

chapter P-29, r. 3

Regulation respecting fresh fruits and vegetables

Food Products Act
(chapter P-29, s. 40)

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DIVISION I

GENERAL PROVISIONS

1. This Regulation is intended to regulate, under the provisions of the Food Products Act (chapter P-29), the storing and the sale of fresh fruits and vegetables intended for human consumption in fresh condition.

In this Regulation, “Minister” means the Minister of Agriculture, Fisheries and Food.

R.R.Q., 1981, c. P-29, r. 3, s. 1; O.C. 724-94, s. 1.

2. It is forbidden to purchase, prepare, or hold with a view to sale, to place on sale or in storage or sell in any place, or to transport or cause to be transported, or to accept for any destination within Québec any fruits or vegetables unfit for consumption or which do not meet the requirements as to quality, grading, conditioning, marking, or other conditions hereinafter specified.

R.R.Q., 1981, c. P-29, r. 3, s. 2.

3. Fruits and vegetables must be wholesome, clean, and in perfect condition and have reached a stage of development and maturity which is in keeping with the principles of fair dealing in the trade.

They must be free from physical, chemical, and biological abnormalities, and from abnormal flavours, aromas or appearance.

R.R.Q., 1981, c. P-29, r. 3, s. 3.

4. They must not include any spoiled specimens, nor contain any mineral, chemical or organic substance likely to impair their commercial or food value.

Except in cases otherwise provided for, defects may be tolerated which do not affect more than 5% of the surface or volume of individual items nor more than 15% of the products in a lot or package or, in the case of a defect affecting all the items, not more than 10%.

R.R.Q., 1981, c. P-29, r. 3, s. 4; O.C. 724-94, s. 2.

5. Fruits and vegetables must not be allowed to come in contact with or near noxious substances and must at all times be kept away from anything which might pollute or contaminate them or affect their quality.

Preparation, handling and transportation of products, and all operations to which they are subjected must be carried out under scrupulously clean and sanitary conditions and in such a manner as to prevent deterioration.

R.R.Q., 1981, c. P-29, r. 3, s. 5.

6. Due allowance shall be made for involuntary and almost inevitable changes or errors incident to the handling, preparation, or transportation of fruits and vegetables, or due to the lapse of time between their preparation and sale.

Such errors or changes must in no case affect more than 5% of the products included in one lot or package, or in the case of soft rot, more than 2% of such products.

This section does not apply to the grading of a product.

R.R.Q., 1981, c. P-29, r. 3, s. 6.

7. It is forbidden to hold or ship for selling, to place on sale or to sell the following products:

(a) *(paragraph revoked)*;

(b) fruits or vegetables so packed that the visible part is not similar to the average of the goods contained in the package;

(c) packages of fruits or vegetables insufficiently or badly filled, taking into consideration the nature of said product or package, the *bona fide* customs of the trade and the provisions of this Regulation.

R.R.Q., 1981, c. P-29, r. 3, s. 7; O.C. 724-94, s. 3.

8. An offence is committed by anyone who, personally or through an employee or subordinate, violates a provision of the Regulation or consents to or participates in such a violation.

R.R.Q., 1981, c. P-29, r. 3, s. 8.

DIVISION II

GRADING AND PACKING

§ 1. — *Graded products*

9. Fruits and vegetables for which different grades are provided for in Schedule 1 must be classified in accordance with these grades.

This provision does not apply to root vegetables sold in fresh state with part of their tops attached and commonly known to the trade as “green vegetables”.

In order to assure consumers an adequate supply of better quality products and to avoid the lowering of the prices offered to producers, the applicability of the inferior grade of a fruit or vegetable stipulated in Schedule 1 and also of the provisions thereto relating in the Schedule is temporarily suspended, when there is an exceptionally heavy crop of this product, a large proportion of which is of inferior quality.

Notice by the Minister of such suspension shall be published in the *Gazette officielle du Québec*, specifying the product and grade in question and the date on which said suspension shall come into force. The publishing of said notice is also mandatory for the reinstatement of the suspended grade and provisions.

Starting on the date set in such notice, every operation mentioned in section 2 is prohibited with respect to fruits or vegetables of the quality or grade referred to in the said notice.

R.R.Q., 1981, c. P-29, r. 3, s. 9.

§ 2. — *Packages*

10. Fruits and vegetables offered for sale must be displayed in packages or compartments each containing only one kind of product of the same quality.

However, vegetables of different kinds which have been washed may be offered for sale in the same package provided it contains not more than 5 pounds of the produce.

Each portion of a fruit or vegetable offered for sale must be protected by a package made of transparent material.

R.R.Q., 1981, c. P-29, r. 3, s. 10.

11. The specifications in Table C of Schedule 1 shall apply to packages of fruits or vegetables.

R.R.Q., 1981, c. P-29, r. 3, s. 11.

12. It is forbidden to use for packages any material which is liable to cause confusion or misunderstanding regarding the quality or grade of the product.

R.R.Q., 1981, c. P-29, r. 3, s. 12.

13. Packages must be clean, sound, well-prepared and strong enough to protect the goods effectively during conservation and transportation. They must not transmit to the contents any taste or odour whatever, nor have been used for any chemical product or other matter the vicinity of which would be likely to impair the quality of fruits or vegetables or reduce their commercial value.

R.R.Q., 1981, c. P-29, r. 3, s. 13.

14. Paper and other materials used inside packages must be new and harmless to human food. When they bear printed words, these must appear on the outer surface only, so as to have no contact with the fruits and vegetables.

R.R.Q., 1981, c. P-29, r. 3, s. 14.

15. All packages must be new except those which are made of cloth, jute or mesh or, being made entirely of wood, have a capacity exceeding one quart, and which have, in no case, previously been used except to contain fresh fruits or vegetables.

Before a cloth, jute, or mesh bag is used again, it must be turned inside out.

R.R.Q., 1981, c. P-29, r. 3, s. 15.

16. Packages must be well filled in such a way as to ensure good conservation.

Boxes of small fruits must be filled to capacity and lightly shaken down.

All packages must be well closed except those which are used open.

R.R.Q., 1981, c. P-29, r. 3, s. 16.

17. The Minister may authorize temporarily, and on such conditions as he may decide, the experimental or trial use of packages other than those specified in this Regulation.

In such an event, notice thereof shall be published in an agricultural periodical.

R.R.Q., 1981, c. P-29, r. 3, s. 17.

DIVISION III

MARKS AND LABELS

18. The outer surface of each package must bear, in legible and indelible letters, the following information:

- (a) the name of the product, except in the case of transparent packages or latticed crates;
- (b) the designation of the grade save for a package of mini-carrots or screened potatoes;
- (c) the name and the address of the packer;
- (d) the quantity of the contents by number, weight, or measure;
- (e) *(paragraph revoked)*;
- (f) the words “Product of Québec” in the case of fruits or vegetables produced in Québec;

(g) the name of the country of origin, or the word “Canada”, in the case of a Canadian product, or the name of the province of origin in the case of a product from outside Québec.

Notwithstanding subparagraph *a* of the first paragraph, the name specified in the Schedule for the sale of a product must be indicated on every package containing the product.

The total price of a package whose contents are sold by weight must be based on the net weight of the product indicated thereon.

R.R.Q., 1981, c. P-29, r. 3, s. 18; O.C. 724-94, s. 4.

19. In addition to the information listed above, the following must also be mentioned:

(a) the net weight of the contained product on each bag, excepting bags of sweet corn, and on each package of beets, cabbages, carrots, onions, parsnips, potatoes, rhubarb or rutabagas;

(b) the number of specimens on each package of sweet corn or cucumbers, and on each opaque package of cauliflower, lettuce or celery;

(c) the words “table potatoes” on each package of potatoes;

(d) the number of small, enclosed packages on the large package containing them;

(e) the word “mixed” on opaque packages containing vegetables of different kinds;

(f) the nature of all treatments to which the product has been subjected following harvesting with a view to its preservation, if applicable.

R.R.Q., 1981, c. P-29, r. 3, s. 19.

20. The use of the expressions “Vacuum cooled”, “Hydrocooled” or “Forced-air cooled” in English and “Refroidi par le vide”, “Refroidi par eau glacée” or “Refroidi à l’air forcé” in French, or equivalent expressions, is permitted on packages, business papers or for advertising purposes, on condition that the fruit and vegetables to which such expressions refer were, immediately upon harvesting, pre-cooled in bulk at a temperature of not less than 38 °F by means of installations and equipment ensuring rapid precooling by vacuum, hydro or forced-air methods, as the case may be.

The expressions “Jacketed Storage” in English and “Entrepôt à double paroi” in French, or equivalent expressions, are also permitted on packages and business papers or for advertising purposes on condition that the fruit and vegetables to which such expressions refer were stored immediately upon harvesting and up to packing time in a warehouse in which the relative humidity was maintained at not less than 95% and the temperature at not more than 35 °F during the preservation period.

R.R.Q., 1981, c. P-29, r. 3, s. 20.

21. The outside of each package of apples must bear, in readily discernible and indelible letters, the following additional information:

(a) the name of the variety;

(b) the number of specimens if the apples are packed in tiers or layers;

(c) the minimum and maximum size of the specimens if the apples are not packed in layers, except in the case of transparent packages, open baskets, or packages of apples sold as “cookers” or “windfalls”;

(d) the name specified in Table B of Schedule 1, and the number assigned to the person who was responsible for the conservation or conditioning of the apples by the controlled atmosphere process.

R.R.Q., 1981, c. P-29, r. 3, s. 21.

22. Sections 18, 19 and 21 shall not apply to the retail sale of products not previously packed with a view to such sale. This exception does not extend to the itinerant trade.

However, the following information must appear very plainly above the place where such products are offered for sale:

(a) the designation of the grade;

(b) (*paragraph revoked*);

(c) the name of the variety in the case of apples;

(d) the name of the country of origin or, in the case of a Canadian product, the word “Canada”, or the name of the province of origin in the case of products from outside Québec;

(e) the expression “Product of Québec” in the case of fruits and vegetables produced in Québec;

(f) the size of the specimens, in the case of fruits, head lettuce, cauliflowers and celery offered for sale on a unit basis; this does not apply in the case of small fruits and when the product is sold by weight.

R.R.Q., 1981, c. P-29, r. 3, s. 22; O.C. 724-94, s. 5.

23. The aforesaid information shall appear without abbreviation, in French or in French and English, in readily discernible letters of a reasonable size in proportion to the size of the package or the label, and at least $\frac{3}{16}$ of an inch in height on packages containing less than 10 pounds.

R.R.Q., 1981, c. P-29, r. 3, s. 23.

24. In the case of packages that are being used again, all words appearing on them which do not apply to the new product or packer shall be effaced or rendered illegible.

R.R.Q., 1981, c. P-29, r. 3, s. 24.

25. Products for which no size range is prescribed must be in conformity with the size indicated on the package or above the compartment which contains them.

R.R.Q., 1981, c. P-29, r. 3, s. 25.

26. Advertisements, announcements or other means of publicity must mention the following facts:

(a) the designation of the grade;

(b) the name of the country of origin or, in the case of a Canadian product, the word “Canada”, or the name of the province of origin in the case of products from outside Québec;

(c) the expression “Product of Québec” in the case of fruits and vegetables produced in Québec;

(d) the name of the variety in the case of apples;

(e) the net weight of the product, the quantity or size in the case of fruits, head lettuce, cauliflowers and celery.

This information must appear in letters not less than $\frac{1}{8}$ of an inch in height.

R.R.Q., 1981, c. P-29, r. 3, s. 26.

27. The designation of the grade of the product and the name of the variety of apples must appear in the business papers, invoices, way-bills, delivery contracts, receipts, bills of lading or any documents which accompany the sale, delivery and forwarding.

R.R.Q., 1981, c. P-29, r. 3, s. 27.

28. An offence is committed by anyone who fraudulently:

(a) makes any change in the contents of a package;

(b) uses a label which has already been used;

(c) obliterates, covers, alters or modifies in any manner whatsoever the names, signatures, monograms, letters, figures, serial numbers, emblems, marks or signs of any nature placed upon the goods with a view to their labelling or their identification;

(d) makes a declaration or employs any means likely to deceive the buyer in any way.

R.R.Q., 1981, c. P-29, r. 3, s. 28.

DIVISION IV

SUPERVISION AND INSPECTION

§ 1. — *Registration and obligatory information*

29. Every person engaged in the marketing of fruits and vegetables shall register with the Minister within one month of the start of his operations.

R.R.Q., 1981, c. P-29, r. 3, s. 29.

30. The aforesaid registration shall be made on a form supplied by the Minister and shall indicate the name and address or domicile of the person engaged in the marketing of fruits or vegetables, the nature of the product, and, whenever applicable, the trade-mark or fancy name under which the product is marketed, the name under which the said person operates, his place of operation, and any other information required by the Minister.

The Minister shall be notified of any change or modification in the above-mentioned information within 15 days of the date when it is made.

R.R.Q., 1981, c. P-29, r. 3, s. 30.

31. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 31; O.C. 724-94, s. 7.

32. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 32; O.C. 724-94, s. 7.

§ 2. — *Inspection*

33. Chapter 4 of the Regulation respecting food (chapter P-29, r. 1) applies to this Regulation.

R.R.Q., 1981, c. P-29, r. 3, s. 33; O.C. 724-94, s. 6.

34. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 34; O.C. 724-94, s. 7.

35. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 35; O.C. 724-94, s. 7.

36. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 36; O.C. 724-94, s. 7.

37. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 37; O.C. 724-94, s. 7.

38. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 38; O.C. 724-94, s. 7.

39. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 39; O.C. 724-94, s. 7.

40. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 40; O.C. 724-94, s. 7.

41. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 41; O.C. 724-94, s. 7.

42. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 42; O.C. 724-94, s. 7.

43. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 43; O.C. 724-94, s. 7.

44. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 44; O.C. 724-94, s. 7.

§ 3. —

(*REVOKED*)

R.R.Q., 1981, c. P-29, r. 3, Div. IV, Sd. 3; O.C. 724-94, s. 7.

45. (*Revoked*).

R.R.Q., 1981, c. P-29, r. 3, s. 45; O.C. 724-94, s. 7.

46. *(Revoked).*

R.R.Q., 1981, c. P-29, r. 3, s. 46; O.C. 724-94, s. 7.

47. *(Revoked).*

R.R.Q., 1981, c. P-29, r. 3, s. 47; O.C. 724-94, s. 7.

48. *(Revoked).*

R.R.Q., 1981, c. P-29, r. 3, s. 48; O.C. 724-94, s. 7.

49. *(Revoked).*

R.R.Q., 1981, c. P-29, r. 3, s. 49; O.C. 724-94, s. 7.

SCHEDULE 1

(ss. 9, 11, 21 and 31)

TABLE A

GRADES OF PRODUCTS

(1) The diameter of a fruit or vegetable is based on its maximum equatorial diameter.

PART I

FRUITS

DIVISION I

BLUEBERRIES

(2) The following grade and designation are established for blueberries: No. 1.

§1. — Requirements of quality and presentation

(3) Blueberries of grade No. 1 must be of good quality and must have the form, development and colouring typical of mature blueberries.

They must be dry and free from any defects which might impair their appearance, preservation or edibility. They must also be free from stems and leaves.

(4) The presentation must be careful, uniform and homogeneous. A package must not contain any green berries, dirt or other foreign material.

§2. — Tolerances

(5) A package may contain up to 5% of blueberries that are inferior to the grade but not more than 3% with the same defect nor more than 1% affected by decay.

DIVISION II

CULTIVATED STRAWBERRIES

(6) The following grades and designations are established for cultivated strawberries: No. 1 and No. 2.

§1. — Quality

(7) Strawberries of grade No. 1 must be of good quality and good colour and have the calyx attached.

They must be firm, well formed, clean, free from defects, and have the characteristics of their variety.

A slight epidermal blemish is permissible if it does not materially affect the general appearance, keeping qualities or edibility.

(8) Strawberries of grade No. 2 are strawberries of marketable quality that are not eligible for grade No. 1 but which meet the minimum requirements of this Regulation.

They must have the calyx attached but may have epidermal defects which do not materially affect their general appearance, keeping qualities or edibility.

They must be reasonably firm but may have reached a more advanced stage of maturity.

§2. — Size

(9) Strawberries of grade No. 1 shall be not less than $\frac{3}{4}$ of an inch in diameter.

§3. — Tolerances

(10) Up to 5% of the strawberries in a lot or package of No. 1 grade strawberries and up to 10% in a lot or package of No. 2 grade strawberries may deviate from the requirements of their grade provided that they meet the standards of the immediately inferior grade. Not more than 2% of the strawberries may be affected by soft rot.

(11) Up to 5% of the strawberries in a lot or package of No. 1 grade strawberries may be of less than the prescribed minimum diameter.

§4. — Presentation

(12) Each package of strawberries must contain only fruit of uniform quality and maturity and of reasonably equal size.

DIVISION III

APPLES

(13) The following grades and designations are established for apples: “Extra Fancy”; “Fancy”; and “Commercial” or “C” or “Cee”.

§1. — Quality

(14) Apples graded “Extra Fancy” must be of superior quality, typical of their variety in development, shape, and colour, and free from defects and external and internal damage.

Subject to the limitations described hereunder, individual apples having one or more of the following defects may be admitted to this grade: a slight defect of shape or development, a slight defect of colour or limb-rub, a slight bruise or scald, a slight, healed crack.

The aforesaid defects must not impair the external appearance or the keeping quality of the fruit and no defect may exceed $\frac{3}{4}$ of an inch in its greatest dimension; if an apple shows 2 or more defects, the total area affected shall not exceed 1 inch in diameter.

Despite the foregoing, a mark caused by hail shall not exceed $\frac{1}{8}$ of an inch in diameter; in the case of 2 or more hail marks or of limb rub, the total area affected shall not exceed $\frac{1}{4}$ of an inch in diameter. The total area affected by thrips damage shall not exceed $\frac{1}{2}$ an inch in diameter. The skin of the apple may not have more than one puncture and that puncture shall not exceed $\frac{3}{16}$ of an inch in diameter.

(15) Fruit graded “Fancy” must be of good quality and typical of the variety but may have a slight deformity, a slight developmental defect, a slight colour defect.

The flesh must be free from damage. Subject to the following limitations, skin injuries may be tolerated provided that they do not impair the general appearance or keeping qualities.

A defect may not exceed $\frac{3}{4}$ of an inch in its greatest dimension; if there are 2 or more defects, the total area affected shall not exceed 1 inch in diameter.

Hail marks shall not exceed $\frac{1}{2}$ inch in aggregate area. Insect punctures shall not exceed 3 per apple, and no such puncture shall exceed $\frac{3}{8}$ of an inch in depth nor affect an area more than $\frac{1}{8}$ of an inch in width. A mark

caused by limb rub shall be limited to $\frac{1}{2}$ inch in diameter. Scab spots shall not cover an aggregate area exceeding $\frac{1}{8}$ of an inch in diameter. Pinpoint scab shall not be allowed. No apple shall have more than 1 skin puncture and that puncture shall be limited to $\frac{3}{16}$ of an inch in diameter.

(16) “Commercial” or “C” or “Cee” grade apples are apples of marketable quality that are not eligible for the higher grades but which meet the minimum requirements of this Regulation.

Defects of shape, development and colour shall be permitted provided that the apples retain their characteristic properties.

The flesh of the fruit shall not have any essential defect. Skin blemishes shall be admitted within the following limits for individual fruit.

The total affected area on an apple shall not exceed $1\frac{1}{2}$ inches in diameter.

Despite the foregoing, no apple shall have more than 3 drought spots, nor any number of scab spots whose aggregate area exceeds $\frac{1}{2}$ inch in diameter. Sunscald or sprayburn which do not blend with the colour of the apple shall not affect more than 10% of the surface. Storage scald that does not affect more than $\frac{1}{4}$ of the surface of individual apples may be permitted.

A well-healed hail mark not exceeding $\frac{1}{4}$ of an inch in diameter may be permitted; other hail marks may be permitted if the total area affected does not exceed $\frac{3}{4}$ of an inch in diameter.

Up to 2 skin punctures, neither of which exceeds $\frac{3}{16}$ of an inch in diameter, may be permitted.

Injuries or marks caused by insects shall not exceed $\frac{3}{8}$ of inch in depth nor $\frac{1}{8}$ of an inch in diameter. The number of bud moth stings on an apple shall be limited to 6 and the number of punctures or stings made by other insects shall be limited to 4. Injury caused by leafroller, other than redbanded leafroller, may be permitted if it does not affect more than 5% of the surface of the fruit.

§2. — Colour

(17) At least 55% of the surface of an apple of one of the red or red-striped varieties which is graded as “Extra Fancy” shall show the red colour considered characteristic of the variety when fully mature. The corresponding minimum colour requirements for apples graded “Fancy” and “Commercial” shall be 30% and 15% respectively.

(18) However, in the case of apples of the varieties Alexander, Atlas, Bancroft, Baxter, Gano, Jubilee, Kendall, Lobo, Red Delicious, Red Rome Beauty, Red Spy, Scarlet Pippin, Spartan, Stayman Winesap, Winesap, and Wolfe River, the minimum percentage of red colour required shall be 65% for the “Extra Fancy” grade and 40% for the “Fancy” grade.

(19) Apples of red-cheeked or blush varieties shall have a perceptibly blushed cheek if they are graded “Extra Fancy” and a tinge of red colour if they are graded “Fancy”.

(20) Apples of the green, yellow, or russet varieties graded “Extra Fancy” or “Fancy” shall be of the shade considered characteristic of the variety when fully mature. Apples of the variety Golden Russet shall have at least 40% of their surface coloured russet or golden.

§3. — Size

(21) The diameter of apples shall not be less than $2\frac{1}{4}$ inches.

In the case of apples packed in tiers, the individual fruit shall not differ from one another in diameter by more than $\frac{5}{16}$ of an inch if there are 100 or more in the package; if there are less than 100, the size range shall be limited to $\frac{1}{4}$ of an inch.

In the event of a light crop of apples, the Minister may, at his discretion, permit the sale of apples graded “Extra Fancy” measuring less than $2\frac{1}{4}$ but not less than 2 inches in diameter, under the description “Small”.

§4. — Tolerances

(22) Up to 10% of the apples in a lot or package may deviate from the requirements of their grade provided that they meet the standards of the immediately inferior grade. However, not more than 5% of the apples in the lot or package may have the same grade defect and not more than 3% of them may be affected by decay.

(23) Up to 10% of the apples in a tiered lot or package may transgress the prescribed maximum size range.

Despite the foregoing, not more than 5% of the apples in a lot or package may be smaller than the stipulated or declared size and not more than 5% may be larger.

§5. — Presentation

(24) Each package of apples must contain only fruit of a single variety and grade and of reasonably uniform size.

(25) Not more than 15% of the fruit in a lot or package of apples graded “Extra Fancy” and not more than 30% in a lot or package graded “Fancy” may have grade defects.

(26) Apples graded “Extra Fancy” or “Fancy” which have any skin puncture may not be packed in boxes, trays or cells. This restriction does not apply to apples of the variety McIntosh provided that not more than 10% of those graded “Extra Fancy” and not more than 15% of those graded “Fancy” are so affected.

Apples graded “Commercial” which have skin punctures within the prescribed limitations may be packed in boxes, trays or cells provided that the percentage of punctured fruit in such a package does not exceed 20% in the case of the variety McIntosh or 10% in the case of other varieties.

(27) If apples having skin punctures are packed in any authorized container other than boxes, trays or cells, the number of fruit so affected in the package shall not exceed the following percentages:

(a) 15% in the case of apples graded “Extra Fancy” if they are of the McIntosh variety and 10% for other varieties;

(b) 20% in the case of apples graded “Fancy” if they are of the variety McIntosh and 15% for other varieties;

(c) 30% in the case of apples graded “Commercial” if they are of the variety McIntosh and 20% for other varieties.

(28) Not more than 5% of the apples in a lot or package graded “Extra Fancy” or “Fancy” shall have any apple maggot puncture or traces of oyster shell scale.

Not more than 25% of the fruit in a lot or package of apples of the “Commercial” grade shall have any apple maggot puncture.

(29) Until 1 November in each season, apples which qualify for the “Commercial” grade except as regards one of the following requirements: colour, maturity, bruises, or hail marks, may be sold as “Cookers” or “Windfalls” provided that the total area affected does not exceed 1 inch in diameter.

PART II

VEGETABLES

DIVISION I

ASPARAGUS

(30) The following grades are established for asparagus: No. 1 and No. 2.

§1. — Quality

(31) Shoots graded No. 1 must be fresh, tender, fleshy, well formed, and free from any injuries, defects and appearance of seediness. In the case of green asparagus, not more than 15% of the surface of the shoot shall be white.

(32) Shoots graded No. 2 shall have the same characteristics as those of grade No. 1 but they may be allowed certain defects which are not detrimental to their general appearance, keeping qualities, or edibility, and in the case of green asparagus the white colour may extend to more than 15% of the surface.

§2. — Size

(33) Shoots graded No. 1 must be at least $\frac{5}{16}$ of an inch in diameter at the butt and at least $5\frac{1}{2}$ inches long.

When in a package, they must not differ from one another in length by more than $1\frac{1}{2}$ inches.

§3. — Tolerances

(34) Up to 10% of the asparagus shoots in a lot or package may deviate from the requirements of the grade provided that they meet those of the immediately inferior grade. However, not more than 5% of the stalks in a lot or package shall have the same grade defect and not more than 1% shall be affected by decay.

(35) Not more than 5% of the shoots in a lot or package may be less than the minimum stipulated size.

§4. — Presentation

(36) Each package or bundle of asparagus shall contain only shoots of reasonably uniform size and of the same quality and stage of maturity.

DIVISION II

BEETS, CARROTS, PARSNIPS

(37) The following grades are established for fresh beets, carrots, and parsnips: No. 1 and No. 2.

§1. — Quality

(38) Beets, carrots and parsnips graded No. 1 shall be of good quality and have the shape, size and colour characteristic of the variety.

The flesh shall be tender but firm and not woody save in the case of mini-carrots.

They must be free from defects. However, save in the case of mini-carrots, slight surface blemishes may be allowed provided that their combined effect is not appreciably detrimental to the general appearance, keeping qualities, or edibility of the products.

Mini-carrots shall be thoroughly washed. Their tops shall not be trimmed and the stalks shall not be longer than $\frac{1}{2}$ inch.

(39) Beets, carrots, or parsnips graded No. 2 shall have the general characteristics of grade No. 1 but they may be allowed slight defects that are not seriously detrimental to their general appearance, keeping qualities, or edibility.

(40) Carrots other than mini-carrots and parsnips in each of the aforesaid grades may have had their tops removed.

§2. — Size

(41) Size requirements for beets, carrots and parsnips are based on their diameter and also, in the case of carrots and parsnips, on their length.

(42) Beets shall not be smaller than $1\frac{1}{4}$ inches nor, for grade No. 1, larger than 3 inches in diameter.

However, beets graded No. 1 and retailed in bulk or in a transparent package or in a package on which their size range is indicated may be as small as one inch in diameter.

(43) Carrots graded No. 1 shall not be less than $\frac{3}{4}$ of an inch in diameter.

The diameter shall be in conformity with the maximum and minimum diameters indicated on the package.

If a package containing carrots is not transparent and their size is not indicated on it, they shall be not less than 1 inch nor more than $1\frac{3}{4}$ inches in diameter.

Carrots graded No. 2 shall not be less than 1 inch in diameter.

In order to qualify for either grade No. 1 or grade No. 2, carrots shall be at least $3\frac{1}{2}$ inches in length.

(44) There may be sold under the description (Mini-carrots), carrots from varieties cultivated for such purpose, graded No. 1, and which shall not be less than $\frac{1}{2}$ inch or more than $\frac{3}{4}$ of an inch in diameter, as well as of a length of not less than $2\frac{1}{2}$ inches or more than $3\frac{1}{2}$ inches.

(45) Parsnips shall be not less than $1\frac{1}{4}$ inches in diameter.

In the case of parsnips graded No. 1, the diameter shall also be in conformity with the minimum and maximum diameters indicated on the package. If a package containing parsnips is not transparent and their size is not indicated on it, they shall be not more than 3 inches in diameter.

The minimum permissible length of parsnips shall be 5 inches for grade No. 1 and 4 inches for grade No. 2.

§3. — Tolerances

(46) In a package of beets, carrots, or parsnips, up to 6% of the specimens may deviate from the requirements of their grade provided that they meet the requirements of the immediately inferior grade and that not more than 2% of them are affected by decay.

(47) Up to 8% of the beets, carrots, or parsnips in a lot or package may be larger than the maximum prescribed or indicated diameter and up to 4% may be smaller.

§4. — Presentation

(48) Each lot or package shall contain only beets, carrots, or parsnips having similar varietal characteristics and of uniform quality and maturity and reasonably equal size.

(49) Each package of carrots or parsnips without tops must bear an indication of such and the package shall contain only specimens from which the tops have been removed.

DIVISION III

CELERY

(50) The following grades are established for fresh celery: No. 1 and No. 2.

§1. — Quality

(51) Celery graded No. 1 must be of good quality and have the form, development and colour considered typical of the variety when fully mature.

It shall be fresh, clean, and trimmed, and free from seed stems and defects. Slight external blemishes may be admitted if they are not, in aggregate, appreciably detrimental to the general appearance, keeping qualities, or edibility.

(52) Celery graded No. 2 shall have the same characteristics as grade No. 1 celery but it may be allowed defects that do not seriously affect its general appearance, keeping qualities, or edibility.

§2. — Size

(53) The size of celery shall be based on the average length of the outer branches measured from the point where the main root is cut off, and on the diameter of the stalk 2 inches above the point where the lowest branch is attached to the base.

(54) No stalk of celery shall be less than 2¹/₂ inches in diameter.

The length of a stalk of celery graded No. 1 shall be not less than 15 inches if the tops have been trimmed and not less than 18 inches if they have not been trimmed.

The stalks in a package of celery graded No. 1 shall not differ from one another by more than 1¹/₂ inches in diameter nor 2 inches in length.

(55) Celery which meets the requirements of grade No. 1 except as regards uniformity of size and minimum dimensions may be admitted to it provided that the word “Heart” is added to the designation of the grade.

§3. — Tolerances

(56) Up to 10% of the stalks in a lot or package of celery may deviate from the requirements of their grade provided that they meet those of the immediately inferior grade. However, not more than 5% of the stalks may have the same grade defect and not more than 2% may be affected by decay.

Despite the foregoing, not more than 5% of the stalks in a lot or package of celery may deviate from the prescribed size.

§4. — Presentation

(57) Each package of celery shall contain only products of the same variety and quality and of reasonably uniform thickness and length.

DIVISION IV

CABBAGE

(58) The following grades are established for fresh cabbages: No. 1 and No. 2

§1. — Quality

(59) Cabbages graded No. 1 shall be of good quality and typical of their variety, and be firm, well trimmed, and free from defects.

However, slight blemishes may be allowed provided that, in aggregate, they are not appreciably detrimental to the general appearance, keeping qualities, or edibility.

(60) Cabbages graded No. 2 shall have the general characteristics of grade No. 1 but may be allowed defects whose combined effect does not seriously detract from their general appearance, keeping qualities, or edibility.

§2. — Size

(61) The cabbages in a package shall not differ from one another in diameter by more than 2 inches.

§3. — Tolerances

(62) Up to 10% of the specimens in a lot or package of cabbages may deviate from the requirements of the grade provided that they meet those of the immediately inferior grade, but not more than 5% of the specimens in the lot or package shall have the same grade defect and not more than 2% shall be affected by decay.

§4. — Presentation

(63) Each package of cabbage shall contain only products of the same variety and quality and of reasonably uniform size.

DIVISION V

BRUSSELS SPROUTS

(64) The following grades are established for fresh Brussels sprouts: No. 1, No. 2.

§1. — Quality

(65) Brussels sprouts graded No. 1 shall be of good quality and have the form, development and colour considered typical of the variety. The sprouts must be without stalks, well-formed, firm and free from defects. Slight blemishes may be allowed provided that their combined effect is not appreciably detrimental to the general appearance, keeping qualities, or edibility.

(66) Brussels sprouts graded No. 2 shall have the same general characteristics as those of grade No. 1 but they may be slightly paler in colour and less compact. Slight defects may be allowed provided they do not seriously detract from the general appearance, keeping qualities, or edibility.

§2. — Size

(67) The sprouts shall be at least 1 inch in diameter, regardless of grade, and those of grade No. 1 shall also not exceed 2 inches in diameter.

§3. — Tolerances

(68) Up to 10% of the specimens in a lot or package of Brussels sprouts may deviate from the requirements of the grade provided that they meet those of the immediately inferior grade. However, not more than 5% of the specimens may have the same grade defect and not more than 2% of them may be affected by decay.

Up to 5% of the specimens in a lot or package of Brussels sprouts may be smaller than the prescribed size and up to 5% larger.

§4. — Presentation

(69) Each package of Brussels sprouts shall contain only products of the same variety and quality and of reasonably uniform size.

DIVISION VI

CAULIFLOWERS

(70) The following grades are established for fresh cauliflowers: No. 1, No. 2.

§1. — Quality

(71) Cauliflowers graded No. 1 shall be of superior quality and have the form, development and colour considered typical of the variety. The flower clusters or curds must be firm, compact, close-grained, white to ivory in colour and free from defects.

A slight fault of shape, development, or colour or a very slight fuzziness may be tolerated.

If cauliflowers are sold with their leaves or protected by a ring of trimmed leaves, the protective leaves must be fresh and free from blemishes.

(72) Cauliflowers graded No. 2 shall be of good quality and have the appearance considered typical of the variety.

The heads may be slightly deformed or slightly lacking in compactness or of a yellowish colour.

A slight defect of shape, development, or colour, a slight fuzziness, a bruise, or slight damage from insects, rodents or disease may be tolerated provided that such defects do not detract from the general appearance, keeping qualities or edibility.

§2. — Size

(73) The size of cauliflower is based on the maximum equatorial diameter of the head or curd.

For grade No. 1, this diameter shall be not less than 4 inches, unless the cauliflower is sold by weight.

In a package of cauliflowers, graded No. 1, the heads shall not differ from one another in diameter by more than 2 inches.

§3. — Tolerances

(74) Up to 10% of the specimens in a lot or package of cauliflowers may deviate from the requirements of the grade provided that they meet those of the immediately inferior grade and that not more than 5% of them have the same grade defect. Not more than 2% of the specimens shall be affected by decay.

Up to 5% of the specimens in a lot or package of cauliflowers may deviate from the prescribed size.

§4. — Presentation

(75) Cauliflowers may be offered for sale with or without their leaves or with a ring of trimmed leaves.

If cauliflowers are offered for sale with their leaves attached, the leaves shall be green, healthy, and sufficiently large and numerous to cover and completely protect the head, and the stump shall be cut off just below the protective leaves.

If cauliflowers are offered for sale with a ring of trimmed leaves, the said leaves shall be green, healthy, sufficiently numerous to protect the head, and trimmed to not more than $\frac{3}{8}$ of an inch from the level of the curds, and the stump must be cut off slightly below the protecting leaves.

If cauliflowers are offered for sale without their leaves, all the leaves and the non-edible portion of the stump shall be removed and the head shall be protected by an individual package or wrapping.

(76) Each package of cauliflowers shall contain only specimens of the same quality, size, type, and shape, and be of reasonably uniform colour and appearance.

DIVISION VII

CUCUMBERS

(77) The following grades are established for fresh cucumbers: No. 1, No. 2.

§1. — Quality

(78) Cucumbers graded No. 1 shall be of good quality and have the form, development and colour considered typical of the variety. They shall be firm and free from defects. Slight blemishes may be allowed provided that in aggregate they are not appreciably detrimental to the general appearance, keeping qualities, or edibility.

The color green typical of the variety shall appear on at least 85% of the surface of each cucumber.

(79) Cucumbers graded No. 2 shall have the characteristics of grade No. 1. Slight defects may be allowed provided that in aggregate they are not seriously detrimental to the general appearance, keeping qualities, or edibility.

The colour green typical of the variety shall appear on at least 75% of the surface of each cucumber.

§2. — Size

(80) The size of cucumbers shall be based on their length and diameter.

(81) Cucumbers graded No. 1, with the exception of those grown under glass (greenhouse cucumbers), shall not be more than $2\frac{3}{4}$ inches in diameter.

Cucumbers graded No. 1 shall be not less than 6 inches in length.

However, cucumbers graded No. 1 may be as short as 2 inches if they are offered for sale in bulk or sold by weight packaged in transparent material or in a package on which the size range is mentioned.

Cucumbers graded No. 2 shall be at least 5 inches in length if grown under glass and at least 4 inches in length otherwise.

(82) In a package of cucumbers graded No. 1, the specimens shall not differ from one another in diameter by more than $\frac{1}{2}$ an inch if grown under glass or by more than $\frac{3}{4}$ of an inch if grown elsewhere.

In a package of cucumbers graded No. 2, the specimens shall not differ from one another in diameter by more than $\frac{3}{4}$ of an inch if grown under glass or by more than 1 inch if grown elsewhere.

The cucumbers in a package shall not differ from one another in length by more than $1\frac{1}{2}$ inches if grown under glass and graded No.1, or by more than 2 inches in other cases.

§3. — Tolerances

(83) Up to 5% of the specimens in a lot or package of cucumbers grown under glass or having the same grade defect and up to 10% of them in other cases may deviate from the requirements of the grade provided that they meet those of the immediately inferior grade.

Not more than 1% of the cucumbers in a lot or package shall be affected by decay.

Up to 5% of the cucumbers in a lot or package may deviate from the prescribed size.

§4. — Presentation

(84) Each package of cucumbers shall contain only specimens from the same source, of the same variety and quality, and of reasonably uniform size and shape.

Cucumbers grown under glass shall be offered for sale under the description “Greenhouse cucumbers”.

DIVISION VIII

HEAD LETTUCE

(85) The following grades are established for head lettuce: No. 1, No. 2.

§1. — Quality

(86) Head lettuces graded No. 1 shall be of good quality and have a single, firm, well-formed and intact head, be free from effects of frost or of attack by parasites or diseases that might seriously detract from their keeping qualities or edibility, virtually free from serious mechanical injury, and trimmed so that the root is cut off close to the point of attachment of the wrapper leaves. The colour shall be typical of the variety.

(87) Head lettuces graded No. 2 shall be of marketable quality and have a single, reasonably well-formed, firm but intact head. They shall be free from attack by parasites or diseases that might seriously detract from their keeping quality or edibility and free from serious mechanical injury, and be trimmed so that the root is cut off close to the point of attachment of the wrapper leaves. A slight defect of colour may be allowed.

§2. — Size

(88) The specimens in a package of lettuces graded No. 1 shall not differ from one another in their diameter by more than 2 inches.

§3. — Tolerances

(89) Up to 10% of the specimens in a lot or package of lettuces may deviate from the requirements of the grade provided that they meet those of the immediately inferior grade. Not more than 2% of the specimens shall be affected by decay.

§4. — Presentation

(90) Each package of lettuce shall contain only specimens of the same variety and quality and of reasonably uniform size.

DIVISION XI

SWEET CORN

(91) The following designation and grade is established for sweet corn: No. 1.

§1. — Quality

(92) Sweet corn graded No. 1 shall be of superior quality and have the form, development and colour considered typical of the variety.

The ears shall be fresh and the cobs well covered with tender, plump, and milky kernels, closely set in reasonably regular rows. In cases where the tip of a cob bears aborted or undeveloped kernels, part of the extremity may be trimmed off.

If the husks have not been removed from the ear, they shall be green, fresh and unbroken.

The corn must be free from defects. Slight blemishes may be allowed if they are not, in aggregate, appreciably detrimental to the general appearance, keeping qualities or edibility.

§2. — Size

(93) The size of corn shall be based on the shortest length of the area on the cob that is occupied by edible kernels.

This length shall be not less than 4 inches.

§3. — Tolerances

(94) Up to 10% of the specimens in a lot or package of sweet corn may deviate from the requirements of the grade but not more than 5% of the specimens may have the same grade defect.

Not more than 1% of the ears in a lot or package of sweet corn may be affected by decay.

(95) Not more than 5% of the ears in a lot or package of sweet corn may deviate from the prescribed size.

§4. — Presentation

(96) Sweet corn may be offered for sale husked or unhusked, but if the husks have been removed, it must be protected by transparent wrapping material.

Sweet corn may be offered for sale under the name “Small” if the ears have less than 6 inches of edible kernels and under the name “Large” if the ears have 6 inches or more of edible kernels.

(97) Each package of sweet corn shall contain only specimens of the same variety and quality and of reasonably uniform shape, maturity, colour and manner of presentation.

DIVISION X

ONIONS

(98) The following grades are established for onions: No. 1, No. 2.

§1. — Quality

(99) Onions graded No. 1 shall be of good quality and have the shape, development, and colour considered typical of the variety.

The bulbs shall be firm, compact, sufficiently dry, free from sprouting, root growth, thick necks, seed stems, and swellings due to abnormal development.

They shall be free from defects. Slight faults may be allowed if their combined effect is not appreciably detrimental to the general appearance, keeping qualities, or edibility.

Notwithstanding the above requirements, bulbs that are less firm and dry may be sold under the name “New Onions” immediately after they are harvested and prior to 30 September in the year they were grown.

(100) Onions graded No. 2 shall have the characteristics of grade No. 1 except that the bulbs may be less firm and dry.

Defects may be allowed which are not seriously detrimental to the general appearance, keeping qualities, or edibility.

§2. — Size

(101) Onions shall have a diameter of not less than $1\frac{3}{4}$ inches.

In the case of onions graded No. 1, the said diameter shall also not exceed 3 inches unless the onions are offered for sale in bulk or in a wrapping that is transparent or bears an indication of the range in size between the smallest and the largest onion contained therein.

(102) The following may also be offered for sale:

(a) under the description “Small”, onions ranging in size, as measured by the diameter, from $1\frac{1}{4}$ to 2 inches;

(b) under the description “Jumbo”, onions 3 inches or more in diameter;

(c) under the description “Pickling”, onions ranging in diameter from $\frac{1}{2}$ an inch to 1 inch;

(d) under the description “Large Pickling”, onions ranging in diameter from $\frac{1}{2}$ an inch to $1\frac{1}{2}$ inches.

§3. — Tolerances

(103) A lot or package of onions may contain up to 5% of specimens which deviate from the requirements of the grade provided that they meet those of the immediately inferior grade. Not more than 2% of the specimens shall be affected by decay.

Up to 5% of the onions in a lot or package may be smaller and up to 5% may be larger than the prescribed or indicated size.

§4. — Presentation

(104) Each package of onions shall contain only specimens of the same quality and variety and of reasonably uniform size.

DIVISION XI

POTATOES

(105) The following grades are established for potatoes: No. 1, No. 2.

§1. — Quality

(106) Potatoes graded No. 1 shall be of good quality and have the shape, development and colour considered typical of the variety.

The potatoes must be firm, free from sprouts exceeding $\frac{1}{2}$ inch in length, from defects and external or internal spoiling, and reasonably free from dirt, soil, and foreign matter.

Slight blemishes may be allowed provided that they are not appreciably detrimental to the general appearance, keeping qualities, or edibility and may be removed without a waste of more than 5% by volume of the potato.

However, not more than 5% of the surface of an individual potato may be affected by scab, and in the case of pitted scab the aggregate affected area shall not exceed $\frac{1}{4}$ of an inch in diameter.

Not more than 5% of the surface of an individual potato may be affected by sunburn and the sunburn shall not penetrate the flesh of the potato to a depth of more than $\frac{1}{4}$ of an inch.

Not more than 15% of the surface of a potato may be affected by greening and the greening shall not penetrate the flesh of the potato to a depth that would not be removed by ordinary peeling.

(107) Potatoes graded No. 2 shall have the characteristics of grade No. 1. A slight defect of shape, development, or colour may be allowed.

The potatoes shall be reasonably firm and solid and sufficiently dry. Defects may be allowed provided that they are not seriously detrimental to the general appearance, keeping qualities or edibility and may be removed without a waste of more than 10% by volume of the potato. The potatoes shall be sufficiently clean.

Not more than 25% of the surface of an individual potato may be affected by scab. Pitted scab and areas affected by dried blight may be allowed provided that they can be removed without a waste of more than 5% by volume of the potato.

§2. — Size

(108) Potatoes shall pass through a $4\frac{1}{2}$ inch round mesh screen. Potatoes graded No. 1 shall not pass through a $1\frac{1}{2}$ inch round mesh screen and potatoes graded No. 2 shall not pass through a $1\frac{3}{4}$ inch round mesh screen.

(109) Potatoes graded No. 1 shall be offered for sale in accordance with the following sizes and descriptions:

(a) under the description “Small”, potatoes which will pass through a $2\frac{1}{4}$ inch but not through a $1\frac{1}{2}$ inch round mesh screen;

(b) under the description “Medium”, potatoes which will pass through a 3 inch but not through a 2 inch round mesh screen;

(c) under the description “Large”, potatoes which will pass through a $4\frac{1}{2}$ inch but not through a 3 inch round mesh screen.

(110) Potatoes graded No. 1 and conforming to the following dimensions may also be offered for sale without description of their sizes:

(a) in the case of long varieties, potatoes which will pass through a $3\frac{1}{2}$ inch but not through a 2 inch round mesh screen or, in the case of potatoes longer than $3\frac{1}{2}$ inches, not through a $1\frac{3}{4}$ inch round mesh screen;

(b) in the case of round varieties, potatoes which will pass through a $3\frac{1}{2}$ inch but not through a $2\frac{1}{4}$ inch round mesh screen.

Despite the foregoing, potatoes sold immediately after they are harvested and not later than 30 September of the year in which they were grown may be smaller than the minimum sizes prescribed in paragraphs *a* and *b* provided that they will not pass through a $1\frac{7}{8}$ inch round mesh screen. If they will pass through a $1\frac{7}{8}$ inch but not through a $\frac{7}{8}$ inch round mesh screen and are entirely free of defects, they may be sold under the description “Screenings”.

§3. — Tolerances

(111) A lot or package of potatoes graded No. 1 may contain up to 10% and a lot or package of potatoes graded No. 2 up to 15% of specimens which deviate from the requirements of their grade provided that they meet those of the immediately inferior grade. However, not more than 5% may have the same grade defect and the proportion by weight of tubers affected by hollow heart shall not exceed 5% in the case of potatoes

graded No. 1 and sold as “Large”, nor 3% for other potatoes of grade No. 1, nor 10% in the case of potatoes of grade No. 2.

(112) Not more than 1% of the potatoes in a lot or package shall be affected by decay.

(113) No lot or package of potatoes shall contain more than 5% of specimens which are smaller than the prescribed size nor more than 5% which are larger.

§4. — Presentation

(114) Each package of potatoes shall contain only specimens of the same variety and quality and of reasonably uniform size and shape.

(115) No lot or package of potatoes graded No. 1 shall contain more than 5% of tubers affected by pitted scab nor more than 10% with surface flesh exposed or having sprouts, nor more than 35% having a defect which cannot be removed by ordinary peeling, nor more than 50% affected by scab.

(116) No lot or package of potatoes graded No. 2 shall contain more than 10% of tubers having sprouts nor more than 25% which will pass through a 2 inch round mesh screen nor more than 33% caked with dirt.

DIVISION XII

RUTABAGAS

(117) The following grades are established for rutabagas: No. 1, No. 2.

§1. — Quality

(118) Rutabagas graded No. 1 shall be of good quality and have the shape, development and colour considered typical of the variety. They shall be firm, well trimmed and free from defects, and the flesh shall be tender and not woody.

Slight faults may be allowed provided that in aggregate they are not appreciably detrimental to the general appearance, keeping qualities or edibility.

(119) Rutabagas graded No. 2 shall have the characteristics of grade No. 1.

A slight defect of shape, of development, or of colour may be allowed.

The flesh shall be sufficiently tender and firm. Defects may be allowed whose combined effect is not seriously detrimental to the general appearance, keeping qualities or edibility.

§2. — Size

(120) The size of rutabagas shall be based on their diameter and length.

The length shall not be more than 1½ times the diameter.

(121) Rutabagas shall conform to the maximum and minimum diameters indicated on the package.

The difference in size between the smallest and the largest rutabagas in a package shall not exceed 2 inches.

(122) Rutabagas graded No. 1 may be offered for sale as follows:

(a) under the description “Small”, rutabagas having a diameter of not less than 2 and not more than 4 inches;

(b) under the description “Medium”, rutabagas having a diameter of not less than 4 and not more than 6 inches;

(c) under the description “Large”, rutabagas having a diameter of not less than 5 and not more than 7 inches.

§3. — Tolerances

(123) A lot or package of rutabagas may contain up to 10% of specimens which deviate from the requirements of the grade provided that they meet those of the immediately inferior grade. Not more than 5% of the specimens shall be affected by decay.

(124) A lot or package of rutabagas may contain up to 10% of specimens which are larger than the maximum prescribed size and up to 10% which are smaller than the minimum prescribed size provided that the excess or defect is not more than $\frac{1}{2}$ an inch.

§4. — Presentation

(125) Each lot or package of rutabagas shall contain only specimens of the same variety and quality and of reasonably uniform size and colour.

DIVISION XIII

TOMATOES

(126) The following grades are established for tomatoes: No. 1, No. 2.

§1. — Quality

(127) Tomatoes graded No. 1 shall be of superior quality. Their flesh shall be firm and they shall have the shape, development and colour considered typical of the variety.

They shall be free from defects and, if grown under glass (greenhouse tomatoes), of uniform colour.

Tomatoes with green shoulders are not eligible for this grade.

Slight blemishes may be allowed provided that their combined effect is not appreciably detrimental to the general appearance, keeping qualities or edibility.

(128) Tomatoes graded No. 2 shall have the general characteristics of grade No. 1. They shall be free from serious defects and sufficiently firm. Slight blemishes may be allowed provided that their combined effect is not seriously detrimental to the general appearance, keeping qualities or edibility.

§2. — Size

(129) Field-grown tomatoes graded No. 1 shall be not less than 2 inches in diameter and those graded No. 2 shall be not less than $1\frac{3}{4}$ inches.

However, field tomatoes graded No. 1 which are not less than $1\frac{1}{2}$ inches in diameter or not larger than 2 inches in diameter may be offered for sale under the description “Small” or, alternatively, with the size range indicated on the package.

(130) Tomatoes grown under glass (greenhouse tomatoes) graded No. 1 shall not be less than $1\frac{1}{2}$ inches in diameter.

(131) The difference in diameter between the largest and smallest tomatoes in a closed, opaque package shall not exceed 1 inch.

The specimens in a lot or package of tomatoes grown under glass shall not differ in diameter by more than 1 inch when the smallest of them is not less than 2¹/₂ inches in diameter nor by more than ¹/₂ inch when the smallest is not less than 1¹/₂ inches in diameter.

§3. — Tolerances

(132) Up to 10% of the specimens in a lot or package may deviate from the requirements of the grade provided that they meet those of the immediately inferior grade, except that in the case of tomatoes grown under glass or having the same grade defect the proportion of such exceptional specimens shall not exceed 5%.

Not more than 3% of the specimens in a lot or package of field-grown tomatoes and not more than 1% in the case of tomatoes grown under glass shall be affected by decay.

(133) A lot or package of tomatoes may contain up to 5% of specimens which are smaller than the minimum prescribed size and up to 5% of specimens which are larger than the maximum prescribed size.

§4. — Presentation

(134) Each package of tomatoes shall contain only specimens of the same origin, variety and quality and of reasonably uniform size.

(135) Tomatoes grown under glass shall be sold and described as greenhouse tomatoes.

TABLE B

SPECIAL CATEGORIES

CONTROLLED-ATMOSPHERE APPLES

(1) The name “Controlled-atmosphere” or CA in English or Atmosphère contrôlée or AC in French is hereby prescribed to designate apples kept in a controlled atmosphere according to this Table.

(2) The use of this name or of any other words or marking indicating or implying apples kept under controlled-atmosphere conditions is not permitted except for apples of the grades “Extra Fancy” or “Fancy” kept in a controlled-atmosphere and graded, packed and marked under the conditions hereinafter prescribed and under the supervision of an inspector or an agent duly authorized by the Minister or, in the case of apples from outside Québec, under supervision considered as the equivalent by the Minister.

(3) The apples must be stored under controlled-atmosphere conditions for a period of at least 90 consecutive days in a refrigerated compartment where the temperature and humidity are maintained at a level calculated to ensure such storage and where the air does not contain more than 5% of oxygen by volume.

(4) The temperature of the compartment and of the fruit, and the amounts of moisture, oxygen and carbon dioxide (CO₂) contained in the air of the compartment shall be measured with accurate instruments and, if the instruments are designed to do so, automatically recorded.

In the absence of automatic recording devices, the said measurements shall be taken daily by a person appointed for the task and entered by him in a register kept for the purpose.

(5) The apples shall be placed under refrigeration without delay following picking and a brief preliminary culling.

The seals shall be affixed to the compartment by the inspector not later than 15 days after the first apples have been put into it.

Within the 20 days following the affixing of the seals, the quantity of oxygen in the air of the compartment shall be reduced to the prescribed proportion.

Different varieties of apples must be placed in separate compartments if they require different storage conditions.

Apples of one variety belonging to the same owner constitute a separate lot which is identified by a number. Each of the boxes or containers of apples of the same lot shall be marked with the number of the lot and with the initials CA or AC and the registration number referred to in section 9.

(6) Removal of apples from the compartment and their grading, packing and marking must be carried out quickly under the inspector's supervision, and in conditions conducive to the keeping of apples.

Apples intended for sale under the name prescribed in section 1 must be placed in a closed package of the kind stipulated in Table C, excluding orchard boxes, bushel hampers, and half-bushel hampers. They must be kept in a cold compartment until delivered to the retail trade.

The aforesaid apples must be marketed, sold, and delivered in the original package under the name prescribed in section 1. This package must bear a certificate of inspection in the form prescribed by the Minister.

Controlled-atmosphere apples may be offered for sale in an open package when the retailer sells or keeps for sale only controlled-atmosphere apples.

(7) The seals on a refrigerated compartment may not be affixed or broken except by an inspector.

Temporary opening of the compartment under the supervision of an inspector during the period of storage does not interrupt that period provided that the atmosphere of the compartment is not altered.

(8) A person who intends to engage in the storage or packing of controlled-atmosphere apples must obtain the consent of the Minister.

Application for such consent must be made annually before 15 August on a form supplied for the purpose and must indicate the name and address of the applicant and the place where the operations will be carried on and any other information required by the Minister.

(9) The Minister may give his consent to the application if he considers that the applicant provides sufficient guarantees that the provisions of the Act and this Regulation will be complied with. In the case of storage, the applicant must prove that he possesses a building that is constructed and equipped for the keeping of apples in a controlled-atmosphere under the conditions and for the period prescribed in this Table.

The applicant's name will then be entered in a register of approved persons and a registration number will be issued to him.

The Minister may withdraw his consent at any time if he considers that the beneficiary violates a provision of the Act or this Regulation.

(10) Every person who has obtained the consent of the Minister for the storage or packing of controlled-atmosphere apples must, as the case may be:

(a) facilitate the inspector's supervision and verification of the operations and keep at his disposal the instruments or equipment necessary or useful for such purposes;

(b) within the 30 days following the affixing of the first seals to a compartment, send a report to the Minister in such form and condition as he may decide, showing the cubic content and bushel capacity of the sealed compartment, the quantity and name of each of the varieties of apples comprising a stored lot, the number ascribed to the lot and marked on the container and the name and address of the owner of each lot;

(c) keep records of his operations and enter in them the date, quantity and name of each variety of apples received, stored or delivered, the lot-number assigned to each variety, the name and address of the owner or consignee of each lot and, if applicable, the name, address and registration number of the person who has stored them;

(d) keep a record of the documents relating to his operations and produce them at the inspector's request;

(e) provide the Minister with any other information which may be considered useful to the application of this Regulation.

The records shall be freely available for examination by the inspector and shall be kept, as well as any document relating to the operations, for at least 1 year after the date of the last entry.

TABLE C

SPECIFICATIONS CONCERNING PACKAGES

(1) Fruits or vegetables may be packed:

(a) in a suitable package on which the net weight of the product is plainly marked;

(b) in a standard package of a type hereinafter referred to, suitable for and containing the specified quantity of the product.

(2) The following packages may be used for fruits and vegetables:

(a) a pint package containing 33.6 cubic inches;

(b) a quart package containing 67.2 cubic inches;

(c) a basket containing 2, 4, 6 or 11 quarts;

(c.1) a basket containing 2 or 4 litres;

(d) a bushel hamper containing 32 quarts;

(e) a half-bushel hamper containing 16 quarts;

(f) a box, carton or crate containing 2,200 cubic inches;

(g) a half box, carton or crate containing 1,100 cubic inches.

(3) The following packages may be used for apples:

(a) a box whose interior dimensions measure $18 \times 11\frac{1}{2} \times 10\frac{1}{2}$ or $16\frac{1}{8} \times 8\frac{5}{8} \times 7\frac{5}{8}$ inches;

(b) a crate or tray carton whose interior dimensions measure $17 \times 13 \times 11$ inches or $16\frac{1}{8} \times 11\frac{1}{2}$ inches with end pieces $5\frac{3}{4}$ inches high and side pieces $4\frac{3}{4}$ inches high;

(c) a tray with cells, whose interior dimensions measure $19\frac{3}{4} \times 12 \times 11\frac{3}{4}$ inches;

(d) a box divided into cells, each containing an apple and conforming to the measurements prescribed in the following 2 tables:

When the box is used for packing elongated apples:

number of cells:	interior dimensions of cell in inches:		
	length	width	depth
60	3 5/8	3 3/8	3 5/8
72	3 7/16	3 3/16	3 7/16
80	3 5/16	3 1/16	3 5/16
96	3 1/16	2 7/8	3 1/8
120	2 7/8	2 11/16	2 15/16
140	2 11/16	2 9/16	2 3/4
160	2 9/16	2 7/16	2 5/8

When the box is used for packing round apples, it must be divided into cells:

number of cells:	interior dimensions of cell in inches:		
	length	width	depth
60	3 9/16	3 1/4	3 3/4
72	3 7/16	3 1/16	3 9/16
84	3 1/4	2 3/4	3 5/16
96	3 3/16	2 11/16	3 1/4
120	2 15/16	2 1/2	3
140	2 3/4	2 5/16	2 13/16
160	2 9/16	2 1/4	2 11/16

(4) When apples or any of the vegetables mentioned in this section are offered for sale in a bag, the bag shall contain a net weight of product as hereinafter specified:

(a) for apples: 3, 4, 5, 8, 10 pounds;

(b) for beets, carrots and onions: 1, 2, 3, 5, 10, 50, 75, 100 pounds;

(c) for cabbages: 25, 40, 50, 75 pounds;

(d) for rutabagas: 2, 3, 5, 20, 25, 50, 75, 100 pounds;

(e) for green and wax beans: 1, 2, 3, 4, 5, 20, 40 pounds;

(f) for potatoes: 3, 5, 10, 20, 50, 75, 100 pounds;

(g) for parsnips: 1, 2, 20, 40 pounds;

(h) for mini-carrots: 12 ounces.

(5) Tomatoes shall not be offered for sale in a bag. They may be sold in a basket or, when offered in quantities of not less than 3 pounds, in another suitable package containing a net weight of 3, 4, 5, 8 or a multiple of 5 pounds of tomatoes.

(6) Each package containing fruits or vegetables shall be closed, excepting packages of celery, cauliflowers or lettuce grown in Québec and standard packages of 11 quarts or less and large packages containing small packages.

In addition the package of mini-carrots intended for the consumer must be transparent and not tinted.

(7) The border of a small plate or tray-type package shall not exceed 1¹/₂ inches in height and the material used to enclose the package shall be entirely transparent.

(8) The foregoing provisions do not apply to products which are packed in paper bags at the time of their sale to the consumer.

R.R.Q., 1981, c. P-29, r. 3, Sch. 1; O.C. 1432-84, s. 1; O.C. 130-86, s. 1, Erratum; O.C. 724-94, s. 8.

UPDATES

R.R.Q., 1981, c. P-29, r. 3

O.C. 1432-84, 1984 G.O. 2, 2669

O.C. 130-86, 1986 G.O. 2, 295

O.C. 724-94, 1994 G.O. 2, 2053