

CHAPTER 263.

[H. B. 204.]

HORTICULTURE—VIOLATIONS OF STANDARDS OF GRADES AND PACKS.

AN ACT relating to horticulture and amending section 15.16.090, RCW.

Be it enacted by the Legislature of the State of Washington:

Amendment.

SECTION 1. Section 15.16.090, RCW, as derived from sections 15, 16 and 17, chapter 166, Laws of 1915, as last amended by sections 3 and 4, chapter 27, Laws of 1931, is amended to read as follows:

It is unlawful for any person who grows, packs, or otherwise deals in fruits, vegetables, nursery stock, or other horticultural products to:

Marking of containers required as to standards of grades and packs.

(1) Offer for sale, sell, or ship any such products in boxes, packages, or other containers without first plainly marking on the outside of each container the standards, rules and regulations adopted by the director hereunder, and, either the true grades of the contents as fixed by said standards, rules and regulations, or a special or private grade or brand registered and approved by the director: *Provided*, That private grades or brands for apples may only be registered and approved when they meet the specifications required of fancy grade or better; or

Same; locality where grown.

(2) Place upon any container the name of any other place or locality than that where the contents were grown, except the place of destination; or falsely mark such container as to variety of the contents, the name of the grower, or place where grown; or the name of a grade which imitates or approaches the name of any grade promulgated by the director; or

False marking or advertising.

(3) Mark, brand, advertise, offer for sale, or sell any such products as being graded according to said standards unless the same does conform therewith; or

(4) Have in his possession any such products that are thusly misbranded; or

Possession of misbranded products.

(5) Re-mark any container to a higher or superior grade than that marked thereon by the grower or packer; or

Re-marking to superior grade.

(6) Repack the contents of a container into a container of another grower or packer, or from another locality than that in which originally packed, and then sell or offer for sale such repacked container without changing its markings to conform with its said contents; or

Repacking without changing markings.

(7) Import, sell, offer for sale or possess any such products which are infected with any pest or disease, or larvae thereof. The fact that any product bears the mark of any scale or insect, or is worm-eaten is conclusive evidence that it is infected.

Infected products.

The provisions of this section do not apply to canned or dried fruits; nor prevent the manufacture of infected fruit into by-products, or its shipment to a by-product factory; nor prohibit the sale of such products as "ungraded" or as graded according to other standards than those adopted by the director if the name of such other grades or standards does not resemble or imitate any official grades and if obligatory grades, rules and regulations have not been adopted as herein provided.

Section inapplicable.

Passed the House March 1, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 23, 1953.