

## ENFORCING THE AVOCADO STANDARDIZATION ACT

**K. L. Wolff**

*Deputy Horticultural Commissioner, Los Angeles*

The basic purpose of the California Fruit and Vegetable Standardization Act is to promote the development of the California fruit, nut and vegetable industry and to protect the state's reputation in state and interstate markets by establishing standard packages for certain products named in the act, and to prevent deception in the packing and sale of all fruits, nuts and vegetables. It also provides for the certification of fruits and vegetables at the option of the shipper or grower upon the payment of fees to cover the cost of such inspection. Since the subject we have at hand is purely the enforcement angle of the work, we will not take into account any phase of the inspections made for certification purposes.

At the present time nineteen commodities are named in the act, which, when shipped, delivered for shipment, offered for sale or sold, must meet certain specified requirements. Eight of the nineteen commodities are to be packed in certain standard containers, and when not packed in these containers must be designated as being packed in an irregular container.

The general standards prescribed for the listed commodities are that the material must be mature, but not over-ripe, virtually uniform in quality, virtually free from serious defects, such as insect injury, rots, bruises, frost injury, sunburn, etc., and when packed, virtually uniform in size. The only exception being that material not wrapped or regularly packed which is intended for use in processing or preserving need not meet the prescribed standards.

Fruits, nuts or vegetables of any kind, dried or fresh, must not be deceptively packed, mismarked or placed in any containers carrying a grade or other designation which is in any way false or misleading. It is this portion of the act which is specifically intended to prevent deception in the packing and sale of fruits. Maturity standards are specifically prescribed for certain of the commodities named, and this provision to a certain extent also prevents deception in the sale of these commodities.

It is necessary that containers, when packed with any of the commodities named, bear the name of the grower or packer, together with his post office address, the amount of material contained in the package, and, in the case of fruits, the variety, if known, and when not known, the words "Unknown Variety." The purpose of this provision is to trace the shipment to its origin if the contents are not what they should be.

Avocados have the distinction of being the latest fruit added to the commodities in the California Fruit and Vegetable Standardization Act, having been added by amendment about a year ago. I remember that a question frequently asked at your meeting a year ago was whether or not the senate bill carrying the amendments to the Standardization

Act had been approved by the governor. On July 24, 1925, the laws and amendments passed by the last legislature took effect and since that time the sale of avocados has in this state been regulated by the provisions of the standardization law.

Although the general requirements as set forth in Section 3 of the act apply to avocados, the standard of particular importance is the minimum maturity requirement, which is simply set forth by the statement that avocados shall not be considered mature when the edible portion shows an oil content of less than eight per cent by weight by chemical analysis.

Although oranges, grapes and cantaloupes also must meet stipulated maturity standards, the test required for avocados is far more complicated and must be performed in a laboratory. In the case of oranges the eight-to-one test can be easily completed in fifteen minutes. Grapes and cantaloupes can be tested with a hydrometer in less than five minutes, but our avocado test, to be accurate, requires two or three days. Naturally this feature has a complicating effect upon the duties of the enforcing officer. The need of a maturity test for avocados is, however, quite necessary in view of the fact that many varieties when immature have an appearance similar to other varieties which are perfectly ripe. Of course, the period of the year when certain varieties are in season gives one an idea of how the fruit is going to test. The great number of varieties and the varying seasonal conditions are factors which make this method of judging maturity a means which can only be followed after the completion of a great number of tests covering a considerable period of time.

Scarcely a month after the law had gone into effect express shipments of fruit began to arrive from Florida. All of the shipments arriving from that state during the months of August and September—there were seven different lots—failed by quite a margin to meet the eight per cent oil content test. I do not know whether this was because the fruit was picked early or whether it was because this particular strain, when raised in Florida, fails to attain an oil content of eight per cent when mature. Rumors from Florida were to the effect that the fruit was mature and dropping on the ground and that our law was barring this early fruit from California markets. Shipments from Florida of fruit of the Guatemalan strain which arrived here about Thanksgiving time just got by with less than one per cent oil to spare. I have seen recipe books issued by a firm in Florida which carry an avocado analysis showing the fat content to be 17.3%. It therefore appears that at least a certain portion of the avocados grown on the east coast will meet our maturity standards.

The method followed in inspecting express shipments was as follows: As soon as a lot arrived the express company notified the Horticultural Commissioner's office and a quarantine inspector looked at the stuff at the express office to see that it carried no dictyospermum scale or other injurious insects. If found clean the material was released to the consignee, and he was advised that a sample would be taken for an oil content test. The standardization man then took a sample, which was turned over to the county chemist for analysis. If the dealer went ahead and sold fruit before the test was completed he would have committed a misdemeanor if the oil content was found below the minimum. None took this chance, however, and in practically all cases the fruit was disposed of for seed purposes or taken by the dealer for his own use. Other shipments were diverted to points outside of the state. A couple of shipments which arrived the

latter part of November were found passable and immediately released.

In November some very immature local-grown Challenge variety avocados were found offered for sale on one of the local markets. Through alertness and activity of your secretary the Mexican offering the material for sale was apprehended and successfully prosecuted on a charge of selling immature avocados. Although the fruit had been stolen and the man at one time admitted it, it is doubtful whether a conviction could have been secured on a charge of larceny, as the obtaining of conclusive evidence in a case of theft of this kind is fraught with many difficulties. By prosecuting under the standardization law it was easy to prove that the avocados when sold did not have an oil content of eight per cent or over. The court gave the defendant a chance to state where the fruit had been obtained—a thing which he refused to do. He was sentenced to spend twenty days in jail.

This brings up a valuable phase of the avocado maturity law which is aside from its regularly intended purpose — the apprehending of avocado thieves through enforcement of the act. Even though it cannot be applied in all cases it does not make the chances of failure of conviction less when it can be used. The court, at its discretion, can demand the facts of the case, and upon the defendant's failure or reticence to show where the fruit was obtained can pronounce a heavier sentence than would be given under ordinary circumstances. It might be said in passing that this year's experience indicates that most of the stealing is done early in the season when fruit is generally immature and high prices and a ready market prevail.

Several cases of immature stuff being offered for sale were noted during the months of November and December, and in the majority of cases it is believed that originally it had been stolen. We were able to keep the dealer from selling to the consumer, but it was not possible to locate the original seller because the store or stand owner had kept no record.

During January there were but four violations found, two of which seemed to be stolen fruit. February was the big month, as twenty-six violations were recorded. Of these violations the material was believed to have been stolen in eight cases and was definitely traced to its point of origin in eighteen instances. Now when I say that it was believed that the fruit was stolen I mean that the individual at whose store we found the material was unable to furnish us with the name of the party from whom he had bought it and in most instances the price paid by the retailer was way under the market price prevailing at the time.

The total violations up to April 1st, not including the Florida material, amounted to thirty-six. The amount of fruit involved amounted to 1450 pounds, of which 733 pounds, or about 51%, was believed to have been originally obtained by theft. The other 717 pounds were brought in by growers who claimed to be ignorant of the law. I do not know of a single instance in which any grower willfully offered stuff for sale which he knew to be immature. In the case of avocados which were found on stands and the stand owner was unable to give the name of the grower or peddler from whom he purchased it, the material was usually dumped, although in a few cases involving small lots the dealer took the fruit for his own use. Where a grower was involved, we in many instances allowed the return of fruit on the stipulation that it would be used for home consumption

or other than eating purposes. The co-operation received from the grove owners was, generally speaking, 100% perfect. We have no record of any such individual attempting to sell fruit which had been returned to him because it was immature. Other growers, before picking their fruit, inquired as to the varieties which were found to pass at that particular time. In this matter we were particularly able to help in several instances, as the tests which we were continually having made kept us posted as to the general conditions of any certain variety.

From January 1st to April 1st, 71 oil content tests were made under the direction of the Horticultural Commissioner's office. Of this number, 31, or 44%, did not pass. On March 1st we had made 42 tests, of which 26, or 62%, failed to pass. Starting with March 1st, many of the varieties which had been found immature prior to that time were found to show 8% oil or over. Only one violation was reported during the month, even though a great many tests were made. This was probably due to the fact that the enforcement work was getting considerable publicity and more and more growers were testing their fruit before offering it for sale. Another point is the fact that the Challenge variety, which, due to its good appearance even though immature, was a very consistent offender, was found to pass the test if showing any amount of purple coloring at the time of picking. About the middle of February a chart was prepared by the Horticultural Commissioner's office showing the months of maturity of certain popular varieties of avocados. This chart, with a letter briefly describing the requirements of the Standardization Act applying to avocados, was distributed to parties dealing in that commodity and was given considerable publicity through the medium of the press. One of the suggestions carried in the letter was that dealers get the name or automobile number of strangers attempting to sell them fruit. The issuance of this recommendation, together with the arrest of two avocado thieves in the Whittier section, was without doubt responsible for the decline in thievery noted since the early part of March. The information on the period of maturity for the different varieties was obtained through a recapitulation of all available oil content tests. It is possible that another year will bring some changes, but our experience this year has shown the chart as originally prepared to have been surprisingly close to the existing conditions.

Only two prosecutions were made. I have already spoken about the one which resulted in a thief being put in jail for twenty days. The other case was lost through the failure of the stand owner at whose place the fruit was found to satisfactorily identify the party from whom he had made his purchase. Our policy has been during the first year's operation of a law to bring court action only in those cases where the violation is clearly evident and the individual refuses to co-operate with us in our efforts to stop the sale of material which does not meet the standard.

You may be interested in the procedure followed in making an inspection. The inspector enters the place and looks over the avocados. If he finds any variety which is not in season, he advises the proprietor. The usual reply is to the effect that if the fruit is put away for a few days it will soften and be alright; then it is necessary to explain that it is not merely a question of the stuff becoming soft, but it is whether or not the product was passable when picked. As far as we know the oil content increases little, if any at all, in the process of softening. The inspector then proceeds to take a sample of the fruit for the purpose of making a test. He generally takes one of the greenest appearing and

another fruit about medium maturity. The store or stand owner is asked to take the material off sale until the test has been made. He is advised that if he refuses to do so and goes ahead and makes a sale and the sample does not pass, he is liable to be prosecuted. If the fruit passed, the dealer is immediately advised so that sale can be continued. When it does not pass he is so advised and the inspector sees to it that no sale is made for eating purposes. Occasionally, it was possible to split a lot up, the more mature being sold and the rest disposed of in other ways.

To sum the whole matter up, it is my opinion that the first year of avocado standardization enforcement work in this county has been very successful. Thieving has been reduced. A large number of the dealers are familiarizing themselves with the various varieties which they handle and are endeavoring to sell only good passable stuff. While some growers have lost some fruit on account of having unintentionally picked it before it was ripe, I know of no one individual who has suffered a considerable loss, and from all indications happenings of this kind will become fewer and fewer as time goes on. Arguments have been advanced to the effect that certain varieties may never pass the test. This may be true, but we have not, as yet, run across any of these fruits. It is further stated that some people prefer an avocado having a low percentage of oil. This is quite possible, but on the other hand, at most times there is fruit available which only passes the test with a small leeway. These are problems, however, to be worked out by the industry, as the duty of the inspector is simply to enforce the law as it appears on the books.