

## FOOD STANDARDS (POTATOES) REGULATIONS 1977

I, JAMES GIBBONS, Minister for Agriculture, in exercise of the powers conferred on me by section 2 of the Food Standards Act, 1974 (No. 11 of 1974) (as adapted by the Agriculture and Fisheries (Alteration of Name of Department and Title of Minister) Order, 1977 (S.I. No. 31 of 1977)) and after consultation with the Minister for Health and the Minister for Industry, Commerce and Energy and such organisations as appear to me to be interested to a substantial extent in the subject matter, hereby make the following Regulations:

### REG 1

1. (1) These Regulations may be cited as the Food Standards (Potatoes) Regulations, 1977.

(2) These Regulations shall come into operation on the 16th day of January, 1978.

### REG 2

2. In these Regulations—

"authorised officer" means a person appointed by the Minister for Agriculture to be an authorised officer for the purposes of these Regulations;

"potatoes" means raw potatoes intended for human consumption other than new potatoes, that is to say, potatoes that are harvested before reaching full maturity and whose skin can be easily removed by friction.

### REG 3

3. These Regulations do not apply to potatoes that are shown by the seller to be intended for export or for processing for the purposes of further sale.

### REG 4

4. A person shall not sell potatoes—

( a ) unless they are—

(i) whole, clean, sound and wholesome,

(ii) practically unsprouted (that is to say, free from sprouts or having sprouts of 5 millimetres in length or less),

(iii) free from foreign smell,

(iv) free from external and internal defects detrimental to the quality of the potato, including damage caused by pests, cracks, cuts, bites and bruises of a depth of more than 5 millimetres, greening, rust stains, hollow heart, deep common potato scab and powdery potato scab affecting more than 25 per cent of the surface of the potato,

(v) free from soil, detached growth shoots and other extraneous material,

( b ) unless they are free from soft rots (including frost damage and waterlogging damage) and dry rots (including blight and

gangrene),  
( c ) other than separately from other varieties of potatoes, and  
( d ) unless their variety is clearly indicated to the buyer of  
the potatoes.

#### REG 5

5. (1) A person shall not sell small potatoes other than separately from medium potatoes and large potatoes.

(2) A person shall not sell medium potatoes other than separately from small potatoes and large potatoes.

(3) A person shall not sell large potatoes other than separately from medium potatoes and small potatoes.

(4) In this Regulation—

"small potatoes" means potatoes that are too big to pass without pressure through a square mesh each side of which measures 40 millimetres and that pass without pressure through a square mesh each side of which measures 60 millimetres;

"medium potatoes" means potatoes that are too big to pass without pressure through a square mesh each side of which measures 60 millimetres and that pass without pressure through a square mesh each side of which measures 80 millimetres;

"large potatoes" means potatoes that are too big to pass without pressure through a square mesh each side of which measures 80 millimetres.

#### REG 6

6. (1) A quantity of potatoes shall be deemed to comply with Regulation 4 (a) of these Regulations if not less than 95 per cent by weight of a reasonable sample of the potatoes comprised therein so comply.

(2) A quantity of potatoes shall be deemed to comply with Regulation 4 (b) of these Regulations if not less than 98 per cent by weight of a reasonable sample of the potatoes comprised therein so comply.

(3) A quantity of potatoes shall be deemed to comply with Regulation 4 (c) of these Regulations if not less than 97 per cent by weight of a reasonable sample of the potatoes comprised therein so comply.

(4) A quantity of potatoes shall be deemed to comply with Regulation 4 (d) of these Regulations if not less than 97 per cent by weight of a reasonable sample of the potatoes comprised therein so comply.

(5) A quantity of potatoes shall be deemed to comply with Regulation 5 of these Regulations if not less than 97 per cent by weight of a reasonable sample of the potatoes comprised therein so comply.

#### REG 7

7. (1) Where potatoes are packed in a bag, box, carton, envelope, net, sack, wrapper or other container, they shall not be sold unless—

( a ) the container or (if there is an inner container or

containers and an outer container) at least one container bears a notice or inscription which is easily visible without removing or opening any container and states clearly and legibly in the Irish language, the English language or in both such languages the name and address of the packer of the potatoes, the variety of the potatoes and whether the potatoes are small potatoes, medium potatoes or large potatoes (within the meaning in each case, of Regulation 5 of these Regulations) and

( b ) the container, or (if there is an inner container or containers and an outer container) each container is either permeable to moisture or admits air to the next inner container or to the potatoes, as the case may be.

(2) Paragraph (1) (a) of this Regulation shall not apply in relation to the sale of potatoes displayed for sale if the potatoes are packed in containers and the weight of the potatoes in each container is less than 25 kilogrammes and a notice stating (in the manner specified in the said paragraph) the matters required by that paragraph to be stated on a notice thereunder is displayed at the place where the potatoes are displayed for sale so as to be easily accessible, and clearly visible, to the purchaser and capable of being easily read by him immediately before the sale.

## REG 8

8. (1) An authorised officer may—

( a ) enter and inspect, at all reasonable times, any premises in which the officer reasonably believes that potatoes are prepared for sale, stored for sale or sold,

( b ) enter and inspect, at all reasonable times, vehicles and containers in which the officer reasonably believes that there are potatoes to which these Regulations apply,

( c ) seize and detain, or seize, remove and detain, potatoes in relation to which the officer has reasonable grounds for suspecting that there is a failure to comply with these Regulations, and

( d ) take samples of potatoes that he reasonably believes are for sale or are being prepared for sale.

(2) Where an authorised officer becomes satisfied that, in relation to a quantity of potatoes seized and detained under this Regulation, there is not a failure to comply with these Regulations, he shall, as soon as may be, return the quantity aforesaid to the person from whom he seized them.

(3) ( a ) Where a quantity of potatoes in relation to which there is a failure to comply with these Regulations is seized and detained by an authorised officer, he may—

(i) if the failure is in relation to paragraph (a) or (b) of Regulation 4 of these Regulations and he is so requested by the owner of the potatoes—

(I) permit the owner, subject to compliance by the owner with such conditions as the officer may specify, to separate each potato in relation to which, if Regulation 6 of these Regulations were disregarded, there would be a failure to comply with the said paragraph (a) or (b) from the remainder of the quantity and to dispose of them in a manner that will prevent their being used for human consumption, and

(II) upon being satisfied that the potatoes aforesaid have been

separated from the remainder aforesaid, and disposed of, in accordance with the permission aforesaid and any conditions specified in relation thereto, return the remainder of the quantity to the said owner,

(ii) if the failure is in relation to paragraph (c) of the said Regulation 4 and he is so requested by the owner of the potatoes—  
(I) permit the owner, subject to compliance by the owner with such conditions as the officer may specify, to separate the different varieties of potatoes in the quantity from each other, and  
(II) upon being satisfied that the potatoes aforesaid have been separated as aforesaid in accordance with the permission aforesaid and any conditions specified in relation thereto, return the potatoes, as so separated, to the said owner,

(iii) if the failure is in relation to paragraph (d) of the said Regulation 4 and he is so requested by the owner of the potatoes—  
(I) permit the owner, subject to compliance by the owner with such conditions as the officer may specify, so to indicate the particular variety or varieties of the potatoes in the quantity as to bring them into conformity with the said paragraph (d), and  
(II) upon being satisfied that the potatoes aforesaid have been brought into conformity as aforesaid with the said paragraph (d), return the potatoes to the owner,

(iv) if the failure is in relation to Regulation 5 of the said Regulations and he is so requested by the owner of the potatoes—  
(I) permit the owner, subject to compliance by the owner with such conditions as the officer may specify, to separate the small potatoes, the medium potatoes and the large potatoes in the quantity from each other, and  
(II) upon being satisfied that the potatoes aforesaid have been separated as aforesaid in accordance with the permission aforesaid and any conditions specified in relation thereto, return the potatoes, as so separated, to the said owner,

( b ) conditions specified under paragraph (a) of this Regulation shall be complied with by the owner of the potatoes to which the conditions relate.

## REG 9

9. Evidence of the result of any test, examination or analysis carried out on behalf of the Minister on samples of potatoes taken under Regulation 8 of these Regulations or samples of potatoes seized under that Regulation may be given by means of a certificate containing a statement of the result signed by the person who made the test, examination or analysis, and the certificate shall be evidence until the contrary is proved of such result.

GIVEN under my Official Seal, this 1st day of December, 1977.  
JAMES GIBBONS,

Minister for Agriculture.

## EXPLANATORY NOTE.

These Regulations introduce grading and quality standards for potatoes sold for human consumption within the State but do not apply to

new potatoes or potatoes for processing or export. The Regulations also require certain information to be provided on packages or at point of sale.