

ing the markings which shall be required upon containers of any fruit or vegetable, for the purpose of showing: (a) The true grade and/or size of the product in accordance with any such standards or grades promulgated by the [Board] *Secretary*, and/or (b) the name and address of the grower or packer, and/or (c) the name of the state where grown, and/or (d) the variety, quantity, quality, condition and size of the product.

74. Same—Time of taking effect; marking containers.

Standards, grades, rules or regulations established under Section 73 shall not take effect until thirty (30) days after having been officially adopted, but thereafter every container of any fruit or vegetable shall bear plainly and conspicuously upon the outside thereof such markings as are prescribed by the [Board] *Secretary* under the provisions of this subheading.

75. Same—Effect on right to sell; containers not to be marked unless they comply.

No standard, grade, rule or regulation prescribed under this subheading shall affect the right of any person to sell his fruit or vegetable without conforming thereto, but no person shall mark his fruit or vegetable, or container thereof in such a manner as to indicate that his fruit or vegetable conforms with any standard or grade of the [Board] *Secretary* unless he shall have conformed with all rules and regulations of the [Board] *Secretary* in relation thereto.

76. Enforcement.

The [Board, through the Department and its agents,] *Secretary*, shall enforce the provisions of this subheading and may promulgate and enforce such rules and regulations as may be necessary to secure uniformity in the enforcement of this subheading and the proper marking of containers of any fruit or vegetable.

78. Penalties.

Any person violating any provisions of this subheading or wilfully interfering with the [Board] *Secretary* or [its] *his* duly authorized agent in the performance of its duties, is guilty of a misdemeanor and shall, upon conviction, be fined not less than \$5.00 nor more than \$50.00 for the first offense, and not less than \$50.00 nor more than \$100.00 for the second offense, and not less than \$250.00 for each subsequent offense.

79. Prosecution.

The State's attorney and/or any other prosecuting officer of any county or city in which any violation of this subheading may occur shall prosecute any person accused of any violation of this subheading and shall also, at the request of the [Board] *Secretary* or its duly authorized agent, institute and prosecute such action as may be proper under the provisions of this subheading.

80. No prosecution when inspection by [Department] *Secretary* or by United States Department of Agriculture.

No person shall be prosecuted for violation of the provisions of this subheading where it can be established that the fruit or vegetable passed inspection by an authorized inspector of the [Depart-