

## Citrus Hall of Fame Oral History Interview

### Florida Southern College

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| <b>Interviewee:</b>   | Kristen Elizabeth Carlson                                     |
| <b>Interviewers:</b>  | Jacob Crouch and LuAnn Mims, College Archivist                |
| <b>Date:</b>          | October 19, 2012  |
| <b>Camera Tech:</b>   | Audrey McCranie   |
| <b>Location:</b>      | McKay Archives Center, Florida Southern College, Lakeland, FL |
| <b>Transcription:</b> | Audrey McCranie, May 2013                                     |

**Crouch:** *Alright, we're here with Kristen Carlson. This is October 19<sup>th</sup>, 2012 in the McKay Archives at Florida Southern College. Kristen if you could just tell us a little bit about yourself, you know, when were you born, where are you from ...*

**Carlson:** Okay, I was born February 13<sup>th</sup>, 1954. I was born in Newfoundland, Canada; I was not born in a citrus grove. And I happened to be in Newfoundland because my father was a fighter pilot with the United States Air Force and my family was stationed up there.

**Crouch:** *Okay. And, what you brought you from, what brought your family from Newfoundland and brought them back to the United States.*

**Carlson:** Well, the tour of duty in Newfoundland was over shortly after I was born and then he proceeded to be transferred all around the United States and around the world. And as one of five children, the family followed him at every station and uh, it ended up that I graduated from high school in Okinawa, and at that point he was supposed to be leaving for Vietnam. And because we had bought a house while he was stationed at MacDill Air Force Base in Tampa we relocated back to Florida when he went to Vietnam and that's when I arrived in Florida and I've stayed here ever since.

**Crouch:** *Okay, and is that ... where did you go to your ... to college?*

**Carlson:** Okay, I went from Okinawa to University of Florida in Gainesville. I was a journalism major. I graduated in 1974. And I went straight from University of Florida to Stetson College of Law and studied there 'til 1977.

**Crouch:** *Okay. Was there anyone who really got you interested in becoming an attorney and going to law school?*

**Carlson:** Well, actually no, it was a fluke. I, like I said, majoring in journalism and a, I was an RA in the dorm and the person that I reported to, the hall advisor, she was going down to take the bar exam one Saturday and said, "Why don't you come along?" And I might have handed them a check at the desk when I walked in but I just took the bar exam on a lark. I did okay on it and I was getting ready to graduate and I was young, I was 20 years old and I imagined I was too young to be going out in the world and getting a real job so law school seemed like a good place to tuck in. And once I tucked in it seemed like the right place for me and I've been doing it ever since.

**Crouch:** *And is there anything, any reason that you picked Stetson more particularly?*

**Carlson:** Yes, an important reason; I wanted to break up with my then-boyfriend and he was at University of Florida. And I only applied to two colleges and Stetson was the other one. I did get into University of Florida. [laughs]

**Crouch:** *Now, what about, uh, what interested you in food law specifically?*

**Carlson:** Well I didn't start out, uh, they had no courses in food law at Stetson so I was I was kind of a generalist when I graduated. My first job, that was a real job, I was an assistant state attorney, so I was a prosecutor for the sixth judicial circuit and I ended up getting located out of Dade City, Florida. And at the time, Dade City was, just covered up in citrus so I became very aware that the citrus industry was an important industry in Florida.

I mean I knew it was but I had been living on the coast and living in Gainesville so I wasn't sitting everyday amongst citrus trees but the, the rolling lands around, Pasco County in those days were covered with citrus. And I was looking, after three years, to leave the state attorney's office. I saw an ad in the Florida Bar newspaper, and it said, staff attorney position in Lakeland, Florida and I said, "Oh, Lakeland's not very far from here!"

So I put in an application, and apparently there were lots of lawyers, wanting that position; I heard there were, like, over 200 applications. But I managed to get the job, and qualification-wise, the Department of Citrus was a regulatory agency and I had been a prosecutor so I thought that was a good fit for me, but, more importantly because I had been a journalism major I had taken a number of courses in advertising, and public relations and the Department of Citrus was a promotional arm for the Florida citrus industry.

So it seemed to be a nice intersection of some of my training and some of my interests, and I'd always been interested in biology and I realized there was a lot of scientific research associated with work with the Department of Citrus, so between regulating, marketing, and researching it hit a lot of notes with me and I was excited to take that position and I went on board in 1980.

**Crouch.** *Okay. You talked a little bit about the regulation side. Did you ever have any work with, like, the political side or the legislative side dealing with food law?*

**Carlson:** And, probably one of the first things I did when I was hired was I was indoctrinated to take over some of the legislative work for the citrus industry in Tallahassee, and I did that for 12 years; I was the agency's primary lobbyist during pretty much all of that time. When I was first hired I had a supervisor who was a lawyer and he was doing all of that work and so he trained me and when he went off to another job I took over, so ... and that was probably a year into my term there so I was pretty young and pretty green and I was learning the ropes in Tallahassee while I was learning everything else.

**Crouch:** *Okay. Well what about the trial aspect? Was there any point that you specifically would be able to expand upon?*

**Carlson:** Meaning ...

**Crouch:** *Being in trial with ...*

**Carlson:** Being in trial as a lawyer. Yes. The Department of Citrus was not regularly sued. So there were really no opportunities to defend the Department of Citrus as in-house lawyer. Secondly, the Department of Citrus was run by the, or is still run by, the Florida Citrus Commission, that's their board of directors. And the Florida Citrus Commission has always had their own separate legal counsel. And in those days it was J. Hardin Peterson who was a local lawyer here, who since passed away.

But J. was the out-house lawyer as he called himself and I was the in-house lawyer, so whenever we had to appear in court, which was very, very rare, we'd show up together. And occasionally we would have a legal proceeding against someone. For example, back in the mid-'80s, the Coca-Cola Company had this crazy idea to add calcium to orange juice. And the Department of Citrus said, "Oh, you can't do that. Orange juice is pure, you can't add anything to it."

And, we ended up in a courtroom in Bartow, J. and I on one side and Coca-Cola's lawyers on the other side and it was fairly humorous. Our local judge Susan Roberts was the presiding judge. And the whole lawsuit ended with us coming to an agreement that they would, if they added calcium to the orange juice it would be labeled accordingly.

So today when you see calcium fortified orange juice, and there's a lot of brands that use it, it's a well loved product; a great way for kids to get calcium if they don't like milk. And it always says calcium fortified orange juice right up front. It's not, it's distinguished from orange juice in the way it's labeled so there's no confusion.

**Crouch:** *Okay. Are there any other, uh, that's, I mean, that's a huge change ...*

**Carlson:** Well, that was just an example, but we had, while I was general counsel for the Department of Citrus, we had a lot of administrative hearings. Whether people were losing their citrus fruit dealer license, we had a lot of hearings on rules whenever the agency would change one of their rules. We'd have witnesses come up to the stand and I'd question them and that sort of thing. But I think the biggest thing while I was at the agency was we developed some cases for the FDA and the Department of Justice to go after orange juice adulterators.

And so because we were not a regulatory agency that had any jurisdiction out-of-state, when we found that a company in Chicago was dumping sugar into orange juice or Michigan or any of these places we would put the evidence together and since we had no power in those states we would refer it to FDA and they would take our evidence and develop their own, and in the mid-'80s Florida had been going through a lot of back-to-back freezes and the supply of juice was low and the price was high and so that was when a lot of the adulteration started taking place because they were wanting to substitute orange juice with cheaper solids such as beet sugar or grapefruit juice.

So we ended up having a number of these adulterating crooks get prison sentences. And really it was, not from my work, it was through the work of the Commission and we had a whole team collaborating on it and the scientists at Lake Alfred that work for the Department of Citrus played a huge part in us being able to put those cases together.

**Crouch:** *Were there any other cases that specifically stuck out?*

**Carlson:** Well, when I left the Department of Citrus—I left the Department of Citrus in 1993. And in about 2000, and I was in private practice throughout that time, five importers of juice approached me to take on a case to challenge the constitutionality of a Department of Citrus tax on imported juice. And I was very familiar with the tax, I, it had helped pay my salary when I was at the Department of Citrus.

I hadn't ever looked at it in terms of the constitutional grievance that these importers had, and that was two things that began it. They said that California, which is a significant citrus producer, their juice was not taxed, but juice from Mexico, Brazil, Costa Rica was taxed and that struck them as being discriminatory. And I scratched my head and I said, "That sounds discriminatory!" [laughs]

And then the other grievance was the tax was used by the Florida Citrus Growers to promote only Florida orange juice and that was a structural change within the industry from when I'd been there, because, I'd mentioned we had a lot of freezes in the '80s and we as an industry had to rely on imports

to cover our markets; we didn't have enough juice to sell to our customers. And so we begun using imports in blends of juices while I was still at the Department of Citrus.

And in those days, since the importing of juice was new, we changed our advertising program to allow for blended product so we used, instead of saying, "This is Florida juice," we would say, "Look for the juice that has the Florida seal of approval." And that seal of approval allowed blends. And so, jump to year 2000, there was some grower backlash for these programs that sold imported juice. And Florida's crops were now getting up to a healthy size and the growers were becoming a little more bullish on just promoting Florida solids.

So suddenly the imported taxes, which had been collected all along, were being used to tell the consumer that their juice; well it never went so far as to say it's no good, it's just, those taxes were not used to promote blended products, they were used to promote only hundred percent Florida products. So, that also struck me as a little bit unfair, and as is often the case in the law if something is unfair and discriminatory there's a good chance it's illegal, and so ... [laughs] ... I looked at the ... I took the case.

I knew it was going to be a political hot potato because up 'til then I had been everybody's best friend and represented a number of Florida growers and private company matters but, took the case, challenged the constitutionality of the Department of Citrus tax and it was a real slugfest and went on for close to three years. And during that time Brazil filed a World Trade Organization action against the tax. And we fought it down in Bartow and we won!

And we counseled on five different constitutional grounds so I think we were three constitutional grounds into the fight when we settled the case. And the statute was changed by the legislature and the settlement agreement that we reached is still enforced to this day, and that allows importers, who are otherwise obligated to pay the Department of Citrus tax, they have the chance to opt-out of two-thirds of the tax and that two-thirds represents what would typically go to advertising.

So the importers still contribute to the Department of Citrus, they contribute, if they opt-out, at a lower rate than the citrus grower pays. But all the advertising for the Department of Citrus today is one hundred percent Florida orange juice and what we've tried to encourage since then is that the Florida growers join with California and Texas and have a federal marketing order and collect the tax through the national government, the federal government, because that is legal under the Constitution.

**Crouch:** *Okay, and do you remember what some of those constitutional grounds were?*

**Carlson:** There was the Foreign Commerce Clause, there were three different, you can violate the Commerce Clause in three different ways. We challenged the Commerce Clause three ways: the import/export clause that basically says only the federal government can tax imports. That was important when the United States first came together, because we had colonies that had ports and we had colonies that were inland.

The inland colonies were very jealous of the colonies with ports and they could see the writing on the walls that if, you know, if Pennsylvania was allowed to collect taxes on imports then poor little Kentucky would not get any of that money. So they nationalized through the import/export tax that the federal government had to speak with one voice in foreign matters and only the federal government could tax imports.

**Crouch:** *Okay. Was there, were there any conflicts between either growers or canners that you would help settle legally?*

**Carlson:** Well ...

**Crouch:** *Besides the adulterators.*

**Carlson:** In the early days, let's say the 1980s, with all the freezes. It was really a volatile time in the industry, and there were a lot of new things happening and importing juice was one of those new things. And so there were growers that accused the canners or processors of laying up at night trying to figure out ways to screw them. [laughs]

And so, yes, it was ... I would say there was conflict, but in, I would say, all the matters that came up there would be a bunch of people lined up on one side, and other people lined up on the other side, and often the Citrus Commission had to act as judge and jury and, you know, cut the baby in two. But we were typically able to work out all of the conflicts in the industry with some give and take and some horse trading and some settlement.

And that was why when you asked me about trials, it was, you know, I could've been the Maytag repairman, nobody was suing anybody. I mean, fruit contracts were often handshakes, and people were, you know, did what they were supposed to do and their word was their bond. And it was not that they still weren't out trying to get a better deal the next day, or trick someone into doing something, but it was not a litigious group.

**Crouch:** *Okay. While you were in the citrus industry, were there any outside of the office activities that you either, you know, felt you were obligated to do or that you just did on the side?*

**Carlson:** While I was in the citrus industry?

**Crouch:** *Yeah, while you were ...*

**Carlson:** Or the Department of Citrus?

**Crouch:** *Yeah, the Department of Citrus, sorry.*

**Carlson:** Oh, well, I've always been community-minded as far as Lakeland goes. So while I was at the Department of Citrus, even though the Department of Citrus is its own little world, our constituents are all over the state and we really interact with the community. But I was on the Boys and Girls Club board for 10 years and I was active, as far as work-related, we started from scratch with a group called the Technical Committee on Use and Juice Products. And I think we formed that group, it was mostly analytical chemists, to help develop methods, analytical methods, to help detect adulteration in juice.

And so, because I was hot on the tail of juice adulterators we needed more tools to detect what they were doing wrong. I became very active in that group and really am still involved with them at a much lesser level today because we've kind of cleaned up adulteration after working in for about five years. But, I was active in that group, and, you know, the Association of Food and Drug Officials was a professional group that most lawyers that represent food manufacturers and all forms of government agencies; FDA, USDA, Florida Department of Agriculture. We all had interaction with that group of professionals.

**Crouch:** *Are you still ... do you still currently or just recently do anything with the ... with citrus?*

**Carlson:** Yes. I am still a practicing lawyer in Lakeland and one of my clients in the Florida Citrus Processors Association, and I'm their executive director. So I manage their day-to-day business and I'm the media contact person if people want to get a quote from the Florida Citrus Processors Association. But I also have private clients; companies that I've represented for a number of years. And some are processors, some are packers, some are citrus growers, so I'm still actively engaged in the citrus industry.

**Mims:** *Wanna take a break?*

**Crouch:** *Sounds good.*

[pause in taping]

**Crouch:** *Okay, so let's talk about some of the programs and advertising this import tax paid for, that the citrus would pay for ...*

**Carlson:** Okay, well it'd probably be easier to answer that question by talking about the programs at the Department of Citrus. They have a strong research arm; they do scientific research, they do market research. Every time a commercial is run they, you know, talk to consumers and find out what they think about the commercials, so there's that research arm. They develop new methods for testing orange juice against scientific research, those are expensive programs.

The most expensive program at the Department of Citrus is their advertising and marketing program. They run television commercials, they run radio commercials. They have to pay for that media; they have to pay for the production of those commercials. They have in-store contests to see which retailer can sell the most orange juice. They have little folding table toppers at Pizza Hut, suggesting that the restaurant customers drink orange juice with their pizza. I mean, you name it, there's lots and lots of, I'm being a little facetious with that one, maybe not Pizza Hut, but, certainly McDonalds! [laughs]

**Mims:** *We have that.*

**Carlson:** And the other aspect of, they have public relations events, they had, in my day, they had something called the Rolling Orange, which was a parade vehicle shaped like an orange, and it would be in the Strawberry Festival Parade, and it would show up over at the Kissimmee Rodeo. So we participated in a number of, the Department of Citrus participated in a number of different promotions, pretty much anything you can imagine, including sending a Citrus Queen all over the world.

So the third part was regulatory, and that was my little niche as a lawyer, but I worked in all these other areas because I had to do contracts with advertising agencies and that sort of thing. So, the scope of the Department of Citrus is amazingly broad. And the taxes that the imported orange juice paid, those taxes were taxed by the Department of Citrus, and those monies went to fund all those activities. There was no distinction of what activities they paid for; all the money went into a large pot and the pot was spent on the 53 million dollar budget of the Department of Citrus.

**Crouch:** *Okay, and what about ... did they push for any campaigning to get into ... what about orange juice in the schools ...*

**Carlson:** Yes. Initially the school marketing program was funded by a special tax, a little two-cent tax. And I think, and this was before my time, but I think that tax was in litigation for a number of years. But after I got there some of that money was left over and held in trust just for that program, but the school marketing program was funded from the general pot, just like orange juice advertising was. And, so the school marketing programs, which really the main thing was to get kids informed about the nutritional aspects of orange juice and grapefruit juice and fresh fruit, and we had a lot of fun campaigns, especially with that and the import tax funded that equally.

One of the campaigns that we as the staff had a lot of fun with was we had a video contest where all these different high schools were supposed to come up with videos on drinking orange juice, and this was just when families were first starting to get video cameras, this was in the late 1980s, and so it was just really technologically weird to have a video contest, it was very cutting edge, and so, [laughs] so we had a lot of fun judging these videos and a lot of the kids did some amazing videos, it'd be fun to watch them again. They're probably very primitive by today's standards where every eight-year-old's a videographer, but ...

**Crouch:** *Um, I'm gonna switch subjects a lot here. You worked in a field which was dominated by males and in an industry that was dominated by males. Could you give us some perspective on how it was to be a woman in that industry and in the field of being an attorney?*

**Carlson:** Okay, well to address that I'm going to back you up to when I left the University of Florida and I started law school, because I entered law school in 1975 and the largest class of women they had ever had was my class, and that was 12 women. And pretty much the rest of the school, there might have been 10 other women in the entire school, but that kind of started me off in the, "I guess I'm one of the only women in the room" kind of environment.

Because I was 20 years old I thought that was just fabulous, I loved it. [laughs] And I had, the 12 women that I started with, we were all close and I carpooled with them. So I had lots of female support, but all the guys treated us like guys, we really didn't get any, well I shouldn't say we didn't get any special attention, you were a real loser if you didn't have a date. [laughs] But, I enjoyed law school so I enjoyed that environment, and my father I told you had been in the military, so I was used to these all male islands, and, for lack of a better word.

So when I started with the state attorney's office, most prosecutors I worked with were men, but I had a very good friend who was a female, so I always found my female stalwart to be by my side. But I was typically dealing in all male environments as a prosecutor. The police departments and sheriff's office at that time were pretty much all male; there were no female detectives or street officers to speak of. So when I got to the Department of Citrus it was just a continuation of being in these male-dominated areas and that just kind of came with the territory, as far as I was concerned, as being a lawyer.

I didn't really realize ... by then I had been doing it for five years, so I didn't think much of it until there was a citrus industry newsletter, and it was, you know, they screeched some headline that said, "Department of Citrus hires female lawyer!" And I thought ... [looks surprised and laughs] ... that's a little weird. But everybody embraced me, I think possibly because I was young and didn't know anything and I certainly wasn't threatening to anybody because I was totally stupid, but they took me under their arm and told me what they knew.

And I, strange thing I found out in the citrus industry; they all had common sense, they all had practical sense, but very few people had read the citrus code or the regulations. And so very quickly, because I had to focus my attention on those things, very quickly I knew more than them in those areas. And so I think I gained ... I don't know if respect's the word; they weren't quick to challenge me when I came up with what I thought a law said or a regulation said and I became a resource for them, if they needed an answer they would call me and it was ... it was wonderful being an attorney for the whole industry because I had the regulators calling me, asking me what a rule meant, I had growers calling me, I had processors, packers calling me.

And I was free, obviously, so I wasn't on the clock giving them legal advice and they never got a bill so it was really a great relationship to make friends and I learned from them much more than they learned from me. But it was a give-and-take and that went on for quite a while and still goes on today.

**Crouch:** *So would you say there was any time that, as being a woman in these male-dominated areas that you ever felt challenged?*

**Carlson:** I can only say it helped me and that's because I think that they wanted to support me knowing I was inferior and unable to understand man things. So, [laughs] ... I would say the only thing that got slightly complicated was in my many social relationships, including marriages, I had ... I was involved with friends with the industry and ... for example, if I had a date in the industry people were all weirded-out whether that was going to be a conflict by being the general counsel of the Department of Citrus.

And I think over the years, whether that's been social relationships, you know, taking vacations with people that were involved with the industry or whatever, I think I've navigated those over time. But it got a lot simpler when I left state government, let me say that. But those are ... those are the typical conflicts that anybody in the public sector gets involved, if they have friends in an area they might regulate, there's always ... you know, you have to be conscientious and understand what people might see, that they might think you're giving someone preference and you're not, but it might, the appearance of impropriety is always hanging there when you're in public service.

**Crouch:** *And you talked about having like a female support, companion. Were they any that you would like to touch on, talk about?*

**Carlson:** Oh yeah ... there was a gal that worked for the Department of Agriculture named Betsey Woodward—she was their chief chemist and she was a real go-getter regulator. And Betsey was very involved with this juice adulteration project. And she and Martha Roberts, who's been with the Florida Department of Agriculture for a number of years and now she's with the University of Florida ... the three of us were always trying to figure out how to do things that we needed to get done and, you know, there were men involved in this but we kind of struck up a special relationship with each other because, number one, it was our job, and number two, we just liked each other.

And the lady that ran the USDA inspection in Winter Haven; she ran all the USDA for the citrus industry, Ann Pinner—she was in charge, she was the officer in charge when I was at the Department of Citrus. And again, we spoke, you know, weekly, we'd have lunch together, and put our heads together as to how to ... if there was a grading issue or a grade standard issue we'd work on that together. And over the years we started having more female executives join the Department of Citrus.

And I relied heavily on a lady that worked with me named Joan Martin, who was ... helped me with all the rule making and she was an unsung hero of the Department of Citrus; she probably knew more than anybody working there as to how the industry was truly regulated cause she had been ... she wasn't a clerk necessarily but she had been like a paralegal, doing all the paperwork for all these years, and helping with the statute drafting and that sort of thing.

So, by the time I left, the market research director was a Ph.D female. The fresh fruit advertising director was a female. We had female scientists at Lake Alfred. So in the 12 years I was at the Department of Citrus, from 1980 to 1992—I think I left early in '93—women were prevalent in all areas.

They were not just in support positions, they were in management positions, but there ... I would say there was a glass ceiling in terms of upper management in all the companies, so that was still a man's bastion. And, you know, today we have some females high up in management, but it is 2012. [laughs] It's been slow! And I think that's typical of agriculture.

**Crouch:** *Are there any other prominent names, male or female, which you worked with throughout the years that you'd like to talk about?*

**Carlson:** Well, I ... I expected this question and I gave it some thought. On the legal side, J. Peterson and Dave Kerr kind of raised me. They took me under their wing and helped me learn how to be a lawyer in the citrus industry. And the style of these two gentlemen; they were both fun-loving, wise-cracking, old-school lawyers, both gentlemen. But they weren't afraid to make a joke ...

[pause in taping]

**Carlson:** So, J. Peterson and Dave Kerr gave me a comfort level that I could be my own person, because they were very much characters. And so they started me out by, just because this is how they were and they were successful in the industry, they started me out by letting me crack jokes if I wanted to or

make a fool of myself in a public presentation, and you know, for the sake of a laugh of course. But I very much enjoyed them.

And as far as someone in the industry that has affected my career ... Bill Becker was the chairman of the Citrus Commission when I was at the Department of Citrus. And Bill was a very strong chairman and I enjoyed working for him because anything was possible. If you needed to go to, you know, appear in front of Congress and demand something, or be at a hearing, or go into FDA, he kind of gave you ... gave you some spine because, you know, he was behind you, often he'd accompany us into the meetings.

And he was a big guy, and so he kind of taught me not to be a fraidy-cat early in my career. And he's been involved with the industry since I started and he's still there. I imagine the Florida Citrus Processors Association, he's an ex-president of that and he's just recently stepped off the board. But he's still very much available to help manage issues that require some thought and some clout.

**Crouch:** *Are there any ... in your opinion what are the biggest changes that you've seen in your time working in citrus?*

**Carlson:** I would have to say, for the citrus industry, the fact that there's been so much consolidation in the last 30 years. I mean there used to be so many companies and folks and now there's less of everything; there's less processing plants, less packing houses, less citrus commissioners, a smaller Department of Citrus, fewer growers. So you, have about the same amount of fruit being managed and handled and packed by fewer players. And ... so the fact there's fewer makes my job easy in a way because instead of making 30 calls we can make 12 calls and kind of get the lay of the land.

But between that and information technology where people don't drive from Vero Beach anymore to Lakeland to have a meeting, you know, you get to have a telephone conference call. There seems to be more of an isolation in the industry; we don't talk as much as we used to, we don't get together as often, and I miss that, and I think we've lost a lot by not having the face time.

And we still have personal relationships, it's great to see people, but I think that sense that we're all in this together is maybe not as dominating as it was when we were literally all in the same room together working out problems. As far as the process industry goes, food safety has become very much an issue for the world. The United States and federal government's become very involved in trying to keep food safe for consumers. We have these super bugs now that, food pathogens that get in food and kill people.

We've been very blessed in the citrus industry because we pasteurize most of our juice; we kill food borne pathogens in the pasteurization process. But overlaying on the industry are so many safety requirements and sanitation requirements that in the olden days we just didn't think about. Now we have to have traceability of product back to the citrus grove and all kinds of processes in place so we know where we get our oranges and what time of day they were made into juice.

So, I think that's been a complication for the juice side of the industry but it's actually been a good thing. It has encouraged everybody to adopt good practices and fortunately we, you know, we really haven't been involved in some of these incidents that other industries have suffered with.

**Mims:** *Could you elaborate a little bit on the history of the Processors Association?*

**Carlson:** Yes. The Florida Citrus Processors Association was organized, I think it was 1935. I believe we are the oldest trade association in the state ... excuse me, in the citrus industry. It used to be called the Florida Citrus Cannery Association, because they had come up with this new fangled way to put juice in a can, and [laughs] people still referred to processors as canners, and canners ... and processors call

themselves canners and so that's kind of a leftover from back when somebody figured out how to squeeze a piece of fruit and put the juice in a can.

And from the time they started, the next big development was concentrating orange juice, of developing frozen concentrated orange juice, I think in the mid-'40s, around the time of World War Two, 1945 or '46. That was a big step and that took the processed juice industry to a new level. And so many of the companies that we have lost started out in the frozen concentrate business, and we still have a number of major companies that started out in the frozen concentrate orange juice business that are still dominating, like Coca-Cola, Tropicana.

But we used to have, I believe, 56 processors in the state and now we have probably 14, 13, some of them are small; that does not include gift fruit stands that might make a little bit of juice in a jug and sell it along the side of the road. So that's an example of the consolidation. We're still very active in the industry, most of the orange crop goes into juice; Florida is dominated by the juice industry. The fresh industry is a much smaller segment of it. Our processors today, most of them have access to imported juice; juices brought instead of in 55 gallon drums it's brought in on boats.

All of that juice is inspected so we're still very much a part of the regulatory environment in the state of Florida. A lot of the processors, because they have large capital investments in the state of Florida, they're able to take on allied juices and beverages so most Florida processors today pack lemonade and apple juice and things like that so they're more diversified, so that's been a change. The Florida Citrus Processors Association, has a board of directors; every company that's a member has a member on the board so I have, right now I have a 14-member board.

And that's ... that person's, that's representative of all 14 companies. So it's a pretty streamlined structure today; we don't have a building anymore, we don't have employees, I'm not even an employee of the Processors Association, I'm an employee of my law firm. But we still get together, we still have a good time. Often our meetings are on the telephone, and again that's sad that we have to meet on the telephone, but we still know each other from ... most everybody involved has been with the industry for a number of years, so having had the benefit of relationships all these years we can still do our business on the telephone.

**Mims:** *That makes me think of another question that I keep wanting to ask, and maybe you know: the soft drinks that have orange juice in it, like Mountain Dew, Sundrop ... would that come under any of this regulation? I mean, it's an additive into another product.*

**Carlson:** Alright, you are asking about what we refer to as diluted juice beverages.

**Mims:** *There we go, "diluted!" Okay ...*

**Carlson:** And funny you should ask.

**Mims:** *Okay! [laughs]*

**Carlson:** In, I believe 1992, the Florida Department of Citrus was successful in getting FDA to acknowledge that diluted fruit juice beverages needed to be regulated in some way. And the way chosen by FDA was to require that labels of drinks that had juice as an ingredient had to require the percentage of juice on the label, so today if you turn over a Ocean Spray cranberry cocktail, cranberry juice cocktail, you'll see "contains 'some percentage' of juice" right above the nutrition panel.

And so that was a big coup for the Florida citrus industry because there were a lot of orange imposter jugs of juice, they looked ... or drink ... that looked like orange juice, probably tasted a little more like candy—a lot of sugar in that orange juice—but they were not orange juice. So we were starting to lose customers to these products that mimicked juice but were not juice, contained only like five percent

juice. And with this labeling it's just become a consumer education game to say, "Look, look, if you're wanting 100% orange juice, it'll say 100% orange juice. If you're wanting a five percent orange juice product, turn the carton over and you'll see there it is, five percent."

So, the Department of Citrus has never regulated those type of products per se, it's a federal labeling issue. From time to time they've done educational campaigns to educate consumers that there is a difference in these products. Often there's nutrition differences, but certainly as far as juice content they're different.

**Mims:** *Okay, I wanna say a bad word ... Tang.*

**Carlson:** TANG!

**Mims:** *I know that astronauts drank Tang, so ...*

**Carlson:** Tang, yeah, I was going to be an astronaut as a young girl.

**Mims:** *Weren't we all!*

**Carlson:** And I drank all the, all the Tang I could get my hands on. And Tang was actually one of the first products that started eating the orange juice producer's lunch because it was advertised as a modern alternative to orange juice and of course its flavoring's in sugar. But, because of the advertising campaign surrounding it years ago, it was, and this was pre-my time at the Department of Citrus, but if you look back in the '60s in the old minutes of the Citrus Commission meeting they had Tang on the brain; they couldn't stop worrying about Tang.

And I don't know when Tang finally was exposed to just being a Kool-Aid type product, but it still sold and it has a place in the food market if you want a sugary drink. But it's really no longer a threat. I think most consumers have become a lot more sophisticated than we were. We thought TV dinners were fine cuisine and Tang was better than orange juice.

**Mims:** *I think we have a campaign back there; there was another product like Tang, I can't remember what the name of it was. But they advertise it as like orange juice but I don't think they said orange juice in it. And the Federal Trade Commission truth in advertising, it kind of impacted that?*

**Carlson:** Yeah, there's been skirmishes with various citrus-laced products ...

**Mims:** *Okay.*

**Carlson:** ... over the years. And the skirmish can start at the FTC level, it can start with consumers, it can start at the Department of Citrus taking a stand. They've had these for as long as they've had substitutes for orange juice and grapefruit juice.

**Mims:** *Hm. Do you wanna wrap it?*

**Crouch:** *Um, yeah. We wanna thank you for sitting with and us and talking with us today.*

**Mims:** *Just in reflection, do you have anything that maybe we haven't touched upon that we should have?*

**Carlson:** Well there's one ... may not, I think for history's sake this is important. The ... there's something called the Codex Alimentarius Commission. And it is an international food standard setting organization that is operated through the World Health Organization in the United Nations. And the purpose of having international standards is to facilitate global trade.

And a lot of the countries, for example, non-citrus producing countries, they have no reason to have orange juice standards. And so the Codex Alimentarius Commission has evolved over many years and

they, their business is to adopt international standards. So, in the late 1990s, and I was fortunate to be involved in this process, we got together as an international community and everybody who had a fruit juice that wanted it standardized showed up at the table and we had these meetings. Brazil was the host country. But we standardized carambola juice, and orange juice, and grapefruit juice, and all these different juices so there was fair play in the international community, global trade, there were standards.

So if you, now if you go to the center of Africa and say, "I want orange juice," there's a good chance you can get orange juice, where as 20 years ago it might be five percent orange juice and 95% water and sugar. So this international standard setting process culminated in international standards for orange juice, and grapefruit juice, and tangerine juice. And I think that was a big leap for us to really take our influence of the quality standards we worked so hard on in the United States and the state of Florida. We were able to transfer that regulatory structure, really in terms of standards, to the international community.

And I was very fortunate to be able to play in that arena and work in that process and I found it very gratifying. And its ... a lot of people want to keep their local standards and their state standards and I guess I'm optimistic that one day, as a "Kumbaya" moment that we can have international food standards so that they food we buy and sell all over the world discovered by international standards. And the Florida Citrus Industry was very aggressive in participating in that process. So I think that's a big deal.

**Mims:** *It is and I had no knowledge of it either.*

**Crouch:** *Yeah me either.*

**Carlson:** Okay, well thank you!

**Mims:** *Thank you!*

[END]