

per centum of such fruit is substantially smaller in size than, or inferior in grade to, or different in variety from, the faced or shown surface of such packing.

An. Code, 1924, sec. 40. 1912, sec. 37. 1916, ch. 627, sec. 9.

40. Any person who misbrands or adulterates, or falsely represents apples within the meaning of this sub-title, or who violates any of the provisions of this sub-title shall, upon conviction thereof, forfeit and pay to the people of the State of Maryland a sum of not less than twenty-five dollars nor more than fifty dollars for the first violation and not less than fifty dollars nor more than one hundred dollars for each subsequent violation.

An. Code, 1924, sec. 41. 1912, sec. 38. 1916, ch. 627, sec. 10.

41. No person shall be prosecuted under the provisions of this sub-title when he can establish satisfactory evidence to the effect that he was not a party to the packing and grading of such articles and had no knowledge that the same were misbranded or illegally packed, or when he can establish a guaranty, signed by the person from whom he received such articles, to the effect that the same are not adulterated or misbranded within the meaning of this sub-title. Said guaranty, or said satisfactory evidence, to afford protection, shall contain the true name and address of the party or parties from whom said articles were received, or who made the sale or shipment of such articles to such person.

An. Code, 1924, sec. 42. 1912, sec. 39. 1916, ch. 627, sec. 11.

42. Definitions. The word "person" as used herein shall be construed to include both the singular and plural, individuals, corporations, co-partnerships, companies, societies and associations. The act, omission or failure of any officer, agent, servant or employee acting within the scope of his employment or office shall be deemed the act, omission or failure of the principal. The words "closed package" shall mean a box, barrel, basket, hamper, or other package covered with burlap, tarlatan, slat or other covers, the contents of which cannot be seen or inspected when such package is closed.

An. Code, 1924, sec. 43. 1912, sec. 40. 1916, ch. 627, sec. 12.

43. No person shall on behalf of any other person pack any apples for sale or transportation contrary to the provisions of this sub-title.

An. Code, 1924, sec. 44. 1912, sec. 41. 1916, ch. 627, sec. 13.

44. This sub-title shall not apply to apples actually transported in barrels to storage within this State until the same are sold, offered or exposed for sale, packed for sale, or transported for sale. Regulations and requirements herein in relation to transportation shall not apply to common carriers.

An. Code, 1924, sec. 45. 1912, sec. 42. 1916, ch. 627, sec. 14.

45. The business of packing and marketing apples in the State of Maryland is hereby declared to be affected with a public interest and is subject to regulation and control by the State.