

Slow-pay

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repeated or flagrant violations of the PAC Act, or both, they often take steps to revoke the firm's PACA license.

If settlement of pending complaints can be arranged, but the audit indicates further problems, audits are made from time to time to determine whether the problem areas have been cleared up.

In some cases, USDA is provided firm evidence of repeated or flagrant violations, and these situations are made the subject of

investigations. If PACA investigations find the firm is engaging in unfair trading practices, such as slow-pay or no-pay for purchases, and a warning does not result in compliance, they may institute an action to suspend or revoke the firm's license.

Investigations of this type are not carried out to recover money for injured parties. They are conducted for disciplinary reasons, and USDA becomes the complaining party.

No seller can survive in the produce industry by extending abnormal amounts of credit or putting up with slow-pay practices, Smith says. When sellers do so,

they are jeopardizing not only their businesses, but also the businesses of their suppliers.

Slow-pay and no-pay can have a domino effect, he says, that eventually carries back to the farm and farming community.

"In these days of high overhead and tight money, it is important that everyone in the fruit and vegetable marketing chain—from the farmer to the retailer—uses whatever means possible to eliminate the unfair practices of slow-pay and on-pay," Smith says.

"By observing good business practices, with self-control and with the help of the PACA and other financial ration

organizations, the produce industry can control the abuse of credit and shorten the turn-around time on their money dramatically," he says.

Smith urges farmers and other sellers to have contracts specifying when payment is due, to follow up by seeing that timely payment is made, and to ask for payment when invoices are past due.

"When sellers have made these efforts to obtain payment but are unsuccessful, our PACA representatives can help recover the money. But we need firm evidence of the unfair practice before we can take action under

PACA to eliminate it," Smith explained.

"Controlling the costly no-pay, slow-pay problem and eliminating the few unscrupulous operators who find their way into the produce business will take a commitment on the part of everyone in the industry to control credit," Smith emphasized.

He said USDA, for its part, is committed to tackling the problem instances where produce people have taken self-help measures.

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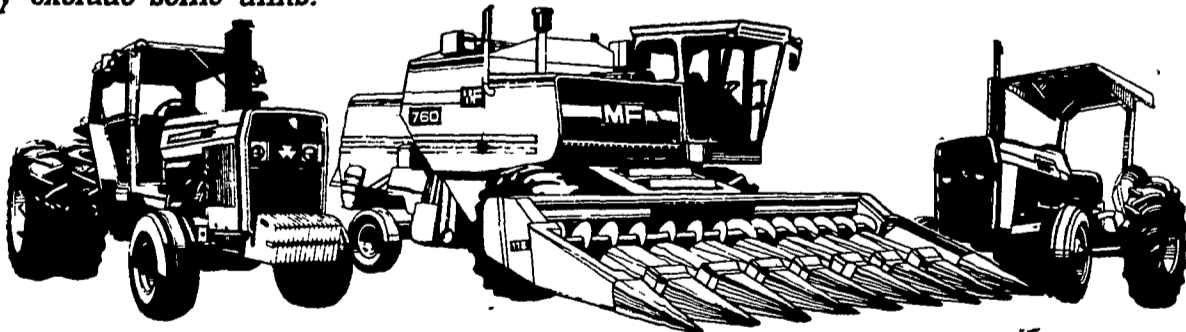
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