

the age of majority, and are unable to take care of or support themselves.

Passed the House February 16, 1933.

Passed the Senate February 15, 1933.

Approved by the Governor February 23, 1933.

CHAPTER 37.

[H. B. 79.]

HONEY STANDARDIZATION.

AN ACT to regulate the sale, transportation, loading, packing, marketing and disposal of honey; to prevent fraud and deception therein; establishing standards for honey and honey containers; providing means of enforcement; and providing for penalties for violations of its provisions.

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

SECTION 1. This act shall be known as the "Washington Honey Standardization Act of 1933."

SEC. 2. When used in this act the words hereinafter mentioned shall be defined as follows:

"Container" shall mean any box, crate, chest, carton, barrel, keg or any other receptacle containing honey. "Container."

"Sub-containers" shall mean any "section box" or other receptacle used within a container. "Sub-container."

"Clean and sound containers" shall mean containers which are virtually free from rust, stains or leaks. "Clean and sound containers."

"Section box" shall mean the wood or other frame in which bees have built a small comb of honey. "Section box."

"Pack," "packing" or "packed," shall mean the arrangement of all or a part of the sub-containers in any container. "Pack," "Packing," "Packed."

"Deceptive pack" shall mean any container or sub-container of honey which has, in any exposed "Deceptive pack."

surface, honey or honey-comb, so superior in quality, appearance, condition or in any other respect to that in the interior of the container or sub-container, or the unexposed portion, as to materially misrepresent the contents. The pack shall be considered deceptive even though the honey in a container is virtually uniform in quality as defined in this act, when the outer or exposed surface is composed of honey which is not an accurate representation of the variation in quality of the honey in the entire container. Any pack shall be considered deceptive which is "slack-filled" unless the container is so marked, or which so closely approximates the size and appearance of any standard container as to tend to deceive and mislead the purchaser, even though such containers are marked with the proper net weight of the honey contained therein.

"Slack-filled."

"Slack-filled" shall mean that the contents of any container occupy less than ninety-five per cent of the volume of the closed container.

"Deceptive arrangement."

"Deceptive arrangement" or "deceptive display" shall mean any lot or load, arrangement or display of honey which has in any exposed surface, honey which is so superior in quality, appearance or condition, or in any other respects, to any of that which is concealed or unexposed as to materially misrepresent any part of the lot, load, arrangement or display.

"Mislabelled."

"Mislabelled" shall mean the placing or presence of any false or misleading statement, design or device upon, or in connection with, any container or lot of honey, or upon the label, lining, or wrapper of any such container, or any placard used in connection therewith, and having reference to such honey. A statement, design or device is false and misleading, when the honey to which it refers does not conform in every respect to such statement.

A "placard" is any sign, label or designation, other than an oral designation, used with any honey as a description or identification thereof.

SEC. 3. (a) "Honey" is herein defined as the nectar of floral exudations of plants, gathered and stored in the comb by honey bees (*apis mellifica*). It is laevo-rotatory, contains not more than twenty (20) per cent of water, not more than twenty-five one-hundredths of one per cent (0.25) of ash, not more than eight (8) per cent of sucrose, its specific gravity is 1.412, its weight not less than eleven (11) pounds, twelve (12) ounces per standard gallon of 231 cubic inches at sixty-eight (68) degrees Fahrenheit.

(b) "Comb honey" is honey in the comb.

(c) "Extracted honey" is honey which has been removed from the comb.

(d) "Crystalized honey" is honey which has assumed a solid form due to the crystalization of one or more of the natural sugars therein.

(e) "Honey dew" is (1) the saccharine exudation of plants, other than nectareous exudations, gathered and stored in the comb by honey bees (*apis mellifica*) and (2) it is dextro-rotatory.

(f) "Slack-filled" means that the contents of any closed container occupy less than ninety-five per cent of the space in such container.

(g) "Foreign material" means pollen, wax particles, insects or other materials not deposited by bees.

SEC. 4. The director of agriculture is hereby empowered, through his duly authorized agents, to enforce all provisions of this act, and shall have supervision and control over all enforcing officers of this act. The refusal of any officer duly authorized under this act to carry out the orders and directions of the director of agriculture in the en-

forcement of this act, shall be deemed neglect of duty. The director of agriculture and his deputies and inspectors shall be, by virtue of their office, enforcing officers of this act.

Rules and regulations.

SEC. 5. The director of agriculture is hereby empowered to define, promulgate and enforce such rules and regulations as he may deem necessary to secure uniformity in the enforcement of this act which shall not conflict with any of the provisions of the act.

Entry and inspection.

SEC. 6. All enforcing officers under the provisions of this act shall have power to enter and to inspect every place, vehicle, or any conveyance within the state or division of the state for which they have been appointed, where honey is produced, stored, packed, delivered for shipment, loaded, shipped, being transported, offered for sale or sold, and to inspect all such honey and the containers thereof and equipment found in any such places, in vehicles, or conveyances when being transported, and to take for inspection, such representative samples of the produce and such containers, as may be necessary to determine whether or not this act has been violated.

Right of seizure.

It shall be the duty of all enforcing officers mentioned in this act to carry out the provisions of this act in the territory over which they have jurisdiction and to cause the prosecution of any person, firm or corporation whom they know or have reason to believe to be guilty of violating any of its provisions. Any enforcing officer in the performance of his duties shall have the same powers possessed by peace officers of the city, county or state, and shall have the right, while enforcing the provisions of this act, to seize and hold as evidence, all or any part of any pack, load, bulk lot, consignment or shipment of honey delivered for shipment

while loaded, shipped or being transported, offered for sale, or sold, in violation of this act, or any containers of such product, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act.

SEC. 7. All honey, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in bulk, or in any container or sub-container, shall conform with the provisions of this act.

All honey must conform.

SEC. 8. Any honey packed, stored, delivered for shipment, loaded, shipped or being transported, offered for sale or sold in violation of any of the provisions of this act, and their containers, shall be deemed a public nuisance, and shall not be moved from the place where they may be, excepting under the specific direction of a proper enforcing officer. If, after due and proper written notice of such violation is given to the packer or owner of such honey, such packer or owner shall refuse or shall fail, within twenty-four hours, to recondition or re-mark the same so as to comply with all the requirements of this act, such honey and its containers may be seized by the director of agriculture, his deputies, or any enforcing officer herein provided, and by order of any justice of the peace or superior court of the county, precinct or city within which same may be, shall be condemned and destroyed or released upon such conditions as the court, in its discretion, may impose to insure that they will not be packed, delivered for shipment, shipped, transported, offered for sale or sold in violation of any of the provisions of this act.

Honey sold in violation.

Public nuisance.

Seizure.

Destruction.

SEC. 9. Whenever any person is arrested for the transportation of honey in violation of this act,

Arrest for violation.

unless such person demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, take the name and address of such person, the number of his motor vehicle, or such other information as may be necessary, and notify him to appear at a time and place to be specified in such notice, not less than five days after such arrest and such place to be before a magistrate of the county, township or city in which the offense in which the arrested person is charged is alleged to have been committed, whereupon such official shall, upon the giving of his written promise to appear at such time and place, forthwith release him from custody.

Appearance before magistrate.

Promise to appear.

Whenever any such person refuses to give his written promise to appear as herein provided for, or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the county, township or city in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to a reasonable time in which to prepare to plead or to prepare for trial, but shall not be required to be tried within five (5) days unless he waives such time in writing or in open court and gives his promise to appear at such time and place as the court may fix for his further appearance, or, upon refusal to give such promise, upon giving such bail as the court may require, and he shall thereupon be released from custody.

Trial.

Penalty for violation.

Any person who wilfully violates his promise given in accordance with this section, shall be guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance of counsel.

SEC. 10. (a) All containers or sub-containers of honey exposed or offered for sale or sold within this state, shall be conspicuously marked with the name and address of the producer or distributor and if imported from any foreign country, the name of the country shall be plainly indicated on the label with the net weight of the honey in the containers and with the grade, and if color is designated, it must conform in accordance with the provisions of this act. Any "slack-filled" containers shall be conspicuously marked "slack-filled."

Labeling of
container.

(b) Containers or sub-containers of honey sold, offered for sale or destined for re-shipment or export, shall not be marked or labeled with the name "Washington" unless the honey is produced entirely within the State of Washington.

Marked
"Washing-
ton."

(c) Comb honey which has crystalized shall not be offered for sale or sold unless conspicuously marked with the word "crystalized" upon the container of honey or the label of any such container, or on a placard used in connection therewith having reference to such honey.

Crystalized.

(d) "Conspicuously marked" shall mean printed in the English language in letters large enough to be readily discernible by any person, on the top, front or side of any such container.

"Conspic-
uously
marked."

SEC. 11. There are hereby established permissive standard containers and standard packs for the honey mentioned in this section when being packed or placed in a container, or after packing, or when delivered for shipment, loaded, shipped or being transported, offered for sale or sold in any container. The words "standard" or "standard container," shall not be placed on any container unless such container conforms to the requirements specified for standard containers of honey. When the honey is packed in a standard container and in

Standard
containers.

conformity with the standard pack established in this section for such honey, and then only, may the container be marked with the words "standard pack" or "standard container and pack."

Sizes of
standard
containers.

SEC. 12. The following are the numbers, sizes, names and dimensions of the standard containers referred to:

5-gallon tin cans.

30-lb. tin cans.

12-lb. square screw top tin cans.

10-lb. tin cans or pails.

5-lb. tin cans or pails.

3-lb. sealed lithographed tin cans.

Glass bottle to hold 3 lbs. of honey.

Glass bottle to hold 2 lbs. of honey.

Glass bottle to hold 1½ lbs. of honey.

Glass bottle to hold 16 ounces avoirdupois of honey.

Glass bottle to hold 12 ounces avoirdupois of honey.

Exemption.

SEC. 13. All honey which is not graded, and/or which is intended to be used in the State of Washington in commercial processing, as for clarifying and packing in retail or wholesale containers, or for the manufacture of honey products for resale or which is being delivered to any person, firm or corporation in the State of Washington for grading, packing, processing, or reconditioning, is exempt from the provisions of this act. The containers of such honey must not bear any false or misleading statements, and such honey must not be deceptively packed. Any bakery or confectionery shop where foreign honey is used in the preparation or manufacture of any food product, shall post and maintain, in a conspicuous place where the customers entering any such place of business can see it, a placard or sign bearing the words "WE USE FOREIGN

Foreign
honey.

HONEY" printed or painted in legible letters not less than two inches high.

The owner or anyone in possession of honey which is to be used or disposed of as provided in this section, must, on demand of any enforcing officer under this act, give to such officer a sworn statement in writing, made before a notary public, specifying that the honey will be disposed of as provided in this section, and the name and address of the person, firm or corporation to whom such honey is to be delivered, and an accurate identification of such honey. Within a reasonable time after the demand and receipt of such statement by the officer, a written receipt must be presented to the director of agriculture, or his duly authorized representative or inspector provided for in this act, by the person making the above mentioned statement, said receipt to be signed by the person, firm or corporation receiving such honey, that such honey, giving an accurate description of it, has been received.

Sworn
statement.

SEC. 14. The classes as to colors comprising the Washington standards, shall conform to the United States color standards, using the readings on the Pfund Honey Scale as follows:

Color
standards:

White	from	1 to	33.
Extra light amber	from	34 to	48.
Light amber	from	49 to	83.
Amber	from	84 to	112.
Dark	from	113	

When in crystalized form and any doubt as to color is expressed, a sample of the honey shall be liquified and the honey graded on the liquid basis. Any honey, may, however, be designated as to color, by its millimeter reading on the Pfund scale and, if this reading is given, no other color designation is required.

When
crystalized.

Grades.

SEC. 15. The grades for extracted honey shall be as follows: (1) U. S. Fancy; (2) U. S. No. 1; and (3) U. S. No. 2.

U. S. Fancy.

U. S. Fancy. The honey shall be free from damage and from scum. Density not less than 1.412 which equals a Baume reading of 42.30 or a weight of 11 lbs. 12 ozs. per gallon of 231 cubic inches at 68 degrees Fahrenheit.

Liquid honey.

The honey shall be completely liquid when being sold as "liquid honey." When in crystalized form, it shall be uniformly granulated, smooth and fine in texture. It shall be at least as free from foreign material as honey that has been strained through standard bolting cloth of 86 meshes per inch.

Crystalized honey.

U. S. No. 1.

U. S. No. 1. The honey shall be free from damage. Density not less than 1.412 which equals a Baume reading of 42.30 or a weight of 11 lbs. 12 ozs. per gallon of 231 cubic inches at 68 degrees Fahrenheit. It shall be practically free from scum. When in granulated form it shall be uniformly granulated and at least of medium to fine texture. In honey sold as "liquid honey" not more than five per cent of the honey shall be granulated. It shall be at least as free from foreign material as honey that has been strained through standard bolting cloth of 23 meshes per inch.

U. S. No. 2.

U. S. No. 2. Shall consist of extracted honey which does not meet the requirements of either of the foregoing grades, but which is free from excessive foreign material and serious damage: *Provided*, If the United States department of agriculture shall adopt any other standards for such extracted honey, compliance with such standards shall be lawful.

U. S. Dept. of Agriculture.

Comb honey.

SEC. 16. Comb honey sold, transported or offered for sale in Washington shall be classified, graded, packed and marked according to the grad-

ing, coloring, classification, packing and marketing requirements for comb honey specified in U. S. department of agriculture grades, color standards and packing requirements for honey, the two principal grades being U. S. Fancy and U. S. No. 1.

SEC. 17. Nothing in these regulations shall preclude the use of a trade name or floral source on any container of honey, providing such names do not obscure the markings required in these regulations, that they are not deceptive, or that the names do not imply that the quality of the honey contained is better than that set forth in the sections on grades and colors and as marked on the containers. Where the floral flavor of the honey is stated on the container, the honey contained therein must be true to such flavor.

Trade name.

Floral source.

SEC. 18. In order to allow for variations incident to proper grading and handling, not more than five per cent (5%) by count of the containers or of the sub-containers in any lot of honey may be below the requirements for the grade, but no part of this tolerance shall be allowed for defects causing serious damage.

Grading variations.

SEC. 19. It shall be unlawful for any person to prepare, deliver for shipment, load, ship, transport, offer for sale or sell a deceptive pack, lot, load, arrangement or display of honey, or to mislabel any container of honey on the label or lining of any such container, or the wrapper of any honey, or any placard used in connection therewith having reference to such honey, or to do or perform any act or refuse to perform any act or requirement in such time and manner in this act provided. This provision shall be construed to prohibit the repeated use of any container or sub-container of honey bearing any markings, or designations, of any brand, quality or grade, unless all such markings which do not prop-

Deceptively packed or mislabeled.

Repeated use of container prohibited, when.

erly and accurately apply to the honey re-packed or replaced therein shall first be completely removed, erased or obliterated.

Refusal to
ship.

SEC. 20. It shall be lawful for any forwarding company, person, firm or corporation, and for any common carrier, to decline to ship or transport any honey when notified by any enforcing officer under this act, that such products are found to be delivered for shipment in violation of any provision of this act.

Violation.

SEC. 21. Any person, firm or corporation who shall violate any provision of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than ten dollars (\$10.00) or more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Penalty.

Partial in-
validity.

SEC. 22. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared to be unconstitutional.

Passed the House February 1, 1933.

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