

No. 372

AN ACT

To amend sections two and three as amended, and sections eight and nine of the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred nine), entitled "An act prescribing the powers and duties of the Bureau of Markets in the Department of Agriculture; providing for cooperation with the Bureau of Standards of the Department of Internal Affairs to establish standard receptacles for farm products, and to promulgate regulations for the enforcement thereof; and prescribing penalties for violations of the provisions of this act."

Section 1. Be it enacted, &c., That section two of the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred nine), entitled "An act prescribing the powers and duties of the Bureau of Markets in the Department of Agriculture; providing for cooperation with the Bureau of Standards of the Department of Internal Affairs to establish standard receptacles for farm products, and to promulgate regulations for the enforcement thereof; and prescribing penalties for violations of the provisions of this act," which was amended by the act, approved the twenty-third day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred twenty-one), entitled "An act to amend sections two, three, and thirteen, and to repeal section eleven, of the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred and nine), entitled 'An act prescribing the powers and duties of the Bureau of Markets in the Department of Agriculture; providing for cooperation with the Bureau of Standards of the Department of Internal Affairs to establish standard receptacles for farm products, and to promulgate regulations for the enforcement thereof; and prescribing penalties for violations of the provisions of this act,' by clarifying certain provisions, extending said act to cover the manufacture of standard receptacles for farm products, and providing that violations be prosecuted by summary proceeding," is hereby further amended to read as follows:

Section 2. After investigation and public hearing, and with the approval of the Secretary of Agriculture, the bureau may, from time to time, as far as practicable, establish and promulgate standards for the grade and other classification of farm products; and, in cooperation with the Bureau of Standards of the Department of Internal Affairs, the bureau may establish and promulgate standards for receptacles for farm products, by which their quality, value, or quantity may be determined, and may make regulations governing the marks, brands, and labels, which may be required upon receptacles for farm products for the purpose of showing the name and address of the producer or packer or distributor, the quantity, nature, and quality of the product, or any of them, and for the purpose of preventing deception with reference thereto.

Department of Agriculture.

Bureau of Markets.

Section 2 of act of July 9, 1919 (P. L. 809), as amended by act of May 23, 1923 (P. L. 321), further amended.

Standards and classification of farm products.

Standards for receptacles.

Marks upon receptacles

Canned products.

The provisions of this paragraph shall not apply to canned farm products.

Congressional requirements.

Any standard for any farm product, or any standard for any receptacle for farm products, or any requirement for marking receptacles for farm products, now or hereafter made mandatory under authority of the Congress of the United States, shall forthwith, as far as applicable, be established or prescribed and promulgated by the bureau as the official standard or requirement in this State.

When effective.

No standard established or requirement for marking prescribed under this section shall become effective until the expiration of not less than [six] *three* months after it shall have been promulgated.

Section 3 further amended.

Section 2. That section three of said act, as amended by the said act approved the twenty-third day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred twenty-one), is hereby further amended to read as follows:

Selling of farm products which do not conform to standard.

Section 3. Whenever any standard for the grade or other classification of any farm product becomes effective under this act, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell, any such farm product [grown, manufactured, or prepared] within this State, to which such standard is applicable, unless it conform to such standard, subject to such variations therefrom as may be allowed in the rules and regulations made under this act, except that any such farm product may be packed, offered, or consigned for sale, or sold, without conforming to the standard for the grade or other classification applicable thereto, if the product or the package containing it is not described, marked, or labeled in such a way as to indicate, or to appear upon ordinary observation, that the product conforms to the standard.

Rules and regulations.

The director is authorized to make such rules and regulations under this act as may be deemed necessary to prevent deception with reference to any standards made effective under the act, except as it applies to standard receptacles for farm products.

Manufacture or sale, etc., of receptacles which do not conform to standard.

Whenever any standard for a receptacle for farm products becomes effective under this act, no person thereafter shall manufacture for sale or shipment, sell, offer for sale, consign for sale, or ship any receptacle, either filled or unfilled, to which the standard is applicable, unless the receptacle conform to the standard, subject to such variations therefrom as may be allowed in the regulations made under this act. The Bureau of Markets and the Bureau of Standards of the Department of Internal Affairs, by their joint action, are authorized to make such rules and regulations under this act as may be deemed necessary to enforce the provisions of this section relating to standard receptacles for farm products.

Rules and regulations.

Sale, etc., of farm products in receptacles not properly marked.

Whenever any requirement for the marking, branding, or labeling of a receptacle for farm products becomes ef-

fective under this act, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell and deliver farm products in a receptacle to which such requirement is applicable unless the receptacle be marked, branded, or labeled according to such requirement, or unless such product be brought from outside the State and offered for sale, consigned for sale, or sold in the original package.

The director is authorized, at any time, to cause such investigations, classifications, and tests to be made, and such certificates to be issued, and, upon payment or tender of payment of the market value thereof, to cause such samples to be taken as he may deem necessary to enforce the provisions of this [section] *act*.

Investigations and tests.

Procuring samples.

Section 3. That section eight of said act is hereby amended to read as follows:

Section 8 amended

Section 8. [It shall be the duty of any person in this State engaged in marketing farm products to prepare and submit to the bureau, upon request, at such regular intervals and in such form as may be prescribed, reports of the quantity and condition of any farm product held by or for such person in commercial or other storage in this State.]

Rules concerning products in storage.

Any person in this State *engaged in marketing farm products* shall furnish the bureau, upon request, on such date or dates and in such form as may be prescribed, [special] reports orally or in writing, concerning the demand for and the supply, consumption, cost, value, price, *sale, payment, grade*, condition, [and] period of the holding of any farm product [which is or has been held by or for such person] in storage [or otherwise], *and any other information regarding the marketing of farm products*.

The director is authorized to verify the accuracy of the reports provided for in this section, *and to make the results of such investigations public, subject to the approval of the Secretary of Agriculture*.

[When making public any information received in the reports provided for in this section, the director, his employes, or agents, shall not divulge the name of the person owning or reporting upon a farm product without the consent of such person or except pursuant to legal process.]

Section 4. That section nine of the said act is hereby amended to read as follows:

Section 9 amended.

Section 9. In carrying out the provisions of this act, the director, his employes or agents, are authorized to enter, on any business day during the usual hours of business, any storehouse, warehouse, cold-storage plant, packing house, stockyard, railroad yard, railroad car, or any other building or place where farm products are [kept or stored by any person engaged in marketing] *marketed*.

Right of entry.

APPROVED—The 4th day of May, A. D. 1927.

JOHN S. FISHER