

SECRETARY ALSO MAY CONDUCT ANY INVESTIGATION HE DEEMS APPROPRIATE AND ADVISABLE TO DEVELOP INFORMATION ON PREVAILING PROCEDURES IN COMMERCIAL QUANTITY DETERMINATIONS AND ON POSSIBLE VIOLATIONS OF THE PROVISIONS OF THIS TITLE, AND TO PROMOTE ACCURACY IN THE DETERMINATION AND REPRESENTATION OF QUANTITY IN COMMERCIAL TRANSACTIONS.

(B) MEASURE AND INSPECT COMMODITIES FOR ACCURACY.

THE SECRETARY SHALL WEIGH OR MEASURE AND INSPECT ANY PACKAGE OR AMOUNT OF A COMMODITY POSSESSED, OFFERED, OR EXPOSED FOR SALE, SOLD, OR BEING DELIVERED, TO DETERMINE WHETHER IT CONTAINS THE AMOUNT REPRESENTED AND WHETHER IT IS POSSESSED, OFFERED, OR EXPOSED FOR SALE, SOLD, OR IS BEING DELIVERED IN ACCORDANCE WITH THIS TITLE.

(C) RECOGNIZED SAMPLING PROCEDURES PERMITTED.

IN CARRYING OUT THE PROVISIONS OF THIS SECTION, THE SECRETARY MAY EMPLOY RECOGNIZED SAMPLING PROCEDURES TO DETERMINE THE COMPLIANCE OF A GIVEN LOT OF PACKAGES ON THE BASIS OF THE RESULT OBTAINED ON A SAMPLE SELECTED FROM AND REPRESENTATIVE OF THE LOT.

(D) EXISTENCE OF WEIGHT AND MEASURE PRIMA FACIE EVIDENCE OF USE.

FOR THE PURPOSE OF THIS [[SUBTITLE]] TITLE, PROOF OF THE EXISTENCE OF A WEIGHT AND MEASURE IN OR ABOUT ANY BUILDING, ENCLOSURE, STAND, OR VEHICLE IN WHICH OR FROM WHICH IT IS SHOWN THAT BUYING OR SELLING IS COMMONLY CARRIED ON, SHALL BE PRESUMPTIVE EVIDENCE OF REGULAR USE OF THE WEIGHT AND MEASURE FOR COMMERCIAL PURPOSES AND OF USE BY THE PERSON IN CHARGE OF THE BUILDING, ENCLOSURE, STAND, OR VEHICLE.

REVISOR'S NOTE: This section is new language derived from the last five sentences of Art. 97, §9 of the Code. The present references to "kept" commodities are omitted and a reference to "possessed" commodities is added for greater clarity. The reference to "weighing or measuring device" is proposed for deletion because this is encompassed within the definition of weight and measure in §11-101(m).

The provision relating to the Secretary's power to issue off-sale orders is omitted