

hereunder, but any such damage to which the defendant may be entitled shall be recoverable against the plaintiff only.

Passed the House February 13, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 189.

[H. B. 218.]

REGULATING SALE OF CANTALOUPE AND POTATOES.

AN ACT relating to the cantaloupe and the potato industry, providing for certain orders and regulations relative to the sale thereof, prescribing powers and duties of the Director of Agriculture, and prescribing penalties.

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

SECTION 1. It shall be the duty of every Horticultural Inspector to inspect potatoes or cantaloupes before the same are shipped and if he shall find that the same comply with the laws of the State of Washington and the rules and regulations of the Department of Agriculture promulgated thereunder, to issue to the person in charge thereof a certificate of inspection or permit to ship said potatoes or cantaloupes and it shall be unlawful for any person, firm, association or corporation to ship or have any carrier to transport potatoes or cantaloupes unless such certificate of inspection or permit shall have been obtained from a Horticultural Inspector in a manner specified above.

Duty of inspectors.

Inspection.

Certificate to ship.

Duty of seller.

SEC. 2. It shall be unlawful for any person, firm, association or corporation to sell or expose for sale in the State of Washington to any retailer any potatoes or cantaloupes without giving information

to such purchaser in writing of the variety and grade of such potatoes or cantaloupes. Give grade.

SEC. 3. It shall be unlawful for any person, firm, association or corporation to offer for sale at retail any potatoes not coming within the grades of U. S. No. 2 or better, or cantaloupes not meeting the Washington unclassified grade, unless clearly marked with the word "CULL" in large letters on the container, or if sold in bulk, by a sign denoting that the potatoes or cantaloupes are culls. Culls must be marked.

SEC. 4. The Director of Agriculture shall fix reasonable fees to cover the cost of inspection provided for herein which fees shall be collected and disbursed as provided by section 2872 of Remington's Revised Statutes, section 2737-A of Pierce's Code, as amended by section 5 of chapter 7 of the Laws of 1931: *Provided, however,* That no inspection charges shall be made where a grade or condition certificate or permit have previously been issued, nor shall a permit be necessary for a sale or shipment of potatoes or cantaloupes to packing houses, processing plants or places for storage in the district where grown when such products are sold or purchased for the purpose of preparing or processing for market or for storage to be sold at a later date. Director to fix inspection fees.

Exception.

SEC. 5. Any violation of this act shall be punishable as a gross misdemeanor. Penalty for violation.

Passed the House February 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.