

DEPARTMENT OF AGRICULTURE

FOOD AND DAIRY DIVISION

REGULATION NO. 539. POTATOES FOR SALE UNDER SEAL OF QUALITY

(By authority conferred on the commission of agriculture by sections 5 and 14 of Act No. 70 of the Public Acts of 1961, section 1 of Act No. 220 of the Public Acts of 1929, as amended, and sections 9 and 177 of Act No. 380 of the Public Acts of 1965, being SS289.635, 289.644, 290.151, 16.109, and 16.277 of the Michigan Compiled Laws)

R 285.539.1 Standards of quality, grading, and inspection.

Rule 1. (1) Only potatoes produced, packed, and processed within the state may be identified with "Michigan seal of quality."

(2) Each lot of potatoes identified as "Michigan seal of quality" shall be graded in accordance with the standards as set forth in this rule and shall be accompanied by a federal-state inspection certificate denoting grade.

(3) The "Michigan seal of quality" label, tag, or other device bearing the official emblem shall be obtained only at sources approved by the Michigan department of agriculture.

(4) The use of the "Michigan seal of quality" in marketing potatoes is available to any person, firm, or corporation who shall comply with this rule and any instructions issued therewith.

(5) No person, firm, or corporation shall use the "Michigan seal of quality" in connection with the grading and labeling of potatoes unless there is in force an official written agreement between the applicant and the Michigan department of agriculture. The director shall issue a permit to make and imprint on tags, labels, and other devices the "Michigan seal of quality" emblem for potatoes to manufacturers who sign an official agreement with the Michigan department of agriculture. All agreements and permits shall expire 1 year after date of issuance. Request for renewal of such agreement or permit must be made annually prior to date of expiration and shall be in effect unless otherwise notified by the director.

(6) Violations of any of the applicable laws and regulations shall be subject to penalty by revocation of permit to use the "Michigan seal of quality" and to other penalties as described in the law.

(7) The grade for potatoes shall be "Michigan seal of quality" and the standards for such grade to which the seal can be affixed are as follows:

(a) Individual container of potatoes shall consist of potatoes of 1 variety approved by the director of agriculture and shall be:

(i) Fairly well matured and well shaped.

(ii) Clean unless specified as fairly clean.

(iii) Not frozen.

(iv) Free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot, or wet breakdown.

(v) Free from damage caused by sunburn, greening, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, shriveling, sprouting, scab, dry rot, rhizoctonia, dried stems, insects, larvae, worms, other disease, or mechanical or other means.

(b) The size shall be specified in connection with the grade and classified as large or extra large in accordance with 1 of the following size classifications:

(i) For round or intermediate shape varieties such as Irish Cobbler, Katahdin, Sebago, Pontiac, Kennebec, Green Mountain, or other similar varieties:

Large--Shall consist of potatoes not less than 2 1/4 inches in diameter or more than 3 1/2 inches in diameter.

Extra large--Shall consist of potatoes not less than 2 1/2 inches in diameter or more than 3 3/4 inches in diameter.

(ii) For long varieties such as Russet Burbank, Early Gem, White Rose, or other similar varieties:

Large--Shall consist of potatoes not less than 6 ounces or more than 10 ounces.

Extra large--Shall consist of potatoes not less than 10 ounces or more than 14 ounces.

(iii) Count packs, round, intermediate shaped, or long varieties, when the number of potatoes is designated on the container, the size shall not vary more than 1 ounce under or 1 ounce over the count size specified on the container.

(c) In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 5%, by weight, of the potatoes in any lot may fail to meet the requirements of this grade relating to external and internal defects, provided that not more than 2/5 of this amount, or 2%, shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot, or wet breakdown, including therein not more than 1/2 of 1% for potatoes which are frozen or affected by soft rot or wet breakdown.

(d) In order to allow for variations incident to proper sizing, the following tolerances shall be allowed:

(i) Not more than 5% of the potatoes in any lot may fail to meet the specified minimum size or weight. In addition, not more than 10% may fail to meet any specified maximum size or weight.

(ii) When a number of potatoes per package is specified, the number of potatoes in individual packages shall not vary more than 5% from the number specified.

(8) Individual containers intended for use in connection with the distribution of potatoes packed under the "Michigan seal of quality" grade must meet the following requirements:

(a) Shall be new, clean, and a type recognized as a suitable shipping container for potatoes.

(b) Shall bear upon them in plain sight, readily visible letters and figures not less than 1/4 of an inch in height:

(i) Grade.

(ii) Size classification (large or extra large) or numerical count.

(iii) Variety.

(iv) Net contents.

(v) Name of person who first packed or authorized the packing of the potatoes or the name under which such packer is engaged in business.

(vi) Explicit address to permit ready location of such packer.

(c) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided that the averages for the entire lot are within the tolerances specified for the grade:

(i) For packages which contain more than 15 pounds, when a tolerance of 10% or more is provided, individual packages in the lot shall have not more than 1 1/2 times the tolerance specified, and when a tolerance of less than 10% is provided, individual packages in the lot shall have not more than double the tolerance specified, except that for potatoes which are frozen or affected by soft rot or wet breakdown, en route or at destination, not more than 1/10 of the packages may contain not more than 4 times the tolerance specified, and except that at least 1 defective and 1 off-size potato may be permitted in any package.

(ii) For packages which contain 15 pounds or less, individual packages in the lot are not restricted as to percentage of defects and off-size; provided that not more than 1/10 of the packages may have more than 1 potato which is frozen or affected by soft rot or wet breakdown.

(9) Any "person" who produces or supplies potatoes to be packed under the "Michigan seal of quality" and any person grading, packing, holding, transporting, distributing, or offering for sale potatoes under the

"Michigan seal of quality" shall be subject to the following provisions governing the maintenance of potato quality:

(a) Coolers, holding rooms, and any other facility in which potatoes are held, stored, or in any manner maintained for periods longer than required for normal movement of potatoes shall:

(i) Be constructed, maintained, and operated in compliance with Michigan laws and regulations governing food establishments, food handling, and sanitation;

(ii) Not be used for commodities or products not compatible with food products; and

(iii) Be free from objectionable odors and from molds.

(10) Definitions:

(a) "Fairly well matured" means that not more than 10%, by weight, of the individual potatoes in the lot have more than 1/4 of the skin missing or feathered.

(b) "Well shaped" means that the potato has the normal shape for the variety and is not pointed, dumbbell shaped, or otherwise ill-formed.

(c) "Clean" means that the individual potato has been washed or cleaned equally as well by other approved methods, is fairly bright, individual potato is practically free from dirt or staining, and practically no loose dirt or other foreign matter is present in the container.

(d) "Fairly clean" means that the individual potato is reasonably free from dirt or staining and not more than a slight amount of loose dirt or other foreign matter is present in the container.

(e) "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown.

(f) "Damage" means any defect which materially affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than 5% of the total weight of the potato including peel covering the defective area. Any 1 of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any 1 defect, shall be considered as damage:

(i) Dirt or other foreign matter when the individual potato is more than slightly dirty or slightly stained, or when more than a moderate amount of loose dirt or other foreign matter is present in the container.

(ii) Sunburn when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more than 5% of the total weight of the potato including peel covering the affected area.

(iii) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is materially affected by yellowish or greenish surface discoloration, or when discoloration extends into the flesh of the potato and cannot be removed without a loss of more than 5% of the total weight of the potato including peel covering the defective area.

(iv) Second growth which materially affects the appearance of the individual potato.

(v) Growth cracks which materially affect the appearance of the individual potato.

(vi) Air cracks which are deep, or shallow air cracks which materially affect the appearance of the individual potato.

(vii) Hollow heart which materially affects the internal appearance of the potato cut longitudinally.

(viii) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be removed without a loss of more than 5% of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there is more than the equivalent of 3 scattered light brown spots 1/8 inch in diameter in a round or intermediate type potato 2 1/2 inches in diameter or in a long type potato 8 ounces in weight, or correspondingly lesser or greater numbers of spots on smaller or larger potatoes.

(ix) External discoloration when the appearance of the potato is materially affected.

(x) Shriveling when the potato is more than moderately shriveled, spongy, or flabby.

(xi) Sprouting when more than 5% of the potatoes in the lot have external sprouts over 1/2 inch in length, or when the removal of an ingrown sprout causes a loss of more than 5% of the total weight of the potato including peel covering the defective area.

(xii) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds 5% of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds 3% of the surface; when pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5% of the total weight of the potato including peel covering the defective area; or when russet scab materially affects the appearance of the potato.

(xiii) Rhizoctonia when the appearance of the potato is materially affected, or when the surface is materially caked with black scurf.

(xiv) Dried stems when pliable or over 1/8 inch in diameter and over 2 1/2 inches long, or when stiff and over 1/8 inch in diameter and over 1 inch long.

(xv) Insects, larvae, or worms when present inside the potato, or when any hole caused by them or by grass root or similar injury in a round or intermediate type potato 2 1/2 inches in diameter, or in a long type potato 8 ounces in weight, is more than 3/4 inch long or when the aggregate length of all holes in such potatoes is more than 1 1/4 inches, or correspondingly shorter or longer holes in smaller or larger potatoes, or when other types of injury materially affect the appearance of the potato or cannot be removed without a loss of more than 5% of the total weight of the potato including peel covering the defective area.

(xvi) Mechanical or other means when cuts, shatter bruises, or other bruises, punctures, or other injuries materially affect the appearance of the potato or cannot be removed without a loss of more than 5% of the total weight of the potato including peel covering the defective area.

History: 1979 AC.