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USDA's United States Grain Standards Act: *Pennsylvania*



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3 Pa. Stat. Ann. §§ 21 through 31
71 Pa. Stat. Ann. § 444

§ 21. Standards for grade and classification of farm products and receptacles; marks, brands and labels.

In order to promote efficient and economical methods of marketing farm products, the Department of Agriculture, under the direction of the Secretary of Agriculture, may, after investigation and public hearing, from time to time, as far as practicable, establish and promulgate standards for the grade and other classification of farm products, and, in co-operation with the Department of Internal Affairs, may establish and promulgate standards for receptacles for farm products, by which their quality, value, or quantity, may be determined; and may make regulations governing the marks, brands, and labels, which may be required upon receptacles for farm products, for the purpose of showing the name and address of the producer or packer or distributor, the quantity, nature, and quality of the product, or any of them, and for the purpose of preventing deception with reference thereto. The provisions of this paragraph shall not apply to canned farm products.

Any standard for any farm product, or any standard for any receptacle for farm products, or any requirements for marking receptacles for farm products, now or hereafter made mandatory under authority of the Congress of the United States, shall forthwith, as far as applicable, be established or prescribed and promulgated by the Department as the official standard or requirement in this Commonwealth.

No standard established, or requirement for marking prescribed, under this section, shall become effective until the expiration of not less than three months after it shall have been promulgated.

§ 22. Sale, etc., of farm products not conforming to standards; rules and regulations; investigations; samples.

Whenever any standard for the grade or other classification of any farm product becomes effective under this act, it shall be unlawful for any person thereafter to pack for sale, offer for sale, consign for sale, or sell, any such farm product, grown, manufactured, or prepared, within this Commonwealth, under such standard grade or classification so established, or in imitation thereof, unless it conforms to such standards, subject to such variations therefrom as may be allowed in the rules and regulations made under this act, except that any such farm product may be packed, offered or consigned for sale, or sold,



without conforming to the standard for the grade or other classification applicable thereto, if the product or the package containing it is not described, marked, or labeled in such a way as to indicate or to appear upon ordinary observation that the product conforms to the standard.

The department is authorized to make such rules and regulations, under this act, as may be deemed necessary to prevent deception with reference to any standards made effective under the act, except as it applies to standard receptacles for farm products.

Whenever any standard for a receptacle for a farm product becomes effective under this act, it shall be unlawful for any person thereafter to manufacture for sale or shipment, pack for sale, offer for sale, consign for sale, or sell, or ship, any receptacle, either filled or unfilled, to which the standard is applicable, unless the receptacle conform to the standard, subject to such variations therefrom as may be allowed in the regulations made under this act. The Department of Agriculture, and the Department of Internal Affairs, by their joint action, are authorized to make such rules and regulations, under this act, as may be deemed necessary to enforce the provisions of this section relating to standard receptacles for farm products.

Whenever any requirement for the marking, branding, or labeling of a receptacle for a farm product becomes effective under this act, it shall be unlawful for any person thereafter to pack for sale, offer for sale, consign for sale, or sell, or deliver, any such farm products in a receptacle to which such requirement is applicable, unless the receptacle be marked, branded or labeled according to such requirement.

The department is authorized, at any time, through its agents, to cause such investigations, classifications, and tests to be made, and such certificates to be issued, and, upon payment or tender of payment of the market value thereof, to cause such samples to be taken, as may be deemed necessary to enforce the provisions of this section.

§ 23. Investigations and classifications; fees; licenses; suspension or revocation.

The department may designate any competent employe or agent of the department and, upon satisfactory evidence of competency, may license any other person to make, upon request, investigations and classifications of farm products. When any such investigation and classification is made, the employe or agent shall issue a certificate of the grade or other classification of the farm product involved.

The department is authorized to fix, assess, and collect, or cause to be collected, fees for such services, when they are performed by employes or agents of the said department. Licensed agents may charge and collect as compensation for such services only such fees as may be approved by the department.

The department may suspend or revoke any license whenever, after opportunity for a hearing has been afforded to the licensee, the department shall determine that such licensee is incompetent, or has knowingly or carelessly failed to classify any farm product correctly, or has violated any provision of this act or of the regulations made hereunder.



Pending investigation, the department may suspend a license temporarily without a hearing.

§ 24. Appeals.

Any interested party, within a reasonable time to be prescribed in the regulations made under this act, may appeal to the department from the classification of any farm product authorized under this act, and the department shall thereupon cause such investigation to be made and such tests to be applied as it may deem necessary to determine the true classification, and shall issue a finding of the grade or other classification thereof. Whenever an appeal shall be taken to the Department of Agriculture under this act, the department shall charge and assess and collect, or cause to be collected, a reasonable fee, to be fixed by said department, which shall be refunded if the appeal is sustained.

§ 25. Certificate as evidence.

A certificate, when not superseded by a finding of the grade or other classification of any farm product issued under this act, and a certificate issued by the United States Department of Agriculture, independently or in co-operation with a co-operating agency, as to grade or other classification of any farm product, when certified by the authorized agent of that department, shall be accepted in any court of this Commonwealth as prima facie evidence of the truth of the statements therein contained, including the true grade or other classification of such farm product at the time of its classification.

§ 26. Disposition of fees.

All fees and other moneys collected under this act by the department and by its employes or agents in their official capacities shall be covered into the State Treasury.

§ 27. Reports.

It shall be the duty of any person in this Commonwealth, engaged in marketing farm products, to prepare and submit to the department, upon request, at such regular intervals and in such form as may be prescribed, reports of the quantity and condition of any farm product held by or for such person in commercial or other storage in this Commonwealth.

Any person in this Commonwealth engaged in marketing farm products shall furnish the department, upon request, on such date or dates and in such form as may be prescribed, reports, orally or in writing, concerning the demand for and the supply, consumption, cost, value, price, sale, payment, grade, condition, period of the holding, of any farm product in storage, and any other information regarding the marketing of farm products.

The department is authorized to verify the accuracy of the reports provided for in this section, and to make the results of such investigations public.



§ 28. Entry into storehouses, etc.

In carrying out the provisions of this act, the department, its employes or agents, are authorized to enter, on any business day during the usual hours of business, any storehouse, warehouse, cold-storage plant, packing house, stock yard, railroad yard, railroad car, or any other building or place, where farm products are marketed.

§ 29. Attendance of witnesses; documentary evidence.

In carrying out the provisions of this act, the department, or its employes or agents designated for the purpose, may require the attendance before it, or any of them, of any person from whom reports have been requested, or of any employe of such person, may administer oaths to and take testimony of any such person or his employe, and may require the production by such persons or employes of any books, records, and other documentary evidence relating to the farm product about which reports have been requested.

§ 30. Regulations.

The department is authorized to make and promulgate such regulations as may be necessary to carry out the provisions of this act.

§ 31. Violations; prosecution; penalties.

Any person violating, or failing or refusing to comply with, any of the provisions of this act, or with intent to deceive answers or reports falsely in response to any of the requirements of this act, or who wilfully interferes with the department or its employes or agents in the execution or on account of the execution of his or their duties prescribed in this act, shall be prosecuted in a summary proceeding before any alderman, magistrate, or justice of the peace, of the proper city or county, and, upon being convicted thereof, shall be punished for the first offense by a fine of not less than twenty-five dollars nor more than one hundred dollars, and upon conviction of the third and each subsequent offense by a fine of not less than one hundred dollars nor more than five hundred dollars. In default of the payment of any fine as aforesaid, any person convicted shall be sentenced to serve one day in jail of the proper county for each dollar of the fine and costs.

Any violations of the provisions of this act relating to standard receptacles for farm products, which may be established as herein provided for, shall be prosecuted in a summary proceeding before any alderman, magistrate, or justice of the peace, of the proper city or county, by the inspectors of weights and measures of the respective cities and counties and the Department of Internal Affairs or its agents.

§ 444. Markets (Adm. Code Section 1704).

The Department of Agriculture shall have the power, and its duty shall be:



- (a) To investigate the subject of marketing farm products, including the costs of marketing, to prepare and transmit to the Department of Property and Supplies for publication the results of such investigations, and to furnish advice and assistance to the public with reference to the marketing of farm products within this Commonwealth, and all matters relevant thereto;
- (b) To gather and diffuse timely information concerning the supply, demand, prevailing prices, and commercial movement, of farm products, including quantities in common and cold storage.
- (c) To secure, in the performance of the duties herein prescribed, the cooperation and assistance of all other agencies;
- (d) To assist and advise in the organization and conduct of public markets, of cooperative and other associations for improving marketing conditions and activities among producers, distributors, and consumers;
- (e) To investigate delays, embargoes, conditions, practices, charges and rates, in the transportation and storage of all farm products which appear to be detrimental to a free, economical, and efficient marketing of such products;
- (f) To take such lawful steps as may be deemed advisable to prevent waste of perishable products;
- (g) To establish standards for the grading and other classification of farm products, and to enforce the laws relating thereto.

