



NYS DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE
ALBANY, NY 12235

NEW YORK STATE STANDARDS FOR GRAPES

Article 13-B of the
Agriculture and Markets Laws
With Rules and Regulations

Revised October 1960

ARTICLE 13-B

Grapes

Section 160-h. Grapes; definitions.**160-i. Grades or standards; establishment; sale.****160-j. Marking requirements.****160-k. Prohibitions; presumption; rules and regulations.**

§ 160-h Grapes; definitions. The term “package,” wherever used in this article, shall mean a basket, box or other container the contents of which can be adequately inspected. The terms “shipment,” or “ship for sale,” wherever used in this article, shall mean movement to market in a railroad car, motor truck or other medium of transportation, but shall not be construed to include the process of delivery to a local warehouse, shipping station or processor.

§ 160-i. Grades or standards; establishment; sale. The commissioner is hereby authorized and empowered, after investigation, to establish and promulgate official standards of quality for grading, classifying and packing grapes packed or repacked within the state, and to change any of them from time to time. In establishing such standards he shall take into account, among other things, the factors of maturity, color, firmness of attachment to capstems, compactness of bunches, and damage caused by freezing or by disease or insects. The official standards so established and promulgated shall not be lower in their requirements than the minimum requirements of the official standards for corresponding grades of grapes as promulgated from time to time by the secretary of agriculture of the United States, which standards are commonly known as “United States grades.”

From and after the establishment of specific grades or standards of quality as hereinbefore provided, grapes in packages shall not be shipped for sale or thereafter sold or exposed for sale except by the grades or standards so established; provided, however, that grapes not graded and classified as to quality may be shipped for sale or exposed for sale as “ungraded” if so marked in a conspicuous manner on an irremovable part of the container in accordance with rules to be adopted by the commissioner as herinafter provided.

§ 160-j. Marking requirements. Grapes in packages, if not definitely marked as ungraded as hereinbefore provided, shall, prior to shipment, be marked in a plain and conspicuous manner with the name and address of the person or association under whose authority the grapes are packed and on an irremovable part of the container with a statement of (1) the grade, and (2) the net quantity or weight of contents.

§ 160-k. Prohibitions; presumption; rules and regulations.

1. No person shall sell, expose for sale, or transport for sale grapes in open or closed packages if the package containing them, the label on them, or any advertising accompanying them shall bear any statement, design or device regarding the grapes which shall be false or misleading in any particular,
2. No person shall sell, expose for sale, or transport for sale, in either open or closed packages, grapes packed in such a manner that the face or shown surface shall not be an average of the contents or the package.
3. When grapes in packages are delivered to a common carrier for shipment, such delivery shall be presumptive evidence that the grapes are intended for sale.
The commissioner shall adopt and promulgate such rules and regulations to supplement and give full effect to the provisions of this article as he may deem necessary.

PART

195 Standards for Grapes

196 Rules and Regulations Relating to Grapes

PART 195

STANDARDS FOR GRAPES

(Statutory authority: Agriculture and Markets Law, art. 13-B)

Sec.

195.1 Grades

195.2 Mixed varieties

Sec.

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Section 195.1 Grades.

(a) (1) *U. S. Fancy Table grapes* shall consist of grapes of one variety which are well colored, mature, firmly attached to capstems, not shattered, split, crushed, dried, wet or soft; which are free from mold, decay, mildew, berry moth, russeting, hail, and from damage caused by freezing, disease, insects, or other means. Not less than 50 per cent of the bunches in any container shall be compact and the remainder shall be fairly compact. Bunches shall not be excessively small, excepting that compact portions of bunches consisting of no less than five berries may be used to fill open spaces between whole bunches.

(2) Berries of the Concord, Worden, Champion and other varieties of similar size shall have a minimum diameter of not less than nine-sixteenths of an inch, measured through the widest portion of the cross section.

(3) In order to allow for variations incident to proper grading and handling, not more than a total of 10 per cent, by weight, of the berries in any container may fail to meet the requirements of this grade, but not more than 5 per cent shall be allowed for berries which are seriously damaged. Of this tolerance for serious damage, not more than one-fifth, or one per cent, shall be allowed for berries affected by mold or decay, and not over two-fifths, or 2 per cent, shall be allowed for dried berries or those affected by berry moth. In addition, not more than 5 per cent, by weight, of the bunches in any container may have more than 10 per cent of berries which do not meet the size requirement.

(b) (1) *U. S. No. 1 Table grapes* shall consist of grapes of one variety which are fairly well colored, mature, firmly attached to capstems, not shattered, split, crushed, dried, wet or soft; which are free from mold, decay, berry moth, and from damage caused by mildew, russeting, hail, freezing, disease, insects or other means. Not less than 85 per cent of the bunches in any container shall be fairly compact.

(2) Berries of the Concord, Worden, Champion and other varieties of similar size shall have a minimum diameter of not less than nine-sixteenths of an inch, measured through the widest portion of the cross section.

(3) In order to allow for variations incident to proper grading and handling, not more than a total of 10 per cent, by weight, of the berries in any container may fail to meet the requirements of this grade, but not more than 5 per cent shall be allowed for berries which are seriously damaged. Of this tolerance for serious damage, not more than two-fifths, or 2 per cent, shall be allowed for berries affected by mold or decay, and not over two-fifths, or 2 per cent, shall be allowed for dried berries or those affected by berry moth. In addition, not more than one-tenth, by weight, of the bunches in any container may have more than 10 per cent of berries which do not meet the size requirement.

(c) (1) *U. S. No. 1 Juice grapes* shall consist of grapes of one variety which are fairly well colored, mature, firmly attached to capstems, not shattered, split, crushed, dried, wet or soft; which are free from mold, decay, berry moth, and from damage caused by mildew, russeting, hail, freezing, disease, insects or other means. Not less than 60 per cent of the bunches in any container shall be fairly compact.

(2) In order to allow for variations incident to proper grading and handling, not more than a total of 15 per cent, by weight, of the berries in any container may fail to meet the requirements of this grade, but not more than 6 per cent shall be allowed for berries which are seriously damaged. Of this tolerance for serious damage, not more than one-half, or 3 per cent, shall be allowed for berries affected by mold or decay, and not over one-third, or 2 per cent, shall be allowed for dried berries or those affected by berry moth.

195.2 Mixed varieties.

(a) Any lot of grapes consisting of more than one variety which meets all other requirements of the "U.S. Fancy Table," "U.S. No. 1 Table" or "U.S. No. 1 Juice" may be designated as "U.S. Fancy Table Mixed," "U.S. No. 1 Table Mixed" or "U.S. No. 1 Juice Mixed."

(b) *Ungraded.* Grapes, which are not graded in conformity with the foregoing grades, may be designated as "Ungraded."

195.3 Definitions of terms. As used in these standards:

- (a) *Mature* means that the grapes are juicy, palatable, and have reached that stage of development at which the skin of the berry easily separates from the pulp. Frozen, or slightly frosted stock should not be confused with mature stock.
- (b) *Well colored* means that the berries shall show full color characteristic of the variety.
- (c) *Fairly well colored* means that not less than 75 per cent, by weight, shall show full color characteristic of the variety. Twenty-five per cent may show partially or poorly colored berries, which are not characteristic of immature berries.
- (d) *Shattered berries* means berries which have separated from the bunch.
- (e) *Compact bunches* means well filled bunches, with no open spaces.
- (f) *Fairly compact* means that the bunches are well filled but that the berries are not closely spaced as in "compact bunches."
- (g) *Damage* means any injury which materially affects the appearance or the edible or shipping quality. Mildew which affects the appearance of the berries shall be considered as damage, but berries shall not be regarded as damaged by mildew which are firmly attached to the stems and which have only slight traces of mildew on the inside of the bunch where it does not affect the appearance of the berries.
- (h) *Serious damage* means that the defects taken singly or collectively seriously affect the market quality.
- (i) *Straggly* means a decidedly open bunch with large open spaces and very few berries. Small, immature shotberries, characteristic of the Worden variety, should be disregarded unless they are excessive in number and detract materially from the appearance of the lot.

195.4 Application of tolerances, The tolerances specified for the various grades are placed on a container basis. The averages for an entire lot, based on sample inspection, must be within the tolerances specified. The contents of individual containers in any lot however may vary from the specified tolerances subject to the following limitations: Not over one-fourth of the individual packages in any lot may contain more than one and one-half times the tolerances specified except that any container shall not have more mold or decay than the amount specified in the tolerance.

PART 196

RULES AND REGULATIONS RELATING TO GRAPES

Sec.

- 196.1 Closed packages
- 196.2 Branding and marking
- 196.3 Deceptive marking or labeling
- 196.4 General application

Section 196.1 Closed packages. The term “closed packages” shall be deemed to include baskets equipped with covers, whether such covers be in one solid piece or of the type commonly known as ‘slat’ covers, whether they be flat or raised covers, and whether they be attached to the basket by hooks or held in place by the handle of the basket.

§196.2 Branding and Marking

- (a) *Grade.* The law requires that all closed packages of grapes be marked prior to shipment either with the word “ungraded” or else with one of the grade designations which have been officially established by the Commissioner of Agriculture and Markets, namely: “U.S. Fancy Table Grapes,” “U.S. No. 1 Table Grapes,” “U.S. No 1 Juice Grapes,” or any of these grade designations with the word “Mixed” added. This marking shall be placed in a conspicuous position on an irremovable part of the container — on the side or end of the package, or on the handle of a climax basket if the handle is of wood.
- (b) *Net contents.* (1) The required mark to indicate net quantity of the contents in terms of weight or measure must be placed on an irremovable part of the container — on the side or end of the package, or on the handle of a climax basket if the handle is of wood.

(2) If the net quantity be stated in terms of measure, the package must be packed fully and firmly, so that the representation of quantity will be accurate at each sale and re-sale of the package.
- (c) *Name.* The required mark to indicate the name and address of the person or association under whose authority the grapes are packed shall be placed on the cover of the basket, if a solid cover is used. In case a slat cover is used, this mark may either be placed on the cover or may appear on the upper surface of a printed label laid on top of the grapes underneath the cover.
- (d) *Method of marking.* All marking must be plainly and legibly done and may be accomplished by means of a rubber stamp or by a printed label firmly affixed (except in the case of slat covers as provided in the preceding subdivision) to the cover of the basket.

- (e) *Time of marking.* The law requires that marking be done “prior to shipment.” When grapes are moved from the farm to some other place and then transferred to another conveyance, such as a railroad car, motor truck, or other medium of transportation, for final movement to market, they may either be marked at the farm or may be marked at the time of transfer to the final medium of transportation. If moved direct from the farm to market, by motor truck or other vehicle, they must be marked prior to leaving the farm.

§196.3 Deceptive marking or labeling. Section 160-k of the Agriculture and Markets Law prohibits the shipment and sale of grapes either in open or closed packages if the packages or the label on the packages shall bear any statement, design, or device which is false or misleading in any particular.

Statements such as: “Fancy” on native American varieties of grapes which do not meet the grade “U.S. Fancy Table Grapes”; the designation “Number 1” applied to native grapes which do not meet the standard for “U.S. No. 1 Table Grapes”; or the use of any deceptive term in connection with grapes shipped or sold as “Ungraded,” which shall imply that they are other than variable, unknown, or poor in quality; and all statements similarly misleading or false will be deemed in violation of this section of the law.

§196.4 General application. The portions of the law and of these regulations dealing with false and misleading statements, designs, and advertising, and those requiring that the shown surface of the package shall truly represent the average contents of the package, shall be deemed to apply to all grapes of whatever description offered for sale or sold in New York State, whether produced in this State or elsewhere or whether they be of native American or Vinifera varieties.

The portions of the law and regulations dealing with grades, sale by grades, marking to show whether graded or ungraded, and name of person or association under whose authority the packing is done, together with the definitions and grades established under the authority contained in the law, shall be deemed to apply to native American varieties of grapes, packed or repacked in New York State.