

# **Court Approves Treatment Requirement for Calif. Almonds**

FRESNO, Calif. (AP) — An appeals court ruled Friday that federal officials have the authority to require that all California almonds be treated for salmonella following outbreaks linked to almonds from the state.

The ruling by the U.S. Court of Appeals for the District of Columbia Circuit upheld a lower court decision.

The case stemmed from a 2007 order by U.S. Secretary of Agriculture Tom Vilsack that all California almonds sold domestically be pasteurized with heat or treated with chemicals.

The order followed two salmonella outbreaks linked to California almonds. Almond experts acknowledge that salmonella in almonds is rare.

An exemption to the order was given to small-scale growers, who were allowed sell untreated almonds, but only directly to the public from farm stands or on-farm sales.

A group of California almond growers argued that although Vilsack may prohibit the sale of contaminated almonds to prevent the spread of salmonella, he lacked authority to require that all almonds be treated irrespective of whether they were contaminated.

Growers said the secretary had overstepped his authority under the Agricultural Marketing Agreement Act and California's marketing agreement known as the Almond Order.

The growers, most of whom sell organic or raw almonds, said almonds that had undergone chemical or heating treatments were still labeled as "raw," confusing consumers who wanted to buy unprocessed nuts. Raw or organic almonds can fetch 40 percent more in price than conventional almonds.

The appellate judge ruled the growers had waived their claims by failing to raise them during the rulemaking process.

California's almond industry grows 100 percent of the domestic supply. Almonds are California's top commodity and its number one export crop. The industry has seen dramatic growth in recent years, powered by strong demand from India and China.

**Source URL (retrieved on 03/02/2015 - 10:50am):**

## **Court Approves Treatment Requirement for Calif. Almonds**

Published on Food Manufacturing (<http://www.foodmanufacturing.com>)

---

<http://www.foodmanufacturing.com/news/2013/02/court-approves-treatment-requirement-calif-almonds>