

No. 546, A.]

[Published July 17, 1957.

CHAPTER 352

AN ACT to repeal and recreate 100.201 (2) (a), (d), (e) 1 and 3 and (f); and to create 100.201 (6) (d) and (7) of the statutes, relating to unfair trade practices in the dairy industry and providing a penalty.

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

SECTION 1. 100.201 (2) (a), (d), (e) 1 and 3 and (f) of the statutes are repealed and recreated to read:

100.201 (2) (a) Give or extend discounts or rebates to retailers on selected dairy products, except in accordance with published price lists available for inspection and copying by any retailer or wholesaler, provided always, that a wholesaler may sell selected dairy products at a price lower than said published prices in order to meet a bona fide offer by a competitor to a particular retailer, but such additional discount or rebate shall not be given until the wholesaler shall first have made a written record of the date of such competitive offer, the terms thereof, the name of the retailer to whom made and the name of the competitor by whom made. Such record shall be available for inspection and copying by any retailer or wholesaler upon his written request therefor. It is the duty of every wholesaler under this subsection to prepare and publish

as hereinafter provided current price lists giving the prices of all selected dairy products sold by him at wholesale and giving the effective date or dates of such prices. Such price lists shall be available for inspection and copying by any retailer or wholesaler upon his written request therefor. The failure or refusal of any wholesaler to make available for inspection any record or price list required to be made available under this subsection within 24 hours after a request has been received shall be prima facie evidence of a violation of this section and shall be punished as provided in s. 100.26 (3). In case of the failure of any wholesaler to make available any record or price list to any wholesaler or retailer, the court, or a judge thereof, shall, upon a showing of such failure or refusal, and upon notice, order said wholesaler to give to the retailer or wholesaler so requesting, within a specified time, an inspection thereof, with permission to make a copy therefrom.

(d) Make or underwrite loans to a retailer or become bound in any manner for the financial obligation of any retailer except that a wholesaler may lend money to a retailer for the purchase of equipment for the storage and display of selected dairy products, provided the loan is for not more than 90 per cent of the purchase price, bears at least a 5 per cent annual interest rate, is payable in equal monthly instalments over a period of not more than 48 months, and is secured by a chattel mortgage specifying all payments by the retailer duly filed by the wholesaler within 10 days after the making or underwriting of said loan in the office of the register of deeds of the county in which the retailer is located as provided in s. 241.10.

(e) 1. The wholesaler, under a bill of sale or conditional sales contract describing the property sold and specifying the price and terms of sale duly filed by him in the office of the register of deeds in the county in which the retailer is located within 10 days after delivery of the equipment described therein, may sell equipment for the storage and display of selected dairy products to the retailer but the selling price shall be not less than the cost to the wholesaler, less 10 per cent per year depreciation, plus transportation and installation costs, plus at least 6 per cent, but in no event shall it be less than \$50 per unit. In filing bills of sale under this section, the register of deeds shall follow the procedure provided in s. 122.10 for the filing of conditional sales contracts. If the wholesaler shall make said sale under a conditional sales contract, the terms of sale shall be no more favorable to the retailer than those provided in par. (d).

3. The wholesaler may furnish storage cabinets to retailers without restriction, provided such storage cabinets are used exclusively for the storage and preservation of selected dairy products distributed or manufactured by the wholesaler, and are not used by the retailer or anyone else to sell or offer for sale at retail any of the products stored therein.

(f) Maintain or make repairs of any equipment owned by a retailer except those used exclusively for selected dairy products. On such repairs the wholesaler shall make charges for the service and parts at the same prices as are charged by third persons rendering such service in the community where the retailer is located but in no event shall the charges be less than the cost thereof to the wholesaler plus a reasonable margin of profit.

SECTION 2. 100.201 (6) (d) and (7) of the statutes are created to read:

100.201 (6) (d) Any retailer or wholesaler may file a written complaint with the department alleging that a person named therein is engaging in unfair trade practices as defined in this section. Whenever such a complaint is filed it is the duty of the department to proceed to hearing and adjudication as provided in s. 100.20.

(7) (a) "Broker" means any person engaged in negotiating sales or purchases of selected dairy products for or on behalf of a retailer or wholesaler, or both.

(b) It is unlawful for a broker to offer for sale or purchase or participate in the offering for sale or purchase of selected dairy products if such sale or purchase, if engaged in by a wholesaler, violates this section.

Approved July 10, 1957.
