

MAINE STATE LEGISLATURE

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February 18, 1969

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Maine Potato Branding Law - Title 7, §952

SYLLABUS:

Potatoes packed in Maine must bear the name and address of the packer.

FACTS:

A packer of potatoes in Maine packs potatoes in paper bag containers upon which is printed the weight, grade, and the phrase "Maine Potatoes." In addition, the bags bear the phrase "Packed for Pennsylvania Co-op, Harrisburg, Pennsylvania," but the name and address of the Maine packer is not printed on the bag. Such markings do comply with the Food and Drug Administration Fair Packaging Act of 1967.

QUESTION:

Does the name and address of the packer also have to be printed on the bags to comply with 7 M.R.S.A. § 952?

ANSWER:

Yes.

OPINION:

The provisions of §952 of Title 7 require in part:

"It shall be unlawful for any person, firm association . . . to expose for sale, or sell, at wholesale or retail, to ship, deliver or consign or have in containers which have been legibly and conspicuously tagged, branded, labeled or stenciled with the name and address of the person or persons responsible for packing and the name of the grade, net weight and the word "potatoes". The person or persons packing potatoes shall be responsible for the grading . . ." (Emphasis supplied).

Thus, the law requires that the Maine packer must print his name and address upon the potato container.