

AG303

AGRICULTURAL PRODUCTS ACT 1929
OTHER FRUITS AND VEGETABLES
GRADING AND PACKING CODE 1992

Made by the Minister for Agriculture under section 3F.

PART 1 — PRELIMINARY

Citation

1. This Code may be cited as the *Other Fruits and Vegetables Grading and Packing Code 1992*.

Commencement

2. This Code shall come into operation on the day of its publication in the *Government Gazette*.

Interpretation

3. In this Code, unless the contrary intention appears —

“**abnormal external moisture**” means distinctly wet (but does not include condensation following release from cold storage);

“**blemish**” means any superficial disfigurement of the skin that is not likely to affect the keeping quality or intended use of the produce, and includes frost injury, slight hail damage, chemical burns and healed injury resulting from insect damage, scratches and rubs, but does not include heat damage or freezing injury;

“**clean**” means visibly free from any dirt, dust, chemical residue or other foreign matter;

“**defect**” means any abnormal development of shape, colour or condition that detracts from the quality, general appearance or presentation of the fruit or vegetable;

“intact” means practically free from any mutilation or injury spoiling the fruit or vegetable;

“mature” means, in the case of fruit, having reached the stage of development that will ensure proper completion of the ripening process and, in the case of vegetables, fully developed but not running to seed;

“processing” means any operation that subjects the fruit or vegetables to thermal processing (not including cold storage) or juicing or that converts the fruit or vegetable into a fruit or vegetable product;

“sound” means not over-ripe, soft or wilted, and free from rot, excessive bruising and physical injury, internal or external, that is likely to affect the keeping quality of the fruit or vegetable; and

“well-filled” means that the package is filled to the extent that the produce, after settling, cannot move within the package during normal handling.

Application

4. (1) Subject to section 5 of the Act, this Code applies to the sale of fruits and vegetables, other than for the purpose of processing, that are not the subject of a specific code under the Act.

(2) Clauses 18 and 19 do not apply to a retail sale.

PART 2 — GRADING

Grading into classes

5. Fruits and vegetables may be graded as —

- (a) Extra Class;
- (b) Class 1;
- (c) Class 2; or
- (d) Class 3,

if they comply with the requirements for the relevant class as prescribed by this Part.

Minimum requirements

6. Fruits and vegetables in all classes other than Class 3 shall be —

- (a) intact;
- (b) sound;
- (c) clean;
- (d) mature;
- (e) free from abnormal external moisture; and
- (f) free from any foreign smell or taste.

Maturity

7. Fruits and vegetables graded as Extra Class, Class 1 or Class 2 shall be mature.

Classes

8. (1) Subject to Part 3, fruits or vegetables graded as Extra Class shall be —

- (a) well-formed and typical of the variety; and
- (b) free from defects and practically free from blemishes, other than very slight blemishes.

(2) Subject to Part 3, fruits or vegetables graded as Class 1 shall be —

- (a) reasonably well-formed and typical of the variety; and
- (b) reasonably free from defects and blemishes, other than very slight blemishes.

(3) Subject to Part 3, Class 2 shall comprise fruits and vegetables that are not suitable for Extra Class or Class 1, but satisfy the minimum requirements as specified in clause 6.

(4) Class 3 shall comprise fruits and vegetables that do not satisfy the requirements of any of the other classes.

Determination of size for grading

9. The size of fruits and vegetables for grading purposes shall be measured by the maximum diameter of the equatorial section of the product or by their individual mass.

PART 3 — PACKING**Single variety**

10. A package of fruit or vegetables shall not contain produce of any variety other than the variety marked on the package.

Mixture of fruit or vegetables by class

11. A package of fruit or vegetables may contain produce of mixed classes, other than Class 3.

Size variations

12. (1) Extra Class and Class 1 fruit or vegetables shall be graded according to size.

(2) Fruit or vegetables in a package marked "UNCLASSIFIED" are not required to be sized.

(3) The size of Class 2 fruit or vegetables packed in containers marked "UNSIZED" may vary without limit.

Tolerances

13. A package of fruit or vegetables may contain —

- (a) in the case of Extra Class produce, a maximum of 5 per cent by number or net mass of produce not satisfying the requirements of that class but satisfying the requirements of Class 1;
- (b) in the case of Class 1 produce, a maximum of 10 per cent by number or net mass of produce not satisfying the requirements of that class but satisfying the requirements of Class 2;

- (c) in the case of Class 2 produce, a maximum of 10 per cent by number or net mass of produce not satisfying the minimum requirements specified in clause 6, except that in no case shall the package contain produce affected by rot, serious damage, severe bruising or unhealed injury.

Uniformity of fruit and vegetables within packages

14. The contents of each package of —

- (a) Extra Class fruit or vegetables shall be uniform in shape and colour;
- (b) Class 1 fruit or vegetables shall be practically uniform in shape and colour; and
- (c) Class 2 fruit or vegetables shall be reasonably uniform in shape and colour.

Presentation of fruit and vegetables

15. (1) Each package shall be well-filled and packed in a manner that allows the fruit or vegetables to withstand handling and transport.

(2) Subject to this Part and Part 2, each package shall contain only fruit or vegetables of the same variety, strain, quality and degree of ripeness.

(3) Any fruit or vegetables packed in a package that are visible shall be representative of the contents of the package.

(4) Packages containing fruit or vegetables shall be free from extraneous plant material such as leaves and spurs.

Packaging materials

16. (1) Packages into which any fruit or vegetables are packed shall be —

- (a) clean;
 - (b) free from all foreign matter; and
 - (c) of a quality, design and construction suitable for protecting the fruit or vegetables from damage.
- (2) Materials used inside packages shall be new.

PART 4 — MARKING

Packages marked "Unclassed"

17. A package containing fruit or vegetables of mixed classes as permitted by clause 11 shall be marked "UNCLASSSED".

Complete trade description to be applied

18. (1) The complete trade description shall —
- (a) be applied —
 - (i) on new rigid type packages, to at least one end of each package;
 - (ii) on packages intended for re-use (wooden cases, plastic crates, wooden or fibreboard bulk bins and wire sided bulk bins), on a label or ticket at least 100 mm x 70 mm, securely affixed to one side of the package; and
 - (b) be in prominent, indelible and legible characters at least 5 millimetres high.
- (2) Before a marking is applied to a package intended for re-use, all particulars relating to previous use of the package shall be removed or obliterated.
- (3) A marking inside a package shall be made with a non-toxic ink or glue.

Information to be included in trade description

19. Subject to Part 3, the trade description shall contain —
- (a) the name and address of the person who packed the fruit or vegetables;
 - (b) the name of the fruit or vegetable;
 - (c) the full name of the variety of the fruit or vegetable contained in the package;
 - (d) the class of the fruit or vegetables;
 - (e) the size, count or mass of the fruit or vegetables; and
 - (f) in the case of —
 - (i) a package of Class 2 fruit or vegetables that have not been sized, the word "UNSIZED";
 - (ii) a package marked "UNCLASSIFIED" containing fruit or vegetables that have not been sized, the word "UNSIZED".

Trade description for retail sale

20. (1) A label showing the class of the produce shall be attached to each display of each variety of fruit or vegetables offered for retail sale and if the label specifies a variety of fruit or vegetable the fruit or vegetable displayed shall correspond to the variety specified.
- (2) If a display includes a mixture of varieties of fruit or vegetables, the label shall show the full names of the individual varieties within the mixture.
- (3) The marking on the label shall be in prominent, legible characters at least 25 millimetres high.

Prohibited quality descriptions

21. Fruit or vegetables shall not be designated as "special", "specially packed", "selected", "fancy" or by any other word or form of words that indicates that the fruits or vegetables have special quality characteristics.

ERNIE BRIDGE, Minister for Agriculture.