

**CHAPTER 19-22**  
**LABELING OF POTATOES AS TO GRADE**

**19-22-01. Sale of potatoes in closed packages not labeled as to grade prohibited.**

No person may sell at retail any potatoes in closed packages which are not identified as to grade.

**19-22-02. Definitions.**

Whenever used in this chapter:

1. "Closed package" means any box, barrel, basket, crate, sack, bag, tube, or any other type container in which all contents cannot be seen or inspected to determine the grade, quality, or condition without the removal of all or part of the contents from such package.
2. "Person" means a natural person, partnership, corporation, limited liability company, or other form of business association.
3. "Retail sale" means a transfer for value to a consumer.

**19-22-03. Grade labeling.**

Every closed package containing potatoes to be sold or offered for sale at retail by any person must bear conspicuously on the top or side, or both, thereof in plain words the grade. An attached tag may substitute for the grade print on closed packages. Inspections under this chapter must be performed by the department.

**19-22-04. Approved grades and standards.**

Grades must be those established by the United States department of agriculture, the North Dakota state seed department, or any grade approved by the North Dakota agriculture commissioner. Culls or pickouts must be labeled as "culls".

**19-22-05. Penalty.**

Any person who violates any of the provisions of this chapter is guilty of a class B misdemeanor.