

**Agricultural Marketing Service, USDA**

**§ 51.1403**

**§ 51.1357 Seriously deformed.**

*Seriously deformed* means that the pear is so badly misshapen as to cause a loss during the usual commercial preparation for use of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were well formed. Round or apple-shaped pears shall not be considered seriously deformed.

**§ 51.1358 Serious damage.**

*Serious damage* means any injury or defect which cannot be removed during the usual commercial preparation for use without a loss of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were not defective.

**§ 51.1359 Diameter.**

*Diameter* means the greatest dimension of the pear taken at right angles to a line running from the stem to the blossom end.

**Subpart—United States Standards for Grades of Pecans in the Shell<sup>1</sup>**

SOURCE: 41 FR 39303, Sept. 15, 1976, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

**GRADES**

**§ 51.1400 U.S. No. 1.**

“U.S. No. 1” consists of pecans in the shell which meet the following requirements:

- (a) Free from loose extraneous or foreign material.
- (b) Shells are: (1) Fairly uniform in color; and, (2) Free from damage by any cause.
- (c) Kernels are: (1) Free from damage by any cause.
- (d) For tolerances see § 51.1404.

**§ 51.1401 U.S. No. 2.**

The requirements for this grade are the same as for U.S. No. 1 except for:

<sup>1</sup>Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

- (a) No requirement for uniformity of color of shells; and,
- (b) Increased tolerances for defects see § 51.1404.

**SIZE CLASSIFICATION**

**§ 51.1402 Size classification.**

Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of these classifications, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100 nut sample.

Size classification	Number of nuts per pound	Minimum weight of the 10 smallest nuts in a 100-nut sample
Oversize .....	55 or less .....	In each classification, the 10 smallest nuts per 100 must weigh at least 7 pct of the total weight of a 100-nut sample.
Extra large .....	56 to 63 .....	
Large .....	64 to 77 .....	
Medium .....	78 to 95 .....	
Small .....	96 to 120 .....	

**KERNEL COLOR CLASSIFICATION**

**§ 51.1403 Kernel color classification.**

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the “light” or “light amber” classification, that color classification may be used to describe the lot in connection with the grade.

(1) “Light” means that the outer surface of the kernel is mostly golden color or lighter, with not more than 25 percent of the outer surface darker than golden, none of which is darker than light brown.

(2) “Light amber” means that more than 25 percent of the outer surface of the kernel is light brown, with not more than 25 percent of the outer surface darker than light brown, none of which is darker than medium brown.

(3) “Amber” means that more than 25 percent of the outer surface of the kernel is medium brown, with not more than 25 percent of the outer surface darker than medium brown, none of which is darker than dark brown (very dark-brown or blackish-brown discoloration).

(4) “Dark amber” means that more than 25 percent of the outer surface of

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the kernel is dark brown, with not more than 25 percent of the outer surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, Pec-MC-1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by the terms "golden," "light brown," "medium brown" and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wisconsin 53538.

TOLERANCES

§51.1404 Tolerances.

In order to allow the variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) U.S. No. 1—(1) For shell defects, by count. (i) 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

(2) For kernel defects, by count. (i) 12 percent for pecans with kernels which fail to meet the requirements for the grade or any specified color classification, including therein not more than 7 percent for kernels which are seriously damaged: Provided, That not more than six-sevenths of this amount, or 6 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects: And provided further, That included in this 6 percent tolerance not more than one-half of one percent shall be allowed for pecans with live insects inside the shell.

(ii) In addition, 8 percent for kernels which fail to meet the color requirements for the grade or for any specified color classification, but which are not seriously damaged by dark discoloration of the skin: Provided, That these

kernels meet the requirements for the grade other than for skin color.

(3) For loose extraneous or foreign material, by weight. (i) 0.5 percent (one-half of 1 percent).

(b) U.S. No. 2—(1) For shell defects, by count. (i) 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

(2) For kernel defects, by count. (i) 30 percent for pecans with kernels which fail to meet the requirements of the U.S. No. 1 grade, including therein not more than 10 percent for pecans with kernels which are seriously damaged: Provided, That not more than seven-tenths of this amount, or 7 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects: And provided further, That included in this 7 percent tolerance not more than one-half of one percent shall be allowed for pecans with live insects inside the shell.

(3) For loose extraneous or foreign material, by weight. (i) 0.5 percent (one-half of 1 percent).

APPLICATION OF TOLERANCES

§51.1405 Application of tolerances.

Individual 100-count samples shall have not more than one and one-half times a specified tolerance of 5 percent or more and not more than double a tolerance of less than 5 percent, except that at least one pecan which is seriously damaged by live insects inside the shell is permitted: Provided, That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§51.1406 Sample for grade or size determination.

Each sample shall consist of 100 pecans. The individual sample shall be drawn at random from a sufficient number of packages to form a 100-count composite sample. The number of such individual 100-count samples drawn for grade or size determination will vary with the size of the lot. When practicable, at point of packaging the sample may be obtained from the grading belt after sorting has been completed.