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principally in a section west of the Tennessee River in Kentucky and extending into Tennessee.

Groups applicable to types 21, 22, and 23:
A—Wrappers.
B—Heavy Leaf.
C—Thin Leaf.
X—Lugs.
N—Nondescript, as defined.
S—Scrap, as defined.

### § 30.38 Class 3; air-cured types and groups.

(a) *Type 31.* That type of air-cured tobacco, commonly known as Burley, produced principally in Kentucky, Tennessee, Virginia, North Carolina, Ohio, Indiana, West Virginia, and Missouri.

Groups applicable to type 31:
X—Flyings.
C—Lugs or Cutters.
B—Leaf.
T—Tips.
M—Mixed.
N—Nondescript, as defined.
S—Scrap, as defined.

(b) *Type 31–V.* Notwithstanding the definitions of ''Type'' and ''Type 31'', any tobacco having the general visual characteristics of quality, color, and length of Class 3, Type 31, air-cured tobacco, but which is a low-nicotine strain or variety, produced and to be marketed under such restrictions or controls as shall be specified by the Director of the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, and which in its cured state is found by an authorized representative of the Department to have a nicotine content of not more than eight-tenths of one percent (8/10 of 1%), oven dry weight, shall not be classified as Type 31 but shall be classified and designated upon certification by the Department as Type 31–V. No groups are established for Type 31–V.

(c) *Restrictions and controls relating to the production and marketing of Type 31–V tobacco as a prerequisite to the classification and certification of such tobacco*—(1) *Declaration of seed or seedlings.* Tobacco shall be produced from seed or seedlings declared to be a suitable low-nicotine strain or variety for the production of Type 31–V, by an agency or agencies designated by the Director of the Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture.

(2) *Production under contract.* Type 31–V tobacco shall be grown under contract with a dealer in tobacco or a manufacturer of tobacco products. In addition to any other provisions not inconsistent herewith, the contract shall provide that:

(i) The dealer or manufacturer shall furnish to the grower seed or seedlings declared therefor as provided in paragraph (c)(1) of this section.

(ii) The grower shall deliver to the dealer or manufacturer all tobacco produced from such seed or seedlings;

(iii) The grower shall produce not in excess of the number of acres of low-nicotine tobacco specified in the contract;

(iv) The grower shall establish clear lines of demarcation between the low-nicotine tobacco and any other type of tobacco grown on the farm; and

(v) The low-nicotine tobacco shall be housed and handled separately and shall not be commingled with any other type of tobacco: *Provided,* That this provision shall not prohibit the housing of low-nicotine and other types of tobacco in the same curing barn so long as the low-nicotine tobacco is clearly identified and is not commingled with any other type of tobacco.

(3) *Filing of copy of contract.* A copy of each contract referred to in paragraph (c)(2) of this section shall be filed by the dealer or manufacturer with the Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, by May 1 of each year.

(4) *Restrictions on sale and marketing.* The low-nicotine tobacco shall not be offered for sale, sold, marketed, or otherwise disposed of unless such tobacco is clearly represented and identified as being low-nicotine tobacco: *Provided,* That this restriction shall not apply to products manufactured from such tobacco.

(5) *Nicotine content.* The nicotine content of the tobacco in its cured state, based on an official sample drawn and selected as being representative of the whole production from the acreage of low-nicotine tobacco planted under said contract by the same grower during the same calendar year, shall not be more than eight-tenths of one percent (8/10 of 1%) oven dry weight.

(6) *Furnishing of information.* Each dealer or manufacturer and each grower shall, from time to time, furnish to the Director of the Tobacco Division, such information as shall be requested relating to his production, stocks, and disposition of low-nicotine tobacco.

(7) *Prohibitions relating to seed and plants.* No seed shall be saved or harvested from the tobacco produced under a contract referred to in paragraph (d)(2) of this section. No grower to whom seed or seedlings is furnished pursuant to paragraph (d)(2)(i) of this section shall deliver or transfer any such seed or any plant produced therefrom to any other person.

(8) *Designation of seed or seedlings declaring agencies.* The Kentucky Agricultural Experiment Station, Lexington, Kentucky, is designated as an agency for the declaration of seed or seedlings pursuant to paragraph (d)(1) of this section.

(9) *Definitions.* For the purposes of the restrictions and controls hereinbefore set forth a ''dealer'' or a ''manufacturer'' shall be a dealer in tobacco or a manufacturer of tobacco products.

(d) *Type 32.* That type of air-cured tobacco commonly known as Southern Maryland tobacco or Maryland Air-cured, and produced principally in southern Maryland. (Upper Country Maryland is classed as ''miscellaneous domestic.'')

Groups applicable to type 32:
X—Seconds.
C—Bright-crop or Thin-crop.
B—Dull-crop or Heavy-crop.
T—Tips.
N—Nondescript, as defined.
S—Scrap, as defined.

(e) *Type 35.* That type of air-cured tobacco commonly known as One Sucker Air-cured, Kentucky-Tennessee-Indiana One Sucker, or Dark Air-cured One Sucker, including the upper Cumberland District One Sucker, and produced principally in northern Tennessee, south central Kentucky, and southern Indiana.

(f) *Type 36.* That type of air-cured tobacco commonly known as Green River, Green River Air-cured, or Dark Air-cured of the Henderson and Owensboro Districts, and produced principally in the Green River section of Kentucky.

(g) *Type 37.* That type of air-cured or sun-cured tobacco commonly known as Virginia Sun-cured, Virginia Sun and Air-cured, or Dark Air-cured of Virginia, and produced principally in the central section of Virginia north of the James River.

Groups applicable to types 35, 36, and 37:
A—Wrappers.
B—Heavy Leaf.
C—Thin Leaf.
T—Tips.
X—Lugs.
N—Nondescript, as defined.
S—Scrap, as defined.

### § 30.39 Class 4; cigar-filler types and groups.

(a) *Type 41.* That type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf or Pennsylvania Broadleaf, produced principally in Lancaster County, Pennsylvania, and adjoining counties and including other areas of Pennsylvania and Maryland in which the seedleaf variety is grown.

Groups applicable to type 41:
C—Stripper.
X—Straight Stripped.
Y—Farm Filler.
N—Nondescript, as defined.

(b) *Type 42.* That type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley Section of Ohio and extending into Indiana.

(c) *Type 43.* That type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley Section of Ohio and extending into Indiana.

(d) *Type 44.* That type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley Section of Ohio.

Groups applicable to types 42, 43, and 44:
X—Straight Stripped.
N—Nondescript, as defined.

(e) *Type 46.* That type of cigar-leaf tobacco commonly known as Puerto Rican Filler, produced principally in the inland and semicoastal areas of Puerto Rico.

Groups applicable to type 46:
C—Strippers.
X—Grinders.
N—Nondescript, as defined.
S—Scrap, as defined.