

The background features a stylized sun with a yellow glow at the top, transitioning into a white area with a pinkish-purple gradient at the bottom. The lower portion of the background is filled with a pattern of overlapping, semi-transparent grape shapes in shades of pink and purple.

**Overview of Packaging and Labeling Regulations
for California Fresh Table Grapes and Tree Fruit**

CALIFORNIA GRAPE AND TREE FRUIT LEAGUE

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Members frequently contact the League office with questions regarding packaging and labeling regulations. Most of the questions relate to a few basic issues such as standard container regulations, experimental permits, export requirements, and labeling standards. To assist League members with complying with all state and federal regulations, staff has prepared this summary of all relevant state and federal packaging and labeling regulations. This report will be updated as needed and will be posted on the League's web site (www.cgfl.com). Specific questions regarding packaging or labeling regulations can be directed to the League office.

Important Note:

Regulations change frequently and this overview is not intended to be a comprehensive list of requirements. Shippers should consult the appropriate regulatory agency regarding any specific questions regarding current packaging and labeling regulations.

General Information

All non-consumer containers must be labeled with the identity of the commodity, address of the responsible party, and net quantity (“IRQ”).

Variety markings must be clear and conspicuous.

Minimum letter height requirements are specified for net quantity declarations. The minimum letter height requirement is 1/16 inch, but if the principal display panel is 25 – 99 square inches, then the statement must be printed in letters at least 3/16 inch in height. If the principal display panel is 100 – 400 square inches, then the statement must be printed using letters at least ¼ inch in height.

The principal display panel is defined as the part, or parts, of the container most likely to be examined or displayed under normal conditions of purchase.

The quantity statement must be printed in the lower 30 percent of the principal display panel and shall be in a color that contrasts conspicuously with the background. Quantity declarations containing qualifying words are prohibited (e.g. “minimum” “approximately” “when packed”).

Weight statements are not required on consumer packs containing 6 or fewer count. The regulations include specific approved weight declarations, abbreviations for units of measure and other labeling definitions and requirements derived from the *Uniform Packaging and Labeling Regulation*.

Shipping containers must be labeled with three required pieces of information:

- Name of product
- Name and address of the shipper
- List of post-harvest chemicals (i.e. post-harvest fungicide used)

TABLE GRAPES

All table grapes must be shipped in closed containers. For most grape containers, the lids must be attached to the container and cover at least 40 percent of the top opening. However, 16” x 24” containers (#38M) are considered covered when 90 percent or more of the opening is covered with a wrap or curtain held in place by the weight of the fruit. Containers of table grapes do not need to meet this requirement when in a retail store and open for display to persons who purchase grapes for their own consumption.

Closed bags of table grapes must be labeled with IRQ statements.

Non-consumer table grape container labels must have variety markings. Generic names (e.g. “red seedless”) must be used in conjunction with a specific variety name. CDFA requires that any new variety of grapes must be properly documented. Examples of suitable documentation for acceptance of a new grape variety include recognition by a University, the USDA, a patent from either the California Trademark Registrations and/or United States Patent Office, or listing in a recognized publication (exp. University Publication). Suitable documentation may include more than one of the aforementioned examples.

Plain packed table grapes must have a net weight statement (20 lbs. net weight minimum in the Coachella Valley, 21 lbs. minimum net weight elsewhere). There is no minimum weight for containers of bagged grapes.

Open bags (twisted, without tie or rolled over) are not considered consumer containers and considered exempt from IRQ markings.

TREE FRUIT

Containers packed with apples, apricots, cherries, nectarines, peaches, and plums must have variety and size/count markings.

Variety marking must be at least 3/16 inch in height (peaches, plums and nectarines).

Peaches, plums and nectarines can be mixed by commodity, but not by variety in bags or clamshells.

RETAIL PACKAGING

Fresh Fruit packed in bags, clamshells or other types of retail packaging must be labeled per FDA guidelines with four required pieces of information:

- Name of product
- Name and address of the packer or distributor
- Net weight
- The ingredient statement (i.e. wax or other coating)

For more information regarding Standard Containers:

CDFA, Inspection and Compliance Branch

www.cdfa.ca.gov/is/regulations.html

For more information regarding Container Weights and Measures:

CDFA, Division of Measurement Standards

www.cdfa.ca.gov/dms

PACKAGING MATERIALS

There are federal and state regulations regarding the content of packaging materials. For example, certain packaging materials must be “food grade,” and the use of lead in printing ink is prohibited in California. Shippers are advised to check with their packaging suppliers to ensure that their materials meet all regulations.

For more information regarding packaging materials:
U.S. Food and Drug Administration, Office of Food Additive Safety
<http://www.fda.gov/Food/FoodIngredientsPackaging/default.htm>

EXPERIMENTAL CONTAINER PERMITS

Table grapes, juice grapes, and most tree fruit commodities produced in California must be packed in standard containers with prescribed dimensions. Experimental permits are required for new (non-standard) containers. Permits are limited to 10 percent of the previous year’s shipment volume, by product. Individual permits may only be renewed twice. Shippers must mark experimental containers with the permit number and keep shipment records for one year to verify compliance with regulations.

For more information regarding Experimental Container Permits:
CDFA- Standardization Program
<http://www.cdfa.ca.gov/is/i & c/standardization.html>

Perishable Agricultural Commodities Act (PACA)

Working in partnership with the fruit and vegetable industry, PACA facilitates fair trade practices through education, mediation, arbitration, licensing and enforcement.

PACA REGULATIONS

The law requires that you have a PACA license to operate a produce business.

All written statements printed on containers (including bags and clamshells) must be true.

Misrepresentation by label or mark regarding the grade, quality, size, pack, weight, condition, maturity, or origin of a product will be considered misbranding and subject to potential prosecution.

**For more information regarding PACA:
U.S Department of Agriculture, PACA Branch
www.ams.usda.gov/fv/paca/htm**

Post-Harvest Chemical and Wax Coating Statements

Retail packaging labeling guidelines:

- Name of produce
- Name and address of the packer or distributor
- Net weight
- The ingredient statement (i.e. wax or other coating)

Bulk shipping containers containing the retail packaged fruit labeling guidelines:

- Name of the product
- Name and address of the shipper
- Post-harvest chemicals (i.e. post-harvest fungicide used)

If the shipping container contains only bulk fruit without any retail packages (such as plastic bagged fruit), it must be labeled with the name and address of the shipper, the product name, net weight and the identity of any post-harvest chemical and post-harvest food-additives.

If retail packaged product is not shipped within a master container, then the post-harvest chemical must be included on the outside of the retail pack.

POST-HARVEST CHEMICALS

The chemical used, and the purpose of the material must be indicated on the master or bulk container, along with the function of the chemical (i.e. “Treated with Iprodione and/or DCNA for fungicide use”). The statement “to maintain freshness” is not required but can be added.

The statement cannot be prefaced with “May have been treated with...” unless the chemical is only used on an occasional basis.

The statement must be printed clearly and conspicuously with sufficient color contrast with the background. Chemical usage statements cannot be printed on the bottom or interior of the package.

WAX STATEMENTS

All produce containers must be labeled accordingly if any post-harvest waxes or resin coatings were applied to the product. The material used, and the purpose of the material must be indicated (e.g. “Coated with Food Grade Vegetable Wax.”). The statement “to maintain freshness” is not required but can be added.

The statement must be printed clearly and conspicuously on the principal display panel of the package, or if there is insufficient room, it may be displayed on the information panel, with sufficient color contrast with the background. Wax and resin coating usage statements cannot be printed on the bottom or interior of the package.

The minimum letter height requirement is 1/16 inch. If the principal display panel is 25 – 99 square inches, then the statement must be printed in letters at least 3/16 inch in height. If the principal display panel is 100 – 400 square inches, then the statement must be printed using letters at least ¼ inch in height.

**For more information regarding Post-Harvest Chemical and Wax Coating Statements:
U.S Department of Health and Human Services, Food and Drug Administration (FDA)
<http://www.fda.gov/Food/default.htm>**

Country of Origin Labeling (COOL)

Country of Origin Labeling is a labeling law that requires retailers, such as full-line grocery stores, supermarkets, and club warehouse stores, notify their customers with information regarding the source of certain foods.

COOL GUIDELINES

Country of origin labeling is required for all covered commodities including muscle cut and ground meats: beef, veal, pork, lamb, goat, and chicken; wild and farm-raised fish and shellfish; fresh and frozen fruits and vegetables; peanuts, pecans, and macadamia nuts; and ginseng.

A shipper is responsible for providing the proper COOL information to their retail customers.

There are no specific requirements as to the exact placement or size of the country of origin, however, it must be legible and conspicuous, and existing Federal labeling requirements must be followed.

For exported product, many other nations require that the country of origin be printed on the shipping container. In some cases, the country of origin must be printed in the local language.

**For more information regarding COOL:
USDA-AMS, Livestock and Seed Program
www.ams.usda.gov/COOL**

Organic Labeling

Under the National Organic Program (NOP) within the USDA's Agricultural Marketing Service (AMS), organic crops adhere to national standards for organic food production that is verified by a USDA-accredited certifying agent before a product can be labeled USDA organic.

ORGANIC LABELING GUIDELINES

Fruit that has been certified to meet NOP standards, may display the label "100 percent organic" or "organic," and may carry the USDA organic seal. In addition, the label must also include "Certified organic by _____" of the certifying agent on the information panel of the label below the name and address of the packer, importer or distributor. The certifying agent's seal or logo may also appear, but will not satisfy the requirement, and cannot appear more prominently displayed than the USDA organic seal.

Any non-retail container used to ship or store raw or processed product labeled as organic must display the product's production lot number if applicable and may include special handling instructions needed to maintain the organic integrity of the product.

Shipping containers of domestically produced product labeled as organic intended for export to international markets may be labeled in accordance with any shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer, provided that the shipping containers and shipping documents accompanying such organic products are clearly marked "For Export Only." In addition, proof of such container marking and export must be maintained by the handler in accordance with recordkeeping requirements for exempt and excluded operations.

**For more information regarding Organic Labeling:
USDA AMS National Organic Program
www.ams.usda.gov/nop/**

Fruit Designated for Export

GENERAL INFORMATION

Most nations have specific labeling requirements for imported products. Shippers are advised to consult with their importers or the U.S embassy to obtain current and complete information regarding packaging regulations.

Federal standards exempt products from all IRQ marking requirements for products designated for export. CA cannot enforce IRQ requirements on products for export; however exports are subject to CA laws prohibiting mislabeling and false and misleading statements.

Product cannot have been previously sold or offered for sale in the domestic market.

LABELING FOR MEXICO

Mexican law NOM-120 requires that table grapes imported into Mexico have specific identification information, printed in Spanish, on each container. A label or sticker can be used, and include the following information:

- Company name
- Address of the packer, and if appropriate, the importer
- Country and county of origin
- Variety
- Grade
- Minimum gross weight in kilograms when packed

Mexico's general labeling requirements do not apply to products sold in bulk, including unpackaged California stone fruit.

For other food products (e.g. California stone fruit packaged in retail consumer packs), labels are required on consumer packs. All information on the label must be in Spanish, although other languages may also be included. If the information on the label is not in Spanish, a Spanish label of the same size and typographic proportions, containing the information required by Mexico's labeling standards, should be placed on the consumer package. Labels on the consumer package should include the following information:

- Name of the product and brand
- List of ingredients (bulk fruit is exempt from this requirement)
- Net content or drained weight in metric units
- Name and address of producer
- Country of origin
- Identification of lot
- Expiration date
- Nutritional information (required only if the label makes a nutritional claim)

**For more information regarding Bilingual Labeling for Mexico:
California Grape and Tree Fruit League at (559) 226-6330**

CANADIAN BILINGUAL LABELING REQUIREMENTS

Consumer packs must be labeled with the following statements:

- Product common name (in French *and* English)
- Net quantity declaration (in imperial *and* metric units, printed in both French *and* English)
- Name and address of the responsible party (can be in English)
- Grade name (if applicable, printed in English)
- Country of origin. (in French *and* English)
- The variety name for apples and pears (can be in English)
- The minimum letter height of characters that depends on the size of the principal display panel. If the panel is less than 5 square inches, the letter height must be at least 1/16 inch, 5 – 40 square inches—1/8 inch, 40 – 100 square inches—1/4 inch, 100 – 400 square inches—3/8 inch, more than 400 square inches—1/2 inch

Shipping containers must be labeled with the following, in French or English:

- Common name of the product
- Net quantity (in imperial and metric units)
- Name and address of the responsible party
- Country of origin (must be printed near the net quantity and/or grade)
- Variety name for apples and pears
- The minimum letter height of characters depends on the size of the principal display panel. . If the panel is less than 5 square inches, the letter height must be at least 1/16 inch, 5 – 40 square inches—1/8 inch, 40 – 100 square inches—1/4 inch, 100 – 400 square inches—3/8 inch, more than 400 square inches—1/2 inch
- Fungicide and wax statements do not have to be translated in French.

Nutritional labeling, although *not* required, if used must be printed in both English and French

**For more information regarding Canadian Bilingual Labeling Requirements:
Canadian Food Inspection Agency (CFIA)**

www.inspection.gc.ca

EUROPEAN UNION CLASSIFICATION REQUIREMENTS

All shipping containers destined for the U.K. and the European Union must be marked with one of three classifications as defined by the Official Journal of the European Union.

Solid Wood Packaging

The International Standards for Phytosanitary Measures-15 (ISPM-15) agreement have been adopted to regulate the shipment of pallets and other wood packaging materials to control the movement of a number of invasive pests.

Once a nation implements regulations to enforce ISPM-15, all imported SWP must be either heat treated or fumigated with methyl bromide in conformance with ISPM-15 standards. The treatments will be considered permanent unless boards are removed from the pallet and replaced with untreated material.

Shippers will not be required to segregate treated pallets from untreated pallets in storage yards.

Pallets, crates, and load boards are all covered by the regulations, but plywood, paper, and particleboard are exempt. Both hardwood and softwood must be treated.

If the wood was not treated and marked with an approved treatment stamp, the importing country will reject the shipment.

The treatment marks include the date of fumigation, treatment facility number, and treatment type (“HT” = heat treated, “MB” = methyl bromide fumigation). The marks must be present on at least two sides of pallets.

For more information regarding Wood Packaging Materials:

USDA, Animal and Plant Health Inspection Service (APHIS)

http://www.aphis.usda.gov/import_export/plants/plant_exports/wpm/index.shtml

PLU and UPC Numbers

PLU numbers are developed and used by industry through the Produce Electronic Information Board on a voluntary basis; no government agency is responsible for the issuing the numbers or ensuring compliance.

UPC numbers are managed by the Uniform Code Council (UCC) in the U.S., and by the Electronic Commerce Council of Canada.

Shippers must not use these numbers without prior agreement with all their retail customers.

PLU's

The PEIB approves and assigns PLU numbers based on petitions from shippers and retailers. The numbers are commodity specific.

“Retailer Assigned” PLU numbers are reserved for commodities/packs not otherwise specified.

For organic produce, add the number 9 in front of the regular PLU number.

PLU numbers should be a minimum 14-point type size, and be printed on a background color that ensures sufficient contrast and visibility.

UPC's

UPC numbers are used for fixed-weight packages.

The same numbers are used for the U.S. and Canada.

Fresh produce items are all used with the manufacturer number 033383.

The number is preceded with a “0” to signify fixed weight, and followed by the item description number, and a check digit.

Specific number ranges exist for retailer assignment to be used for non-standard products.

Shippers can petition the PEIB/UCC for new numbers, or to obtain a five-digit prefix code of their own.

It is *incorrect* to use both UPC and PLU numbers together on an item that can only be sold by fixed weight, but both can be used for an item that can be sold by random weight or fixed weight.

**For more information regarding PLU's and UPC's:
Produce Marketing Association (PMA), www.pma.com
Uniform Code Council, Inc., www.uc-council.org**

Registering Trademarks and Logos Printed on Containers

Firms can register trademarks, service marks, and trade names for use in the state of California and nationwide with the U.S. Government.

California registrations are effective for a term of ten years and may be renewed for an additional ten years.

Applications for California trademarks and services marks can be filed with the office of the California Secretary of State. The California Secretary of State registers trademarks and maintains a database of registrations, but has no enforcement authority regarding infringement of trademarks or trade names.

**For more information regarding Registering Trademarks and Logos:
Office of the California Secretary of State, Trademark Unit**
www.ss.ca.gov/business/ts/ts.htm

U.S. Patent and Trademark Office, Trademark Assistance Center
www.uspto.gov