kernel. No live insects shall be permitted.

(iii) Mold which is readily visible on the shell or kernel.

(iv) Rancidity means the kernel is distinctly rancid to taste. Staleness of flavor shall not be classed as rancidity.

(v) Decay means one-sixteenth or more of the kernel surface is decomposed.

(f) Other defects means defects which cannot be considered internal defects or external defects. Such defects include, but are not limited to shell pieces, blanks, foreign material or particles and dust. The following shall be considered other defects. (For tolerances see § 51.2544, Table III.)

(1) Shell pieces means open in-shell nuts not containing a kernel, half shells or pieces of shell which are loose in the sample.

(2) Blank means a non-split shell not containing a kernel or containing a kernel that fills less than one-half the shell cavity.

(3) Foreign material means leaves, sticks, loose hulls or hull pieces, dirt, rocks, insects or insect fragments not attached to nuts, or any substance other than pistachio shells or kernels. Glass, metal or live insects shall not be permitted.

(4) Particles and dust means pieces of nut kernels which will pass through a 5/64 inch round opening.

(5) Undersize means pistachio nuts in the shell which fall through a 30/64 inch round hole screen.

Subpart—United States Standards for Grades of Shelled Pistachio Nuts

SOURCE: 55 FR 28747, July 13, 1990, unless otherwise noted.

§ 51.2555 General.

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to raw, roasted, salted or salted/roasted pistachio kernels.


§ 51.2556 Grades.

(a) ‘‘U.S. Fancy,’’ ‘‘U.S. Extra No. 1,’’ and ‘‘U.S. No. 1’’ consist of pistachio kernels which meet the following requirements:

(1) Well dried, or very well dried when specified in connection with the grade.

(2) Free from:

(i) Foreign material, including in-shell nuts, shells, or shell fragments.

(3) Free from damage by:

(i) Immature kernels;

(ii) Minor insect or vertebrate injury;

(iii) Insect damage;

(iv) Rancidity;

§ 51.2549 Metric conversion table.

Use the following table for metric conversion:

<table>
<thead>
<tr>
<th>Inches</th>
<th>Millimeters</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/64</td>
<td>1.98</td>
</tr>
<tr>
<td>18/100</td>
<td>.46</td>
</tr>
<tr>
<td>1/4</td>
<td>6.35</td>
</tr>
<tr>
<td>30/64</td>
<td>11.88</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ounces</th>
<th>Grams</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>28.35</td>
</tr>
<tr>
<td>2</td>
<td>56.70</td>
</tr>
</tbody>
</table>

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§ 51.2557

(v) Decay; and,
(vi) Other defects.

(5) Unless otherwise specified, kernels shall meet the size classification of Jumbo Whole Kernels (See §51.2559).

(b) [Reserved]

[68 FR 50685, Aug. 22, 2003]

§ 51.2557 Tolerances.

(a) In order to allow for variations incident to proper grading and handling, the tolerances, by weight, in Table I are provided.

<table>
<thead>
<tr>
<th>Factor (tolerances by weight)</th>
<th>U.S. fancy (percent)</th>
<th>U.S. extra No. 1 (percent)</th>
<th>U.S. No. 1 (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Damage ....................</td>
<td>2.0</td>
<td>2.5</td>
<td>3.0</td>
</tr>
<tr>
<td>(b) Serious Damage (Minor Insect or Vertebrate Injury, Mold, Rancid, Decay)</td>
<td>1.5</td>
<td>2.0</td>
<td>2.5</td>
</tr>
<tr>
<td>(1) Insect Damage, included in (b) .....</td>
<td>.3</td>
<td>.4</td>
<td>.5</td>
</tr>
<tr>
<td>(c) Foreign Material .....</td>
<td>.03</td>
<td>.05</td>
<td>.1</td>
</tr>
</tbody>
</table>


§ 51.2558 Application of tolerances.

The tolerances for the grades apply to the entire lot and shall be based on a composite sample representative of the lot. Any container or group of containers which have kernels obviously different in quality or size from those in the majority of containers shall be considered a separate lot and shall be sampled separately.

§ 51.2559 Size classifications.

(a) The size of pistachio kernels may be specified in connection with the grade in accordance with one of the following size classifications.

(1) Jumbo Whole Kernels: 80 percent or more by weight shall be whole kernels and not more than 5 percent of the total sample shall pass through a 3/64 inch round hole screen with not more than 1 percent passing through a 1/64 inch round hole screen.

(2) Large Whole Kernels: 80 percent or more, by weight, shall be whole kernels and not more than 2 percent of the total sample shall pass through a 1/64 inch round hole screen.

(3) Large Split Kernels: 75 percent or more, by weight, shall be half kernels split lengthwise and not more than 5 percent of the total sample shall pass through a 1/64 inch round hole screen.

(4) Whole and Broken Kernels: means a mixture of any combination of whole kernels or pieces. The percentage of whole kernels and/or pieces may be specified. Not more than 5 percent of the total sample shall pass through a 1/64 inch round hole screen.

(b) [Reserved]

[68 FR 50685, Aug. 22, 2003]

§ 51.2560 Definitions.

(a) Well dried means the kernel is firm and crisp.

(b) Very well dried means the kernel is firm and crisp and the average moisture content of the lot does not exceed 7 percent or is specified (See §51.2561).

(c) Foreign material means leaves, sticks, in-shell nuts, shells or pieces of shells, dirt, or rocks, or any other substance other than pistachio kernels. No allowable tolerances for metal or glass.

(d) Whole kernel means 3/4 of a kernel or more.

(e) Splits means more than 3/4 of a half kernel split lengthwise.

(f) Damage means any specific defect described in paragraph (f) (1) through (2) of this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot. (For tolerances, see §51.2557, Table I.)

(1) Immature kernels are excessively thin kernels and can have black, brown or gray surface with a dark interior color and the immaturity has adversely affected the flavor of the kernel.

(2) Kernel spotting refers to dark brown or dark gray spots aggregating more than one-eighth of the surface of the kernel.