

THE AGRICULTURAL PRODUCE ACT

REGULATIONS
(under section 23)

THE AGRICULTURAL PRODUCE (TOMATOES) REGULATIONS, 1948

(Made by the Governor in Executive Council on the 13th day of January, 1948) L.N. 9/48

1. These Regulations may be cited as the Agricultural Produce (Tomatoes) Regulations, 1948.

2.—(1) Every tomato shall be reaped at a stage of maturity not being less than that known as “full green” and each tomato shall forthwith be placed into a padded basket or hamper of rigid construction or in a field box of a type approved by an Inspector of Produce.

(2) Every reaped tomato shall at all times be adequately protected from sun and rain and shall not be permitted to come into contact with the ground.

3. No person shall—

(a) export or offer for export; or

(b) sell or offer to sell for export; or

(c) purchase or offer to purchase for export,

any tomatoes which are unmarketable fruit within the meaning of section 2 of the Act.

4.—(1) No person shall convey tomatoes in a vehicle otherwise than in a box the inside surfaces of which are smooth and the depth of which shall not exceed ten inches.

(2) Every such box shall be so packed in a vehicle as to prevent injury to the tomatoes.

(3) Tomatoes conveyed otherwise than in a vehicle shall be conveyed in hampers or baskets of rigid construction so lined or padded as to prevent injury to the tomatoes.

5. No person shall—

- (a) stand, sit or lie upon tomatoes or upon any container having tomatoes therein;
- (b) place any article upon tomatoes or upon any container having tomatoes therein;
- (c) transport or convey any person or thing upon tomatoes or upon any container whether or not such container has fruit therein;
- (d) convey tomatoes intended for export or processing in such a manner that the tomatoes are exposed to sun or rain.

6. No reaped tomatoes shall be sold or purchased or offered for sale or purchase except—

- (a) by actual weight; or
- (b) such measure as may be approved by the Chief Inspector of Produce.

7. Every packing house for tomatoes shall be of such size and construction as in the opinion of the Chief Inspector of Produce is adequate for the receipt, processing, packing and storing of the quantity of tomatoes to be handled in such packing house and shall be equipped with such machinery and equipment for selecting, sizing, grading and packing the tomatoes as the Chief Inspector of Produce may in his discretion require.

8. Every receiving depot for tomatoes shall be of such size and construction as in the opinion of an Inspector of Produce is adequate for storing the quantity of tomatoes to be handled in such receiving depot.

9.—(1) Tomatoes shall be stored in a packing house or receiving depot either in boxes having smooth inside surfaces and rounded edges or on padded shelves or padded floors and in either case such tomatoes shall be stored in a manner approved of by an Inspector of Produce: Provided that no tomatoes shall be stored on a padded shelf or floor to a greater depth than twelve inches.

(2) An Inspector of Produce may at any time direct that the total quantity of tomatoes in a packing house or receiving depot shall not exceed one cubic foot per half square foot of available floor space.

10.—(1) No person shall export or attempt to export or pack for the purpose of exporting tomatoes unless such tomatoes are of one or other of the following grades, that is to say—

- (a) Fancy;
- (b) Grade I;
- (c) Grade II.

(2) Every tomato shall be tightly wrapped in paper the quality of which and the type of printing upon which shall have been approved by the Chief Inspector of Produce.

(3) Every container containing tomatoes for export shall bear a label of a type approved by the Chief Inspector of Produce and such label shall bear on it the name or trade mark of the exporter. Every such label shall be made of paper of durable quality.

(4) Every container shall be labelled and stamped or stencilled at one end thereof in such a manner as clearly to indicate the pack and grade of the tomatoes therein.

The pack shall be indicated by the number of rows in the top layer—*e.g.*, 5x5. The tomatoes in each container shall be uniform in size and shall be tightly packed and the guaranteed minimum net weight of such tomatoes shall be clearly indicated on each container.

(5) The approval of the Chief Inspector of Produce in respect of containers, paper and labels shall be in writing and extend only for the period of one tomato season. Not less than thirty days before the commencement of each tomato season every exporter shall submit to the Chief Inspector of Produce for approval a sample of each type of container and of the paper and labels he proposes to use and such samples shall be retained by the Chief Inspector of Produce for purposes of record.

11.—(1) “Fancy” grade tomatoes shall be tomatoes which are of similar varietal characteristics and which are—

- (a) mature but full green;
- (b) well developed, well formed, firm, smooth;
- (c) free from decay, field bruises, growth cracks, insect marks, nailhead spots, flat side, or any other defect:

Provided, however, that in order to allow for variations incident to the grading and handling of such tomatoes not more than five per cent by count of such tomatoes may fail to meet the requirements

specified in this paragraph, so, however, that not more than two and one-half per cent shall have defects causing damage to the tomato.

(2) "Grade I" tomatoes shall be tomatoes which are of similar varietal characteristics and which are—

- (a) mature but full green;
- (b) well developed, fairly well formed, fairly smooth;
- (c) free from decay and from damage caused by dirt, bruises, cuts, sunscald, sunburn, puffiness, cat face, growth cracks, scars, disease, insects or by any other means:

Provided, however, that in order to allow for variations incident to the grading and handling of such tomatoes not more than six and two-thirds per cent by count of such tomatoes may fail to meet the requirements of this paragraph, so, however, that not more than four per cent shall have defects causing serious damage to the tomato.

(3) "Grade II" tomatoes shall consist of tomatoes of similar varietal characteristics and which are—

- (a) mature but full green;
- (b) not badly misshapen and free from decay and unhealed cuts; and
- (c) free from serious damage caused by dirt, bruises, sunscald, sunburn, puffiness, cat face, growth cracks, scars, disease, insects or by any other means:

Provided, however, that in order to allow for variations incident to the grading and handling of such tomatoes not more than ten per cent by count of such tomatoes may fail to meet the requirements of this paragraph.

12. Notwithstanding the provisions of regulation 11—

- (a) where tomatoes are exported by sea and are kept under refrigeration during transport not more than thirty per cent of such tomatoes may at the time of export be firm pink tomatoes;
- (b) where tomatoes are exported by air and such tomatoes are scheduled to reach their destination within forty-eight hours of departure then such tomatoes may be firm pink ripe tomatoes.

13. Tomatoes for export shall be packed in new containers of a type approved in writing by the Chief Inspector of Produce and such containers shall be of sufficient strength and firmness to protect the tomatoes in transit and the cleats and boards of such containers shall be rounded at the edges.

14.—(1) No person shall export any tomatoes without a permit in writing from the Chief Inspector of Produce.

(2) Every person intending to export tomatoes shall give to the Chief Inspector of Produce and to the Inspector of Produce for the district in which such fruit will be packed, at least three clear days' notice in writing of his intention to make any such shipment and such notice shall specify the wharf or airport from which such tomatoes will be shipped.

15. The owner, occupier or person in charge of any premises used for the storage or packing of tomatoes shall keep such premises and all equipment therein in a clean and sanitary condition to the satisfaction of an Inspector of Produce.

16. Where any packing house does not conform to the requirements of these Regulations an Inspector of Produce may order—

- (a) the cessation of the packing of any tomatoes therein;
- (b) the removal of any tomatoes therein; and
- (c) the closing of such packing house;

and where any such order has been made no tomatoes shall be received or packed in such packing house until such repairs or alterations as may be necessary have been carried out to the satisfaction of the Inspector of Produce.

17.—(1) No person shall export or attempt to export or pack for export tomatoes which have been condemned by an Inspector of Produce as unfit for export.

(2) No person shall sell to any person for use within the Island any such condemned tomatoes unless at the time of such sale such person obtains from the purchaser an undertaking in writing not to export or attempt to export such condemned tomatoes.

(3) The vendor shall forthwith transmit a copy of such undertaking to the Inspector of Produce for the district in which the sale was effected.

18. The owner of every packing house for tomatoes shall ensure that a copy of these Regulations shall at all times be kept exhibited in a conspicuous place in every packing house for tomatoes.

19. Every person who acts in contravention of or fails to comply with any of these Regulations shall be guilty of an offence and shall upon summary conviction before a Resident Magistrate be liable to a fine of fifty dollars or to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

20. The provisions of these Regulations shall not apply to any tomatoes other than tomatoes sold or intended to be sold for export or intended to be exported.