

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1468 Session of
1975

INTRODUCED BY SHELHAMER, R. W. WILT, YAHNER, DiCARLO, HOPKINS
AND WEIDNER, JUNE 12, 1975

REFERRED TO COMMITTEE ON AGRICULTURE, JUNE 16, 1975

AN ACT

1 Amending the act of March 28, 1929 (P.L.86, No.97), entitled, as
2 amended, "An act relating to the grading and sale of grapes,
3 potatoes, apples and peaches in this Commonwealth; providing
4 penalties for violations; and imposing certain duties upon
5 the Department of Agriculture," excluding grapes from the
6 provisions of the act; redefining "closed package"; and
7 limiting the right of agents of the department to enter upon
8 certain premises.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The title and sections 1, 2, 3, 4 and 6, act of
12 March 28, 1929 (P.L.86, No.97), entitled, as amended, "An act
13 relating to the grading and sale of grapes, potatoes, apples and
14 peaches in this Commonwealth; providing penalties for
15 violations; and imposing certain duties upon the Department of
16 Agriculture," reenacted and amended May 21, 1943 (P.L.412,
17 No.191), are amended to read:

18 AN ACT

19 Relating to the grading and sale of [grapes,] potatoes, apples
20 and peaches in this Commonwealth; providing penalties for
21 violations; and imposing certain duties upon the Department

1 of Agriculture.

2 Section 1. Be it enacted, &c., That the term "closed
3 package," wherever used in this act, shall mean a basket, box,
4 bag, or other container the contents of which cannot be
5 adequately inspected without opening it except when packaged in
6 packages of less than three pounds net weight or twelve specimen
7 and if fifty per cent of each specimen is visible to the
8 consumer. The terms "shipment" or "ship for sale," wherever used
9 in this act, shall mean movement to market in a railroad car,
10 motor truck, or other medium of transportation, but shall not be
11 construed to include process of delivery to a local warehouse or
12 shipping station.

13 Section 2. The Secretary of Agriculture of the Department of
14 Agriculture of this Commonwealth is hereby authorized and
15 empowered, after investigation, to establish and promulgate
16 official standards of quality for grading and classifying
17 [grapes,] potatoes, apples and peaches and to change any of them
18 from time to time. The official standards so established and
19 promulgated shall be the same in their requirements as the
20 requirements of the official standards for corresponding grades
21 of [grapes,] potatoes, apples or peaches as promulgated from
22 time to time by the Secretary of Agriculture of the United
23 States, which standards are commonly known as "United States
24 Grades."

25 From and after the establishment of specific grades or
26 standards of quality as hereinbefore provided [grapes,]
27 potatoes, apples and peaches in closed packages shall not be
28 shipped for sale or thereafter sold or exposed for sale except
29 by the grades or standards so established: Provided, however,
30 That [grapes,] potatoes, apples and peaches not graded and

1 classified as to quality may be shipped for sale or sold exposed
2 for sale as "unclassified," if so marked in a conspicuous manner
3 in accordance with rules to be adopted by the Secretary of
4 Agriculture of the Department of Agriculture of this
5 Commonwealth as hereinafter provided.

6 Section 3. [Grapes, potatoes,] Potatoes, apples and peaches
7 in closed packages, if not definitely marked as "unclassified"
8 as hereinbefore provided, shall be marked in a plain and
9 conspicuous manner with a statement of (1) the grade, (2) the
10 contents in cubic measure or weight, (3) the name and address of
11 the person or association under whose authority the [grapes,]
12 potatoes, apples or peaches are packed.

13 In case the marking is changed the person making the same
14 shall cancel the name and address included in the original
15 marking and substitute therefor his own name and address.

16 Section 4. (a) No person shall sell, expose for sale, or
17 transport for sale, [grapes,] potatoes, apples or peaches in
18 closed packages if the package containing them, the label on
19 them, or any advertising accompanying them, shall bear any
20 statement, design, or device regarding the [grapes,] potatoes,
21 apples or peaches, which shall be false or misleading in any
22 particular.

23 (b) No person shall sell, expose for sale, or transport for
24 sale in closed packages, [grapes,] potatoes, apples or peaches
25 packed in such manner that the face or shown surface shall not
26 be an average of the contents of the package.

27 (c) When [grapes,] potatoes, apples or peaches in closed
28 packages are delivered to a common carrier for shipment such
29 delivery shall be presumptive evidence that the [grapes,]
30 potatoes, apples or peaches are intended for sale.

1 Section 6. The enforcement of this act shall be vested in
2 the State Department of Agriculture, and its officers, employes
3 and agents are authorized to enter upon the premises of any
4 person within this State [for the purpose of purchasing packages
5 of grapes,] when he is selling or offering for sale potatoes,
6 apples or peaches and securing evidence of violation of this
7 act; and the Secretary of Agriculture of this Commonwealth is
8 hereby authorized to make such rules and regulations as may be
9 necessary for enforcing its provisions.