



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
AVOCADO INSPECTION COMMITTEE (AIC)
June 15, 2021 Meeting Minutes
Teleconference**

MEMBERS PRESENT

Bryce Bannatyne
John Schaap – Chair
Salvador Dominguez

CDFA REPRESENTATIVES

Steve Patton
Marcee Yount
Stacey Hughes
Sam Santander
Mitchell King

MEMBERS ABSENT

Aaruni Thakur

INTERESTED PARTIES

Monica Arnett, CA Avocado Commission
April Aymami, CA Avocado Commission
Marc Fallini
Keith Blanchard
Stewart Lockwood
Wayne Brydon

ITEM 1: CALL TO ORDER-INTRODUCTIONS/ROLL CALL

The meeting was called to order at 1:04 p.m. by Steve Patton. Roll was called, a quorum was established, and self-introductions were made.

ITEM 2: PUBLIC COMMENTS

There were no public comments.

ITEM 3: DISCUSSION OF ONGOING GEM VARIETY CONCERNS

Salvador Dominguez provided a statement to those in attendance. Dominguez stated that his company had sold fruit to a packing house which had received complaints, and asked Patton whether he should recuse himself from discussion of this agenda item. Patton clarified that since this agenda item is for discussion only, recusal is not necessary.

Patton stated that CDFA had received a complaint that an avocado product was being mislabeled. He explained that the mislabeling complaint involved the price look-up code (PLU) stickers, that are affixed to the individual avocados at the packing facilities and scanned by the retailers at the point of sale. Each PLU sticker has a unique code that is established by the retail industry. In this case, the PLU sticker did not denote a variety, only a 4-digit code that at the point of sale, generated information linked to the specific item. Patton clarified that regulating PLU stickers is not within the scope of CDFA's

jurisdiction. However, violations had occurred at the store level, as mixed variety avocados, including both Gem and Hass varieties, were all being rung up as Hass variety avocados on consumer receipts.

Patton went on to state that penalties under CDFA's Standardization enforcement authority had not been levied against the stores involved in the mislabeling incident, as the violation was a first-time offense, and which the evidence suggested was unintentional by the retailer.

Patton also informed the committee that unlike other avocado varieties, nonconsumer containers of Gem avocados are not required to be labeled by variety.

Patton went on to remind those in attendance that as the complaints were internal and from industry, rather than from consumers, the Perishable Agricultural Commodities Act (PACA) is the applicable statute. PACA is administered by the United States Department of Agriculture Agricultural Marketing Service and establishes and enforces a code of fair business practices and assists companies in resolving business disputes pertaining to fresh and frozen fruits and vegetables.

ITEM 4: ENFORCEMENT EFFORTS

Marcee Yount provided a presentation outlining regulations governing Standardization laws in California, as well as other pertinent rules and regulations. The presentation provided an overview of Food and Agricultural Code Sections 42943 and 42944, California Code of Regulations (CCR) 1408.9; Avocados, Marking Requirements, and PACA. Yount reiterated that nonconsumer containers of Gem variety avocados are not required to be labeled as such, unlike other varieties of avocado.

Keith Blanchard requested clarification on the process by which industry can request an amendment to the CCR. Patton explained that the typical process for a regulatory change of this nature is for the AIC to form a subcommittee to draft revised regulatory language for presentation to the full Committee for their recommendation, after which industry would submit a petition for CDFA to submit a rulemaking change, outlining their rationale for requesting the change. Stacey Hughes also recommended that the avocado industry consider amending the avocado standardization regulations to incorporate the current minimum dry matter content maturity standards used for Gem variety avocados. The minimum dry matter for the Gem variety is currently established by a Formal Program Directive and the regulations should include this information, in order to provide full disclosure.

John Schaap, Chair, recommended that the AIC create a Subcommittee to review and potentially amend regulations pertaining to Gem variety avocados. Chair Schaap, Blanchard, Stewart Lockwood, Marc Fallini, and Dominguez volunteered to participate as members of the Subcommittee.

ITEM 5: PROGRAM UPDATES

Patton provided an update on the status of the CDFA Produce Safety Program (PSP) and implementation of the Produce Safety Rule (PSR). Patton explained that PSP is in the process of finalizing a five-year commitment with the Food and Drug Administration and has applied for new federal funding. PSP anticipates hiring a significant number of new staff, increasing the number of PSR farm inspections performed during the course of the next five years.

Bryce Bannatyne joined the meeting during discussion of Agenda Item 5 and requested to join the newly formed Subcommittee. Chair Schaap approved of Bannatyne's membership on the Subcommittee.

ITEM 6: NEXT MEETING/AGENDA ITEMS

Patton stated that a Subcommittee update will be on the next AIC meeting agenda. It was decided that the Subcommittee meeting will take place in advance of the upcoming September 14, 2021 full AIC meeting. The Subcommittee meeting date will be determined based on participant availability.

ITEM 7: ADJOURNMENT

The meeting was adjourned at 1:45 p.m. by Chair Schaap.

Respectfully submitted by:



for
Sam Santander, Program Supervisor
Avocado Inspection Program
Inspection and Compliance Branch