

tion have long been considered lawful exertions of the police power.²³² Thus, a prohibition on the issuance or sale by other than an authorized weigher of any weight certificate for grain weighed at any warehouse or elevator where state weighers are stationed is not unconstitutional.²³³ Similarly, the power of a state to prescribe standard containers to protect buyers from deception as well as to facilitate trading and to preserve the condition of the merchandise is not open to question.²³⁴

A variety of other business regulations that tend to prevent fraud have withstood constitutional scrutiny. Thus, a state may require that the nature of a product be fairly set forth, despite the right of a manufacturer to maintain secrecy as to his compounds.²³⁵ Or, a statute providing that the purchaser of harvesting or threshing machinery for his own use shall have a reasonable time after delivery for inspecting and testing it, and may rescind the contract if the machinery does not prove reasonably adequate, does not violate the Due Process Clause.²³⁶ Further, in the exercise of its power to prevent fraud and imposition, a state may regulate trading in securities within its borders, require a license of those engaging in such dealing, make issuance of a license dependent on the good repute of the applicants, and permit, subject to judicial review of his findings, revocation of the license.²³⁷

²³² *Schmidinger v. City of Chicago*, 226 U.S. 578, 588 (1913) (citing *McLean v. Arkansas*, 211 U.S. 539, 550 (1909)). See *Hauge v. City of Chicago*, 299 U.S. 387 (1937) (municipal ordinance requiring that commodities sold by weight be weighed by a public weighmaster within the city valid even as applied to one delivering coal from state-tested scales at a mine outside the city); *Lemieux v. Young*, 211 U.S. 489 (1909) (statute requiring merchants to record sales in bulk not made sin the regular course of business valid); *Kidd, Dater Co. v. Musselman Grocer Co.*, 217 U.S. 461 (1910) (same).

²³³ *Merchants Exchange v. Missouri*, 248 U.S. 365 (1919).

²³⁴ *Pacific States Co. v. White*, 296 U.S. 176 (1935) (administrative order prescribing the dimensions, form, and capacity of containers for strawberries and raspberries is not arbitrary as the form and dimensions bore a reasonable relation to the protection of the buyers and the preservation in transit of the fruit); *Schmidinger v. City of Chicago*, 226 U.S. 578 (1913) (ordinance fixing standard sizes is not unconstitutional); *Armour & Co. v. North Dakota*, 240 U.S. 510 (1916) (law that lard not sold in bulk should be put up in containers holding one, three, or five pounds weight, or some whole multiple of these numbers valid); *Petersen Baking Co. v. Bryan*, 290 U.S. 570 (1934) (regulations that imposed a rate of tolerance for the minimum weight for a loaf of bread upheld); *But cf.* *Burns Baking Co. v. Bryan*, 264 U.S. 504 (1924) (tolerance of only two ounces in excess of the minimum weight per loaf is unreasonable, given finding that it was impossible to manufacture good bread without frequently exceeding the prescribed tolerance).

²³⁵ *Heath & Milligan Co. v. Worst*, 207 U.S. 338 (1907); *Corn Products Ref. Co. v. Eddy*, 249 U.S. 427 (1919); *National Fertilizer Ass'n v. Bradley*, 301 U.S. 178 (1937).

²³⁶ *Advance-Rumely Co. v. Jackson*, 287 U.S. 283 (1932).

²³⁷ *Hall v. Geiger-Jones Co.*, 242 U.S. 539 (1917); *Caldwell v. Sioux Falls Stock Yards Co.*, 242 U.S. 559 (1917); *Merrick v. Halsey & Co.*, 242 U.S. 568 (1917).