

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 7
FARM MARKETING

22-701. FARM MARKETING SUBJECT TO STATE REGULATION -- FARM PRODUCTS DEFINED. The business of marketing farm products in this state is hereby declared to be affected with a public interest and to be subject to regulation and control by the state. The term "farm products" within the meaning of this section shall be deemed to mean all products, except livestock, grown in garden, on farm, ranch, or orchard, including poultry and poultry products, butter, cream, cheese and all other dairy products.

[(22-701) 1917, ch. 24, sec. 1k, p. 64; compiled and reen. C.L. 79:10; C.S., sec. 2031; am. 1923, ch. 50, sec. 1, p. 57; I.C.A., sec. 22-701.]

22-702. STANDARDS FOR FARM PRODUCTS AND RECEPTACLES. After investigation and public hearing the department of agriculture may, from time to time, as far as practicable, establish and promulgate standards for open and closed receptacles for farm products and standards for the grade and other classification of farm products, by which their quantity, quality or value may be determined, and prescribe and promulgate rules and regulations governing the marks, brands and labels which may be required upon receptacles for farm products for the purpose of showing the name and address of the producer or packer, the quantity, nature and quality of the product, or any of them, and for the purpose of preventing deception in reference thereto; provided, that any standard for any farm product or receptacle therefor or any requirement for making receptacles for farm products now or hereafter established under authority of the congress of the United States, shall forthwith, as far as applicable and practicable, be established or prescribed and promulgated by the department as the official standard or requirement in this state.

[(22-702) 1917, ch. 24, sec. 1l, p. 64; reen. C.L. 79:11; C.S., sec. 2032; I.C.A., sec. 22-702; am. 1969, ch. 28, sec. 1, p. 53.]

22-703. SALE OF GRADED AND UNGRADED PRODUCTS. Whenever any standard for the grade or other classification of any farm product becomes effective under this chapter, no person thereafter shall pack for sale, offer to sell or sell within this state any such farm product to which such standard is applicable unless it conforms to the standard, subject to such reasonable variations therefrom as may be allowed in the rules and regulations made under this chapter: provided, that any farm product may be packed for sale, offered for sale or sold without conformity to the standard or grade or other classification applicable thereto when such product will be consumed or used for manufacturing purposes wholly within this state, if it is not specifically described as state graded or packed under state standard, in accordance with such regulations as the department of agriculture may prescribe.

[(22-703) 1917, ch. 24, sec. 1m, p. 64; reen. C.L. 79:12; am. 1919, ch. 165, sec. 1, p. 533; C.S., sec. 2033; I.C.A., sec. 22-703.]

22-703A. RETAIL SALES OF ONIONS. (1) All onions sold to the consumer by retail stores in this state shall be graded, sized and marked in accordance with United States standards for grades of onions. Nothing in the provisions of this section shall prohibit the sale of bulk onions to the consumer in retail stores if such onions are clearly identified to the consumer as to grade, size and state of origin providing, however, that locally grown onions need not comply with the above standards if clearly marked UNGRADED.

(2) The department of agriculture may inspect all onions offered for sale in retail stores, and at all wholesale distributors or onion dealers selling or offering onions for sale to retail outlets. The purpose of the inspections shall be to ensure that onions offered for sale are properly identified as to grade and size and are within the standards established by the United States for grades of onions. Any inspectors appointed by the department may order the removal or regrading and remarking of any onions which are misbranded or mismarked or which no longer meet the required standards of the grade.

(3) The department of agriculture may promulgate rules and regulations, in accordance with [chapter 52, title 67](#), Idaho Code, necessary to enforce the provisions of this section.

(4) The department shall be entitled to injunctive relief against any and all violators of the provisions of this section or of any rules and regulations promulgated pursuant to this section. The department may recover any and all damages of any character resulting from such violation or violations.

[22-703A, added 1982, ch. 85, sec. 1, p. 158.]

22-704. INSPECTORS -- APPOINTMENT -- SUSPENSION OR REMOVAL. Upon application of any owner or person, firm, corporation or association in charge of farm products, the department of agriculture is authorized to appoint, license or designate persons to inspect and classify such farm products and to certify as to the grade or other classification thereof, in accordance with the standards made effective under this chapter, and shall fix, assess and collect or cause to be collected the fees for such services. Whenever, after opportunity for a hearing is afforded to any person appointed, licensed or designated under this section, it is determined by the department that such person has failed to classify farm products correctly, in accordance with the standards established therefor under this chapter, or has violated any provision of this chapter or of the rules and regulations made hereunder, the department may suspend or revoke the appointment, license or designation of such person. Pending investigation, the department may suspend or revoke any such appointment, license or designation temporarily without hearing.

[(22-704) 1917, ch. 24, sec. 1n, p. 65; reen. C.L. 79:13; C.S., sec. 2034; I.C.A., sec. 22-704.]

22-705. APPEAL FROM CLASSIFICATION. The owner or person in possession of any farm product classified in accordance with section [22-704](#) may appeal from such classification to the department, under such rules and regulations as the department may prescribe, which shall issue a certificate of the grade or other classification thereof.

[(22-705) 1917, ch. 24, sec. 1o, p. 65; reen. C.L. 79:14; C.S., sec. 2035; I.C.A., sec. 22-705.]

22-706. CERTIFICATE AS PRIMA FACIE EVIDENCE OF CLASSIFICATION. A certificate of the grade or other classification of any farm product issued under this chapter shall be accepted in any court of this state as prima facie evidence of the true grade or other classification of such farm product at the time of its classification.

[(22-706) 1917, ch. 24, sec. 1p, p. 65; reen. C.L. 79:15; C.S., sec. 2036; I.C.A., sec. 22-706.]

22-707. PENALTY FOR VIOLATION. Any person, firm, corporation or other organization who violates any provision of this chapter or of the rules and regulations made under this chapter for carrying out the provisions of this section, fails or refuses to comply with any requirement of this chapter or who wilfully interferes with the department, its agents or employees in the execution or on account of the execution of its or their duties under this chapter, shall be guilty of a misdemeanor.

[(22-707) 1917, ch. 24, sec. 1q, p. 65; compiled and reen. C.L. 79:16; C.S., sec. 2037; I.C.A., sec. 22-707.]