

Chapter Ag 104

MILK AUDITS

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Ag 104.01 Definitions. (1) "Department" means the Department of Agriculture of the state of Wisconsin.

(2) "Price" includes the amount to be charged or paid, and the proceeds to be delivered, and shall be money or property presently paid, delivered, or vested indefeasibly in the person entitled thereto, as the contract, arrangement or practice shall provide.

(3) "Pay" and its variants includes, without limitation, delivery of the price, as herein defined, to the person entitled thereto.

(4) For the purpose of determining the amount of deduction hereunder, "milk" shall include "milk" and "cream" as defined by section 97.02, Wis. Stats.

Ag 104.02 Records. (1) All persons receiving milk from producers shall keep such true and accurate records and accounts of the receipts of milk from producers that will clearly reflect and show the persons from whom such milk was received, the amounts thereof, the butterfat content, the time of delivery, the amounts paid to each producer, the amounts used for the various purposes, according to price classification, to wit: manufactured products and by-products; government bids; contracts; relief; fluid cream; fluid milk or any other disposition. Such records shall be kept in permanent books which shall be available for inspection and audit by the authorized representative of said department.

(2) Each dealer shall keep on file a written statement, or copy, of all contracts, arrangements or practices relating to prices to be paid producers showing the price paid per 100 pounds of milk, the butterfat test used as the basis of payment, and the price per one-tenth of one per cent for variation above or below basis test; or its equivalent on a butterfat basis.

Ag 104.03 Reports. All persons subject to section 100.07, Wis. Stats., shall furnish to the department a true and accurate statement, on or before the twentieth of the month following the month in which such milk was received, in such manner and on such forms as shall be furnished by the department.

Ag 104.04 Deductions. Each person subject to these regulations shall deduct from the price to producers four-tenths cent per 100 pounds of milk. The milk pound equivalent of cream shall be computed on the milk from which obtained, or in lieu thereof on the usual 3.5% butterfat conversion table. Amounts so deducted are trust funds and shall be paid to the department.

Ag 104.05 Exempt transactions. These regulations shall not be construed to cover any milk in interstate commerce when such regulation shall conflict with the federal constitution, or any statute, rule, or regulation existing thereunder.