

Chapter ATCP 89

EGGS, UNFAIR PRACTICES

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Note: Chapter Ag 108 was renumbered Chapter ATCP 89 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 448.

**ATCP 89.01 Definitions.** As used in this chapter:

- (1) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.
- (2) "Person" includes a partnership, association and corporation.
- (3) "Eggs" means chicken eggs in the shell.
- (4) "Dealer" means any person engaged in the purchase of eggs for resale.
- (5) "Grade" and "size" means a grade and size prescribed under ch. ATCP 88 or U.S. department of agriculture regulations (7 CFR part 56).

History: Cr. Register, January, 1960, No. 49, eff. 2-1-60; cr. (5), Register, July, 1960, No. 55, eff. 8-1-60; am. (1) and (5), Register, June, 1974, No. 222, eff. 7-1-74; correction in (1) made under s. 13.93 (2m) (b) 6, Stats., Register, April, 1993, No. 448.

**ATCP 89.02 Misrepresentation.** No dealer in connection with the purchase or sale of eggs shall falsely state or otherwise misrepresent the grade, size, or quality of such eggs, the date of grading, or the number of inedible, reject or restricted eggs.

History: Cr. Register, January, 1960, No. 49, eff. 2-1-60; am. Register, June, 1974, No. 222, eff. 7-1-74.

**ATCP 89.03 Receipt.** (1) No dealer in connection with a purchase of eggs on the basis of grade or size shall fail to furnish the seller with a receipt or other written statement showing:

(a) The grade, the date of grading, and the number and price per dozen of eggs of each grade, if the eggs were graded by or for him or her.

(b) The number and price per dozen of eggs of each size, if the size of the eggs was determined by or for him or her, and the minimum weights for individual eggs of each size if such minimum weights are greater than those prescribed for eggs of such size.

(2) When a receipt or other written statement is furnished to the seller as required in sub. (1), the dealer shall keep a copy or record thereof for 30 days for examination by the department.

History: Cr. Register, January, 1960, No. 49, eff. 2-1-60; am. (1) (b), Register, July, 1960, No. 55, eff. 8-1-60; corrections in (1) made under s. 13.93 (2m) (b) 5, Stats., Register, April, 1993, No. 448.

**ATCP 89.04 Advertising.** (1) No person shall advertise or otherwise solicit the purchase or sale of eggs at a stated price without clearly indicating the grade and size of such eggs or that they are Ungraded.

(2) No person shall advertise or otherwise represent eggs to be "fresh" unless they conform to minimum quality and labeling requirements for Grade A eggs under ch. ATCP 88 or U.S. department of agriculture egg grading regulations (7 CFR part 56).

Note: This chapter specifically proscribes certain unfair methods of competition and unfair trade practices in the egg industry, generally prohibited by s. 100.20, Stats.

History: Cr. Register, January, 1960, No. 49, eff. 2-1-60; am. Register, June, 1974, No. 222, eff. 7-1-74.