

**3203 IMPLIED WARRANTY: BY REASON OF COURSE OF DEALING OR USAGE OF TRADE**

An implied warranty that a product as sold is of a particular quality or fit for a particular purpose may arise from a (course of dealing) or (usage of trade).

(A "course of dealing" is defined as a sequence of previous conduct between the parties to a particular transaction which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.)

(A "usage of trade" is defined as any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction.)

**COMMENT**

The instruction and comment were originally published in their present form in 1971. The comment was updated in 1980. Editorial changes were made in 1994. No substantive changes were made to the instruction.

Wis. Stat. § 402.314(3).

Wis. Stat. § 401.205(1).

Wis. Stat. § 401.205(2).

Implied warranty of merchantability is explained in Wis JI-Civil 3201.

Implied warranty of fitness for a particular purpose is explained in Wis JI-Civil 3202.