§ 810.1001 Definition of oats.

Grain that consists of 50 percent or more of oats (Avena sativa L. and A. byzantina C. Koch) and may contain, singly or in combination, not more than 25 percent of wild oats and other grains for which standards have been established under the United States Grain Standards Act.

§ 810.1002 Definition of other terms.

(a) Fine seeds. All matter that passes through a 5⁄64 triangular-hole sieve after sieving according to procedures prescribed in FGIS instructions.

(b) Foreign material. All matter other than oats, wild oats, and other grains.

(c) Heat-damaged kernels. Kernels and pieces of oat kernels, other grains, and wild oats that are materially discolored and damaged by heat.

(d) Other grains. Barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, guar, hull-less barley, nongrain sorghum, Polish wheat, popcorn, poulard wheat, rice, rye, safflower, sorghum, soybeans, spelt, sunflower seed, sweet corn, triticale, and wheat.

(e) Sieves—(1) 5⁄64 triangular-hole sieve. A metal sieve 0.032 inch thick with equilateral triangular perforations the inscribed circles of which are 0.0781 (5⁄64) inch in diameter.

(2) 0.064 × 3⁄8 oblong-hole sieve. A metal sieve 0.032 inch thick with oblong perforations 0.064 inch by 0.375 (3⁄8) inch.

(f) Sound oats. Kernels and pieces of oat kernels (except wild oats) that are not badly ground-damaged, badly weather-damaged, diseased, frost-damaged, germ-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged.

(g) Wild oats. Seeds of Avena fatua L. and A. sterilis L.

§ 810.1003 Basis of determination.

Other determinations not specifically provided for under the general provisions are made on the basis of the grain as a whole.

Grades and Grade Requirements

§ 810.1004 Grades and grade requirements for oats.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Minimum limits—</th>
<th>Maximum limits—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Test weight per bushel (pounds)</td>
<td>Sound oats (percent)</td>
</tr>
<tr>
<td>U.S. No. 1</td>
<td>36.0</td>
<td>97.0</td>
</tr>
<tr>
<td>U.S. No. 2</td>
<td>33.8</td>
<td>94.0</td>
</tr>
<tr>
<td>U.S. No. 3¹</td>
<td>30.0</td>
<td>90.0</td>
</tr>
<tr>
<td>U.S. No. 4²</td>
<td>27.0</td>
<td>80.0</td>
</tr>
</tbody>
</table>

U.S. Sample grade—

U.S. Sample grade are oats which:

(a) Do not meet the requirements for the grades U.S. Nos. 1, 2, 3, or 4; or

(b) Contain 8 or more stones which have an aggregate weight in excess of 0.2 percent of the sample weight, 2 or more pieces of glass, 3 or more crotalaria seeds (Crotalaria spp.), 2 or more castor beans (Ricinus communis L.), 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), 8 or more cocklebur (Xanthium spp.) or similar seeds singly or in combination, 10 or more rodent pellets, bird droppings, or equivalent quantity of other animal filth per 1 1⁄8 to 1 1⁄4 quarts of oats; or

(c) Have a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor); or

(d) Are heating or otherwise of distinctly low quality.

¹Oats that are slightly weathered shall be graded not higher than U.S. No. 3.

²Oats that are badly stained or materially weathered shall be graded not higher than U.S. No. 4.