

No. 256, S.]

[Published June 21, 1949.

**CHAPTER 302.**

AN ACT to create 20.60 (24) and 97.73 of the statutes, relating to the adulteration or misbranding of antifreeze solutions, requiring inspection and a permit for their sale, providing a penalty and making an appropriation.

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

SECTION 1. 20.60 (24) of the statutes is created to read:

20.60 (24) PERMIT FEES UNDER SECTION 97.73. All moneys collected under section 97.73 shall be paid within one week after receipt into the general fund and are appropriated therefrom to the department of agriculture for the execution of its functions under said section.

SECTION 2. 97.73 of the statutes is created to read:

97.73 (1) USE OF TERMS. As used in this section, unless the context otherwise requires:

(a) "Antifreeze" includes all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines in order to prevent freezing of the cooling liquid or to lower its freezing point.

(b) "Person" includes individuals, partnerships, corporations, companies and associations.

(c) "Department" means the state department of agriculture.

(2) ADULTERATION. An antifreeze solution shall be deemed to be adulterated if,

(a) It consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine; or

(b) It will make the operation of an engine dangerous to the user; or

(c) Its strength, quality or purity falls below the standards therefor under which it is sold.

(3) MISBRANDING. Antifreeze shall be deemed to be misbranded if,

(a) Its labeling is false or misleading in any particular; or

(b) When in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller or distributor together with an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.

(4) PERMIT REQUIRED. Before any antifreeze solution shall be sold, exposed for sale or held with intent to sell within this state a sample thereof shall be inspected by the department. Upon application of the manufacturer, packer, seller or distributor, accompanied by the payment of a fee of \$20 for each brand of such solution submitted, the department shall make an inspection thereof. If the solution is not adulterated or misbranded and is not in violation of this section, the department shall give the applicant a written permit authorizing the sale of such solution in this state for the antifreeze marketing year beginning July 1 and ending June 30 for which the inspection fee is paid. During the time that such permit is in effect for a particular antifreeze solution any person may sell the same without obtaining an additional or duplicate permit. If the department denies a permit it shall be unlawful to sell, expose for sale or hold with intent to sell such solution within this state. If, after granting a permit, the department finds the solution affected to have been subsequently adulterated or misbranded or that a change has been made in the name, brand or trade-mark under which the solution is sold or offered for sale, or that it otherwise violates the provisions of this section, the department shall notify the applicant and the permit shall be canceled forthwith.

(5) INSPECTION. The department shall enforce the provisions of this section by inspections, chemical analyses or any other appropriate methods and may call upon the oil inspection bureau to render assistance. All samples for inspection or analysis shall be taken from stocks in the state or intended for sale in the state, or the department through its agents or the inspectors of the oil inspection bureau may call upon the manufacturer or distributor applying for an inspection of antifreeze to supply such samples thereof for analysis. The department, through its agents, or the inspectors of the oil inspection bureau shall have free access during business hours to all places of business, buildings, vehicles, cars and vessels used in the manufacture, transportation, sale or storage of any antifreeze, and may open any box, carton, parcel or package, containing or supposed to contain any antifreeze and may, upon payment or tender of the market value, take therefrom samples for analysis.

(6) ADMINISTRATION AND ADVERTISING. The department may promulgate such rules and regulations as are necessary to enforce effectively the provisions of this section and may furnish upon request a list of the brands and trade-marks of antifreeze inspected by the department during the calendar year which have been found to be in accord with this section. No advertising literature relating to any antifreeze sold or to be sold in this state shall contain any statement that the antifreeze advertised for sale has been approved by the department; but if any antifreeze has been inspected by the department and found not to be in violation of this section such statement may be contained in any advertising literature where such brand or trade-mark of antifreeze is being advertised for sale. Whenever the department shall discover any antifreeze is being sold or has been sold in violation of this section, the facts shall be furnished to the attorney-general who shall institute proper proceedings.

(7) PENALTY. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 and not exceeding \$500 for each offense.

Approved June 17, 1949.

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