

## CHAPTER 99.

## UNIFORM COLD STORAGE ACT.

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**Cross Reference:** See definitions in 93.01.

**99.01 Definitions.** For the purpose of this chapter "cold storage" shall mean the storage or keeping of articles of food at or below a temperature above zero of forty-five degrees Fahrenheit in a cold storage warehouse; "cold storage warehouse" shall mean any place artificially cooled to or below a temperature above zero of forty-five degrees Fahrenheit, in which articles of food are placed and held for forty days or more; "article of food" shall mean fresh meat as defined in section 97.02 and fresh meat products and all eggs, butter, and butter substitutes; and articles of food shall be deemed to be "received in cold storage" when they are delivered to and come into possession or custody of the licensee of a cold storage warehouse. [1935 c. 550 s. 318]

**Note:** Egg whites and egg yolks separately stored are subject to provisions of chapter 99, Stats. 27 Atty. Gen. 313.

**99.02 License.** No person, firm or corporation shall maintain or operate a cold storage warehouse without a license so to do issued by the department of agriculture. Any person, firm or corporation desiring such license shall make written application to the department for that purpose, stating the location of the warehouse. The department thereupon shall cause an examination to be made of said warehouse and, if it be found by the department to be in a proper sanitary condition and otherwise properly equipped for its intended use, the department shall issue a license authorizing the applicant to operate the same as a cold storage warehouse during one year upon payment to the state treasurer by the applicant of a license fee as follows: For a warehouse located in a city of the first class, \$40; for a warehouse located in a city of the second class, \$30; for a warehouse located in a city of the third class, or a village of over 10,000 population, \$20; for a warehouse located in a city of the fourth class, \$10; and for a warehouse located in a village or town, \$5. [1935 c. 550 s. 319; 1943 c. 55]

**99.03 Sanitation.** In case any cold storage warehouse, or any part thereof, shall at any time be deemed by the department to be in an insanitary condition, or not properly equipped for its intended use, it shall notify the licensee of such condition and upon the failure of the licensee to put such cold storage warehouse in a sanitary condition or to properly equip the same for its intended use, within a time to be designated by the department, it shall revoke such license. [1935 c. 550 s. 320]

**99.04 Records and reports.** Every such licensee shall keep accurate records of the articles of food received in and of the articles of food withdrawn from his cold storage warehouse, and the department shall have free access to such records at any time. Such records shall show the following:

- (1) Name and address of owner or depositor of each lot of food received.
- (2) Lot number and date of receipt into cold storage.
- (3) If articles have been previously held in cold storage, records of former receipts into cold storage, deliveries from cold storage and transfers from one cold storage warehouse to another.
- (4) Kinds, including number of individual units and total quantities of goods stored.
- (5) Lot number and dates of withdrawals of whole or portions of articles of food received in cold storage.
- (6) Name and address of parties withdrawing the same specifying kinds, including number of individual units and the total quantity withdrawn.

Every such licensee shall submit a monthly report to the department, setting forth in itemized particulars the quantities and kinds of articles of food received in, delivered from and remaining in his cold storage warehouse. Such monthly reports shall be filed on or before the fifth day of each month except that when a federal agency requires

similar reports as of a different date, the date for filing the state reports shall be the same as the date set by the federal agency, and the reports so rendered shall show the articles of food received in, and delivered from his cold storage warehouse during the preceding calendar month, or such monthly period as specified by a federal agency requiring similar reports, the conditions existing on the last day of such preceding month reported and a summary of such reports shall be prepared by the department and shall be open to public inspection within 10 days after the reports are received. [1935 c. 550 s. 321; 1941 c. 330]

**99.05 Inspection.** The department shall inspect and supervise all cold storage warehouses and make such inspection of articles of food therein as it may deem necessary to secure the proper enforcement of this chapter, and it shall have access to all cold storage warehouses at all reasonable times. The department may appoint such persons as it deems qualified to make any inspection under this chapter. [1935 c. 550 s. 322]

**99.06 Purity of foods.** No person, firm or corporation, as owner shall knowingly place, receive or keep in any cold storage warehouse any articles used for food or drink or condiment by man, whether simple, mixed or compound, nor any article used or intended for use as ingredients in the composition thereof, or in the preparation thereof, if diseased, tainted, infested or contaminated with maggots or any other form of insect organism or with animal excreta or if otherwise unfit for human consumption, or which may not reasonably be expected to keep wholesome for human consumption, unless said articles bear a label or brand in accordance with forms to be prescribed by the department showing plainly the fact that the said articles are not intended for human consumption and are not to be sold or used as and for such, and the date when such articles were received in cold storage, and unless the aforesaid articles shall be stored separate and apart from all foods intended for human consumption. [1935 c. 550 s. 323]

**99.07 Marking dates of reception and removal of foods.** Whenever articles of food shall be received in cold storage, such articles shall be given a distinctive lot number under which they shall be kept in cold storage and which distinguishes them from each and all articles then in cold storage or delivered later for cold storage, and such lot numbers shall be plainly marked on each parcel or package and be made an essential part of the records of such cold storage warehouses and shall appear on their records, warehouse or other receipt, or any other memoranda in writing relating to such articles. No person, firm or corporation shall place, or keep in any cold storage warehouse in this state articles of food unless the same shall be plainly marked, stamped or tagged, either upon the container in which they are packed, or upon the article of food itself, with the lot number and the date received; and no person, firm or corporation shall remove, or allow to be removed, such article of food from any cold storage warehouse unless the same shall be plainly marked, stamped or tagged, either on the container in which it is inclosed or upon the article of food itself, with the date of such removal, and such marks, stamps and tags shall be prima facie evidence of such receipt and removal and of the dates thereof. It shall be unlawful for any person, firm or corporation, except the ultimate consumer or purchaser of such article of food, to remove, alter, mutilate or conceal such dates of entry and removal from cold storage. When any package containing such article of food shall be broken and the contents thereof sold by items, or when the said lot numbers and dates are marked, stamped or tagged upon the article of food itself in bulk, then the seller shall, at the request of the purchaser, correctly state the information required by this section to be placed upon the original package or upon the article of food itself in bulk, upon a tag to be attached to such item before delivering the same to the purchaser. The container from which such article of food is sold shall be in plain view of the purchaser or on demand produced for inspection by the purchaser. [1935 c. 550 s. 324]

**99.08 Time limitation on storage.** No person, firm or corporation shall hereafter keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the state, for a longer aggregate period than twelve months, except with the consent of the department as hereinafter provided. The department may upon application extend the period of storage beyond twelve months for any particular article of food, provided the same is found upon examination to be in proper condition for further cold storage. The length of time for which such further storage is allowed shall be specified in the order or orders granting the permission and shall not exceed six months. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the department, the kinds and amounts of the articles of food for which the storage period was extended, and the length of time for which this continuance was granted, shall be filed, open to public inspection, in the office of the department, and shall be included in its annual report. [1935 c. 550 s. 325; 1939 c. 123]

**99.09 Limitation on storage other than cold storage.** (1) It shall be unlawful to sell, or offer for sale, any article of food which has been held for a period of forty days or over in cold storage either within or without the state, except as and for "cold storage products," or as and of a specified grade and without notifying persons purchasing, or intending to purchase the same, that it has been so held or without marking each package, parcel or container in which cold storage products are offered for sale with the true and correct grade fixed for articles of food as provided for in section 93.09. When articles of food which have been held in cold storage for a period of forty days or over are displayed for sale in any store or other place where such articles are sold, a placard, plainly and conspicuously marked "cold storage products" shall be displayed on the bulk mass of said articles of food, or a placard shall be displayed plainly and conspicuously marked with the correct grade of the articles of food offered for sale, and if articles of food which have been held in cold storage for a period of forty days or more are sold in any store or other place but not exposed to view, a placard setting forth the kind of products and the fact that they are cold storage shall be conspicuously displayed in the place of sale, unless the cold storage products offered for sale and sold are conspicuously marked with the correct grade of the articles of food offered for sale and sold as and of their proper grade. It shall be unlawful to sell, offer for sale, represent or advertise as fresh any article of food which has been held in cold storage for a period of forty days or over. It shall be unlawful to sell or to offer for sale, to display, advertise, or to represent in any manner whatsoever for the purpose of selling, any products other than cold storage that have been held for a period of forty days or over, either within or without the state, without notifying the persons purchasing or intending to purchase the same, that they are held products, unless said held products offered for sale or sold are conspicuously marked with the correct grade of the articles of food offered for sale and sold as and of their proper grade.

(2) Every person who sells any article of food which has been held in cold storage for 40 days or over shall keep an accurate record of all such articles sold, showing designation or lot number under which the article has been held in cold storage, date when sold, kind and quantity sold, and name and address of person to whom sold, and such records shall be open and accessible to the department and its agents at all reasonable times, but nothing herein shall be construed as requiring persons who sell at retail to consumers only to keep the aforesaid records.

(3) Subsection (1) shall not apply to fish or meats and poultry in so far that such articles of food may be sold without the label "cold storage" but shall be labeled in lieu thereof, "frozen fish" or "frozen" or "frosted" "meats" and "poultry" as the case may be. [1933 c. 84, 332; 1933 c. 450 s. 7; 1935 c. 550 s. 326; 1939 c. 419; 1943 c. 229]

**99.10 Foods removed not to be returned to storage.** It shall be unlawful to return to any cold storage warehouse any article of food which has been once released from storage for the purpose of placing it on the market for sale. Provided, however, that the department may, upon application, permit eggs and butter to be returned to any cold storage warehouse, provided the same is found upon examination to be in proper condition for further cold storage. Such return shall be unlawful unless all prior stampings, markings and taggings upon such article shall remain thereon. It shall be unlawful to transfer any article of food from one cold storage warehouse to another, except with the consent of the department, and such transfer shall be unlawful unless all prior stampings, markings and taggings upon such article shall remain thereon. [1935 c. 550 s. 327]

**99.11** [Repealed by 1943 c. 401 s. 25]

**99.12 Penalty.** Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars and for the second or any subsequent offense by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court. [1935 c. 550 s. 329]

**99.13 Interpretation.** This chapter shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it. [1935 c. 550 s. 330]

**99.14 Citation.** This chapter may be cited as the "Uniform Cold Storage Act." [1935 c. 550 s. 331]

## CHAPTER 100.

## MARKETING; WAREHOUSES; TRADE PRACTICES.

100.01	Regulation of marketing of perishable fruits and vegetables.	100.18	Fraudulent advertising.
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100.16	Selling with pretense of prize.	100.30	Unfair sales act.
100.17	Guessing contests.		

**Cross Reference:** See definitions in 93.01.

**100.01 Regulation of marketing of perishable fruits and vegetables.** (1) When used in this section:

(a) The term "person" includes individuals, partnerships, corporations and associations.

(b) The term "perishable agricultural commodities" means fresh fruits and fresh vegetables of every kind and character.

(c) The term "commission merchant" means any person engaged in the business of receiving any perishable agricultural commodity for sale on commission, or for or on behalf of another.

(d) The term "dealer" means any person who buys, sells, offers or exposes for sale, or has in his possession with intent to sell, any perishable agricultural commodity, except that (1) no producer shall be considered a dealer in respect to sales of any such commodity of his own raising; (2) no person buying such commodity solely for sale at retail shall be considered a dealer in respect to such commodity.

(e) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity, for or on behalf of the vendor or the purchaser, respectively.

(2) (a) After July 1, 1933, no person shall at any time, carry on the business of a commission merchant, dealer or broker as herein defined, without a license as herein provided.

(b) Any person desiring any such license shall make application to the state department of agriculture, upon blanks to be furnished by said department, upon filing of said application, and pay a fee of five dollars annually for such license. As a condition to the granting of such license the applicant shall execute and file a bond with such department, in such form and amount and with such surety or sureties as it may direct. Such bond shall be conditioned that the applicant will faithfully perform his obligations as a bonded commission merchant, dealer or broker under the laws of this state and the rules and regulations of the department. Whenever the department shall determine that a bond approved by it is, or for any cause has become, insufficient it may require an additional bond or bonds and unless the same be given within the time fixed by a written demand therefor the license of such commission merchant, dealer or broker may be suspended or revoked. Any person claiming himself to be damaged by any breach of the conditions of a bond given by a licensee as hereinbefore provided may enter complaint thereof to the department, which complaint shall be a written statement of the facts constituting said complaint. Upon filing such complaint in the manner herein provided, the department shall investigate the charges made, and at its discretion order a hearing giving the party complained of notice of the filing of such complaint and the time and place of such hearing. At the conclusion of said hearing the department shall report its findings and render its conclusions upon the matter complained of to the complainant and the respondent in each case, who shall have fifteen days following in which to make effective and satisfy the department's conclusions. And if such settlement is not effected within the time aforesaid, either party, if aggrieved by any condition of the bond may, upon first obtaining the approval of the department, commence and maintain an action against the principal and sureties on the bond of the party complained of as in any civil action; provided no action against the bondsmen of a licensee shall in any instance be maintained without the written approval of the department, which shall be attached to and made a part of the original complaint in such action. Upon commencing such action a copy thereof shall be filed in the