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# VICTORIA GOVERNMENT GAZETTE.

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FRIDAY, MAY 17.

[1918.

*Fruit Act 1917.*

## FRUIT AND VEGETABLES DECLARED.

### PROCLAMATION

By His Excellency the Honorable Sir Arthur Lyulph Stanley, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

IN pursuance of the provisions contained in the *Fruit Act 1917* (No. 2919), I, the Governor of the State of Victoria in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, do by this my Proclamation declare the following to be fruit within the meaning and for the purposes of the said Act (that is to say):—

Apples	Gooseberries	Pears
Apricots	Grapes	Persimmons
Bananas	Loganberries	Pineapples
Blackberries	Loquats	Plums
Cape Gooseberries	Mangoes	Quinces
Cherries	Nectarines	Raspberries
Citrus Fruits	Passion Fruit	Strawberries
Currants	Peaches	Tomatoes
Figs		

and I further declare the following to be vegetables within the meaning and for the purposes of the said Act (that is to say):—

Asparagus	Cauliflowers	Peas
Beans	Cucumbers	Potatoes
Beetroot	Lettuces	Tomatoes
Cabbages	Onions	Turnips
Carrots	Parsnips	

Given under my Hand and the Seal of the State of Victoria, at Melbourne, this fourteenth day of May, in the year of our Lord One thousand nine hundred and eighteen, and in the ninth year of the reign of His Majesty King George V.

(L.S.)

By His Excellency's Command,

A. L. STANLEY.

D. S. OMAN,  
Minister of Agriculture.

GOD SAVE THE KING!

*Fruit Act 1917, Part II.*  
**REGULATIONS.**

*At the Executive Council Chamber, Melbourne, the  
fourteenth day of May, 1918.*

**PRESENT:**

His Excellency the Governor of Victoria.

Mr. Bowser	Mr. Robertson
Mr. Hutchinson	Mr. Kendall
Mr. Clarke	Mr. Campbell.
Mr. Barnes	

**U**NDER the powers in that behalf conferred by the Fruit Acts to make regulations for or with respect to standards and methods of packing fruit or vegetables for sale and for other purposes, the Governor in Council of the State of Victoria doth order as follows:—

**I.—SHORT TITLE AND CONSTRUCTION.**

These Regulations may be cited as the "Fruit and Vegetable Packing Regulations 1918," and shall be read and construed as applying to fruit and vegetables intended for sale, and to the packing, grading, and marking of same, and shall come into operation on and from the 15th May, 1918.

**II.—DEFINITIONS.**

For the purpose of these Regulations—

"Advertising matter" means any paper, card, slip, or anything inserted into any package of fruit or vegetables, and which bears any written or printed statement used for the purpose of advertising.

"Chat Potatoes" means small potatoes such as are used for stock food purposes, and "chat" shall have a similar meaning.

"Falsely packed" means packed in any way other than is prescribed.

"False mark" means any marking or description which by reason of anything contained therein or omitted therefrom is likely to mislead in a material respect as regards the grade, weight, or variety of any fruit or vegetables or the description, kind, capacity, materials, dimensions, measurements, or conditions of any package to which it is applied and includes every alteration of any mark or description whether by way of addition or effacement or otherwise which makes the marking false or likely to mislead in a material respect.

"Foreign substances" means any earthy matter, stones, sand, or gravel.

"Fruit" means any fruit declared by the Governor in Council, by notice in the *Government Gazette*, to be fruit for the purpose of these Regulations.

"Grade" shall have relation to colour, maturity, number, size, and soundness, and "graded" and "grading" shall have a similar meaning.

"Inspector" means any inspector appointed under the provisions of Part II. of the *Fruit Act 1917*.

"Marks" in relation to fruit or vegetables or packages means any description, information, statement, words, or marks, or any suggestion, direct or indirect—

(a) as to the colour, kind, number, size, soundness, variety, or weight of fruit or vegetables and the capacity, dimensions, or measurements of packages;

(b) as to the place or locality in or at which the fruit or vegetables were produced or packed or the packages were made;

- (c) as to the name, address, and guarantee of the manufacturer of the package or the name and address of the producer of the fruit or vegetables or the person by whom they were selected, packed, or in any way prepared for market;
- (d) and includes any mark which according to the custom of the trade or of common repute is taken to be an indication of the above matters, and "marked" and "marking" shall have a similar meaning.

"Packed" means packed as prescribed.

"Packing material" means strawboard, wood-wool, wrapping paper, or other material used in packing fruit or vegetables.

"Prescribed" means prescribed by these Regulations.

"Registered brand" means any brand which has been registered with the Department of Agriculture in pursuance of these Regulations.

"Sound" and "Soundness" mean freedom from damage or decay and from any abnormal condition of or in fruit or vegetables whether consisting of the presence of or caused by or due to the operations, development, growth, or decay, of any insect or fungus.

"Size" in relation to fruit means the diameter or size of any fruit measured from side to side at right angles to the axis of the stem and the calyx or apex.

"Standards" means the standards set out in these Regulations.

"Vegetables" means any vegetables declared by the Governor in Council, by notice in the *Government Gazette*, to be vegetables for the purpose of these Regulations.

**III.—PACKING, GRADING, AND MARKING OF FRUIT AND VEGETABLES FOR SALE.**

The following standards and methods are prescribed as those to be observed and followed in connexion with packing, arranging, and sale of fruit or vegetables:—

1. In the case of fruit or vegetables contained in any package of any description or size, or comprised in any lot, the outer layers and shown surface of the fruit or vegetables shall be so packed or arranged that they shall be a true indication of—

- (a) the average grade of the whole of the fruit or vegetables;
- (b) the manner in which the whole of the fruit or vegetables are stacked, arranged, or packed; and
- (c) the presence of any foreign substances contained in such package or comprised in such lot.

2. In the case of any fruit contained in any package for sale, such package shall be one of a size, measurement, and capacity corresponding with one of the standards set out in the first, second, third, or fourth schedule hereto, provided that the packages of the sizes shown in the second schedule are to be used for the packing and sale of grapes only.

3. In the case of any fruit or vegetables contained in any package of any description, size, or comprised in any lot, the proportion of foreign substances by either weight or measurement shall not exceed 2½ per centum of the total contents of

the package, and the proportion of foreign substances shall not exceed  $3\frac{1}{2}$  per centum of the total contents of any bag.

4. In the case of fruit or vegetables contained in any package of any description or size, such package shall not contain a greater proportion of—

- (a) Packing materials than is sufficient to cover the top and bottom of the package to a combined thickness of  $1\frac{1}{2}$  inches excepting in the case of grapes packed in packages of the sizes shown in the second schedule hereto, when cork-dust may be used throughout the package, but the maximum quantity of cork-dust to each package shall not exceed 5 lbs. (avoir.);
- (b) wrappers than is sufficient to effectually wrap or cover each fruit, and the maximum number of such wrappers shall not exceed two to each fruit;
- (c) advertising matter than can be shown on one slip, label, or sheet of paper, or other suitable material of the maximum thickness of one-sixteenth of an inch, and of no greater size than is sufficient to cover the top layer of fruit or vegetable in any package.

5. In the case of any fruit or vegetables (excepting apples, citrus fruits, peaches, pears, potatoes, and onions) contained in any package of any description or size, the net weight or number, or quantity of the contents of such package shall, excepting where otherwise provided, be conspicuously, legibly, and durably marked on the outside of the package itself, or on a ticket, tag, or label affixed in a conspicuous position on the outside of the package in letters of not less than one-quarter of an inch in length.

6. In the case of any fruit or vegetables packed in any package of the sizes set out in the first schedule hereto, the owner or packer thereof shall, before it is taken from the premises where packed, and, provided that all previous marking (if any) has been effectively obliterated, mark or cause to be marked on one outside end of the package legibly and durably (Note 1)—

- (a) the words "packed by," the initials of his christian name, and his full surname and address, or his registered brand; or, in the case of a firm or corporation, with the firm or corporate name and address or registered brand in letters of not less than one-half an inch in length ("Packer" in this sub-paragraph means the responsible employee where the actual work is done by a servant of another his master); and
- (b) the name of the variety (Note 2) or varieties of the fruit in letters of not less than one-quarter of an inch in length.

7. In the case of apples, citrus fruits, peaches, or pears packed in any package, the package shall be marked legibly and durably in letters of not less than one-quarter of an inch in length, with a designation of the grade ("A," "B," "C," or "D," as the case may be determined or prescribed) of the fruit therein contained.

8. In the case of apples, citrus fruits, peaches, or pears packed in any package, such fruits shall be graded in accordance with the requirements of the standards set out in the fifth and sixth schedules hereto.

9. In the case of potatoes or onions contained in any package, such potatoes or onions shall be graded in accordance with the requirements of the standards set out in the seventh or the eighth schedule hereto.

10. In the case of potatoes or onions contained in any package, such package may, after the conditions set out in the Regulations made on the ninth October, 1916, under the *Vegetation and Vine Diseases Act 1915*, with respect to marking of packages and other matters have been complied with, be marked with a designation of the grade of potatoes or onions in accordance with the provisions set out in the seventh or the eighth schedule hereto.

11. In the case of fruit or vegetables packed in any package of the sizes shown in the schedules hereto, the package shall be legibly and durably marked at one end on the outside of the package, within a space measuring not more than 3 inches long and  $1\frac{1}{2}$  inches wide, with the name and address of the maker of the case; and—

- (a) in the case of fruit contained in packages of the sizes shown in the first schedule hereto with the words "guaranteed by maker to contain one imperial bushel," or "guaranteed by maker to contain one-half an imperial bushel," or "guaranteed by maker to contain one-quarter an imperial bushel," as the size of the package warrants;
- (b) In the case of fruit contained in packages of the sizes shown in the second schedule hereto with the words "guaranteed by maker to contain 25 lbs. net" or "guaranteed by maker to contain 28 lbs. net," as the size of such package warrants;
- (c) In the case of fruit contained in packages of the capacities shown in the fourth schedule hereto with the words "guaranteed by maker to contain one and a half pints" or "guaranteed by maker to contain two imperial gallons," as the capacity of such package warrants.

12. In the case of any lot of vegetables made up in bundles, the specimens in each bundle shall be of uniform size throughout.

13. In the case of any fruit or vegetables contained in any package or comprised in any lot, such fruit or vegetables shall be sound.

#### IV.—EXEMPTIONS.

Notwithstanding anything to the contrary in these Regulations, the following exemptions from any or all of the foregoing provisions may be permitted:—

1. In the case of any fruit or vegetables forwarded for manufacturing purposes to any factory, provided that the packages containing such fruit are legibly marked with the words "For factory use," and satisfactory proof is furnished by the vendor to the inspector that such fruit is intended for manufacturing purposes.

2. In the case of any fruit or vegetables, the provisions of paragraph 6, sub-paragraphs (a) and (b), and paragraph 7, with respect to the sizes required for letters for marking any package of the sizes set out in the first schedule hereto, if such marking is printed on a label affixed to one end of such package, in which case the words "packed by" and the name and address of the owner or packer, or his registered brand, shall be printed in letters of not less than one-quarter of an inch in length and the name of

the variety or varieties and designation of the grade or grades of the fruit shall be legibly and durably printed or marked on such label in letters of not less than one-eighth of an inch in length.

3. In the case of fruit sold in packages with the lid or the side removed, the provisions of these Regulations shall be deemed to have been complied with if—

- (a) such package is marked legibly and durably with the name or registered brand of the owner or the name of the packer and the maker's name and guarantee as provided in Regulation III.(11).
- (b) in the case of apples, apricots, citrus fruits, peaches, and pears, in addition, the package is marked with a designation of the grade of the fruit as provided in Regulation III.(7).

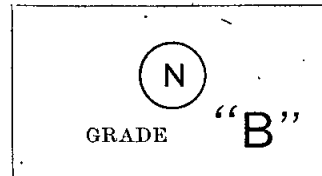
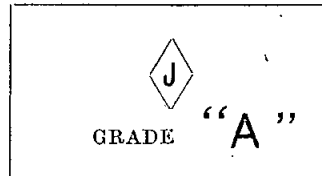
V.—PENALTIES.

The following penalties are hereby prescribed as those to be inflicted for a contravention of these Regulations (that is to say)—

- (a) In the case of a first offence any sum not exceeding One pound.
- (b) In the case of a second or subsequent offence any sum not exceeding Ten pounds.

NOTES.

1. A mark made by a lead pencil will not be considered durable, but a clearly printed label firmly affixed to a package will be considered as such.
2. When the name of the variety is unknown or doubtful, the symbol "X" may be substituted for the variety name.
3. Slackly packed and over-pressed packages are to be considered improperly packed if the condition is likely to result in permanent damage to the fruit during transit or handling.
4. Concerning the marking of packages with the lid or the side removed, as required by Regulation IV. (3), the following styles of label, measuring 1 inch by 2 inches, and bearing the imprint of the owner's registered mark or brand and the designation of grade, are suggested as an example.



SCHEDULES.

FIRST SCHEDULE. - -

STANDARD SIZES, MEASUREMENTS, AND CAPACITIES OF PACKAGES.

Name of Case.	Inside Dimensions, clear of all Divisions.	Capacity.
Bushel case	Eighteen inches long, by fourteen and a quarter inches deep by eight and two-thirds inches wide	Not less than one imperial bushel or cubical content of two thousand two hundred and twenty three cubic inches (2,223)
Bushel case	Twenty-six inches long by fourteen and a quarter inches deep by six inches wide	Not less than one imperial bushel or cubical content of two thousand two hundred and twenty three cubic inches (2,223)
Bushel case	Twenty inches long by ten inches deep by eleven and one-eighth inches wide	Not less than one imperial bushel or cubical content of two thousand two hundred and twenty-five cubic inches (2,225)
One - half bushel case	Eighteen inches long by eight and two-thirds inches wide by seven and one-eighth inches deep	Not less than one half imperial bushel or cubical content of one thousand one hundred and eleven and one-half cubic inches (1,111½)
One - half bushel case	Twenty-six inches long by six inches wide by seven and one-eighth inches deep	Not less than one half imperial bushel or cubical content of one thousand one hundred and eleven and one-half cubic inches (1,111½)
One - half bushel case	Eighteen inches long by eleven and three-quarter inches wide by five and a quarter inches deep	Not less than one half imperial bushel or cubical content of one thousand one hundred and ten cubic inches (1,110)
One - quarter bushel gin case	Thirteen and three-quarter inches long by ten and one-eighth inches wide by four inches deep	Not less than one quarter imperial bushel or cubical content of five hundred and fifty-six and seven-eighths cubic inches (556¾)
Tropical fruit case	Twenty-four and three-quarter inches long by twelve inches wide by twelve inches deep	Of cubical content of not less than three thousand five hundred and sixty-four cubic inches (3,564)

SECOND SCHEDULE.

STANDARD SIZES, MEASUREMENTS, AND CAPACITIES OF PACKAGES.

Name of Case.	Inside Dimensions, clear of all Divisions.	Capacity.
Grape case (2S lbs.)	Twenty-two and one-half inches long by seven inches wide by thirteen and one-half inches deep	Of cubical content of not less than two thousand and one hundred and twenty-six and one-quarter cubic inches (2,126¼)
Grape case (25 lbs.)	Twenty-six and one-half inches long by five inches wide by thirteen and one-half inches deep	Of cubical content of not less than one thousand seven hundred and eighty-eight and three-quarter cubic inches (1,788¾)

THIRD SCHEDULE.

STANDARD SIZES, MEASUREMENTS, AND CAPACITIES OF PACKAGES.

Name of Case.	Inside Dimensions, clear of all Divisions.	Capacity.
Apricot, peach, pear, and plum trays	Eighteen inches long by fourteen and one-quarter inches wide by three and one-quarter inches deep Eighteen inches long by fourteen and one-quarter inches wide by two and seven-eighths inches deep	Of cubical content of not less than eight hundred and thirty-three and five-eighths cubic inches (833⅝) Of cubical content of not less than seven hundred and thirty-seven and seven-sixteenths cubic inches (737⅞)

## FOURTH SCHEDULE.

## STANDARD SIZES, MEASUREMENTS, AND CAPACITIES OF PACKAGES.

Name of Packages.	Inside Dimensions, clear of all Divisions.	Capacity
Punnet .. .. .	.. .. .	One and a half imperial pints or cubical content of fifty-one and one-third cubic inches ( $51\frac{1}{3}$ )
Bucket .. .. .	.. .. .	Two imperial gallons or cubical content of five hundred and fifty-four and three-fifths cubic inches ( $554\frac{3}{5}$ )

## FIFTH SCHEDULE.

## GRADE STANDARDS FOR APPLES, CITRUS FRUITS, PEACHES, AND PEARS.

*General Requirements.*

Grade A shall consist of well-grown specimens of one variety, sound, of uniform and of at least normal size, and of good colour for the variety, grade, or size, of normal shape, and properly packed.

Grade B shall consist of well-grown specimens of one variety, sound, of uniform and of not less than medium size, and of good colour for the variety, grade, and size of normal shape, and properly packed.

Grade C shall consist of specimens of uniform and of not less than medium size for the variety and grade, sound, and properly packed.

Grade D shall consist of sound specimens, so packed that the outer layers or shown surface shall be a true indication of the average grade of the fruit throughout the package.

## SIXTH SCHEDULE.

## ADDITIONAL REQUIREMENTS FOR APPLES.

The grade requirements for apples, so far as sizes and colour are concerned, shall be as follows:—

*Grade A.*

All apples in this grade shall consist of specimens of not less than  $2\frac{1}{2}$  inches in diameter, excepting that normally small varieties, such as Fameuse (Pomme de Neige), Yates, Summer Pearmain, &c., shall consist of specimens of not less than  $2\frac{1}{4}$  inches in diameter.

Wholly red varieties, such as Baldwin, Black Ben Davis, Hoover, Jonathan, King David, &c., shall, when such varieties are not less than  $2\frac{3}{4}$  inches in diameter, consist of at least 75 per cent. of specimens of good red colour for the variety, and if less than  $2\frac{3}{4}$  inches in diameter shall consist of at least 90 per cent. of specimens of good red colour for the variety.

Striped or partially red varieties, such as Cox's Orange Pippin, Delicious, Nickajack, Rome Beauty, &c., shall, when such varieties are not less than  $2\frac{1}{2}$  inches in diameter, consist of at least 50 per cent. of specimens of good red colour for the variety, and, if less than  $2\frac{1}{2}$  inches in diameter, shall consist of at least 75 per cent. of specimens of good red colour for the variety.

Yellow or green varieties, such as Cleopatra, Dumelow Seedling, London Pippin, or Newton Pippin, shall consist of specimens of characteristic colour for the variety.

*Grade B.*

All apples in this grade shall consist of specimens of not less than  $2\frac{3}{8}$  inches in diameter. Wholly red or striped or partially red varieties shall consist of at least 33 $\frac{1}{2}$  per cent. of specimens of good red colour for the variety. Yellow or green varieties shall consist of specimens of characteristic colour for the variety.

*Grade C.*

All apples in this grade shall consist of specimens of not less than  $2\frac{1}{4}$  inches in diameter. No colour requirements are needed for this grade, excepting that specimens shall not be clearly immature.

*Grade D.*

Shall consist of specimens not less than 2 inches in diameter, and packed in accordance with the general requirements of these Regulations, viz.:— That the outer layers or shown surfaces of the fruit contained in the package shall be so packed that they shall be a true indication of the average grade of the whole of the fruit contained in such package.

No colour requirements are needed in this grade, excepting that specimens shall not be clearly immature.

Notwithstanding anything to the contrary, normally small varieties, such as Fameuse (Pomme de Neige), Yates, Summer Pearmain, &c., shall be allowed in any grade if the specimens in such varieties are not less than the following diameters:—

1. Grade A.— $2\frac{1}{2}$  inches.
2. Grade B.— $2\frac{3}{8}$  inches.
3. Grade C.— $2\frac{1}{4}$  inches.
4. Grade D.—2 inches.

## SEVENTH SCHEDULE.

## GRADE STANDARDS FOR POTATOES.

"First grade" shall consist of potatoes, sound, of normal shape, free from horned and hollow specimens, and shall consist of at least 85 per cent. of specimens of not less than  $2\frac{1}{2}$  inches in diameter. No potatoes in this grade shall be less than  $1\frac{3}{4}$  inches in diameter.

"Second grade" shall consist of potatoes, sound, of normal shape, free from horned and hollow specimens, of not less than  $1\frac{3}{4}$  inches in diameter.

"Ungraded" shall consist of tubers that do not fulfil the requirements of "first" and "second" grades, provided they are of good shape and sound and are not less than  $1\frac{1}{2}$  inches in diameter, and so packed that the outer or shown surface shall be a true indication of the whole of the contents of the package or lot.

"Chats."—Notwithstanding anything in the foregoing Regulations, sound potatoes of less than  $1\frac{1}{2}$  inches in diameter may be sold for table use, provided they are packed in separate cases or containers, or are exposed for sale apart from any potatoes specified in the foregoing grades.

## EIGHTH SCHEDULE.

## GRADE STANDARDS FOR ONIONS.

Table onions shall consist of sound bulbs of over  $1\frac{1}{2}$  inches in diameter.

Pickling onions shall consist of sound bulbs of  $1\frac{1}{2}$  inches in diameter, or under.

And the Honorable David Swan Oman, His Majesty's Minister of Agriculture for the State of Victoria, shall give the necessary directions herein accordingly.

F. W. MABBOTT,  
Clerk of the Executive Council.

