

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 8
FRUITS -- MARKING AND INSPECTION

22-801. FRUIT BOXES -- HOW MARKED -- MISUSE OF LABELS -- CANNED OR DRIED FRUIT EXCEPTED. It shall be the duty of every person growing or packing and selling, offering for sale (or) shipping in boxes or packages, any fruit grown in this state, or imported into this state, to plainly mark the same on the outside of the box or package with the name of the variety contained therein or with the words "variety unknown," the name of the place or locality where grown and the name of the grower, or, in the case of sale or shipment through an association or organization of growers, the name of such association, and the lot number of the grower, and, in case of apples, pears or peaches, the net weight or the number contained in the package, and it shall be unlawful for any person to mark, or place upon, any package the name of any other place or locality than the place where such fruit was grown except the place to which shipped, or to falsely mark any such package as to variety, name of grower, association or organization or place where grown, or to obliterate or change the original marks on any such package or to remark the same with the name of any other grower or of any other place than that by or in which the contents were grown, or in case such package is marked with the name of an association or organization of growers to remark the same with the name of any other association or organization, and it shall be unlawful for any person, having in his possession for sale, or offering for sale, or selling any fruit grown in this state and shipped in closed packages, to repack the same in the boxes or packages of any other grower or shipper or from any other place, or to sell or offer for sale in closed packages any such fruit except in the original packages, or to pack in or offer for sale, from any marked box or package, any fruit other than that originally contained or shipped therein. In addition to the marks required to be placed upon any closed package of fruit grown in this state, as hereinabove provided, the grower thereof, or association or organization of growers packing the same, shall mark upon the outside of such package the grade of the fruit contained therein, and it shall be unlawful for any person to remark any such closed package as a higher or superior grade than that originally marked by the grower thereof or association or organization packing the same, or for any person other than the grower or association or organization packing such fruit grown in this state to place (on) any such closed package, not marked with the grade of the contents thereof, any mark or brand indicating the grade of such contents. Provided, that nothing in this section shall be construed to apply to canned or dried fruit.

[(22-801) 1919, ch. 192, sec. 1, p. 575; am. 1925, ch. 52, sec. 1, p. 76; I.C.A., sec. 22-801; am. 1937, ch. 226, sec. 1, p. 402.]

22-802. APPLE GRADES -- ANNUAL PUBLICATION OF REGULATIONS. It shall be unlawful for any grower thereof or association or organization of growers packing apples to mark the package with the grade of the contents unless such contents shall comply with the general rules and regulations made, adopted, issued and published from time to time by the director of the department of agriculture, which general rules and regulations shall govern the packing of apples and define and establish the standards for the several grades

thereof; which general rules and regulations shall be adopted, issued and published within ninety (90) days after the taking effect of this chapter and the director of the department of agriculture is authorized and directed in the month of July of each year to make, adopt, issue and publish general rules and regulations governing the packing of apples and establishing and defining the grades thereof for the ensuing year and in adopting the same the director is authorized to consult and advise with fruit growers, the officers of associations or organizations of apple growers, or distributors or dealers in apples.

[(22-802) 1919, ch. 192, sec. 2, p. 275; C.S., sec. 2039; I.C.A., sec. 22-802; am. 1957, ch. 85, sec. 1, p. 135; am. 1974, ch. 18, sec. 12, p. 364; am. 1976, ch. 70, sec. 1, p. 238.]

22-803. INSPECTION -- CERTIFICATE OF INSPECTION. For enabling the director of the department of agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, he shall, upon request of interested parties, inspect or cause to be inspected as to condition and grading by authorized inspectors, by him appointed, any or all fruits prepared or being prepared for shipment and is hereby authorized to issue certificates of inspection to said shippers or other interested parties, certifying as to the condition and grade of such fruits, under such rules and regulations as he may prescribe, including payment, by party requesting such inspection, of such fees as will be reasonable and as nearly as may be to cover the cost for services rendered. In carrying out the provisions of this chapter the director may cooperate with the United States department of agriculture or other inspection agencies.

[(22-803) 1919, ch. 192, sec. 3, p. 575; C.S., sec. 2040; I.C.A., sec. 22-803; am. 1974, ch. 18, sec. 13, p. 364.]

22-804. VIOLATION -- PENALTY. Any person who violates any provision of this chapter shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than \$200, or shall be imprisoned in the county jail not less than ten (10) days nor more than six (6) months, or shall be punished by both fine and imprisonment.

[(22-804) 1919, ch. 192, sec. 4, p. 575; C.S., sec. 2041; I.C.A., sec. 22-804.]