

DEPARTMENT OF AGRICULTURE

FOOD AND DAIRY DIVISION

REGULATION NO. 543. GREENHOUSE TOMATOES 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, and sections 9 and 177 of Act No. 380 of the Public Acts of 1965, being SS289.635, 289.644, 16.109, and 16.277 of the Michigan Compiled Laws)

R 285.543.1 Source.

Rule 1. Only greenhouse tomatoes produced, packed, and processed within the state may be identified with Michigan seal of quality.

History: 1979 AC.

R 285.543.2 Grade.

Rule 2. Each lot of greenhouse tomatoes identified as Michigan seal of quality shall be graded in accordance with the standards as set forth in these rules.

History: 1979 AC.

R 285.543.3 Seals.

Rule 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 and at a cost as set forth in the established schedule of fees. The Michigan seal of quality is available for use in marketing greenhouse tomatoes to any person, firm, or corporation who complies with these rules and any instructions issued therewith.

History: 1979 AC.

R 285.543.4 Agreements and permits.

Rule 4. (1) No person, firm, or corporation shall use the Michigan seal of quality in connection with the grading and labeling of greenhouse tomatoes, 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 an imprint on tags, labels, and other devices of the Michigan seal of quality emblem for greenhouse tomatoes to manufacturers who sign an official agreement with the Michigan department of agriculture.

(2) Agreements and permits shall expire 1 year after date of issuance. Agreements or permits shall be renewed annually upon request prior to date of expiration and shall be in effect unless the holders are otherwise notified by the director.

History: 1979 AC.

R 285.543.5 Penalties.

Rule 5. A violation of any of the applicable laws and rules shall be grounds for revocation of the permit to use the Michigan seal of quality and subjects the violator to other penalties as prescribed by law.

History: 1979 AC.

R 285.543.6 Standards of quality.

Rule 6. Michigan seal of quality grade shall consist of greenhouse tomatoes:

- (a) Of similar varietal characteristics.
- (b) Which are mature but not overripe or soft.
- (c) Fairly well formed.
- (d) Free from decay, freezing injury, and damage caused by bruises, cuts, shriveling, sunscald, puffiness, catfaces, growth cracks, scars, disease, insects, mechanical, or other means.

History: 1979 AC.

R 285.543.7 Tolerances.

Rule 7. Tomatoes to which the Michigan seal of quality emblem has been affixed shall meet the following requirements by weight:

- (a) Not more than 10% of the tomatoes in any lot may fail to meet the requirements of the grade, but
- (b) Not more than 1/2 of this amount, or 5%, shall be allowed for serious damage, included in this latter amount not more than 1% for tomatoes which are soft or affected by decay.

History: 1979 AC.

R 285.543.8 Packages.

Rule 8. All containers intended for use in connection with the distribution of tomatoes packed under the Michigan seal of quality must meet the following requirements:

- (a) Shipping containers:
 - (i) Shall be new, clean, and a type recognized as a suitable shipping container for tomatoes.
 - (ii) Shall bear upon them in plain sight and in plain letters on 1 outside end or side, the name of the person who first packed or authorized the packing of the tomatoes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, and in figures not less than 1/4 of an inch in height the number of tomatoes in the container expressed in numerical count or net weight.
- (b) Consumer packages:
 - (i) Shall be new, clean, and of a type recognized as a consumer package for tomatoes.
 - (ii) Shall bear upon them in plain sight and in plain letters the name of the person who first packed or authorized the packing of the tomatoes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer and in figures not less than 1/8 inch in height.
- (c) Application of tolerances: The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, providing the average for the entire lot is within the tolerances specified:
 - (i) For a tolerance of 10% or more, individual packages in any lot shall have not more than 1 1/2 times the tolerances specified, except that when the packages contain 15 specimens or less, any individual package shall have not more than double tolerance specified, except that at least 1 defective and 1 off-size specimen may be permitted in any package.
 - (ii) For a tolerance of less than 10%, individual packages in any lot shall have not more than double the tolerance specified, except that at least 1 defective and 1 off-size specimen may be permitted in any package.
- (d) Size classification: The size of tomatoes may be specified in accordance with 1 of the following classifications:
 - (i) "Small" under 3 1/2 ounces.
 - (ii) "Medium" from 3 1/2 ounces to 9 ounces.
 - (iii) "Large" over 9 ounces.
- (e) Standard pack: Tomatoes shall be fairly uniform in size when packed in containers. "Fairly uniform in size" means that not more than 10%, by weight, of the tomatoes in any container may vary more than the following from the applicable size classification:

- (i) Four ounces for "medium," "small to medium," or "medium to large."
- (ii) Six ounces for "large" size.

History: 1979 AC.

R 285.543.9 Practices and facilities.

Rule 9. (1) Any person who produces or supplies tomatoes to be packed under the Michigan seal of quality and any person grading, packing, holding, transporting, distributing, or offering for sale tomatoes under the Michigan seal of quality shall be subject to subrule (2) governing the conservation of tomato quality.

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

- (a) Be constructed, maintained, and operated in compliance with Michigan laws and rules governing food establishments, food handling, and sanitation.
- (b) Not be used for commodities or products not compatible with food products.
- (c) Be free from objectionable odors and from molds.

History: 1979 AC.

R 285.543.10 Definitions

Rule 10. As used in these rules:

(a) "Similar varietal characteristics" means that the tomatoes are alike as to character of color (bright red varieties shall not be mixed with varieties having a purplish tinge).

(b) "Mature" means that the contents of 2 or more seed cavities have developed a jellylike consistency and the seeds are well developed. External color shows at least a definite break from green to pink or red color.

(c) "Soft" means that the tomato yields readily to slight pressure.

(d) "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular or otherwise decidedly deformed.

(e) "Damage" means any specific defect described in this rule; or an equally objectionable variation of any 1 of these defects, any other defect, or any combination of defects which materially detracts from the appearance of the edible or shipping quality of the tomato. The following specific defects shall be considered as damage:

(i) Puffiness when the open space in 1 or more locules materially detracts from the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end.

(ii) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a small size tomato with a fairly smooth catface on an area equivalent to that of a circle $\frac{3}{8}$ inch in diameter; a medium size tomato with $\frac{1}{2}$ inch area; or a large size tomato with $\frac{3}{4}$ inch area.

(iii) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than $\frac{1}{8}$ inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having any individual radial crack $\frac{1}{2}$ inch in length, or having more than 1 inch aggregate length of all radial cracks measured from the edge of the stem scar.

(iv) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a scar with no depth which has an area equivalent to that of a circle $\frac{3}{8}$ inch in diameter.

(v) Cuts, not well healed, not shallow, or which affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having a cut $\frac{1}{2}$ inch in length.

(f) "Serious damage" means any specific defect described in this rule; or an equally objectionable variation of any 1 of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or shipping quality of the tomato. The following specific defects shall be considered as serious damage:

(i) Puffiness when the open space in 1 or more locules seriously detracts from the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end.

(ii) Catfaces when channels extend into the locule, when the wall has been weakened to the extent that slight pressure will cause the tomato to leak, or when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a fairly smooth catface with an area equivalent to that of a circle 1 inch in diameter.

(iii) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than 1/8 inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having individual radial cracks 1 inch in length, or having more than a 2 1/2 inch aggregate length of all radial cracks, measured from the edge of the stem scar.

(iv) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a scar with no depth which has an area equivalent to that of a circle 1 inch in diameter.

(v) Cuts, not well healed, not shallow, or which affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having a cut 1/2 inch in length.

History: 1979 AC.