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
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
containers of net avoirdupois weights of two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) pounds, and multiples of one hundred (100) pounds: Wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meals, hominy and hominy grits: Provided, however, That the provisions hereof shall not apply to (a) the retailing of flours, meals, hominy and hominy grits direct to the consumer from bulk stock, or (b) the sale of flours and meals to commercial bakers or blenders or for export in containers of more than one hundred (100) pounds, or (c) flours, meals, hominy and hominy grits packed in cartons the net contents of which are less than five (5) pounds, or (d) the exchange of wheat for flour by mills 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
Provided, however, That reasonable variations or tolerances and also exemptions as to small packages shall be established by rules and regulations made by the commissioner of weights and measures: And Provided further, That this section shall not be construed to apply to medicinal articles and to those commodities in packages the manner of sale of which is specifically regulated by provisions of other sections of this article.

The word "package" as used in this section shall be construed to include the package, carton, case, basket, can, box, barrel, half barrel, hamper, keg, drum, jug, jar, crock, bag, pail, wrapping parcel, package, bottle, phial, or other receptacle put up by the manufacturer; or, when put up prior to the order of the commodity, by the vendor; which may be labeled, branded, stenciled or otherwise marked, or which may be suitable for labeling, branding, stenciling, or marking otherwise, making one complete package of the commodity. The word "package" shall be construed to include both the wholesale and the retail package: Provided, That a box or carton used for shipping purposes containing a number of
similar packages which are individually marked, as here-
in before provided, will not be required to bear the
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.R. LeChpton  
Chairman House Committee

Originated in the House

Takes effect 90-days from passage.

Howard Wise  
Clerk of the Senate

Robert  
Clerk of the House of Delegates

Oreland M. Tucker  
President of the Senate

John E. Gano  
Speaker House of Delegates

The within approved this the 16th day of March, 1945.

Dwight D. Eisenhower  
Governor.

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

Wm. S. O'Brien, Secretary of State