

---

STATUTORY INSTRUMENTS

---

1968 No. 686

HORTICULTURE

GRADING AND TRANSPORT OF PRODUCE

**The Grading of Produce (Tomatoes) Regulations 1968**

<i>Made - - - -</i>	30th April 1968
<i>Laid before Parliament</i>	8th May 1968
<i>Coming into Operation</i>	13th May 1968

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly in exercise of the powers conferred upon them by sections 11, 13 and 23 of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to either of them to be representative of interests affected by the regulations:—

*Citation and commencement*

1. These regulations may be cited as the Grading of Produce (Tomatoes) Regulations 1968; and shall come into operation on 13th May 1968.

*Interpretation*

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Agriculture and Horticulture Act 1964;

“authorised officer” has the meaning assigned to it by section 13(1) of the Act;

“container” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“diameter”, in relation to a tomato, means the longest transverse diameter taken at right angles to a line running from the calyx to the blossom end;

“label” includes any device for conveying information by written characters or other symbols, and any characters or symbols stamped or otherwise placed directly on to any container, and references to the affixing of a label shall be construed accordingly;

“locular divisions”, in relation to a tomato, means internal walls separating the main cells;

“round”, in relation to a tomato, means regular in shape, symmetrical in outline and reasonably spherical;

“tomatoes” means tomatoes whether freshly-gathered or stored or taken from store, but does not include any dried, frozen, bottled, canned or preserved tomatoes.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

---

(a) 1964 c. 28.

(b) 1889 c. 63.

*Designation and definition of grades of quality*

3. The following grades of quality are hereby designated in relation to tomatoes:—

EXTRA CLASS

CLASS 1

CLASS 2

CLASS 3

and the said grades of quality shall be as defined respectively in Schedules 1, 2, 3 and 4 to these regulations.

*Forms of labels*

4. For each of the grades designated in the last preceding regulation the form of a label for indicating that tomatoes in connection with which the label is used fall within that grade shall be as set out in Schedule 5 to these regulations.

*Manner of cancellation of labels by authorised officer*

5. Where, on premises which he has a right to enter under section 13(1) of the Act, an authorised officer finds any tomatoes—

(a) which are in a container to which is affixed a label in the form prescribed for one of the grades of quality designated and defined in these regulations, but

(b) which he has reasonable cause to believe to be of a quality inferior to the quality required for that grade,

he may cancel that label insofar as it relates to that grade by affixing thereto and to the container a label in that form prescribed in paragraph 7 of Schedule 5 to these regulations which is appropriate to indicate what appears to him to be the correct grade or, where it appears to him that the quality of the tomatoes is inferior to that required for the grade designated Class 3 in regulation 3 hereof, to indicate that fact.

*Labels of countries outside Great Britain*

6. A label recognised under the law of any country outside Great Britain as indicating that tomatoes in connection with which it is used are of a quality not inferior to that required by these regulations for a grade of quality designated in regulation 3 hereof shall be treated for the purposes of Part III of the Act as if it were in the form prescribed for that grade in these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th April 1968.

(L.S.)

*Cledwyn Hughes,*

Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 30th April 1968.

(L.S.)

*William Ross,*

Secretary of State for Scotland.

## SCHEDULE 1

Regulation 3

## DEFINITION OF GRADE OF QUALITY—EXTRA CLASS

*Development and ripeness.* Each tomato shall be sound and firm. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to remain in good condition during the normal period of distribution.

*Colour.* The colour of each tomato shall have attained the degree of uniformity appropriate to the state of ripeness of the tomato, and shall be uniform over the whole surface when the tomato is ripe.

*Shape.* Each tomato shall be round and smooth in outline. The circumference of any section taken at right angles to a line running from the calyx to the blossom end shall approximate to a circle. Any locular divisions shall be shallow and shall not be obvious beyond one third of the distance from the calyx to the blossom end.

*Cleanliness.* Each tomato shall be clean and free from contamination.

*Progressive defects.* Each tomato shall be free from any blemish or injury which might affect keeping quality.

*Non-progressive damage and blemish.* Small insignificant blemishes not affecting keeping quality may be present if they do not detract from the general appearance of any tomato or of the contents of a container.

*Size.* The diameter of every tomato in a container shall fall within the same size range, being one of the size ranges specified in column 1 of Schedule 6 to these regulations.

## SCHEDULE 2

Regulation 3

## DEFINITION OF GRADE OF QUALITY—CLASS 1

*Development and ripeness.* Each tomato shall be sound and reasonably firm. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to remain in good condition during the normal period of distribution.

*Colour.* Slight colour defects affecting appearance may be present but not more than a trace of colour defects indicative of a loss of eating quality may be present.

*Shape:* Each tomato shall be either—

- (a) round, or
- (b) if not round, reasonably regular in shape and reasonably symmetrical in outline, and may be corrugated or kidney shaped or both.

*Cleanliness.* A trace of soiling may be present if it does not detract from the general appearance of any tomato or of the contents of a container. Each tomato shall be free from contamination.

*Progressive defects.* Each tomato shall be free from any blemish or injury which might affect keeping quality.

*Non-progressive damage and blemish.* Minor blemishes and minor damage not affecting keeping quality may be present if they do not significantly detract from the general appearance of any tomato or of the contents of a container.

*Size.* Where all the tomatoes in a container are round, the diameter of every such tomato shall fall within the same one, or the same consecutive pair, of the size ranges specified in column 1 of Schedule 6 to these regulations.

In any other case, the diameter of every tomato in a container shall—

- (a) comply with the provisions of the last preceding sub-paragraph, or
- (b) be not less than 57 millimetres, or
- (c) be not less than 35 millimetres but less than 57 millimetres.

## Regulation 3

## SCHEDULE 3

## DEFINITION OF GRADE OF QUALITY—CLASS 2

*Development and ripeness.* Each tomato shall be sound but slight softness may be present. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to remain in reasonably good condition during the normal period of distribution.

*Colour.* Colour defects affecting appearance may be present, including discoloration of not more than 25 per cent. of the surface of any tomato, but only slight colour defects indicative of a loss of eating quality may be present.

*Shape.* Any tomato may have defects of shape, but no tomato shall be excessively irregular in shape or seriously deformed.

*Cleanliness.* Slight soiling may be present if it does not significantly detract from the general appearance of any tomato or of the contents of a container. Each tomato shall be free from contamination.

*Progressive defects.* Each tomato shall be free from any blemish or injury which might affect keeping quality.

*Non-progressive damage and blemish.* Minor blemishes and minor damage not affecting keeping quality may be present if they do not seriously detract from the general appearance of any tomato or of the contents of a container.

*Size.* The diameter of each tomato shall be not less than 35 millimetres.

## Regulation 3

## SCHEDULE 4

## DEFINITION OF GRADE OF QUALITY—CLASS 3

*Development and ripeness.* Each tomato shall be sound but softness may be present. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to withstand distribution.

*Colour.* Colour defects affecting appearance may be present, including discoloration of not more than 50 per cent. of the surface of any tomato, but colour defects indicative of a loss of eating quality shall be not severe.

*Cleanliness.* Slight soiling may be present, but each tomato shall be free from contamination.

*Progressive defects.* Each tomato shall be free from any blemish or injury which might affect keeping quality.

*Non-progressive damage and blemish.* Blemishes and damage not affecting keeping quality may be present if they do not render any tomato unfit for human consumption.

## Regulations 4 and 5

## SCHEDULE 5

## FORMS OF LABELS

1.—(1) Any label of the kind referred to in regulation 4 of these regulations shall bear the word "TOMATOES" unless the tomatoes in connection with which the label is used are clearly visible, and shall also convey the following true information relating to those tomatoes:—

- (a) the grade of quality expressed by the word or numeral "EXTRA", "1", "2" or "3", as the case may be, and, as respects tomatoes which fall within Class 1, their shape expressed by the word "ROUND" if all the tomatoes are round or by the word "OVAL" in any other case;

- (b) as respects tomatoes which fall within Extra Class, that one of the size ranges specified in column 1 of Schedule 6 to these regulations within which the diameter of every tomato falls, expressed in terms of the figures (lower figure first) or code letter shown in relation to that range in column 1, 2 or 3 of that Schedule;
- (c) as respects tomatoes which fall within Class 1 and all of which are round, that size range or consecutive pair of size ranges specified in column 1 of Schedule 6 to these regulations within which the diameter of every tomato falls, expressed in terms of the figures (lower or lowest figure first) or of the code letter or letters shown in relation to that size range or pair of size ranges in column 1, 2 or 3 of that Schedule;
- (d) in any other case of tomatoes which fall within Class 1—
- (i) that size range or consecutive pair of size ranges specified in column 1 of Schedule 6 to these regulations within which the diameter of every tomato falls, expressed in accordance with sub-paragraph (1)(c) of this paragraph, or
  - (ii) the size of the tomatoes expressed by the word "LARGE" if the diameter of every tomato is not less than 57 millimetres or by the word "SMALL" if the diameter of every tomato is not less than 35 millimetres but less than 57 millimetres.

(2) Any such label may also convey true information as to the size of the tomatoes in connection with which it is used, and which fall within Class 2 or Class 3, either by one of the means described in sub-paragraph (1)(d) of this paragraph for tomatoes falling within Class 1 or by showing the diameter of the tomato with the shortest diameter followed by the diameter of the tomato with the longest diameter, both expressed in millimetres or inches.

(3) Any reference to a label in paragraphs 2 to 6 of this Schedule is a reference to a label of a kind referred to in regulation 4 of these regulations.

2. The label shall cover an area measuring not less than 40 square centimetres and not more than 80 square centimetres and shall be clearly distinguishable from its surroundings, either by being bounded by lines or being of a markedly contrasting colour or material or in some other respect.

3. The information referred to in paragraph 1(1)(a) above shall appear in a space measuring not less than 2.5 centimetres in height and 3.5 centimetres in width. In the case of tomatoes which fall within Class 1, the description "round" or "oval" shall appear below the figure "1". To the right of, and contiguous with, that space there shall be a second space similar in height to the first and not less than 4.0 centimetres in width which shall be left blank unless it is necessary to amend or further amend the information as to the grade conveyed in the first mentioned space. In such an event, there shall be inserted in that second space information as to the grade within which the tomatoes fall for the time being.

4. The information referred to in paragraph 1(1)(b), 1(1)(c), 1(1)(d) or 1(2) above shall appear in a third space either to the right of, contiguous with and similar in height to the second aforesaid space and not less than 2.5 centimetres in width, or below, contiguous with and similar in width to the first aforesaid space and not less than 3.0 centimetres in height. Each of the spaces referred to in this and the last preceding paragraph shall be rectangular in shape and bounded by lines and shall contain no information other than that specified in these paragraphs in relation to each.

5. Every letter, word or numeral appearing on a label shall be—

- (a) clearly legible;
- (b) of a dark colour upon a light coloured ground or of a light colour upon a dark coloured ground;
- (c) not less than 7 millimetres in height in the case of any word or numeral indicating the grade and not less than 3 millimetres in height in any other case.

6.—(1) In addition to the words or numerals which are necessary to convey the information specified in paragraph 1 of this Schedule, the following words, but no others, may appear on the label as may be appropriate—"class", "minimum", "maximum" and "range".

(2) The following abbreviations, but no others, may be used on a label in place of the respective words specified in relation thereto:—

<i>Word</i>	<i>Abbreviation</i>
maximum	max
minimum	min
millimetres	mm
inch or inches	in

7.—(1) The label which may be affixed by an authorised officer in accordance with regulation 5 of these regulations to indicate what appears to him to be the correct grade of the tomatoes in connection with which that label is used shall be in the following form:—

(W) (X)

**REGRADED** CLASS

(Y)

The label shall be completed as follows:—

- (a) by depicting at (W) a crown;
- (b) by inserting at (X) the letters "M.A.F.F." in the case of a label affixed in England or Wales or "D.A.F.S." in the case of a label affixed in Scotland;
- (c) by inserting at (Y) the numeral "1", "2" or "3", as appropriate.

(2) The label which may be affixed by an authorised officer in accordance with regulation 5 of these regulations to indicate that the quality of the tomatoes in connection with which that label is used appears to him to be inferior to that required for the grade designated Class 3 in regulation 3 of these regulations shall be in the following form:—

(W) (X)

**OUTGRADED**

UNDER SECTION 13 (2) OF THE AGRICULTURE  
AND HORTICULTURE ACT 1964

The label shall be completed by depicting at (W) a crown and by inserting at (X) the letters "M.A.F.F." in the case of a label affixed in England or Wales or "D.A.F.S." in the case of a label affixed in Scotland.

## SCHEDULE 6

Schedules 1, 2 and 5

SIZE RANGES FOR THE DIAMETER OF TOMATOES FALLING WITHIN  
EXTRA CLASS OR CLASS 1

Column 1	Column 2	Column 3
Size ranges	Approximate imperial equivalents	Code letters
Not less than 77 millimetres but less than 87 millimetres	Not less than 3 inches but less than $3\frac{1}{4}$ inches	A
Not less than 67 millimetres but less than 77 millimetres	Not less than $2\frac{1}{2}$ inches but less than 3 inches	B
Not less than 57 millimetres but less than 67 millimetres	Not less than $2\frac{1}{4}$ inches but less than $2\frac{3}{4}$ inches	C
Not less than 47 millimetres but less than 57 millimetres	Not less than $1\frac{3}{4}$ inches but less than $2\frac{1}{4}$ inches	D
Not less than 40 millimetres but less than 47 millimetres	Not less than $1\frac{1}{8}$ inches but less than $1\frac{3}{4}$ inches	E
Not less than 35 millimetres but less than 40 millimetres	Not less than $1\frac{1}{8}$ inches but less than $1\frac{1}{4}$ inches	F

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations, which are made under sections 11, 13 and 23 of the Agriculture and Horticulture Act 1964 and apply throughout Great Britain, come into operation on 13th May 1968.

The regulations designate and define grades of quality for fresh tomatoes and prescribe forms of labels for the various grades.