

**APPLE PACKING LAW**  
**Act of May 24, 1917, P.L. 266, No. 144**  
AN ACT

Cl. 31

Regulating the packing of apples, providing penalties for violations and imposing certain duties upon the Department of Agriculture.

Section 1. Be it enacted, &c., That every closed package containing apples grown in the State of Pennsylvania, which is sold, offered, or consigned for sale, packed for sale, or shipped for sale, shall bear upon the outside of one end, in plain letters or figures, or both, the name and address of the person by whose authority the apples were packed, the true name of the variety therein contained, and the minimum size or numerical count of the fruit in the package: Provided, That packages which cannot readily be marked on an exposed end shall be similarly marked in a conspicuous place. If the true name of the variety is not known to the packer or to the person by whose authority the apples are packed or branded, then such variety shall be designated as "unknown." Every package of apples which is repacked shall bear the name and address of the person by whose authority it is repacked, and shall be marked as prescribed by this act. The letters and figures used in marking closed packages of apples under the provisions of this act shall be of a size not less than thirty-six-point Gothic.

Section 2. The marks prescribed by this act may be accompanied by any additional marks which are in accordance with the facts, and which are not inconsistent with or do not in any way obscure the marks required by this act. Apples packed and branded in accordance with the United States Apple-Grading Law approved August third, one thousand nine hundred and twelve, shall be exempt from the provisions of this act.

Section 3. All apples packed within the meaning of this act shall be so packed that the face or exposed surface shall fairly represent the average of the apples in the package. And it shall be considered a fair representation if the face or exposed surface does not excel the average of the apples in the package by more than fifteen per centum in the matter of size and freedom from defects.

Section 4. The minimum size of the fruit in all grades shall be determined by taking the transverse diameter of the smallest fruit in the package. Minimum sizes shall be stated in variations of one-quarter of an inch; as, two inches, two and one-quarter inches, two and three-quarter inches, three inches, three and one-quarter inches, and so on, in accordance with the facts. Minimum sizes may be designated by either figures or words, and the word "minimum" may be designated by the use of the abbreviation "min." A tolerance of five per centum in the matter of size shall be allowed.

Section 5. It shall be unlawful for any person to pack for sale, ship for sale, offer or consign for sale, have in possession intended for sale, or sell in closed packages any

apples grown in this State: (a) Which are not packed and marked in accordance with the provisions of this act and the regulations made hereunder; (b) or which bear any false statement, design, or device regarding such apples, within the meaning of this act.

Section 6. Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars for the first offense, and not more than one hundred dollars for each subsequent offense. No person shall be prosecuted under this act who can establish by satisfactory evidence that no part of the packing or branding of the apples concerned was done by him, or under his authority, and that he had no knowledge that they were not packed in accordance with said provisions. All penalties, costs, and fines collected under this act shall be paid to the Secretary of Agriculture, or his agent, and by him shall be paid into the State Treasury, for the use of the Commonwealth.

Section 7. The provisions of this act shall not apply to apples in closed packages which are held, stored, or shipped to storage within the State, until same are packed for sale, offered or consigned for sale, or shipped for sale.

Section 8. The word "person" as used herein shall be construed to include individuals, corporations, partnerships, and associations. The act, omission, or failure of any official or employe of any person, when such official or employe is acting within the scope of his employment or office, shall in every case be deemed also the act, omission, or failure of the person as well as of the official or employe. The words "closed package" shall mean a box, barrel, or other package, the contents of which can not be easily inspected when such package is closed.

Section 9. The enforcement of this act shall be vested in the State Department of Agriculture; and its officers, employes, and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of apples and securing evidence of violation of this act; and the said Department of Agriculture is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions.