

The Federal Food and Drug Law and its Relation to the Citrus Industry

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The Federal Food and Drug law, or as it is more properly known, the Pure Food law, was passed in 1906. When Congress passed this statute they had in mind an Act which would be regulatory in its nature, and not punitive. The law was designed to correct abuses which then existed, or which might later arise, in food or drug industries. In its final analysis, it is based on honesty and a square deal for the public and industry. Under its terms the channels of interstate commerce are closed to food or drug products which are misrepresented, in any manner, or which contain an added poisonous substance, or which are decomposed. In defining these classes of food products Congress used the terms adulterated and misbranded, and defined as adulteration several conditions which may apply to food. For instance, if a food product has been cheapened by mixing with it something of lower value, or if a valuable constituent has been removed, or if it is colored in such a way that inferiority is concealed, or if it contains an added poisonous or deleterious substance, or is decomposed, the law denies it the right to move in interstate commerce. The term misbranded in its final analysis, means any misrepresentation or de-

ception in regard to the food which might occur.

When we analyze the things which are prohibited, we find that nothing is mentioned which an honest dealer would wish to do. As long as one tells the truth about the food which he markets, and it is not rotten or poisonous, he need have no fear of his standing under the law.

There is no need for me to tell you of the importance to Florida of the Citrus industry. It can be considered the very backbone of the state. Citrus fruit is one of the largest and most important food products grown in the South. Oranges have a place in the diet of children, very close to that of milk. They are rich in vitamins and other food elements which are desirable, if not entirely necessary, for the proper nourishment of the young. Grapefruit has become an almost universal breakfast food on the American table. There are nearly 250 well organized and equipped packing houses in the state. During the present season something over 27,000 cars of oranges, and 16,000 cars of grapefruit will be moved.

The citrus industry in Florida is supplying a necessary and delicious article of food to all parts of the United States, and is reaching out to foreign markets.

The leading restaurants and hotels in England today feature American grapefruit on their breakfast menus.

In any business which has assumed the size of the Florida Citrus industry trade abuses will always creep in. The Florida Citrus industry is freer from such abuses than a great many other large industries which have grown up in America. In my discussion at this point I would like to mention a few undesirable practices without reference to laws or regulations which might affect them. Later on I will touch briefly on the application to these practices of the Pure Food law.

To my mind the most outstanding abuse in your industry is the practice among a few packers, of shipping their fruit before it has reached that stage of development, where it is a palatable and delicious article of food, or in more common terms, before it is ripe or mature. The inducement to market immature citrus fruit is great. Early in the season the prices are high, due to scarcity in the consuming markets. It is only natural, therefore, that each packer should desire to get a part of his fruit on the market at the earliest possible moment, in order to take advantage of the favorable conditions. As a result of this desire a few cars sometimes move before the product has reached the stage of maturity. All of us deplore this condition, and I don't think there is any one who believes that it is right to market immature oranges or grapefruit. A ripe, mature citrus fruit is a most delicious article of food, but a green, sour orange or grapefruit is unpalatable and is not eaten with pleasure.

The first few cars of immature fruit which leave the state early in each season

do usually bring a large return to a few individuals, but if immature they reflect on the entire Florida Citrus industry. You people in Florida do not try to eat this immature fruit, and yet a few shippers expect the rest of the American public to enjoy the stuff. The immediate result of a few cars of immature fruit is usually a drop in the market which reacts unfavorably on the mature fruit which follows. If these few undesirable cars were kept on the trees a little longer it would mean a ready and favorable market for the ripe fruit and in the end would react favorably to the industry as a whole. All of us have at heart the interests of the whole industry and desire to keep it free of fraud and deception.

The color process has lately been introduced into Florida. My mention of it here is not with the idea that it is an objectionable practice. Far from being objectionable, it is one of the indications that the industry is growing and making use of the latest devices to improve their output. However, it can be made a tool to perpetrate a considerable fraud, and to make the sale of immature fruit, if colored, a far more reprehensible practice than if uncolored. Until the season of 1922-23 there was no widespread use of artificial coloring devices in Florida. There has always been a very small amount of fruit which was colored by the well known device of shipping with the vents closed, thereby making a sweat box out of the car. Quite probably a few packers have in the past used an oil stove for the same purpose, however, beginning with last season nearly all of the packers have installed some device for coloring their fruit.

This color process properly used has the sanction and approval of the Department of Agriculture. In fact, the Department was responsible in a measure for the introduction of the system in this state, and have had representatives here during the past two seasons for the purpose of assisting in the installation of coloring devices.

Artificial coloring is of great value in marketing those varieties of oranges which are mature before the rind has assumed a yellow color. The public wants yellow oranges and in the public mind a yellow color is indicative of maturity. Therefore, the varieties which are mature while having a green rind were at a distinct disadvantage when offered for sale alongside of other varieties of normal color. The use of color rooms as originally conceived, was to put the green colored mature fruit on the same plane as the yellow.

The shippers in the early season have to make sure that their fruit stays on the tree long enough to reach maturity. In quite a similar manner they have to watch closely in the late season to be sure that it is not allowed to stay on the trees too long, resulting especially in oranges and tangerines, in a drying out of the juice. The fruit, to which I refer is commonly known as tree dried. It occurs most frequently in tangerines and in the larger sizes of oranges, 126 or larger. Beginning at the stem end the dried or pithy condition progresses until the whole fruit is simply a light ball of fibrous material, covered with an orange skin, and is entirely devoid of juice.

I am sure that none of you would deliberately contaminate your pack with

such tree dried oranges, yet they are frequently encountered in the consuming markets.

The marketing of immature fruit and tree dried fruit constitute two of the principal abuses in the Florida citrus industry. The past several years, fortunately no freeze has occurred in Florida, and it has not been necessary to guard against fruit which has been frost damaged. This is a condition which might occur during any year, and which at any time might prove a source of major importance.

Some of the minor abuses which sometimes occur consist of misrepresentations to the buyer as to variety or size. Needless to say, good trade practices and fair dealing would require that any statement relative to size or variety which a packer prints on his box should be true. Another minor matter, which I do not believe is practiced at this time, was the use of a sub standard box, which was short about one quarter of an inch on each dimension. While such a box would represent a minimum of fraud in one car, it would in a season give a decided advantage to the user.

My discussion thus far has been confined to the abuses as they exist, without reference to the possible application of the Food and Drug law. I will now point out to you how the law tends to correct such practices. The words Citrus Fruit do not occur in the text of the Act, and in applying it to such an article of commerce, it is necessary to apply its general provisions to specific cases. These provisions have to be interpreted by the administrative officers of the Department of Agriculture, and applied to specific cases. All such interpretations, however,

in their final analysis are subject to review of the Federal Court.

The most important provision of the law as it relates to the citrus industry, is that section which defines as adulterated any article of food which is colored in a manner whereby damage or inferiority is concealed. The Department considers as immature citrus fruit as an inferior article, therefore, if the immature citrus fruit is artificially colored to conceal its inferiority and is shipped in interstate commerce, it is in violation of the law. The color of an orange or a grapefruit is an indication to the average purchaser of its maturity. This in spite of the well known fact that some varieties of fruit are green in color, while they are mature. If the purchaser, therefore, buys fruit which has a yellow color, he has a perfect right to expect that the fruit is mature. The green skin of an immature citrus fruit is a warning to the average purchaser that the fruit might not be ripe. If he wants to buy it with the warning implied by its green skin, he is not deceived. When, however, he buys a fruit with a beautiful yellow color, he is entitled to the assurance that the yellow color was not put there by artificial means to hide the true condition of the article.

Immature fruit in itself is not denied the channels of interstate commerce. Naturally, there is no objection to the shipment of mature fruit which is artificially colored. The violation of the law takes place when one ships in interstate commerce citrus fruit which is both immature, and has been artificially colored.

Tree dried citrus fruit falls under two provisions of the law. In the first place, a valuable constituent, the juice, has been

removed and it is therefore, adulterated. Further, decomposition has set in and it falls under the section which defines a decomposed vegetable substance as adulterated. Naturally, it would not be just to condemn a car of fruit because it contained one or two oranges which were tree dried. This small amount of such fruit would be an accidental contamination. While no tolerance, or maximum percentage of tree dried fruit in a shipment has been announced by the Department, they are taking suitable action against any shipment which contains a considerable amount of such fruit.

The minor abuses which occur in the industry lend themselves quite readily to correction through the medium of the Food and Drug law. A misstatement on the containers of an article of food is defined as Misbranding. Therefore, if any misstatement relative to size, variety or amount is made on the box, the product is classed as Misbranded.

Insofar as food is concerned, the law makes only one provision as to what one must do. All other provisions relate to what one must not do. I refer to the section requiring a statement on all food in package form of the quantity of contents. This provision is almost universally observed in the Citrus industry. The requirements with respect to net contents fit in nicely in controlling the use of sub-standard boxes, since on such boxes, the users would have to declare the net contents and such a declaration would inform the purchasers that they were not getting a standard article. Any failure to state the net contents or an incorrect statement, would class the article as misbranded.