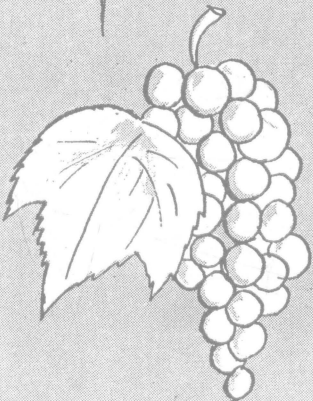
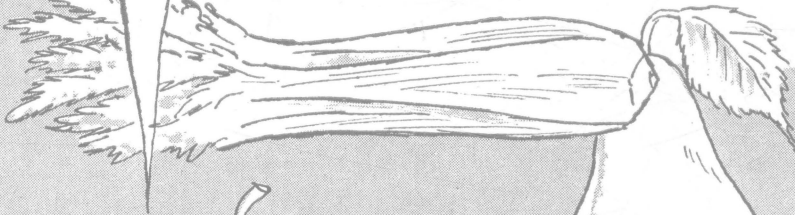


LABELING FRUITS and VEGETABLES for sale in Ohio



AGRICULTURAL EXTENSION SERVICE
THE OHIO STATE UNIVERSITY

Labeling Fruits and Vegetables for sale in Ohio

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Selling fruits and vegetables in packages of various sizes and packaging materials has increased rapidly at roadside markets and in retail food stores in recent years. This has resulted in a need for more information about legal labeling of these products in the different kinds of packages that growers and other venders have found their customers prefer.

This publication is an effort to provide this needed information. During the development of the following questions and answers about Ohio labeling laws the authors consulted frequently with Wesley Windisch, Chief, Bureau of Markets, Ohio Department of Agriculture, and others on his staff. The material in this publication, therefore, should provide growers and venders with the legal information they need in labeling packages of fruits and vegetables that they offer for sale.

Questions and Answers on Rules and Regulations Governing Grading and Labeling of Fruits and Vegetables Packed for Sale in Ohio

1. **Q:** *What is the purpose of the Ohio Fruit and Vegetable law?*

A: To prevent fraud and deception in the branding of fresh fruits and vegetables grown, packed or offered for sale in containers within the state of Ohio.

2. **Q:** *Who is responsible for the enforcement of the Ohio Fruit and Vegetable law?*

A: Enforcement of this law is through authorized agents of the Ohio Bureau of Markets, a division of the Ohio Department of Agriculture. Preferably, enforcement is informational in character and the inspectors will render helpful assistance in instances where information is desired. The law provides that willful violators and fraudulent operators will be prosecuted, however, according to the facts of the case. For further information, contact Wesley Windisch, Chief, Bureau of Markets, 710 State Office Building, Columbus 15, Ohio.

3. **Q:** *What grade standards are used for fruits and vegetables packaged for sale in Ohio?*

A: Federal grades for fresh fruits and vegetables existing on October 15, 1949 are the official grades in the state of Ohio and will be applied under the terms of the Ohio Fruit and Vegetable law if the grower or packer marks the grade of his product. However, the Director of the Ohio Department of Agriculture may promulgate additional grades for fresh fruits and vegetables. U. S. Standards as recommended by the U. S. Department of Agriculture and approved by the Congress of the United States are the legal bases for grades of nearly all agricultural commodities. Any changes in the U. S. Standards are published in the *Federal Register*.

Different terms are used to designate the grades of various fruits and vegetables. There are specific laws relating to the labeling of apples, peaches, potatoes, and dry onions packed or offered for sale in Ohio. Legal grades provided for these products are:

Apples—U. S. Extra Fancy, Combination U. S. Extra Fancy and U. S. Fancy, U. S. Fancy, Combination U. S. Fancy and U. S. No. 1, U. S. No. 1, U. S. No. 1 Cookers, U. S. No. 1 Early, Combination U. S. No. 1 and U. S. Utility, U. S. Hail grade, Ohio Domestic grade, and Culls.

Peaches—U. S. Fancy, U. S. Extra No. 1, U. S. No. 1, U. S. No. 2 and Unclassified.

Potatoes—U. S. Fancy, U. S. No 1, U. S. Commercial, U. S. No. 2, and Unclassified.

Onions, dry—U. S. No. 1, U. S. Combination, U. S. No. 2 and Unclassified.

Onions—(Other than Bermuda-Granex and Creole types)—
U. S. No. 1, U. S. Commercial, U. S. No. 1 Boilers,
U. S. No. 1 Picklers, U. S. No. 2, and Unclassified.

4. **Q:** *What grades other than federal grades are legal for fruits and vegetables packed or sold in Ohio?*

A: Ohio Domestic is an additional grade for apples and Ohio Commercial is an additional grade for tomatoes packed or sold in Ohio. The law provides that changes or additions to Ohio grades will be published under the Standard Procedures act and are on file with the Secretary of State.

5. **Q:** *Is the designation "Growers Grade" legal for fruits and vegetables grown in Ohio and packed for sale?*

A: No. This grade designation was legally discontinued upon the passage of the Ohio Fruit and Vegetable law, October 15, 1949.

6. **Q:** *What information must be shown on each container of apples in order to meet requirements of the Ohio Apple Labeling law?*

A: Apples must be labeled and each open or closed container which is offered or transported for sale (except those en-route for further processing) shall be labeled with the following information:

1. Name and address of the grower or packer (includes anyone who pre-packages for retail sale).
2. Grade
3. Variety
4. Minimum size
5. Net weight or numerical count (NOTE: Except apples packed in a container built in accordance with specifications of the Federal Standard Container act).

7. **Q:** *What does the Ohio Apple Labeling law provide that is different from U. S. Standards for Apples?*

A: Two grade classifications were substituted for applies listed as "Unclassified" in the federal U. S. Standards for Apples; namely, "Ohio Domestic" and "Culls." "Ohio Domestic"

grade is provided for apples which with few exceptions meet the requirements of the U. S. Utility grade. This grade was designed for apples that normally are packed and sold for immediate consumption rather than for storage purposes. Any lot or quantity of apples which does not meet the requirements of the U. S. Standard grades or "Ohio Domestic" must be labeled "Culls" with letters at least 2½ inches high when sold for purposes other than processing. If sold for processing or in bulk from a truck or stand, only one "cull" sign is necessary. The term "Unclassified" thus is not a legal designation for apples offered for sale in Ohio.

8. **Q:** *What grades and labels are legal for apples packaged in other states and sold in Ohio?*

A: If apples are graded and labeled according to the legalized grades of the state of their origin and approved as stated in the two previous questions by the Ohio Bureau of Markets, they may be sold without any further grading or labeling. (NOTE: This is true if apples are sold in the original container. If apples are repacked for sale, they must be labeled according to U. S. Standards and grades approved by the Ohio Bureau of Markets.)

9. **Q:** *Do all the foregoing provisions apply to all sales of apples in Ohio?*

A: No. Apples sold and delivered by the producer to the consumer on the premises where produced are not subject to the Ohio Apple Labeling law.

10. **Q:** *What information is required on containers for other fruits and vegetables packed in Ohio?*

A: **Onions, dry**—Full name and address of grower or packer, the grade, and net contents by **weight** or **numerical count**, **except** when packed in a standard container built in accordance with specifications of the Federal Standard Container act.

Potatoes—Full name and address of grower or packer, the grade, and net contents by **weight** or **numerical count**, **except** when packed in a standard container. A 1961 ruling by the Food and Drug Administration requires that if a post-harvest sprout inhibitor is used in storage or potatoes

are washed in water in which such material is placed, a marking on the package should read: “

used to inhibit sprouting.” This ruling applies on consumer-sized packages shipped loose. If they are shipped in master bags, the wording on the master container is sufficient and the individual packages when displayed for sale do not need to be labeled. (NOTE: Enforcement of the sprout inhibitor regulation is a function of the Food and Drug Administration.)

Peaches—Must have full name and address of grower or packer, the grade, the variety, minimum size, and the net contents by **weight**, or **numerical count**, **except** when packed in a standard container built in accordance with specifications of the Federal Standard Container Act.

11. **Q:** *Are the requirements for other fruits and vegetables produced and sold on the premises of the grower direct to the consumer the same as for apples?*

A: Yes. The Ohio Fruit and Vegetable law does not require any markings on containers of fruits and vegetables offered for sale on his own premises by the grower directly to the consumer. All other fruits and vegetables purchased and/or offered for sale must be labeled in accordance with the Ohio Fruit and Vegetable law or the Ohio Apple Labeling law. For example, if you operate a roadside stand, and your next door neighbor wanted you to sell some peaches for him, you would be required to label his peaches as outlined in answers to previous questions.

12. **Q:** *What is a “standard” container and how may a grower or vendor determine if a container is a “standard” container?*

A: A “standard” container is a container manufactured to the specifications of the Federal Standard Container act. Container manufacturers and suppliers are subject to the regulations of the Federal Standard Container act, and in order to sell “standard” containers they must observe these regulations. Manufacturers and suppliers are usually able to provide information as to legal use of containers. But any vendor is responsible for compliance with these regulations for packages or containers that he sells. Split containers that hold 1 bushel, $\frac{3}{4}$ bushel, $\frac{1}{2}$ bushel, 1 peck, 1 quart, or 1 pint are examples of standard containers. The usual measurement is on a volume basis filled level.

13. Q: *May used containers be used to pack Ohio grown fruits and vegetables?*

A: Yes, provided any markings pertaining to previous contents of such containers previously used for the same product should be blotted out or removed. New markings that are added shall be plain, distinguishable, and legible. Bags previously used for potatoes or onions must be turned inside out so old markings are not visible.

14. Q: *Are there any other regulations pertaining to grades, weights, or measures that must be followed?*

A: There may be ordinances or laws established by local, city, or municipal governments in regard to sales of fruits and vegetables. If in doubt, check with the local agencies, such as the administrative offices, health departments, weights and measures departments, and possibly others.

15. Q: *If a food retailer pre-packages (or repacks) a portion of the fresh fruits and vegetables that he sells, what information must he show on the label of each package?*

A: That varies by items of fresh fruits and vegetables. There is no one simple answer to this question.

16. Q: *How does this information vary by items?*

A: In general, every package of any item must have the full name and address of the "person" who packs or repacks the product marked legibly on a label for the package or on the container. The net contents by weight or numerical count also must be shown, unless the container is a "standard" container built in accordance with the specifications of the Federal Standard Container Act.

17. Q: *Can the name of the store be used as the name of the person?*

A: The term "person" as used here is construed by law to include any individual, company, partnership, corporation, or association, or any combination of individuals of whatever form or character, also any employee, agent, or officer thereof.

18. Q: *What are the variations mentioned in answer to question 15?*

A: One of the most important additional requirements to those already listed is that the variety, grade, and minimum size of the fruits in each package of apples or peaches also must be included. The grade, but not the variety and minimum size, must also be shown on each package of potatoes and dry onions.

19. Q: *What source of information may be used safely for determining the variety, grade, and minimum size of the products repacked or pre-packaged in retail stores?*

A: The law provides that the same information must also be shown on the wholesale container from which apples or peaches are removed for packaging into smaller containers. Usually this is a safe source of information. But, every vendor is responsible for the accuracy of this type of information on any package offered for sale in his store.

20. Q: *Do the same regulations apply for open and closed packages?*

A: Yes. The same regulations apply for open or closed packages, except fruits and vegetables sold to consumers by a grower on his own premises where the product is grown.

21. Q: *What information must be shown on bulk displays of fruits and vegetables in retail stores?*

A: Bulk displays of apples must have labels of identification showing grade, minimum size, and variety. No specific provisions apply to other fruits and vegetables sold from bulk displays.

22. Q: *Who is responsible for loss in weight between time of packaging and time of sale?*

A: The final seller bears responsibility for accuracy of weight or count shown on the label or container.