

Chapter ATCP 159

WISCONSIN GRAIN GRADES

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Note: Chapter Ag 94 was renumbered chapter ATCP 159 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

ATCP 159.01 Definitions. (1) “Department” means the state of Wisconsin department of agriculture, trade and consumer protection.

(2) “Person” means any individual, partnership, corporation, firm, or association engaged in business as principal or agent in the buying, selling, storing or shipping grain.

(3) “Federal act” means the United States Grain Standards Act of 1916, as amended (7U.S.C. 71 et. seq.).

(4) “Grain” means corn, wheat, rye, oats, barley, flaxseed, sorghum, soybeans and mixed grains, and any other food grains, feed grains, and oil seeds for which standards are established and defined under the federal act.

(5) “Official grade” means a numerical or sample grade designation, established under the federal act and used to identify the grade of grain which has been officially inspected and graded.

(6) “Official inspection” means the determination and the certification, by official inspection personnel, of the kind, class, quality, or condition of grain under standards established in the federal act.

(7) “Official inspection personnel” means employees of state or other governmental agencies, commercial agencies or other persons who are licensed to perform all or specified functions involved in official inspections under the federal act.

(8) “Grade” means a numerical or sample grade designation established under the federal act for use in identifying the grade, quality or condition of grain.

(9) “Officially graded” means any grain that has been officially sampled, inspected, and certified by official inspection per-

sonnel and found to be of a particular kind, class, quality or condition.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75; correction in (1) made under s. 13.93 (2m) (b) 6., Stats., Register, April, 1993, No. 448.

ATCP 159.02 Prohibitions. (1) No person shall, in any sale, offer for sale, or consignment:

(a) Misrepresent that any grain has been officially inspected or graded and found to be of a particular kind, class, grade, quality, condition or quantity, or that particular standards or factors have been established with respect to such grain by official inspection.

(b) Represent grain which has been officially inspected and graded as being of a grade or quality contrary to the grade or quality designation set forth in the official inspection certificate issued for such grain.

(c) Knowingly describe grain by any grade designation or other description which is false or misleading.

(d) Forge, counterfeit, alter, obliterate, damage or remove an official inspection certificate on any lot of grain.

(2) Nothing herein shall prohibit a person from designating a grade for grain or of using standards or factors as prescribed under the federal act in arriving at such grade for grain, provided no representations are made that the grain has been officially graded or that such standards or factors have been officially determined.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.

ATCP 159.03 Fees. The department may grade any lot of grain upon the request of the owner or holder of such grain, and shall establish and collect fees sufficient to cover the actual cost of the grading services provided for herein.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.