



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

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## **POTATOES**

NEW YORK STATE STANDARDS FOR THE  
GRADING, CLASSIFYING AND SALE  
OF POTATOES

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Article 12-A of the  
Agriculture and Markets Laws  
With Rules and Regulations

Revised June, 1990

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**PROVISIONS OF AGRICULTURE AND MARKETS LAW RELATING TO  
NEW YORK STATE STANDARDS FOR GRADING,  
CLASSIFYING AND SALE OF POTATOES**

**ARTICLE 12-A**

**Section 156-c. Farm products; official standards.** The commissioner is hereby authorized and empowered, after investigation and public hearing, to establish and promulgate official definitions and standards for grading or classifying, packing and labeling farm products, or any of them, packed or repacked within the state; and to change such official standards from time to time. The commissioner, in establishing such official standards, shall, among other things, take into account so far as applicable the factors of maturity, condition, soundness, color, shape, size and freedom from defects. Such official standards shall not be lower in their requirements than minimum requirements of the official standards for corresponding grades or classifications, as promulgated from time to time by the secretary of agriculture of the United States, commonly known as U.S. grades. The use of such official standards when established shall be optional, but if and when used in relation to any farm products they must be in conformance with such standards.

**Section 156-d. Culls.** The commissioner is hereby authorized and empowered, after investigation and public hearing, to establish and promulgate definitions of "culls" as applied to farm products, or any of them; and to change such definitions from time to time.

**Section 156-e. Sales prohibitions.** (1) No person shall sell, expose for sale or transport for sale farm products in open or closed packages, if the package containing them or the label on them shall bear any statement, design or device regarding such farm products which shall be false or misleading in any particular. (2) No person shall sell or offer for sale or transport for sale in either open or closed packages farm products packed in such manner that the face or shown surface shall not be an average of the contents of the package.

**Section 156-f. Rules and regulations...** The commissioner shall adopt and promulgate such rules and regulations generally to supplement and give full effect to the provisions of this article, and specifically to regulate the marketing, packing, labeling and shipping of "culls," as he shall deem necessary. Such rules and regulations shall be filed and open for public inspection at the principal office of the department and shall have the force of law.

**Section 156-g. Seizure of misbranded, mislabeled or misrepresented farm products.**

Whenever the commissioner or his duly authorized representative shall find that any farm product is misbranded, mislabeled or misrepresented within the meaning of this article, he may seize such product, so that it cannot be sold, offered, exposed or transported for sale, and he may affix to such farm product a tag or other appropriate marking, giving notice that such product is misbranded, mislabeled or misrepresented, and warning all persons not to remove or dispose of such product by sale or otherwise until such product is branded or labeled properly and permission to dispose of the product has been granted by the commissioner or his duly authorized representative. It shall be a violation of this article for any person to remove or dispose of such product so seized by sale or otherwise without such permission.

**Section 156-gg. Branding closed packages of potatoes.** (1) No person shall sell, expose for sale, or transport for sale, potatoes in closed packages which are not branded or marked with the grade of the potatoes contained therein in conformity with official standards and grades for potatoes established and promulgated by the commissioner under the provisions of this article, or, with the official standards of the United States commonly known as U.S. grades, except that potatoes packed in consumer packages in retail stores containing fifteen pounds or less and exposed for sale immediately adjacent and conform in variety, grade, size and condition to a bulk display of such potatoes which includes as a part thereof a display sign conspicuously marked as to the grade of the potatoes in conformity with the foregoing requirements of this section. Potatoes in closed packages containing more than sixty pounds net not graded and classified as to quality in accordance with such standards and grades, nor branded or marked in conformity therewith, shall be branded or marked "unclassified."

(2) For the purpose of this section, a closed package shall mean any container the entire contents of which cannot be adequately inspected without opening it.

## NYCRR PART 221

**Section 221.4 Declaration of responsibility.** (a) Any packaged commodity, kept, offered or exposed for sale, or sold, shall specify conspicuously on the label of the package, the name and address of the manufacturer, packer or distributor. The name shall be the actual corporate name, or when not incorporated, the name under which the business is conducted. The address shall include street address, city, state and ZIP code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP code shall apply only to labels that have been developed or revised after July 1, 1969.

## ARTICLE 17

**Section 213. Repacking Fruit and Farm Produce.** A person, firm or association who purchases fruit or farm produce in barrels, boxes or other packages, and empties, or causes to be emptied, such as barrels, boxes or other packages, and repacks, or causes to be repacked therein the same or other fruit or farm produce, shall before any such repacked barrel, box or other package is sold, or offered or exposed for sale, erase or otherwise obliterate the name of the grower or producer, if found thereon.

## PART 165

### POTATO GRADES AND DEFINITIONS OF CULLS

**Note:** The following standards are practically identical with corresponding standards of potato grades heretofore promulgated by the Secretary of Agriculture of the United States, commonly known as "U.S. Potato Grades."

#### **Sec.**

165.1 Grades

165.2 Unclassified

165.3 Size

165.4 Tolerances

165.5 Application of Tolerances

165.6 Samples for Grade and Size Determination

165.7 Skinning

165.8 Definitions

165.9 Culls

## Section 165.1 Grades.

(a) **Extra No. 1.** "Extra No.1" consists of potatoes which meet the following requirements:

- (1) Similar varietal characteristics;
- (2) Firm;
- (3) Clean;
- (4) At least fairly well matured;
- (5) Fairly well shaped, with 50 percent or more well shaped
- (6) Free from:
  - (i) Freezing;
  - (ii) Blackheart;
  - (iii) Late blight, southern bacterial wilt and ring rot; and,
  - (iv) Soft rot and wet breakdown.
- (7) Free from injury caused by:
  - (i) Sprouts; and,
  - (ii) Internal defects
- (8) Free from damage by any other cause.
- (9) Size. The potatoes shall be not less than 2-1/4 inches in diameter or 5 ounces in weight and shall not vary more than 1-1/4 inches in diameter or more than 6 ounces in weight.
- (10) For tolerances see Section 165.4.

(b) **No. 1.** Consists of potatoes which meet the following requirements:

- (1) Similar varietal characteristics;
- (2) Firm;
- (3) Fairly clean;<sup>1</sup>
- (4) Fairly well shaped;
- (5) Free from:
  - (i) Freezing;
  - (ii) Blackheart;
  - (iii) Late blight, southern bacterial wilt and ring rot; and,
  - (iv) Soft rot and wet breakdown.
- (6) Free from damage by any other cause.
- (7) Size. Not less than 1-7/8 inches in diameter, unless otherwise specified in connection with the grade.
- (8) For tolerances see Section 165.4

<sup>1</sup>Potatoes in containers bearing official State Seed Certification Tags and Seals are not required to be fairly clean but shall be free from damage by dirt.

(c) **Commercial.** "Commercial" consists of potatoes which meet the requirements of No.1 grade except for the following:

- (1) Free from serious damage caused by:
  - (i) Dirt or other foreign matter;
  - (ii) Russet scab; and,
  - (iii) Rhizoctonia
- (2) Increased tolerances for defects specified in Section 165.4.

(d) **No.2.** "No.2." consists of potatoes which meet the following requirements:

- (1) Similar varietal characteristics;
- (2) Not seriously misshapen;
- (3) Free from:
  - (i) Freezing;
  - (ii) Blackheart;
  - (iii) Late blight, southern bacterial wilt and ring rot; and,
  - (iv) Soft rot and wet breakdown.
- (4) Free from serious damage by any other cause.
- (5) Size. Not less than 1-1/2 inches in diameter, unless otherwise specified in connection with the grade.
- (6) For tolerances see Section 165.4.

**Section 165.2 Unclassified.** "Unclassified" consists of potatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

**Section 165.3 Size.** (a) The minimum size, or minimum and maximum sizes may be specified in connection with the grade in terms of diameter or weight of the individual potato, or in accordance with one of the size designations in Subdivision C, Table I, or Subdivision D, Table II: **Provided**, that sizes so specified shall not be in conflict with the basic size requirements for the grade.

(b) When size is specified in terms of the customary sizes of potatoes packed to count in standard 50-pound cartons, the weight ranges shown in Table II shall apply. These size designations may be applied to potatoes packed in any size container: **Provided**, that the weight ranges are within the limits specified.

**TABLE I (C)**

Size Designation	Minimum diameter (1) or weight		Maximum diameter (1) or weight	
	Inches	Ounces	Inches	Ounces
Size A (2)	1-7/8	(3)	(3)	(3)
Size B	1-1/2	(3)	2-1/4	(3)
Small	1-3/4	(3)	2-1/2	6
Medium	2-1/4	5	3-1/4	10
Large	3	10	4-1/4	16

(1) Diameter means the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end. (2) In addition to the minimum size specified, a lot of potatoes designated as Size A shall contain at least 40 percent of potatoes which are 2-1/2 inches in diameter or larger or 6 ounces in weight or larger. (3) No requirement.

**TABLE II (D)**

Size Designation	Minimum weight	Maximum weight
	Ounces	Ounces
Under 50	15	--
50	12	19
60	10	16
70	9	15
80	8	13
90	7	12
100	6	10
110	5	9
120	4	8
130	4	8
140	4	8
Over 140	4	8

**Section 165.4 Tolerances.** In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) **For defects** - (1) Extra No. 1. A total of 5 percent for potatoes in any lot which fail to meet the requirements for the grade: **Provided**, that not more than two-fifths of this tolerance, or 2 percent, shall be allowed for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than one-half of 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See Section 165.5.

(2) No. 1. A total of 8 percent for potatoes in any lot which fail to meet the requirements for the grade: **Provided**, that included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(i) 5 percent for external defects;

(ii) 5 percent for internal defects; or,

(iii) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(3) U.S. Commercial. A total of 20 percent for potatoes in any lot which fail to meet the requirements for the grade: **Provided**, that included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(i) 10 percent for potatoes which fail to meet the requirements for U.S. No.2 grade, including therein not more than:

(ii) 6 percent for external defects;

(iii) 6 percent for internal defects; or,

(iv) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(4) U.S. No. 2. A total of 10 percent for potatoes in any lot which fail to meet the requirements for the grade: **Provided**, that included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(i) 6 percent for external defects;

(ii) 6 percent for internal defects; or,

(iii) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(b) **For off-size**. (1) Not more than 3 percent of the potatoes in any lot may be smaller than the required or specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of 2-1/4 inches or larger in diameter or 5 ounces or more in weight. In addition, not more than 10 percent may be larger than any required or specified maximum size.

(2) When a percentage of the potatoes is specified to be of a certain size and larger, individual samples shall have not less than one-half of the percentage specified: **Provided**, that the average for the entire lot is not less than the percentage specified.

**Section 165.5 Application of Tolerances.** Individual samples shall have not more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample: **Provided**, that en route or at destination one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft rot or wet breakdown: **And provided further**, that the averages for the entire lot are within the tolerances specified for the grade.

**Section 165.6 Samples for Grade and Size Determination.** Individual samples shall consist of at least 20 pounds. When individual packages contain at least 20 pounds, each individual sample is drawn from one package; when packages contain less than 20 pounds, a sufficient number of adjoining packages are opened to provide at least a 20-pound sample. The number of such individual samples drawn for grade and size determination will vary with the size of the lot.

**Section 165.7 Skinning.** (a) the following definitions provide a basis for describing lots of potatoes as to the degree of skinning whenever description may be appropriate:

- (1) "Practically no skinning" means that not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered";
- (2) "Slightly skinned" means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered";
- (3) "Moderately skinned" means that not more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered"; and,
- (4) "Badly skinned" means that more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered".

**Section 165.8 Definitions.** (a) Similar Varietal characteristics. "Similar varietal characteristics" means that the potatoes in any lot have the same general shape, color and character of skin, and color of flesh.

- (b) Firm. "Firm" means that the potato is not shriveled or flabby.
- (c) Clean. "Clean" means that at least 90 percent of the potatoes in any lot are practically free from dirt or staining and practically no loose dirt or other foreign matter is present in the container.
- (d) Fairly Clean. "Fairly clean" means that at least 90 percent of the potatoes in any lot are reasonably free from dirt or staining and not more than a slight amount of loose dirt or foreign matter is present in the container.
- (e) Mature. "Mature" means that the skins of the potatoes are generally firmly set and not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered".

- (f) Fairly Well Matured. "Fairly well matured" means that the skins of the potatoes are generally fairly firmly set and not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered".
- (g) Well Shaped. "Well shaped" means that the potato has the normal shape for the variety.
- (h) Fairly Well Shaped. "Fairly Well Shaped" means that the potato is not materially pointed, dumbbell-shaped or otherwise materially deformed.
- (I) Seriously Misshapen. "Seriously misshapen" means that the potato is seriously pointed, dumbbell-shaped or otherwise badly deformed.
- (j) Injury. "Injury" means any defect, or any combination of defects, which more than slightly detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any internal defect outside of or not entirely confined within the vascular ring which cannot be removed without a loss of more than 3 percent of the total weight of the potato.
- (k) Damage. "Damage" means any defect, or any combination of defects, which materially detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato. See Paragraph (2) of Subdivision (O), Table III and Paragraph (2) of Subdivision (P), Table IV.
- (l) Serious Damage. "Serious damage" means any defect or any combination of defects, which seriously detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato. See Paragraph (2) of Subdivision (O), Table III and Paragraph (2) of Subdivision (P), Table IV.
- (m) Freezing. "Freezing" means that the potato is frozen or shows evidence of having been frozen.
- (n) Soft Rot or Wet Breakdown. "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy rot, leak, or wet breakdown following freezing injury.
- (o) External Defects. (1) "External defects" are defects which can be detected externally. However, cutting may be required to determine the extent of the injury. Some external defects are listed in Table III.

**Section 165.9 Culls.** Definition of culls as applied to potatoes: Any lot of potatoes which contains:

- (a) more than 2 percentum of potatoes which are frozen or affected by soft rot or wet breakdown.
- (b) more than 5 percentum in the aggregate which are frozen, or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown,
- (c) more than a total of 15 percentum by weight of potatoes which fail to meet the requirements of the No.2 grade.

## RULES AND REGULATIONS

Rules and Regulation to supplement and give full effect to Article 12-A of the Agriculture and Markets Law in relation to potatoes:

**Section 166.1.** In describing or marking potatoes packed or repacked within this state and offered for sale on a graded basis, the letters "U.S." may be prefixed to any of the grade terms, and when so prefixed the potatoes to which they relate shall be regarded as represented as graded according to New York State Official Potato Grades.

**Section 166.2.** Any lot of "cull" potatoes, regardless of place of origin, when sold or offered for sale in this state shall be definitely represented as cull potatoes. Every invoice rendered in connection with the sale of cull potatoes shall describe the potatoes as "cull" potatoes.

**Section 166.3.** Any lot of "cull" potatoes, regardless of place of origin, when exposed for sale or transported for sale within this state, either in closed containers, open containers or in bulk, shall be plainly and conspicuously marked "culls." When "cull" potatoes are delivered to a common carrier for shipment or are being moved to market in a truck or other medium of transportation, such delivery or such movement shall be presumptive evidence of transport for sale.

**Section 166.4.** Any advertisement of potatoes for sale at a given price shall plainly and conspicuously indicate the grade of such potatoes.

**Section 166.5.** All required markings shall be clear and legible, plainly printed, stenciled, or stamped. Labels used in connection with transparent film type packages shall, if inserted, be placed face out in conspicuous manner and position.

- (a) For packages containing less than 10 pounds, all required markings shall be at least 1/8 inches in height.
- (b) For packages containing 10 or more and less than 50 pounds, all required markings shall be at least 3/8 inches in height.
- (c) For packages containing 50 pounds or more, all required markings shall be at least 5/8 inches in height.
- (d) All required markings on Tags shall be at least 5/8 inches height, except for marking "culls."
- (e) All marks designating "cull" potatoes shall be at least 1-1/2 inches in height.
- (f) Grade markings on display signs used in connection with bulk displays shall be at least one (1) inch in height.

## **MARKETING SERVICES**

The Farm Products Inspection and Certification Service operated by the New York State Department of Agriculture and Markets in cooperation with the U.S. Department of Agriculture is offered at a nominal cost to all financially interested persons.

In its entirety the service is operated for the purpose of improving the marketing of New York State farm products: first, by improving quality through a program of education including practical demonstration of the use of official grades; second, by official inspection and certification. After inspection is made, an official certificate is issued which describes in detail the quality and condition of the commodity inspected. Because of its official character, this certificate is a decided protection to shippers and receivers and also facilitates selling.

**New York State Department of Agriculture and Markets**

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