

MARKET CONDITIONS (EXCERPT)
Act 91 of 1915

285.32b Identification of farm product as meeting certain grade; use of specific market name or logo; identification of tomatoes; definitions.

Sec. 2b. (1) A person producing, distributing, or selling a farm product may identify that farm product as meeting 1 of the following grades if the product actually conforms to the standards of that grade:

(a) "Fresh market #1" means that the farm product is part of a lot that reflects the overall quality of the entire crop and that meets all of the following:

(i) Is free from mold, decay, breakdown, sunscald, worms, or wormholes.

(ii) Is not misshapen.

(iii) Is free from serious damage by mechanical devices, disease, insects, freezing, or other causes seriously affecting the edible or shipping quality of the product.

(iv) Contains not more than a total of 10% of all of the defects described in subparagraphs (i) to (iii), and contains not more than 2% of the defect described in subparagraph (i).

(v) Contains not more than 5% of the farm products that are smaller than the minimum size marked on the container or otherwise specified.

(b) "Fresh market #2" means that the farm product is part of a lot that meets the same standards as the "fresh market #1" grade, but from which superior quality farm products have been picked out.

(2) A specific market name or logo may be used in conjunction with the grades described in subsection (1)(a) and (b) of this section if the market name has been registered with the department of agriculture as required by section 2a as part of the grade or grading system.

(3) A person producing, distributing, or selling tomatoes may identify the tomatoes as meeting 1 of the following grades if the tomatoes actually conform to the standards of that grade:

(a) "Michigan No. 1" means tomatoes grown in this state of similar varietal characteristics which are mature but not overripe or soft; which are fairly well formed, free from decay, freezing injury, and from damage caused by dirt, bruises, cuts, sunscald, sunburn, puffiness, scars, catfaces, growth cracks, insects, hail, and free from visible disease at shipping point. In order to allow for variations incident to proper grading and handling, not more than 10%, by count, of the tomatoes in any lot may be below the requirements of this grade but not more than 1/10 of this amount, or 1%, shall be allowed for soft ripe tomatoes or tomatoes affected by decay. However, when a tolerance of 10% is provided, individual containers in the lot shall not exceed 1-1/2 times the tolerance, and when a tolerance of less than 10% is provided, individual containers shall not contain more than double the tolerance.

(b) "Michigan No. 2" means tomatoes grown in this state of similar varietal characteristics which are mature but not overripe or soft; not badly misshapen; free from decay, unhealed cuts, freezing injury, and from serious damage caused by bruises, sunscald, sunburn, catfaces, growth cracks, scars, disease, hail, or mechanical or other means; puffiness; or insects. In order to allow for variations other than size incident to proper grading and handling, not more than a total of 10%, by count, of the tomatoes in any lot may be below the requirements of this grade but not more than 1/10 of this amount, or 1%, shall be allowed for soft ripe tomatoes or tomatoes affected by decay.

(4) As used in subsection (3):

(a) "Badly misshapen" means that the tomato is so badly deformed that its appearance is seriously affected.

(b) "Damage" means any injury which materially affects the appearance or the edible or shipping quality. The following shall be considered as damage:

(i) Cuts that are not shallow, not well healed, or more than 1/2 inch in length.

(ii) Puffy tomatoes. These tomatoes are usually angular and flat-sided. They are damaged if open space in 1 or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end.

(iii) Scars, except catfaces, when aggregating more than 3/4 inch in diameter.

(iv) Catfaces, when scars are rough or deep, when channels are very deep or wide, or, if the catface is fairly smooth, with an area greater than that of a circle 3/4 inch in diameter.

(v) Growth cracks radiating from or concentric to stem scar when not well healed, or when individual radial cracks are more than 1/2 inch in length not to exceed an aggregate length of all radial cracks of 1-1/2 inch, measured from the stem scar. Concentric cracks permitted that do not affect the appearance of the tomato to a greater extent than the maximum radial cracks permitted.

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

(d) "Mature" means that the contents of the seed cavities have begun to develop a jelly or glue-like

consistency and the seeds are well developed.

(e) "Serious damage" means any injury that seriously affects the appearance, edible or shipping quality, or that cannot be removed in the ordinary process of trimming without a loss of more than 20%, by weight, of the tomato in excess of that which would occur if the tomato were perfect. The following shall be considered as "serious damage":

- (i) Soft ripe tomatoes or tomatoes affected by decay.
- (ii) Fresh holes or cuts through the tomato wall.
- (iii) Tomatoes showing any effects of freezing.
- (iv) Puffiness that causes the tomato to be distinctly light in weight.
- (v) Tomatoes actually infested with worms.

(vi) Catfaces that are irregular, dark leathery scars at the blossom end of the tomato. These scars seriously damage the tomato when they are fairly smooth and greater in area than a circle 1 inch in diameter, or when rough or deep, or when channels extend deeply into the tomato.

(vii) Growth cracks that are ruptures or cracks radiating from the stem scar, or cracks concentric to the stem scar. These growth cracks seriously damage the tomato when they are not well healed, or when they are more than 1 inch in length, not to exceed 3 cracks to the tomato, except that very narrow well healed cracks concentric to the stem scar shall not be considered as serious damage unless they are so numerous as to seriously damage the appearance of the tomato.

(f) "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color, i.e., that soft-fleshed early maturing varieties are not mixed with firm-fleshed mid-season or late varieties, and that bright red varieties are not mixed with varieties having a purplish tinge.

History: Add. 1985, Act 83, Imd. Eff. July 5, 1985.