STATUTORY INSTRUMENTS

1968 No. 7

HORTICULTURE

GRADING AND TRANSPORT OF PRODUCE

The Grading of Produce (Cucumbers) Regulations 1968

Made - - - -	3*rd January* 1968
Laid before Parliament	10*th January* 1968
Coming into Operation	15*th January* 1968

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 (Cucumbers) Regulations 1968; and shall come into operation on 15th January 1968.

Interpretation

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

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

"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;

"cucumber" means a whole cucumber (*cucumis sativus L.*) of any variety other than a field variety, whether freshly gathered or stored or taken from store, but does not include a dried, frozen, bottled, canned or preserved cucumber;

"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;

"of the same type", in relation to cucumbers, means similar in colour, surface texture and conformation and similar proportionately when relating girth to length and length of handle to length of cucumber.

(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 cucumbers:—

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.

Form of labels

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

Manner of cancellation of labels by authorised officer

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

(*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 cucumbers 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 cucumbers 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 22nd December 1967.

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

Given under the Seal of the Secretary of State for Scotland on 3rd January 1968.

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

Regulation 3

SCHEDULE 1

Definition of Grade of Quality—Extra Class

Type. All cucumbers within a container shall be of the same type.

Development and maturity. Each cucumber shall be sound and reasonably firm. It shall be well developed over its whole length. It shall not be deformed by seed formation.

Colour. Each cucumber shall have the colour characteristic of its type.

Shape. Each cucumber shall be almost straight and have the shape characteristic of its type.

Cleanliness. Each cucumber shall be clean and free from contamination.

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

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

Size. Each cucumber shall be not less than 250 grammes in weight. The difference in weight between the lightest and the heaviest cucumber in a container shall be not more than 150 grammes.

Regulation 3

SCHEDULE 2

DEFINITION OF GRADE OF QUALITY—CLASS 1

Type. All cucumbers within a container shall be of the same type.

Development and maturity. Each cucumber shall be sound and free from serious wilting and shall be reasonably well developed over its whole length, save that the tip may be undeveloped. It shall not be deformed by seed formation.

Colour. Slight colour defects may be present.

Shape. Any cucumber may be slightly bent and may have slight irregularities of shape.

Cleanliness. Each cucumber shall be clean and free from contamination.

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

Non-progressive damage and blemish. Minor blemishes and minor damage not affecting keeping quality may be present if they do not significantly detract from the general appearance of any cucumber or of the contents of a container.

Size. Each cucumber shall be not less than 200 grammes in weight. The difference in weight between the lightest and the heaviest cucumber in a container shall be not more than 150 grammes.

Regulation 3

SCHEDULE 3

DEFINITION OF GRADE OF QUALITY—CLASS 2

Development and maturity. Each cucumber shall be sound and free from serious wilting but slight underdevelopment is permitted.

Colour. No cucumber shall be seriously discoloured.

Shape. Any cucumber may be bent or have slight irregularities of shape but it shall have no severe deformity.

In the case of a bent cucumber, the maximum height of the arc measured between the inside edge of the cucumber and a straight line between the end of the handle and the tip shall not exceed one-fifth of the length of that line.

Cleanliness. Slight soiling may be present if it does not significantly detract from the general appearance of each cucumber or of the contents of a container. Each cucumber shall be free from contamination.

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

Non-progressive damage and blemish. Minor blemishes and minor damage not affecting keeping quality may be present if they do not seriously detract from the general appearance of any cucumber or of the contents of a container.

Size. Each cucumber shall be not less than 200 grammes in weight.

Regulation 3

SCHEDULE 4

DEFINITION OF GRADE OF QUALITY—CLASS 3

Development and maturity. Each cucumber shall be sound but there may be slight limpness. Not more than half of any cucumber may be underdeveloped.

Colour. No cucumber shall be excessively discoloured.

Cleanliness. Each cucumber shall be free from contamination, but there may be slight soiling.

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

Non-progressive damage and blemish. Blemishes and damage not affecting keeping quality may be present if they do not render the cucumber unfit for human consumption.

Regulations 4 and 5

SCHEDULE 5

FORMS OF LABELS

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

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

(*b*) in the case of cucumbers which fall within Extra Class or Class 1, the weight of the lightest cucumber, expressed in grammes or ounces.

(2) Any such label may also convey the following true information relating to the cucumbers in connection with which it is used:—

(*a*) in the case of cucumbers which fall within Class 2 or Class 3, the weight of the lightest cucumber, expressed in grammes or ounces;

(*b*) in the case of cucumbers which fall within any grade of quality designated in regulation 3 of these regulations, the weight of the heaviest cucumber if that information is immediately preceded by the weight of the lightest cucumber and both weights are expressed either in grammes or in ounces.

(3) 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(1)(*a*) 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 cucumbers fall for the time being.

4. The information specified in paragraph 1(1)(*b*), 1(2)(*a*) or 1(2)(*b*) above 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;

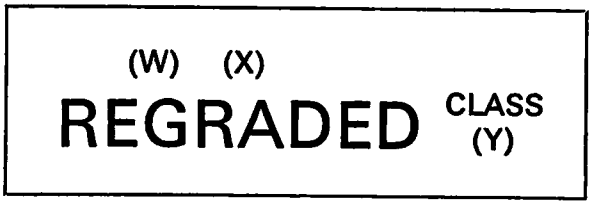
(*c*) not less than 7 millimetres in height in the case of any word or numeral indicating the grade and not less than 3 millimetres in height in any other case.

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—"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
grammes	g
ounces	oz

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 cucumbers in connection with which that label is used shall be in the following form:—



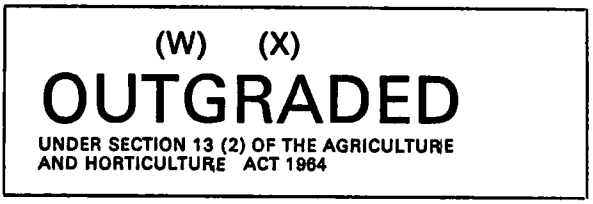
The label shall be completed as follows:—

(*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 cucumbers 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 15th January 1968.

The regulations designate and define grades of quality for all varieties of cucumbers other than field varieties and prescribe forms of labels for the various grades.