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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 225**

**The Marketing of Horticultural  
Produce (Scotland) Regulations 2009**

**Community marketing rules offences**

**15.**—(1) Subject to paragraph (2), a person is guilty of an offence if he or she displays, offers for sale, delivers or markets in any other manner, horticultural produce in contravention of or in non compliance with—

- (a) the general marketing standard, if applicable; or
- (b) any specific marketing standard applying to that horticultural produce.

(2) A person is guilty of an offence if he or she fails to comply with any provision of Commission Regulation 1580/2007 mentioned in column 1 of Schedule 2 to these Regulations, as read with any provision mentioned in any corresponding entry in column 2 of that Schedule.

(3) Where—

- (a) an authorised officer has inspected horticultural produce and found it not to conform with Community marketing rules; and
- (b) the person in charge of that horticultural produce has given an undertaking, or has been responsible for the giving of an undertaking in relation to that horticultural produce,

it is an offence for that person to act in breach of the undertaking or to cause or permit his or her agent or employee to act in breach of the undertaking.

(4) A person is guilty of an offence if, in purporting to provide the information particulars required by Community marketing rules for horticultural produce, he or she gives an inaccurate or false description of that horticultural produce on a label affixed to, or in a notice or document accompanying, that horticultural produce.

(5) A person, other than an authorised officer, is guilty of an offence if he or she affixes, or causes or permits to be affixed, a non compliance label to any container of horticultural produce, or to the horticultural produce itself, or to any notice or document which is required by Community marketing rules to accompany that horticultural produce.

(6) A person, other than an authorised officer, is guilty of an offence if he or she removes, conceals, defaces or alters, or causes or permits to be removed, concealed, defaced or altered—

- (a) any notice or document which is required by Community marketing rules to accompany horticultural produce or any label which is required by Community marketing rules to be affixed to that horticultural produce or to its container; or
- (b) a non compliance label which has been applied by an authorised officer in the execution of these Regulations to the horticultural produce or to its container.

(7) A person is guilty of an offence if he or she exports or imports any consignment of horticultural produce to or from any place outside the European Community without a document, label or notice which is required by Community marketing rules to accompany that horticultural produce.