

ACCC Penalises Two Produce Companies over Alleged Horticulture Code Breaches

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Western Australian produce companies, Fruitico Pty Ltd (Fruitico) and Fresh Express Produce Pty Ltd (Fresh Express), have each paid penalties of \$99,000 after the ACCC issued each business with five infringement notices for alleged breaches of the Horticulture Code.

The ACCC alleges that Fruitico traded with table grape growers without having a Code-compliant horticulture produce agreement in place.

The ACCC separately alleges that wholesaler Fresh Express failed to provide required gross sale price information to growers in statements about the sale of produce, as required by the Code.

“Growers need clear, timely information about how prices are set and how their produce is sold,” ACCC Deputy Chair Mick Keogh said.

“Agreements that don’t meet the Code’s minimum standards reduce transparency and prevent growers from accessing essential information about their trading relationship and produce sales.”

“All horticultural traders should be on notice that we are monitoring their compliance with the Code and will take enforcement action where necessary,” Keogh said.

The ACCC is concerned that the current Code requirements do not always give growers the clear, timely information they need, and may enable less transparent practices across the supply chain.

As the Code has not been updated since 2017, the current independent review initiated by the Government is an important opportunity to promote stronger and clearer requirements for horticulture produce agreements.

“Measures such as strengthening pricing transparency, banning the use of opaque pricing methods, and requiring grower statements to show clearer pricing details would help growers to more easily check outcomes and understand returns,” Keogh said.

“Providing more detailed and timely sale information, for example, buyer details, price, sale date and any relationship between trader and buyer, would also allow growers to better compare terms between wholesalers and enhance competition in the market.”