

Wisconsin Consumer Protection Laws

Home Improvement

Energy Savings and Safety Claims

Sellers making energy savings or safety claims must comply with Wisconsin Statutes section 100.21.

- A seller making an energy savings or safety claim must have a reasonable and currently accepted scientific basis for the claim *when the claim is made*. Even if a claim later turns out to be true, the seller may violate the law if the seller has no reasonable basis for the claim when the seller makes the claim.
- A seller does not violate the law if the seller relies in good faith on information supplied by the product manufacturer, and limits claims to those made by the manufacturer.
- The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) may require a seller to submit the information that the seller relied upon to substantiate a claim.
- DATCP may, by rule or special order under Wisconsin Statutes section 100.20, Wis. Stats.:
 - Prohibit unsubstantiated claims.
 - Regulate the manner in which claims are made, including disclosures required to prevent deception.
 - Prescribe test methods or other reasonable criteria for determining the accuracy of a claim.
 - Require corrective advertising, as necessary.
- A seller who violates a DATCP rule or special order may be prosecuted under Wisconsin Statutes section 100.20(6) or 100.26. A court may enjoin violations, and may order a violator to pay restitution and civil forfeitures. Criminal penalties may also apply.
- A person who suffers a monetary loss because of a seller's violation of a DATCP rule or special order may sue the seller under Wisconsin Statutes section 100.20(5), and may recover twice the amount of the loss, together with costs and attorneys fees.