

INSTITUTE OF FOOD AND  
AGRICULTURAL SCIENCES  
UNIVERSITY OF FLORIDA

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COOPERATIVE  
EXTENSION SERVICE

## PACKINGHOUSE NEWSLETTER

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### COURT DISMISSES LIBEL SUIT AGAINST NUTRITION SCIENTISTS

On June 21, 1980, The Manhattan Federal Court dismissed a libel suit filed against Dr. Fredrick J. Stare and Dr. Elizabeth M. Whelan by the National Nutritional Foods Association, a health food industry group. Dr. Stare is Professor of Nutrition and founder of the Department of Nutrition at the Harvard School of Public Health. Dr. Whelan is Executive Director of the American Council on Science and Health and a Research Associate at the Harvard School of Public Health.

This legal action was begun in 1978 on behalf of the National Nutritional Foods Association, David T. Ajay, owner of "Dave's Diet and Nutrition Foods" in Sacramento, California, Sid Cammy, owner of "The Diet Shop" in Elizabeth, New Jersey, and Max Huberman, owner of "Natural Health Foods" in Youngstown, Ohio. The suit accused Drs. Stare and Whelan of "conspiracy to defame, disparage, damage and destroy (their) reputation and business," and sought \$1.3 million in damages. Columnist Ann Landers, Dr. Philip White, Director of Nutrition Education for the American Medical Association, and Dr. William T. Jarvis, a consumer health specialist at Loma Linda University, were among those named as co-conspirators.

The plaintiffs alleged that statements made by Drs. Stare and Whelan questioning the health benefits often ascribed to foods labeled "organic" or "natural" led to a decline in sales of such products, and that the defendants "acted in a malicious, willful and grossly irresponsible manner" when they published these remarks in their syndicated newspaper column, "Food and Your Health," an article in Harper's Bazaar magazine, and their 1975 book Panic in the Pantry. However, none of these publications mentioned any of the individual plaintiffs or their businesses. Dr. Stare and Dr. Whelan countered that the NNFA's action "must be viewed as an effort, under the guise of an alleged defamation suit, to stifle public criticism."

In dismissing the complaint, Manhattan Federal Court Judge Abraham D. Sofaer found that the actions of Drs. Stare and Whelan were not libelous under New York state law. Not only were the allegedly libelous phrases found to be "mild in their import," but none of the phrases "named or specifically suggested any of the plaintiffs." While a libel claim requires proof of false statements, Judge Sofaer found that "each of the opinions expressed by defendants about the health food industry has sufficient basis in fact or responsible opinion to make it impossible to believe that plaintiffs could

prove falsity." The court stated that "misuse of the term 'organic' has been widely condemned," "health food store prices have been shown to be often higher than prices for comparable products in other food stores," and "persons advocating or selling health food items have been found to give improper health advice, amounting to 'quackery,' and to make unsupportable claims for health food products and vitamins." Moreover, the court stated that "the public's gain from activities such as those engaged in by defendants clearly outweighs the harm to groups and individuals such as plaintiffs."

Although the Stare-Whelan request for attorney's fees was denied on grounds that "prior suits brought by NNFA, Ajay and other plaintiffs are sufficiently distinguishable from this action to preclude a finding that plaintiffs acted in bad faith," the court warned that "any further suit by plaintiffs against critics of the health food industry should, however, be scrutinized carefully to determine whether it was brought in good faith."

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and Health  
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New York, NY 10023

CONGRATULATIONS Dr. KAWADA!

It is no secret that much of the detailed basic research accomplished within universities is done by graduate students. Much of what we have learned about chilling injury of grapefruit over the past three years derives from the thesis research of Kazuhide Kawada who came to us from Kagawa University, Japan. He will be remembered by those who attended our last Packinghouse Day for his exhibit of shrinkfilm-wrapped "unipack" grapefruit. This was a continuation of work he had started in Japan on other fruits. As of 18 September, Kaz passed his final oral for his Ph.D. Immediately after the Florida State Horticultural Society meeting 4-7 November, he goes to University of California for a six month postdoctoral appointment and then back to Japan.

But it takes more than brains and hard work. It also takes money and we offer a special thanks to two shipping companies, Fairfield Maxwell Ltd. and Sea-Land Service Inc. who provided the funds for the assistantship that supported Kaz while he did so much research and studied so hard.

Bill Grierson  
AREC, Lake Alfred

SUGGESTIONS ON THE USE OF ETHREL (ETHEPHON) FOR  
COLORING AND FRUIT ABSCISSION OF TANGERINES AND TANGELOS

Ethrel (ethephon) is a growth regulator which is registered for use on tangerines and tangerine hybrids (tangelos) in Florida for increasing fruit color and abscission (fruit loosening). Like most growth regulators, it may produce a variable response from year to year, but it should be economically beneficial in the long run. Research by public agencies, Union Carbide, and grower experience has indicated the following information may be beneficial in achieving better results from the use of Ethrel:

1. As stated on the label, apply Ethrel at a concentration of 5/6 pt/100 gal of water (4-1/6 pt/500 gal) for all tangerines and tangerine hybrids except Orlando. With Orlando, use 2/3 pt/100 gal (3-1/3 pt/500 gal). At times, growth regulators can give variable results. Therefore, it is imperative not to exceed the chemical concentrations shown.
2. Be sure your spray equipment is functioning properly and that your nozzle pattern for dilute spray is such that thorough tree coverage is obtained. Do not apply Ethrel as a concentrate spray. Although Ethrel is pH sensitive, any tank of the chemical made up and used that same day should show no decrease in activity.
3. Use no surfactant. Inclusion of surfactant will substantially increase leaf drop. Do not mix other spray chemicals with Ethrel. These compounds often include surfactants.
4. Ethrel is sensitive to weather conditions. It is desirable that no rain occur within 24 hours of application. Ethrel is also temperature sensitive and should not be applied when the temperature is below 65°F. On the other hand, very warm temperatures following spray application may result in fruit loosening within 3-5 days and necessitate early harvesting of the fruit.
5. Poorest results have occurred with the 'Dancy' tangerine. There are indications that the abscission process of the 'Dancy' may differ physiologically from other cultivars. Satisfactory results rarely are obtained when Ethrel is applied to 'Dancy' after late December.

Bill Wilson  
Florida Department of Citrus  
Lake Alfred

The above was prepared as a handout for Citrus Packinghouse Day, September 3, 1980.

Editor

AVAILABLE PUBLICATIONS

Available from Dr. W. Wardowski, AREC, P. O. Box 1088, Lake Alfred, FL 33850

"Effects of film packaging, in-carton air filters, and storage temperatures on the keeping quality of Florida grapefruit" by K. Kawada and L. G. Albrigo. Proc. Fla. State Hort. Soc. 92:209-212. 1979.

"Cold water mist humidification of citrus during degreening" by Art Raynor and W. F. Wardowski. Proc. Fla. State Hort. Soc. 92:189-192. 1979.

"Survey of energy consumption in Florida citrus packinghouses" by W. F. Wardowski and W. M. Miller. Proc. Fla. State Hort. Soc. 92:175-177. 1979.

Available from Dr. Brian Wild, Officer-in-Charge Gosford Horticultural Postharvest Laboratory, P.O. Box 355, Gosford N.S.W. 2250, Australia.

Abstract of the Dissertation "Resistance of citrus green mold Penicillium digitatum Sacc. to benzimidazole fungicides" by B. L. Wild, for Ph.D. in Plant Pathology, University of California, Riverside. March 1980.  
(Congratulations to Dr. Wild on his degree under Dr. Joe Eckert. Editor.)

Available from Dr. H. J. Kaplan, Penwalt Corp., P. O. Box 120, Monrovia, CA 91016

"The current status of Imazalil: a post harvest fungicide for citrus" by H. J. Kaplan and B. A. Dave. Proc. Fla. State Hort. Soc. 92:37-43. 1979.


Available from Mr. Ron Muraro, AREC, P. O. Box 1088, Lake Alfred, FL 33850

"Budgeting costs and returns: Indian River citrus production, 1979-80" by R. P. Muraro. Economic Information Report 131 June 1980.

"Budgeting costs and returns: central Florida citrus production, 1979-80" by R. P. Muraro. Economic Information Report 132. June 1980.

Available from U. S. Department of Energy, Technical Information Center, P. O. Box 62, Oak Ridge, Tennessee 37830.

"Energy efficient electric motors" 6 pages. DOE/CS-0163. May 1980.

  
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This newsletter is published at a cost of \$80.40 or 7 cents per copy, to give the latest news to the packinghouse industry