

No. 191

AN ACT

To further reenact and amend the title and the act, approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (Pamphlet Laws, eighty-six), entitled, as amended "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," by extending the provisions to apples and peaches, and permitting the grading, classifying and packing of grapes, potatoes, apples and peaches, other than those packed or repacked within this State.

Grading and sale of grapes, potatoes, apples and peaches.

Title and act of March 28, 1929, P. L. 86, as reenacted and amended by act of May 28, 1937, P. L. 1005, further reenacted and amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and the act, approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (Pamphlet Laws, eighty-six), entitled, as amended "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," as reenacted and amended by the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (Pamphlet Laws, one thousand five), is hereby further reenacted and amended to read as follows:

AN ACT

Relating to the grading and sale of grapes, [and] potatoes, *apples and peaches* in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture.

Section 1. Be it enacted, &c., That the term "closed package," wherever used in this act, shall mean a basket, box, bag, or other container the contents of which cannot be adequately inspected without opening it. The terms "shipment" or "ship for sale," wherever used in this act, shall mean movement to market in a railroad car, motor truck, or other medium of transportation, but shall not be construed to include process of delivery to a local warehouse or shipping station.

Section 2. The Secretary of Agriculture of the Department of Agriculture of this Commonwealth is hereby authorized and empowered, after investigation, to establish and promulgate official standards of quality for grading and classifying [and packing] grapes, [and] potatoes, *apples and peaches* [packed or repacked within the State] and to change any of them from time to time. The official standards so established and promulgated shall be the same in their requirements as the requirements of the official standards for corresponding grades of grapes, [or] potatoes, *apples or peaches* as promul-

Official standards of quality.

gated from time to time by the Secretary of Agriculture of the United States, which standards are commonly known* as "United States Grades."

From and after the establishment of specific grades or standards of quality as hereinbefore provided grapes, [and] potatoes, *apples and peaches* in closed packages shall not be shipped for sale or thereafter sold or exposed for sale except by the grades or standards so established: Provided, however, That grapes, [and] potatoes, *apples and peaches* not graded and classified as to quality may be shipped for sale or sold exposed for sale as "unclassified," if so marked in a conspicuous manner in accordance with rules to be adopted by the Secretary of Agriculture of the Department of Agriculture of this Commonwealth as hereinafter provided.

Section 3. Grapes, [and] potatoes, *apples and peaches* in closed packages, if not definitely marked as "unclassified" as hereinbefore provided, shall [prior to shipment] be marked in a plain and conspicuous manner with a statement of (1) the grade, (2) the contents in cubic measure or weight, (3) the name and address of the person or association under whose authority the grapes, [or] potatoes, *apples or peaches* are packed.

In case the marking is changed the person making the same shall cancel the name and address included in the original marking and substitute therefor his own name and address.

Section 4. (a) No person shall sell, expose for sale, or transport for sale, grapes, [or] potatoes, *apples or peaches* in closed packages if the package containing them, the label on them, or any advertising accompanying them, shall bear any statement, design, or device regarding the grapes, [or] potatoes, *apples or peaches*, which shall be false or misleading in any particular.

(b) No person shall sell, expose for sale, or transport for sale in closed packages, grapes, [or] potatoes, *apples or peaches* packed in such manner that the face or shown surface shall not be an average of the contents of the package.

(c) When grapes, [or] potatoes, *apples or peaches* in closed packages are delivered to a common carrier for shipment such delivery shall be presumptive evidence that the grapes, [or] potatoes, *apples or peaches* are intended for sale.

Section 5. Any person who violates any of the provisions of this act shall, upon summary conviction thereof, for the first offense be sentenced to pay a fine of not less than twenty-five dollars nor more than fifty dollars and the costs of prosecution, and for subsequent offenses be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and the costs

Sale according to grade.

Proviso.

Unclassified grades.

Marking of closed packages.

Change of marking.

Misrepresentation.

Face must show average of contents.

Evidence of intended sale.

Violation.

Penalty.

* "know" in original.

of prosecution, or in default of such fine and costs, be imprisoned in the county jail for not less than ten days nor more than thirty days. All penalties, costs, and fines collected under this act shall be paid to the Secretary of Agriculture of the Department of Agriculture of this Commonwealth, or his agent, and by him shall be paid into the State Treasury for the use of the Commonwealth.

Enforcement.

Section 6. The enforcement of this act shall be vested in the State Department of Agriculture, and its officers, employes and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of grapes, [or] potatoes, *apples or peaches* and securing evidence of violation of this act; and the Secretary of Agriculture of this Commonwealth is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions.

**Act effective
June 1, 1943.**

Section 7. This act as amended shall take effect June first, one thousand nine hundred and [thirty-seven] *forty-three*.

**Inconsistent
acts repealed.**

Section 8. All acts and parts of acts inconsistent with this act are repealed.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

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No. 192

AN ACT

Relating to vital statistics and to make uniform the law with reference thereto.

Vital statistics.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Definitions.

Section 1. Definitions: As used in this act—

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, divorces, marital status and data incidental thereto.

(2) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

(3) "Stillbirth" means a birth after twenty weeks of gestation which is not a live birth.

(4) "Dead body" means lifeless human body, or such parts of the human body or the bones thereof, from the state of which it reasonably may be concluded that death recently occurred.

(5) "Person in charge of interment" means any person who places or causes to be placed a stillborn