

§952. Branding

It is unlawful for any person, firm, association, organization or corporation, or agent, representative or assistant to any person, firm, association, organization or corporation to expose for sale, or sell, at wholesale or retail, to ship, deliver or consign or have in possession potatoes prepared for market unless in containers that have been legibly and conspicuously tagged, branded, labeled or stenciled with the name and address of the person or persons responsible for packing and the name of the grade, net weight and the word "potatoes." All potatoes packed in this State must be packed in containers that conspicuously bear the name of the country where the potatoes were grown. The person or persons responsible for grading are as follows: If the violation is discovered in the packing house then the person or persons packing the potatoes are responsible; if the violation is discovered at any other place, then the person or persons whose name appears on the container are responsible. Each lot of potatoes sold at wholesale must be accompanied by a bill of lading or invoice stating grade, name and address of packer, name and address of the consignor, name and address of the consignee, date of loading and name of loading point. The bill of lading or invoice is prima facie evidence in any court of the person or persons packing potatoes. It is conclusive evidence that potatoes are exposed for sale when packed in containers for delivery or transit, or when the same are in the process of delivery or transit, or are located at a depot, station, warehouse, packing house, boat dock or any place where potatoes are held in storage, or loaded on a boat, truck, trailer or railroad car, for immediate or future sale or transit. For the purposes of this section only, potatoes located at warehouses, or packing houses at point of origin, are not considered exposed for sale until they are loaded or are in the process of being loaded in vehicles of transportation. When a violation of this section occurs, it is deemed to have taken place at the loading point or where such violation first became evident to the commissioner or the commissioner's duly authorized representative. Upon request and submission of proof to the Department of Agriculture, Food and Rural Resources by a packer that the packer has on hand a supply of bags that do not meet the requirement that the bags conspicuously bear the name of a country where the potatoes were grown, and those bags were purchased or contracted for before September 23, 1983, the Commissioner of Agriculture, Food and Rural Resources shall exempt the packer from that requirement until January 1, 1986. The commissioner, at the commissioner's discretion and upon unusual circumstances, may grant packers extended waivers until January 1, 1987. [RR 2021, c. 1, Pt. B, §114 (COR).]

SECTION HISTORY

PL 1965, c. 219, §3 (RPR). PL 1965, c. 464 (AMD). PL 1979, c. 541, §A59 (AMD). PL 1981, c. 513, §4 (AMD). PL 1983, c. 462 (AMD). PL 1985, c. 5 (AMD). PL 1985, c. 655, §1 (AMD). RR 2021, c. 1, Pt. B, §114 (COR).

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