

§ 906.235

(5) A statement that the buyer certifies that fruit that is subsequently taken outside the production area for resale will be inspected; and

(6) Such other pertinent information as the committee may require.

(c) The handler shall prepare the report in triplicate. The buyer shall sign the certification statement. The pink copy shall be submitted to the committee within 7 days. The white copy shall be retained by the handler and the canary copy shall be given to the buyer. Such form shall be reviewed by the committee staff and the information compiled for the committee's use.

[34 FR 6651, Apr. 18, 1969, as amended at 61 FR 64255, Dec. 4, 1996; 62 FR 3603, Jan. 24, 1997]

§ 906.235 Assessment rate.

On and after August 1, 2004, an assessment rate of \$0.12 per $\frac{7}{10}$ -bushel carton or equivalent is established for oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

[69 FR 45233, July 29, 2004]

Subpart—Container and Pack Requirements

§ 906.340 Container, pack, and container marking regulations.

(a) No handler shall handle any variety of oranges or grapefruit grown in the production area unless such fruit is in one of the following containers, and the fruit is packed and the containers are marked as specified in this section:

(1) *Containers.* (i) Closed fiberboard carton with inside dimensions of $13\frac{1}{4} \times 10\frac{1}{2} \times 7\frac{1}{4}$ inches: *Provided*, That the container has a Mullen or Cady test of at least 200 pounds;

(ii) Closed fully telescopic fiberboard carton with inside dimensions of $16\frac{1}{2} \times 10\frac{3}{4} \times 9\frac{1}{2}$ inches;

(iii) Closed fiberboard carton with inside dimensions of $20 \times 13\frac{1}{4}$ inches and a depth from $9\frac{3}{4}$ to 13 inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds: *And Provided further*, That the container may be used to pack any poly or mesh bags authorized in this section;

(iv) Poly or mesh bags having a capacity of four, five, eight, ten, or 18 pounds of fruit: *Provided*, That only or-

7 CFR Ch. IX (1–1–10 Edition)

anges are to be packed in the four-pound bag.

(v) Rectangular or octagonal bulk fiberboard crib with approximate dimensions of 46 to $47\frac{1}{2}$ inches in length, 37 to 38 inches in width, and 36 inches in height: *Provided*, That this container has a Mullen or Cady test of at least 1,300 pounds, and that it is used only once for the shipment of citrus fruit: *And Provided further*, That the container may be used to pack any poly or mesh bags authorized in this section, or bulk fruit.

(vi) Rectangular or octagonal $\frac{2}{3}$ fiberboard crib with approximate dimensions of 46 to $47\frac{1}{2}$ inches in length, 37 to 38 inches in width, and 24 inches in height: *Provided*, That the crib has a Mullen or Cady test of at least 1,300 pounds, and that it is used only once for the shipment of citrus fruit: *And Provided further*, That the container may be used to pack any poly or mesh bags authorized in this section, or bulk fruit.

(vii) Octagonal fiberboard crib with approximate dimensions of 46 to $47\frac{1}{2}$ inches in width, 37 to 38 inches in depth, and 26 to $26\frac{1}{2}$ inches in height: *Provided*, That the crib has a Mullen or Cady test of at least 1,300 pounds, and that it is used only once for the shipment of citrus fruit: *And Provided further*, That the crib may be used to pack any poly or mesh bags authorized in this section, or bulk fruit.

(viii) Fiberboard box holding two layers of fruit, with approximate dimensions of 23 inches in length, $15\frac{1}{2}$ inches in width, and 7 inches in depth;

(ix) Fiberboard box with approximate dimensions of 15 inches in length, 11 inches in width, and $7\frac{1}{2}$ inches in depth;

(x) Fiberboard box with approximate dimensions of $25\frac{3}{4}$ inches in length, 15 inches in width, and $8\frac{3}{8}$ to $10\frac{1}{2}$ inches in depth;

(xi) Reusable collapsible plastic container with approximate dimensions of 23 inches in length, 15 inches in width, and 7 to 11 inches in depth;

(xii) Reusable collapsible plastic container with approximate dimensions of $14\frac{1}{4} \times 10\frac{3}{4} \times 6\frac{3}{4}$ inches;

(xiii) Reusable collapsible plastic bin with approximate dimensions of $36\frac{3}{4} \times 44\frac{3}{4} \times 27$ inches;

(xiv) Octagonal bulk triple wall fiberboard crib with approximate dimensions of 37¾ inches in length, 25 inches in width, and 25 inches in height: *Provided*, That the container has a Mullen or Cady test of at least 1,100 pounds: *And Provided further*, That the container may be used to pack any poly or mesh bags authorized in this section, or bulk fruit;

(xv) Closed fiberboard carton with approximate dimensions of 16½ inches in length, 10¾ inches in width, and 6¹⁵/₁₆ inches in height: *Provided*, That the container has a Mullen or Cady test of at least 200 pounds;

(xvi) Such types and sizes of containers as may be approved by the committee for testing in connection with a research project conducted by or in cooperation with the committee: *Provided*, That the handling of each lot of fruit in such test containers shall be subject to prior approval and under the supervision of the committee.

(2) *Pack regulation.* (i) *Oranges.* (A) Oranges, when packed in any carton, bag, or other container, shall be sized in accordance with the sizes in the following Table I, and meet the requirements of standard pack; and, when in containers not packed according to a definite pattern, shall be sized in accordance with the sizes in Table I and otherwise meet the requirements of standard sizing: *Provided*, That the packing tolerances in the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona), shall apply to fruit so packed:

TABLE I—ORANGES
[7/10 bushel carton]

Pack size/Number of oranges	Diameter in inches	
	Minimum	Maximum
24	3 ¹ / ₁₆	5 ¹ / ₁₆
32	3 ⁹ / ₁₆	4 ⁹ / ₁₆
36	3 ⁷ / ₁₆	4 ⁷ / ₁₆
40	3 ⁵ / ₁₆	4 ⁵ / ₁₆
48	2 ¹ ⁵ / ₁₆	4
56	2 ¹ ³ / ₁₆	3 ¹ ³ / ₁₆
64	2 ¹ / ₁₆	3 ¹ ⁰ / ₁₆
72	2 ⁹ / ₁₆	3 ⁸ / ₁₆
88	2 ⁸ / ₁₆	3 ⁴ / ₁₆
113	2 ⁷ / ₁₆	3
138	2 ⁵ / ₁₆	2 ¹ ² / ₁₆

(B) If 7/10 bushel containers of oranges are marked, the count of fruit in each

container shall not be less than the count marked on the container, but may exceed the count marked on the container by not more than 8 percent. When packed in marked containers other than 7/10 bushel, the pack sizes applicable to 7/10 bushel containers shall also apply to such containers.

(ii) *Grapefruit.* (A) Grapefruit, when packed in any carton, bag, or other container, shall be sized in accordance with the sizes in the following Table II, except as otherwise provided in the regulations issued pursuant to this part, and meet the requirements of standard pack; and, when in containers not packed according to a definite pattern, shall be sized in accordance with the sizes in Table II: *Provided*, That the packing tolerances in the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona), shall apply to fruit so packed:

TABLE II—GRAPEFRUIT
[7/10 bushel carton]

Pack size/Number of grapefruit	Diameter in inches	
	Minimum	Maximum
18	4 ¹ ⁵ / ₁₆	5 ⁹ / ₁₆
23	4 ⁹ / ₁₆	5
27	4 ⁷ / ₁₆	4 ¹ ² / ₁₆
32	3 ¹ ⁵ / ₁₆	4 ⁷ / ₁₆
36	3 ¹ ³ / ₁₆	4 ⁵ / ₁₆
40	3 ¹ ⁰ / ₁₆	4 ⁴ / ₁₆
48	3 ⁹ / ₁₆	3 ¹ ⁴ / ₁₆
56	3 ⁷ / ₁₆	3 ¹ ⁰ / ₁₆

(B) If 7/10 bushel containers of grapefruit are marked, the count of fruit in the container shall not be less than the count marked on the container, but may exceed the count marked on the container by not more than 8 percent. When packed in marked containers other than 7/10 bushel, the pack sizes applicable to 7/10 bushel containers shall also apply to such containers.

(3) *Container grade markings.* Except when the identifying marks "Texas Choice" or "Texas Fancy" are used by handlers pursuant to §906.137, any container of U.S. No. 2 grade fruit shall be marked to indicate the grade of the fruit in letters and numbers at least three-fourths inch in height: *Provided*, That bags containing five or eight pounds of fruit shall be so marked with letters and numbers at least one-fourth inch in height prominently displayed

§ 906.365

7 CFR Ch. IX (1-1-10 Edition)

on the front panel of the bag. The requirements of this paragraph (a)(3) will not be effective until February 16, 1992.

(b) *Nonapplicability.* The provisions of this section shall not apply to gift packages of fruit.

(c) As used herein, terms relating to grade, pack, standard pack, and diameter mean the same as defined in the United States Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona), (7 CFR 51.680 through 51.714), or in the United States Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona), (7 CFR 51.620 through 51.653); and *closed* means closed in accordance with good commercial practices.

[33 FR 11542, Aug. 14, 1968]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 906.340, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 906.365 Texas Orange and Grapefruit Regulation 34.

(a) No handler shall handle any variety of oranges or grapefruit grown in the production area unless:

(1) Such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Such oranges are at least pack size 138 with a minimum diameter limit of 2⁵/₁₆ inches;

(3) Such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, or U.S. No. 1 Bronze, or meet the quality requirements of "Texas Fancy" or "Texas Choice" as defined in § 906.137 of this part;

(4) Such grapefruit are at least pack size 48 with a minimum diameter limit of 3⁵/₁₆: *Provided*, That any handler may handle grapefruit smaller than pack size 48, if such grapefruit grade at least U.S. No. 1 and they are at least pack size 56 with a minimum diameter limit of 3⁵/₁₆ inches.

(5) An appropriate inspection certificate has been issued for such fruit within 48 hours prior to the time of shipment. No handler may transport by motor vehicle or cause the transport-

ation of any shipment of fruit for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto, and a copy of such inspection certificate is surrendered upon request to Texas Department of Agriculture personnel designated by the committee.

(6) The fruit meets all the applicable container and pack requirements effective under this marketing order.

(7) Beginning in 1995, this paragraph (a) is suspended each year from July 1 through August 31 of each year.

(b) Terms relating to grade, pack size, and diameter shall mean the same as in the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680 through 51.714) or in the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620 through 51.653).

[47 FR 1266, Jan. 12, 1982, as amended at 51 FR 41070, Nov. 13, 1986; 54 FR 3421, Jan. 24, 1989; 54 FR 41584, Oct. 11, 1989; 56 FR 55983, Oct. 31, 1991; 58 FR 52401, Oct. 8, 1993; 58 FR 54926, Oct. 25, 1993; 59 FR 56383, Nov. 14, 1994; 60 FR 33679, June 29, 1995; 60 FR 54292, Oct. 23, 1995; 61 FR 43141, Aug. 21, 1996; 64 FR 47358, Aug. 31, 1999]

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .366 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Subpart—Order Regulating Handling

DEFINITIONS

- Sec.
- 915.1 Secretary.
- 915.2 Act.
- 915.3 Person.
- 915.4 Production area.
- 915.5 Avocados.
- 915.6 Fiscal year.
- 915.7 Committee.
- 915.8 Grower.
- 915.9 Handler.