Agricultural Marketing Service, USDA § 966.150

quality and variety) of tomatoes which
will be permitted in the exempted ship-
ments and such other information as
may be deemed necessary by the com-
mittee to provide such committee, the
recipient, or both, with adequate and
specific information regarding such ex-
empted tomatoes.

[22 FR 9132, Nov. 16, 1957. Redesignated at 26
FR 12751, Dec. 30, 1961]

§ 966.133 Disposition of certificates.

(a) Each lot of tomatoes handled
under an exemption certificate shall be
accompanied by such certificate, or
such appropriate identifying informa-
tion with respect to such certificate, as
the committee may require, to facil-
tate the administration of regulatory
provisions applicable thereto.

(b) Each shipment of a lot or portion
thereof, of tomatoes covered by an ex-
emption certificate shall be accom-
panied by a Federal-State Inspection
Certificate which shall show the ex-
emption certificate number covering
the lot.

[22 FR 9132, Nov. 16, 1957. Redesignated at 26
FR 12751, Dec. 30, 1961]

§ 966.134 Reports.

Persons handling tomatoes under ex-
emption certificates shall, at such
times as may be specified in such cer-
tificates, report thereon to the com-
mittee the names and addresses of the
receivers of such tomatoes, the quan-
tity shipped (by grade, size, quality,
and variety), the inspection certifi-
cates issued with respect thereto, the
dates of such shipments, and such
other information as may be requested
by such committee in order to admin-
ister the regulatory provisions applicable thereto.

[22 FR 9132, Nov. 16, 1957. Redesignated at 26
FR 12751, Dec. 30, 1961]

§ 966.135 Appeals.

If any applicant is dissatisfied with
the determination of the committee re-
garding an application for an exempt-
tion certificate, or any duly issued ex-
emption certificate an appeal by such
applicant may be taken to such com-
mittee in accordance with § 966.73.

[22 FR 9132, Nov. 16, 1957. Redesignated at 26
FR 12751, Dec. 30, 1961]

§ 966.140 Truck shipments.

In case of the transportation by
truck outside of the production area of
any tomatoes which are required to be
inspected and certified as complying
with any applicable requirements
under this part, such tomatoes shall be
accompanied by, and made available
for examination at any time upon re-
quest, a copy of the appropriate inspec-
tion certificate or a copy of the appro-
priate transfer clearance receipt issued
by the Federal-State Inspection Serv-
ice, the official inspection agency for
this program, showing that such toma-
toes have been so inspected and cer-
tified.

[21 FR 3000, May 5, 1956. Redesignated at 26
FR 12751, Dec. 30, 1961, as amended at 65 FR
8253, Feb. 18, 2000]

INTERPRETATIVE RULES

§ 966.150 Meaning of “producer”.

The term “producer” is defined in
§ 966.8 as being any person engaged in a
proprietary capacity in the production
of tomatoes for market. Under the defi-
nition of “tomatoes” in § 966.5, such
production must have been in the pro-
duction area. Section 966.22 provides
that each person selected as a com-
mittee member or alternate must be a
producer, or an officer or an employee
of a corporate producer. Section 966.27
provides that producers may vote for
nominees for members and alternates
on the Florida Tomato Committee, the
administrative agency established pur-
suant to said marketing agreement and
order. Section 966.3 defines a person as
an individual, partnership, corporation,
association, or other business unit. The
term “person” is construed to mean
the business unit which produces the
tomatoes for market.

(a) The prevailing principle which
shall apply to the determination of
“producer” is who or which interest as
a unit, whether an individual, partner-
ship, corporation, association, or any
other business unit, has the authority
to pass title to the tomatoes grown and
made a part of the marketable supply
of tomatoes. In other words, the terms
shall be limited to those who have an