

**STANDARDS FOR FRESH FRUITS AND VEGETABLES:**  
**General Provisions**

The following excerpts from Chapter 4-41, Hawaii Administrative Rules, Standards for Fresh Fruits and Vegetables, cover its general provisions, including amendments effective through the above date. This UNOFFICIAL COPY does not include the complete text of the chapter. Summaries (unofficial copies) of the [standards for individual fruits and vegetables](#), written for easy interpretation, are available for viewing / downloading online, and official copies of the complete chapter are available from offices of the Commodities Branch in each county.

CHAPTER 41

STANDARDS FOR FRESH FRUITS AND VEGETABLES

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Historical Note: Chapter 4-41 is based substantially upon "Regulation 1. Relating to Labeling; Inspection and Certification; Standards for Grades; and Requirements for Containers, Minimum Export and Advertising of Fresh Fruits and Vegetables," of the Division of Marketing and Consumer Services, Department of Agriculture. [Eff 8/26/68; am 1/4/73; am 5/1/74; R 5/29/81]

## SUBCHAPTER 1

### LABELING

§4-41-1 Definitions. As used in this chapter, unless otherwise defined:

"Bulk lot display" means any one group of fresh fruit or vegetable offered or exposed for retail sale which contains specimens of similar varietal characteristics, not packed in consumer packages or in lidded containers, and set apart or separated from another group or groups of commodities.

"Consumer packages" means packages of agricultural commodities of the type designed for direct sale by a retailer to a consumer, including commodities that are bunched or tied together but not necessarily wrapped. Individually wrapped or packaged specimens are not consumer packages.

"Imported" means the agricultural commodity has its origin outside the State.

"Master container" means the large container into which is packed consumer packages for delivery or transportation.

"State" means the State of Hawaii.

"Wholesale quantities" means quantities of agricultural commodities contained in one or more packages of a type customarily used in transactions between shippers and wholesalers, and between wholesalers and retailers. [Eff 5/29/81; am and comp 8/18/83; am and comp 3/24/86] (Auth: HRS §147-4)

(Imp: HRS §147-4)

§4-41-2 Prohibitions. (a) No person shall sell, offer, expose, or transport for sale any agricultural commodity in wholesale quantities, in consumer packages, or in bulk lot displays, unless the commodity is labeled in the manner specified in this subchapter.

(b) The use of the grade terms defined in this chapter, or any abbreviation or variation of the grade terms, that is intended to represent or imply that the agricultural commodity so labeled is grown in Hawaii, is prohibited on an agricultural commodity that is not grown in Hawaii.

(c) The use of any grade term defined in this chapter, or any abbreviation or variation of the grade term, is prohibited on an agricultural commodity for which no grade has been established in this chapter.

(d) The use of the term "Hawaii", or any other form or abbreviation of the term "Hawaii", in conjunction with other fanciful terms which are not defined in this chapter, to represent or imply that an agricultural commodity has a grade adopted under this chapter, is prohibited on a label, sign, placard or in an advertisement that describes or refers to an agricultural commodity.

(e) The use of the Hawaii wholesale grade terms in section 4-41-5(a)(1) is prohibited on bulk lot displays or lots of consumer packages.

(f) The use of the Hawaii consumer grade terms in section 4-41-5(a)(2) is prohibited on wholesale quantities.

(g) The sale or offering for sale of any fruit or vegetable that has been advertised under the requirements of section 4-41-12(a) which do not meet the minimum requirements of the advertised grade, or in the case where no grade is specified which do not meet the minimum requirements of Hawaii Grade A or U.S. No. 1 as applicable, is prohibited unless the following provisions are met:

- (1) Written documentation shall be submitted to the department, in a timely manner, to substantiate that the failure to meet the advertised grade was not willful; and
- (2) A statement of the actual grade and the reason for the deviation from the advertised grade, or in the case where no grade was specified the reason for the deviation from Hawaii Grade A or U.S. No. 1, shall be placed on the sign or placard required in section 4-41-3(c). [Eff 5/29/81; am and comp 8/18/83; comp 3/24/86; am 5/26/92] (Auth: HRS §147-4) (Imp: HRS §147-4)

§4-41-3 Labels. (a) Any Hawaii-grown agricultural commodity labeled with grade terms defined in this chapter or United States grade terms, or any abbreviation or variation of the grade terms, shall meet the labeled grade.

(b) Any non-Hawaii-grown agricultural commodity in bulk lot displays or consumer packages labeled with United States grades or other state wholesale or consumer grades shall meet the labeled grade.

(c) Each bulk lot display and each lot of consumer packages of fresh

fruits and vegetables which has had its retail price advertised subject to section 4-41-12 shall be identified with a suitable sign or placard bearing:

- (1) The term "as advertised" or other suitable language;
- (2) The name of the agricultural commodity;
- (3) The advertised grade or offgrade designation if subject to section 4-41-12(a) or the statements required by section 4-41-2(g)(2) if applicable; and
- (4) The minimum unit weight or size if subject to section 4-41-12(b).

(d) Signs and placards required by subsection (c) shall be posted in such manner that there is no doubt as to the commodity each sign or placard identifies. The letters and figures used to meet the requirements of subsection (c) shall be of bold type and legible. [Eff 5/29/81; am and comp 8/18/83; am and comp 3/24/86; am 5/26/92] (Auth: HRS §147-4) (Imp: HRS §§147-4)

§4-41-4 REPEALED. [Eff 5/29/81; am and comp 8/18/83; comp 3/24/86; R 5/26/92]

§4-41-5 Applicable grade terms. (a) Hawaii-grown fresh fruits and vegetables that are classified as to grade based on the Hawaii grade classification system for fresh fruits and vegetables shall be classified as follows:

- (1) For wholesale quantities, with the grades Hawaii Fancy, Hawaii No. 1, Hawaii No. 1 Bronze, Hawaii Young Ginger, Hawaii Commercial, Hawaii No. 2, or Hawaii Utility, whichever is applicable; and
- (2) For consumer packages or bulk lot displays, with the grades Hawaii Grade AA, Hawaii Grade A, Hawaii Grade A Bronze, Hawaii Young Ginger, Hawaii Commercial, Hawaii Grade B, or Hawaii Utility, whichever is applicable.

(b) The term "Offgrade" is not a grade within the meaning of the standards defined in this chapter but is a descriptive term applicable to individual agricultural commodities which have a market value and designates a quality lower than the lowest defined grade standard for that agricultural commodity.

(c) Capital letters may be used in place of lower case letters in the grade terms listed in subsection (a) and in the term "Offgrade".

(d) The grade terms in paragraph (a)(2) shall not be abbreviated except as follows:

- (1) The term "Hawaii" may be abbreviated as "Haw", "HAW" or "HI";
- (2) The term "Grade" may be abbreviated as "GR" or "Gr"; and
- (3) The use of a period after the abbreviations of grade terms in paragraphs (1) and (2) is optional.

(e) The offgrade designation shall not be abbreviated when used for consumer packages, bulk lot displays or in advertisements. [Eff 5/29/81; am and comp 8/18/83; comp 3/24/86; am 5/26/92] (Auth: HRS §147-4) (Imp: HRS §147-4)

§4-41-6 Obliteration of incorrect label markings. (a) Grade labels on containers in wholesale quantities which are determined to be incorrect shall be corrected by obliteration of the incorrect information. Any reasonable effort made to efface the incorrect label markings, such as a bold line or X mark drawn across or over the inappropriate markings, shall be considered an obliteration.

(b) Grade and other labels on bulk lot displays or consumer packages which are determined to be incorrect shall be corrected by complete obliteration or removal of the incorrect information and substitution of the correct information as required by section 4-41-3. [Eff 5/29/81; comp 8/18/83; am and comp 3/24/86; am 5/26/92] (Auth: HRS §147-4) (Imp: HRS §147-4)

§4-41-7 REPEALED. [Eff 5/29/81; comp 8/18/83; comp 3/24/86; R 5/26/92]

§4-41-8 Seller's invoice. (a) Every producer or produce dealer, when selling agricultural commodities to a retailer on the basis of grade, shall furnish to the retailer an invoice showing the applicable grade or offgrade designation of the commodities according to the standards approved by the board of agriculture, the United States Department of Agriculture, or other states.

(b) Every producer or produce dealer, when selling Hawaii-grown agricultural commodities to a retailer, shall furnish to the retailer an invoice showing that the agricultural commodity is Hawaii-grown.

(c) A copy of the invoice shall be kept on file by the producer or produce dealer and by the retailer at the respective places of business for a period of not less than thirty days, and shall be available for inspection at all reasonable times by authorized inspectors of the department. [Eff 5/29/81; comp 8/18/83; comp 3/24/86; am 5/26/92] (Auth: HRS §147-4) (Imp: HRS §147-4)

## SUBCHAPTER 2

### CONTAINER AND ADVERTISING REQUIREMENTS

§4-41-9 Definitions. As used in this subchapter, unless otherwise defined:

"Fairly tight" means the commodity is packed to fit fairly snug and not loosely in the container.

"Reasonably clean" means not caked with dirt or other foreign material, or not so badly stained as to seriously affect the appearance of the container.

"Reasonably well filled" means the sack has been filled to approximately ninety per cent or more of its total capacity and the sack is fairly tightly sewn or tied across the top.

"Sound" means the container is constructed to remain intact under the most severe conditions ordinarily encountered during handling and shipment, and is constructed in accordance with good practice.

"Well nailed" means sufficient nails have been used to keep the container intact and the nails are tightly fitted into the wood or other material. [Eff 5/29/81; am and comp 8/18/83; am and comp 3/24/86] (Auth: HRS §147-4) (Imp: HRS §147-4)

§4-41-10 Prohibitions. The sale, offering for sale, or transportation for sale of any agricultural commodity in wholesale quantities is prohibited unless packed as follows:

- (1) The pack in wooden, fiberboard, or wire bound containers shall be fairly tight or fairly well filled, and sacks shall be reasonably well filled;
- (2) All containers used for any one lot shall be sound, reasonably clean, uniform as to size and type, and of the type specifically designed for distribution of agricultural commodities;
- (3) Crates, boxes, lugs, and other similar containers shall be well nailed, wire bound crates shall be adequately wired, fiberboard cartons and other similar containers shall be reasonably rigid, and sacks shall be free of holes and tears; and
- (4) Standard containers shall apply wherever this chapter requires the use of standard containers. [Eff 5/29/81; comp 8/18/83; comp 3/24/86] (Auth: HRS §147-4) (Imp: HRS §147-4)

§4-41-11 Standard containers. All measurements, unless otherwise specified, shall be inside measurements in inches, and when read from left to right shall represent the length, width, and depth, respectively. [Eff 5/29/81; comp 8/18/83; comp 3/24/86] (Auth: HRS §147-4) (Imp: HRS §147-4)

§4-41-12 Advertising requirements. (a) When the retail price of any fresh fruit or vegetable that has established Hawaii consumer grades or United States wholesale grades is advertised in any manner, the advertisement shall include the applicable grade for the fresh fruit or vegetable or the offgrade designation if the fresh fruit or vegetable advertised does not meet the minimum requirements of Hawaii Grade A or U.S. No. 1.

(b) When the retail price of any fresh fruit or vegetable is advertised in any manner by the piece or by the package, the advertisement shall include the minimum unit weight or size. [Eff 5/29/81; am and comp 8/18/83; am and comp 3/24/86; am 5/26/92] (Auth: HRS §148-2) (Imp: HRS §148-2)

### SUBCHAPTER 3

## MINIMUM EXPORT REQUIREMENTS

§4-41-13 Minimum export grades. (a) Grades which may be exported shall be known as export grades and shall be equivalent to the grades provided in subchapter 7. The minimum export grades for Hawaii-grown fresh fruits and vegetables destined for shipment by commercial exporters to points outside the State are as follows:

- (1) Avocados shall meet the requirements of Hawaii No. 1 avocados;
- (2) Bananas shall meet the requirements of Hawaii No. 1 bananas;
- (3) Beans, snap, shall meet the requirements of Hawaii No. 1 snap beans;
- (4) Burdock (gobo) shall meet the requirements of Hawaii Utility burdock;
- (5) Cabbage, Chinese, shall meet the requirements of Hawaii No. 1 Chinese cabbage, provided the Chinese cabbage shall be free from slugs, worms, and insects;
- (6) Cabbage, head, shall meet the requirements of Hawaii No. 1 head cabbage;
- (7) Carrots (topped) shall meet the requirements of Hawaii No. 1 carrots;
- (8) Cauliflower shall meet the requirements of Hawaii No. 1 cauliflower;
- (9) Celery shall meet the requirements of Hawaii No. 1 celery;
- (10) Corn, sweet, shall meet the requirements of Hawaii No. 1 sweet corn;
- (11) Cucumbers (slicing) shall meet the requirements of Hawaii No. 1 cucumbers;
- (12) Dasheens shall meet the requirements of Hawaii No. 1 dasheens, provided dasheens that are larger than two and one-half inches in diameter and dasheens that have more than three scars where tubers were attached may be exported;
- (13) Eggplants shall meet the requirements of Hawaii No. 1 eggplants;
- (14) Ginger root shall at least meet the requirements of Hawaii Commercial or Hawaii Young Ginger ginger root grade, except that ginger root for processing shall at least meet the requirements of Hawaii Commercial ginger root, except for size, and shall be packed in containers conspicuously marked "For Processing Only - Not For Resale" in upper, lower, or a combination of upper and lower case bold type letters at least one and one-half inches in height. An affidavit stating that the ginger root for processing is not for resale and a relevant bill of lading or sales invoice indicating the volume shipped, name and address of the processor, and date shipped, shall be submitted by the shipper to the department prior to each export shipment of ginger root for processing;



- (15) Mangoes shall meet the requirements of Hawaii No. 1 mangoes;
- (16) Onions (dry) shall meet the requirements of Hawaii No. 1 onions;
- (17) Papayas shall meet the requirements of Hawaii No. 1 papayas, provided papayas of shapes other than pyriform and of weights less than fourteen ounces may be exported and immature papayas may be exported when permitted by and in compliance with provisions of a marketing order;
- (18) Peppers, sweet, shall meet the requirements of Hawaii No. 1 sweet peppers;
- (19) Pineapples shall meet the requirements of Hawaii No. 2 pineapples;
- (20) Potatoes (Irish) shall meet the requirements of Hawaii No. 1 potatoes;
- (21) Squash, Italian, shall meet the requirements of Hawaii No. 1 Italian squash;
- (22) Sweet potatoes shall meet the requirements of Hawaii No. 1 sweet potatoes;
- (23) Tomatoes shall meet the requirements of Hawaii No. 2 tomatoes;
- (24) Watermelons shall meet the requirements of Hawaii No. 1 watermelons;
- (25) Yam bean roots shall meet the requirements of Hawaii No. 1 yam bean roots;
- (26) In-shell macadamia nuts shall meet the requirements of Hawaii No. 1 in-shell macadamia nuts; and
- (27) Shelled macadamia nuts shall meet the requirements of Hawaii No. 1 shelled macadamia nuts.

(b) The Board of Agriculture may relax the minimum export requirement for an agricultural commodity upon request from a recognized organization, or organizations, which represent the majority of the producers of that agricultural commodity. The request shall state the reasons for the relaxation of the minimum export requirement, the impact upon the industry if the minimum export requirement is not relaxed, the length of time that the relaxation is required and the suggested temporary minimum export requirement. The period of relaxation shall not exceed ninety days for each request. [Eff 5/29/81; am and comp 8/18/83; am and comp 3/24/86; am 8/6/90; am 5/26/92] (Auth: HRS §147-22) (Imp: HRS §§147-22 and 147-23)

#### SUBCHAPTER 4

#### PROVISIONS FOR ENFORCEMENT, PENALTIES, AND PROSECUTION

§4-41-14 Authorization for inspection. (a) Any authorized inspector of the department may enter any place or conveyance where agricultural commodities are produced, stored, packed, delivered for shipment, processed, loaded, shipped, transported, offered for sale, sold, or advertised to:

- (1) Inspect the quality and condition of the agricultural commodities;
  - (2) Enforce labeling requirements; and
  - (3) Enforce container and packing requirements.
- (b) The inspector may take for inspection and may cut for internal quality determination, representative samples of the agricultural commodities. [Eff 5/29/81; comp 8/18/83; comp 3/24/86] (Auth: HRS §§147-4, 147-22, and 148-2) (Imp: HRS §§147-7 and 147-24)

§4-41-15 Authorization for stop sale. (a) Any authorized inspector of the department, upon determining that this chapter or chapter 147, Hawaii Revised Statutes, is being violated, may place stop sale notices in front of or by the side of the agricultural commodity that is in violation.

(b) Agricultural commodities for which stop sale notices have been issued shall not be sold, offered for sale, transferred, or otherwise disposed of until the stop sale notices have been removed by an authorized inspector of the department.

(c) No person shall remove, deface, or otherwise tamper with any stop sale notice except upon authorization of an authorized inspector of the department. [Eff 5/29/81; comp 8/18/83; am and comp 3/24/86] (Auth: HRS §§147-4 and 147-22) (Imp: HRS §§147-4, 147-5, 147-6, and 147-23)

§4-41-16 Penalties and prosecution. Any person who violates any provision of this chapter may be subject to the actions, procedures, and penalties provided in sections 147-2, 147-25, and 148-3, Hawaii Revised Statutes. [Eff 5/29/81; am and comp 8/18/83; am 1/16/84; comp 3/24/86] (Auth: HRS §§147-4, 147-22, and 148-2) (Imp: HRS §§147-2, 147-25, and 148-3)

## SUBCHAPTER 5

### INSPECTION AND CERTIFICATION OF FRESH FRUITS AND VEGETABLES

§4-41-17 Definitions. As used in this subchapter, unless otherwise defined:

"Commercial value" means the commodity is reconditionable and the reconditioning does not involve unreasonable expense or loss of time.

"Dumping inspection" means an inspection to determine whether the commodity possesses any commercial value.

"Inspection certificate" means any form of certification, either written or printed, issued by an inspector under this chapter and in accordance with rules and regulations of the United States Department of Agriculture, to certify the identity, class, grade, quality, size, quantity, or condition of agricultural commodities, including compliance of the products with applicable specifications.

"Inspector" means an employee of the department, authorized and licensed by the secretary to investigate, sample, inspect, and certify for any interested party the quality and condition of agricultural commodities under this chapter.

"Office of inspection" means the office of an inspector of agricultural commodities.

"Secretary" means the Secretary or Acting Secretary of Agriculture of the United States of America. [Eff 5/29/81; am and comp 8/18/83; am and comp 3/24/86] (Auth: HRS §147-7) (Imp: HRS §147-7)

§4-41-18 Application for inspection. (a) An application for inspection may be made by:

- (1) An authorized official of the State; or
  - (2) Any person having a financial interest in the product involved, including the shipper, receiver, or carrier, or an authorized person on behalf of the applicant.
- (b) The application shall be filed in the office of inspection or with any authorized inspector at or near the place where the inspection is desired.
- (c) Each application for inspection may require the following:
- (1) Name and post office address of the applicant and of the person, if any, making the application in behalf of the applicant;
  - (2) Name and post office address of the shipper;
  - (3) Kind and quantity of the products involved;
  - (4) Financial interest of the applicant (except the State);
  - (5) Identification of the products by:
    - (A) Grade, brand, or other marks;
    - (B) Car initials, car number, truck license number, name of ship, voyage number, and name of the carrier;
    - (C) Name and location of the store, warehouse, or other place where the products are located; and
    - (D) Any other necessary information;
  - (6) The particular quality or condition concerning the inspection and the desired time and place where the inspection is to be made;
  - (7) Name and address of the receiver when the lot is to be inspected in a receiving market; and
  - (8) Name of the shipping point and destination, when known.
- (d) Each application shall be considered filed when received at the proper office of inspection. When the application is filed, the date and time of filing shall be recorded by the office of inspection.
- (e) The application may, due to non-compliance with this chapter, be rejected by the inspector in charge of the office of inspection in which the application is filed. The inspector shall immediately notify the applicant, by telephone or in writing, of the reasons for the rejection.
- (f) An application may be withdrawn by the applicant at any time before the inspection is performed upon payment of any expenses incurred when the application was made.

(g) Proof of the authority of any person applying for inspection on behalf of another may be required at the discretion of the inspector. [Eff 5/29/81; comp 8/18/83; comp 3/24/86] (Auth: HRS §147-7) (Imp: HRS §147-7)

§4-41-19 Inspection. (a) The applicant shall make the product to be inspected accessible for sampling and inspection, and placed so as to readily disclose its quality and condition.

(b) As many inspections shall be made as facilities permit and as far as practicable, in the order applications are received, except that preference may be given to applications made by an authorized official of the State.

(c) No inspector shall inspect any product in which the inspector has a direct or indirect financial interest.

(d) Unless the applicant requests otherwise, inspection and certification for quality or condition shall be based on the official standards of the State, or the official standards of the United States Department of Agriculture, or shall be by description where official standards are lacking. [Eff 5/29/81; comp 8/18/83; comp 3/24/86] (Auth: HRS §147-7) (Imp: HRS §147-7)

§4-41-20 Inspection certificates. (a) The inspector shall sign and issue a separate certificate for each lot of product inspected. Each kind of fruit or vegetable shall constitute a separate lot, and different varieties of the same kind of fruit or vegetable may be considered as separate lots. A formal certificate need not be issued when the application for inspection is made by an interested party or governmental agency to determine compliance with this chapter or contractual specifications; however, the compliance or non-compliance may be indicated by an appropriate stamp or mark on the products or the containers, at the discretion of the inspector.

(b) The original certificate shall, immediately upon its issuance, be delivered or mailed to the applicant or person designated by the applicant. Upon the request of the applicant prior to the issuance, not more than two additional copies of the certificate may be issued without extra charge. [Eff 5/29/81; comp 8/18/83; comp 3/24/86] (Auth: HRS §147-7) (Imp: HRS §147-7)

§4-41-21 Appeal inspection. (a) An application for appeal inspection by the applicant or other person financially interested in the agricultural commodity may be filed with the inspection office nearest to where the product is located whenever such applicant or person is dissatisfied with the determination stated in the original certificate. The application shall state the reasons for dissatisfaction and may be accompanied by a copy of any previous inspection certificate or inspection report or any other information which the applicant shall have received regarding the quality and condition of the product at the time of the original inspection. The application may be made in writing or orally.

(b) A record showing the date and time of filing of the application

shall be made by the receiving office.

(c) An application for appeal inspection may be denied for any of the following conditions:

- (1) Reason stated for an appeal inspection is frivolous or unsubstantial;
- (2) Quality or condition of the product has undergone a material change since the original inspection;
- (3) Inaccessibility of all parts of the lot for a thorough examination; or
- (4) Noncompliance with this chapter.

(d) Inspections requested to determine factors of quality or condition which may have undergone material change since the original inspection shall not be considered appeal inspections. Second inspections requested for the purpose of securing an up-to-date certificate, but where the applicant does not question the correctness of the original certificate covering the lot in question, shall not be considered an appeal inspection.

(e) Appeal inspections shall as far as practicable be made in the order in which the applications are filed and take precedence over all other pending applications.

(f) All appeal inspections shall be performed by at least two inspectors.

(g) Immediately after an appeal inspection has been made, a certificate designated as "Appeal inspection certificate" shall be signed and issued, referring specifically to the original certificate and stating the quality and condition of the product resulting from the appeal inspection. In all other respects, the provisions of section 4-41-20 shall apply to appeal inspection certificates, except if the applicant for an appeal inspection is not the original applicant, a copy of the appeal inspection certificate shall be mailed to the original applicant. An appeal inspection certificate which differs from the original as to grade nullifies the original. [Eff 5/29/81; comp 8/18/83; am and comp 3/24/86] (Auth: HRS §147-8) (Imp: HRS §147-8)

§4-41-22 Fees for inspection. (a) For each lot of agricultural products inspected under this chapter, an inspection service fee shall be charged at the rate of \$33.40 per hour for regular time and \$50.10 per hour for overtime.

(b) Additional charges may be made for transportation, travel time, per diem, traveling expenses, and other actual expenses incurred by the department or when an appeal inspection requiring the services of a second inspector is involved.

(c) Fees charged for appeal inspections in which the findings of the original inspection are sustained shall be double the fees of the original inspection. When it is judged that a material error in determination occurred in the original inspection and the findings are reversed, the fee for the appeal inspection shall not be charged to the applicant.

(d) Fees and related charges shall be paid by the applicant in accordance with the directions on the fee bill furnished by the inspector, and in

advance if required by the inspector.

(e) When payments are by check, a service fee shall be assessed for each check that is not honored.

(f) Additional copies of any inspection certificate, other than those provided in section 4-41-20(b), may be supplied to any interested party upon payment of a fee of \$1 for each page. [Eff. 5/29/81; am and comp 8/18/83; am and comp 3/24/86; am 5/26/92; am 10/5/02] (Auth: HRS §§147-7 and 147-8) (Imp: HRS §§147-7 and 147-8)

§4-41-23 Denial of service. Any intentional misrepresentation or any deceptive or fraudulent practice made or committed by any applicant for inspection or reinspection may be deemed sufficient cause for the department to refuse to provide inspection services. [Eff 5/29/81; comp 8/18/83; am and comp 3/24/86] (Auth: HRS §147-7) (Imp: HRS §147-4)

## SUBCHAPTER 7

### STANDARDS FOR GRADES OF HAWAII-GROWN FRESH FRUITS AND VEGETABLES

§4-41-25 Application of tolerances. As applied in this chapter and unless otherwise specified, averages for the entire lot, based on examination of representative samples, shall be within the tolerances specified in the grade, but the contents of individual packages or containers in any lot may vary from the specified tolerances, subject to the following limitations:

- (1) When the tolerance specified is more than five per cent, individual packages or containers in any lot may contain not more than one and one-half times the tolerance, provided at least one specimen which fails to meet the requirements of the grade shall be permitted in any package or container; and
- (2) When the tolerance specified is five per cent or less, individual packages or containers in any lot may contain not more than double the tolerance, provided at least one specimen which fails to meet the requirements of the grade shall be permitted in any package or container. [Eff 5/29/81; am and comp 8/18/83; comp 3/24/86] (Auth: HRS §147-4) (Imp: HRS §147-4)