

Proposed Revisions to the California Code of Regulations
Article 4. Containers
Article 11. Avocados

The California Avocado Inspection Regulatory Subcommittee recommend the following code sections be amended or repealed.

- 1380.19 Standard Containers, (e) Avocados - Repeal
- 1408.2. Avocados: Maturity, Sampling and Testing Procedures. - Amend
- 1408.9 Avocados, Marking Requirements - Amend
- 1408.10 Avocados, Marking Requirements for Irregular Containers - Repeal
- 1408.11 Avocados, Consumer-Type Package - Repeal
- 1408.13 Avocados, Packing, Sizing, and Standard Container Requirements. - Amend
- 1408.14. Avocados, Weight Requirements for Packed Containers. – Repeal
- 1408.16. Avocados, Net Weight Tolerance. – Repeal
- 1408.17. Avocados, Sampling Procedure for Weight Requirement. – Repeal

Text proposed to be added is displayed in underline type. Text proposed to be deleted is displayed in strikethrough type.

1380.19. Standard Containers

(e) AVOCADOS	Depth	Width	Length
9D	<u>3 3/8 to 4 1/4</u>	<u>13 to 13 3/4</u>	<u>16 to 16 3/4</u>
9E	<u>5 3/4 to 8</u>	<u>13 to 13 3/4</u>	<u>16 to 16 3/4</u>
9F	<u>6 3/4 to 8</u>	<u>12 1/2 to 13 1/8</u>	<u>14 1/4 to 15</u>

~~Specific packing conditions are listed in article 11 of this group~~

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Note: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

1408.2. Avocados, Maturity, Sampling and Testing Procedures.

- (a) The following procedure shall be used to determine whether avocados in a lot are mature as required by this article.
- (b) For the purposes of this section, a lot is defined as one group of containers of avocados of the same variety, same count ~~size, same size,~~ if packed, and same grade or brand or grower
- (c) Sampling Method: Selection of sample containers and avocados.
Sample containers shall be selected at random in accordance with the table below. One avocado shall be randomly selected from each sample container. Where the number of sample containers is four or less, additional avocados shall be selected for a total sample of ten avocados. The avocados selected from the sample containers shall comprise the total sample to be tested.

<i>Number of Containers in Lot</i>	<i>Sample Containers Required</i>
50 containers or less	2
51 to 100	3
101 to 200	4
201 to 500	5
501 to 1,000	10
1,001 to 1,500	15
1,501 to 2,000	20
2,001 to 2,500	25

For lots of over 2,500 containers, an additional five sample containers shall be selected for each additional 500 containers or fraction thereof.

- (d) The avocados selected in accordance with the above subsection shall be tested in accordance with the procedures in Sections 1408.3 and 1408.6.1. Notwithstanding the foregoing sampling procedures, the least mature appearing fruit shall be selected when avocados from different growing seasons or bloom sets in the same growing season have been intermixed.

Note: Authority cited: Sections 14, 407, 42681, and 42684, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

1408.9 Avocados, Marking Requirements.

In addition to the basic marking requirements of Section 1359, every nonconsumer container of avocados shall be clearly and conspicuously marked with the following information:

- (a) All containers of the following varieties shall be marked with the variety: Fuerte, Hass, Lamb Hass, Zutano, Bacon, MacArthur, Rincon, Jalna, Pinkerton, or Reed. None of the before-named varieties shall be intermixed or mixed with an unnamed variety.
- (b) The count when packed.
- (c) One of the size designations specified in Section 1408.13 (a) accompanied with the word "size".

Note: Authority cited: Sections 407, 42682 and 44979, Food and Agricultural Code. Reference: Sections 42941 and 44971, Food and Agricultural Code.

1408.10. Avocados, Marking Requirements for Irregular Containers.

~~If avocados are placed loose in containers other than standard containers for avocados, such containers shall be plainly and conspicuously marked in letters at least ½ inch in height with the words "irregular container." In addition, such containers shall vary more than 10% of the cubic volume of all standard avocado containers.~~

1408.11. Avocados, Consumer-Type Package.

~~If avocados are packed or placed loose in any consumer-type container that does not exceed 60 percent of the size of the smallest standard container for avocados, such container need not comply with standard container size.~~

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1408.13. Avocados, Packing, and Sizing Size, and ~~Standard Container~~ Requirements.

- (a) For the purpose of this section, "lot" means one group of containers of the same variety, count, size and grade or brand. A lot shall not exceed 50 containers or, when unitized, the amount present on a pallet. The size requirements established by this section shall apply only at the point of packing.

~~(a)(b)~~ Avocados packed in rows and layers shall be fairly tightly packed, in standard containers number 9D or 9E. Container 9F shall be volume filled only. In addition, containers 9D, 9E, 9F and all other containers shall conform to the following: All containers of avocados shall conform to the following size requirements for the fruit therein:

COLUMN A		COLUMN B		COLUMN C	
Count/Size	Count/Size Container	<u>Weight (Oz.)</u>		<u>Weight (Oz.)</u>	
Container 9D	9E and 9F	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
49 or more	97 or more	No weight requirement			
48	96	3 1/2	3 3/4	3	4 3/4
42	84	3 3/4	4 3/4	3 1/2	6 1/4
35	70	4 3/4	6 1/4	3 3/4	7 1/2
30	60	6 1/4	7 1/2	4 3/4	9 1/2
24	48	7 1/2	9 1/2	6 1/4	11 1/2
20	40	9 1/2	11 1/2	7 1/2	12 1/2
18	36	10 1/2	12 1/2	9 1/2	14
16	32	11 3/4	14	10 1/2	15 3/4
14	28	13 3/4	15 3/4	11 3/4	18 3/4
12	24	15 3/4	18 3/4	14	22
10	20	18 3/4	22	15 3/4	24
9	18	22	24	18 3/4	28
8	16	24	28	22	30
7 or less	15 or less	No weight requirement			

~~When containers, including packed containers marked as required by Section 1408.9(b), are All nonconsumer containers shall be~~ marked with one of the ~~count/size~~ designations specified in Column A, ~~not~~ Not more than twenty percent, by count, of the fruit in the containers within any lot may be below or above the weight range specified in Column B, provided that no fruit may be below or above the weight range specified in Column C.

When the containers are marked with a ~~count/size~~ that is between two of the designations in Column A, individual fruit in the containers shall conform to the weight range specified for the next lesser ~~count/size~~.

~~(b)(c)~~ Compliance with the above requirements for avocados that have been sized and are to be conditioned in a manner that hastens the ripening process prior to further preparation for market shall be determined as follows:

- (i) ~~Three samples of avocados, each sample being equivalent to the number of fruit that would normally be placed in container 9E, shall be sized. Each size shall be sampled separately. Three sample containers shall be selected from the lot. Each fruit in each of the three containers shall be weighed.~~
- (ii) If the fruit in the samples ~~containers~~ complies comply with the ~~above~~ fruit size requirements above, the ~~avocados~~ lot from which the samples were taken shall be considered in compliance with this section.
- (iii) If ~~the fruit in the sample containers~~ fails to meet the ~~above~~ fruit size requirements above, the ~~avocados~~ lot shall be rejected. The rejected avocados shall be resized and resubmitted for resampling under supervision of an enforcing officer.

~~(c)~~ For the purpose of this section, "lot" means one group of containers of the same variety, ~~count/size~~ and grade or brand. A lot shall not exceed 50 containers or, when unitized, the amount present on a pallet. ~~The size requirements established by this section shall apply only at the point of packing.~~

Note: Authority cited: Sections 407, 42682 and 44977, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

1408.14. Avocados, Weight Requirements for Packed Containers.

~~(a) Except as provided in subsection (b) below, the net weight of containers 9D, 9E and 9F shall be not less than the weight established in the chart below:~~

	<u>COUNT</u>			
	<u>41 or</u>	<u>42 or</u>	<u>83 or</u>	<u>84 or</u>
	<u>Less</u>	<u>More</u>	<u>Less</u>	<u>More</u>
	<u>NET WEIGHT (lbs.)</u>			
<u>Container</u>				
<u>9D</u>				
a. Volume Fill by Count.....	<u>12 ½</u>	<u>11</u>	<u>-</u>	<u>-</u>
b. Volume Fill by Weight.....	<u>12 ½</u>	<u>12 ½</u>	<u>-</u>	<u>-</u>
c. Tray Pack or Rows/Layers..	<u>12 ½</u>	<u>11</u>	<u>-</u>	<u>-</u>
<u>9E</u>				
a. Volume Fill by Count.....	<u>-</u>	<u>-</u>	<u>25</u>	<u>22</u>
b. Volume Fill by Weight.....	<u>-</u>	<u>-</u>	<u>25</u>	<u>25</u>
c. Tray Pack or Rows/Layers..	<u>-</u>	<u>-</u>	<u>25</u>	<u>22</u>
<u>9F</u>				
a. Volume Fill by Count.....	<u>-</u>	<u>-</u>	<u>25</u>	<u>22</u>
b. Volume Fill by Weight.....	<u>-</u>	<u>-</u>	<u>25</u>	<u>22</u>

~~The container weights established by this section shall apply only at the point of packing~~

~~(b) Compliance with the above requirements for avocados that have been graded and sized and are to be conditioned in a manner that hastens the ripening process prior to further preparation for market shall be determined as follows:~~

- ~~(i) 10 samples of avocados, each sample being equivalent to the number of fruit that would normally be placed in container 9E, shall be weighed. Each count shall be sampled separately.~~
- ~~(ii) If the average weight of the samples complies with the above net weight requirement for container 9E, the avocados from which the samples were obtained shall be considered in compliance with this section.~~
- ~~(iii) If the average weight of the samples is not in compliance with the above net weight requirement for container 9E, the avocados from which the samples were obtained shall be rejected. The rejected avocados shall be resized and resubmitted for resampling under supervision of an enforcing officer.~~

1408.16. Avocados, Net Weight Tolerance.

~~In order to allow for reasonable variations inherent in different shaped fruit and incidental to proper sizing, lots sampled shall not vary more than 2 percent from the weight requirement prescribed in Section 1408.14. For the purpose of this Section, "lot" means one group of containers of the same variety, same count size, if packed, and same grade or brand. A lot shall not exceed 50 containers or, when unitized, the amount present on a pallet.~~

1408.17. Avocados, Sampling Procedure for Weight Requirement.

~~In lots of 10 or less containers of avocados, the net weight of each container shall be determined by the average net weight of the lot. In lots that are composed of 11 containers or more, 10 containers selected at random shall comprise a sample for determining the average net weight of each container in the lot represented by the sample.~~

~~Only one variety and one count size in standard container 9D, 9E, or 9F shall be included in determining the average net weight of a lot inspected.~~