

considered a false representation when more than fifteen per cent of such fruit is substantially smaller in size than, or inferior in grade to, or different in variety from, the faced or shown surface of such package.

Penalty for violation of Act.

8. Every person who, by himself or through the agency of another person, violates any of the provisions of this Act shall, for each offence, upon summary conviction, be liable to a fine not exceeding one dollar and not less than twenty-five cents for each package which is packed, sold, offered, exposed or had in possession for sale contrary to the provisions of this Act, together with the costs of prosecution; and in default of payment of such fine and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, unless such fine and the costs of enforcing it are sooner paid.

Inspector's duty as to fraud in packing.

9. Whenever any fruit in any package is found to be so packed that the faced or shown surface gives a false representation of the contents of the package, any inspector charged with the enforcement of this Act may mark the words "falsely packed" in a plain and indelible manner on the package.

As to false marks.

2. Whenever any fruit packed in a closed package is found to be falsely marked, the said inspector may efface such false marks and mark the words "falsely marked" in a plain and indelible manner on the package.

Notice to packer.

3. The inspector shall give notice, by letter or telegram, to the packer whose name is marked on the package, before he marks the words "falsely packed" or "falsely marked" on the package.

Tampering with marks.

10. Every person who not being an inspector wilfully alters, effaces or obliterates wholly or partially, or causes to be altered, effaced or obliterated, any marks on any package which has undergone inspection shall incur a penalty of forty dollars.

Who shall be liable.

11. The person on whose behalf any fruit is packed, sold, offered or had in possession for sale, contrary to the provisions of the foregoing sections of this Act, shall be *prima facie* liable for the violation of this Act.

Right to examine packages.

12. Any person charged with the enforcement of this Act may enter upon any premises to make any examination of any packages of fruit suspected of being falsely marked or packed in violation of any of the provisions of this Act, whether such packages are on the premises of the owner, or on other premises, or in the possession of a railway or steamship company; and any person who obstructs or refuses to permit the making of any such examination shall, upon summary conviction, be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless the said penalty and costs of enforcing it are sooner paid.

Penalty for obstruction.

Procedure.

1892, c. 29.

13. In any complaint, information or conviction under this Act, the matter complained of may be declared, and shall be held to have arisen, within the meaning of Part LVIII. of *The Criminal Code*, 1892, at the place where the fruit was packed, sold, offered, exposed or had in possession for sale.