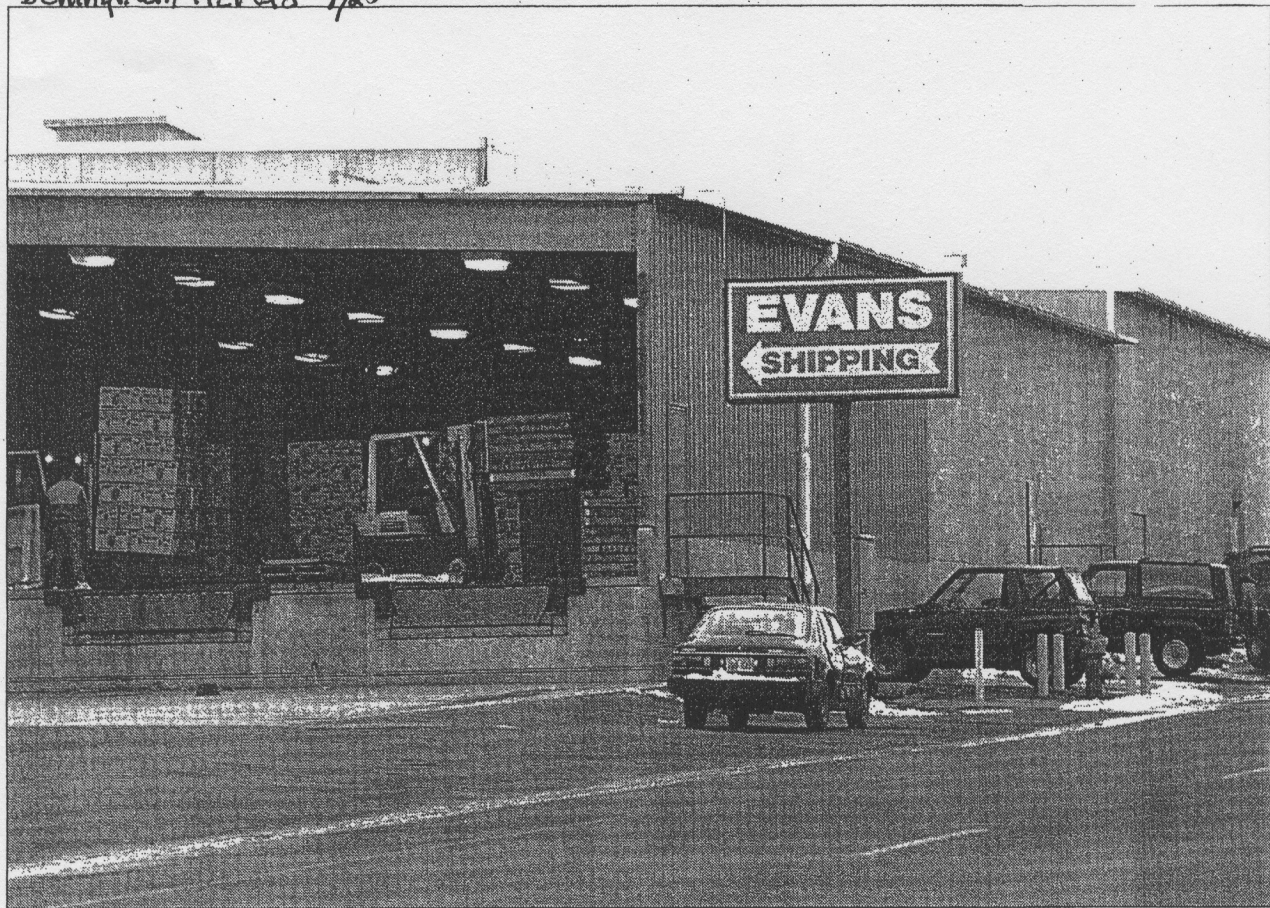


State apple-trespass law nits a snag

Bellingham Herald 9/25



AP PHOTO

HOW D'YA LIKE DEM APPLES? Evans Fruit Co., a Yakima Valley fruit-packing company, has sued the state Department of Agriculture, contending a law that prohibits the sale of the previous year's apple crop after Oct. 1 is unconstitutional. A judge sided with the company on Tuesday and blocked the state from enforcing the law.

Judge blocks old-apple sale cutoff

FARMING: State law would have prohibited 10-month-old apples sold after Tuesday.

THE ASSOCIATED PRESS

YAKIMA — A judge on Tuesday blocked the state from enforcing a new law that generally prohibits the sale of old apples after Oct. 1.

Evans Fruit Co. of Cowiche, a Yakima Valley packing house, sued the state Department of Agriculture, contending the law is unconstitutional.

"It's an arbitrary and unreasonable date, and it prevents Evans Fruit from selling the best apples on Earth — apples that have met the world's most stringent and exacting quality standards," said Brendan Monahan, a Yakima lawyer representing the company.

Yakima County Superior Court Judge Susan Hahn

"It's a disappointment and certainly a setback to the apple industry's effort to ensure and improve the delivery of higher quality fruit to the market."

Jim Hazen, director, Washington Horticultural Association

granted Evans' request that the state be prevented from enforcing the cutoff date, at least until a trial can determine the validity of the law, which carries a maximum \$1,000 fine for violations.

"There will be no enforcement of the statute," said Bill Brookreson, deputy director of the Department of Agriculture.

The agency's next step is to determine the best way to defend the constitutionality of the law, he said. A trial date has not been set.

The Washington Horticultural Association

pushed for the law, which makes it illegal to sell, after Oct. 1, apples harvested in the prior calendar year to any retailer or wholesaler for resale to the public.

"It's a disappointment and certainly a setback to the apple industry's effort to ensure and improve the delivery of higher quality fruit to the market," said Jim Hazen, director of the Wenatchee-based association.

Growers in Washington state, the country's No. 1 apple state, have struggled in recent years with record crops, increased foreign

competition, retail consolidation and flat domestic consumption.

With those problems came carryover, or apples left over from the previous year's harvest.

The idea behind the law was to try to make sure that shoppers got a good, crunchy apple that was as appealing as imported varieties and would encourage repeat purchases.

But Evans Fruit contends that its old-crop apples are properly stored and, even after a year, still meet the industry's taste and texture standards.

The 2002 Washington apple crop is estimated at 89 million 42-pound boxes, a somewhat smaller harvest than in recent years. Consequently, there should be very few warehouses that will have old-crop apples in storage after Tuesday, Hazen said.