STATUTORY INSTRUMENTS

# 1967 No. 1020

# HORTICULTURE

## GRADING AND TRANSPORT OF PRODUCE

## The Grading of Produce (Apples) Regulations 1967

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| *Made* - - - | *3rd July* 1967 |
| *Laid before Parliament* | *14th July* 1967 |
| *Coming into Operation* | *17th July* 1967 |

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly in exercise of the powers conferred upon them by sections 11, 13 and 23 of the Agriculture and Horticulture Act 1964 (a) and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to either of them to be representative of interests affected by the regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the Grading of Produce (Apples) Regulations 1967; and shall come into operation on 17th July 1967.

*Interpretation*

**2.**—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Agriculture and Horticulture Act 1964;

"apples" means apples whether freshly-gathered or stored or taken from store, but does not include any dried, frozen, bottled, canned or preserved apples;

"authorised officer" has the meaning assigned to it by section 13 (1) of the Act;

"container" includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

"diameter", in relation to an apple, means the longest transverse diameter taken at right angles to a line running from stem to blossom end;

"label" includes any device for conveying information by written characters or other symbols, and any characters or symbols stamped or otherwise placed directly on to any container, and references to the affixing of a label shall be construed accordingly.

(2) The Interpretation Act 1889 (b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Designation and definition of grades of quality*

**3.** The following grades of quality are hereby designated in relation to apples:-

EXTRA CLASS
CLASS 1
CLASS 2
CLASS 3

and the said grades of quality shall be as defined respectively in Schedules 1, 2, 3 and 4 to these regulations.

(a) 1964 c.28. (b) 1889 c.63.

*Forms of labels*

**4.** For each of the grades designated in the last preceding regulation the form of a label for indicating that apples in connection with which the label is used fall within that grade shall be as set out in Schedule 5 to these regulations.

**5.** Where, on premises which he has a right to enter under section 13 (1) of the Act, an authorised officer finds any apples—

(a) which are in a container to which is affixed a label in the form prescribed for one of the grades of quality designated and defined in these regulations, but

(b) which he has reasonable cause to believe to be of a quality inferior to the quality required for that grade,

he may cancel that label insofar as it relates to that grade by affixing thereto and to the container a label in that form prescribed in paragraph 7 of Schedule 5 to these regulations which is appropriate to indicate what appears to him to be the correct grade or, where it appears to him that the quality of the apples is inferior to that required for the grade designated Class 3 in regulation 3 hereof, to indicate that fact.

*Labels of countries outside Great Britain*

**6.** A label recognised under the law of any country outside Great Britain as indicating that apples in connection with which it is used are of a quality not inferior to that required by these regulations for a grade of quality designated in regulation 3 hereof shall be treated for the purposes of Part III of the Act as if it were in the form prescribed for that grade in these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th June 1967.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 3rd July 1967.

(L.S.) *William Ross,*
Secretary of State for Scotland.

## SCHEDULE 1 Regulation 3

## DEFINITION OF GRADE OF QUALITY—EXTRA CLASS

*Variety.* All apples within a container shall be one variety.

*Development and ripeness.* Each apple shall be sound internally and externally and completely firm. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to remain in good condition during the normal period of distribution.

*Colour.—Dessert varieties*

(a) Each apple of a red variety shall have the full characteristic colour of the variety on not less than half of its surface.

(b) Each apple of a partially coloured variety shall have the characteristic colour, flush or stripe of the variety on at least half of its surface.

(c) Each apple of any other dessert variety shall have a colour typical of the variety.

*Culinary varieties*

Each apple shall have a colour typical of the variety.

*Shape.* Each apple shall have the shape characteristic of its variety.

*Cleanliness.* Each apple shall be clean.

*Progressive defects.* Each apple shall be free from any blemish or injury which might affect keeping quality.

*Non-progressive damage and blemish.* Small insignificant blemishes or traces of damage not affecting keeping quality may be present if they do not detract from the general appearance of each apple or of the contents of a container.

The stalk of an apple may be broken or missing but there shall be no damage to the flesh.

Additionally, an insignificant bruise may be present if it is free from discoloration and does not exceed 80 square millimetres in area.

*Russeting.* Smooth russeting is permitted on any apple of a variety normally subject to russeting; exceptionally, a trace of rough russeting may be present in the stalk cavity.

Any apple of a variety which normally is not subject to russeting may show smooth russeting within the stalk cavity or eye basin only.

*Size.* The diameter of each apple shall be not less than 60 millimetres in the case of any dessert variety and not less than 70 millimetres in the case of any culinary variety.

The difference in diameter between the apple with the longest diameter and the apple with the shortest diameter in a container shall be not more than 5 millimetres.

## SCHEDULE 2 Regulation 3

## DEFINITION OF GRADE OF QUALITY—CLASS 1

*Variety.* All apples within a container shall be of one variety.

*Development and ripeness.* Each apple shall be sound internally and externally, firm and not shrivelled. Its state of ripeness shall be such as to allow it to remain in good condition during the normal period of distribution.

*Colour.—Dessert varieties*

(a) Each apple of a red variety shall have the full characteristic colour of the variety on not less than a quarter of its surface.

(b) The characteristic colour, flush or stripe of each apple of a partially coloured variety shall be clearly visible.

(c) Each apple of any other dessert variety shall have a colour typical of the variety.

*Culinary varieties*
Each apple shall have a colour typical of the variety.

*Shape.* Each apple may have a slight variation from the shape characteristic of the variety. "King" fruit may be included but shall not be more than slightly misshapen.

*Cleanliness.* Each apple shall be clean.

*Progressive defects.* Each apple shall be free from any blemish or injury which might affect keeping quality.

*Non-progressive damage and blemish.* Damage and blemish, other than bruising, not affecting keeping quality may be present if it does not exceed 80 square millimetres in area on any apple of a dessert variety or 160 square millimetres in area on any apple of a culinary variety.

The stalk of an apple may be broken or missing, but there shall be no damage to the flesh.

Additionally, small bruises may be present if they are free from discoloration and collectively do not exceed 240 square millimetres in area on any apple of a dessert variety or 320 square millimetres in area on any apple of a culinary variety. If there is no damage or blemish other than bruising, bruises may be present if they are free from discoloration and do not exceed 320 square millimetres in area on any apple of a dessert variety or 480 square millimetres in area on any apple of a culinary variety.

The amount of damage present shall not be such as seriously to detract from the general appearance of the contents of a container.

*Russeting.* Rough russeting may appear on the cheek of the fruit in the case of any variety subject to russeting if it does not extend over more than one eighth of the surface area of the apple; exceptionally, small dry cracks may be present within the stalk cavity.

Smooth russeting is permitted save that, if it is present on an apple of any variety normally not subject to russeting, it shall not extend over the cheek of the fruit.

*Size.* The diameter of each apple shall be not less than 55 millimetres in the case of any dessert variety and not less than 65 millimetres in the case of any culinary variety.

The difference in diameter between the apple with the longest diameter and the apple with the shortest diameter in a container shall be not more than 10 millimetres in the case of any dessert variety or 20 millimetres in the case of any culinary variety:

Provided that the said difference may be greater where apples of any culinary variety are packed loose in a container and the diameter of every apple in that container is not less than 75 millimetres.

Regulation 3

## SCHEDULE 3

## DEFINITION OF GRADE OF QUALITY—CLASS 2

*Variety.* All apples within a container shall be of one variety.

*Development and ripeness.* Each apple shall be sound internally and externally and reasonably firm, no more than very slight shrivelling being visible. Its state of ripeness shall be such as to allow it to remain in reasonably good condition during the normal period of distribution.

*Colour.* Each apple of a red dessert variety shall not be completely devoid of characteristic colour.

*Shape.* Each apple is permitted to have defects in shape if the general shape chacteristic of the variety is retained. Very pronounced "king" fruit shall not be included.

*Cleanliness.* Each apple shall be reasonably clean.

*Progressive defects.* Each apple shall be free from any blemish or injury which might seriously affect keeping quality.

*Non-progressive damage and blemish.* Damage and blemish, other than bruising, not affecting keeping quality may be present if it does not exceed 240 square millimetres in area on any apple of a dessert variety or 320 square millimetres in area on any apple of a culinary variety.

The stalk of an apple may be broken or missing but there shall be no visible evidence of decay or mould.

Additionally, bruises which are not more than slightly discoloured may be present if collectively they do not exceed 320 square millimetres in area on any apple of a dessert variety or 640 square millimetres in area on any apple of a culinary variety. If there is no damage or blemish other than bruising, then the total area of bruising with slight discoloration may be 480 square millimetres on any apple of a dessert variety or 960 square millimetres on any apple of a culinary variety.

The amount of damage present shall not be such as seriously to detract from the general appearance of the contents of a container.

*Russeting.* Russeting with small dry cracks is permitted on any apple if it does not seriously detract from the appearance of the apple. Any cracking which may be present shall be shallow and up to three cracks may be permitted if no one crack exceeds 15 millimetres in length and the total cracking does not exceed 25 millimetres in length.

*Size.* The diameter of each apple shall be not less than 50 millimetres in the case of any dessert variety and not less than 60 millimetres in the case of any culinary variety.

The difference in diameter between the apple with the longset diameter and the apple with the shortest diameter in a container, if the apples are packed in rows or layers, shall not exceed 10 millimetres in the case of any dessert variety or 20 millimetres in in the case of any culinary variety. The said difference may be greater if the apples are packed loose in a container.

## SCHEDULE 4 Regulation 3

## DEFINITION OF GRADE OF QUALITY—CLASS 3

*Variety.* All apples within a container shall be of one variety.

*Development and ripeness.* Each apple shall be reasonably sound internally and externally and may be shrivelled so long as the appearance of the apple is not seriously affected. Its state of ripeness shall be such as to ensure that it will withstand distribution.

*Shape.* No apple shall be seriously distorted.

*Cleanliness.* Each apple shall be reasonably clean.

*Progressive defects.* Slight progressive defects may be present on not more than 5 per cent. of the apples within a container.

*Non-progressive damage and blemish.* Damage and blemish, other than bruising, shall not exceed 320 square millimetres in area on any apple of a dessert variety or 960 square millimetres in area on any apple of a culinary variety.

Additionally, bruises may be present if collectively they do not exceed 640 square millimetres in area on any apple of a dessert variety or 1,280 square millimetres in area on any apple of a culinary variety. If there is no damage or blemish other than bruising on an apple, then the total area of bruising shall not exceed 960 square millimetres on any apple of a dessert variety and 1,600 square millimetres on any apple of a culinary variety.

*Russeting.* Russeting with dry cracks is permitted on any apple if it does not extend over more than a quarter of the surface area of the apple and the cracks are shallow and no one crack exceeds 25 millimetres in length.

*Size.* The diameter of each apple—

(a) of any dessert variety other than Cox's Orange Pippin or Egremont Russet shall be not less than 50 millimetres;

(b) of the Cox's Orange Pippin or Egremont Russet variety shall be not less than 45 millimetres;

(c) of any culinary variety shall be not less than 60 millimetres.

Regulations 4 and 5

## SCHEDULE 5

## FORMS OF LABELS

1. Any label of the kind referred to in regulation 4 of these regulations shall bear the word "APPLES" unless the apples in connection with which it is used are clearly visible, and shall also convey the following true information relating to those apples:—

(a) the name of the variety;

(b) the grade of quality expressed by the word or numeral "EXTRA", "1", "2" or "3", as the case may be;

(c) in the case of any apples other than those which fall within Class 2 and are packed loose in a container or which fall within Class 3, the diameter of the apple with the shortest diameter, expressed in millimetres or inches: the label may also convey the diameter of the apple with the longest diameter, similarly expressed.

Any reference to a label in paragraphs 2 to 6 of this Schedule is a reference to a label of a kind referred to in regulation 4 of these regulations.

2. The label shall cover an area measuring not less than 40 square centimetres and not more than 80 square centimetres and shall be clearly distinguishable from its surroundings, either by being bounded by lines or being of a markedly contrasting colour or material or in some other respect.

3. The information referred to in paragraph 1(b) above shall appear in a space measuring not less than 2.5 centimetres in height and 3.5 centimetres in width. To the right of, and contiguous with, that space there shall be a second space similar in height to the first and not less than 4.0 centimetres in width which shall be left blank unless it is necessary to amend or further amend the information as to the grade conveyed in the first mentioned space. In such an event, there shall be inserted in that second space information as to the grade within which the apples fall for the time being.

4. In any label used in connection with any apples to which paragraph 1(c) above applies, the information specified in that sub-paragraph shall appear in a third space to the right of, contiguous with and similar in height to the second aforesaid space and not less than 2.5 centimetres in width. Each of the spaces referred to in this and the last preceding paragraph shall be rectangular in shape and bounded by lines and shall contain no information other than that specified in these paragraphs in relation to each.

5. Every letter, word or numeral appearing on a label shall be:—

(a) clearly legible;

(b) of a dark colour upon a light coloured ground or of a light colour upon a dark coloured ground;

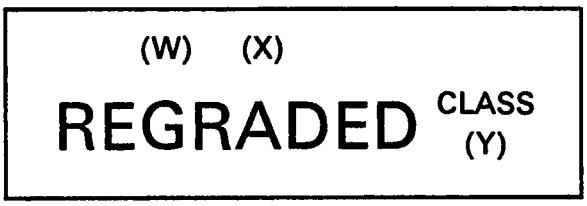
(c) not less than 7 millimetres in height in the case of any word or numeral indicating the grade and not less than 3 millimetres in height in any other case.

6.—(1) In addition to the words or numerals required to convey the information specified in paragraph 1 of this Schedule, the following words, but no others, may appear on the label—"variety", "class", "minimum", "maximum" and "range".

(2) The following abbreviations, but no others, may be used on a label in place of the respective words specified in relation thereto:—

| *Word* | *Abbreviation* |
|---|---|
| maximum | max |
| minimum | min |
| millimetres | mm |
| inch or inches | in |

7.—(1) The label which may be affixed by an authorised officer in accordance with regulation 5 of these regulations to indicate what appears to him to be the correct grade of the apples in connection with which that label is used shall be in the following form:—



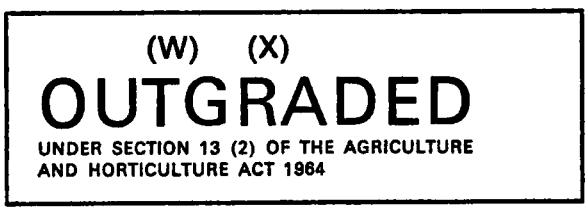

The label shall be completed as follows:—

(a) by depicting at (W) a crown;

(b) by inserting at (X) the letters "M.A.F.F." in the case of a label affixed in England or Wales or "D.A.F.S." in the case of a label affixed in Scotland;

(c) by inserting at (Y) the numeral "1", "2" or "3", as appropriate.

(2) The label which may be affixed by an authorised officer in accordance with regulation 5 of these regulations to indicate that the quality of the apples in connection with which that label is used appears to him to be inferior to that required for the grade designated Class 3 in regulation 3 of these regulations shall be in the following form:—




The label shall be completed by depicting at (W) a crown and by inserting at (X) the letters "M.A.F.F." in the case of a label affixed in England or Wales or "D.A.F.S." in the case of a label affixed in Scotland.

## EXPLANATORY NOTE

*(This Note is not part of the regulations.)*

These regulations, which are made under sections 11, 13 and 23 of the Agriculture and Horticulture Act 1964 and apply throughout Great Britain, come into operation on 17th July 1967.

The regulations designate and define grades of quality for fresh apples and prescribe forms of labels for the various grades.