



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

CIRCULAR 908

LETTUCE

New York State Standards for the Grading, Branding, and Sale of Lettuce

Article 13-C of the Agriculture and Markets Law
with Rules and Regulations

Revised 8/1/79

**ARTICLE 13-C OF THE AGRICULTURE AND MARKETS LAW,
RELATING TO GRADE, BRAND, AND SALE OF LETTUCE.
(AUGUST 31, 1977)**

SECTION

- 160-p. Definitions**
- 160-q. Grade and branding.**
- 160-r. Sale of lettuce.**
- 160-s. Rules and Regulations.**
- 160-t. Application of Article.**

160-p. Definitions. As used in this article:

1. The words “**closed package**” means a crate, box, carton or other container, the contents of which cannot be adequately inspected without opening.
2. The work “**Lettuce**” means iceberg type lettuce.

160-q. Grade and branding.

1. The commissioner is hereby authorized and empowered, after investigation and public hearing, to fix and promulgate official standards including good delivery standards enroute or at destination for grading and classifying the lettuce packed or repacked within the state, and to change any of them from time to time. In establishing such standards, he shall, among other things, take into account so far as applicable the factors of maturity, condition, solidity, color, size, temperature control and freedom from defects and injury. The official standards so fixed and promulgated shall not be lower in their requirements than the minimum requirements of the official standards for corresponding grades of lettuce as promulgated from time to time by the Secretary of Agriculture of the United States, which standards are commonly known as the “United States grades”.
2. Each closed package of lettuce, when sold, exposed for sale or transported for sale, shall be plainly and conspicuously branded to show:
 - (a) That such lettuce is “**cull lettuce**”, if such is the fact.
 - (b) **Number** of heads.
 - (c) That the package was **vacuum cooled**, if such be the fact.
 - (d) **Name and address of packer or repacker.**“The cull identification requirement of paragraph (a) of this subdivision shall not apply to closed packages of lettuce which are being held for sale at retail in the retailer’s own storage facilities or which are being transported from such storage facilities to stores operated by such retailer”.
3. In case the branding upon any closed package of lettuce is changed, the person making the change shall cancel the name and address of the original packer and substitute therefor his own name and address.

160-r. Sale of Lettuce.

1. No person shall sell, expose for sale or transport for sale within this State, regardless of place or origin, lettuce in closed packages which are not branded as required by section 160-q, except that lettuce packaged by a retailer and sold or offered for sale by such retailer, need only be branded to show that it is cull lettuce, if such is the case.

2. Cull lettuce offered or exposed for sale at retail shall be plainly and conspicuously marked as “culls”.
3. No person shall sell, offer for sale, or transport for sale lettuce in open or closed packages, or unwrapped lettuce, if the branding, representation as to grade, or any statement, design or device appearing on the label, package or bulk display shall be false or misleading in any particular.
4. When lettuce in closed packages is delivered to a common carrier for shipment, such delivery shall be presumptive evidence that the lettuce is intended for sale.
5. No lettuce shall be sold in closed cardboard containers unless it is vacuum cooled.

160-s. Rules and regulations.

The commissioner is hereby authorized, after public hearing, to adopt and promulgate such rules and regulations to supplement and give full effect to the provisions of this article as he may deem necessary.

160-t. Application of article.

This article shall not apply to lettuce grown outside of the state of New York and only transported through or within this state for sale outside of New York.

Rules and Regulations
(Title of the official compilation of R & R of the State of New York)

PART 188

LETTUCE GRADES AND DEFINITIONS OF CULLS*

The following standards are practically identical with the corresponding standards of Lettuce grades heretofore promulgated by the Secretary of Agriculture of the United States, commonly known as “U. S. Standards for Grades of Lettuce”.

Section

188.1 Grades.

188.2 Application of Tolerances.

188.3 Standard Pack.

188.4 Solidity Classification

188.5 Definitions.

188.6 Culls.

Section 188.1 Grades.

- (a) Fancy consists of heads of lettuce of similar varietal characteristics which are fresh and green, which are not soft, overgrown, burst or ribby, which are free from decay, russet spotting and doubles, and free from injury caused by tipburn, downy mildew, freezing and discoloration, and from damage caused by opening, seedstems, broken midribs, dirt, disease, insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. In any lot of Iceberg type lettuce the percentages of firm and hard heads shall be specified separately in connection with the grade.

*Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Food, Drug and Cosmetic Act, other Federal Laws and Regulations, Article 17 of the Agriculture and Markets Law and Rules promulgated pursuant, thereto, or with applicable provisions of laws and regulations of other states.

(1) Tolerances. In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(i) At shipping point. 8 percent for heads of lettuce which fail to meet the requirements of this grade: Provided, that included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(ii) En route or at destination. 12 percent for heads of lettuce which fail to meet the requirements of this grade: Provided, that included in this amount not more than the following percentages shall be allowed for defects listed:

(a) 8 percent for heads having permanent defects; or,

(b) 6 percent for heads which are seriously damaged, including therein not more than 4 percent for heads which are seriously damaged by permanent defects and not more than 3 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See Section 188.2)

(b) No. 1 consists of heads of lettuce of similar varietal characteristics which are fresh and green, which are not soft or burst, and which are free from decay and doubles and from damage caused by tipburn, downy mildew, opening, seedstems, broken midribs, freezing, discoloration, dirt, disease, insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. In any lot of iceberg type lettuce the percentages of firm and hard heads shall be specified separately in connection with the grade.

(1) Tolerances. In order to allow for variation incident to proper grading and handling, the following tolerances, by count, shall be permitted in any lot:

(i) At shipping point. 8 percent for heads of lettuce which fail to meet the requirements of this grade: Provided, that included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(ii) En route or at destination. 12 percent for heads of lettuce which fail to meet the requirements of this grade: Provided, that included in this amount not more than the following percentages shall be allowed for defects listed:

(a) 8 percent for heads having permanent defects; or,

(b) 6 percent for heads which are seriously damaged, including therein not more than 4 percent for heads which are seriously damaged by permanent defects and not more than 3 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.(See Section 188.2)

(c) No. 2 consists of heads of lettuce of similar varietal characteristics which are not burst and which are free from decay, and from serious damage caused by wilting, tipburn, downy mildew, seedstems, freezing, discoloration, disease, insects, or mechanical or other means. There are no solidity requirements in this grade but heads of Iceberg type lettuce which are distinctly open and leafy with practically no head formation shall not be permitted.

(1) Tolerances. In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

- (i) At shipping point. 8 percent for heads of lettuce which fail to meet the requirements of this grade: Provided, that included in this amount not more than 3 percent shall be allowed for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.
- (ii) En route or at destination. 12 percent for heads of lettuce which fail to meet the requirement of this grade: Provided, that included in this amount not more than the following percentages shall be allowed for defects listed:
 - (a) 8 percent for heads having permanent defects; or,
 - (b) 5 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.
 (See Section 188.2)

Section 188.2 Application of Tolerances.

In order to meet the requirements of a specified grade the average percentage of defective specimens in the lot, based on sample inspection, shall be within the tolerances specified, and the number of defective specimens in individual packages in the lot shall be within the limitations set forth in the following table:

TABLE 1

Lot tolerance, percent	Maximum number of defective heads permitted in any package			
	Total number of heads in package			
	24	18 or 20	30	Over 30
1	1	1	2	2
3	3	2	3	4
4	3	3	4	4
5	3	3	4	5
6	4	3	5	6
8	5	4	6	7
12	6	5	7	9

188.3 Standard Pack.

- (a) Heads of lettuce shall be fairly uniform in size, and fairly tightly to tightly packed but not excessively tightly packed in uniform layers in the container according to the approved and recognized methods; except that in standard fiberboard containers, a “bridge” of six heads may be placed between the layers in a 2 ½ dozen pack.
- (1) Fairly uniform in size means that not more than 10 percent, by count, of heads in any container may vary appreciably in size from the standard size head for the count pack.
 - (i) The standard size head for a two dozen pack is that size head, having four wrapper leaves, which will pack tightly but not excessively tightly, three rows with four heads of uniform size in each row in a layer in a standard fiberboard container. Heads having lesser or greater numbers of wrapper leaves which can be packed as specified herein are considered equivalent in size to a standard size head with four wrapper leaves.
- (2) Excessively tightly packed means that heads are packed so tightly as to cause distortion, or crushing of the heads or breaking of the midribs.
- (b) When heads of lettuce are wrapped, no head may have more than one wrapper leaf.
- (c) In order to allow for variations incident to proper packing, not more than a total of 10 percent of the containers in any lot may fail to meet the requirements of standard pack.

188.4 Solidity Classification.

The following terms shall be used in describing the solidity of lettuce:

- (a) **Hard** means that the head is compact and solid. This term represents the highest degree of solidity.
- (b) **Firm** means that the head is compact, but may yield slightly to moderate pressure.
- (c) **Fairly firm** means that although the head is not firm, it is not soft and spongy, and has good head formation and edible content.
- (d) **Soft** means that the head is easily compressed or spongy.

188.5 Definitions: as used in this part:

- (a) **Similar varietal characteristics** means that the heads in any container have the same characteristic leaf growth. For example, lettuce of the Iceberg and Big Boston types shall not be mixed.
- (b) **Fresh** means that the head as a whole has normal succulence and the wrapper leaves and the outermost head leaves are not more than slightly wilted.
- (c) **Green** means that one-half or more of the exterior surface of the head, exclusive of the wrapper leaves, has at least a light green color.¹
- (d) **Overgrown** means that heads of lettuce are no longer young and succulent, are excessively hard, past the most desirable edible stage, and are readily subject to, but not necessarily affected by russet spotting, pink rib and other discoloration associated with aging.

¹The color referred to is illustrated by plate 5 GY 8/6 in the Munsell Book of Color. Individual plates of the above color may be purchased from the Munsell Color Company, 2441 North Calvert Street, Baltimore 18, Maryland.

- (e) **Burst** means that the head is split or broken open.
- (f) **Ribby** means that the midribs of the head leaves are so prominent that they materially detract from the appearance of the head.
- (g) **Doubles** means two heads on the same stem.
- (h) **Injury** means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which noticeably detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as injury:
 - (1) Tipburn when more than 2 spots of tipburn occur any where in the compact portion of the head or:
 - (i) At shipping point when the aggregate area of discernible tipburn regardless of color exceeds that of a rectangle 1 inch in length and one-fourth inch in width; and,
 - (ii) En route or at destination when the aggregate area of tipburn of a light buff² or darker color exceeds that of a rectangle 1 inch in length and one-fourth inch in width.
 - (2) Downy mildew:
 - (i) At shipping point when apparent on any head leaf or wrapper leaf; and,
 - (ii) En route or at destination when readily apparent on any head leaf or when discoloration associated with mildew is readily apparent on more than 2 wrapper leaves.
 - (3) Freezing when blistering, peeling, or other injury resulting from freezing, except discoloration, is readily apparent on any outer head leaf.
 - (4) Discoloration of any one of the following types or a combination of 2 or more types the seriousness of which exceeds the maximum allowed for any one type.
 - (i) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when materially detracting from the appearance of the wrapper leaves;
 - (ii) Yellow or brown discoloration from any cause when readily apparent on the compact portion of the head;
 - (iii) Reddish discoloration following bruising when noticeably detracting from the appearance of more than 2 outer head leaves;
 - (iv) Pink Rib:
 - (a) At shipping point when any pink rib is present on head leaves; and
 - (b) En route or at destination when the midribs of more than 2 head leaves show noticeable areas of pink color as viewed on the outer surface of the leaf, or when causing any head leaf to be excessively papery and tough.
 - (v) Rib discoloration:
 - (a) At shipping point when any rib discoloration is present on head leaves; and,
 - (c) En route or at destination when distinct brown or black spots of rib discoloration are present on the outer surface of any head leaf.

²The color referred to is illustrated by plate 10 YR 8/4 in the Munsell Book of Color. Individual plates of the above color may be purchased from the Munsell Color Company, 2441 North Calvert Street, Baltimore 18, Maryland.

(i) **Damage** means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as damage:

(1) Tipburn:

- (i) At shipping point when the aggregate area of discernible tipburn regardless of color occurring anywhere in the compact portion of the head exceeds that of a rectangle 1 inch in length and one-half inch in width; and,
- (ii) En route or at destination when the aggregate area of tipburn of a light buff² or darker color occurring anywhere in the compact portion of the head exceeds that of a rectangle 1 inch in length and one-half inch in width.

(2) Downy mildew:

- (i) At shipping point when readily apparent on any head leaf; when mildew not accompanied by discoloration is readily apparent on more than 2 wrapper leaves, or when discoloration associated with mildew is readily apparent on any wrapper leaf, and,
- (ii) En route or at destination when materially detracting from the appearance of any head leaf or when seriously detracting from the appearance of more than 2 wrapper leaves.

(3) Opening in a hard or firm head when one-fourth or more of the head is separated from the remainder, or any degree of opening in a fairly firm head;

(4) Seedstems when excessively long, excessively curved, tough or fibrous;

(5) Broken midribs when more than 2 head leaves have midribs broken in two due to abnormal growth;

(6) Freezing when blistering, peeling, or other injury resulting from freezing, except discoloration, materially detracts from the appearance or the edible quality of more than 2 outer head leaves;

(7) Discoloration of any one of the following types or a combination of 2 or more types the seriousness of which exceeds the maximum allowed for any one type;

- (i) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when seriously detracting from the appearance of the wrapper leaves;
- (ii) Yellow or brown discoloration from any cause when materially detracting from the appearance of the head exclusive of the wrapper leaves;
- (iii) Reddish discoloration following bruising when materially detracting from the appearance of more than 2 outer head leaves;
- (iv) Russet spotting:
 - (a) At shipping point when any russet spotting is present; and,
 - (b) En route or at destination, when present in any degree on more than 2 outer head leaves, or when the number, size, and color of the spots materially detracts from the appearance of any head leaf;
- (v) Pink rib when the midribs of more than 2 head leaves show areas of deep pink color more than 2 inches in length as viewed on the outer surface of the leaf, or when causing more than 2 head leaves to be excessively papery and tough; and,
- (vi) Rib discoloration when the aggregate length of brown or black spots of rib discoloration on the outer surface of any head leaf exceeds 1 inch;

- (8) Dirt when the compact portion of the head is smeared with mud, when the wrapper leaves are badly smeared with mud, or when the basal portion of the head is caked with mud or dry dirt; and
- (9) Insects when the compact portion of the head is infested, or the wrapper leaves are badly infested with aphids or other insects, or when there is insect feeding injury on the compact portion of the head.

- (j) **Fairly well trimmed** means that the butt is trimmed off closely below the point of attachment of the outer leaves, and that on a head of Iceberg type lettuce, wrapper leaves do not exceed 7 in number.
- (k) **Wrapper leaves** mean all leaves which do not fairly closely enfold the compact portion of the head.
- (l) **Closely trimmed** means that the butt is trimmed off closely below the point of attachment of the outer leaves and that, on a head of Iceberg type lettuce, wrapper leaves do not exceed 3 in number.
- (m) **Permanent defects** means defects which are not subject to change during shipment or storage, including but not limited to soft, burst, open or poorly trimmed heads, seedstems or dirt.
- (n) **Condition defects** means defects which are subject to change during shipment or storage, including but not limited to decay, tipburn, russet spotting, pink rib, rib discoloration, and freezing injury.

- (o) **Serious damage** means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as serious damage:
 - (1) Tipburn:
 - (i) At shipping point when the aggregate area of discernible tipburn regardless of color occurring anywhere in the compact portion of the head exceeds that of a rectangle 3 inches in length and 1 inch in width; and,
 - (ii) En route or at destination when the aggregate area of tipburn or a light buff or darker color occurring anywhere in the compact portions of the head exceeds that of a rectangle 3 inches in length and 1 inch in width.
 - (2) Downy Mildew:
 - (i) At shipping point when materially detracting from the appearance or shipping quality of any head leaf; when mildew not accompanied by discoloration is readily apparent on more than 3 wrapper leaves, or when discoloration associated with mildew is readily apparent on more than 2 wrapper leaves; and,
 - (ii) En route or at destination when materially detracting from the appearance of more than 2 head leaves or when seriously detracting from the appearance of the wrapper leaves.
 - (3) Seedstems when causing the head to split or when protruding through the outer head leaves;
 - (4) Freezing when blistering, peeling, or other injury resulting from freezing, except discoloration, seriously detracts from the appearance or edible quality of more than 2 outer head leaves;

- (5) Discoloration of any one of the following types, or a combination of two or more types the seriousness of which exceeds the maximum allowed for any type;
 - (i) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when very seriously detracting from the appearance of the wrapper leaves;
 - (ii) Yellow or brown discoloration from any cause when seriously detracting from the appearance of the head exclusive of the wrapper leaves;
 - (iii) Reddish discoloration following bruising when seriously detracting from the appearance of more than 2 outer head leaves;
 - (iv) Russet spotting:
 - (a) At shipping point when any russet spotting is present,
 - (b) En route or at destination when the number, size, and color of the spots seriously detracts from the appearance of 2 or more head leaves.
 - (v) Pink rib when areas of deep pink color, as viewed on the outer surface of the leaf, seriously detract from the appearance or the edible quality of more than 2 head leaves; and,
 - (vi) Rib discoloration when seriously detracting from the appearance or the edible quality of more than 2 head leaves.
- (6) Decay affecting any portion of the head including wrapper leaves.

(p) **Shipping point** means the point of origin of the shipment in the producing area.

Historical Note

Sec. filed Sept. 25, 1968: renum. 188.4, new added by renum. 199.6, filed July 13, 1979 eff. July 13, 1979.

188.6 Culls

Culls as applied to lettuce, means any lot of lettuce which contains:

- (a) more than a total of 15 percent of heads which are seriously damaged by any means;
- (b) more than a total of eight percent serious damage by permanent defects; or
- (c) more than a total of seven percent of heads which are affected by decay on any portion of the head, exclusive of wrapper leaves.

Historical Note

Sec. filed Sept. 25, 1968; renum. 188.5, new added by renum. 188.6, filed July 13, 1979 eff. July 13, 1979.

188.7

Historical Note

Sec. filed Sept. 25, 1968; renum. 188.6, filed July 13, 1979 eff. July 13, 1979.

PART 189

RULES AND REGULATIONS RELATING TO LETTUCE

(Statutory authority: Agriculture and Markets Law, §§ 156-c, 156-d, 156-f, 160-q, 160-s)

Sec.

189.1 Use of “U.S.” prefix

189.2 Cull lettuce

189.3 Definitions

189.4 Branding

189.5 Packaging requirements

Sec.

189.6 Deceptive branding and labeling of packages

189.7 Vacuum-cooled

189.8 Invoice or bill of sale required

189.9 Standard weight

Historical Note

Part filed Sept. 25, 1968; amd. Filed Dec. 2, 1969 eff. Jan. 1, 1970. New Part substituted.

Section 189.1 Use of “U.S.” prefix. In describing or marking lettuce, 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 lettuce to which they relate shall be regarded as represented as graded according to New York official lettuce grades.

Historical Note

Sec. filed Sept. 25, 1968; amd. filed Dec. 2, 1969 eff. Jan. 1, 1970. New sec. substituted.

189.2 Cull lettuce. (a) Any lot of cull lettuce, regardless of place of origin, when sold or offered for sale in this State shall be definitely represented as cull lettuce. Every invoice rendered in connection with the sale of cull lettuce shall describe the lettuce as culls.

(b) All required marks or labels designating cull lettuce on containers, on display signs used in connection with bulk displays, or on individually wrapped heads, shall be in letters at least 1 ½ inches in height.

Historical Note

Sec. filed Sept. 25, 1968; amds. filed: Dec. 2, 1969; July 13, 1979 eff.

July 13, 1979.

189.3 Definitions. As used in this Part:

- (a) The words *closed package* mean a crate, box, carton or other container, the contents of which cannot be adequately inspected without opening.
- (b) The word *lettuce* means iceberg type lettuce.
- (c) The words *good delivery standards* mean, in connection with the use of the official lettuce grades, shipments of lettuce enroute or at destination of lettuce and at retail sale may contain an average of not more than three percent condition defects, including not more than two percent decay affecting any portion of the head exclusive of wrapper leaves in excess of the destination tolerances provided for the applicable grade in the official New York or U.S. standards for grades of lettuce. (For example, the No. 1 grade provides a 12 percent tolerance for damage at destination. If a lot contains five percent damage by permanent grade factors, seven percent of the tolerance can be applied to damage by condition factors. The additional three percent tolerance would then allow a total of 10 percent damage by condition factors in this shipment at retail destination and at retail sale.)

- (d) The words *fairly uniform in size* mean that not more than 10 percent, by count, of the heads in any container may vary appreciably in size from the standard size head for the count pack.
- (e) The words *excessively tightly packed* mean that heads are packed so tightly as to cause distortion or crushing of the heads or breaking of the midribs. The packing of 24 heads of 18 size in a standard cardboard lettuce container would result in an excessively tight pack.

Historical Note

Sec. filed Sept. 25, 1968; amds filed: Dec. 2, 1969; June 29, 1990 eff. July 18, 1990. Amended (c).

189.4 Branding. (a) Each closed package of lettuce when sold, exposed for sale or transported for sale shall be plainly and conspicuously marked to show:

- (1) That such lettuce is “**cull lettuce**,” if such is the fact.
- (2) The **number** of heads of lettuce contained therein.
- (3) That the package was **vacuum-cooled**, if such is the fact.
- (4) The **name and address** of the **packer** or **repacker**.

The cull identification requirement of paragraph (1) of this Subpart shall not apply to closed packages of lettuce which are being held for sale at retail in the retailer’s own storage facilities or which are being transported from such storage facilities to stores operated by such retailer.

- (b) All markings shall be clear and legible, the height of letters or numbers indicating the grade, number of heads, and whether vacuum-cooled shall be at least equal in height to all other required markings.
- (d) For packages containing more than 10 heads of lettuce all markings shall be in letters or numbers not less than one inch in height.
- (e) For packages containing 10 heads or less, all markings shall be in letters or numbers at least one-eighth inch in height.
- (f) All marks or labels designating the grade of lettuce shall be clear and legible, plainly printed, stenciled or stamped. Labels in connection with transparent film type packages shall, if inserted, be placed face out in a conspicuous manner and position.
- (g) All required markings on tags shall be at least five-eighths inches in height except for marking “culls”.

Historical note

Sec. filed Dec. 2, 1969; amd. filed June 29, 1990 eff. July 18, 1990. Amended (a).

189.5 Packaging requirements. (a) Heads of lettuce shall be fairly uniform in size and tightly but not excessively tightly packed in uniform layers in the containers according to approved and recognized methods.

- (b) The standard size head for a two-dozen pack is that size head having four wrapper leaves, which will pack tightly but not excessively tightly three rows with four heads of uniform size in each row in a layer in a standard cardboard container. Heads having lesser or greater number of wrapper leaves which can be packed as specified herein are considered equivalent in size to a standard size head with four wrapper leaves.
- (c) In order to allow for variations incident to proper packing, not more than a total of 10 percent of the containers in any lot may fail to meet the packaging requirements.

Historical Note

Sec. filed Dec. 2, 1969 eff. Jan. 1, 1970.

189.6 Deceptive branding and labeling of packages. The sale or transporting for sale of lettuce in open or closed packages, or unwrapped lettuce is forbidden if the branding, representation as to grade, or any statement, design or device appearing on the label, package or bulk display shall be false or misleading in any particular. However, the representation as to the official grades of shipment of lettuce at retail destination will not be false or misleading if in compliance with good delivery standards.

Historical Note

Sec. filed Dec. 2, 1969 eff. Jan. 1, 1970

189.7 Vacuum-cooled. (a) When lettuce is represented as having been vacuum-cooled, or required to be vacuum-cooled under the provisions of article 13-C of the Agriculture and Markets Law, the lettuce shall have been properly vacuum-cooled by recognized and approved vacuum cooling equipment which reduces the core temperature of lettuce to 36 degrees or less when the vacuum cooling process is completed. Temperature of head lettuce reported shall be the temperature taken near the center of the head with thermometer which has previously been cooled to the approximate temperature of the lettuce.

(b) Any person selling, offering for sale or transporting for sale, within this State, lettuce represented as having been vacuum-cooled, or required to be vacuum-cooled under the provisions of article 13-C of the Agriculture and Markets Law shall be required upon request to produce a certificate issued by the vacuum cooling firm showing the name of the applicant, date, hour and location where the vacuum cooling took place and the temperature of the product immediately after it was precooled; also the trailer or truck license number.

Historical Note

Sec. filed Dec. 2, 1969; repealed, new added by renum. 189.8, filed June 29, 1990 eff. July 18, 1990.

189.8 Invoice or bill of sale required. Any person selling, offering for sale or transporting for sale lettuce within this State shall be required upon request, to produce an invoice or bill of sale covering the sale of such lettuce.

Historical Note

Sec. filed Dec. 2, 1969; renum. 189.7, new added by renum. 189.9, filed June 29, 1990 eff. July 18, 1990.

189.9 Standard weight. (a) The following weight requirements may be used in connection with grade: lettuce packed in standard lettuce containers shall have a net weight of not less than 42 pounds (19 kg) and not more than 50 pounds (23 kg).

(b) In order to allow for variations incident to proper packing, not more than a total of five percent of the containers in any lot may fail to meet the requirements of standard weight.

Historical Note

Sec. filed Dec. 2, 1969; renum. 189.8, new added by renum. 189.10 filed June 29, 1990 eff. July 18, 1990.

189.10

Historical Note

Sec. filed July 13, 1979; renum. 189.9, filed June 29, 1990 eff. July 18, 1990.