

SEC. 8. All questions as to the character of patients who shall occupy said wards so established and all rules regulating the occupancy thereof shall be determined by the board of county commissioners in the same manner and with the same force and effect as in the case of patients assigned to the county hospital in counties having such hospital.

Rules and regulations.

Passed the Senate January 6, 1926.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 175.

[S. B. 92.]

HORTICULTURE.

AN ACT relating to horticulture and horticultural products, providing for markings of grades, condemnation, unlawful sales, and evidence, and amending Section 2855, Remington's Compiled Statutes.

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

SECTION 1. That Section 2855, Remington's Compiled Statutes, be amended to read as follows:

Amends § 2723, Pierce's Code.

Section 2855. It shall be unlawful for any grower thereof or association or organization of growers packing apples, or other fruits, vegetables or nursery stock, to mark the package with the grade of the contents, or for any person to ship, sell, barter, or otherwise dispose of or offer for sale, or have in his possession for the purpose of sale, any package of apples, or other fruits, vegetables or nursery stock, grown and packed within the state of Washington unless such contents shall comply with the general obligatory rules and regulations made, adopted and published from time to time by the director of agriculture, which general obligatory rules and regulations shall define and establish the standard for the grades.

Unlawful marking of packages of fruits, vegetables or nursery stock.

Rules and regulations establishing standard for grades.

Inspection :

Fruits, etc.,
not meeting
established
standards.

Condemned.

Notice
to change
markings or
recondition
fruits, etc.

May not
sell without
inspector's
permission.

Evidence of
non-com-
pliance with
order
condemning.

In case an inspector making an inspection finds that apples, or other fruits, vegetables or nursery stock do not meet the standards as established by the obligatory rules and regulations, he shall condemn and serve notice upon such owner or person having possession of such apples, or other fruits, vegetables or nursery stock that he may change the markings of the boxes or recondition the fruits, vegetables or nursery stock so that it meets the standards of the general obligatory rules and regulations of the state of Washington but the owner or person having possession of apples, or other fruits, vegetables or nursery stock shall not sell or dispose of the condemned apples, or other fruits, vegetables or nursery stock without written permission from the inspector so to do. It will be *prima facie* evidence that the owner or person who has possession of such apples, or other fruits, vegetables or nursery stock has violated the provisions of this act unless he show the fruit, vegetables or nursery stock in possession or a release in writing signed by an inspector that he has complied with the provisions of the condemnation.

False
marking
or labeling.

It shall be unlawful (1) to mark or place upon any package of vegetables the name of any other place or locality than the place where the same were grown, except the place to which shipped; or to falsely mark any such package as to variety, name of grower, or place where grown, or to represent for purposes of sale that said vegetables were grown in any locality other than that in which they were actually grown, or by any other person than the person by which they were actually grown; (2) to mark, brand, advertise, offer for sale, or sell, any vegetables as graded according to, or by the name of any of the grades promulgated by the director of agriculture unless they conform to such grades; (3) to mark, brand, advertise, offer for sale or sell any vegetables

by the name of any grade that imitates or approaches the name of any of the grades promulgated by the director of agriculture; or (4) to have in his possession any packages or vegetables thus misbranded.

Possession unlawful if package misbranded.

But it shall not be unlawful to sell vegetables as ungraded, or as graded according to other standards than those adopted by the director of agriculture, *Provided*, the name of such other grades or standards does not closely resemble or imitate the name of any of the official grades.

May sell ungraded vegetables.

The general obligatory rules and regulations shall be based on the official hearing held December 15, 1922, and shall be adopted, issued and published not later than July 1, 1923, and thereafter the director of agriculture is authorized and directed to hold a public hearing in the principal districts affected, to consider proposed changes in these obligatory rules and regulations for any kind of fruit, vegetables or nursery stock only when a petition is submitted to him signed by resident freeholders of the state who are owners of twenty-five per cent or more of the total commercial acreage based on the census of the state department of agriculture for the kind of fruit, vegetables or nursery stock for which changes in the rules and regulations are suggested or the director of agriculture may call a public hearing upon a reasonable showing of such a necessity by the industry requesting such hearing to consider desired changes in said rules and regulations and make, adopt, issue and publish general obligatory rules and regulations governing the packing of apples, other fruit, vegetables or nursery stock and establishing and defining the grades thereof, and in adopting the same the director is authorized to consult and advise with fruit, vegetables or nursery growers, the officers of associations or organizations of apple, other fruit, vegetable or nursery growers or distributors or

Rules and regulations.

Hearing on proposed changes in rules:

Petition for.

Hearing.

Advice of experts.

Rules for
hearing.

dealers in apples, other fruits, vegetables or nursery stock. For the conducting of such hearing the director of agriculture may prescribe all necessary reasonable rules, but said rules must be such as to insure a fair, full and impartial opportunity for all interested districts to be heard. In establishing the grading obligatory rules herein mentioned the director of agriculture shall base them on the necessities and properties as shown in said hearing, taking into consideration the tonnage of commercial fruit, vegetables or nursery stock in each district of the state affected by the grading obligatory rules to be established; said rules and regulations so established to become obligatory rules and regulations and be given the same force and effect as though enacted by the legislature of the state of Washington, said obligatory rules and regulations to become effective upon being adopted and promulgated by the director of agriculture.

Legal effect
of estab-
lished rules
and regula-
tions.

Passed the Senate December 11, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.