

*liquor or fermented malt beverages seized are fit for medicinal purposes, the state treasurer may, upon conviction of owner as above set out, be authorized by the court to dispense of such liquor or beverages to any state institution in need thereof for such purposes.*

Approved April 30, 1945.

No. 402, A.]

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### CHAPTER 98.

AN ACT to repeal 343.329, to amend 168.15, and to create 168.155 of the statutes, relating to the misbranding of oil lubricants and mixtures of lubricants, the right of injunction in certain cases, and providing a penalty.

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

SECTION 1. 168.15 of the statutes is amended to read:

168.15 Every person who violates any provision of this chapter, *except section 168.155 (1)*, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$5 nor more than \$1,000 or be imprisoned in the county jail not less than 30 days nor more than 6 months.

SECTION 2. 168.155 of the statutes is created to read:

168.155 MISBRANDING OF LUBRICATING OILS AND LUBRICANTS.

(1) Every person dealing in previously used or previously used and reclaimed, re-refined, recleaned or reconditioned lubricating oils, lubricants or mixtures of lubricants shall at all times have each and every container or item of equipment in or through which any of such products are sold, kept for sale, displayed or dispensed plainly labeled in lettering as large as any other lettering thereon and in any event in letters of not less than one-half inch in height on containers of one quart or less and of not less than one inch in height on containers larger than one quart, showing that the contents thereof are reclaimed oils. Every person who causes to be published, displayed or circulated any advertising matter offering for sale any previously used or previously used and reclaimed, re-refined, recleaned or reconditioned lubricating oils, lubricants or mixtures of lubricants, shall state in such advertising in letters at least as large as any other

lettering therein the fact that such products are reclaimed oils. Any person violating any provision of this subsection shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment not exceeding 3 months, or by both such fine and imprisonment.

(2) Any person dealing in previously used or previously used and reclaimed, re-refined, re-cleaned, or reconditioned lubricating oils, lubricants or mixtures of lubricants without having each and every container or item of equipment in or through which any of such products are sold, kept for sale, displayed or dispensed plainly labeled as required in subsection (1), or advertising any of such products for sale without inserting in such advertising a statement as required in subsection (1) may upon proper hearing be enjoined from selling any of such products or offering displaying or advertising any of the same for sale. Action for such injunction may be brought in any court having jurisdiction to hear and decide equity cases in the county in which the defendant resides, and may be brought either by the attorney general or by the district attorney for such county. The authority granted by this subsection shall be in addition to and not in lieu of authority to prosecute criminally any person for a violation of subsection (1). The granting or enforcing of any injunction under the provisions of this subsection is a preventive measure for the protection of the people of this state, not a punitive measure, and the fact that a person has been charged or convicted of a violation of subsection (1) shall not prevent the issuance of a writ of injunction to prevent further unlawful dealing in previously used or previously used and reclaimed, re-refined, re-cleaned or reconditioned lubricating oils, lubricants or mixtures of lubricants, nor shall the fact that a writ of injunction has been granted under the provisions of this subsection preclude the institution of criminal prosecution or punishment.

(3) The state supervisor and the deputy inspectors shall enforce the provisions of this section.

(4) For the purposes of this section the term "person" means any individual, firm, corporation or organization.

SECTION 3. 343.329 of the statutes is repealed.

Approved April 30, 1945.