

WISCONSIN BRAND LAWS

WISCONSIN STATUTES

CRIMES

CHAPTER 943. CRIMES AGAINST PROPERTY MISAPPROPRIATION

943.37. Alteration of property identification marks

Whoever does any of the following with intent to prevent the identification of the property involved is guilty of a Class A misdemeanor:

- (1) Alters or removes any identification mark on any log or other lumber without the consent of the owner; or
- (2) Alters or removes any identification mark from any receptacle used by the manufacturer of any beverage; or
- (3) Alters or removes any manufacturer's identification number on personal property or possesses any personal property with knowledge that the manufacturer's identification number has been removed or altered. Possession of 2 or more similar items of personal property with the manufacturer's identification number altered or removed is prima facie evidence of knowledge of the alteration or removal and of an intent to prevent identification of the property.
- (4) Alters or removes livestock brands, recorded under s. 95.11, from any animal without the owner's consent, or possesses any livestock with knowledge that the brand has been altered or removed without the owner's knowledge or consent.

AGRICULTURE, FOOD AND TRADE PRACTICES CHAPTER 95. ANIMAL HEALTH

95.11. Livestock branding

(1) Definitions. As used in this section:

- (a) "Brand" means an identification mark which is burned, tattooed or otherwise permanently marked onto livestock in accordance with department rules. A brand shall consist of a symbol, letter, or combinations of symbols, letters or numbers in a specific location but does not include ear notches or similar disfigurement, a mark which is solely a numeral or a mark required by law for official identification in disease control programs.
- (b) "Livestock" means cattle and horses.

(2) Adoption and use. Any person may adopt an exclusive brand by recording such brand under sub. (3).

(3) Recording; fees. (a) Any person desiring to adopt any brand, not the recorded brand of another person, shall forward to the department a facsimile of the desired brand, together with a written application and a recording fee.

Upon receipt the department shall record the brand, unless the brand is of record as that of some other person or conflicts with the recorded brand of any person. If the brand does not qualify for recording, or there is a conflict between applications received on the same date, the facsimile and fee shall be returned to the applicant. If the brand is accepted, the ownership thereof shall vest from the date of filing.

(b) In 1984 and every 10th year thereafter, every owner of a brand shall rerecord the brand according to department rules. At the expiration of each recording period the department shall notify every owner of a brand at the owner's address of record that the brand has not been rerecorded and that the brand must be rerecorded within 90 days. Failure to rerecord the brand is an abandonment of the brand, and it can be recorded by another applicant thereafter.

(c) Any recorded brand is subject to transfer as personal property. Instruments evidencing transfer of a brand shall be recorded by the department upon payment of a transfer fee.

(d) The fee for initial recording is \$20, and for rerecording and transfer is \$10. When any brand is recorded, the owner is entitled to one certified copy of the recorded brand. Additional certified copies may be obtained upon the payment of \$2 for each copy.

(4) Suit by owner. An owner of a recorded brand may sue for injunctive relief and damages arising from an unauthorized use of the owner's brand on livestock and a judgment in the owner's favor may include costs and reasonable attorney fees.

WISCONSIN ADMINISTRATIVE CODE

AGRICULTURE, TRADE & CONSUMER PROTECTION

CHAPTER ATCP 14. LIVESTOCK BRANDING

ATCP 14.01 Definitions.

The following terms, as defined, shall apply in the interpretation and enforcement of these rules:

- (1) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.
- (2) "Person" means any individual, partnership, corporation, association or other business entity.
- (3) "Farrell system" means a numbering system using symbols other than Arabic or Roman numerals.
- (4) "Brand" means an identification mark as defined in s. 95.11 (1) (a), Stats.

ATCP 14.02 Application for recording of brands.

- (1) Applications for the recording of a brand shall be made on forms provided by the department and shall include:
 - (a) The applicant's name and address
 - (b) A facsimile of the desired brand.
 - (c) The site location for the brand as authorized under s. ATCP 14.06 (2) and (3).

(d) The signature of the applicant.

(2) The application shall be accompanied by an initial recording fee of \$ 20. Failure to remit the recording fee or comply with requirements of sub. (1) shall be cause for the return of the application to the applicant.

ATCP 14.03 Expiration and renewal of recorded brands.

(1) All recorded brands shall expire on December 31, 1984, and every 10th year thereafter, unless application for renewal of the recorded brand is received prior to expiration date.

(2) Applications for renewal of a recorded brand shall be made on forms provided by the department and be accompanied by a renewal fee of \$ 10.

(3) Recorded brands shall be declared abandoned if application for renewal is not received by the department within 90 days after expiration date of the period for which the brand was recorded.

ATCP 14.04 Disease control identification.

No person shall apply a brand to livestock which would alter, deface or obliterate any markings used to identify animals for purposes of disease control.

ATCP 14.05 Brand identification.

Recorded brands may be applied to livestock only by means of a hot brand, freeze brand, and permanent tattoo method. Recorded brands, as applied to livestock shall be of a size and applied in such a manner as to be clearly readable and identifiable.

ATCP 14.06 Brand site.

(1) The location of a brand on livestock is an integral part of a brand, and if a single brand is recorded for use on both cattle and horses, it may be recorded for use at a common site location. If the same brand is to be used at a different location on livestock, an additional fee shall be required.

(2) Brands for the branding of cattle may be recorded only for application at one of the following sites:

(a) Right ear.

(b) Left ear.

(c) Right side of neck.

(d) Left side of neck.

(e) Right side of shoulder.

(f) Left side of shoulder.

(g) Right rib cage.

(h) Left rib cage.

(i) Right hip.

(j) Left hip.

(3) Brands for the branding of horses may be recorded only for application at one of the following sites:

(a) Right side of head.

(b) Left side of head.

(c) Right side of neck.

(d) Left side of neck.

(e) Right shoulder.

(f) Left shoulder.

(g) Right rib cage.

(h) Left rib cage.

(i) Right hip.

(j) Left hip.

(k) Upper lip.

(l) Lower lip.

(m) Forehead.

ATCP 14.07 Brand design.

(1) Numbers or numerals shall not be recorded as a brand unless accompanied by additional marking configuration.

(2) Single letters may be recorded as a brand, except for the letters "I" and "O" unless accompanied by additional marking configuration.

(3) If recording of a brand is refused for any reason, the department shall promptly notify the applicant stating reasons for denial.

(4) A configuration or design which can be read as a number through use of the "Farrell system" may not be recorded as a brand.

ATCP 14.08 Livestock brand certificate.

No brand shall be effective until approved and recorded and an official brand certificate is issued by the department. The department shall grant or deny a request for an official brand certificate within 20 business days after the request is made to the department, provided that the request is accompanied by all requisite information and documentation,

including the proposed brand design.

Reviewed by AAHS in July 2001.

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