

DEPARTMENT OF AGRICULTURE

FOOD AND DAIRY DIVISION

REGULATION NO. 544. SWEET CHERRIES 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 285.544.1 Definitions.

Rule 1. (1) "Similar varietal characteristics" means that the cherries in any container are similar in shape and color.

(2) "Mature" means that the cherries have reached the stage of growth which will insure proper completion of the ripening process.

(3) "Fairly well colored" means that the cherries show characteristic color for mature cherries of the variety.

(4) "Well formed" means that the cherries have the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

(5) "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

(6) "Damage" means any defect which materially affects the appearance, the edible or shipping quality of the individual cherry, or the general appearance of the cherries in the container. 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:

(a) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack 1/16 inch in width extending 1/2 the greatest circumference of the stem cavity.

(b) Cracks outside the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing, or handling, or when materially affecting the appearance.

(c) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle 3/16 inch in diameter.

(d) Insects when scale or more than 1 scale mark is present, or when the appearance is materially affected by any insect.

(e) Limb rubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted.

(f) Pulled stems when the skin or flesh is torn, or when the cherry is leaking.

(g) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted.

(h) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle 3/16 inch in diameter, or when smooth or fairly smooth, light colored, and superficial and the aggregate area exceeds the area of a circle 1/4 inch in diameter.

(i) Skin breaks when not well healed or when the appearance of the cherry is materially affected.

(j) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

(7) "Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

(8) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the cherry. Seriously damaged cherries include the following conditions:

(a) Decay.

(b) Wormy cherries or cherries with worm holes.

(c) Skin breaks which are not well healed.

- (d) Cracks which are not well healed.
- (e) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

History: 1979 AC.

R 285.544.2 Source and grade.

Rule 2. (1) Only sweet cherries produced, packed, and processed within the state of Michigan may be identified with the Michigan seal of quality.

(2) Each lot of sweet cherries identified with the Michigan seal of quality shall be graded in accordance with standards set forth in these rules.

History: 1979 AC.

R 285.544.3 Seal of quality.

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 sweet cherries to any person, firm, or corporation who complies with these rules and any instructions issued therewith.

History: 1979 AC.

R 285.544.4 Agreements and permits.

Rule 4. No persons, firm, or corporation shall use the Michigan seal of quality in connection with the grading and labeling of sweet cherries 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 sweet cherries to manufacturers who sign an official agreement with the Michigan department of agriculture. Agreements and 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 285.544.5 Penalties.

Rule 5. A violation of any of the applicable laws and rules is a ground 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 285.544.6 Standards of quality.

Rule 6. The grade for sweet cherries shall be Michigan seal of quality and the standards for such grade to which the seal may be affixed are as follows:

(a) Individual sweet cherries shall consist of cherries of similar varietal characteristics which are mature, but not soft, overripe or shriveled, and which are fairly well colored, well formed, clean, and free from decay, worms or worm holes, undeveloped doubles and sunscald, and free from damage caused by bruises, cracks, disease, hail, other insects, limb rubs, pulled stems, russeting, scars, skin breaks, sunburn, sutures, or mechanical or other means.

(b) The minimum diameter of each cherry shall be not less than 3/4 inch. In addition, the cherries in any container so marked with the minimum diameter shall not vary in diameter between the fruits in the container more than 1/4 inch, except that 10%, by count, of the cherries in any 1 container may be below the size marked and 5% may be allowed for oversize.

(c) When containers of loose cherries are marked with a row size designation, at least 50% of the cherries in the container shall be of a size no smaller than the row size marked; however, none of the cherries in such containers shall be more than 2 sizes smaller than that marked on the container, except that 15%, by count, of the cherries in any container may be below this minimum size requirement. The row size number shall be deemed to be that number of cherries of uniform size whose aggregate width will equal 1 1/2 inches.

(d) In order to allow for variation incident to proper grading and handling, not more than 10%, by count, of the cherries in any lot may fail to meet the requirements of the grade, but not more than 1/2 of this amount, or 5%, shall be allowed for defects causing serious damage, including therein not more than 1% for cherries affected by decay. In addition, when cherries are packed with stems attached, not more than 20%, by count, in any lot may be allowed for cherries with stems detached. When cherries are packed with stems detached, not more than 5%, by count, in any lot, may be allowed for cherries with stems attached.

History: 1979 AC.

R 285.544.7 Containers.

Rule 7. Containers intended for use in connection with the distribution of sweet cherries under the Michigan seal of quality shall:

(a) Be new, clean, and of a type recognized as a suitable container for sweet cherries.

(b) Bear in plain sight and in plain letters on 1 end or side the name of the person who first packed or authorized the packing of the sweet cherries, or the name under which the packer is engaged in business, together with a sufficiently explicit address to permit ready location of the packer, and in figures not less than 1/4 inch in height, the minimum diameter in inches or fractions thereof, or the row size designation followed by the term "row," of the sweet cherries in the container in like size letters or type, and the net contents either in quarts, pints, or net weight in pounds.

History: 1979 AC.

R 285.544.8 Tolerances.

Rule 8. The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations if the averages for the entire lot are within the tolerances specified for the grade:

(a) For a tolerance of 10% or more, individual packages in any lot may contain not more than 1 1/2 times the tolerance specified, except that when the package contains 1 pound or less, individual packages may contain not more than double the tolerance specified.

(b) For a tolerance of less than 10%, individual packages in any lot may contain not more than double the tolerances specified, except that at least 1 defective and 1 off-size specimen may be permitted in any package.

History: 1979 AC.