative code is created to read:

Ag 118.02 (4) The provisions of subsection (1) hereof shall not be deemed to prohibit a brewer from extending to its wholesalers different terms of credit in the ordinary course of business taking into consideration the financial condition of the individual wholesaler and other factors normally considered in establishing credit, or from offering or furnishing to its wholesalers different advertising, promotional or merchandising services, provided that such services shall not be intended or used to effect a discrimination in price, allowance, rebate, refund, commission or discount prohibited by said subsection (1) hereof.

The rules contained herein shall take effect on August 1, 1969.

Dated: June 24, 1969.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

By /s/ Donald E. Wilkinson
Secretary of Agriculture