AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

fluid ounces) or less, the fill is not less than 85 percent.

(2) Sampling and acceptance procedure: A lot will be deemed to fall below the standard of fill when the number of ''defectives'' exceeds the acceptance number ''c'' in the sampling plans prescribed in paragraph (c)(2)(ii) of this section.

(i) Definitions of terms to be used in the sampling plans in paragraph (c)(2)(ii) of this section are as follows:

(*a*) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(*b*) *Lot size.* The number of primary containers or units in the lot.

(*c*) *Sample size ''n.''* The total number of sample units drawn for examination from a lot as indicated in paragraph (c)(2)(ii) of this section.

(*d*) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for examination or testing as a single unit.

(*e*) *Defective.* A container that falls below the requirement for minimum fill prescribed in paragraph (c)(1) of this section is considered a ''defective.''

(*f*) *Acceptable number ''c.''* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(*g*) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(ii) Sampling and acceptance:

ACCEPTABLE QUALITY LEVEL (AQL) 6.5

Lot size (primary containers)	Size of container	
	n[1]	c[2]
NET WEIGHT EQUAL TO OR LESS THAN 1 KG (2.2 LB)		
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19

ACCEPTABLE QUALITY LEVEL (AQL) 6.5—Continued

Lot size (primary containers)	Size of container	
	n[1]	c[2]
NET WEIGHT GREATER THAN 1 KG (2.2 LB) BUT NOT MORE THAN 4.5 KG (10 LB)		
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19
NET WEIGHT GREATER THAN 4.5 KG (10 LB)		
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

[1] n=number of primary containers in sample.
[2] c=acceptance number.

(3) If canned applesauce falls below the standard of fill of container prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form therein specified.

[42 FR 14414, Mar. 15, 1977, as amended at 47 FR 11829, Mar. 19, 1982; 49 FR 10099, Mar. 19, 1984; 54 FR 24894, June 12, 1989; 58 FR 2879, Jan. 6, 1993; 63 FR 14035, Mar. 24, 1998]

§ 145.115 Canned apricots.

(a) *Identity*—(1) *Ingredients.* Canned apricots is the food prepared from mature apricots of one of the optional styles specified in paragraph (a)(2) of this section, which may be packed as solid pack or in one of the optional packing media specified in paragraph (a)(3) of this section. Such food may also contain one, or any combination of two or more of the following safe and suitable optional ingredients:

(i) Natural and artificial flavors.

(ii) Spice.

(iii) Vinegar, lemon juice, or organic acids.

(iv) Apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 227 grams (8 ounces) of finished canned apricots.

(v) Apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when

optional ingredient under paragraph (a)(4) of this section is used.

(vi) Ascorbic acid in an amount no greater than necessary to preserve color.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(2) *Optional styles of the apricot ingredient.* The optional styles of the apricot ingredient referred to in paragraph (a) of this section are peeled or unpeeled:

(i) Whole.

(ii) Halves.

(iii) Quarters.

(iv) Slices.

(v) Pieces or irregular pieces.

Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted.

(3) *Packing media.* (i) The optional packing media referred to in paragraph (a)(1) of this section, as defined in §145.3 are:

(*a*) Water.

(*b*) Fruit juice(s) and water.

(*c*) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in §145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in §145.3.

(ii) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in §145.3(m) shall be designated by the appropriate name for the respective density ranges, namely:

(*a*) When the density of the solution is 10 percent or more but less than 16 percent, the medium shall be designated as ''slightly sweetened water''; or ''extra light sirup''; ''slightly sweetened fruit juice(s) and water''; or ''slightly sweetened fruit juice(s)'', as the case may be.

(*b*) When the density of the solution is 16 percent or more but less than 21 percent, the medium shall be designated as ''light sirup''; ''lightly sweetened fruit juice(s) and water''; or ''lightly sweetened fruit juice(s)'', as the case may be.

(*c*) When the density of the solution is 21 percent or more but less than 25 percent, the medium shall be designated as ''heavy sirup''; ''heavily sweetened fruit juice(s) and water''; or ''heavily sweetened fruit juice(s)'', as the case may be.

(*d*) When the density of the solution is 25 percent or more but not more than 40 percent, the medium shall be designated as ''extra heavy sirup''; ''extra heavily sweetened fruit juice(s) and water''; or ''extra heavily sweetened fruit juice(s)'', as the case may be.

(4) *Labeling requirements.* (i) The name of the food is ''apricots''. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in §101.22 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, ''Spice Added'', or in lieu of the word ''Spice'', the common name of the spice, ''Seasoned with Vinegar'' or ''Seasoned with Apricot Kernels''. When two or more of the optional ingredients specified in paragraphs (a)(1) (ii) through (iv), inclusive, of this section are used, such words may be combined as for example, ''Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Apricot Kernels''.

(ii) The style of the apricot ingredient as provided in paragraph (a)(2) of this section and the name of the packing medium as used in paragraphs (a)(3)(i) and (ii) of this section, preceded by ''In'' or ''Packed in'' or the words ''solid pack'', where applicable, shall be included as part of the name or in close proximity to the name of the food, except that pieces or irregular pieces shall be designated ''Pieces'', ''Irregular pieces'', or ''Mixed pieces of irregular sizes and shapes''. The style of the apricot ingredient shall be preceded or followed by ''Unpeeled'' or ''Peeled'', as the case may be. ''Halves'' may be alternatively designated ''Halved'', ''Quarters'' as ''Quartered'' and ''Slices'' as ''Sliced''. When the packing medium is prepared with a

sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be ''_____ sirup of brown sugar and honey'' the blank to be filled in with the word ''light'', ''heavy'', or ''extra heavy'' as the case may be. When the liquid portion of the packing media provided for in paragraphs (a)(3) (i) and (ii) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(*a*) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word ''fruit''.

(*b*) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word ''fruit'' in the name of the packing medium, or be declared on the label as specified in paragraph (a)(4)(iii) of this section, and

(*c*) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words ''from concentrate(s)'' shall follow the word ''juice(s)'' in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(4)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (a)(4)(ii)(*b*) of this section, such names and the words ''from concentrate,'' as specified in paragraph (a)(4)(ii)(*c*) of this section, shall appear in an ingredient statement pursuant to the requirements of §101.3(d) of this chapter.

(iv) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

(b) *Quality.* (1) The standard of quality for canned apricots is as follows:

(i) All units tested in accordance with the method prescribed in paragraph (b)(2) of this section are pierced by a weight of not more than 300 grams.

(ii) In the cases of whole apricots, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein.

(iii) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities.

(iv) In the cases of whole apricots, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape.

(v) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than 1 unit in a container of less than 20 units, are crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(2) Canned apricots shall be tested by the following method to determine whether or not they meet the requirements of paragraph (b)(1)(i) of this section: So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 3/16 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the

vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(3) If the quality of canned apricots falls below the standard prescribed in paragraph (b)(1) of this section, the label shall bear the general statement of substandard quality specified in §130.14(a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement ''Below standard in quality _____'', the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (b)(1) of this section which such canned apricots fail to meet, as follows:

(i) ''Not tender'';
(ii) ''Mixed sizes'';
(iii) ''Blemished'';
(iv) ''Unevenly trimmed'';
(v) ''Partly crushed or broken''.

Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name ''apricots'' and any words and statements required or authorized to appear with such name by §145.115(a)(2).

(c) *Fill of container.* (1) The standard of fill of container for canned apricots is the maximum quantity of the optional apricot ingredient that can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(2) If canned apricots fall below the standard of fill of container prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in §130.14(b) of this chapter, in the manner and form therein specified.

[42 FR 14414, Mar. 15, 1977, as amended at 58 FR 2879, Jan. 6, 1993]

§ 145.116 Artificially sweetened canned apricots.

(a) Artificially sweetened canned apricots is the food which conforms to the definition and standard of identity prescribed for canned apricots by §145.115(a), except that in lieu of a packing medium specified in §145.115(a)(3), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, or a combination of both. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

(b)(1) The specified name of the food is ''artificially sweetened _____'', the blank being filled in with the name prescribed by §145.115(a) for canned apricots having the same optional apricot ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of ingredients used, as prescribed for canned apricots by §145.115(a). If the packing medium is thickened with pectin, the label shall bear the statement ''thickened with pectin''. When any organic salt or acid or any mixture of two or more of these is added, the label shall bear the common or usual name of each such ingredient.

[42 FR 14414, Mar. 15, 1977, as amended at 58 FR 2879, Jan. 6, 1993]

§ 145.120 Canned berries.

(a) *Identity*—(1) *Ingredients.* Canned berries is the food prepared from any suitable variety of one of the optional berry ingredients specified in paragraph (a)(2) of this section, which may be packed in one of the optional packing media specified in paragraph (a)(3) of this section, and may contain one or any combination of two or more of the safe and suitable optional ingredients specified in paragraph (a)(4) of this section. Such food is sealed in a container