

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

Committee Substitute for
HOUSE BILL No. 141
Originating in the House Committee
on the Judiciary
(By Mr. _____)



PASSED March 10 1945

In Effect 90-days from Passage

141

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, partnership, corporation, company, cooperative society, or organization to pack for sale, sell, offer or expose for sale in this State any of the following commodities except in

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

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

26 count: *Provided, however,* That reasonable variations or
 27 tolerances and also exemptions as to small packages shall
 28 be established by rules and regulations made by the com-
 29 missioner of weights and measures: *And Provided fur-*
 30 *ther,* That this section shall not be construed to apply to
 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
 35 construed to include the package, carton, case, basket,
 36 can, box, barrel, half barrel, hamper, keg, drum, jug,
 37 jar, crock, bag, pail, wrapping parcel, package, bottle,
 38 phial, or other receptacle put up by the manufacturer;
 39 or, 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 whole-
 45 sale and the retail package: *Provided,* That a box or car-
 46 ton used for shipping purposes containing a number of

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

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

Charles C Morris

Chairman Senate Committee

J. A. DeGruyter Jr.
Chairman House Committee

Originated in the

House

Takes effect

90-days from

passage.

Howard Hughes
Clerk of the Senate

Rebuff
Clerk of the House of Delegates

Arnold W. Tickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within

Approved

this the

16

day of

March

, 1945.

Robert Meadows

Governor.



Filed in the office of the Secretary of State
of West Virginia. **MAR 16 1945**

Wm. S. O'BRIEN,
Secretary of State