AGRICULTURAL MARKETING ACT OF 1946

First enactment: August 14, 1946, as Title II of Public Law 733, 79th Congress, 2nd Session, 60 Stat. 1087.

Amended: August 9, 1955, Public Law 272, 84th Congress, 1st Session, 96 Stat. 553. (Provided penalties for forgeries and falsifications pertaining to grade standards and inspection services.)

December 22, 1970, Pub. L. 91-566, 84 Stat. 1496. (Established a minimum level of funding for contracted research and service work.)

July 21, 1973, Pub. L. 93-86, 87 Stat. 246. (Repealed § 1628 which, in the original act, had established a national advisory committee to aid in implementing research and service work.)


The Agricultural Marketing Act of 1946 directed and authorized the Secretary of Agriculture to carry out a number of programs which are importantly related to the food industry, not the least of which are the inspecting and grading of raw and processed foods, providing marketing information and assistance, and conducting research and development related to processed foods. The legislation, as amended, is presented as Chapter 38—Distribution and Marketing of Agricultural Products in Title 7 of the United States Code.

CONGRESSIONAL POLICY AND A DECLARATION OF THE PURPOSE OF THE ACT ARE GIVEN IN THE FIRST SECTION AS FOLLOWS:

1 Not all amendments are necessarily cited here or in subsequent chapters of this book when statutes are presented. Amendments of a "housekeeping" nature usually are omitted. The term "major revision," as applied in some instances, means amendments were made which changed substantially some of the earlier concepts or policies. The term "amended," as used in this book when statutes are presented, means a rewriting of the law or rephrasing portions of it without necessarily changing the major concepts or policies. These terms are chosen and used on a strictly arbitrary basis to help guide the reader concerning the more important amendments. All amendments to original legislation are referred to in the United States Code and the United States Code Annotated and these publications should be consulted when details regarding the laws are desired.

2 Beginning with the 85th Congress, public laws are numbered to include the number of the Congress which passed them. Thus, instead of referring to a public law as "Public Law 487, 89th Congress, 2nd Session," it could be referred to simply as "Public Law 89-487." Citations in the United States Code further abbreviate this to "Pub. L. 89-487."

3 Citations given under "current law" refer to the United States Code (U.S.C.). Thus, 5 U.S.C. §§ 551-559 means Section 551 through 559 in Title 5 of the United States Code. If a single section is cited the symbol § is used. Furthermore, because the United States Code supplemented by information in the United States Code Annotated usually provides the most current form of the acts of Congress which are in force, it is these legal publications which are used as the source of laws given below and in subsequent chapters.

H. W. Schultz, Food Law Handbook
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§ 1621. Congressional declaration of purpose; use of existing facilities; cooperation with States.

The Congress declares that a sound, efficient, and privately operated system for distributing and marketing agricultural products is essential to a prosperous agriculture and is indispensable to the maintenance of full employment and to the welfare, prosperity, and health of the Nation. It is further declared to be the policy of Congress to promote through research, study, experimentation, and through cooperation among Federal and State agencies, farm organizations, and private industry a scientific approach to the problems of marketing, transportation, and distribution of agricultural products similar to the scientific methods which have been utilized so successfully during the past eighty-four years in connection with the production of agricultural products so that such products capable of being produced in abundance may be marketed in an orderly manner and efficiently distributed. In order to attain these objectives, it is the intent of Congress to provide for (1) continuous research to improve the marketing, handling, storage, processing, transportation, and distribution of agricultural products; (2) cooperation among Federal and State agencies, producers, industry organizations, and others in the development and effectuation of research and marketing programs to improve the distribution processes; (3) an integrated administration of all laws enacted by Congress to aid the distribution of agricultural products through research, market aids and services, and regulatory activities, to the end that marketing methods and facilities may be improved, that distribution costs may be reduced and the price spread between the producer and consumer may be narrowed, that dietary and nutritional standards may be improved, that new and wider markets for American agricultural products may be developed, both in the United States and in other countries, with a view to making it possible for the full production of American farms to be disposed of usefully, economically, profitably, and in an orderly manner. In effectuating the purposes of this chapter, maximum use shall be made of existing research facilities owned or controlled by the Federal Government or by State agricultural experiment stations and of the facilities of the Federal and State extension services. To the maximum extent practicable marketing research work done under this chapter in cooperation with the States shall be done in cooperation with the State agricultural experiment stations; marketing educational and demonstrational work done under this chapter in cooperation with the States shall be done in cooperation with the State agricultural extension service; market information, inspection, regulatory work and other marketing service done under this chapter in cooperation with the State agencies shall be done in cooperation with the State departments of agriculture, and State bureaus and departments of markets.

§ 1622. Duties of Secretary relating to agricultural products.

The Secretary of Agriculture is directed and authorized:

(a) Determination of methods of processing, packaging, marketing, etc.; publication of results.

(b) Determination of costs.

To conduct, assist, and foster research, investigation, and experimentation to determine the best methods of processing, preparation for market, packaging, handling, transporting, storing, distributing, and marketing agricultural products: Provided, That the results of such research shall be made available to the public for the purpose of expanding the use of American agricultural products in such manner as the Secretary of Agriculture may determine.

(c) Improvement of standards of quality, condition, etc.

To develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.

(d) Elimination of artificial barriers to free movement.

To conduct, assist, foster, and direct studies and information programs designed to eliminate artificial barriers to the free movement of agricultural products.

(e) Development of new markets.

To foster and assist in the development of new or expanded markets (domestic and foreign) and new and expanded uses and in the moving of larger quantities of agricultural products through the private marketing system to consumers in the United States and abroad.

(f) Increasing consumer education.

To conduct and cooperate in consumer education for the more effective utilization and greater consumption of agricultural products: Provided, That no money appropriated under the authority of this chapter shall be used to pay for newspaper or periodical advertising space or radio time in carrying out the purposes of this section and subsection (e) of this section.

(g) Collection and dissemination of marketing information.

To collect and disseminate marketing information, including adequate outlook information on a market-area basis, for the purpose of anticipating and meeting consumer requirements, aiding in the maintenance of farm income, and bringing about a balance between production

THE NUMEROUS WAYS IN WHICH THE DEPARTMENT OF AGRICULTURE, UNDER THE SECRETARY, IS TO ASSIST IN DISTRIBUTING AND MARKETING OF AGRICULTURAL PRODUCTS ARE AS FOLLOWS:

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(b) Determination of costs.

To conduct, assist, and foster research, investigation, and experimentation to determine the best methods of processing, preparation for market, packaging, handling, transporting, storing, distributing, and marketing agricultural products: Provided, That the results of such research shall be made available to the public for the purpose of expanding the use of American agricultural products in such manner as the Secretary of Agriculture may determine.

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AGRICULTURAL MARKETING ACT OF 1946 309