

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 303
SENATE BILL 546

AN ACT RELATING TO THE UNAUTHORIZED TAKING OR SALE OF
LABELED DAIRY MILK CASES OR CRATES BEARING THE NAME OR
LABEL OF ITS OWNER.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-72.4. Unauthorized taking or sale of labeled dairy milk cases or milk crates bearing the name or label of owner.

(a) A person is guilty of the unauthorized taking or sale of a dairy milk case or milk crate on or after January 1, 1990, if he:

- (1) Takes, buys, sells or disposes of any dairy milk case or milk crate, bearing the name or label of the owner, without the express or implied consent of the owner or his designated agent; or
- (2) Refuses upon demand of the owner or his designated agent to return to the owner or his designated agent any dairy milk case or milk crate, bearing the name or label of the owner; or
- (3) Defaces, obliterates, erases, covers up, or otherwise removes or conceals any name, label, registered trademark, insignia, or other business identification of an owner of a dairy milk case or milk crate, for the purpose of destroying or removing from the milk case or milk crate evidence of its ownership.

(b) For purposes of this section dairy milk cases or milk crates shall be deemed to bear a name or label of an owner when there is imprinted or attached on the case or crate a name, insignia, mark, business identification or label showing ownership or sufficient information to ascertain ownership. For purposes of this section, the term 'dairy case' shall be defined as a wire or plastic container which holds 16 quarts or more of beverage and is used by distributors or retailers, or their agents, as a means to transport, store, or carry dairy products.

(c) A violation of this section is a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00), imprisonment not to exceed six months, or both, in the discretion of the court.

(d) Nothing in this section shall preclude the prosecution of any misdemeanor or felony offense that is applicable under any other statute or common law."

Sec. 2. This act shall become effective January 1, 1990, and shall apply to offenses occurring on or after that date.

In the General Assembly read three times and ratified this the 13th day of June, 1989.