

liberally construed that its beneficial purposes may be subserved.

SEC. 16. This act shall be known and designated as the "Unfair Practices Act."

Passed the House March 8, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 20, 1939.

CHAPTER 222.

[H. B. 324.]

APPLES.

AN ACT relating to apples; providing for the sale and distribution thereof and the prevention of frauds in such sale and distribution; providing for grades and labels and the issuance of permits; levying assessments and fees and providing for their collection; prescribing penalties; and declaring that this act shall take effect immediately.

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

SECTION 1. It shall be unlawful for any person, firm, corporation, trust, association, co-operative or other business unit or device to pack, ship or sell apples unless such apples are sold, packed and graded in compliance with the general rules and regulations made, adopted and promulgated from time to time by the Director of Agriculture pursuant to section 4 of chapter 27 of the Laws of 1931 (section 2855 of Remington's Revised Statutes; section 2723 of Pierce's Code). Within sixty (60) days after the taking effect of this act general rules and regulations shall be adopted and promulgated defining and establishing the following grades:

Compliance with rules and regulations.

Grades.

- (a) Extra fancy
- (b) Fancy
- (c) C grade
- (d) Culls
- (e) Infested culls.

Containers
to be
labeled.

SEC. 2. It shall be unlawful for any person, firm, corporation, trust, association, co-operative or any other business unit or device to buy, sell, offer or expose for sale, or transport or ship any apples to market or for a market unless such apples have been graded and comply with all requirements as to grade, and if culls, unless each and every container thereof and every label, bill of lading, invoice, memorandum and other document referring to said apples describes and defines them as to their grade, variety and size. Whenever the sale or shipment includes cull apples, the name "culls" shall appear on the top and bottom of any and all containers of such apples and upon any labels placed upon such containers in clear and legible letters at least two and one-half (2½) inches high.

Culls.

Inspection.

SEC. 3. It shall be unlawful for any person, firm, corporation, trust, association, co-operative or other business unit or device to ship any apples unless they shall have been theretofore and prior to shipment inspected by the division of horticulture of the Department of Agriculture of the State of Washington and a permit has been obtained by the shipper pursuant to section 2 of chapter 204 of the Laws of 1937 (section 2867 of Remington's Revised Statutes; section 2735 of Pierce's Code).

Permit.

Reinspection
of culls.

SEC. 4. In the event that upon inspection any apples are determined by said division of horticulture to be culls, they shall thereupon be re-inspected and carefully analyzed with reference to disease and infestation, and for such re-inspection a fee of one dollar (\$1.00) per ton shall be paid. If such apples are found free from infestation or disease, a certificate shall thereupon be issued to the shipper so certifying. The said fee of one dollar (\$1.00) shall be used by the division of horticulture to pay the cost and expense of such inspection and certification and to enforce the terms of this act.

Fee.

SEC. 5. No permit shall be issued under section 2 of chapter 204 of the Laws of 1937 (section 2867 of Remington's Revised Statutes; section 2735 of Pierce's Code) nor shall any certificate be issued under this act for the shipment of culls, unless there has been first paid to the division of horticulture for the Washington State Apple Advertising Commission the assessment provided in chapter 195 of the Laws of 1937 (section 2874-1 to section 2874-19, inclusive, of Remington's Revised Statutes; section 6729-101 to section 6729-119, inclusive, of Pierce's Code), and in addition thereto the assessment provided in section 7 of this act.

Payment of
assessment.

SEC. 6. It shall be unlawful for any person, firm, corporation, trust, association, co-operative or other business unit or device to ship or otherwise transport out of the area of production cull apples except to processing plants for processing purposes unless such culls are packed in one-bushel wooden baskets, ring faced and the baskets lidded. The apples in the ring face shall be representative of the size and quality of the apples in the container.

Shipment
of culls.

SEC. 7. There is hereby levied upon each and every basket of culls hereafter shipped or transported within the State of Washington an assessment of five cents (5¢) per basket, which assessment shall be paid to the Washington State Apple Advertising Commission prior to the commencement of shipment or transportation. Such five cents (5¢) per basket shall be used by the Washington State Apple Advertising Commission for the purpose of conducting research to establish further and additional uses for apples and particularly cull apples.

Assessment
of culls.

SEC. 7-A. Nothing in this act shall apply to the shipment of apples to a by-products or processing factory for the purpose of processing or manufacturing of by-products.

By-products
or processing
factories.

Penalty.

SEC. 8. Any person, firm, corporation, trust, association, co-operative, or other business unit or device which violates any provision of this act shall be guilty of a gross misdemeanor.

Partial
invalidity.

SEC. 9. This act shall be liberally construed. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this act.

The Legislature hereby declares that it intended to pass each section and sub-section of this act irrespective of every other section or sub-section, sentence, clause or phrase hereof, and instructs all courts that such is its intention, and that such intention shall be given effect.

Effective
immediately.

SEC. 10. This act is necessary for the immediate preservation of public health, for the preservation of the apple industry and of the apple producing areas, and for the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 20, 1939.