

51:1-17

LEGISLATIVE HISTORY CHECKLIST

(Agricultural produce sellers--permit contents of standard containers to be placed in plastic or paper bags)

NJSA 51:1-17

Laws of 1977 Chapter 201

Bill No. A2218

Sponsor(s) Kupperman

Date Introduced October 7, 1976

Committee: Assembly Agriculture and Environment

Senate Agriculture

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly May 16, 1977

Senate June 27, 1977

Date of approval August 30, 1977

Following statements are attached if available:

Sponsor statement	Yes	<del>Yes</del>
Committee Statement:	Assembly Yes	<del>Yes</del>
	Senate <del>Yes</del>	No
Fiscal Note	<del>Yes</del>	No
Veto message	<del>Yes</del>	No
Message on signing	<del>Yes</del>	No

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

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**ASSEMBLY, No. 2218**

**STATE OF NEW JERSEY**

INTRODUCED OCTOBER 7, 1976

By Assemblymen KUPPERMAN, HURLEY and CHINNICI

Referred to Committee on Agriculture and Environment

AN ACT concerning the selling of agricultural produce, and amend-  
 ing R. S. 51:1-17.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
 2 *of New Jersey:*

1 1. R. S. 51:1-17 is amended to read as follows:

2 51:1-17. All articles of food, other than liquids, which are capable  
 3 of being measured by dry capacity measure and which heretofore  
 4 have been sold by dry capacity measure in this State shall, except  
 5 as hereinafter provided, be offered for sale or sold upon the basis  
 6 of avoirdupois net weight or by numerical count only, and it shall  
 7 be unlawful for anyone to use or employ any dry capacity measure,  
 8 basket, barrel or container of any kind as a means of determining  
 9 the amounts or quantities of any such articles of food offered for  
 10 sale or sold. The provisions of this section shall not be construed  
 11 to apply to:

12 a. Fruits and vegetables offered for sale or sold in closed or  
 13 covered \***[original]**\* standard containers; or

14 b. Articles of food offered for sale by bona fide farmers in any  
 15 farmers' public market, in open or uncovered \***[original]**\* standard  
 16 containers\*, *which articles may be transferred to a bag or other*  
 16A *suitable receptacle when such transfer is agreeable to, and made*  
 16B *in the presence of, the buyer\**; or

17 c. Vegetables which by common custom are offered for sale or  
 18 sold by the bunch; or

19 d. Fresh berries and other small fruits, which are customarily  
 20 offered for sale and sold by the box, basket or other receptacle,  
 21 except, however, when such fresh berries and other small fruits  
 22 are offered for sale or sold in bulk, in which case the provisions of  
 23 this section shall apply to the extent that such fresh berries and  
 24 other small fruits shall be offered for sale and sold by avoirdupois

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
 is not enacted and is intended to be omitted in the law.**

25 net weight only, but all fresh berries and such other small fruits,  
26 when offered for sale or sold shall be so offered for sale or sold in  
27 boxes, baskets or receptacles of uniform size to hold one quart or  
28 one pint dry measure only, uniformly and evenly filled throughout.  
29 *The standard containers need not be given away with the sale of*  
30 *the produce. Said produce may be put in bags or other suitable*  
31 *receptacles.*

32 As used in this section :

33 "Dry capacity measure" means only bushel, half-bushel, peck,  
34 half-peck, quarter-peck, quart, pint, half-pint, and similar measures.

35 "Original standard container" means only barrels, boxes, baskets,  
36 hampers or similar containers, the dimensions or capacity of  
37 which is established by law of this State or by Act of Congress,  
38 [the contents of which have not been removed or repacked,] and  
39 upon which is plainly and conspicuously marked the net quantity of  
40 contents thereof in terms of weight, measure or numerical count.

41 "Bona fide farmers" means agriculturists or growers of fruits  
42 and vegetables who actually produce the commodities they sell and  
43 who are registered as such either with the State Department of  
44 Agriculture or with any county agent or board of agriculture.

45 Any person violating any of the provisions of this section shall,  
46 for the first offense, be liable to a penalty of not less than \$50.00  
47 nor more than \$100.00, for a second offense to a penalty of not less  
48 than \$100.00 nor more than \$250.00, and for each subsequent offense  
49 to a penalty of not less than \$250.00 nor more than \$500.00.

1 2. This act shall take effect immediately.

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#### STATEMENT

The present statute stipulates that when produce is offered for sale in standard containers instead of by weight, the container must be given to the purchaser. Some of the larger containers are expensive and add to the overhead of sellers of produce.

The intent of this bill is to allow sellers to place the contents of these containers in plastic or paper bags or any other suitable and less expensive receptacles.

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ASSEMBLY AGRICULTURE AND ENVIRONMENT  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 2218

STATE OF NEW JERSEY

DATED: MAY 2, 1977

R. S. 51:1-17 requires that when certain produce is offered for sale in standard containers instead of by weight, the container must be given to the buyer. As amended by the Assembly Agriculture and Environment Committee, Assembly Bill No. 2218 would amend R. S. 51:1-17 by allowing the transfer of such produce to a bag or other suitable receptacle when such transfer is agreeable to, and made in the presence of, the buyer.