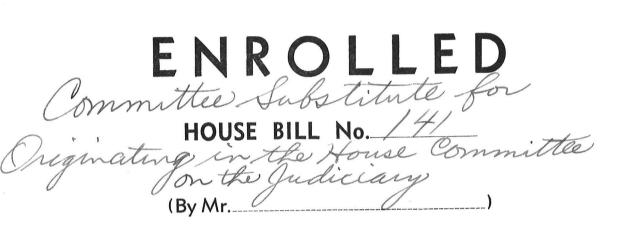
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



PASSED March10 1945 In Effect 90-days from Passage



ENROLLED

COMMITTEE SUBSTITUTE FOR House Bill No. 141

(Originating in the House Committee on the Judiciary.)

[Passed March 10, 1945; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-four, article one, chapter forty-seven, of the code of West Virginia, one thousand nine hundred and thirty-one, relating to the fixing of standard weights for containers for wheat and corn flours, corn meals, hominy and hominy grits; labeling packages with quantity; "Package" defined.

Be it enacted by the Legislature of West Virginia:

That section twenty-four, article one, chapter forty-seven, of the code of West Virginia, one thousand nine hundred and thirty-one, be amended and reenacted to read as follows:

Section 24. It shall be unlawful for any person, part-2 nership, corporation, company, cooperative society, or 3 organization to pack for sale, sell, offer or expose for sale 4 in this State any of the following commodities except in Enr. Com. Sub. for H. B. No. 141] 2

containers of net avoirdupois weights of two (2), five 5 (5), ten (10), twenty-five (25), fifty (50), and one hun-6 dred (100) pounds, and multiples of one hundred (100) 7 pounds: Wheat flour, self-rising wheat flour, phosphated 8 wheat flour, bromated flour, enriched flour, enriched self-9 10 rising flour, enriched bromated flour, corn flour, corn meals, hominy and hominy grits: Provided, however, That 11 the provisions hereof shall not apply to (a) the retailing 12 13of flours, meals, hominy and hominy grits direct to the consumer from bulk stock, or (b) the sale of flours and 14 meals to commercial bakers or blenders or for export 15 in containers of more than one hundred (100) pounds, 16 17 or (c) flours, meals, hominy and hominy grits packed in cartons the net contents of which are less than five (5) 18 pounds, or (d) the exchange of wheat for flour by mills 19 20 grinding for toll.

It shall also be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package, in terms of weights, measures, or numerical

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count: Provided, however, That reasonable variations or 26 tolerances and also exemptions as to small packages shall 27 be established by rules and regulations made by the com-28 29missioner of weights and measures: And Provided further, That this section shall not be construed to apply to 30 31 medicinal articles and to those commodities in packages 32 the manner of sale of which is specifically regulated by 33 provisions of other sections of this article.

34 The word "package" as used in this section shall be construed to include the package, carton, case, basket, 35 can, box, barrel, half barrel, hamper, keg, drum, jug, 36 jar, crock, bag, pail, wrapping parcel, package, bottle, 37 38 phial, or other receptacle put up by the manufacturer; 39or, when put up prior to the order of the commodity, by 40 the vendor; which may be labeled, branded, stenciled 41 or otherwise marked, or which may be suitable for label-42 ing, branding, stenciling, or marking otherwise, making 43 one complete package of the commodity. The word 44 "package" shall be construed to include both the wholesale and the retail package: Provided, That a box or car-45 ton used for shipping purposes containing a number of 46

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47 similar packages which are individually marked, as here-48 in before provided, will not be required to bear the49 weight or measure of contents.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee Chairman House Committee USL Originated in the Takes effect passage. Clerk of the Senate Clerk of the House of Delegates Prused 1 President of the Senate Speaker House of Delegates The within Upproved this the 16 day of March, 1945. Governor. company 1 friend in the office of the Secretary of Stelle MAR of West Virginia_ WM. S. D'BRIEN, Secretory of State