# STANDARD GRADES FOR TABLE STOCK POTATOES (IRISH POTATOES)

## Act 220 of 1929

AN ACT to regulate the grading and sale of table stock potatoes commonly known as Irish potatoes; to fix standard grades for potatoes; to provide for inspection and penalties for violation thereof, and to repeal inconsistent acts.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- Am. 1937, Act 342, Eff. Oct. 29, 1937 ;-- Am. 1956, Act 50, Eff. Aug. 11, 1956

The People of the State of Michigan enact:

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### 290.151 Standard grades for table stock potatoes; sale of unclassified potatoes.

Sec. 1.

The standard grades for table stock potatoes shall be limited to U.S. extra number 1 grade, U.S. number 1 grade, U.S. commercial grade, and U.S. number 2 grade and unclassified, and shall conform in all respects and be identical with the latest standards established by the United States secretary of agriculture for the grades herein mentioned, and thus conforming shall be accepted as the legal standards for the state. A and B size or any other size designation with the U.S. number 1 grade, U.S. commercial grade and U.S. number 2 grade shall be in accordance with the U.S. standards for potatoes. Standard grades shall also include a superior grade to be defined by rules promulgated by the commissioner of agriculture under this act and which would be entitled to a seal of quality under Act No. 70 of the Public Acts of 1961, being sections 289.631 to 289.646 of the Compiled Laws of 1948. Potatoes for table use shall not be sold that do not meet the requirements of the foregoing grades unless designated as unclassified. Unclassified potatoes may be sold in consumer size packages if the packages are color coded and marked "unclassified". The word "unclassified" shall be as large as the largest lettered word on the package and in no event be less than 1 inch in height.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5603 ;-- Am. 1937, Act 342, Eff. Oct. 29, 1937 ;-- CL 1948, 290.151 ;-- Am. 1956, Act 50, Eff. Aug. 11, 1956 ;-- Am. 1964, Act 55, Imd. Eff. May 12, 1964 ;-- Am. 1972, Act 278, Imd. Eff. Oct. 19, 1972
**Admin Rule:** R 285.539.1 of the Michigan Administrative Code.

### 290.152 Potatoes; definitions.

Sec. 2.

The following terms, wherever used in this act, or in rules and regulations later promulgated by the commissioner of agriculture, shall have the meaning as indicated:

1. "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during the ordinary methods of handling: Provided, That this provision shall not apply to new potatoes known and sold as such, and in other respects conforming to the provisions of this act;
2. "Bright" means free from dirt or other foreign matter or discoloration from any cause so that the outer skin (epidermis) has the attractive color normal for the variety;

3. "Smooth" means free from second growth, growth cracks and other abnormal, rough surfaces;

4. "Well-shaped" means that normal, typical shape for the variety in the district where grown and free from pointed, dumbbell shaped, successively elongated, and other ill-formed potatoes;

5. "Free from damage" means that the appearance shall not be injured to an extent readily apparent upon casual examination of the lot, and that any damage from the causes mentioned can be removed in the ordinary process of preparation for use without appreciable waste in addition to that which would occur if the potato were perfect. Loss of outer skin (epidermis) shall not be considered as an injury to the appearance;

6. "Diameter" means the greatest dimension at right angles to the longitudinal axis;

7. "Soft rot" means a soft, mushy condition of the tissues from whatever cause;

8. "Badly misshapen" means of such shape as to cause appreciable waste in the ordinary process of preparation for use in addition to that which would occur if the potato were perfect;

9. "Free from serious damage" means that any damage from the causes mentioned can be removed by the ordinary process of paring without increase in waste of more than 10 per cent, by weight, over that which would occur if the potato were perfect;

10. "Container" or "package" means cloth or fiber sack (such as is customarily used for the shipment of potatoes), barrel, box, crate, hamper or basket.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5604 ;-- CL 1948, 290.152

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**290.153 Unlawful sale or commerce in ungraded potatoes.**

Sec. 3.

It shall be unlawful for any person, firm, association, organization, or corporation or agent, representative or assistant of any person, firm, association, organization or corporation, to pack for sale, expose for sale, or sell, transport, deliver or consign, or have in possession for sale, transport, delivery or consignment in interstate or intrastate commerce, potatoes prepared for market which are not graded or designated to meet the requirements of the grade or designation, which shall be 1 of the grades or designation listed in section 1.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5605 ;-- Am. 1937, Act 342, Eff. Oct. 29, 1937 ;-- CL 1948, 290.153 ;-- Am. 1964, Act 55, Imd. Eff. May 12, 1964

**290.154 Sale and transportation without required branding on container unlawful; cards; conclusive evidence.**

Sec. 4.

It shall be unlawful for any person, firm, association, organization or corporation or agent, representative or assistant to any person, firm, association, organization or corporation, to expose for sale, or sell, transport, deliver or consign, or have in possession potatoes prepared for market unless such container has been legibly and conspicuously branded or stenciled before being removed from the premises where prepared for market with the name and address of the person or persons responsible for the grading and packing, and the name of the grade, together with true net contents. Bulk shipments shall be accompanied by 2 cards not less than 4 by 6 inches in size, placed on the inside of car near each door. Likewise cards in size as herein described shall be prominently displayed on all bulk shipments made by truck or other conveyance. Upon each card shall appear the names and address of the consignor, the name of

the grade, the name of the loading station, the date of loading, and the name and address of the consignee, if known. It shall be conclusive evidence and the potatoes deemed to be for sale, when containers are packed for delivery or transit, or when same are exposed for sale or when the same are in the process of delivery or transit or are located at a depot, station, boat dock, or any place where potatoes or other products are held in storage, or for immediate or future sale or transit.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5606 ;-- Am. 1937, Act 342, Eff. Oct. 29, 1937 ;-- CL 1948, 290.154

### 290.155 Inspection of potatoes in storage or in transit.

Sec. 5.

Potatoes held in storage or in transit which at the time of inspection show deterioration or decay but are otherwise up to the grade declared shall be inspected as to condition and not as to grade.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5607 ;-- CL 1948, 290.155

### 290.156 Inspection of potatoes in storage or in transit; taking samples, payment.

Sec. 6.

When it is deemed necessary by the person making inspection to procure a sample or samples of potatoes, the person in charge of the place where inspection is made must permit the same to be obtained upon being tendered the commercial value of the stock being procured. In the event the person in charge can not be located in a reasonable length of time a sample or samples may be taken and the cash value of same tendered at the time of the next inspection.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5608 ;-- CL 1948, 290.156

### 290.157 Enforcement; right of entry for inspection.

Sec. 7.

The commissioner of agriculture is hereby charged with the enforcement of this act and is given power unto himself and his inspectors to enter into and upon any premises where potatoes are graded or packed or stored to inspect the same as to grade, pack and condition. The commissioner of agriculture shall enforce the provisions of this act through state inspectors.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5609 ;-- Am. 1937, Act 342, Eff. Oct. 29, 1937 ;-- CL 1948, 290.157 ;-- Am. 1956, Act 50, Eff. Aug. 11, 1956

### 290.158 Enforcement; rules and regulations.

Sec. 8.

The commissioner of agriculture may promulgate rules and regulations deemed necessary to the proper enforcement of the provisions of this act.

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**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5610 ;-- Am. 1937, Act 342, Eff. Oct. 29, 1937 ;-- CL 1948, 290.158 ;-- Am. 1956, Act 50, Eff. Aug. 11, 1956
**Admin Rule:** R 285.552.1 et seq. of the Michigan Administrative Code.

### 290.159 Intent of act.

Sec. 9.

The intent and purpose of this act is to regulate the sale of potatoes for table use intended for intra-state and inter-state commerce when such sale is made by the grower, dealer or distributor, or any other person either by wholesale or retail or in any other manner: Provided, however, That the provisions of this act shall not apply to the grower or his employee in the sale of potatoes grown by such grower when made direct to the consumer.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5611 ;-- CL 1948, 290.159 ;-- Am. 1954, Act 133, Imd. Eff. Apr. 23, 1954

### 290.161 Person, definition; liability for violation by employe.

Sec. 11.

The word "person" as used herein, shall be construed to include any grower, dealer, shipper, corporation, society, association or their agent or representative. The act, omission or failure to act of any official or employe of any person, when such official or employe is acting within the scope of his employment of office, shall in every case be deemed also the act, omission, or failure to act of the person as well as the official or employe.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5613 ;-- CL 1948, 290.161

### 290.162 Violation of act; misdemeanor, penalty.

Sec. 12.

Whosoever violates this act by not grading potatoes as herein required, or by not stenciling or branding containers as herein required or by removing any department notices placed upon said containers or by removing or altering any stencils or brands placed upon or attached to any container as in this act required, unless ordered to do so by the commissioner of agriculture or his duly appointed inspector or inspectors shall be guilty of a misdemeanor and subject to a fine of not more than 50 dollars and costs for the first offense and not more than 100 dollars and costs for each subsequent offense, or by imprisonment in the county jail for not more than 30 days in default of paying the fine and costs, or both such fine and imprisonment in the discretion of the court.

**History:** 1929, Act 220, Eff. Aug. 28, 1929 ;-- CL 1929, 5614 ;-- Am. 1937, Act 342, Eff. Oct. 29, 1937 ;-- CL 1948, 290.162

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