

**REVISION OF TITLE 61 OF THE CODE OF VIRGINIA**

**REPORT OF THE  
VIRGINIA CODE COMMISSION**

**to**

**THE GOVERNOR**

**and**

**THE GENERAL ASSEMBLY OF VIRGINIA**



COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
RICHMOND  
1967



MEMBERS OF COMMISSION

JAMES M. THOMSON, *Chairman*  
E. ALMER AMES, JR., *Vice-Chairman*  
FRED W. BATEMAN  
JOHN WINGO KNOWLES  
G. M. LAPSLEY  
KENNETH C. PATTY  
A. L. PHILPOTT

---

STAFF

G. M. LAPSLEY  
WILDMAN S. KINCHELOE, JR.  
ROBERT L. MASDEN  
FRANK R. DUNHAM  
MRS. MARY R. SPAIN  
DANIEL E. BRAY, JR.

---

COUNSEL

HUGH R. THOMPSON, JR.



REVISION OF TITLE 61 OF THE CODE OF VIRGINIA

---

REPORT OF

THE VIRGINIA CODE COMMISSION

TO

THE GOVERNOR AND THE GENERAL ASSEMBLY

OF VIRGINIA

Richmond, Virginia, June 12, 1967

To:

HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*

THE GENERAL ASSEMBLY OF VIRGINIA

The General Assembly at its Regular Session of 1966 directed the Virginia Code Commission, by Chapter 315 of the Acts of that Session, to revise certain titles of the Code of Virginia, including Title 61, relating to warehouses and cold storage.

Extracts from Chapter 315 follow :

“§ 1. The Code of Virginia shall be gradually revised by revising one or more titles at a time. In revising each title, all other sections of the Code relating to the same subject matter shall be revised to the extent necessary. Experts shall be employed by the Virginia Code Commission to assist in the project. The Commission may also accept the services of qualified volunteers who are willing to serve without pay. Tentative drafts of proposed revisions shall be printed and circulated among interested persons and their comments solicited.

“§ 2. The Commission shall undertake the revision of Titles 59, 60, 61, 62, 63, 64 and 65 and submit to the Governor and the General Assembly on or before October one, nineteen hundred sixty-seven, a report of its recommendations, together with suggested legislation necessary to carry such recommendations into effect.”

Hugh Reid Thompson, Jr., Esquire, of the Richmond City Bar, was retained as Counsel to assist in the revision of this Title.

Counsel examined the provisions of this Title in detail and consulted officials of the Department of Agriculture and Commerce. The Code Commission met with Counsel on several occasions, and discussed in detail changes recommended by members of the Commission, by Counsel and by such officials.

As a result of its efforts, the Commission considered it desirable that there be a general renumeration of the sections, the deletion of certain obsolete sections, and the amendment of other sections. We are of the

opinion that this can be better accomplished by the repeal of Title 61 and the enactment of Title 61.1 in lieu thereof.

Included in this Report is the Report of Counsel to the Commission on Title 61. Also, following each section of the draft of Title 61.1 are Counsel's notes identifying the source of the provisions of the section and commenting upon any changes therein. Furthermore, preceding the draft of Title 61.1 there is set forth a table of comparable sections, for the purpose of tracing each of the provisions of Title 61 into proposed Title 61.1. This table also indicates those sections of Title 61 which have been deleted. Those who are interested in the major features of the Revision should read the Report of Counsel and the notes following the several sections of Title 61.1, to which reference is hereby made.

### RECOMMENDATIONS

The Code Commission submits this Report, and recommends that the Legislature enact the attached bill in 1968.

The Commission wishes to express appreciation for the valuable assistance rendered by Counsel in the preparation of this Revision, and for the cooperation of officials of the Department of Agriculture and Commerce.

Respectfully submitted,

JAMES M. THOMSON, *Chairman*

E. ALMER AMES, JR., *Vice-Chairman*

FRED W. BATEMAN

JOHN WINGO KNOWLES

G. M. LAPSLEY

A. L. PHILPOTT

Kenneth C. Patty, formerly a member of the Virginia Code Commission, died on March 27, 1967.

April 12, 1967.

The Honorable James M. Thomson, Chairman  
The Honorable E. Almer Ames, Jr.  
The Honorable Fred W. Bateman  
The Honorable Robert Y. Button  
The Honorable John Wingo Knowles  
The Honorable G. McIver Lapsley  
The Honorable A. L. Philpott

Virginia Code Commission  
State Capitol  
Richmond, Virginia

Gentlemen:

Complying with the provisions of Chapter 315 of the Acts of Assembly of 1966 approved March 31, 1966, and your instructions, I have prepared and herewith transmit to you a proposed draft of revision of Title 61 of the Code of Virginia.

This draft has been prepared in keeping with your desires insofar as I have been able to determine them from the several conferences held by the Commission for the purpose.

This draft has been prepared in the usual form, i.e., a bill suitable for introduction at the 1968 Session of the General Assembly, together with a table of contents and a table of comparable sections.

The bill is designed to repeal present Title 61 and to provide in substitution therefor a new Title 61.1.

Although the number and sequence of chapters of the Title remain the same, the number of sections has been reduced by approximately one hundred and only twenty-five remain unchanged.

§ 61-59 (§ 61.1-7) is amended by redefining "cold-storage warehouse" and "articles of food," in the first instance to exclude home refrigerators and freezers, in the second to conform with an amendment of § 61-75 (§ 61.1-19).

§ 61-64 (§ 61.1-12) is amended to delete the requirement that quarterly reports be submitted to the Commissioner of Agriculture and Commerce by warehouse licensees "setting forth in itemized particulars the quantity of articles of food products held in each cold-storage warehouse owned or operated by the licensee." The provision has not been enforced and serves no useful purpose.

§ 61-71 (§ 61.1-17) is amended to restrict food products which may be kept in a cold-storage warehouse according to the effect they may have on other food products therein rather than according to the kind or condition of such food products.

§ 61-75 (§ 61.1-19) is amended to give its provisions uniform application to "articles of food" as redefined in § 61-59 (§ 61.1-7).

§ 61-137 (§ 61.1-45) is amended to correct an error of long standing by changing "hogshead or cask" to "basket or parcel" with respect to fraudulent nesting of tobacco for sale.

§ 61-141 (§ 61.1-46) is amended by requiring posting "in some conspicuous place upon the premises" rather than publication with respect to insurance carried by a warehouse.

§ 61-156 (§ 61.1-57) is amended to transfer authority to make rules and regulations from the Commissioner of Agriculture and Commerce to the Board of Agriculture and Commerce.

A number of sections of Title 61 have special penalty provisions which differ from each other and from § 18.1-9. The following such sections have been amended to conform with § 18.1-9:

§§ 61-53 through 61-58 (§§ 61.1-1 through 61.1-6), § 61-76 (§ 61.1-20), § 61-108 (§ 61.1-39), § 61-136 (§ 61.1-44), § 61-137 (§ 61.1-45), § 61-151 (§ 61.1-52) and § 61-155 (§ 61.1-56).

A number of other sections are amended solely to properly change "Agriculture and Immigration" to "Agriculture and Commerce." These include:

§§ 61-61 (§ 61.1-9), § 61-62 (§ 61.1-10), § 61-72 (§ 61.1-18), § 61-76 (§ 61.1-20), § 61-79 (§ 61.1-22) through § 61-81 (§ 61.1-24), § 61-110 (§ 61.1-41), § 61-111 (§ 61.1-42), § 61-156 (§ 61.1-57) and § 61-157 (§ 61.1-58).

In other sections internal section references have been conformed with the general reenumeration of sections.

The following sections are deleted as obsolete :

§ 61-67, which limits to ten months the period of time articles of food may be kept in a cold-storage warehouse. The provision has been made obsolete by greatly improved facilities and techniques.

§ 61-68, which requires not only cold-storage warehouses, but hotels, restaurants and public eating places to display on all articles of food kept in cold storage more than thirty days a sign reading "cold storage goods." The provision has been made obsolete by greatly improved facilities and techniques, which now make many cold storage foods no less wholesome or desirable than fresh foods.

§ 61-73, which is made unnecessary by the redefinition of "cold-storage warehouse" and "articles of food" in § 61.1-7.

§ 61-74, which prohibits cold-storage warehouse operators from dealing in or making loans upon food commodities stored in their warehouses. The provisions of this section have been considered unduly restrictive and have not been enforced.

§ 61-78, which is a declaration of public necessity with respect to refrigerated locker plants, is deleted from the Code, but remains law, being included in the bill revising Title 61.



61-96 through 61-107, §§ 61-113 through 61-135, §§ 61-138 through 61-140 and §§ 61-142 through 61-145, all relating to the appointment and duties of "samplers of tobacco" appointed by the Governor. No such samplers have ever been appointed, the provisions have never been used, and there appears to be no reason for their continuation.

Counsel recommends the accompanying draft of Title 61.1 as a substantial improvement over present Title 61 and suggests its submission to the Governor and the General Assembly for introduction at the 1968 Session.

Respectfully,

Hugh R. Thompson, Jr.

## TABLE OF CONTENTS

### **Title 61.1**

#### Warehouses, Cold Storage and Refrigerated Locker Plants

- Chapter 1. Warehouse Receipts. §§ 61.1-1 to 61.1-6.
- Chapter 2. Cold-Storage Warehouses. §§ 61.1-7 to 61.1-21.
- Chapter 3. Refrigerated Locker Plants. §§ 61.1-22 to 61.1-37.
- Chapter 4. Tobacco Warehouses and Regulations in General. §§ 61.1-38 to 61.1-46.
- Chapter 5. Prevention of Frauds in Sale of Leaf Tobacco. §§ 61.1-47 to 61.1-54.
- Chapter 6. Fees for Sale of Burley Tobacco. §§ 61.1-55 and 61.1-56.
- Chapter 7. Handling and Sale of Burley Tobacco. §§ 61.1-57 to 61.1-61.

TABLE OF COMPARABLE SECTIONS  
 SHOWING SECTIONS OF TITLE 61 AS THEY APPEAR  
 IN THIS REPORT

<i>Title 61</i>	<i>This Report</i>	<i>Title 61</i>	<i>This Report</i>
61-1 to		61-89	61.1-32
61-52	Repealed	61-90	61.1-33
61-53	61.1-1	61-91	61.1-34
61-54	61.1-2	61-92	61.1-35
61-55	61.1-3	61-93	61.1-36
61-56	61.1-4	61-94	61.1-37
61-57	61.1-5	61-95	61.1-38
61-58	61.1-6	61-96 to	
61-59	61.1-7	61-107	Deleted
61-60	61.1-8	61-108	61.1-39
61-61	61.1-9	61-109	61.1-40
61-62	61.1-10	61-110	61.1-41
61-63	61.1-11	61-111	61.1-42
61-64	61.1-12	61-112	61.1-43
61-65	61.1-13	61-113 to	
61-66	61.1-14	61-135	Deleted
61-67	Deleted	61-136	61.1-44
61-68	Deleted	61-137	61.1-45
61-69	61.1-15	61-138 to	
61-70	61.1-16	61-140	Deleted
61-71	61.1-17	61-141	61.1-46
61-72	61.1-18	61-142 to	
61-73	Deleted	61-145	Deleted
61-74	Deleted	61-146	61.1-47
61-75	61.1-19	61-147	61.1-48
61-76	61.1-20	61-148	61.1-49
61-77	61.1-21	61-149	61.1-50
61-78	Deleted	61-150	61.1-51
61-79	61.1-22	61-151	61.1-52
61-80	61.1-23	61-152	61.1-53
61-81	61.1-24	61-153	61.1-54
61-82	61.1-25	61-154	61.1-55
61-83	61.1-26	61-155	61.1-56
61-84	61.1-27	61-156	61.1-57
61-85	61.1-28	61-157	61.1-58
61-86	61.1-29	61-158	61.1-59
61-87	61.1-30	61-159	61.1-60
61-88	61.1-31	61-160	61.1-61



A *BILL to revise, rearrange, amend and recodify the general laws of Virginia relating to warehouses, cold-storage and refrigerated locker plants; to that end to repeal Title 61 of the Code of Virginia, which title includes Chapters 1 to 7 and §§ 61-1 to 61-160, inclusive, of the Code of Virginia, as amended, which title relates to warehouses, cold-storage and refrigerated locker plants; to amend the Code of Virginia by adding thereto in lieu of the foregoing title, chapters and sections of the Code repealed by this act a new title numbered 61.1, which title includes seven new chapters numbered 1 to 7, both inclusive, and new sections numbered 61.1-1 to 61.1-61, both inclusive, relating to warehouses, cold-storage and refrigerated locker plants; and to prescribe when such revision and recodification shall become effective.*

Be it enacted by the General Assembly of Virginia :

1. That Title 61 of the Code of Virginia, which title includes chapters 1 to 7 and §§ 61-1 to 61-160, inclusive, of the Code of Virginia, as amended, is repealed.

2. That the Code of Virginia be amended by adding thereto, in lieu of the title, chapters and sections of the Code of Virginia herein repealed, a new title numbered 61.1, new chapters numbered 1 to 7, inclusive, and new sections numbered 61.1-1 to 61.1-61, inclusive, which new title, chapters and sections are as follows :

#### Title 61.1.

### WAREHOUSES, COLD STORAGE AND REFRIGERATED LOCKER PLANTS.

#### CHAPTER 1.

#### WAREHOUSE RECEIPTS.

§ 61.1-1. **Issue of receipt for goods not received.**—A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a misdemeanor, and shall be punished as provided in § 18.1-9.

Source: § 61-53.

Note: Violations are reduced from felonies to misdemeanors.

§ 61.1-2. **Issue of receipt containing false statement.**—A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a misdemeanor, and shall be punished as provided in § 18.1-9.

Source: § 61-54.

Note: The punishment has been changed from imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both to that for misdemeanors generally.

§ 61.1-3. **Issue of duplicate receipts not so marked.**—A warehouseman, or any officer, agent or servant of a warehouseman, who issues or

aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate", except as otherwise provided by law, shall be guilty of a misdemeanor.

**Source:** § 61-55.

**Note:** The words "as otherwise provided by law" have been substituted for "in the case of a lost or destroyed receipt after proceedings as provided for in § 61-17." This change was made necessary by the repeal of §§ 61-1 to 61-52. Violations are reduced from felonies to misdemeanors.

**§ 61.1-4. Failure to state in receipt warehouseman's interest in goods.**—Where there are deposited with or held by a warehouseman goods of which he is the owner, either solely or jointly in common with others, such warehouseman, or any of his officers, agents or servants, who knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided for misdemeanors generally in § 18.1-9.

**Source:** § 61-56.

**Note:** The punishment is changed from "imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both" to the punishment for misdemeanors generally.

**§ 61.1-5. Delivery of goods without obtaining negotiable receipt.**—A warehouseman, or any officer, agent or servant of a warehouseman, who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except as otherwise provided by law, be guilty of a misdemeanor, and upon conviction shall be punished as provided in § 18.1-9.

**Source:** § 61-57.

**Note:** The words "as otherwise provided by law" are substituted for "in the cases provided for in §§ 61-17 and 61-39." This change was made necessary by the repeal of §§ 61-1 to 61-52. The punishment for misdemeanors generally is substituted for "imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both."

**§ 61.1-6. Fraudulent negotiation of receipt for mortgaged goods.**—Any person who deposits goods to which he has not title, upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive, and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in § 18.1-9.

**Source:** § 61-58.

**Note:** The punishment for misdemeanors generally is substituted for "imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both."

## CHAPTER 2.

### COLD-STORAGE WAREHOUSES.

§ 61.1-7. **Definitions.**—For the purpose of this chapter:

(1) “*Cold storage*” shall mean the storage of keeping of articles of food at or below a temperature of forty-five degrees above zero Fahrenheit in a cold-storage warehouse.

(2) “*Cold-storage warehouse*” shall mean any place artificially or mechanically cooled to or below a temperature of forty-five degrees above zero Fahrenheit, in which articles of food intended for sale or resale are placed or held for thirty days or more.

(3) “*Articles of food*” shall mean apples or other perishable fruits, fresh meat and fresh-meat products, except in process of manufacture, and all fresh fish, game, poultry, eggs, milk, butter, cheese and edible fats and oils and lard.

(4) “*Commissioner*” shall mean the Commissioner of Agriculture and Commerce.

(5) “*Public cold-storage warehouseman*”.—Any individual, firm, corporation or association engaged in the business of maintaining and operating cold-storage warehouses in which articles of food as herein defined are stored for hire or compensation shall be called a public cold-storage warehouseman.

(6) “*Private cold-storage warehouseman*”.—Any individual, firm, corporation or association that maintains and operates, as an adjunct to their business, cold-storage warehouses for the storage of articles of food as herein defined exclusively owned or dealt in by them, shall be called a private cold-storage warehouseman.

(7) “*Combined public and private cold-storage warehouseman*”.—Any individual, firm, corporation or association that combines a public cold-storage warehouse business with the storage of commodities as herein defined, which directly or indirectly it owns, deals in, or otherwise has an interest in, shall be called a combined public and private cold-storage warehouseman.

Source: § 61-59.

Note: In (2) the words “intended for sale or resale” are added; in (3) the words “apples or other perishable fruits” are added; and in (4) “Commerce” is substituted for “Immigration.”

§ 61.1-8. **Licenses required.**—Any person, firm or corporation desiring to operate or to continue to operate a cold-storage warehouse shall make application in writing to the Commissioner for that purpose, stating the location of the plant or plants. On receipt of the application, the Commissioner shall cause an examination to be made into the sanitary condition of the plant or plants, and, if found by him to be in a sanitary condition, he shall cause a license to be issued authorizing the applicant to operate such cold-storage warehouse or warehouses for and during the period of one year. The license shall be issued upon the payment by the applicant of a license fee of twenty-five dollars to the Commissioner for each such warehouse, except that when the gross business of such warehouse does not exceed the sum of one thousand dollars per annum, such license fee shall be five dollars, and where the gross business exceeds one thousand dollars and does not exceed two thousand dollars, such license fee

shall be ten dollars. All licenses issued hereunder shall expire on the thirty-first day of December next succeeding their issuance.

Source: § 61-60.

Note: No change.

§ 61.1-9. **Disposition of license fees.**—All license fees received under this chapter shall be paid into the treasury of the State to the credit of the Department of Agriculture and Commerce and shall be used and expended by the Commissioner for the purpose of carrying out the provisions of this chapter. The Commissioner shall include in his annual report a detailed statement of all such receipts and disbursements.

Source: § 61-61.

Note: "Commerce" is substituted for "Immigration".

§ 61.1-10. **Authority of Commissioner to employ assistants.**—The Commissioner is hereby authorized and required, with the approval of the Board of Agriculture and Commerce, to employ as many assistants, in addition to those already employed by them, as may be necessary effectually to enforce the provisions of this chapter.

Source: § 61-62.

Note: "Commerce" is substituted for "Immigration".

§ 61.1-11. **Unsanitary warehouses prohibited.**—In case any cold-storage warehouse, or any part thereof, covered by a license under the provisions of this chapter, shall at any time be deemed by the Commissioner to be in an unsanitary condition, it shall be his duty to notify the licensee of such condition, and, upon the failure of the licensee to put such cold-storage warehouse, or the specified part thereof, in a sanitary condition within a reasonable time to be designated by the Commissioner, it shall be the duty of the Commissioner to prohibit the use under his license of such cold-storage warehouse, or part thereof, as he deems to be in an unsanitary condition, until such time as it may be put in a sanitary condition.

Source: § 61-63.

Note: No change.

§ 61.1-12. **Receipts and withdrawals of food; records.**—It shall be the duty of any person, firm or corporation licensed to operate a cold-storage warehouse to keep an accurate record of the receipts and the withdrawals of the articles of food, and the Commissioner and his assistants shall have free access to these records at any time.

Source: § 61-64.

Note: The requirement of quarterly reports to the Commissioner is deleted.

§ 61.1-13. **Inspections.**—It shall be the duty of the Commissioner to inspect all cold-storage warehouses in the State, and to make such inspection of the entry of articles of food therein as he may deem necessary to secure the proper enforcement of this chapter. The Commissioner, his assistants and employees, when properly authorized by him, shall be permitted access to such cold-storage warehouses, and all parts thereof, at all reasonable times for the purpose of inspection and enforcement of the provisions of this chapter. The Commissioner may also appoint and designate such person, or persons, as he may deem qualified to make the inspection herein required.

Source: § 61-65.

Note: No change.



§ 61.1-14. **Containers; marking.**—No person, firm or corporation conducting a cold-storage warehouse shall place or store in any cold-storage warehouse in this State articles of food, unless the same shall be plainly and durably marked, stamped or tagged, either upon the container in which they are packed or upon the article of food itself, with the words “cold storage”, with the name and location of the cold-storage warehouse, and with the date when placed therein; and no person, firm or corporation shall remove or permit the removal of such articles of food from any cold-storage warehouse unless the same shall be plainly and durably marked, stamped or tagged, either on the container in which it is enclosed or upon the article of food itself, with the date when it is removed from such cold-storage warehouse.

Source: § 61-66.

Note: No change.

§ 61.1-15. **Unlawful advertising.**—It shall be unlawful to represent or advertise as fresh, articles of food which have been held in any cold-storage warehouse for a period of thirty days or over.

Source: § 61-69.

Note: No change.

§ 61.1-16. **Return to storage prohibited.**—It shall be unlawful to return to any cold-storage warehouse any articles of food as herein defined which has once been released from such storage and placed on the market for sale to consumers, except for the purpose of temporary preservation; but nothing in this section shall be construed to prevent the transfer of goods from one cold-storage warehouse to another; provided, that all prior stamping, marking and tagging shall remain thereon, and that such transfer is not made for the purpose of evading any provision of this chapter.

Source: § 61-70.

Note: No change.

§ 61.1-17. **Unwholesome food products.**—The licensee shall not receive or keep in any cold-storage warehouse any food products which would in any manner render less wholesome or desirable any food product intended for human consumption stored therein.

Source: § 61-71.

Note: The words “would in any manner render less wholesome or desirable any food product intended for human consumption stored therein” are substituted for “are in any way diseased, tainted or unfit for human consumption.”

§ 61.1-18. **Rules and regulations.**—The Commissioner shall, with the approval of the State Board of Agriculture and Commerce, make all necessary rules and regulations to carry into effect the provisions of this chapter.

Source: § 61-72.

Note: “Commerce” is substituted for “Immigration”.

§ 61.1-19. **Records of temperature in warehouses.**—Every individual, firm, corporation or association engaged in the business of maintaining and operating cold-storage warehouses in which articles of food are stored for hire or compensation, shall keep, or cause to be kept, careful and accurate daily records of the temperatures existing in each room or division of such warehouses; such records for any period to be open and

accessible at all times for inspection by any person having or having had articles of food in such warehouses during such period.

Any person maintaining and operating any such cold-storage warehouse who shall fail to comply with the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offense.

Source: § 61-75.

Note: The words "articles of food" are substituted for "apples or other perishable fruits."

**§ 61.1-20. Same: inspection and examination of records.**—Every such cold-storage warehouse shall be subject to inspection at any time by any authorized agent of the Department of Agriculture and Commerce, which agent shall have the right to examine the records provided for herein; and the agent shall report to the Commissioner after each and every inspection.

Any individual, firm, corporation or association maintaining and operating any such cold-storage warehouse, or any other person who shall make or cause or permit to be made, any alterations or false entries on the records provided for herein, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in § 18.1-9.

Source: § 61-76.

Note: "Commerce" is substituted for "Immigration." The words "punished as provided in § 18.1-9" are substituted for the words "be subject to a fine of not less than fifty dollars, nor more than five hundred dollars."

**§ 61.1-21. Penalties.**—Any person, or any member or agent of any firm, or any officer, director or agent of any corporation violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction shall be punished as provided in § 18.1-9.

Source: § 61-77.

Note: The words "shall be punished as provided in § 18.1-9" are substituted for the words "except as otherwise expressly provided, shall be fined not less than twenty-five dollars nor more than five hundred dollars for the first offense. Upon a second or subsequent conviction, the offender shall be subject to a like fine, or, in addition, shall be confined in jail not less than thirty days nor more than one year, in the discretion of the tribunal trying the case."

### CHAPTER 3.

#### REFRIGERATED LOCKER PLANTS.

**§ 61.1-22. Definitions.**—Terms used in this chapter shall be defined as follows:

(1) "*Refrigerated locker*", "*cold-storage locker*", "*locker*" means any separate or individual compartment, maintained at a temperature below ten degrees Fahrenheit, offered to the public for the storage and preservation of frozen food for human consumption, upon a rental or other basis providing compensation to the person offering such services.

(2) "*Refrigerated locker plant*", "*cold-storage locker plant*", "*locker plant*" means any place, premises or establishment where facilities for the processing and freezing of human food and its subsequent storage in

refrigerated lockers is offered on a basis of compensation to the person offering such services.

(3) "*Branch locker plant*" means any place, premises or establishment offering refrigerated lockers for the storage of frozen food for human consumption, such food having been previously prepared for storage at a refrigerated locker plant.

(4) "*Plant*", when used without qualification, applies to both locker plants and branch locker plants with equal force.

(5) "*Sharp freezer*" means a separate room or compartment in which food is frozen in preparation for storage in lockers.

(6) "*Person*" means any individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaged in the business of operating or owning or offering the services of refrigerated lockers as above defined.

(7) "*Human food*" or "*food*" means all articles used for food, drink, confectionery or condiment by man, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

(8) "*Department*" means the Department of Agriculture and Commerce.

(9) "*Board*" means the Board of Agriculture and Commerce.

(10) "*Commissioner*" means the Commissioner of Agriculture and Commerce.

(11) "*Food processing plant*" means any building, room, vehicle or other place whose owner, operator or custodian advertises to the public the services of cutting, wrapping, and packaging poultry, seafood, or meat which is to be placed in a refrigerated locker plant or home freezer for human consumption, but shall not include licensed retail food dealers where cutting, wrapping, and packing poultry, seafood and meat is done as normal and usual procedure.

(12) "*Home freezer*" means any apparatus used in a restaurant or private home for the storage and preservation of frozen food.

(13) "*Advertise*" means disseminating information to the public by means of television or radio broadcasts, or by means of written, printed or graphic matter, or by means of any mechanical apparatus including, among other things, public address system and telephone.

Source: § 61-79.

Note: In (8), (9) and (10), "Commerce" is substituted for "Immigration."

**§ 61.1-23. License required.**—No person shall hereafter engage within this State in the business of owning, operating, or offering the services of a refrigerated locker plant, branch locker plant or food processing plant without having obtained from the Department of Agriculture and Commerce a license for each such place of business. Application for such license shall be made in writing and under oath to the Department on such forms and with such pertinent information as the Commissioner deems necessary. Such licenses shall be granted as a matter of right upon showing that the applicant has complied with the applicable provisions of the law and of the rules and regulations governing locker plants, or food processing plants.

Source: § 61-80.

Note: "Commerce" is substituted for "Immigration."

§ 61.1-24. **License fees.**—There shall be paid to the Department of Agriculture and Commerce with each application for a license to operate a refrigerated locker plant, with or without food processing facilities on the premises, or to operate a food processing plant without refrigerated lockers an annual license fee of thirty-five dollars.

The funds derived from such license fees shall be disbursed by the Commissioner exclusively for the enforcement of this chapter or for the benefit of the locker and food processing plant industry of Virginia. Licenses shall be issued for the calendar year beginning on January first and ending on December thirty-first of each year, but license fees for initial applicants beginning the operation of their plants after June thirtieth shall be one-half of the annual fees as above set forth.

Source: § 61-81.

Note: "Commerce" is substituted for "Immigration."

§ 61.1-25. **Revocation or suspension of license.**—(a) The Commissioner, after notice and hearing, may revoke the license issued for any locker plant or branch locker or food processing plant for failure to comply with the provisions of this chapter or any lawful rule or regulation of the Board hereunder. Before revoking any license, the commissioner or his authorized agent shall send the licensee by mail written notice of such hearing not less than ten days before the hearing and shall afford such licensee an opportunity to be heard in writing, in person or by attorney with respect thereto at a time and place specified in such notice.

(b) In the event any license is revoked, the Commissioner or his authorized agent may permit the continued operation of the plant involved upon such conditions or under such supervision as the Commissioner or his authorized agent prescribes for a period of not to exceed six months, in order to enable patrons to remove any food stored therein, but during such period no additional food shall be received or stored in such plant.

(c) Any order made by the Commissioner or his authorized agent suspending or revoking any license may be appealed to the circuit court of the county or the corporation court of the city in which the licensed premises are located.

Source: § 61-82.

Note: "Commissioner or his" is substituted for "Board or its" in three places.

§ 61.1-26. **Health certificate required for worker in plant handling food.**—(a) No person shall work or be permitted to work in or about any plant in the handling, processing or dealing in any human food or any ingredient thereof without a certificate from a physician, duly accredited for that purpose by the State Board of Health, certifying that such person has been examined and found free from any contagious or infectious disease. The State Board of Health may fix a maximum fee, not exceeding two dollars which may be charged by a physician for such examination. The operator of a plant shall immediately discontinue the services of any employee found to be affected by any communicable or infectious disease.

(b) Such health certificate shall be effective for a period of six months, and thereafter must be renewed following proper physical examination as aforesaid. When such certificate is required and provided under municipal ordinance upon examination deemed adequate by the State Board of Health, certificate issued thereunder shall be sufficient under this chapter.

(c) Any such certificate shall be revoked by the State Board of Health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in such premises to submit to proper and reasonable physical examination upon written demand by the Commissioner, acting through his authorized agent, shall be cause for revocation of that person's health certificate.

Source: § 61-83.

Note: No change.

§ 61.1-27. **Rules and regulations.**—The Board is hereby empowered to prescribe and to enforce such rules and regulations as it deems necessary to carry into effect the full intent and meaning of this chapter provided that no such rules, regulations, definitions, or procedures shall be adopted or any changes or amendments made thereto until after at least thirty days' notice in writing is given to each licensee under this chapter. Such notice shall include in detail the proposed rules, regulations, definitions and procedures.

Source: § 61-84.

Note: No change.

§ 61.1-28. **Inspection of plants and vehicles.**—The Commissioner shall cause to be made periodically by his authorized agent a thorough inspection of each establishment licensed under this chapter to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this chapter and of all other laws of this State applicable to the operation either of locker plants or branch locker or food processing plants or of the handling of human food in connection therewith, and of all regulations effective under this chapter relative to such operation. Such inspection shall also be made of each vehicle used by operators of such plants or of an establishment handling human food in connection therewith, when such vehicle is used in transporting or distributing human food products to or from such plants within the State.

Source: § 61-85.

Note: "Commissioner" is substituted for "Commission."

§ 61.1-29. **Equipment and facilities required.**—(a) Every operator of a locker plant or branch locker plant shall provide a complete refrigeration system with adequate capacity and with accurate and reliable controls for the maintenance of temperatures as prescribed by the regulations issued under this chapter, and currently in force. Every operator shall be required to provide a recording thermometer or thermometers to make permanent record of temperatures in the locker room or rooms. Recording thermometers shall be so located that the details may be easily observed by the patrons of the plant, and the daily records of temperatures shall be kept by the operator at his place of business for a period of at least six months.

Food processing plants that do not offer lockers for rental to the public shall maintain a permanent record of prescribed temperatures in the sharp freezer, and shall have the recording thermometers so located that they or it may be observed by patrons of the plant.

(b) Every person offering refrigerated lockers to the public shall provide the following minimum facilities:

1. A separate room or compartment for sharp freezing of foods prior to introduction of this food into refrigerated lockers.

2. A refrigerated room or compartment containing individual lockers for the storage of foods previously frozen.

(c) No unfrozen food shall be placed in a refrigerated locker.

(d) Such additional services or facilities as are provided by the operator of a plant, including chill room, age room, curing room, processing room, slaughter house, smoke chamber or other facilities shall be subject to the provisions of this chapter, and the rules and regulations adopted thereunder, except that when the operation of such facilities is covered by an existing law, the minimum requirements of the existing law must be met in every case.

(e) Every person, firm or corporation operating a food processing plant shall provide the following minimum facilities:

1. A separate room or compartment for sharp freezing of foods prior to introduction of this food into lockers or home freezers.

2. A separate room for chilling and aging.

Source: § 61-86.

Note: No change.

**§ 61.1-30. Administration of oaths, summoning witnesses, etc.**—In any proceeding under this chapter the Commissioner acting through his authorized agent may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the State.

Source: § 61-87.

Note: No change.

**§ 61.1-31. Violation a misdemeanor.**—Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and not less than fifty dollars nor more than two hundred dollars for the second and for each and every subsequent offense within any one license period. Each day that any violation continues shall constitute a separate offense.

Source: § 61-88.

Note: No change.

**§ 61.1-32. Storage of tainted or decomposed food forbidden.**—No tainted or decomposed food shall be stored in a refrigerator locker or food processing plant or branch locker plant.

Source: § 61-89.

Note: No change.

**§ 61.1-33. Food for non-human consumption.**—Food for non-human consumption shall be stored in a separate room or compartment, and shall be clearly labelled in letters not less than one inch high "NOT FOR HUMAN CONSUMPTION."

Source: § 61-90.

Note: No change.

**§ 61.1-34. Lien of operator.**—Every operator of a locker of food processing plant or branch locker plant shall have a lien upon all the property of every kind in his possession for all locker rentals, processing, handling or other charges due.

Source: § 61-91.

Note: No change.

**§ 61.1-35. Violations of laws by renters of lockers.**—Owners and operators of locker plants shall not be responsible for violations of game and other laws by the renters of lockers.

Source: § 61-92.

Note: No change.

**§ 61.1-36. Operators not warehousemen; receipts not negotiable warehouse receipts.**—Persons who own or operate refrigerated locker plants or branch locker or food processing plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.

Source: § 61-93.

Note: No change.

**§ 61.1-37. License fee stipulated to be in lieu of all existing fees and charges.**—Payment of the license fee stipulated herein shall be accepted in lieu of any and all existing fees and charges for like purposes or intent which may be existent prior to the adoption of this chapter.

Source: § 61-94.

Note: No change.

#### CHAPTER 4.

#### TOBACCO WAREHOUSES AND REGULATIONS IN GENERAL.

**§ 61.1-38. Establishment and discontinuance of warehouses.**—Tobacco warehouses, which were public warehouses on the day before this Code takes effect, shall continue to be such; and the several circuit and corporation courts may hereafter authorize the erection of tobacco warehouses, or may establish the same, as public warehouses within their respective counties and cities; which warehouses shall be constructed, or shall have been constructed, so as to keep safely, and guard against fire and weather, as far as practicable, all tobacco stored therein, and shall be kept in good repair and at all times, Sunday excepted, be open for receiving, storing, selling and delivering tobacco; but the owner of any such warehouse shall have the right to discontinue the same as a public warehouse, after having published a notice of his intention to do so once a week for four successive weeks in some newspaper published in the county or city, wherein such warehouse is situated, or if no newspaper be published therein, after having posted such notice at the front door of the courthouse of such county or city for four successive weeks.

Source: § 61-95.

Note: No change.

**§ 61.1-39. Weighing leaf tobacco; itemized statements furnished seller.**—The proprietor of each and every warehouse shall render to each seller of tobacco at his warehouse a bill plainly stating the amount charged for weighing and handling, the amount charged for auction fees, and the commission charged on such sale, or any other charges made for selling and handling such tobacco.

Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided in § 18.1-9.

Source: § 61-108.

Note: The first three paragraphs of § 61-108 are deleted. The penalty provided by the last paragraph is changed from a ten dollar fine to that provided for misdemeanors generally.

**§ 61.1-40. Accounts of warehouse sales required.**—The proprietor of each and every leaf tobacco warehouse doing business in this State shall keep a correct account of the number of pounds of leaf tobacco sold upon the floor of his warehouse daily.

Source: § 61-109.

Note: No change.

**§ 61.1-41. Monthly reports to Commissioner; results classified.**—On or before the tenth day of each succeeding month the warehouse proprietors shall make a statement, under oath, of all the tobacco so sold upon the floor of his warehouse during the past month and shall transmit the statement, at once, to the Commissioner of Agriculture and Commerce. The reports so made shall be so arranged and classified as to show the number of pounds of tobacco sold for the producers of tobacco from first hand; the number of pounds sold for dealers and the number of pounds resold by the proprietor of the warehouse for his own account or for the account of some other warehouse.

Source: § 61-110.

Note: "Commerce" is substituted for "Immigration".

**§ 61.1-42. Commissioner to keep record and publish in bulletin.**—The Commissioner of Agriculture and Commerce shall cause such statements to be accurately copied into a book to be kept for this purpose and shall keep separate and apart the statements returned to him from each leaf tobacco market in the State, so as to show the number of pounds of tobacco sold by each market for the sale of leaf tobacco; the number of pounds sold by producers. and the number of pounds resold upon each market. The Commissioner shall keep such books open to the inspection of the public, and shall, on or before the twentieth day of each month, after the receipt of the reports above required to be made to him on or before the tenth day of each month, cause the reports to be published in the bulletin issued by the Department of Agriculture and Commerce, and in one or more journals published in the interest of the growth, sale, and manufacture of tobacco in the State, or having a large circulation therein.

Source: § 61-111.

Note: "Commerce" is substituted for "Immigration".

**§ 61.1-43. Penalty for failure to report sales.**—Any warehouse failing to make the report as required by § 61.1-40 shall be subject to a penalty of twenty-five dollars and the costs in the case, to be recovered by any person suing for same.

Source: § 61-112.

Note: Internal section reference has been conformed.

**§ 61.1-44. Manufactured tobacco; false branding.**—If any person use, or permit to be used, on any cask, box or keg of manufactured tobacco, any brand or mark indicating a place or a manufacturer different from the place in which. or the manufacturer by whom. it was really manufactured, he shall be guilty of a misdemeanor and shall be punished as provided in § 18.1-9.

None of the provisions of this chapter, other than this section, shall be construed to apply to manufactured tobacco.

Source: § 61-136.

Note: The words "be guilty of a misdemeanor and shall be punished as provided in § 18.1-9" are substituted for the words "forfeit ten dollars for each cask, box or keg so falsely marked or branded, one-half whereof shall be to the informer."



§ 61.1-45. **Nesting punished.**—If any person nest a basket or parcel of tobacco with inferior tobacco, or other things, with intent to defraud the purchaser, he shall be guilty of a misdemeanor and shall be punished as provided in § 18.1-9.

Source: § 61-137.

Note: The words “basket or parcel” are substituted for “hogshead or cask.” The words “guilty of a misdemeanor and punished as provided in § 18.1-9” are substituted for the words “fined one hundred dollars for each hogshead or cask so nested.”

§ 61.1-46. **Publication of insurance.**—Every proprietor of a public tobacco warehouse shall keep posted in some conspicuous place upon the premises, a statement showing the amount of insurance he has on such warehouse, the companies in which the insurance has been effected, and the length of time the policies have to run.

Source: § 61-141.

Note: The words “keep posted in some conspicuous place upon the premises” are substituted for “at least once a year, publish in some newspaper published in this State, once a week for four successive weeks.”

## CHAPTER 5.

### PREVENTION OF FRAUDS IN SALE OF LEAF TOBACCO.

§ 61.1-47. **Person making delivery must impart true name of owner; record of purchase or delivery.**—Every person who shall deliver any leaf tobacco to a warehouseman or to a co-operative marketing association for sale, offer for sale or display for sale thereof, shall impart to such warehouseman or co-operative marketing association, the true name of the owner of such leaf tobacco; and it shall be the duty of such warehouseman or co-operative marketing association to keep a record of such purchase or delivery showing the quantity of leaf tobacco so delivered, and the name of the owner thereof, given as provided herein.

Source: § 61-146.

Note: No change.

§ 61.1-48. **Record and information required where tobacco delivered by person other than grower or landlord; exception.**—Where leaf tobacco is delivered to a warehouseman or co-operative marketing association for sale, offer for sale or display for sale, by a person other than the grower thereof, or the landlord of the land upon which the tobacco was grown, it shall be the duty of the warehouseman or co-operative marketing association to keep a record showing the facts required in § 61.1-47.; and in addition thereto if possible the name of the person from whom the person delivering the tobacco obtained the same, and the name of the original grower thereof, and the name of the landlord upon whose land the tobacco was grown, if the same was grown by a tenant. And such person, other than the grower or landlord, shall impart to the warehouseman or co-operative marketing association the true name of the person from whom he obtained the tobacco, and the name of the grower thereof and the landlord. Provided, however, that this section shall not apply to licensed leaf tobacco dealers offering for resale tobacco once sold upon the warehouse floor, and with respect to which the provisions of this chapter have previously been complied with.

Source: § 61-147.

Note: Internal section reference has been conformed.

**§ 61.1-49. Ticket or card to be placed upon tobacco.**—Such warehouseman or co-operative marketing association shall also place upon all leaf tobacco delivered to him or to it for sale, offer for sale, or display for sale, a ticket or card which shall state the matters and things required to be recorded by the warehouseman or co-operative marketing association by §§ 61.1-47 and 61.1-48.

**Source:** § 61-148.

**Note:** Internal section references have been conformed.

**§ 61.1-50. Tickets or cards open to inspection for ten days after delivery of tobacco.**—All cards or tickets kept, prepared or placed upon tobacco as required herein, shall, for the period of ten days after the delivery of such tobacco, be open to the inspection of the representative of any public tobacco warehouse, or tobacco growers co-operative association, during regular business hours and such representative shall have access to the place where such cards or tickets are kept for the purpose of such inspection.

**Source:** § 61-149.

**Note:** No change.

**§ 61.1-51. Violations constituting misdemeanors.**—Any person who shall give a fictitious or false name to the warehouseman or co-operative marketing association hereinbefore referred to, or who shall fail to give to such warehouseman or co-operative marketing association the true name of the owner of such leaf tobacco or the person from whom the tobacco was obtained, or the grower and the landlord, upon delivering the same as aforesaid, shall be guilty of a misdemeanor. Any warehouseman or co-operative marketing association who shall fail to comply with any of the provisions of this chapter, or who shall deny to any such representative the privilege of inspection or access as provided in § 61.1-50, shall be guilty of a misdemeanor. Any warehouseman or co-operative marketing association who shall buy or sell leaf tobacco as above set forth, knowing that the name in which the tobacco is sold, or any name given pursuant to the provisions hereof, is false or fictitious, shall be guilty of a misdemeanor.

**Source:** § 61-150.

**Note:** Internal section reference has been conformed.

**§ 61.1-52. Punishment for misdemeanor.**—Any person guilty of a misdemeanor under the provisions of this chapter shall be punished as provided in § 18.1-9.

**Source:** § 61-151.

**Note:** The words “as provided in § 18.1-9” are substituted for the words “by a fine of not less than fifty dollars nor more than five hundred dollars.”

**§ 61.1-53. “Warehouseman” defined.**—The term “warehouseman” is used in this chapter means any person, firm or corporation engaged in the business of selling leaf tobacco at auction, for a commission or for any other consideration.

**Source:** § 61-152.

**Note:** No change.

**§ 61.1-54. Purpose of chapter.**—The purpose of this chapter is to prevent frauds in the handling and sale of leaf tobacco.

**Source:** § 61-153.

**Note:** No change.

## CHAPTER 6.

### FEEES FOR SALE OF BURLEY TOBACCO.

§ 61.1-55. **Commission and basket charge.**—No person, firm, association, corporation, partnership, co-partnership or other legal entity, who or which operates any warehouse in which burley tobacco is sold at public auction, shall charge or receive any commission in excess of three per centum of the sales price of such tobacco, nor shall any basket charge be in excess of twenty-five cents per basket, which commission and basket charge shall constitute the entire amount charged by the warehouse operator in connection with such sale; provided, however, that on or before the opening day of the market in any year, the warehouse operator may elect to charge a commission of not exceeding seventy-five cents per hundred pounds, which commission shall constitute the entire charge made in connection with the sale of tobacco throughout that market season at the warehouse for which such election is made.

Source: § 61-154.

Note: No change.

§ 61.1-56. **Penalty for violation.**—Any such operator of a warehouse violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in § 18.1-9.

Source: § 61-155.

Note: The punishment has been changed to conform with that provided for misdemeanors generally.

## CHAPTER 7.

### HANDLING AND SALE OF BURLEY TOBACCO.

§ 61.1-57. **Enforcement by Commissioner of Agriculture and Commerce; rules and regulations.**—The Board of Agriculture and Commerce shall have authority to establish rules and regulations for the enforcement of this chapter. The Commissioner is hereby vested with the authority to administer and enforce the provisions of this law and to enforce reasonable rules and regulations not inconsistent with the provisions hereof, for the purpose of carrying out the provisions of this chapter.

Source: § 61-156.

Note: "Commerce" has been substituted for "Immigration." The authority to make rules and regulations is transferred from the Commissioner to the Board.

§ 61.1-58. **Commingling burley and other tobacco; moving tobacco before sale.**—It shall be unlawful for any person to commingle, mix, place in same basket with other tobacco or in any other manner or means to handle tobacco so as to lose its identity, for the purpose of sale at auction, looseleaf tobacco grown by one producer with looseleaf burley tobacco grown by any other producer, or of the same producer after being placed on the looseleaf floor.

After tobacco is weighed and set upon the warehouse floor for sale no basket of tobacco shall be moved, without the consent of the owner, from its place on the floor until sale is confirmed by the owner of same. This shall not apply to official inspectors of the Department of Agriculture and Commerce, who in the course of their duties find it necessary to move piles of tobacco.

Source: § 61-157.

Note: "Commerce" has been substituted for "Immigration".

§ 61.1-59. Sales of burley tobacco.—Sales of burley tobacco at warehouses or loosefloors shall be conducted so as to conform to one of the following methods:

(1) Sales to be at the rate of not more than ninety thousand pounds per hour, per set of buyers, or

(2) Sales to be at the rate of not more than three hundred sixty baskets per hour per set of buyers.

Source: § 61-158.

Note: No change.

§ 61.1-60. Information to be accurate and substantiated.—Any information pertaining to weights of tobacco sold, prices paid or amounts of tobacco handled, disseminated by any warehouseman, his employees or agents shall be accurate and substantiated by records kept at the warehouse or loosefloor.

Source: § 61-159.

Note: No change.

§ 61.1-61. Penalty for violation.—The violation of any provision of this law or valid rules and regulations promulgated hereunder shall constitute a misdemeanor and shall be punishable by fine of not less than fifty dollars for the first offense and for each subsequent offense shall be punished by a fine of not less than five hundred dollars or imprisonment in jail not less than thirty days, or both such fine and imprisonment in the discretion of the court or jury.

Source: § 61-160.

Note: No change.

3. All acts and parts of acts, all sections of the Code of Virginia, and all provisions of municipal charters inconsistent with the provisions of this act are, except as otherwise provided, repealed to the extent of such inconsistency.

4. The repeal of Title 61 effective as of October 1, 1968, shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing on or before such date, or any prosecution, suit or action pending on that date. Except as in this act otherwise provided, neither the repeal of Title 61 of the Code of Virginia nor the enactment of Title 61.1 shall apply to offenses committed prior to October 1, 1968, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this act, an offense was committed prior to October 1, 1968 if any of the essential elements of the offense occurred prior thereto.

5. Whenever in Title 61.1 any of the conditions, requirements, provisions or contents of any section, article or chapter of Title 61, as such title existed prior to October 1, 1968, are transferred in the same or in modified form to a new section, article or chapter of Title 61.1, and whenever any such former section, article or chapter of Title 61 is given a new number in Title 61.1, all references to any such former section, article or chapter of Title 61 appearing elsewhere in the Code of Virginia than in Title 61.1 shall be construed to apply to the new or renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

6. Chapter 3, titled "REFRIGERATED LOCKER PLANTS" of Title 61.1 is declared to be in exercise of the police powers of the State for the protection of the safety, health and welfare of the people of the State. It is hereby found and declared that the public welfare requires control and regulation of the operation of refrigerated locker and food processing plants, and of the sale, processing, and handling of human food in connection therewith, and the control, inspection, and regulation of persons engaged therein, in order to prevent or eliminate unsanitary, unhealthful, fraudulent, or unfair practices and conditions in connection with the refrigerated locker plant and food processing business, which practices and conditions endanger public health, defraud customers, jeopardize the public source of supply and storage facilities of essential food products, and adversely affect an important and growing industry. It is further found and declared that the regulation of the refrigerated locker plant and food processing business, as above outlined, is in the interest of the economic and social well-being and the health and safety of the State and all of its people. This declaration shall not be deemed to exclude a like intent of the General Assembly with respect to any other provisions of this act with respect to which such intent might reasonably be inferred.

7. It is the intention of the General Assembly that this act shall be liberally construed to effect the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

8. This act shall become effective on October 1, 1968.

