



Agricultural Marketing Service

[Doc. No. AMS-SC-24-0068]

Revising U.S. Standards for Grades of Lemons

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is revising the United States (U.S.) Standards for Grades of Lemons (or Standards) by adding the term “seedless lemons.” In addition, AMS is incorporating marking requirements for lemons meeting the seedless definition.

DATES: Applicable [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Andrew Buss, by phone (231) 260-5913; fax (540) 361-1199; or email at andrew.buss@usda.gov. Copies of the U.S. Standards for Grades of Lemons are available at <https://www.ams.usda.gov/grades-standards/fruits>.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), as amended, directs and authorizes the Secretary of Agriculture “[t]o develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.”

AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The U.S. Standards for Grades of Fruits and Vegetables that no longer appear in the Code of Federal Regulations are maintained by USDA, AMS, Specialty Crops Program at the following web site: <https://www.ams.usda.gov/grades-standards>.

AMS is revising the U.S. Standards for Grades of Lemons using the procedures that appear in part 36 of title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

On March 25, 2024, California Citrus Mutual, a voluntary non-profit trade association for California's citrus growers, petitioned USDA to revise the lemon standard to incorporate a seedless lemon definition and marking requirements. The petitioner represents 95 percent of the lemon producers nationwide. In their petition, California Citrus Mutual explained that advancements in the domestic lemon industry led to the development of seedless lemon varieties. AMS worked closely with California Citrus Mutual throughout the development of these revisions, soliciting their comments and suggestions about the standards through discussion drafts and presentations. On September 11, 2025, AMS published in the *Federal Register* (90 FR 43947; Docket No. AMS-SC-24-0068) a notice and request for comments on proposed revisions to the U.S. Standards for Grades of Lemons. These revisions establish a definition for seedless lemons along with marking requirements to maintain consistency in the industry.

Through this action, AMS is revising the U.S. Standards for Grades of Lemons to add a definition for the term "seedless lemons" stating that "when marked 'seedless,' a 100-count composite sample shall have not more than 6 fruit (or 6 percent) containing seeds (irrespective of number or development per fruit). Seeds include fully developed and undeveloped seeds (or pips)." Written this way, any undeveloped seeds will be counted against that piece of fruit. The percentage of lemons with seeds is based on the number of fruit with seeds, rather than the number of seeds within a lemon. This new definition is not applied to affect grade.

In addition, through this action, AMS will incorporate marking requirements to the Standards for lemons meeting this seedless definition. The new marking requirements do not affect grade. The marking requirements specify that "when lots are

marked ‘seedless,’ the term ‘seedless’ shall be legibly marked on at least 95 percent of the containers, including consumer units.” These marking requirements will provide buyers and consumers with clear information on the product being bought and sold between parties. Without marking requirements, it would be difficult to differentiate between lots of seedless lemons and lots of lemons with seeds to determine when the new definition applies.

Comments

AMS provided a 60-day comment period for interested parties to submit comments on the proposed grade standards. In response to its request, AMS received and considered 27 comments. All comments were posted on <https://www.regulations.gov>. Nineteen commenters expressed their support for the proposed revisions to the U.S. Standards for Grades of Lemons.

One commenter recommended AMS clarify the sampling methodology to ensure the process is uniform across inspection. AMS agrees that providing a clear sampling methodology will help ensure the process is uniform across inspections. However, AMS finds it is more appropriate to include the sampling methodology in the USDA Lemons Shipping Point and Market Inspection Instructions, located online at <https://www.ams.usda.gov/grades-standards/lemon-grades-and-standards>, rather than including it directly into the U.S. Standards for Grades of Lemons, because that is where other similar instructions are provided. Therefore, AMS made no changes to the proposed revisions to the Standards based on this comment.

Another commenter stated that the marking requirement for “seedless” lemons should be more specific and include a mandated font and text size. The commenter also stated that AMS should consider the impact the new definition has on small farms and consider a phase-in period for these small farms. While AMS acknowledges this comment, AMS does not mandate specific fonts or text sizes for its U.S. Standards. The

marking requirements do not include a required font or text size because lemon packaging can vary in size. Accordingly, AMS finds that it would be impractical and overly burdensome to producers and packers to require such font and text size specifications. Additionally, AMS does not find that a phase-in period is necessary for the industry because the Standards are voluntary, and producers are not required to use the term “seedless” on their label. However, if the lemons are labeled as “seedless” on the packaging, the term “seedless” needs to be on at least 95% of the containers. Accordingly, AMS made no changes to the proposed revisions to the Standards based on this comment.

Two anonymous commenters stated AMS should include a statement on the label to indicate whether the lemons are a Genetically Modified Organism (GMO). While AMS acknowledges these comments, that type of labeling is outside the scope of this revision to the U.S. Standards. The U.S. Standards are a measure of a commodity’s quality and condition and do not address the regulation of GMOs. Accordingly, AMS made no changes to the proposed revisions to the Standards based on these comments.

Another comment stated: (1) AMS should “further clarify the specific requirements for the ‘seedless lemon’ label” (such as noting size, shape, label position, *etc.*); (2) AMS should provide the theory or statistics on which the seedless lemon definition is based; (3) undeveloped seeds should not be counted in the seedless lemon definition because that is “too strict” and these undeveloped seeds do not affect taste; and (4) “it is recommended to use ‘seed/seed kernel count per fruit’ as the primary criteria for assessing seedless lemons.” The commenter further explained that this method of measurement is the current “international standard for defining seedless agricultural products.”

AMS acknowledges this comment and the issues it raises. With respect to the commenter’s first point regarding labeling requirements, AMS notes that these grade

standards are voluntary, and that AMS does not impose specific labeling requirements regarding size, shape, or label positioning. As noted above, it would be overly burdensome to require specific labeling requirements like size, shape, or label positioning because lemon packaging may vary. AMS included marking requirements (*i.e.*, to include the term “seedless”) to serve as a declaration of the product for buyers and consumers so that the seedless lemons definition can be applied when containers are marked “seedless.” With respect to the commenter’s second point, the industry initially based the seedless definition framework on Florida’s state seedless tangerine standard (20-13.0041) and then updated it to the proposed definition to align with cultivar advancements and retailer expectations. As newer seedless lemon cultivars have been developed, the petitioners discovered that mature trees (3+ years) generally contain no seeds, whereas an occasional seed can be found from lemons originating from juvenile trees. California Citrus Mutual originally considered proposing to set the definition’s percentage of fruit with seeds at one percent but ultimately increased the percentage in their proposed definition to six percent to allow for more leeway. The historical counts of seeds in seedless lemons align with this definition. In response to the commenter’s third point regarding the strictness of the definition, AMS determined after several discussions that undeveloped seeds should be counted against the seedless definition because both are considered seeds to buyers and consumers. It is understood that undeveloped seeds do not affect taste but including them in the definition will better align the standard with consumer expectations for seedless lemons. Lastly, regarding the commenter’s suggested measurement methodology, AMS responds that the seedless definition is based on the number of fruits that contain seeds, rather than the “seed/seed kernel count per fruit” because consumers expect seedless lemons to be free of seeds and it is expected that most lemons will not contain any seeds. Written this way, if a small subset of lemons in a lot were seeded (and contained many seeds), the number of seeds in

a single fruit would not set the lot back significantly as it would with a “seed/seed kernel count per fruit.” According to the California Citrus Mutual’s petition, the seedless definition would cover most of the seedless lemon varieties currently available on the market. Additionally, based on the predicted growing market projections provided by California Citrus Mutual’s petition for lemons covered by the seedless definition, it appears that customers are not concerned with whether a seedless lemon contains one seed or several; they are only concerned whether the lemon is truly seedless or contains any seeds at all. For these reasons, AMS made no changes to the proposed revisions to the Standards based on this comment.

Another comment asserted that AMS did not adhere to the requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, Executive Order 12866, and the Unfunded Mandates Reform Act in this agency action to revise the U.S. Standards for Grades of Lemons. The commenter further suggested several remedies. While the agency action the commenter is referring to was a notification and request for comments, and not a proposed rule, the notification was included in the proposed rule category in the *Federal Register* and on the regulations.gov website. Any proposed actions to develop, revise, suspend, or terminate the U.S. Standards for Grades of Lemons are subject to the requirements found at 7 CFR part 36. Accordingly, as noted above, AMS published a notification and request for comments in the *Federal Register* on September 11, 2025, which included a 60-day comment period for interested persons, ending November 10, 2025. Further, AMS clarifies that, contrary to the commenter’s additional assertions, there are no Federal marketing orders for lemons. After reviewing the comment, AMS determined all the statutory and procedural requirements for this action have been met. Accordingly, AMS made no changes to the proposed revisions to the Standards based on this comment.

Two additional comments consisted of only a few words such as “lemons” or “I love lemons” and were not considered.

AMS is moving forward with the revisions to the U.S. Standards for Grades of Lemons as proposed by California Citrus Mutual as these revisions will provide a common language for trade, better reflect the current marketing of fruits and vegetables, and provide uniformity on the buying and selling of seedless lemons. Accordingly, AMS is revising the U.S. Standards for Grades of Lemons by adding the following definition of seedless lemons and associated marking requirements:

Seedless Lemons

Section 51.2799 Seedless lemons.

(a) Definition. When marked “seedless,” a 100-count composite sample shall have not more than 6 fruit (or 6 percent) containing seeds (irrespective of number or development per fruit). Seeds include fully developed and undeveloped seeds (or pips).

(b) Marking requirements. When lots are marked “seedless,” the term “seedless” shall be legibly marked on at least 95 percent of the containers, including consumer units.

Authority: 7 U.S.C. 1621-1627.

Erin Morris.

Administrator,

Agricultural Marketing Service.

[FR Doc. 2026-07060 Filed: 4/10/2026 8:45 am; Publication Date: 4/13/2026]