

2:71-5.1 General provisions; purpose

The following sections of this subchapter are adopted by the State Board of Agriculture to effect administration and enforcement of chapter 116, Laws of 1963, and chapter 164, Laws of 1974, under authority prescribed therein.

As amended, R.1975 d.81, eff. April 1, 1975.
See: 7 N.J.R. 91(a), 7 N.J.R. 190(b).

2:71-5.2 Grades on potato package

(a) Every package of potatoes shall be classified as meeting the requirements of one of the United States grades, or of "unclassified", or of "culls".

(b) Use of such terms as "ungraded", "field run", "pick outs", or any other term, not specified in the act, to indicate grade or quality, is prohibited.

2:71-5.3 Markings of potato package

(a) All required marking shall be clear and legible, plainly painted, stenciled or stamped.

(b) Labels used in connection with transparent film type packages shall, if inserted, be placed face out in a conspicuous manner and position.

(c) All packages shall contain the required markings whether they are master containers or packages within master containers.

(d) The following schedule of labeling shall prevail:

1. For packages containing less than 10 pounds, all required marking shall be at least 3/16 inch in height.
2. For packages containing 10 or more and less than 50 pounds, all required marking shall be at least 3/8 inch in height.
3. For packages containing 50 pounds or more, all required markings shall be at least 5/8 inch in height.

(e) Whenever the words "unclassified" or "culls" are used, they shall be at least one inch in height.

As amended, R.1975 d.81, eff. April 1, 1975.
See: 7 N.J.R. 91(a), 7 N.J.R. 190(b).

2:71-5.4 Tags

When tags are used, all required markings shall be at least 5/8 inch in height, and whenever the words "unclassified" or "culls" are used, they shall be at least one inch in height.

As amended, R.1975 d.81, eff. April 1, 1975.
See: 7 N.J.R. 91(a), 7 N.J.R. 190(b).

2:71-5.5 Invoices and/or manifests (bills of lading)

All persons selling, offering for sale or transporting for sale in this State potatoes in open or closed packages for processing or repacking purposes shall furnish the buyer an invoice and/or manifest covering each sale of such potatoes stating that the potatoes are for processing or repacking. Any lot of potatoes not accompanied by such document shall be considered as coming under the provisions of this act.

As amended, R.1975 d.381, eff. January 1, 1976.
See: 7 N.J.R. 538(b), 8 N.J.R. 54(a).

2:71-5.6 Prohibition of sale

(a) Packages of potatoes found improperly marked in violation of the act shall be tagged or otherwise appropriately identified by the secretary or his duly authorized representative, thus giving notice that such packages are misbranded, mislabeled or misrepresented, and warning all persons not to remove or dispose of such potatoes, by sale or otherwise, until such potatoes are properly branded or labeled, and permission to dispose of them has been granted by the secretary or his duly authorized representative.

(b) It shall be a violation of the act, or the rules and regulations pursuant thereto, for any person to remove or dispose of potatoes so seized, by sale or otherwise, without this permission.

2:71-5.7 Responsibility of packer or repacker

(a) Final determination of compliance with the act and its regulations shall be based upon the facts available at the time and place of inspection. The possessor, however, is responsible for maintaining the grade, whether he be grower, packer or repacker, shipper, dealer, distributor or retailer. Lots of potatoes that fail to comply with the act and its regulations shall be relabeled or regraded to meet compliance.

(b) In interpreting the word "person" in chapter 164, Laws of 1974, the New Jersey Department of Agriculture shall assess a penalty against the individual found responsible for the violation at the specific place involved.

As amended, R.1975 d.81, eff. April 1, 1975.
See: 7 N.J.R. 91(a), 7 N.J.R. 190(b).
As amended R.1975 d.126, eff. May 16, 1975.
See: 7 N.J.R. 247(a).