1968. No. 142 **[C]**

HORTICULTURE

Marketing of Tomatoes

REGULATIONS, DATED 24TH JUNE 1968, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTIONS 1, 2, 7, 17, 18, 20, 26 AND 33 OF THE HORTICULTURE ACT (NORTHERN IRELAND) 1966.

The Ministry of Agriculture in exercise of the powers conferred on it by Sections 1, 2, 7, 17, 18, 20, 26 and 33 of the Horticulture Act (Northern Ireland) 1966(**a**) and of every other power enabling it in that behalf after consultation with such organisations as appear to be representative of interests affected by these Regulations hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Tomato (Grading) Regulations (Northern Ireland) 1968, and shall come into operation on 8th July 1968.

Interpretation

2. In these Regulations, unless the context otherwise requires:—

"the Act" means the Horticulture Act (Northern Ireland) 1966;

"package" includes any wrapper, bag, basket, pail, punnet, tray, case, carton, parcel, cask, box, crate or other receptacle;

"diameter", in relation to a tomato, means the longest transverse diameter taken at right angles to a line running from the calyx to the blossom end;

"label" includes any device for conveying information by written characters or other symbols and any characters or symbols stamped or otherwise placed directly on to a package, or as the case may be, the tomato and references to the affixing of a label shall be construed accordingly;

"locular divisions", in relation to a tomato, means internal walls separating the main cells;

"round", in relation to a tomato, means regular in shape, symmetrical in outline and reasonably spherical;

"tomatoes" means tomatoes whether freshly gathered or stored or taken from store but does not include any dried, frozen, bottled, canned or preserved tomatoes or tomatoes intended for manufacture;

"licence" means a valid licence issued under the Fresh Horticultural Produce (Licensing) Regulations (Northern Ireland) 1968(**b**).

Application

3. These Regulations shall apply to home-grown and imported tomatoes.

Grading and labelling of produce for sale within Northern Ireland

4. For the purposes of Section 1 of the Act grades of quality for tomatoes shall be those designated and defined in the First Schedule and for each of the grades so designated the form of a label for indicating that tomatoes in connection with which the label is used fall within that grade shall be as set out in Part I of the Second Schedule.

(a) 1966. c. 15 (N.I.). (b) S.R. & O. (N.I.) 1968, No. 36.

Packaging of Tomatoes

5. Tomatoes consigned, sold, offered or exposed for sale in circumstances other than the circumstances mentioned in Section 7(3) of the Act shall be packaged in accordance with the provisions of the Third Schedule.

Retail sales exempt from grading requirements

6. For the purposes of Paragraph (*a*) of Section 2(2) of the Act the quantity of tomatoes which may be sold by retail without complying with the provisions of Regulation 4 shall be 10 kilogrammes (22 lbs.).

Labels of countries outside Northern Ireland

7. A label recognised under the law of any country outside Northern Ireland as indicating that tomatoes in connection with which it is used are of a quality not inferior to that required by these Regulations for a grade of quality designated in the First Schedule shall be treated for the purposes of Part I of the Act as if it were in the form prescribed for that grade in these Regulations.

Small consignments

8. Section 18(1)(*a*) of the Act shall not apply to any consignment of tomatoes sent out of Northern Ireland if the total weight of tomatoes in such consignment together with the weight of the package in which they are contained does not exceed 10 kilogrammes (22 lbs.).

Consignment out of Northern Ireland of tomatoes for manufacture

9. No tomatoes for manufacture shall be consigned out of Northern Ireland except under and in accordance with the conditions laid down in a licence.

Manner of cancellation of labels by authorised officer

10. Where, under Section 26 of the Act, an authorised officer finds any tomato

(*a*) which has affixed to it a label in the form prescribed for any grade designated and defined in the First Schedule or is in a package to which such a label is affixed, but

(*b*) which he has reasonable cause to believe to be of a quality inferior to the quality required for that grade,

he may cancel that label by affixing to the tomato or to the package a label in that form prescribed in Paragraph 7 of Part I of the Second Schedule which is appropriate to indicate what appears to him to be the correct grade or where it appears to him that the quality of the tomato is inferior to that required for the grade designated Class 3 in the First Schedule to indicate that fact.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 24th day of June 1968.

(L.S.) *A. McKelvie,*
Assistant Secretary.

FIRST SCHEDULE

PART I

Definition of Grades of Quality

Characteristic	Extra Class	Class 1	Class 2	Class 3
	Requirement	Requirement	Requirement	Requirement
Development and ripeness	Each tomato shall be sound and firm. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to remain in good condition during the normal period of distribution.	Each tomato shall be sound and reasonably firm. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to remain in good condition during the normal period of distribution.	Each tomato shall be sound but slight softness may be present. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to remain in reasonably good condition during the normal period of distribution.	Each tomato shall be sound but softness may be present. It shall be sufficiently developed to ensure the proper completion of the ripening process and its state of development and ripeness shall be such as to allow it to withstand distribution.
Colour	The colour of each tomato shall have attained the degree of uniformity appropriate to the state of ripeness of the tomato and shall be uniform over the whole surface when the tomato is ripe.	Slight colour defects affecting appearance may be present but not more than a trace of colour defects indicative of a loss of eating quality may be present.	Colour defects affecting appearance may be present, including discoloration of not more than 25 per cent. of the surface of each tomato, but only slight colour defects indicative of a loss of eating quality may be present.	Colour defects affecting appearance may be present, including discoloration of not more than 50 per cent. of the surface of any tomato, but colour defects indicative of a loss of eating quality shall be not severe.
Shape	Each tomato shall be round and smooth in outline. The circumference of any section taken at right angles to a line running from the calyx to the blossom and shall approximate to a circle. Any locular divisions shall be shallow and shall not be obvious beyond one-third of the distance from the calyx to the blossom end.	Each tomato shall be either— (*a*) round, or (*b*) if not round, reasonably regular in shape and reasonably symmetrical in outline, and may be corrugated or kidney shaped or both.	Any tomato may have defects of shape, but no tomato shall be excessively irregular in shape or seriously deformed.	——

Characteristic	Extra Class	Class 1	Class 2	Class 3
	Requirement	Requirement	Requirement	Requirement
Cleanliness	Each tomato shall be clean and free from contamination.	A trace of soiling may be present if it does not detract from the general appearance of any tomato or of the contents of a package. Each tomato shall be free from contamination.	Slight soiling may be present if it does not significantly detract from the general appearance of any tomato or of the contents of a package. Each tomato shall be free from contamination.	Slight soiling may be present but each tomato shall be free from contamination.
Progressive defects	Each tomato shall be free from any blemish or injury which might affect keeping quality.	Each tomato shall be free from any blemish or injury which might affect keeping quality.	Each tomato shall be free from any blemish or injury which might affect keeping quality.	Each tomato shall be free from any blemish or injury which might affect keeping quality.
Non-progressive damage and blemish	Small insignificant blemishes not affecting keeping quality may be present if they do not detract from the general appearance of any tomato or of the contents of a package.	Minor blemishes and minor damage not affecting keeping quality may be present if they do not significantly detract from the general appearance of any tomato or of the contents of a package.	Minor blemishes and minor damage not affecting keeping quality may be present if they do not seriously detract from the general appearance of any tomato or of the contents of a package.	Blemishes and damage not affecting keeping quality may be present if they do not render any tomato unfit for human consumption.
Size	The diameter of every tomato in a package shall fall within the same size range, being one of the size ranges specified in column 1 of Part II of this Schedule.	Where all the tomatoes in a package are round, the diameter of every such tomato shall fall within the same one, or the same consecutive pair, of the size ranges specified in column 1 of Part II of this Schedule. In any other case the diameter of every tomato in a package shall: (*a*) comply with the above provisions, or (*b*) be not less than 57 millimetres (2·25 inches), or (*c*) be not less than 35 millimetres (1·375 inches) but less than 57 millimetres (2·25 inches).	The diameter of each tomato shall be not less than 35 millimetres (1·375 inches).	——