

## Agricultural Marketing Service, USDA

## § 1206.10

SOURCE: 68 FR 58554, Oct. 9, 2003, unless otherwise noted.

### Subpart A—Mango Promotion, Research, and Information Order Definitions

SOURCE: 69 FR 59122, Oct. 4, 2004, unless otherwise noted.

#### § 1206.1 Act.

*Act* means the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425; Public Law 104–127; 110 Stat. 1029), or any amendments thereto.

#### § 1206.2 Board.

*Board* or National Mango Promotion Board means the administrative body established pursuant to §1206.30, or such other name as recommended by the Board and approved by the Department.

#### § 1206.3 Conflict of interest.

*Conflict of interest* means a situation in which a member or employee of the Board has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Board for anything of economic value.

#### § 1206.4 Customs.

*Customs* means the Customs and Border Protection of the U.S. Department of Homeland Security.

#### § 1206.5 Department.

*Department* means the U.S. Department of Agriculture or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

#### § 1206.6 First handler.

*First handler* means any person, (excluding a common or contract carrier), receiving 500,000 or more pounds of mangos from producers in a calendar year and who as owner, agent, or otherwise ships or causes mangos to be shipped as specified in this Order. This definition includes those engaged in the business of buying, selling and/or

offering for sale; receiving; packing; grading; marketing; or distributing mangos in commercial quantities. The term first handler includes a producer who handles or markets mangos of the producer's own production.

#### § 1206.7 Fiscal period.

*Fiscal period* means a calendar year from January 1 through December 31, or such other period as recommended by the Board and approved by the Department.

#### § 1206.8 Foreign producer.

*Foreign producer* means any person:

(1) Who is engaged in the production and sale of mangos outside of the United States and who owns, or shares the ownership and risk of loss of the crop for sale in the U.S. market or

(2) Who is engaged, outside of the United States, in the business of producing, or causing to be produced, mangos beyond the person's own family use and having value at first point of sale.

#### § 1206.9 Importer.

*Importer* means any person importing 500,000 or more pounds of mangos into the United States in a calendar year as a principal or as an agent, broker, or consignee of any person who produces or handles mangos outside of the United States for sale in the United States, and who is listed as the importer of record for such mangos.

#### § 1206.10 Information.

*Information* means information and programs that are designed to develop new markets, marketing strategies, increase market efficiency, and activities that are designed to enhance the image of mangos in the United States. These include:

(a) Consumer information, which means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, nutritional attributes, and care of mangos; and

(b) Industry information, which means information and programs that will lead to the development of new markets, new marketing strategies, or