

Chapter 632

Grades and Standards for Eggs, Onions, Potatoes, Prunes, Walnuts and Filberts

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EGGS

632.005 Definitions. As used in ORS 632.005 to 632.125, unless otherwise indicated:

(1) "Addled" or "white rot" means an egg which is putrid or rotten.

(2) "Adherent yolk" means a yolk which has become fastened to the shell of the egg.

(3) "At retail" is a transaction between a retailer and a consumer.

(4) "Black rot" means a condition in which the egg has deteriorated to such an extent that the whole interior presents a blackened appearance.

(5) "Black spot" means a condition in which mold or bacteria have developed in isolated areas inside the shell of the egg.

(6) "Blood ring" means a condition in which the germ has developed in the egg to such a stage that blood is formed.

(7) "Consumer" is any person who purchases eggs for his own family use or consumption; or any restaurant, hotel, boarding house, bakery or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking.

(8) "Department" means the State Department of Agriculture.

(9) "Incubated eggs" means eggs which have been subjected to incubation, whether natural or artificial, for more than 48 hours.

(10) "Moldy" means an egg which, through improper care, has deteriorated so that mold spores have formed within the egg.

(11) "Retailer" is any person who sells or offers to sell eggs to a consumer.

632.010 Factors considered in establishing grades, standards and classifications. In establishing, under any law of this state, any grades, standards or classifications for eggs, the department shall take into account and base such grades, standards or classifications upon two principal factors:

(1) Quality, as determined by the condition of the shell and the extent to which it is clean or free from dirt, the depth or size of air space within the shell, the condition of the yolk and the condition of the white.

(2) The size or weight, both on the basis of individual eggs and on a per dozen or other commercial unit basis.

In addition, the department shall take into account any grades, standards or classifications for eggs established by the United States Department of Agriculture.

632.015 Grades. The following state grades and standards of quality and condition applicable to all eggs intended for human consumption hereby are established:

(1) "Grade AA." The shell must be sound, normal and reasonably clean. The air cell must not exceed one-eighth of one inch in depth and must be regular. The yolk must be well centered, its outline indistinct, and it must be free from visible germ development and other defects or blemishes. The white must be firm and clear.

(2) "Grade A." The shell must be sound, normal and reasonably clean. The air cell must not exceed one-fourth of one inch in depth and may be slightly tremulous. The yolk must be fairly well centered and its outline may be moderately defined. It may be slightly mobile but must be free from visible germ development and practically free from other defects or blemishes. The white must be firm and clear.

(3) "Grade B." The shell must be reasonably clean and must be sound but may be slightly abnormal. The air cell must not exceed three-eighths of one inch in depth and may show movement not in excess of one-half inch. The yolk outline may be well defined. The yolk may be mobile and may show slight germ development. The white must be reasonably firm and clear.

(4) "Grade C." The shell must be reasonably clean and shall be sound but may be abnormal. The air cell may be over three-eighths of one inch in depth and may show movement in excess of one-half inch and may be bubbly or free. The yolk may be plainly visible and may be freely mobile and may cast a dark shadow. It may show clearly germ development but no blood due to embryo development. It may show other serious defects. The white may be weak and watery.

(5) "Checks." The shell may be cracked, but must not be leaking. Otherwise checks shall comply with the requirements for grade B.

(6) "Grade B-Soiled." Shall meet the requirements of grade B, except that the shell may be dirty.

632.020 Grade tolerances. In determining the grade of any case or lot of eggs, the following maximum tolerances shall be allowed for each unit of one case or lot of 30 dozen:

(1) Grade AA. Five percent may consist

of eggs not reasonably clean or sound; ten percent may consist of grade A.

(2) Grade A. Five percent may consist of eggs not reasonably clean or sound; ten percent may consist of grade B.

(3) Grade B. Fifteen percent may consist of eggs not reasonably clean or sound.

On any lot of less than 30 dozen eggs, proportional tolerances shall be allowed. However, no lot or container of one dozen eggs shall include more than two eggs of any or all of the grades or qualities permitted in such tolerances.

632.025 Size standards. The following standards of size, expressed in weight, are applicable to all eggs intended for human consumption:

(1) "Extra large," eggs weighing not less than two and one-twelfth ounces each and averaging not less than 26 ounces per dozen.

(2) "Large," eggs weighing not less than one and eleven-twelfths ounces each and averaging not less than 23 and one-half ounces per dozen.

(3) "Medium," eggs weighing not less than one and eight-twelfths ounces each and averaging not less than 21 ounces per dozen.

(4) "Small," eggs weighing not less than one and one-fourth ounces each and averaging not less than 18 ounces per dozen.

(5) "Undersize," eggs weighing less than one and one-fourth ounces each.

(6) "Jumbo," eggs weighing not less than two and one-fourth ounces each and averaging not less than 28 ounces per dozen.

632.030 Weight tolerances. In determining the weight of any case or lot of eggs, the following maximum tolerances shall be allowed:

(1) Five percent of the individual eggs in any case or lot may consist of eggs which fail to meet the minimum weight of the size standard.

(2) On any lot or container of one dozen eggs, not more than one egg which fails to meet the minimum weight of the size standard shall be allowed. However, weight tolerances for individual eggs shall not be construed as permitting a tolerance for the minimum weight per dozen as set out in ORS 632.025.

632.035 Egg dealer's permit; fee. (1) No person shall engage in the sale of eggs to consumers or to retailers, whether as a

wholesaler, jobber or otherwise, other than exclusively eggs of his own production, without a permit issued by the department. However, such permit shall not be required for sale of uncandled eggs to other than a consumer, or for the sale to a consumer of eggs which previously have been candled and graded in compliance with ORS 632.005 to 632.125.

(2) Such permit shall be known as the State Egg Dealer's Permit and shall be issued by the department upon application in writing and payment to it of a minimum annual license fee of \$2. Each permit shall be effective for one fiscal year only and may be renewed from year to year upon written application and payment of the minimum annual fee plus any additional fees accrued and payable under this section.

(3) Such permit at all times shall be displayed conspicuously at the dealer's principal place of business within this state.

(4) In addition to the minimum license fee, each egg dealer shall pay a fee amounting to the sum of three cents on each case or unit, of 30 dozen, of eggs in excess of 200 such cases or units sold during each fiscal year to consumers or retailers. Each person licensed as an egg dealer shall report to the department, as of January 1 and July 1 of each year, on forms prescribed and furnished by the department, the number of cases or units, of 30 dozen, of eggs over 200 cases sold by that licensee to consumers or retailers during the six months preceding the date of that report. Such report, together with all license fees accrued on such sales, shall be delivered and paid to the department within 15 days after the end of the period for which the report is made. Each licensed egg dealer shall keep such records as the department requires for the purpose of computing the amount of the license fees payable under this section.

632.040 Commercial egg breaker's permit; fee. No person shall engage in the commercial breaking of eggs for the purpose of recovering therefrom, for human food, the whites, yolks or whole egg meats, or any part thereof, for resale as such, without first obtaining from the department a permit to do so. Such permit shall be issued to any person making written application for it and a proper showing of ability and intent to comply with the sanitary requirement specified by ORS 632.005 to 632.125, and payment to the department of an annual

license fee of \$50. Such permit shall be effective for one fiscal year only and may be renewed from year to year upon written application and payment of the annual license fee.

632.045 Revocation and suspension of permits. Any permit issued under ORS 632.035 and 632.040, may be suspended or revoked by the department, after opportunity for hearing, for violation of any provision of ORS 632.005 to 632.125, or for wilful falsification of any report made under such sections. ORS 561.310 to 561.390, relating to the revocation or suspension of licenses, apply to this section.

632.050 Seller's invoice to retailer. (1) Each person who sells to any retailer, or to any restaurant, hotel, boarding house, bakery or other institution or concern which purchases eggs for serving to guests or patrons, or for its use in preparation of any food product for human consumption, candled or graded eggs other than those of his own production sold on the premises where produced, shall furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade and size of the eggs sold, according to the grades and standards mentioned in ORS 632.005 to 632.125.

(2) The person selling and the retailer or other purchaser shall each keep a copy of the invoice on file at his place of business for a period of 30 days, during which time the copy shall be available for inspection during reasonable business hours by a representative of the department.

632.055 Use of secondhand or used cases or cans. (1) No secondhand or used case shall be used for the packing, handling or sale of eggs unless all prior markings regarding grade and quality and the name and address of the previous user of the case have been removed or completely obliterated from the ends of the case.

(2) No liquid or frozen egg meats intended for human consumption shall be packed, sold or offered for sale, in any secondhand or used can.

632.060 Sanitary requirements for egg-breaking rooms. (1) Any room, machinery and equipment used in the breaking of eggs for commercial purposes, the egg meats from which are to be sold for human consumption, must be maintained in a clean, sanitary

condition. It must be well lighted by either natural or artificial light and have suitable and ample ventilation. Any such room, during the egg-breaking season, shall be used for egg-breaking purposes only. The walls and ceiling must be constructed of material that can be readily cleaned and must be painted or calcimined in a light color. The floors must be tight, of concrete or other impervious material and be graded to drain, with proper drainage facilities.

(2) An abundant supply of safe, potable water shall be readily available and maintained under pressure. Steam or boiling water shall be kept available in quantity sufficient for thorough washing and sterilization of all equipment coming in contact with the egg meats.

(3) Egg-breaking apparatus shall be of such material and design that can be easily cleaned and shall be constructed so as to permit the breaking of each egg separately. Any utensil coming in contact with the egg meats shall be washed thoroughly and sterilized at the end of each day's operation. Proper means shall be employed to exclude flies and other vermin from the breaking rooms.

(4) Employees in egg-breaking rooms shall wear clean outer garments, including caps or head bands. Properly constructed toilets and wash rooms shall be provided for employees and shall be maintained in a strictly clean condition, with clean towels available at all times. Egg crates or fillers shall not be permitted in any egg-breaking room. Egg shells, discarded eggs and other waste products from the egg-breaking rooms must be deposited in suitable containers and removed daily.

(5) The egg meats shall be so handled and kept as to avoid contamination.

(6) No person shall work or be permitted to work in any egg-breaking plant or in the handling of the egg meats who is afflicted with any contagious or communicable disease. The department shall have the right to require a medical examination of any employee suspected of being so afflicted.

632.065 Certificate required for out-of-state egg meats. No egg meats, whether in frozen, liquid, dried or any other form, which have been prepared outside of this state, but within the United States, shall be sold or offered for sale within this state for human consumption, unless they are accompanied by a certificate of an authorized representa-

tive of any state or federal department authorized to inspect food products. The certificate shall be to the effect that the egg meats have been prepared from edible eggs and in accordance with all applicable sanitary food and other laws of the state or territory where they were prepared.

632.070 Labeling of egg meats. No egg meats, whether in frozen, liquid, dried or any other form, shall be sold or offered for sale for human consumption, unless there is stated conspicuously on the outside of each can or other container:

- (1) The name and address of the person by or for whom packed.
- (2) The kind of egg meats contained in it, that is, whether whites, yolks, whole eggs or otherwise.
- (3) The net weight of the contents.
- (4) The name and percentage weight of each substance other than egg meats contained in it.

632.075 Sale of unfit eggs. (1) No person shall sell, or offer or expose for sale, for human consumption, any egg unfit for human food.

(2) For the purpose of ORS 632.005 to 632.125, an egg is unfit for human food if:

- (a) It is addled or moldy.
- (b) It contains any black spot, black rot, white rot or blood ring.
- (c) It has an adherent yolk, or any bloody or green white.
- (d) It consists in whole or in part of any filthy, decomposed or putrid substance.

632.080 Stamping incubated eggs prior to sale. No person shall sell, offer for sale or expose for sale any incubated egg, unless it is branded or stamped with the word "Incubated."

632.085 Labeling of imported eggs; posting notices. (1) All eggs imported into the state from any foreign country shall be sold as such. The case or container in which such eggs are shipped shall have the words "Foreign Eggs," or the word "Eggs" preceded by the name of the country where produced, displayed on it in letters two inches high.

(2) A retailer of such eggs shall sell or offer them for sale only from the container in which he received them, and shall inform each purchaser that they are foreign eggs.

(3) Each restaurant, hotel, cafe, bakery or confectionery using or serving foreign

eggs in any form shall maintain a sign, in letters not less than four inches high, in some conspicuous place where all entering customers or patrons can see it, and reading "We Use Foreign Eggs" or the same words with the exception that the name of the country where the eggs were produced may be substituted for the word "Foreign."

632.090 Required markings for cartons and containers. No person shall sell, offer for sale, expose for sale or transport for sale, except as a common carrier, to any retailer or consumer, in any case, carton, or other container, any eggs intended for human consumption, other than eggs of that person's own production sold, or exposed or offered for sale solely upon the premises on which produced, unless each case, carton or other container thereof is plainly marked, in letters of not less than one-half inch in height, with the following:

(1) The full, correct and unabbreviated designation of the grade of the eggs, followed by the designation of the size of such eggs, according to the grades and standards prescribed by ORS 632.005 to 632.125.

(2) The name and address of the producer, wholesaler or retailer, by or for whom the eggs were graded or packed.

Such designations shall be marked upon one outside end of each case or half case, and on the top of each carton. However, uncandled eggs may be transported to any holder of an egg dealer's permit without meeting the labeling requirements.

632.095 Bulk lots; placard indicating size and grade. No person shall sell, offer for sale or expose for sale, at retail, eggs from any bulk lot, other than eggs of that person's own production sold, or offered or exposed for sale solely upon the premises upon which produced, without displaying a plainly legible sign or placard, conspicuously placed in such a position as clearly and accurately to identify the eggs, and marked with the full, correct and unabbreviated designation of grade, followed by the designation of the size of the eggs, according to the grades and standards prescribed by ORS 632.005 to 632.125.

632.100 Advertisements. No person shall in any manner advertise the price of any eggs for sale at retail, without including in the advertisement, with prominence equal to the statement of price, a statement of the correct grade and size of such eggs

according to the grades and standards prescribed by ORS 632.005 to 632.125. No eggs, other than grade AA or grade A, shall be sold, offered for sale or advertised for sale in any manner, as "fresh," "strictly fresh," or "new-laid," or with the use of any other term or expression of similar import.

632.105 Enforcement. The department shall administer and enforce ORS 632.005 to 632.125 and promulgate such rules and regulations, not inconsistent with such sections, necessary for that purpose. Such rules and regulations shall be made and published in accordance with ORS 561.190.

632.110 Disposition of fees. All fees collected by the department under ORS 632.005 to 632.125, shall be paid to the State Treasurer not later than the tenth day of the calendar month next succeeding their receipt by the department, and by him credited to the Department of Agriculture Account. As much of it as is required shall be available and constitute a continuing appropriation from such fund for the payment of the necessary expenses of the department in administration and enforcement of such sections.

632.115 Injunction. Any circuit court is vested with jurisdiction to restrain violation or threatened violation of ORS 632.005 to 632.125 upon suit by the department or the Attorney General.

632.120 Seizure and disposal of eggs not properly marked. (1) In addition to any other penalty prescribed for violation of ORS 632.005 to 632.125, the department, or an authorized representative thereof, may seize any eggs being offered, exposed or transported for sale to any retailer or consumer:

(a) Without displaying the correct state grade and size thereof as provided by ORS 632.005 to 632.125.

(b) Any liquid or frozen egg meats packed, sold or offered for sale for human consumption in any secondhand or used container.

(c) Any egg meats sold or offered for sale in any container not marked as required by such sections.

(d) Any egg meats prepared outside this state and sold or offered for sale within this state without being accompanied by the certificate required for such egg meats by ORS 632.065.

(2) In the event of such seizure, such eggs shall be disposed of by the department in the manner directed by law for the disposal of products seized by the department.

632.125 Jurisdiction. Justice courts, district courts and municipal courts sitting as justice courts, have concurrent jurisdiction with the circuit courts of all prosecutions arising under ORS 632.005 to 632.125.

632.130 to 632.200 [Reserved for expansion]

ONIONS

632.205 Definitions. As used in ORS 632.205 to 632.250:

(1) "Culls" mean all onions, except onions for dehydration, failing to meet the requirements of the standard for onions as established under ORS 632.205 to 632.250.

(2) "Department" means the State Department of Agriculture.

632.210 Establishment of standard grades and containers. The department shall establish standard grades and containers for onions. Such official grades shall conform, as far as practicable to the official standards and grades of the United States as prescribed and promulgated by the United States Department of Agriculture. Such grades or containers may be changed from time to time, as may be necessary. Such grades and containers shall be adopted under the procedure and in the manner prescribed by ORS 616.405 to 616.440.

632.215 Publication of grades and standards. Immediately upon the adoption of such onion grades or containers the department shall cause them to be published in pamphlet form as provided for the publication of such grades and standards by ORS 616.430.

632.220 Conformity to standard. All onions, except onions for dehydration, sold or offered for sale or shipment in this state shall conform to the standards for onions provided by ORS 632.205 to 632.250.

632.225 Labeling. All onions, other than onions for dehydration, sold, displayed or offered for sale or shipment in this state shall have the container, bin or display table labeled with a legible label containing:

(1) Name of state in which onions were grown.

(2) Grade of onions in the container.

(3) Name and address of the grower or dealer.

632.230 Containers for No. 1 or better grade. All containers of onions of No. 1 or better grade, sold or offered for sale or shipment in this state, shall be uniform, new, sound and clean, and otherwise conform to the standards approved by the department.

632.235 Inspection districts; inspections, reinspection and fees. (1) The department may designate certain areas, deemed necessary for the enforcement of ORS 632.205 to 632.250, as inspection districts.

(2) All onions shipped or received in such inspection districts in lots of one or more tons shall be inspected by the department in accordance with the rules and regulations provided for by ORS 632.205 to 632.250. Not more than one inspection shall be made by the department for any car or lot of onions unless the buyer or seller of such car or lot of onions applies for reinspection and advances the charges for it. Any shipper of onions, who feels that the grade established on any lot of onions by any inspector or deputy of the department is not the true grade of the lot, may appeal to the department for a reinspection, upon depositing with the department the fee required for such work. Such fee shall be refunded if the reinspection shows the original findings to be incorrect. However, the department may inspect any lot of less than one ton if it deems it necessary in the enforcement of ORS 632.205 to 632.250.

(3) The department may fix, assess and collect or cause to be collected fees for all inspections of onions, on a uniform basis, in an amount determined to be reasonable and to cover the cost of such inspection.

632.240 Enforcement; certificates of inspection as evidence. (1) The department shall enforce ORS 632.205 to 632.250. It may enter into agreements with officers of the United States Department of Agriculture necessary to carry out such sections.

(2) Upon complaint, properly filed, that onions are being sold or offered for sale or shipment in violation of such sections, the department shall make the necessary investigation and, if the complaint is found to be true, shall report the facts to the district attorney of the county in which such violations have occurred and he shall begin proceedings against the offender.

(3) Certificates of inspection of onions issued by the department shall be prima facie evidence of the facts contained in them.

632.245 Disposition of fees and money. All fees and money collected by the department pursuant to the provisions of ORS 632.205 to 632.250 shall be deposited in the State Treasury to the credit of the Department of Agriculture Account. All such moneys, or so much thereof as required, are appropriated for the purpose of paying the costs of administration, enforcement and inspections made pursuant to such sections.

632.250 Violation of onion laws prohibited. No person shall sell or offer for sale or shipment any onions in violation of ORS 632.205 to 632.245, or the rules and regulations established under such sections.

632.255 to 632.300 [Reserved for expansion]

POTATOES

632.305 Definitions. As used in ORS 632.305 to 632.355:

(1) "Culls" mean all potatoes failing to meet the requirements of the standards for potatoes as established under ORS 632.305 to 632.355.

(2) "Department" means the State Department of Agriculture.

632.310 Establishment of standard grades. The department shall establish standard grades for potatoes. Such official grades shall conform, as far as practicable, to the official standards and grades of the United States as prescribed and promulgated by the United States Department of Agriculture. Such grades may be changed from time to time, as may be necessary. ORS 616.405 to 616.440 shall apply to the establishment of grades for potatoes under ORS 632.305 to 632.355.

632.315 Publication of grades. Immediately upon the adoption of such potato grades the department shall publish them in pamphlet form as provided by ORS 616.430.

632.320 Conformity to standards; inspection of seed potatoes for grade. All potatoes sold or offered for sale or shipment in this state shall conform to the standards for potatoes provided for by ORS 632.305 to 632.355. However, "certified" and "standard" seed potatoes passed as such by

the potato certification board of Oregon State College may, upon request of the board, be inspected for grade by the department in conformity with the standards, rules and regulations established by the potato certification board and when in lots of one or more tons.

632.325 Labels. (1) Except as otherwise provided in this section, all potatoes sold, displayed or offered for sale or shipment shall have the container, bin or display table labeled with a legible label containing:

(a) Name of state in which potatoes were grown.

(b) Grade of potatoes in the container.

(c) Name and address or brand of the grower or dealer.

(d) The name of the variety if sold for seed.

(2) "Certified" or "standard" seed potatoes shall be sufficiently labeled when the official tag of the Oregon potato certification board has been legally affixed to the container. The department may designate by rule or regulation, in conformity with the provisions of ORS 632.305 to 632.355, the kind of label that shall be used on the various containers for potatoes coming under its provisions, except as otherwise provided by this section.

(3) The name and address or brand of the grower or dealer shall not be required on lots of 15 pounds or less.

(4) All potatoes below grade No. 1, sold or shipped for dehydration, starch manufacture or distillation purposes only, shall be inspected for compliance with Oregon standards for such potatoes and may be shipped without complying with the labeling requirements established by this section. The shipper shall declare the intended use for such potatoes and may be required to furnish evidence that the potatoes shipped or sold under this provision were in fact so used.

(5) All advertising matter applying to the retail sale of potatoes shall indicate the name of the state in which the potatoes were grown and the true grade of the potatoes offered for sale.

632.330 Containers for No. 1 or better grade. All containers of potatoes of No. 1 or better grade sold or offered for sale or shipment in this state shall be uniform, sound and clean, and all sacks containing them shall be new or No. 1 used sacks.

632.335 Inspection districts; inspection, reinspection and fees. (1) The department may designate certain areas, deemed necessary for the enforcement of ORS 632.305 to 632.355, as inspection districts.

(2) All potatoes shipped or received in such inspection districts in lots of one or more tons shall be inspected by the department in accordance with the rules and regulations provided by ORS 632.305 to 632.355. Not more than one inspection shall be made by the department for any car or lot of potatoes unless the buyer or seller of such car or lot of potatoes applies for such reinspection and advances the charges for it. Any shipper of potatoes, who feels that the grade established on any lot of potatoes by any inspector or deputy of the department is not the true grade of such lot, may appeal to the department for a reinspection upon depositing with the department the fee required for such work. Such fee shall be refunded if the reinspection shows the original findings to be incorrect. However, the department may inspect any lot of less than one ton if deemed necessary in the enforcement of such sections.

(3) The department may fix, assess and collect, or cause to be collected, fees for all inspections of potatoes, on a uniform basis, in an amount determined, after hearing, in accordance with ORS 632.310, to be reasonable and to cover the cost of such inspection.

632.340 Enforcement; certificates of inspection as evidence. (1) The department shall enforce ORS 632.305 to 632.355. It may enter into such agreements with federal inspectors, officers or departments of the United States Government as may be necessary or convenient to carry out such sections.

(2) Upon complaint, properly filed, that potatoes are being sold or offered for sale or shipment in violation of such sections, the department shall make necessary investigation and if the complaint is found true, shall report the facts to the district attorney of the county in which such violations have occurred and he shall begin proceedings against the offenders.

(3) Certificates of inspection of potatoes issued by the department shall be prima facie evidence of the facts contained in them.

632.345 Request for inspection. Any person desiring potatoes inspected for grade in this state may call upon the department which shall make suitable arrangements to have such inspection made, if fees are paid

to cover costs of such inspection so there will be no loss to the state.

632.350 Disposition of fees and money. All fees and money collected by the department pursuant to ORS 632.305 to 632.355, shall be deposited in the State Treasury to the credit of the Department of Agriculture Account. All such moneys are appropriated for the purpose of paying the costs of administration, enforcement and inspections made pursuant to such sections.

632.355 Violation of potato law. No person shall sell or offer for sale or shipment any potatoes in violation of the provisions of ORS 632.305 to 632.355 or the rules and regulations established under such sections.

632.360 Pounds in standard sack. In all cases, where not otherwise specified by contract, 100 pounds, inclusive of the weight of the containing bag or sack, shall be the standard weight of a sack of potatoes in this state.

632.365 to 632.400 [Reserved for expansion]

PRUNES

632.405 Definitions. As used in ORS 632.405 to 632.440, "department" means the State Department of Agriculture.

632.410 Establishing official grades and standards. (1) The department shall fix, establish and promulgate, after investigation and public hearing, official grades and standards for grading and classifying dried prunes.

(2) In establishing such grades and standards the department shall take into account and base them upon the following factors:

(a) Flavor, texture, size, appearance and moisture content.

(b) Freedom from disease.

(c) Freedom from or extent of damage or deterioration.

(d) Absence of foreign material, dirt, insect infestation or scorch.

(e) Extent of carmelization.

(f) Method of packing or packaging.

(g) Such other factors as may be indicative of or which may affect quality or condition and value or suitability for human consumption or for the commercial or other uses to which that product normally is put.

(3) In addition, the department shall

take into account any grades, standards or classifications for dried prunes established by the United States Department of Agriculture, and also applicable state and federal food and drug laws. ORS 616.405 to 616.440 relating to grades and standards shall apply to ORS 632.405 to 632.440.

632.415 Application of factors to be considered; change of grade. (1) The factors to be considered in establishing any grades or standards for dried prunes, as provided by ORS 632.410, shall be applied in accordance with the extent to which and manner in which they relate to the quality, quantity and condition of that product and the value or suitability of it for human consumption or for the commercial or other uses to which it is normally put.

(2) Any such grades, standards or classifications established under ORS 632.405 to 632.440 may, from time to time, be changed by the department in order:

(a) To conform them more nearly to the requirements or interests of consumers or to commercial or trade requirements, practices or methods.

(b) To meet changed conditions.

(c) To comply with new and improved methods of handling, processing, packing, transporting, marketing or using dried prunes.

(d) To apply or make effective any new and improved method of test, analysis or examination of the quality or condition of that product or the value or suitability of it as stated in this section.

632.420 Sample kept of purchases according to grade; determination of dispute as to grade. (1) Any person who purchases in commercial quantity any dried prunes which are to be further processed before being sold or offered for sale for human consumption, the price or consideration for such being dependent upon the quality or quantity determined according to the number of dried prunes to the pound, shall keep for a period of not less than 30 days, conveniently available to checking by the person from whom those dried prunes were purchased, the exact sample used in so determining their quality or quantity.

(2) In the event of dispute as to the accuracy of that determination of quality or quantity, the department, upon the request of either party to that sale and payment of the required fee, shall examine the sample. The determination by the depart-

ment on the basis of such examination of the quality or quantity of those dried prunes shall be binding upon both parties.

632.425 Fees for inspecting and grading. The department shall fix, assess and collect fees for all inspections or grading of dried prunes made pursuant to ORS 632.405 to 632.440, on a uniform basis, in a reasonable amount, which the department shall determine to be sufficient to cover the cost of such inspection and grading.

632.430 Enforcement; inspection or grading certificate as evidence. (1) The department shall administer and enforce the provisions of ORS 632.405 to 632.440. It may employ such inspectors and deputies and enter such agreements with officers of the United States Department of Agriculture and make such reasonable rules and regulations as may be necessary to carry out such sections.

(2) In any court proceeding any inspection or grading certificate, issued pursuant to such sections, is prima facie evidence of the facts stated in it.

632.435 Disposition of fees and money. All fees and money received by the department pursuant to ORS 632.405 to 632.440 shall be paid to the State Treasurer and by him placed to the credit of the Department of Agriculture Account. Each such payment, or so much of it as may be necessary, shall constitute an appropriation to the department of the amount thereof from the Department of Agriculture Account for the purpose of carrying out, administering and enforcing the provisions of such sections.

632.440 Injunction. Any circuit court has jurisdiction to restrain any violation or threatened violation of ORS 632.405 to 632.435, upon suit by the Attorney General.

632.445 to 632.500 [Reserved for expansion]

WALNUTS AND FILBERTS

632.505 Definitions. As used in ORS 632.505 to 632.625, "department" means the State Department of Agriculture.

632.510 Definitions of terms used in grading and standardizing unshelled walnuts. Definitions of terms which shall be used in the grading and standardizing of unshelled walnuts are as follows:

(1) "Walnuts" means the English walnut (*Juglans regia*).

(2) "Fully dried" means that the kernel is crisp, and with a moisture content, both shell and kernel, not exceeding 10 percent.

(3) "Clean" means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many bleached nuts and shall not be considered as dirt or foreign matter.

(4) "Bright" means a light, uniform, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

(5) "Fairly uniform color" means that the shell color of individual nuts does not contrast materially with the general color of the lot.

(6) "Well formed" means that at least 88 percent of the pack have a normal shape characteristic of the variety.

(7) "Splits" means walnuts with shell halves separated at the suture for 50 percent or more of the circumference of the nut.

(8) "Injury by discoloration" means that the color of affected portions of the shell contrasts materially with the color of the rest of the shell of the individual nut.

(9) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality of the walnuts. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as damage:

(a) Broken shells, when any material portion of the shell is missing or the halves are completely broken apart and separated.

(b) Perforated shells, when the area affected aggregates more than one-fourth inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall.

(c) Adhering hulls, when affecting more than five percent of the shell surface.

(d) Discoloration, or stain, which covers in the aggregate one-fifth or more of the surface of the shell of an individual nut, and which is medium brown, light reddish brown or gray, contrasting with the color

of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable.

(e) Mold, which kernels show on their surface and which is readily discernible to the eye. Kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy.

(f) Shrivel, severe shrivel or various degrees of shrivel affecting a greater area producing an equally objectionable appearance. Special rules for scoring shrivel are provided for each grade, under tolerance for internal defects.

(10) "Dark discoloration" means that the color of the kernel is darker than "dark amber," as defined by the English walnut grading chart of the United States Department of Agriculture.

(11) "Rancidity" means the stage of deterioration in which the kernel has developed a rancid flavor. This condition is frequently indicated by a definite change in color of the nut tissue, a marked yellowing or blackening of the fleshy tissue of the meat. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

(12) "Insect injury" means any evidence that codling moth larvae or other insects have been present in the nuts, such as frass or webbing; or a powdery condition of the kernel such as might be caused by ants.

(13) "Fairly clean" means that from the viewpoint of general appearance the lot is not seriously damaged by adhering dirt or other foreign matter and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

(14) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality of the walnut. Decay, rancidity, and insects or insect injury shall be considered serious damage. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as serious damage:

(a) Discoloration, or stain, which covers in the aggregate one-third or more of the surface of the shell of an individual nut and which is brown, reddish brown or gray,

contrasting sharply with the color of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable.

(b) Perforated shells, when the area affected aggregates more than three-eighths of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall.

(c) Adhering hulls, when affecting more than one-eighth of the shell surface in the aggregate.

632.515 Grade size specifications. Grade size specifications for walnuts shall be as follows:

(1) "Large size" shall be of a diameter too large to pass through a round opening 79/64ths inch in diameter.

(2) "Medium size" shall be of a diameter too large to pass through a round opening 74/64th inch in diameter, but will pass through a round opening 79/64th inch in diameter.

(3) "Baby size" shall be of a diameter too large to pass through a round opening 60/64th inch in diameter, but will pass through a round opening 74/64th inch in diameter.

(4) Walnuts less than 60/64ths inch in diameter are to be regarded as culls and not sold.

(5) A jumbo size may be packed, provided it is of a diameter too large to pass through a round opening 82/64th inch in diameter.

In order to allow for variations incident to commercial grading and handling, a tolerance not to exceed 12 percent by count shall be allowed for sizes other than the specified size.

632.520 Grades for quality. (1) Grades for quality of Oregon walnuts shall be known as:

- (a) "Oregon No. 1" (first quality).
- (b) "Oregon No. 2" (second quality).
- (c) "Oregon No. 3" (third quality).
- (d) "Oregon Ungraded."

(2) First quality nuts shall be plainly marked "Oregon No. 1" in blue print; second quality, "Oregon No. 2" in red print; third quality, "Oregon No. 3" in green print; and "Oregon Ungraded" in black print, on the bag or carton containing them, in letters or figures which shall not be

less than one-twentieth of the height of the bag or container, either by grade number or by registered trade name filed with the department. However, no trade name is allowed on Oregon ungraded walnuts.

(3) When registered trade brand is used, the grade number may be omitted. The height of letters or figures in stencil shall be not less than one-twentieth of the height of the bag or container.

632.525 Tolerances in grading walnuts.

The tolerances for the grades contained in ORS 632.530 to 632.545, are intended to be applied on the entire lot basis, and a composite sample should be taken for inspection purposes. However, any container or group of containers in which the walnuts are found to be materially inferior to those in the majority of the containers may be considered a separate lot. In determining the grade of a lot of walnuts, all the nuts in the sample should first be graded for size and then examined for external defects. The same nuts should then be cracked and examined for internal defects. The nuts must meet the requirements for both external and internal quality in order to meet a designated grade.

632.530 Oregon No. 1 walnuts. (1)

Oregon No. 1 shall consist of unshelled walnuts, of similar varietal characteristics, which are fully dried, the shells of which are clean, bright, fairly uniform in color, well formed, and free from splits, injury or discoloration, and free from damage caused by broken shells, perforated shells, adhering hulls and other means. The kernels shall be free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means.

(2) This grade shall contain at least 60 percent, by count, of walnuts having kernels which are not darker than "light," as defined by the English walnut grading chart of the United States Department of Agriculture, and which are free from defects of No. 1 grade.

(3) In order to allow for variations incident to commercial grading and handling of first quality walnuts, Oregon No. 1, the following tolerances, other than for variety and size, shall apply:

(a) For external defects, not more than five percent by count shall be below the requirements of the grade, for defects other than splits, including not more than three

percent serious damage. An additional tolerance of five percent for splits shall be allowed.

(b) For internal defects, not more than 10 percent by count shall be below the requirements of the grade, including not more than five percent serious damage from causes other than shrivel. An additional tolerance of 10 percent shall be allowed for kernels otherwise sound, but with one-eighth or less shriveled. In arriving at this tolerance the following rules with respect to shrivel shall apply: Kernels otherwise sound with one-half or more shriveled shall be counted as one percent. Kernels otherwise sound with more than one-eighth and less than one-half shriveled shall count as one-half of one percent. However, if more than 10 such nuts are present per 100, each additional nut shall count as one percent.

632.535 Oregon No. 2 walnuts. (1)

Oregon No. 2 shall consist of unshelled walnuts of similar varietal characteristics, which are fully dried, the shells of which are fairly clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration or other means. The kernels shall be free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means.

(2) This grade shall contain at least 50 percent, by count, of walnuts having kernels which are not darker than "light," as defined by the English walnut grading chart of the United States Department of Agriculture, and which are free from defects of No. 2 grade.

(3) In order to allow for variations incident to commercial grading and handling of second quality walnuts, Oregon No. 2, the following tolerances, other than for variety and size, shall apply:

(a) For external defects, not more than eight percent by count shall be below the requirements of the grade for defects other than splits, including not more than five percent serious damage. An additional tolerance of five percent for splits shall be allowed.

(b) For internal defects, not more than 10 percent by count shall be below the requirements of the grade, including not more than five percent serious damage from causes other than shrivel. In arriving at this tolerance, the following rules with respect to shrivel shall apply: Kernels other-

wise sound with one-half or more shriveled shall be counted as one percent. Kernels otherwise sound with one-fourth and less than one-half shriveled shall count as one-half of one percent. Kernels otherwise sound with more than one-eighth but less than one-fourth shriveled shall count as one-fourth of one percent. However, not more than 20 such kernels shall be allowed per each 100. Kernels otherwise sound with one-eighth or less shriveled shall be considered sound in No. 2 grade, if not more than 50 percent by count of such kernels are present.

632.540 Oregon No. 3 walnuts. (1) Oregon No. 3 shall consist of unshelled walnuts, which are fully dried, the shells of which are fairly clean, free from splits, and free from damage, caused by broken shells, and free from serious damage, caused by discoloration, perforated shells, adhering hulls and other means. The kernels shall be free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means.

(2) In order to allow for variations incident to commercial grading and handling of third quality walnuts, Oregon No. 3, the following tolerances other than for size, shall apply:

(a) For external defects, not more than 10 percent, by count, shall be below the requirements of the grade for defects other than splits, including not over five percent serious damage by adhering hulls. An additional tolerance of 10 percent for splits shall be allowed.

(b) For internal defects, not more than 10 percent by count shall be below the requirements of the grade. In arriving at this tolerance, the following rules with respect to shrivel shall apply: Kernels otherwise sound but with more than one-half shriveled shall be counted as one percent. Kernels otherwise sound with more than one-fourth but not more than one-half shriveled shall be counted as one-half of one percent.

632.545 Oregon ungraded walnuts. "Oregon Ungraded" shall include walnuts meeting the federal standard as administered by the United States Pure Food and Drug Act. Walnuts in this classification may be ungraded as for size except that not more than 12 percent, by count, shall be smaller than 60/64th inch in diameter.

632.550 Cull grade walnuts. Walnuts not meeting the requirements of ORS 632.530 to 632.545 shall be designated "cull grade" and shall not be sold in the shell.

632.555 Definitions of terms used in grading and standardizing of unshelled filberts. Definitions of terms which shall be used in the grading and standardizing of unshelled filberts are as follows:

(1) "Fully dried" means that the shell is free from surface moisture and that the shell and kernel combined do not contain more than 10 percent moisture.

(2) "Clean" means that from the viewpoint of general appearance the filberts are free from adhering dirt, husks or foreign matter, and that individual filberts are not damaged by such means.

(3) "Bright" means that the color of the shell is characteristic of the type.

(4) "Well formed" means that at least 90 percent of the filberts in a lot have a normal shape characteristic of the variety or type.

(5) "Blank" means a filbert which contains no kernel or which has a kernel that fills less than one-fourth of the capacity of the shell.

(6) "Split" means a filbert the shell of which has 25 percent or more of its circumference obviously split or separated.

(7) "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the individual filbert or of the lot as a whole. Any one of the following defects or any combination of defects, the seriousness of which exceed the maximum allowed for any one of these defects shall be considered as damage:

(a) Stains which are dark and materially affect the appearance of the individual nut.

(b) Mechanical injury when the shell of the filbert has been scratched or scarred or a portion of the natural finish has been rubbed off to an extent that the nut presents an unnatural appearance.

(c) Adhering husk when covering more than five percent of the surface in the aggregate.

(d) Shriveling when the kernel is noticeably shrunken, leathery or tough.

(e) Discoloration when the appearance of the individual kernel is materially affected by dark or black discoloration.

(8) "Reasonably well developed" means that the kernel fills at least one-half or more of the capacity of the shell.

(9) "Badly misshapen" means that the kernel is so malformed that the appearance is materially affected.

(10) "Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance is not always an indication of rancidity. Unless the kernel is noticeably rancid to the taste it shall not be considered as damaged.

(11) "Decay" means that the kernel is putrid or decomposed.

(12) "Moldy" means any visible growth of mold either on the kernel or inside the shell.

(13) "Insect injury" means that the insect or frass is present, or that there is visible evidence of insect damage to the kernel.

632.560 Grade for quality. The grade for quality of Oregon filberts shall be known as "Oregon No. 1" (first quality), and first quality nuts shall be plainly marked "Oregon No. 1" in blue print, on the bag or carton containing them, either by grade number or registered trade name filed with the department. When registered trade brand is used, the grade number may be omitted. The height of the letters shall be not less than one-twentieth of the height of the bag or container.

632.565 Tolerances in grading filberts. The tolerances for Oregon No. 1 are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which filberts are found to be materially inferior to those in the majority of the containers may be considered a separate lot. In determining the grade of a lot of filberts, all the nuts in the sample shall first be examined for size and then for external defects. The same nuts are then cracked and examined for internal defects. The nuts must meet both size and quality requirements in order to meet the grade.

632.570 Oregon No. 1 filberts. (1) Oregon No. 1 shall consist of unshelled filberts of similar varietal characteristics which are fully dried, clean, bright, well-formed, free from blanks, broken shells, splits and which are free from damage caused by stain, mechanical injury, adhering husks or other means. The kernels shall be reasonably well developed, not badly misshapen, free from

rancidity, decay, mold, insect injury and free from damage caused by shriveling, discoloration or other means.

(2) In order to allow for variations incident to proper grading and handling, the following tolerances other than for type and size shall be permitted:

(a) For external defects, not more than 10 percent, by count, shall be below the requirements of the grade including not more than five percent splits.

(b) For internal defects, not more than 10 percent, by count, shall be below the requirements of the grade. However, not more than five percent shall be allowed for rancid, decayed or moldy filberts, or those which have insect injury, including not more than three percent for insect injury.

632.575 Size specifications for filberts. Size specifications for filberts shall be as follows:

(1) Barcelona or round type (including Fitzgerald and Royal varieties):

(a) Jumbo size shall be of a diameter too large to pass through a round opening 56/64ths inch in diameter.

(b) Large size shall be of a diameter too large to pass through a round opening 50/64ths inch in diameter, but of a diameter which will pass through a round opening 56/64ths inch in diameter.

(c) Medium size shall be of a diameter too large to pass through a round opening 45/64ths inch in diameter, but of a diameter which will pass through a round opening 50/64ths inch in diameter.

(d) Small size shall be of a diameter which will pass through a round opening 45/64ths inch in diameter.

(e) A giant size may be packed, provided it is of a diameter too large to pass through a round opening 58/64ths inch in diameter.

(2) Du Chilly or long type (including Non-Pareil variety):

(a) Jumbo size shall be of a diameter too large to pass through a round opening 47/64ths inch in diameter.

(b) Large size shall be of a diameter too large to pass through a round opening 44/64ths inch in diameter, but of a diameter which will pass through a round opening 48/64ths inch in diameter.

(c) Medium size shall be of a diameter too large to pass through a round opening 34/64ths inch in diameter, but of a diameter

which will pass through a round opening 45/64ths inch in diameter.

(d) Small size shall be of a diameter which will pass through a round opening 35/64ths inch in diameter.

(e) A giant size may be packed, provided it is of a diameter too large to pass through a round opening 56/64ths inch in diameter.

(3) In order to allow for variations incident to commercial grading and handling, a tolerance not to exceed 12 percent by count shall be allowed for sizes other than the specified size, of which not more than 10 percent shall be allowed for filberts smaller than the specified size.

632.580 Cull grade filberts. Filberts not meeting the requirements of Oregon No. 1 grade shall be designated "cull grade" and shall not be sold in the shell.

632.585 Necessity of conformity to standards. All unshelled walnuts and unshelled filberts sold or offered for sale or shipment in this state shall conform to the standards for such walnuts and filberts as provided by ORS 632.505 to 632.625.

632.590 Labeling. All unshelled walnuts and unshelled filberts sold, displayed or offered for sale or shipment in this state, shall have the containers, bins, display table or other bulk display labeled with a legible label containing:

(1) Name of the state in which such nuts were grown.

(2) Grade or registered brand and size of nuts in the container.

(3) Name and address of the grower, dealer or packer.

However, containers of five pounds or less capacity and bins and bulk tables shall be required to be labeled only with the name of the state where grown and the grade and size of such nuts. Such labeling shall not be required when nuts are being sold at retail from a properly labeled container or bulk display and packaged in the presence of the purchaser for the immediate purpose of the sale.

632.595 Containers. All containers of unshelled walnuts or unshelled filberts of the two highest grades established by ORS 632.505 to 632.625, sold or offered for sale or shipment in this state, shall be uniform, new, sound and clean and otherwise conform to the standards approved by the department.

Containers for lower grades shall be clean, fairly bright and sound.

632.600 Inspection districts; inspection, reinspection and fees. (1) The department may designate certain areas as inspection districts and certain cities as inspection points, deemed necessary for the enforcement of ORS 632.505 to 632.625.

(2) All unshelled walnuts and unshelled filberts shipped out of or into or received in such inspection districts or inspection points in lots of 250 pounds or more shall be inspected by the department in accordance with the rules and regulations provided for by such sections. However, no inspection shall be required for such nuts in transit to a processing plant. Not more than one inspection shall be made by the department for any car or lot of unshelled walnuts, or unshelled filberts unless the buyer or seller of the car or lot applies for reinspection and advances the charges for it as provided by the department. Any shipper of unshelled walnuts or unshelled filberts who feels that the grade established on any lot of nuts by any inspector, agent or representative of the department is not a true grade of such lot of unshelled walnuts or unshelled filberts may appeal to the department for a reinspection. However, the department may inspect any lot of less than 250 pounds, if at any time it deems it necessary.

(3) The department may fix, assess and collect or cause to be collected fees for all inspections of unshelled walnuts and unshelled filberts, on a uniform basis, in an amount determined to be reasonable and to cover the cost of its inspections and the enforcement of ORS 632.505 to 632.625.

632.605 Disposition of fees and money. All fees and money collected by the department pursuant to ORS 632.505 to 632.625 shall be credited to a special fund. Such special fund shall be used only for the purpose of carrying out the provisions of such sections.

632.610 Duty to notify department of availability for inspection. (1) Every operator or person in charge of any motor vehicle transporting on the streets or highways any unshelled walnuts or unshelled filberts, of which inspection is required by ORS 632.505 to 632.625, out of, into or through any inspection district, or any city which has been declared an inspection point, shall give notice by mail or in person to the nearest of-

fice or inspector of the department that such nuts are available for inspection as required by law.

(2) Any person, receiving any shipment, load or lot of such nuts, which has not been inspected, for the purpose of sale or storage in such quantities and in such places as would require inspection, shall give notice within 24 hours by mail or in person to the nearest office or inspector of the department that such nuts have been received and are being held for inspection.

632.615 Enforcement; inspection certificate as evidence. (1) The department shall enforce the provisions of ORS 632.505 to 632.625, and may make rules and regulations necessary or convenient for such enforcement. It may employ such inspectors, agents and representatives as it finds necessary and enter into agreements with the United States Department of Agriculture, its authorized agents, officers and representatives as it deems necessary to carry out such sections, not contrary to the laws of this state.

(2) Upon complaint, properly filed, that unshelled walnuts or unshelled filberts are offered for sale or shipment in violation of ORS 632.505 to 632.625, the department shall make the necessary investigation. If the complaint is found true, the department shall report the facts to the district attorney of the county in which the violation occurred and the district attorney shall prosecute such offender.

(3) Certificates of inspection of unshelled walnuts and unshelled filberts issued

by the department shall be prima facie evidence of the facts contained therein.

632.620 Jurisdiction. Justices of the peace and district courts have concurrent jurisdiction with the circuit court in all proceedings to enforce the provisions of ORS 632.505 to 632.625.

632.625 Violation of walnut and filbert law prohibited. No person shall sell or offer for sale or shipment any unshelled walnuts or unshelled filberts in violation of any of the provisions of ORS 632.505 to 632.625, or the rules or regulations established under such sections.

632.630 to 632.985 [Reserved for expansion]

PENALTIES

632.990 Penalties. (1) Violation of any provision of ORS 632.015 to 632.125 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100 for the first offense, and for each subsequent offense by a fine of not less than \$25 nor more than \$200.

(2) Violation of ORS 632.250, 632.355 or 632.625 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100 or by imprisonment in the county jail for not less than 10 nor more than 30 days, or both.

(3) Violation of any provision of ORS 632.405 to 632.435 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100.

