



**United States
Department of
Agriculture**

**Agricultural
Marketing
Service**

**Fruit and
Vegetable
Programs**

**Fresh
Products
Branch**

United States Standards for Grades of Kale

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United States Standards for Grades of Kale¹

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General

§51.3930 General

These standards apply to kale leaves, plants, or bunches of kale leaves or plants, but shall not be applicable to mixtures of kale leaves, plants, or bunches of kale leaves or plants.

Grades

§51.3931 U.S. No. 1.

"U.S. No. 1" consists of kale of one type which are well trimmed, not stunted, free from decay and from damage caused by yellow or discolored leaves, seedstems, wilting, bud burn, freezing, dirt, disease, insects, or mechanical or other means. (See §51.3933.)

§51.3932 U.S. Commercial.

"U.S. Commercial" consists of kale which meet the requirements of U.S. No. 1 except that bronze or slightly yellowish color affecting only the edges of the leaves shall be permitted, provided these edges are not dried. (See §51.3933.)

Tolerances

§51.3933 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) Ten percent in any lot which fail to meet the requirements of the specified grade, including therein not more than 1 percent affected by wet decay.

Application of Tolerances

§51.3934 Application of tolerances.

Individual samples are subject to the following limitations:

¹Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act, or with applicable State laws and regulations.

(a) For packages which contain 15 specimens or more and a tolerance of 10 percent or more is provided, individual samples in any lot may contain not more than one and one-half times the tolerance specified. For packages which contain 15 specimens or more and a tolerance of less than 10 percent is provided, individual samples may contain not more than double the tolerance specified except that at least one defective specimen may be permitted in any sample: **Provided**, that the average for the entire lot is within the tolerance specified for the grade.

(b) For packages which contain less than 15 specimens, individual samples in any lot may contain not more than double the tolerance specified, except that at least one defective specimen may be permitted in any sample: **Provided**, that the average for the entire lot is within the tolerance specified for the grade.

Definitions

§51.3935 One type.

"One type" means that the kale in any container shall have the same general character of growth and color; i.e., curly leaf type and distinctly smooth leaf types shall not be mixed, and distinctly purple type plants shall not be mixed with green or blue type kale. As blue type kale often shows a purplish tinge on some leaves while other plants of this type may not show this color, such a mixture shall be considered as one type.

§51.3936 Well trimmed.

"Well trimmed" means that the butt is trimmed off to not more than three-fourths of an inch from the point of attachment of the outer leaves and that yellow, discolored, dried or otherwise damaged leaves which materially affect the appearance of the plant have been removed.

§51.3937 Damage.

"Damage" means any defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the plant. A plant shall be considered as damaged by a seedstem when the flower buds are dried or have opened, or when the seedstem extends above the top of the plant when the leaves are folded together around the seedstem, or if the removal of part of the seedstem has caused the appearance of the plant to be materially injured.