

## CODIFICATION

Section constitutes part of section 1 of act Mar. 3, 1927. Remainder of section 1 was classified to section 492 of this title.

## CROSS REFERENCES

Unfair conduct by commission merchants, see section 499b of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 499c, 499d, 499n of this title.

**§ 492. Repealed. Aug. 9, 1955, ch. 632, § 2, 69 Stat. 553**

Section, act Mar. 3, 1927, ch. 309, § 1, 44 Stat. 1355, related to investigation of quality and condition of produce received in interstate commerce. See section 1622(h) of this title.

**§ 493. Enforcement of provisions; prosecution of cases**

The Secretary of Agriculture is authorized and directed to enforce this chapter. It is made the duty of all United States attorneys to prosecute cases arising under this chapter, subject to the supervision and control of the Department of Justice.

(Mar. 3, 1927, ch. 309, § 2, 44 Stat. 1355.)

## CROSS REFERENCES

Supervision of United States attorneys by Attorney General, see section 519 of Title 28, Judiciary and Judicial Procedure.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 499c, 499d, 499n of this title.

**§ 494. Rules and regulations; cooperation with States, etc., officers and employees; expenditures**

The Secretary of Agriculture may make such rules and regulations as he may deem advisable to carry out the provisions of this chapter and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and may call upon any Federal department, board, or commission for assistance in carrying out the purposes of this chapter; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, periodicals, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be deemed necessary to the administration of this chapter in the District of Columbia and elsewhere.

(Mar. 3, 1927, ch. 309, § 3, 44 Stat. 1355.)

## CODIFICATION

Section constitutes part of section 3 of act Mar. 3, 1927. Remainder of section 3 is classified to sections 495 and 496 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 499c, 499d, 499n of this title.

**§ 495. Authorization of appropriations**

There is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary after the fiscal year beginning July 1, 1927 to carry out the purposes of this chapter.

(Mar. 3, 1927, ch. 309, § 3, 44 Stat. 1355.)

## CODIFICATION

Section constitutes part of section 3 of act Mar. 3, 1927. Remainder of section 3 is classified to sections 494 and 496 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 499c, 499d, 499n of this title.

**§ 496. Validity of other statutes dealing with same subject**

This chapter shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this chapter, but it is intended that all such statutes shall remain in full force and effect, except insofar only as they are inconsistent herewith or repugnant hereto.

(Mar. 3, 1927, ch. 309, § 3, 44 Stat. 1355.)

## CODIFICATION

Section constitutes part of section 3 of act Mar. 3, 1927. Remainder of section 3 is classified to sections 494 and 495 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 499c, 499d, 499n of this title.

**§ 497. Separability**

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

(Mar. 3, 1927, ch. 309, § 4, 44 Stat. 1356.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 499c, 499d, 499n of this title.

**CHAPTER 20A—PERISHABLE AGRICULTURAL COMMODITIES**

Sec. 499a.	Short title and definitions. (a) Short title. (b) Definitions.
499b.	Unfair conduct.
499b-1.	Products produced in distinct geographic areas. (a) In general. (b) Penalties. (c) Reimbursement. (d) Prohibition. (e) Regulations.
499c.	Licenses. (a) License required; penalties for violations. (b) Application and fees for licenses. (c) Use of trade names.
499d.	Issuance of license. (a) Authority to do business; termination; renewal.

- Sec. (b) Refusal of license; grounds.
- (c) Issuance of license upon furnishing bond; issuance after three years without bond; effect of termination of bond; increase or decrease in amount; payment of increase.
- (d) Withholding license pending investigation.
- (e) Refusal of license.
- 499e. Liability to persons injured.
  - (a) Amount of damages.
  - (b) Remedies.
  - (c) Trust on commodities and sales proceeds for benefit of unpaid suppliers, sellers, or agents; preservation of trust; jurisdiction of courts.
- 499f. Complaints, written notifications, and investigations.
  - (a) Reparation complaints.
  - (b) Disciplinary violations.
  - (c) Investigation of complaints and notifications.
  - (d) Decisions on complaints.
  - (e) Bond required for certain complaints.
- 499g. Reparation order.
  - (a) Determination by Secretary of Agriculture of amount of damages; order for payment.
  - (b) Failure to comply with order of Secretary; suit to enforce liability; order as evidence; costs and fees.
  - (c) Appeal from reparation order; proceedings.
  - (d) Suspension of license for failure to obey reparation order or appeal.
- 499h. Grounds for suspension or revocation of license.
  - (a) Authority of Secretary.
  - (b) Unlawful employment of certain persons; restrictions; bond assuring compliance; approval of employment without bond; change in amount of bond; payment of increased amount; penalties.
  - (c) Fraud in procurement.
  - (d) Injunction.
  - (e) Alternative civil penalties.
- 499i. Accounts, records, and memoranda; duty of licensees to keep; contents; suspension of license for violation of duty.
- 499j. Orders; effective date; continuance in force; suspension, modification and setting aside; penalty.
- 499k. Injunctions; application of injunction laws governing orders of Interstate Commerce Commission.
- 499l. Violations; report to Attorney General; proceedings; costs.
- 499m. Complaints; procedure, penalties, etc.
  - (a) Investigation by Secretary of Agriculture; inspection of accounts, records, and memoranda; penalty for refusing inspection.
  - (b) Inspection of records; surety bond; suspension of license.
  - (c) Hearings; subpoenas; oaths; witnesses; evidence.
  - (d) Disobedience to subpoenas; remedy; contempt.
  - (e) Depositions; production of accounts, records and memoranda.
  - (f) Fees and mileage of witnesses.
- 499n. Inspection of perishable agricultural commodities.
  - (a) Employment of inspectors; fees and expenses; inspection certificate as evidence.
  - (b) Issuance of fraudulent certificates; penalties.

- Sec. 499o. Rules, regulations, and orders; appointment, removal, and compensation of officers and employees; expenditures; authorization of appropriations; abrogation of inconsistent statutes.
- 499p. Liability of licensees for acts and omissions of agents.
- 499q. Separability.
- 499r. Repealed.
- 499s. Depositing appropriations in fund.
- 499t. Omitted.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 499b-1 of this title; title 11 section 525; title 28 section 2342; title 49 section 5906.

§ 499a. Short title and definitions

(a) Short title

This chapter may be cited as the “Perishable Agricultural Commodities Act, 1930”.

(b) Definitions

For purposes of this chapter:

(1) The term “person” includes individuals, partnerships, corporations, and associations.

(2) The term “Secretary” means the Secretary of Agriculture.

(3) The term “interstate or foreign commerce” means commerce between any State or Territory, or the District of Columbia and any place outside thereof; or between points within the same State or Territory, or the District of Columbia but through any place outside thereof, or within the District of Columbia.

(4) The term “perishable agricultural commodity”—

(A) Means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character; and

(B) Includes cherries in brine as defined by the Secretary in accordance with trade usages.

(5) The term “commission merchant” means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale, on commission, or for or on behalf of another.

(6) The term “dealer” means any person engaged in the business of buying or selling in wholesale or jobbing quantities, as defined by the Secretary, any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a “dealer” in respect to sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a “dealer” until the invoice cost of his purchases of perishable agricultural commodities in any calendar year are in excess of \$230,000; and (C) no person buying any commodity other than potatoes for canning and/or processing within the State where grown shall be considered a “dealer” whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice, or consists of cherries in brine, within the meaning of paragraph (4) of this section. Any person not considered as a