

No. 95, A.]

[Published June 23, 1953.

### CHAPTER 296

AN ACT to repeal and recreate 100.01 of the statutes, relating to the conduct of the business of produce wholesalers.

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

100.01 of the statutes is repealed and recreated to read:

100.01 PRODUCE WHOLESALERS, UNFAIR CONDUCT, LIABILITY FOR DAMAGES. (1) DEFINITIONS. When used in this section:

(a) "Produce" means any kinds of fresh fruit or fresh vegetable, including potatoes and onions intended for planting.

(b) "Dealer" means a person who for resale buys, sells, offers or exposes for sale, or has in possession with intent to sell, any produce except that raised by him and that purchased by him exclusively for his own sale at retail.

(c) "Commission merchant" means a person engaged in receiving produce for sale for or on behalf of another.

(d) "Broker" means a person engaged in negotiating sales or purchases of produce for or on behalf of the seller or the buyer.

(e) "Produce wholesaler" means a commission merchant, dealer or broker.

(2) UNFAIR CONDUCT. It shall be unlawful:

(a) For a dealer to reject or fail to deliver in accordance with the contract, without reasonable cause, produce bought or sold or contracted to be bought or sold by such dealer.

(b) For a commission merchant, without reasonable cause, to fail to deliver produce in accordance with the contract.

(c) For a commission merchant to fail to render a true itemized statement of the sale or other disposition of a consignment of produce with full payment promptly in accordance with the terms of the agreement between the parties, or, if no agreement, within 15 days after receipt of the produce. Such statement of sale shall clearly express the gross amount for which the produce was sold and the proper, usual or agreed selling charge, and other expenses necessarily and actually incurred or agreed to in the handling thereof.

(d) For a commission merchant or broker to make a fraudulent charge in respect to produce.

(e) For a commission merchant or broker to discard, dump or destroy without reasonable cause produce received by him.

(f) For a produce wholesaler to make for a fraudulent purpose or for the purpose of depressing the market a false or misleading statement concerning the grade, condition, markings, quality, quantity, market quotations or disposition of any produce or of the condition of the market therefor.

(g) For a produce wholesaler to receive produce from another state or country for sale or resale within this state and give the buyer the impression that the commodity is of Wisconsin origin.

(h) For a produce wholesaler, for a fraudulent purpose, to remove, alter or tamper with any card, stencil, stamp, tag, certificate or other notice placed upon any container or railroad car containing produce by the original packer or by or under authority of any federal or state inspector and bearing a certificate as to the grower, grade or quality of such produce.

(3) ACCEPTANCE IMPLIED. If any dealer fails to notify the seller of rejection within

24 hours after he receives notice of arrival of the produce, he will be deemed to have accepted it as being in accordance with the contract.

(4) DOUBLE DAMAGES. A produce wholesaler who violates any provision of sub. (2) shall be liable to any person injured thereby for twice the amount of damages sustained in consequence of such violation and such liability may be enforced by suit in any court of competent jurisdiction.

Approved June 17, 1953.

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