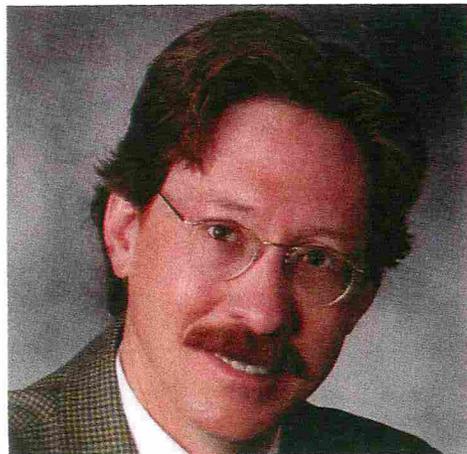


Tomato: Fruit or Veggie?



by R. Michael Shickich

The very identity of the tomato is and has for a long time been a point of contention. On the one hand, botanical purists point out that the tomato should be considered a fruit, given that it is the fruit of a vine. On the other hand, as part of our diets, the tomato “acts” like a vegetable.

Over a century ago, the U.S. Supreme Court took up this very subject, ruling in a short opinion that the tomato should be treated as a vegetable. The issue arose over a protest mounted in court by importers of tomatoes from the West Indies against a tariff that had been imposed on the tomatoes. The tariff, or import tax, could be

imposed on vegetables but not on fruits.

The Supreme Court case boiled down to competing experts for both sides, as well as competing dictionary definitions. In the end, since the terms “vegetable” and “fruit” were found not to have any specialized meanings in the context of trade and commerce, the Court decided to treat tomatoes as most people did at the time when they ate them, that is, as vegetables.

In short, the Court determined that

whichever way the tomato may have been characterized by botanists, it usually was used and treated as part of the meal itself (or “repast,” in the Court’s words) and not, like most fruits, as a dessert. Thus, the plaintiff importers could not avoid the challenged tariff.

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your specific circumstances. The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer’s credentials and ability, and not rely upon advertisements or self-proclaimed expertise.

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