

**FOOD AND AGRICULTURAL CODE - FAC**  
**DIVISION 4. PLANT QUARANTINE AND PEST CONTROL [5001 - 8808]**

*( Division 4 enacted by Stats. 1967, Ch. 15. )*

**PART 1. GENERALLY [5001 - 6299]**

*( Part 1 enacted by Stats. 1967, Ch. 15. )*

**CHAPTER 11. Caprifigs and Caprifig Trees [6101 - 6177]**

*( Heading of Chapter 11 renumbered from Chapter 10 by Stats. 1982, Ch. 191, Sec. 1. )*

**ARTICLE 1. Definitions [6101 - 6106]**

*( Article 1 enacted by Stats. 1967, Ch. 15. )*

**6101.**

Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

*(Enacted by Stats. 1967, Ch. 15.)*

**6102.**

“Blanks” means caprifigs which are devoid of Blastophaga insects or galls that contain Blastophaga insects.

*(Enacted by Stats. 1967, Ch. 15.)*

**6103.**

“Mamme” crop means the winter crop of caprifigs.

*(Enacted by Stats. 1967, Ch. 15.)*

**6104.**

“Matured pollen” means pollen in a powdery condition which can be dusted or shaken out from the anthers in appreciable quantities.

*(Enacted by Stats. 1967, Ch. 15.)*

**6105.**

“Profichi crops” means the crop of caprifigs which matures in June and July and is used to caprify or pollinate the main crop of the Smyrna type of figs.

*(Enacted by Stats. 1967, Ch. 15.)*

**6106.**

“Spent figs” means caprifigs from which all the female Blastophaga insects have issued.

*(Enacted by Stats. 1967, Ch. 15.)*

## **ARTICLE 2. Enforcement [6131 - 6134]**

*( Article 2 enacted by Stats. 1967, Ch. 15. )*

### **6131.**

The commissioner shall enforce this chapter.

*(Enacted by Stats. 1967, Ch. 15.)*

### **6132.**

The commissioner may enter any place where caprifigs are produced, packed, stored, shipped, delivered for shipment, or sold, and inspect them. He may seize and hold for evidence any caprifigs which are packed, shipped, delivered for shipment, or sold in violation of any provision of this chapter, and prosecute actions for any such violation.

*(Enacted by Stats. 1967, Ch. 15.)*

### **6133.**

The board of supervisors of any county may receive and accept on behalf of the county, any contribution or donation of money from a person or from any agency of this state or of the United States for the purpose of enforcing this chapter. Any money which is so received shall be credited to the budget of the commissioner and shall be expended solely for such enforcement.

*(Enacted by Stats. 1967, Ch. 15.)*

### **6134.**

It is unlawful for any person to willfully or otherwise interfere with the enforcement of any provision of this chapter.

*(Enacted by Stats. 1967, Ch. 15.)*

## **ARTICLE 3. Caprifigs [6151 - 6157]**

*( Article 3 enacted by Stats. 1967, Ch. 15. )*

### **6151.**

Caprifigs, unless properly treated, contribute to, and are responsible for, the transmission of endosepsis and other plant diseases by the blastophaga which the figs contain.

*(Enacted by Stats. 1967, Ch. 15.)*

**6152.**

Every person who owns, raises, uses, packs, ships, or delivers for shipment or sells any caprifigs of the mamme crop for use within the county, shall treat such figs by a method which is approved by the commissioner for the prevention or elimination of endosepsis or the transmission of endosepsis by the blastophaga in the figs.

*(Enacted by Stats. 1967, Ch. 15.)*

**6153.**

If any caprifigs of the mamme crop are to be shipped or used outside the county, the person that owns, raises, uses, packs, ships or delivers them for shipment shall notify the commissioner of the county within which the figs are to be used of all of the following:

- (a) The shipment.
- (b) The nature of the shipment.
- (c) The name and residence of the consignee.

*(Enacted by Stats. 1967, Ch. 15.)*

**6154.**

After the notice, the commissioner shall require the consignee to properly treat the figs for the prevention or elimination of endosepsis before using them.

*(Enacted by Stats. 1967, Ch. 15.)*

**6155.**

It is unlawful for any person to violate Section 6152, 6153, or 6154.

*(Enacted by Stats. 1967, Ch. 15.)*

**6156.**

It is unlawful for any person to pack, ship, deliver for shipment, or sell in any container any caprifigs of the profichi crop which violate any of the following:

- (a) Do not contain matured pollen.
- (b) Do not contain living Blastophaga insect in the adult stage.
- (c) Contain more than 25 percent of spent figs.
- (d) Contain more than 10 percent of blanks.

*(Enacted by Stats. 1967, Ch. 15.)*

**6157.**

It is unlawful for any person to pack, ship, deliver for shipment or sell in any container any caprifigs of the mamme crop, which contain more than 25 percent of spent figs, or more than 10 percent of blanks.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **ARTICLE 4. Caprifig Trees [6171 - 6177]**

*( Article 4 enacted by Stats. 1967, Ch. 15. )*

##### **6171.**

Caprifig trees, unless properly controlled and regulated under supervision, constitute a menace because they are a source of infection and pests.

*(Enacted by Stats. 1967, Ch. 15.)*

##### **6172.**

Except as otherwise provided by Section 6173, in the interest of the public welfare and general prosperity of the state and to provide for the control, eradication, elimination, and prevention of endosepsis and other plant diseases, all caprifig trees used for shade, ornamental, or decorative purposes, and caprifig trees in, or associated with, any fig orchard which produces calimyrna or other Smyrna-type figs that aggregate in number more than one and one-half percent of the fig trees in the orchard, are unlawful and a public nuisance.

*(Enacted by Stats. 1967, Ch. 15.)*

##### **6173.**

Every commercial grower of calimyrna or other Smyrna-type fig may maintain at least one caprifig tree in connection with his planting.

*(Enacted by Stats. 1967, Ch. 15.)*

##### **6174.**

The commissioner shall notify the owner of any fig tree which is a public nuisance under Section 6172 to graft or destroy it within a time which is specified in the notice.

He may furnish to the owner, at the time of serving the notice, instructions for application of methods by the owner which are best designed to accomplish the purposes of the notice.

*(Enacted by Stats. 1967, Ch. 15.)*

##### **6175.**

If the owner does not destroy or graft the fig tree within the time which is specified in the notice, the commissioner shall cause the grafting or destruction of the tree, at the expense of the owner, in a summary manner.

*(Enacted by Stats. 1967, Ch. 15.)*

**6176.**

A calimyrna grower, regardless of the size of his holdings, shall follow the standard procedures for cleanup of caprifig trees by picking the mamme caprifigs before the wasps begin to issue. He shall treat the mamme caprifigs which are picked with a fungicide, according to recognized procedures.

*(Enacted by Stats. 1967, Ch. 15.)*

**6177.**

The presence of both mamme and set profichi figs in the caprifig trees at the same time is a public nuisance. The caprifigs, or the trees, or both, shall be destroyed at the owner's expense by the owner or by the commissioner, pursuant to this article, before the profichi caprifig crop matures.

*(Enacted by Stats. 1967, Ch. 15.)*