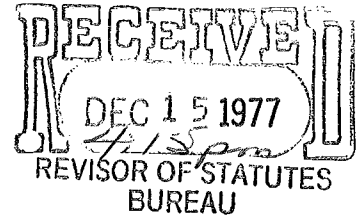


Ag 124

STATE OF WISCONSIN)
DEPARTMENT OF AGRICULTURE,) SS
TRADE & CONSUMER PROTECTION)

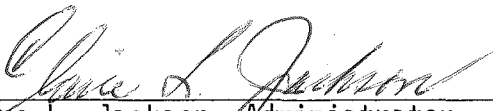


TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Claire L. Jackson, Administrator, Trade Division, and custodian of the official records of said Division do hereby certify that the annexed order amending and adopting rules relating to comparison price advertising, Wis. Adm. Code Chapter Ag 124, was duly adopted by the Department on December 12, 1977.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 12 day of December, 1977.



Claire L. Jackson, Administrator
Trade Division

ORDER OF THE DEPARTMENT OF
AGRICULTURE, TRADE AND CONSUMER PROTECTION

AMENDING RULES

Pursuant to the authority vested in the Department of Agriculture, Trade and Consumer Protection by sections 100.20(2) and 93.15(1), Wis. Stats., the State of Wisconsin Department of Agriculture, Trade and Consumer Protection hereby amends rules as follows:

Section Ag 124.02(5) is amended to read:

(5) "Price comparison" means the direct comparison, expressed wholly or in part in dollars, cents, fractions or percentages, in any advertisement, of a seller's current price for consumer property or services with any other price or statement of value for such property or services, whether or not such prices are actually stated in the advertisement. The term includes, but is not limited to, such comparisons as "50% off," "save 1/3," "Half price sale," "Was \$20, now half price," "\$10 value, now \$8," or "Was \$7, now \$6."

Section Ag 124.03 is amended to read:

Ag 124.03 PRICE COMPARISON; GENERAL. No price comparison may be made by a seller:

(1) Based on a price other than one at which consumer property or services were sold or offered for sale by the seller or a competitor, or will be sold or offered for sale by the seller in the future, in the regular course of business in the trade area in which the price comparison is made.

(2) In which the consumer property or services differ in composition, grade or quality, style or design, model, name or brand,

kind or variety, or service and performance characteristics, unless the general nature of the material differences is conspicuously disclosed in the advertisement with the price comparison.

Section Ag 124.04 is amended to read:

Ag 124.04 SELLER'S ACTUAL SALE PRICES. (1) No price comparison may be made by a seller based on a price at which consumer property or services were sold by the seller unless:

(a) The price is a price at which such property or services were actually sold by the seller in the last 90 days immediately preceding the date on which the price comparison is stated in the advertisement; or

(b) The price is a price at which such property or services were actually sold by the seller during any other period, and the advertisement discloses with the price comparison the date, time or seasonal period when such sales were made.

(2) Notwithstanding subsection (1), no price comparison under this section may be made by a seller based on a price which exceeds the seller's cost plus the percentage markup regularly used by the seller in the actual sale of such property or services, or consumer property or services of similar class or kind, in the seller's recent and regular course of business.

Section Ag 124.05 is amended to read:

Ag 124.05 SELLER'S OFFERED PRICES. (1) No price comparison may be made by a seller based on a price at which the seller has offered for sale but has not sold consumer property or services unless:

(a) The price is a price at which such property or services were actually offered for sale by the seller for at least 4 weeks

during the last 90 days immediately preceding the date on which the price comparison is stated in the advertisement; or

(b) The price is a price at which such property or services were actually offered for sale by the seller for at least 4 weeks during any other 90-day period, and the advertisement clearly discloses the date, time, or seasonal period of such offer.

(2) Notwithstanding subsection (1), no price comparison may be made by a seller based on a price which exceeds the seller's cost plus the percentage markup regularly used by the seller in the actual sale of such property or services, or consumer property or services of similar class or kind, in the seller's recent and regular course of business.

Section 124.06 is amended to read:

Ag 124.06 SELLER'S FUTURE PRICES. No price comparison may be made by a seller based on an increased price at which consumer property or services will be offered or sold in the future unless:

(1) The advertisement clearly discloses that the price comparison is based on a future price increase; and

(2) The effective date of the future price increase, if more than 90 days after the price comparison is first stated in an advertisement, is clearly disclosed in the advertisement; and

(3) The future price increase takes effect on the date disclosed in the advertisement or if not disclosed in the advertisement within 90 days after the price comparison is stated in the advertisement; and

(4) The consumer property or services are continuously and actively offered for sale by the seller at a price not less than the advertised future price for at least 4 consecutive weeks after

the effective date of the price increase, except where compliance becomes impossible of circumstances beyond the seller's control.

Section Ag 124.08(2) is amended to read:

(2) Disclosure of the date, time or seasonal period as required under sections Ag 124.04(1)(b) or Ag 124.05(i)(b), need not be made on a label, tag or sign used at the premises of the retail seller in connection with the offer or sale of consumer property of a seasonal nature if the comparison is based on a price used during the immediately preceding selling season.

Section Ag 124.09 is amended to read:

Ag 124.09 REPORTING. Pursuant to section 93.15(1), Wisconsin Statutes, persons making price comparisons shall, within 14 days after receipt of specific written questions from the department, submit answers in writing concerning the basis on which the price comparison was made, including, where requested, a description of such invoices, receipts or other business records as may be in the seller's possession which would tend to substantiate the basis for the price comparison.

The rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: Dec. 12, 1977.

STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By Claire L. Jackson
Claire L. Jackson
Administrator
Trade Division