

HOUSE No. 583

By Mr. Whitmore of Sunderland, petition of the Massachusetts Farm Bureau Association for legislation relative to the grading and marking of potatoes. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-One.

AN ACT RELATIVE TO THE GRADING AND MARKING OF
POTATOES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. *Application of Law.* — The provisions
2 hereof shall apply to all shipments, packages, con-
3 tainers or displays in which potatoes are packed, dis-
4 tributed, sold, offered or exposed for sale except as
5 herein otherwise provided.

1 SECTION 2. *Definitions.* — A. The word “per-
2 sons” as used herein shall include individuals, corpora-
3 tions, companies, societies and associations. The act,
4 omission or failure of an officer, agent or other person
5 acting for or employed by a corporation, company,
6 society, or association within the scope of his employ-
7 ment or office shall also be deemed to be the act or
8 mission or failure of such corporation, company, so-
9 ciety, or association.

10 B. "Grade" or "grades" shall mean the standards
11 for potatoes established and promulgated by the com-
12 missioner of agriculture as herein provided as the offi-
13 cial grades of potatoes for Massachusetts.

14 C. "Plainly and conspicuously" shall mean that
15 the lettering used to cover information required by
16 law on containers shall be legible enough so as not to
17 be obscured by other markings or illustrations used.
18 Printing or stamped terms shall be three eighths inch
19 or larger in height.

1 SECTION 3. *Marks on Containers.* — Every ship-
2 ment, package or container containing potatoes which
3 are packed, sold, distributed, offered or exposed for
4 sale or distribution in the state by any person shall be
5 plainly and conspicuously marked by a tag, brand,
6 label or stencil with the name and address of the
7 packer, or the person by whose authority the potatoes
8 are packed or distributed, and the proper grade of
9 the potatoes contained therein. The party possessing
10 the potatoes at any time shall be deemed responsible
11 for the proper marking of the potatoes. On bulk dis-
12 plays in racks, bins or other receptacle from which
13 potatoes are sold in retail quantities, the proper grade
14 must be plainly and conspicuously shown, but the
15 provisions as to markings of name and address or per-
16 son by whose authority the potatoes were packed shall
17 not apply.

1 SECTION 4. *Exemptions.* — Nothing herein shall be
2 construed to prevent a grower from selling potatoes
3 at his premises or storage, or delivering potatoes to a
4 central packing house, processing plant, or storage
5 without such marking except that any potatoes dis-

6 played or offered for sale at the roadside must be
7 marked with the proper grade. Properly tagged cer-
8 tified seed potatoes are exempted from the provisions
9 hereof.

1 SECTION 5. *Advertising.* — All radio, newspaper or
2 display advertising of potatoes in which the price is
3 given must state the grade or grades of potatoes being
4 advertised.

1 SECTION 6. *Authority to Establish Grades.* — The
2 commissioner of agriculture shall establish and pro-
3 mulgate official grades of potatoes packed or repacked
4 within the commonwealth and may from time to time
5 amend or modify such grades. Before establishing,
6 amending or modifying any such grades, the commis-
7 sioner shall consult with growers and shippers of po-
8 tatoes relative to proposed grades, or upon written
9 petition of fifty or more commercial growers, the com-
10 missioner shall, after reasonable notice, specifying the
11 date, place and purpose of the proposed hearing, hold
12 a public hearing for the purpose of obtaining informa-
13 tion with a view to establishing or amending or modi-
14 fying, as the case may be, such official grades. The
15 grades so established and promulgated shall include
16 grades identical in name and requirements with all
17 grades or standards of potatoes as promulgated from
18 time to time by the secretary of agriculture of the
19 United States and commonly known as the United
20 States grades.

1 SECTION 7. *Enforcement, Rules and Regulations.* —
2 The commissioner shall enforce all the provisions
3 hereof. He, either in person or by a duly authorized

4 representative, shall have free access, ingress and egress
5 during business hours to any place or any building
6 wherein potatoes are packed, stored, transported, sold,
7 offered or exposed for sale or for transportation. He
8 may also, in person or by duly authorized representa-
9 tive, open any box, barrel or other container and ex-
10 amine contents thereof and may, upon tendering mar-
11 ket price, take samples therefrom. The commissioner
12 shall make and publish uniform rules and regulations
13 for carrying out the provisions hereof.

1 SECTION 8. *Hearings.* — When the commissioner of
2 agriculture learns of any violation of any provisions
3 hereof, he may cause notice thereof, together with a
4 copy of his findings, to be given the person or persons
5 concerned. Persons so notified may be given a hearing
6 under rules and regulations prescribed by the commis-
7 sioner. Notice of such hearing shall declare the date,
8 hour and place of hearing.

1 SECTION 9. *Penalty.* — Any person violating any
2 of the provisions of this chapter shall be fined not
3 more than fifty dollars for the first offense and for each
4 subsequent offense not more than two hundred dollars.

1 SECTION 10. *Appropriation.* — The sum of seven
2 thousand five hundred dollars is hereby appropriated
3 annually to the department of agriculture to cover
4 costs of the necessary inspections and enforcement of
5 this act.

1 SECTION 11. The effective date of this act shall be
2 July first, nineteen hundred and fifty-one.