

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.283 Fruits and vegetables sold in closed package; fraud prevention.

Sec. 283. Preventing fraud in sale of fruits and vegetables—In this section, unless the contents otherwise require, the term "closed package" shall be construed to mean a barrel, box, basket, carrier or crate, of which all the contents cannot readily be seen or inspected when such package is prepared for market. Fresh fruits or vegetables in baskets or boxes, packed in closed or open crates, and packages covered with burlap, tarlatan or slat covers shall come within the meaning of the term "closed package."

Every person who, by himself, his agent or employe, packs or repacks fresh fruits or vegetables in closed packages intended for sale in the open market, shall cause the same to be marked in a plain and indelible manner, as follows:

First, With his full name and address, including the name of the state where such fresh fruits and vegetables are packed, before such fresh fruits or vegetables are removed from the premises of the packer or dealer;

Second, The name and address of such packer or dealer shall be printed or stamped on said closed packages in letters not less than 1/4 inch in height.

No person shall sell, offer, expose or have in his possession for sale, in the open market, any fresh fruits or vegetables packed in a closed package and intended for sale, unless such package is marked as is required by this section.

No person shall sell, offer, expose or have in his possession for sale, any fresh fruits or vegetables packed in a closed or open package, upon which package is marked any designation which represents such fruit as "number one", "finest", "best", "extra good", "fancy", "selected", "prime", "standard", or other superior grade or quality, unless such fruit or vegetables consist of well grown specimens, sound, of nearly uniform size, normal shape and good color, for the variety, and not less than 90 per cent free from injurious or disfiguring bruises, diseases, insect injuries or other defects, natural deterioration and decay in transit or storage excepted.

No person shall sell, offer, expose or have in his possession for sale any fresh fruits or vegetables packed in any package in which the faced or shown surface gives a false representation of the contents of such package, and it shall be considered a false representation when more than 20 per cent of such fresh fruits or vegetables are substantially smaller in size than or inferior in grade to, or different in variety from, the faced or shown surface of such package, natural deterioration and decay in transit or storage excepted.

Any person who violates any of the provisions of this section shall be guilty of a misdemeanor. The commissioner of agriculture is hereby charged with the enforcement of this section and is given power unto himself and his inspectors to enter into and upon any premises where fruits and vegetables are graded or packed or stored to inspect the same as to grade, pack and condition.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 116, Imd. Eff. June 25, 1937;—CL 1948, 750.283.

Former law: See sections 1 to 6 of Act 207 of 1913, being CL 1915, §§ 15365 to 15370; and CL 1929, §§ 5559 to 5564.