

and sufficient bond, conditioned upon the obligation that the article shall be properly labeled or processed, has been executed, the court may by order direct that the article be delivered to the claimant thereof for proper labeling or processing under the supervision of an agent of the Secretary. The expense of the supervision shall be paid for by the claimant, and the payment of the expense shall be an obligation of the aforementioned bond. The article shall be returned to the claimant and the bond shall be discharged on the representation to the court by the Secretary that the article is no longer in violation of this subheading, and that the expenses of supervision have been paid.

(d) Whenever the Secretary or any of his authorized agents determines that any meat, seafood, poultry, vegetable, fruit or other perishable articles intended for consumption as human food contain any filthy, decomposed or putrid substance, or are poisonous or would, if consumed, be injurious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Secretary, or his authorized agent, shall forthwith destroy the same, or in some other manner render the same unusable as human food. The owner of the article shall have a cause of action against the Secretary for the market value of any article or articles so destroyed or otherwise rendered unusable as human food, measured as of the date thereof, if the owner of the article can prove by a preponderance of the evidence that the article did not, at the time of the destruction or other disposition, contain any filthy, decomposed or putrid substance, and that the article was not poisonous, and that the article would not, if consumed, be injurious to health or otherwise unsafe; and the State of Maryland hereby waives its sovereign immunity to the extent of the cause of action granted in this subsection, but in no further or other respect. The cause of action granted by this subsection shall lie only against the Secretary in his official capacity, and the Secretary shall have no personal liability for the payment of any judgment entered in any action brought pursuant to this subsection.

187F.

It is the duty of each State's attorney to whom the Secretary reports any violation of this subheading, to cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner required by law. Before any violation of this subheading is reported to the State's attorney for the institution of a criminal proceeding, the person against whom the proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the Secretary or his designated agent, either orally or in writing, in person, or by attorney, with regard to the contemplated proceeding.

187G.

Nothing in this subheading shall be construed as requiring the Secretary to report minor violations of this subheading for the institution of proceedings under this subheading if the Secretary believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.