

shipment, loaded, shipped, being transported, offered or exposed for sale, or sold in closed containers, and to inspect any or all such cantaloupes found in such places, vehicles, or conveyances, and to take for inspection such representative samples of the cantaloupes and such containers as may be necessary to determine whether or not this sub-title has been violated: and, in addition, such enforcing officers shall have the power and right to mark any or all containers found in such places, vehicles or conveyances, for the purpose of future identification.

1933, ch. 404, sec. 46E. 1939, ch. 574, sec. 46E.

51. Any person, firm, corporation, partnership, or other association which violates any of the provisions of this sub-title or wilfully interferes with the State Board of Agriculture or its duly authorized agents, in the performance, on account of the execution, of its or their duties, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$5.00 nor more than \$100.00 for the first offense; not less than \$25.00 nor more than \$250.00 for the second offense; and not less than \$100.00 nor more than \$500.00 for each subsequent offense.

1933, ch. 404, sec. 46F.

52. It shall be the duty of the District Attorney and any prosecuting officer of the county, city and county, or city, in which the violation of this sub-title may occur, to prosecute the person, firm, corporation, partnership, or other association accused of such violation and also, at the request of the State Board of Agriculture, or its duly authorized agents, to institute and prosecute such action as may be authorized under the provisions of this sub-title.

1933, ch. 404, sec. 46G.

53. No person, firm, corporation, partnership, or other association shall be prosecuted under the provisions of this sub-title where it can be established that the cantaloupes offered or exposed for sale or presented for shipment have passed inspection by an authorized inspector of the State Board of Agriculture through its Department of Markets of the Extension Service, or by an inspector of the United States Department of Agriculture and found to be graded, packed, and marked in accordance with the provisions of this sub-title. Certificates of inspection issued by said inspectors shall be accepted at *prima facie* evidence in any State Court of the facts contained therein.

1933, ch. 404, sec. 46H.

54. No person, firm, corporation, partnership, or other association shall be prosecuted under the provisions of this sub-title where he, it, or they, can establish satisfactory evidence to the effect that he, it, or they, was, or were, not a party to the grading and packing of the cantaloupes in question, and had no knowledge that the same were misbranded or illegally packed.

1933, ch. 404, sec. 46-I.

55. The term "closed container," as used in this sub-title, shall mean any box, barrel, basket, crate, hamper, bag, or other package made or covered with burlap, tarlatan, slats or other material, the entire contents of which cannot be readily, properly, and thoroughly inspected while such package is closed.