When requested to convert the weight in water of 5000 gram samples used in the weight in air versus weight in water method of specific gravity determinations, the conversion to total solids shall be based on Table II.

TABLE II—SPECIFIC GRAVITY CONVERSION CHART FOR 5,000 GRAMS OF POTATOES

Water weight	Specific gravity	Total solids
300	1.0638	17.2
310	1.0661	17.7
320	1.0684	18.2
322	1.0688	18.3
324	1.0693	18.4
326	1.0697	18.5
328	1.0702	18.6
330	1.0707	18.7
332	1.0711	18.8
334	1.0716	18.9
336	1.0720	19.0
338	1.0725	19.1
340	1.0730	19.2
342	1.0734	19.3
344	1.0739	19.4
346	1.0743	19.5
348	1.0748	19.6
350	1.0753	19.7
352	1.0757	19.8
354	1.0762	19.9
356	1.0766	20.0
358	1.0771	20.1
360	1.0776	20.2
362	1.0780	20.3
364	1.0785	20.4
366	1.0790	20.5
368	1.0794	20.6
370	1.0799	20.7
372	1.0804	20.8
374	1.0808	20.9
376	1.0813	21.0
378	1.0818	21.1
380	1.0822	21.2
382	1.0827	21.3
384	1.0832	21.4
386	1.0836	21.5
388	1.0841	21.6
390	1.0846	21.7
392	1.0851	21.8
394	1.0855	21.9
396	1.0860	22.0
398	1.0865	22.1
400	1.0870	22.2
402	1.0874	22.3
404	1.0879	22.4
406	1.0884	22.5
408	1.0888	22.6
410	1.0893	22.7
412	1.0898	22.8
414	1.0903	22.9
416	1.0908	23.0
418	1.0912	23.1
420	1.0917	23.2
422	1.0922	23.4
424	1.0926	23.5
426	1.0931	23.6
428	1.0936	23.7
430	1.0941	23.8
432	1.0946	23.9
440	1.0965	24.4
450	1.0989	24.9

TABLE II—SPECIFIC GRAVITY CONVERSION CHART FOR 5,000 GRAMS OF POTATOES—Continued

Water weight	Specific gravity	Total solids
460	1.1013	25.4
470	1.1040	26.0

Whenever the recorded water weight for an individual reading falls between two sets of numbers as indicated in Table II, the next higher reading shall be used.

§ 51.3418 Optional test for fry color.

Fry color may be determined in accordance with contract specifications by using the Munsell Color Standards for Frozen French Fried Potatoes, Third Edition, 1972, 64–1.[5] Select a minimum of twenty (20) potatoes at random from the official sample. Slice each potato from stem to blossom-end into ½ square inch strips. Unless otherwise specified, fry center cut strips in oil for a minimum of 3 minutes at 350 °F or 2½ minutes at 375 °F.

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart A—Requirements Governing Inspection and Certification

Sec.

[5] Munsell Color Standards for Frozen French Fried Potatoes, Third Edition, 1972, 64–1, may be purchased from the Munsell Color Co., 2441 North Calvert St., Baltimore, MD 21218.

Subpart B—United States Standards for Grades of Canned Red Tart Pitted Cherries

AUTHORITY: 7 U.S.C. 1621–1627.

Subpart A—Requirements Governing Inspection and Certification

SOURCE: 22 FR 3535, May 22, 1957, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

§ 52.1 Administration of regulations.

(a) The Administrator, Agricultural Marketing Service, United States Department of Agriculture is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Agricultural Marketing Service of the Department, in his discretion.

(b) All services provided under the regulations of this part, including the hiring and licensing of inspection, grading, and sampling personnel shall be conducted without discrimination because of race, color, sex, religion, or national origin.

[22 FR 3535, May 22, 1957, as amended at 38 FR 25166, Sept. 12, 1973. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

DEFINITIONS

§ 52.2 Terms defined.

Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

Acceptance number. ''Acceptance number'' means the number in a sampling plan that indicates the maximum number of deviants permitted in a sample of a lot that meets a specific requirement.

Act. ''Act'' means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 *et seq.*, as amended; 7 U.S.C. 1621 *et seq.*), or any other act of Congress conferring like authority.

Administrator. ''Administrator'' means the Administrator of the Agricultural Marketing Service.

Applicant. ''Applicant'' means any interested party who requests inspection service under the regulations in this part.

Approved plant. See ''Plant, approved''.

Case. ''Case'' means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

Case or shipping case. ''Case'' or ''shipping case'' means a unit consisting of a given number of primary containers of the same size, the number and arrangement per unit conforming to customary trade practice. For products not physically assembled into a shipping case (i.e. stacked bright) *case* means simulating the containers in such lot into a unit consisting of the same number of primary containers corresponding to customary trade practice (or corresponding to the unit as defined above).

Certificate of loading. Certificate of loading means a statement, either written or printed, issued pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof. The certificate of loading may be issued in lieu of an official inspection certificate when the same inspection procedures are applied and when authorized by the Administrator.

Certificate of sampling. ''Certificate of sampling'' means a statement, either written or printed issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

Class. See ''Grade.''

Condition. ''Condition'' means the degree of soundness of the product which

may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper packaging, improper storage or improper handling.

Department. ''Department'' means the United States Department of Agriculture.

Deviant. ''Deviant'' means a sample unit affected by one or more deviations or a sample unit that varies in a specifically defined manner from the requirements of a standard, specification, or other inspection document.

Deviation. ''Deviation'' means any specifically defined variation from a particular requirement.

Grade or *class*. ''Grade'' or ''class'' designates a level or rank of quality.

Grader. See ''Inspector''.

Inspection certificate. ''Inspection certificate'' means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

Inspection service. (See *Inspection service, general below*.)

Inspection service, general:

(a) The sampling pursuant to the regulations in this part;

(b) The determination pursuant to the regulations in this part of:

(1) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(2) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(c) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(d) Performance by an inspector of any related services such as observing the preparation of the product from its raw state through each step in the entire process; observing conditions under which the product is prepared, processed, and packed; or observing plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkloading the inspected processed product in connection with the distribution or marketing thereof.

Inspection Service; types of. (a) *Lot inspection* means the inspection and grading of specific lots of processed fruits and vegetables which are located in plant warehouses, commercial storage, railway cars, trucks, or any other conveyance or storage facility.

(b) *Approved plant-lot inspection* means the inspection and grading of specific lots of processed fruits and vegetables which are located in plant warehouses, commercial storage, railway cars, trucks, or any other conveyance or storage facility. However, under ''approved plant-lot inspection'', the inspection service has knowledge that the products were processed or packaged in plants meeting the ''plant approved'' definition. This means that the plant facilities, sanitation, and methods of operation have been surveyed and approved for specific product(s) by the Administrator as suitable and adequate for inspection or grading service in accordance with §52.81 through §52.83 of this part.

(c) *Continuous inspection* is the conduct of inspection and grading services in an approved plant whereby one or more inspector(s) are present at all times the plant is in operation to make in-process checks on the preparation, processing, packing, and warehousing of all products under contract and to assure compliance with sanitary requirements.

(d) *Pack certification* is the conduct of inspection and grading services in an approved plant whereby one or more inspector(s) may make inspection of the preparation and processing of products under contract, but are not required to be present at all times the plant is in operation.

(1) Under a Designated Lot-contract, inspector(s) will grade and certify only those lots designated by the applicant.

(2) Under a Quality Assurance contract, inspector(s) will use information available from the applicant's quality

control records to certify lots, as requested, and will grade lots at random as often as necessary to verify the reliability of the applicant's quality control system.

Inspector or grader. ''Inspector'' or ''grader'' means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

Inspector in charge. ''Inspector in Charge'' means any inspector designated on a plant working shift or in a field office laboratory as the inspector in charge of the inspection work when authorized by the Administrator to act in that capacity.

Inspector, subordinate. ''Subordinate inspector'' means any inspector assigned to a plant or field office to work under the direction of an inspector-in-charge.

Inspector's aide. ''Inspector's aide'' means any employee of the Department authorized to perform a limited number and type of duties under the close supervision of an inspector.

Interested party. ''Interested party'' means any person who has a financial interest in the commodity involved.

Licensed sampler. ''Licensed sampler'' means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for identification and condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

Lot. Lot means any number of containers of the same size and type which contain a processed product of the same type and style located in the same warehouse or conveyance, and which is available for inspection service at any time: Provided, that the number of containers comprising lot may not exceed the maximum number specified in the sampling plans in § 52.38 of this Subpart: And further provided that:

(a) If the applicant requests a separate inspection certificate covering a specific portion of a lot, such portion must be separately marked or otherwise identified in such a manner as to permit sampling, inspection, and certification of such portion as a separate lot; and

(b) Under in-plant (in-process) inspection, the inspector is authorized to limit the number of containers of a processed product that may be included in a lot to a period of consecutive production equivalent to one production shift with a maximum of 24 hours of consecutive production.

Officially drawn sample. ''Officially drawn sample'' means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Administrator pursuant to the regulations in this part.

Other processed food products. Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea; cocoa; coffee; spices; condiments.

Person. ''Person'' means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

Plant. ''Plant'' means the premises, buildings, structure, and equipment (including, but not being limited to machines, utensils, vehicles, and fixtures located in or about the premises) used or employed in the preparation, processing, handling, transporting and storage of fruits and vegetables, or the processed products thereof.

Plant, approved. ''Approved plant'' means any plant in which the facilities, sanitation, and methods of operation have been surveyed and approved for specific product(s) by the Administrator as suitable and adequate for inspection or grading service in accordance with §§ 52.81 through 52.83.

Processed product. ''Processed product'' means any fruit, vegetable, or other food product covered under the regulations in this part which has been preserved by any recognized commercial process, including, but not limited to canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

Quality. ''Quality'' means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

Rejection number. ''Rejection number'' means the number in a sampling plan that indicates the minimum number of deviants in a sample that will cause a lot to fail a specific requirement.

Sample. ''Sample'' means any number of sample units to be used for inspection.

Sample unit. ''Sample unit'' means a container and/or its entire contents, a portion of the contents of one or more containers or other unit of commodity, or a composite mixture of a product used for inspection.

Sampling. ''Sampling'' means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

Secretary. ''Secretary'' means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

Shipping container. ''Shipping container'' means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged processed products for shipping.

Unofficial sample. Unofficial sample means any sample that has been selected by any person other than an inspector or licensed sampler, or by any other person not authorized by the Administrator pursuant to the regulations in this part.

[22 FR 3535, May 22, 1957, as amended at 33 FR 9582, July 2, 1968; 35 FR 14061, Sept. 4, 1970; 38 FR 25166, Sept. 12, 1973; 38 FR 26903, Sept. 27, 1973; 40 FR 48934, Oct. 20, 1975. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 51 FR 20438, June 5, 1986; 58 FR 42413, Aug. 9, 1993; 72 FR 10037, Mar. 7, 2007; 79 FR 67321, Nov. 13, 2014; 85 FR 19380, Apr. 7, 2020]

§52.3 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Pub. L. 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

Official certificate. ''Official certificate'' means any form of certification, either written or printed, including those defined in §52.2, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

Official device. ''Official device'' means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof; or any device approved and designated by the Administrator as a USDA official device for use as a color standard, defect guide, or other similar aid to interpret the United States Department of Agriculture grade standards and to facilitate conduct of the inspection service.

Official identification. ''Official identification'' means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

Official mark. ''Official mark'' means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 52.53 approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U.S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

Official memorandum. ''Official memorandum'' means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

[22 FR 3535, May 22, 1957, as amended at 23 FR 4999, July 1, 1958. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

INSPECTION SERVICE

§ 52.4 Where inspection service is offered.

Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 52.5 Who may obtain inspection service.

An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 52.6 How to make application.

An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired. An up-to-date list of the Inspection Field Offices of the Department may be obtained upon request to the Administrator. Satisfactory proof that the applicant is an interested party shall be furnished.

§ 52.7 Information required in connection with application.

(a) Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or electronically. If an application for inspection is made orally, written confirmation may be required by the inspection service involved.

(b) In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product(s), including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previous to the application by any Federal agency and the purpose for which inspection is desired.

[51 FR 20439, June 5, 1986, as amended at 81 FR 93572, Dec. 21, 2016]

§ 52.8 Filing of application.

An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 52.9 Record of filing time.

A record showing the date when each application for inspection or for an appeal inspection is received shall be maintained.

[51 FR 20439, June 5, 1986]

§ 52.10 When application may be rejected.

An application for inspection service may be rejected by the Administrator (a) for non-compliance by the applicant with the regulations in this part, (b) for non-payment for previous inspection services rendered, (c) when the product is not properly identifiable by code or other marks, or (d) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 52.11 When application may be withdrawn.

An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 52.42 for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

[22 FR 3535, May 22, 1957, as amended at 38 FR 25166, Sept. 12, 1973. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.12 Disposition of inspected sample.

Any sample of a processed product that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 52.13 Basis of inspection and grade or compliance determination.

(a) Inspection service shall be performed on the basis of the appropriate United States standards for grades of processed products, Federal, Military, Veterans Administration or other government agency specifications, written contract specifications, or any written specification or instruction which is approved by the Administrator.

(b) Unless otherwise approved by the Administrator, compliance with such grade standards, specifications, or instructions shall be determined by evaluating the product, or sample, in accordance with the requirements of such standards, specifications or instructions: *Provided*, That when inspection for quality is based on any U.S. grade standard which contains a scoring system, the grade to be assigned to a lot is the grade indicated by the average of the total of the scores of the respective sample units: *Provided further*, That—

(1) Such sample complies with the applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act;

(2) Such sample complies with the product description;

(3) Such sample meets the indicated grade with respect to factors of quality which are not rated by score points; and

(4) With respect to those factors of quality which are rated by score points, each of the following requirements is met:

(i) None of the sample units falls more than one grade below the indicated grade because of any quality factor to which a limiting rule applies;

(ii) None of the sample units falls more than 4 score points below the minimum total score for the indicated grade;

(iii) The number of deviants does not exceed the applicable acceptance number indicated in the sampling plans contained in § 52.38 (''deviants'', as used in this paragraph, means sample units that fall into the next grade below the indicated grade but do not score more than 4 points below the minimum total score for the indicated grade);

(5) If any of the provisions contained in paragraphs (b) (3) and (4) of this section are not met, the grade is determined by considering such provisions in connection with succeedingly lower grades until the grade of the lot, if assignable, is established; and

(6) When it is determined that a portion of a lot bearing a particular identification mark is of lower quality or

deficient in other factors, the grade or compliance of the lot shall be no higher than that of the portion bearing the particular identification mark.

[22 FR 3535, May 22, 1957, as amended at 33 FR 9582, July 2, 1968. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.14 Order of inspection service.

Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 52.15 Postponing inspection service.

If the inspector determines that it is not possible to accurately ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 52.16 Financial interest of inspector.

No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 52.17 Forms of certificates.

Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Administrator.

§ 52.18 Issuance of certificates.

(a)(1) The person signing and issuing the certificate shall be one of the following:

(i) The inspector who performed the inspection.

(ii) Another employee of the Inspection Service who has been authorized by the Administrator to act in a supervisory capacity.

(iii) An inspector designated as the ''inspector in charge,'' when the certificate represents composite inspection of several persons.

(2) In all cases the inspection certificate shall be prepared in accordance with the facts set forth in the official memoranda made by the inspector or inspectors in connection with the inspection. Whenever a certificate is signed by an inspector in charge, that title must appear in connection with the signature.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided,* That, another employee of the inspection service authorized by the Administrator to act in a supervisory capacity or designated as the ''inspector in charge,'' may sign such certificate of loading covering any processed product checkloaded by an inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

[22 FR 3535, May 22, 1957, as amended at 35 FR 14061, Sept. 4, 1970. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981; 84 FR 8590, Mar. 11, 2019]

§ 52.19 Issuance of corrected certificates.

A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 52.20 Issuance of an inspection report in lieu of an inspection certificate.

A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Administrator.

§ 52.21 Disposition of inspection certificates.

The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Administrator may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 52.49.

[22 FR 3535, May 22, 1957. Redesignated at 42 FR 32514, June 27, 1997, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 63 FR 50746, Sept. 23, 1998]

§ 52.22 Report of inspection results prior to issuance of formal report.

Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

Appeal Inspection

§ 52.23 When appeal inspection may be requested.

An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Administrator the time within which an application for appeal inspection may be made may be extended.

§ 52.24 Where to file for an appeal inspection and information required.

(a) Application for an appeal inspection may be filed with:

(1) The supervisor in the office that issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

[22 FR 3535, May 22, 1957. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 51 FR 20439, June 5, 1986]

§ 52.25 When an application for an appeal inspection may be withdrawn.

An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 52.42, for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

[22 FR 3535, May 22, 1957, as amended at 38 FR 25166, Sept. 12, 1973. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.26 When appeal inspection may be refused.

An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 52.27 Who shall perform appeal inspection.

An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Administrator and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided,* That, the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 52.28 Appeal inspection certificate.

After an appeal inspection has been completed, the lot(s) cannot be further appealed unless authorized by the Administrator. An appeal inspection certificate shall be issued, showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms and certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished to all interested parties who received copies of the superseded certificate.

[51 FR 20439, June 5, 1986]

LICENSING OF SAMPLERS AND INSPECTORS

§ 52.29 Who may become licensed sampler.

Any person deemed to have the necessary qualifications may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary, and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to identification and condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.30 Application to become a licensed sampler.

Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be signed by the applicant in his own handwriting, and the information contained therein shall be certified by him to be true, complete, and correct to the best of his knowledge and belief, and the application shall contain or be accompanied by:

(a) A statement showing his present and previous occupations, together with names of all employers for whom he has worked, with periods of service, during the ten years previous to the date of his application;

(b) A statement that, in his capacity as a licensed sampler, he will not draw

samples from any lot of processed products with respect to which he or his employer is an interested party;

(c) A statement that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(d) Such other information as may be requested.

§ 52.31 Inspectors.

Inspections will ordinarily be performed by employees under the Administrator who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Administrator is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.32 Suspension or revocation of license of licensed sampler or licensed inspector.

Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 52.33 Surrender of license.

Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 52.34 How samples are drawn by inspectors or licensed samplers.

An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Administrator, select sample units of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure a representative sample of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 52.35 Accessibility for sampling.

Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 52.36 How officially drawn samples are to be identified.

Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 52.37 How official samples are to be identified and shipped.

Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection

shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid any material change in the quality or condition of the sample of the processed product. Containers shall be identified and properly sealed with tape. A facsimile of the ''Officially Sampled'' stamp shall be placed over the taped container. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant.

[51 FR 20439, June 5, 1986]

§ 52.38 Sampling plans and procedures for determining lot compliance.

(a) Except as otherwise provided for in this section in connection with in-plant inspection and unless otherwise approved by the Administrator, samples shall be selected from each lot in the exact number of sample units indicated for the lot size in the applicable sampling plans. The lot size is to correspond to a sample size with a maximum of 29 sample units: Provided, that at the discretion of the inspection service, the number of sample units selected may be increased to the exact number of sample units indicated for any one of the larger sample sizes provided for in the appropriate plans. The samples size may be increased beyond 29 sample units in accordance with the following sampling plan:

Sample Size	38	48	60
Acceptance Number	5	6	7

(b) Under the sampling plans with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample does not exceed the acceptance number prescribed for the sample size, the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample exceeds the acceptance number prescribed for the sample size, the lot fails the requirement.

(c) If in the conduct of on-line in-plant inspection of a product covered by a grade standard which does not contain sampling plans, the sample is examined before the lot size is known and the number of sample units exceeds the prescribed sample size for such lot, but does not equal any of the prescribed larger sample sizes, the lot may be deemed to meet or fail a specific requirement in accordance with the following procedure:

(1) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample does not exceed the acceptance number of the next smaller sample size, the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample equals the acceptance number prescribed for the next larger sample size, additional sample units shall be selected to increase the sample to the next larger prescribed sample size;

(3) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample exceeds the acceptance number prescribed for the next larger sample size, the lot fails the requirement.

(d) In the conduct of on-line in-plant inspection, sampling may be performed on a time interval basis. The sampling frequency shall be specified in an applicable grade standard or other procedural instruction approved by the Administrator.

(e) In the event that the lot compliance determination provisions of a standard or specification are based on the number of specified deviations instead of deviants the procedures set forth in this section may be applied by substituting the word ''deviation'' for the word ''deviant'' wherever it appears.

(f) Sampling plans referred to in this section are those contained in Tables I, II, III, IV, and V and (g)(1) and (g)(2) of this section which follow or any other plans which are applicable. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container, size and amount of product to be sampled. The maximum sample size in tables I, II, III, IV, V, (g)(1), (g)(2) and processed

products not included in these tables is 29 sample units.

(g)(1) *Sampling plan for dried figs.* For each 10,000 pounds (or fraction of 10,000 pounds) of product—6 sample units of approximately 35 figs each accumulated into 1 composite (at least 200 figs). Each composite will be examined separately, and all must meet the requirement for the U.S. Grade.

(2) *Sampling plan for dried fruits other than dates and figs.* For each 15,000 pounds (or fraction of 15,000 pounds) of product—sample units of approximately 16 ounces each accumulated into 1 composite (at least 100 ounces) Each composite will be examined separately and all must meet the requirements for the U.S. Grade.

TABLE I—CANNED OR SIMILARLY PROCESSED FRUITS, VEGETABLES, AND PRODUCTS CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers) [1]				
Group 1: Any type container of a volume not exceeding that of a No. 303 size can.	3,000 or less	3,001 to 12,000	12,001 to 39,000	39,001 to 84,000	84,001 to 145,000
Group 2: Any type of container of a volume exceeding that of a No. 303 size can but not exceeding that of a No. 3 cylinder size can.	1,500 or less	1,501 to 6,000	6,001 to 19,500	19,501 to 42,000	42,001 to 72,500
Group 3: Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can.	750 or less	751 to 3,000	3,001 to 9,750	9,751 to 21,000	21,001 to 36,250
Group 4: Any type of container of a volume exceeding that of a No. 12 size can..	Convert to equivalent number of 6-lb. net weight containers and use group 3				
Lot inspection sample size (no. of sample units) [2]	3	6	13	21	29
Acceptance number	0	1	2	3	4
On-line in-plant inspection sample size (no. of sample units) [2]	3	6	6	13	21
Acceptance number	0	1	1	2	3

[1] Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

[2] When a standard sample size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Group 4 that approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted.

TABLE II—FROZEN OR SIMILARLY PROCESSED FRUITS, VEGETABLES, AND PRODUCTS CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers) [1]				
Group 1: Any type of container of 1 lb. or less	2,400 or less	2,401 to 9,600	9,601 to 31,200	31,201 to 67,200	67,201 to 116,000
Group 2: Any type of container over 1 lb. but not over 2-½ lbs. net weight.	1,200 or less	1,201 to 4,800	4,801 to 15,600	15,601 to 33,600	33,601 to 58,000
Group 3: Any type of container over 2-½ lbs..	Convert to equivalent number of 2-½ lb. containers and use group 2				
Lot inspection sample size (no. of sample units) [2]	3	6	13	21	29
Acceptance number	0	1	2	3	4
On-line in-plant inspection sample size (no. of sample units) [2]	3	6	6	13	21
Acceptance number	0	1	1	2	3

[1] Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

[2] When a standard sample unit size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Groups 1 and 2—1 container and its entire contents. Group 3 containers up to 10 lbs.—approximately 3 pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit or 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 lbs.

TABLE III—CANNED, FROZEN, OR OTHERWISE PROCESSED FRUITS, VEGETABLES, RELATED PRODUCTS OF A COMMINUTED, FLUID OR HOMOGENEOUS STATE

Container size group	Lot size (number of containers) [1]				
Group 1: Any type of container of 1 lb. or less	4,500 or less	4,501 to 18,000	18,001 to 56,000	58,501 to 126,000	126,001 to 217,000
Group 2: Any type of container exceeding 1 lb. but not exceeding 60 ounces..	3,000 or less	3,001 to 12,000	12,001 to 39,000	39,001 to 84,000	84,001 to 145,000
Group 3: Any type of container exceeding 60 ounces but not exceeding 10 lbs..	1,500 or less	1,501 to 6,000	6,001 to 19,500	19,501 to 42,000	42,001 to 72,500
Group 4: Any type of container of a volume exceeding 10 lbs..	Convert to equivalent number of 6-lb. containers and use group 3				
Lot inspection sample size (no. of sample units) [2]	3	6	13	21	29
Acceptance number	0	1	2	3	4
On-line in-plant inspection sample size (no. of sample units) [2]	3	6	6	13	21
Acceptance number	0	1	1	2	3

[1] Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

[2] When a standard sample size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. A smaller sample unit may be substituted in Group 3 at the inspector's discretion. Group 4—approximately 16 ounces of product. When determined by the inspector that a 16 ounce sample unit is inadequate, a larger sample unit may be substituted.

TABLE IV—DEHYDRATED (LOW-MOISTURE) FRUITS, AND VEGETABLES

Container size group	Lot size (number of containers) [1]				
Group 1: Any type of container of 1 lb. or less	1,800 or less	1,801 to 7,200	7,201 to 23,400	23,401 to 50,400	50,401 to 87,000
Group 2: Any type of container over 1 lb. but not over 6 lbs. net weight.	600 or less	601 to 2,400	2,401 to 7,800	7,801 to 16,800	16,801 to 29,000
Group 3: Any type of container over 6 lbs..	Convert to equivalent number of 5 lb. containers and use group 2				
Lot inspection sample size (no. of sample units) [2]	3	6	13	21	29
Acceptance number	0	1	2	3	4
On-line in-plant inspection sample size (no. of sample units) [2]	3	6	6	13	21
Acceptance number	0	1	1	2	3

[1] Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

[2] When a standard sample unit size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Group 1—1 container and its entire contents. Groups 2 and 3—1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

TABLE V—DATES

Container size group	Lot size (number of containers) [1]				
Group 1: Any type of container of 1 lb. or less net weight	2,400 or less	2,401 to 9,600	9,601 to 31,200	31,201 to 67,000	67,201 to 116,000
Group 2: Any type of container over 1 lb. but not over 5 lbs. net weight.	800 or less	801 to 3,200	3,201 to 10,400	10,401 to 22,400	22,401 to 33,667
Group 3: Any type of container over 5 lbs..	Convert to equivalent number of 5 lb. containers and use group 2				
Lot inspection sample size (no. of sample units) [2]	3	6	13	21	29
Acceptance number	0	1	2	3	4
On-line in-plant inspection sample size (no. of sample units) [2]	3	6	6	13	21

TABLE V—DATES—Continued

Container size group	Lot size (number of containers) [1]				
Acceptance number	0	1	1	2	3

[1] Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

[2] When a standard sample size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Groups 1 and 2—1 container and its entire contents. Group 3 containers up to 10 pounds—1 container and its entire contents. Group 3 containers over 10 pounds—approximately three pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit or 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 pounds.

[38 FR 25166, Sept. 12, 1973; 38 FR 26903, Sept. 27, 1973. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 51 FR 20439, June 5, 1986; 63 FR 50747, Sept. 23, 1998]

§ 52.38a Definitions of terms applicable to statistical sampling.

(a) Terms applicable to both on-line inspection and lot inspection.

(1) *Acceptable Quality Level (AQL).* The maximum percent of defective units of product or the maximum number of defects per hundred units of product which are acceptable as a process average. At the AQL's contained in the statistical sampling plans of this subpart, production has a probability of acceptance (''Pa'') of approximately 95 percent.

(2) *Acceptance sampling.* Sampling inspection in which decisions are made to accept or reject product.

(3) *Attributes.* A method of measurement whereby units of product are examined for the presence or absence of specified characteristics in each unit in the sample.

(4) *Defect.* Any nonconformance of a unit of product from specified requirements of a single quality characteristic. Defects are classed as ''minor,'' ''major,'' ''severe'' or ''critical'' depending upon the severity and undesirability of the defect.

(5) *Defective.* A unit of product that has one or more defects.

(6) *Inspection by attributes.* Inspection whereby a unit of product is classified as defective or nondefective or the number or defects in the unit of product is counted.

(7) *Standard sample unit size.* A specified amount of product to be used for inspection.

(b) Terms applicable to on-line inspection only.

(1) *Basic inspection period.* A specified period of consecutive production designated for on-line inspection.

(2) *Cumulative Sum Sampling (CuSum) Plan.* An on-line sampling plan that accumulates the number of defects (or defectives), which exceed the sample unit tolerance (''T''), in a series of consecutive samples. Terms specific to the CuSum sampling plan are:

(i) *Acceptance limit (''L'').* The maximum accumulation of defects (or defectives) allowed to exceed the sample unit tolerance (''T'') in any sample unit or consecutive group of sample units.

(ii) *CuSum value.* The accumulated number of defects (or defectives) that exceed the sample unit tolerance (''T'').

(iii) *Sample unit tolerance (''T'').* The allowable number of defects (or defectives) in any sample unit.

(iv) *Starting value (''S'').* The initial CuSum value used to begin a CuSum sampling plan.

(3) *On-line sampling inspection.* The random selection and subsequent inspection of sample units from a production line.

(4) *Probability of acceptance (''Pa'').* The probability that a portion of production, with a given level of quality, will be accepted. In on-line sampling inspection, the probability of acceptance of any portion of production depends on the sample results obtained from the preceding portions. The probability of acceptance values associated with these procedures are the values which would be expected if a large

number of sample units are to be inspected. For the CuSum plans referenced in these procedures, the probability of acceptance at the Acceptable Quality Level (AQL) is approximately 95 percent. The starting value (''S'') associated with each CuSum plan helps to make the probability of acceptance of the first portions of production of a basic inspection period as close as possible to 95 percent.

(c) Terms applicable to lot inspection only.

(1) *Acceptance number.* The largest number of defects (or defectives) in the sample that will permit acceptance of the inspection lot.

(2) *Inspection lot.* Any number of containers of the same size and type which contain a processed product of the same type and style, manufactured or processed under essentially the same conditions, offered for inspection and acceptance at one time.

(3) *Probability of acceptance* (''*Pa*''). The probability that an inspection lot, with a given level of quality, will be accepted.

[43 FR 10540, Mar. 14, 1978. Redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.38b Statistical sampling procedures for on-line inspection by attributes of processed fruits and vegetables.

(a) *General.* The Cumulative Sum Sampling Plan, hereinafter referred to as ''CuSum,'' shall be used as the on-line sampling plan for attributes standards under the following conditions.

(1) The producer has designated the intended grade for the basic inspection period prior to the start of production.

(2) Inspection of the product shall be made during the basic inspection period at a point after which all product characteristics, subject to inspection, are fixed and will not be subject to change during final packaging.

(3) A shift to CuSum sampling plans from lot sampling plans during a basic inspection period is not permitted (or vice versa).

(b) *Sampling rate/frequency.* The minimum number of standard sample units to be drawn at random shall be determined by the applicable sampling procedure as approved by the Administrator.

(c) *Determining CuSum values.* At the beginning of the basic inspection period, the CuSum value is set equal to the starting value (''S'') for the specified CuSum plan. The CuSum value is then determined for each consecutive sample unit as follows:

(1) Add the number of defects (or defectives) for the present sample unit to the CuSum value of the previous sample unit.

(2) Subtract the sample unit tolerance (''T'').

(3) The CuSum value is reset in the following situations. However, determine compliance with the designated grade (see paragraph (d) of this section) prior to resetting the CuSum value:

(i) Reset the CuSum value to zero (0) if the CuSum value is less than zero (0).

(ii) Reset the CuSum value to the acceptance limit (''L'') if the CuSum value exceeds the acceptance limit (''L'').

(d) *Determining compliance for a designated grade.* (1) A portion of production meets the designated grade if the CuSum value, calculated from the sample unit representing that portion, is equal to or less than the acceptance limit (''L'') for all classes of defects.

(2) A portion of production fails the designated grade if the CuSum value, calculated from the sample unit representing that portion, exceeds the acceptance limit (''L'') for one or more classes of defects.

(e) *Evaluation of production failing a designated grade.* Production failing a designated grade shall be reevaluated by procedures approved by the USDA.

(f) *Assigning a grade.* (1) All similarly identified (e.g., codes, subcodes, etc.) production will be assigned the same grade.

(2) The grade assigned to similarly identified production will be the lowest grade assigned to any portion of that similarly identified production.

(g) *Redesignation of producer's intended grade.* If the intended grade is redesignated during a basic inspection period, a new CuSum sampling plan shall be instituted for each class of defects (or defectives).

(h) *Cumulative Sum Sampling (CuSum) Plans for processed fruits and vegetables.* (1) Tables VI through X contain the CuSum sampling plans for each of five

different standard sample unit sizes. The plans within each table are listed according to increasing values of Acceptable Quality Levels (AQL's).

(2) AQL values of 10.0 or less may be expressed either in ''defects per hundred units'' or in ''percent defective units.'' The same sampling plans are used for both. Separate sampling plans must be used for AQL values greater than 10.0.

(3) These tables also provide the quality levels associated with 50 percent and 10 percent probabilities of acceptance for each of the plans. These quality levels are expressed in the same units as the corresponding AQL values.

(4) A separate CuSum sampling plan is chosen for each class of defects (or defectives) by first specifying the desired AQL and then selecting the appropriate standard sample unit size. The quality levels associated with 50 percent and 10 percent probabilities of acceptance may be used as guides to help determine a suitable standard sample unit size.

TABLE VI—CUSUM SAMPLING PLANS

[Standard sample unit size=13]

AQL	S	T	L	Quality levels	
				Pa= 50%	Pa= 10%
Quality levels expressed as defects per 100 units or percent defective					
0.65	0.3	0.1	0.9	5.3	17.7
1.0	.2	.2	.8	5.6	17.7
1.5	0	.5	0.5	7.7	19.2
2.2	.5	.5	1.5	8.2	19.2
4.0	.8	.8	2	9.7	19.6
5.0	0	1	1	14.4	30.2
6.5	1	1	2	14.7	30.2
8.5	1	1.5	2.5	17.4	31.3
10.0	1	1.8	2.6	18.8	32.0
Quality levels expressed as defects per 100 units only					
12.5	1	2	3	23.5	41.4
15.0	1	2.5	3	26.1	42.8
20.0	2	3	4	32.2	52.1
25.0	1	4	3	40.3	62.3
33.0	1	5	4	48.9	72.3
40.0	2	6	5	57.1	82.1
50.0	1	8	4	73.3	101.2
65.0	2	10	5	89.9	120.0
85.0	1	13	5	113.9	147.6
100.0	2	15	6	130.4	165.7
150.0	2	22	7	186.5	227.9
250.0	4	35	11	291.2	340.6
Quality levels expressed as percent defective only					
12.5	1	2	2	22.4	36.4
15.0	1	2.5	2.5	25.0	37.4
20.0	1	3	3	30.7	44.5

TABLE VI—CUSUM SAMPLING PLANS—Continued

[Standard sample unit size=13]

AQL	S	T	L	Quality levels	
				Pa= 50%	Pa= 10%
25.0	1	4	2	38.1	52.8
33.0	1	5	3	46.2	60.3
40.0	1	6	3	53.8	67.4
50.0	2	7	4	61.5	74.1

TABLE VII—CUSUM SAMPLING PLANS

[Standard sample unit size=25]

AQL	S	T	L	Quality levels	
				Pa= 50%	Pa= 10%
Quality levels expressed as defects per 100 units or percent defective					
0.4	0.3	0.1	0.9	2.8	9.2
0.65	.2	.2	.8	3.4	9.2
1.0	0	.5	.5	4.0	10.0
1.5	1	.5	2	4.3	10.0
2.5	0	1	1	7.5	15.7
4.0	.5	1.5	2	9.0	16.3
5.0	1.5	1.5	3	9.1	16.3
6.5	1	2	3	12.2	21.5
8.5	0	3	2	16.4	27.1
10.0	1	3	3	16.7	27.1
Quality levels expressed as defects per 100 units only					
12.5	1	4	3	21.0	32.4
15.0	1	5	3	25.2	37.6
20.0	1	6	4	29.7	42.7
25.0	1	8	3	37.7	52.7
33.0	1	10	4	46.5	62.4
40.0	2	12	5	55.1	72.0
50.0	2	14	7	63.9	81.5
65.0	3	18	8	80.7	100.1
85.0	4	23	10	101.8	123.1
100.0	4	27	10	118.3	141.2
Quality levels expressed as percent defective only					
12.5	1	4	3	20.5	29.8
15.0	0	5	2	24.3	34.3
20.0	1	6	3	28.7	38.7
25.0	2	7	4	33.0	43.0
33.0	2	9	5	41.2	51.2
40.0	2	11	5	49.2	59.1
50.0	1	14	3	60.6	70.3

TABLE VIII—CUSUM SAMPLING PLANS

[Standard sample unit size=50]

AQL	S	T	L	Quality levels	
				Pa= 50%	Pa= 10%
Quality levels expressed as defects per 100 units or percent defective					
0.15	0.3	0.1	0.9	1.4	4.6
0.25	.2	.2	.8	1.5	4.6
0.4	0	.5	.5	2.0	5.0
0.65	.5	.5	1.5	2.1	5.0
1.0	.4	.8	1.6	2.5	5.1

TABLE VIII—CUSUM SAMPLING PLANS—Continued

[Standard sample unit size=50]

AQL	S	T	L	Quality levels	
				Pa= 50%	Pa= 10%
1.5	1	1	2	3.8	7.9
2.5	1.5	1.5	3	4.6	8.1
4.0	1	2.5	3	6.8	11.1
5.0	1	3	3	9.3	13.6
6.5	1	4	3	10.5	16.2
8.5	1	5	4	12.7	18.8
10.0	1	6	4	14.9	21.4
Quality levels expressed as defects per 100 units only					
12.5	1	8	3	18.9	26.3
15.0	1	9	4	21.1	28.8
20.0	2	12	5	27.5	36.0
25.0	2	14	7	31.9	40.7
33.0	3	18	9	40.4	50.0
40.0	3	22	9	48.7	59.3
50.0	4	27	10	59.1	70.6
65.0	4	35	11	75.7	88.5
85.0	5	45	14	96.5	110.7
Quality levels expressed as percent defective only					
12.5	2	7	5	16.8	22.3
15.0	1	9	4	20.9	27.2
20.0	2	11	6	25.2	31.6
25.0	2	14	5	31.2	38.1
33.0	2	18	6	39.4	46.4
40.0	1	22	5	47.3	54.4
50.0	1	27	5	57.2	64.1

TABLE IX—CUSUM SAMPLING PLANS

[Standard sample unit size=100]

AQL	S	T	L	Quality levels	
				Pa= 50%	Pa= 10%
Quality levels expressed as defects per 100 units or percent defective					
0.1	0.3	0.1	0.9	0.7	2.3
0.15	.2	.2	.8	0.8	2.3
0.25	0	.5	.5	1.0	2.5
0.4	1	.5	2	1.1	2.5
0.65	0	1	1	1.9	3.9
1.0	.5	1.5	2	2.2	4.1
1.5	1	2	2	3.0	5.4
2.5	1	3	3	4.2	6.8
4.0	1	5	3	6.3	9.4
5.0	1	6	4	7.4	10.7
6.5	1	8	4	9.5	13.2
8.5	2	1.0	5	11.7	15.6
10.0	2	1.2	5	13.8	18.0
Quality levels expressed as defects per 100 units only					
12.5	2	14	7	16.0	20.4
15.0	2	17	7	19.1	23.9
20.0	3	22	9	24.4	29.6
25.0	4	27	10	29.6	35.3
33.0	3	36	10	38.8	45.4
40.0	4	43	12	46.1	53.1
50.0	5	53	14	56.4	64.1

TABLE IX—CUSUM SAMPLING PLANS—Continued

[Standard sample unit size=100]

AQL	S	T	L	Quality levels	
				Pa= 50%	Pa= 10%
Quality levels expressed as percent defective only					
12.5	2	14	6	15.8	19.7
15.0	2	17	6	18.9	23.0
20.0	2	22	7	24.0	28.5
25.0	3	27	8	29.2	33.8
33.0	3	35	9	37.3	42.1
40.0	4	42	10	44.4	49.2
50.0	4	52	10	54.3	59.1

TABLE X—CUSUM SAMPLING PLANS

[Standard sample unit size=200]

AQL	S	T	L	Quality levels	
				Pa= 50%	Pa= 10%
Quality levels expressed as defects per 100 units or percent defective					
0.04	0.3	0.1	0.9	0.3	1.2
0.065	0.2	0.2	0.8	0.4	1.2
0.1	0	0.5	0.5	0.5	1.3
0.15	0.4	0.8	0.8	0.6	1.3
0.25	0.4	0.8	1.6	0.6	1.3
0.4	1	1	2	1.0	2.0
0.65	1	1.8	2.6	1.2	2.1
1.0	1	2.5	3	1.7	2.8
1.5	1	4	3	2.6	4.1
2.5	1	6	4	3.7	5.3
4.0	1	10	4	5.8	7.8
5.0	2	12	5	6.9	9.0
6.5	2	15	6	8.5	10.8
8.5	3	19	8	10.6	13.1
10.0	3	22	9	12.2	14.8
Quality levels expressed as defects per 100 units only					
12.5	4	27	10	14.8	17.7
15.0	3	33	9	17.8	21.0
20.0	4	43	12	23.1	26.6
25.0	5	53	14	28.2	32.1
33.0	5	70	15	36.9	41.3
40.0	6	84	18	44.1	48.8
50.0	6	105	18	54.8	60.1
Quality levels expressed as percent defective only					
12.5	3	27	9	14.7	17.3
15.0	4	32	10	17.3	20.0
20.0	3	43	9	22.8	25.9
25.0	4	53	11	27.9	31.1
33.0	5	69	13	36.1	39.4
40.0	5	83	14	43.1	46.5
50.0	5	103	14	53.1	56.5

[43 FR 10540, Mar. 14, 1978. Redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.38c Statistical sampling procedures for lot inspection of processed fruits and vegetables by attributes.

(a) *General.* Single sampling plans shall be used as the lot sampling plan for attributes standards under either of the following conditions:

(1) Sampling of the product shall be made during the production period. No grade will be assigned to individual sample units. One grade determination only will be made at the end of the production period for the inspection lot.

(2) Sampling of the product shall be made when the inspection lot is located in a warehouse, truck, railroad car, or other similar conveyance.

(b) *Sample size.* Samples shall be randomly selected from each inspection lot in the exact number of sample units indicated for the lot size in tables XI through XIV as applicable for canned, frozen, dried, or dehydrated fruits and vegetables.

TABLE XI—CANNED OR SIMILARLY PROCESSED FRUITS, VEGETABLES, AND PRODUCTS CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

[Lot sample size]

Container size group	Lot size (number of containers)			
Group 1: Any type container of a volume not exceeding that of a No. 303 size can.	12,000 or less	12,001–39,000	39,001–84,000	84,001–145,000
Group 2: Any type of container of a volume exceeding that of a No. 303 size can but not exceeding that of a No. 3 cylinder size can.	6,000 or less	6,001–19,500	19,501–42,000	42,001–72,500
Group 3: Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can.	3,000 or less	3,001–9,750	9,751–21,000	21,001–36,250
Group 4: Any type of container of a volume exceeding that of a No. 12	Convert to equivalent number of 6-lb. net weight containers and use group 3			
	size can.			
Lot inspection: Sample size (number of sample units).	6	13	21	29

TABLE XII—FROZEN OR SIMILARLY PROCESSED FRUITS, VEGETABLES, AND PRODUCTS CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

[Lot sample size]

Container size group	Lot size (number of containers)			
Group 1: Any type of container of 1 lb or less net weight.	9,600 or less ...	9,601–31,200	31,201–67,200	67,201–116,000
Group 2: Any type of container over 1 lb but not over 2½ lb net weight.	4,800 or less ...	4,801–15,600	15,601–33,600	33,601–58,000
Group 3: Any type of container over 2½ lbs.	Convert to equivalent number of 2½-lb. containers and use group 2			
Lot inspection: Sample size (number of sample units).	6	13	21	29

TABLE XIII—CANNED, FROZEN, OR OTHERWISE PROCESSED FRUITS, VEGETABLES, RELATED PRODUCTS OF A COMMINUTED, FLUID OR HOMOGENEOUS STATE

[Lot sample size]

Container size group	Lot size (number of containers)			
Group 1: Any type of container of 1 lb or less.	18,000 or less	18,001–58,500	58,501–126,000	126,001–217,000
Group 2: Any type of container exceeding 1 lb. but not exceeding 60 oz.	12,000 or less	12,001–39,000	39,001–84,000	84,001–145,000
Group 3: Any type of container exceeding 60 oz but not exceeding 10 lb.	6,000 or less ...	6,001–19,500	19,501–42,000	42,001–72,500
Group 4: Any type of container exceeding 10 lbs.	Convert to equivalent number of 6-lb. containers and use group 3.			
Lot inspection: Sample size (number of sample units).	6	13	21	29

TABLE XIV—DEHYDRATED (LOW-MOISTURE) FRUITS, AND VEGETABLES

[Lot sample size]

Container size group	Lot size (number of containers)			
Group 1: Any type of container of 1 lb or less net weight.	7,200 or less ...	7,201–23,400	23,401–50,400	50,401–87,000
Group 2: Any type of container over 1 lb but not over 6 lb net weight.	2,400 or less ...	2,401–7,800	7,801–16,800	16,801–29,000
Group 3: Any type of container over 6 lbs.	Convert to equivalent number of 5-lb. containers and use group 2.			
Lot inspection: Sample size (number of sample units).	6	13	21	29

(c) *Determining compliance.* (1) An inspection lot meets the requirements of a quality grade if the number of defects (or defectives) is equal to or less than the acceptance numbers of all classes of defects.

(2) An inspection lot fails the requirements of a quality grade if the number of defects (or defectives) exceeds the acceptance number for one or more classes of defects.

(d) *Lot single sampling plans for processed fruits and vegetables.* (1) Tables XV through XIX contain the lot single sampling plans for each of five different standard sample unit sizes. The plans within each table are listed according to increasing values of Acceptable Quality Levels (AQL's).

(2) AQL values of 10.0 or less may be expressed either in ''defects per hundred units'' or in ''percent defective units.'' The same sampling plans are used for both. Separate sampling plans must be used for AQL values greater than 10.0.

(3) A separate lot single sampling plan is chosen for each class of defects (or defectives) by first specifying the desired AQL, the appropriate standard sample unit size, and the number of sample units as specified in § 52.38c (b) of this subpart. The quality levels associated with the Pa=50% and Pa=10% levels are given in the instructional manual.

TABLE XV—LOT SINGLE SAMPLING PLANS

[Standard sample unit size=6]

	Number of sample units			
	6	13	21	29
Acceptance numbers—quality levels expressed as defects per 100 units or percent defective—AQL				
1.0	1	2	3	4
1.5	1	3	4	5
2.5	3	4	6	8
4.0	4	6	9	11
5.0	4	7	11	14

TABLE XV—LOT SINGLE SAMPLING PLANS—Continued

[Standard sample unit size=6]

	Number of sample units			
	6	13	21	29
6.5	5	9	13	17
8.5	6	11	16	21
10.0	7	12	19	24
Quality levels expressed as defects per 100 units only				
12.5	8	15	22	29
15.0	9	17	26	35
20.0	12	22	33	44
25.0	14	27	41	54
33.0	18	34	52	70
40.0	21	40	62	83
50.0	25	49	76	102
65.0	31	62	97	131
85.0	40	80	124	168
100.0	46	92	144	196
150.0	66	135	212	288
250.0	105	218	344	469
Quality levels expressed as percent defective only				
12.5	8	15	22	29
15.0	9	17	25	34
20.0	11	21	33	43
25.0	13	26	39	53
33.0	16	32	50	67
40.0	19	38	59	80
50.0	23	46	72	98

TABLE XVI—LOT SINGLE SAMPLING PLANS

[Standard sample unit size=13]

	Number of sample units			
	6	13	21	29
Acceptance numbers—quality levels expressed as defects per 100 units or percent defective—AQL				
0.65	1	3	4	5
1.0	2	4	6	7
1.5	3	5	8	10
2.5	4	8	11	15
4.0	6	11	16	22
5.0	7	13	20	26
6.5	9	17	25	33
8.5	11	21	31	41
10.0	12	24	36	48
Quality levels expressed as defects per 100 units only				
12.5	15	29	44	58
15.0	17	34	51	69
20.0	22	43	67	90
25.0	27	53	82	110
33.0	34	68	106	143
40.0	40	81	126	171
50.0	49	99	156	211
65.0	62	127	199	271
85.0	80	163	257	350
100.0	92	190	300	409
Quality levels expressed as percent defective only				
12.5	15	28	43	58
15.0	17	33	51	68
20.0	21	42	65	88

TABLE XVI—LOT SINGLE SAMPLING PLANS—Continued

[Standard sample unit size=13]

	Number of sample units			
	6	13	21	29
25.0	26	51	80	108
33.0	32	66	103	139
40.0	38	78	123	166
50.0	46	95	150	204

TABLE XVII—LOT SINGLE SAMPLING PLANS

[Standard sample unit size=25]

	Number of sample units			
	6	13	21	29
Acceptance numbers—quality levels expressed as defects per 100 units or percent defective—AQL				
0.4	2	3	5	6
0.65	3	5	7	8
1.0	4	6	9	12
1.5	5	9	13	16
2.5	7	13	19	25
4.0	10	19	29	38
5.0	12	23	35	46
6.5	15	29	44	58
8.5	19	36	56	74
10.0	21	42	64	86
Quality levels expressed as defects per 100 units only				
12.5	26	51	79	106
15.0	30	60	93	126
20.0	39	78	122	165
25.0	48	96	150	203
33.0	61	124	195	265
40.0	73	149	234	318
50.0	89	183	289	394
65.0	114	235	372	507
Quality levels expressed as percent defective only				
12.5	25	50	78	105
15.0	30	59	92	125
20.0	38	77	120	163
25.0	46	94	148	200
33.0	59	121	191	260
40.0	70	145	228	312
50.0	85	177	281	385

TABLE XVIII—LOT SINGLE SAMPLING PLANS

[Standard sample unit size=50]

	Number of sample units			
	6	13	21	29
Acceptance numbers—quality levels expressed as defects per 100 units or percent defective—AQL				
0.15	1	3	4	5
0.25	2	4	5	7
0.4	3	5	8	10
0.65	4	8	11	15
1.0	6	11	16	21
1.5	8	15	22	29
2.5	12	23	35	46
4.0	18	34	53	70
5.0	21	42	64	86

TABLE XVIII—LOT SINGLE SAMPLING PLANS—Continued

[Standard sample unit size=50]

	Number of sample units			
	6	13	21	29
6.5	27	53	82	110
8.5	34	67	105	142
10.0	39	78	122	165
Quality levels expressed as defects per 100 units only				
12.5	48	96	150	203
15.0	56	114	178	242
20.0	73	149	234	318
25.0	89	183	289	394
33.0	115	239	377	514
40.0	138	287	454	620
50.0	170	355	563	769
Quality levels expressed as percent defective only				
12.5	47	95	149	202
15.0	55	112	177	240
20.0	71	147	231	315
25.0	87	181	286	390
33.0	112	234	372	508
40.0	134	281	446	611
50.0	164	346	552	756

TABLE XIX—LOT SINGLE SAMPLING PLANS

[Standard sample unit size=100]

	Number of sample units			
	6	13	21	29
Acceptance numbers—quality levels expressed as defects per 100 units or percent defective—AQL				
0.1	2	3	5	6
0.15	3	4	6	8
0.25	4	6	9	12
0.4	5	9	13	17
0.65	7	13	20	26
1.0	10	19	29	38
1.5	14	27	41	54
2.5	21	42	64	86
4.0	32	64	99	134
5.0	39	78	122	165
6.5	49	99	156	211
8.5	63	128	200	272
10.0	73	149	234	318
12.5	89	183	289	394
15.0	105	218	344	469
20.0	138	287	454	620
25.0	170	355	563	769
33.0	221	463	736	1,008
40.0	266	558	888	1,216
50.0	329	692	1,103	1,513
Quality levels expressed as percent defective only				
12.5	88	182	287	392
15.0	104	216	342	467
20.0	136	284	450	615
25.0	167	351	558	763
33.0	217	457	728	999
40.0	260	549	877	1,203
50.0	320	680	1,088	1,494

[43 FR 10542, Mar. 14, 1978. Redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.39 Issuance of certificate of sampling.

Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that in-plant inspectors who inspect the samples which they have drawn need not prepare a certificate of sampling. One copy of each certificate of sampling prepared shall be retained by the licensed sampler and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

[51 FR 20445, June 5, 1986]

§ 52.40 Identification of lots sampled.

Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Administrator, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 52.41 Payment of fees and charges.

Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and if so required by the inspection service, an advance of funds prior to rendering inspection service in an amount suitable to the Administrator, or a surety bond suitable to the Administrator, shall be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the United States Department of Agriculture. Remittance shall be sent to the address specified on the bill for collection on or before the due date to avoid a late payment charge.

[51 FR 20445, June 5, 1986]

§ 52.42 Schedule of fees.

(a) For each calendar year, AMS will calculate the rate for services, per hour per program employee using the following formulas:

(1) *Regular rate.* The total AMS inspection program personnel direct pay

divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS inspection program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5 plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS inspection program personnel direct pay divided by direct hours which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(b) For each calendar year, based on previous fiscal year/historical actual costs, AMS will calculate the benefits, operating, and allowance for bad debt components of the regular, overtime and holiday rates as follows:

(1) *Benefits rate.* The total AMS inspection program direct benefits costs divided by the total hours (regular, overtime, and holiday) worked, which is then multiplied by the next calendar year's percentage cost of living increase. Some examples of direct benefits are health insurance, retirement, life insurance, and Thrift Savings Plan (TSP) retirement basic and matching contributions.

(2) *Operating rate.* The total AMS inspection program operating costs divided by total hours (regular, overtime, and holiday) worked, which is then multiplied by the percentage of inflation.

(3) *Allowance for bad debt rate.* Total AMS inspection program allowance for bad debt divided by total hours (regular, overtime, and holiday) worked.

(c) The calendar year cost of living expenses and percentage of inflation factors used in the formulas in this section are based on the most recent Office of Management and Budget's Presidential Economic Assumptions.

[79 FR 67321, Nov. 13, 2014]

§ 52.43 Fees to be charged and collected for sampling when performed by a licensed sampler.

Such sampling fees as are specifically prescribed by the Administrator in connection with licensing of the particular sampler will be assessed and collected from the applicant by the office of inspection serving the area where services are performed: *Provided,* That if the employee is an employee of a state, the appropriate authority of the state may make the collection.

[48 FR 12326, Mar. 24, 1983]

§ 52.44 Inspection fees when charges for sampling have been collected.

For any lot of processed products from which a sample in drawn by a licensed sampler and the applicable sampling fee is collected, as provided in § 52.43, the fees for the other inspection services with respect to such lot shall not include charges for sampling.

[48 FR 12326, Mar. 24, 1983]

§ 52.45 Inspection fees when charges for sampling have not been collected.

For any lot of processed products from which a sample is drawn by a licensed sampler and the sampling fee is not collected by the appropriate authority as provided in § 52.43, the fees and charges for inspection services with respect to such lot shall be the applicable fees and charges prescribed in § 52.42.

[48 FR 12326, Mar. 24, 1983]

§ 52.46 Fee for appeal inspection.

The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided,* That, if the result of any appeal inspection made for any applicant other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 52.47 Changing types of service.

If an applicant cancels a new year-round contract before a full year has elapsed, the applicant shall be charged the difference between the year-round rate and less than year-round rate for the full period the year-round contract was in effect. If an applicant cancels a year-round contract after a full year or more of uninterrupted service, the fee remains at the year-round rate.

[59 FR 41378, Aug. 12, 1994]

§ 52.48 Charges for plant survey and inspection.

The fees to be charged for a plant survey and inspection shall be at the rates prescribed in §§ 52.42 and 52.51.

[72 FR 10037, Mar. 7, 2007]

§ 52.49 Charges for copies of inspection documents and/or inspection data.

If the applicant for inspection service requests additional copies of inspection documents and/or inspection data referable to the processed product covered thereby, the applicant may obtain such copies from the supervisor in the office of inspection serving the area where the service was performed at a charge of ½ hour per copy in accordance with the rate in § 52.42: Provided, that no charge shall be made for one copy if requested at the time of the original request for inspection. Inspection certificates issued in accordance with § 52.21 may be supplied to any financially interested party at a charge of ½ hour per certificate for each seven (7), or fewer copies in accordance with the rate in § 52.42.

[54 FR 50732, Dec. 11, 1989]

§ 52.50 Travel and other expenses.

Charges may be assessed to cover the cost of travel time incurred in connection with the performance of any inspection service, including appeal inspections, as described in § 52.42. This includes time spent waiting for transportation as well as time spent traveling, but not to exceed eight hours of travel time for any one person for any one day: And provided further, that if travel is by common carrier, no hourly charge may be made for travel time outside the employee's official work hours.

[79 FR 67321, Nov. 13, 2014]

§ 52.51 Charges for inspection services on a contract basis.

(a) The Administrator may enter into contracts with applicants to perform continuous inspection services or other types of inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection service provided in such contracts shall be based on such basis as will reimburse the Agricultural Marketing Service of the Department for the full cost of rendering such inspection service as described in § 52.42.

(b) The Administrator may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing agreement or a marketing order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the Agricultural Marketing Service of the Department for the full cost of rendering such inspection service based on the formulas in § 52.42. Likewise, the Administrator may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with an administration of a similar program operated pursuant to the laws of any State.

(c) Charges for year-round in-plant inspection services on a contract basis will be billed to the applicant monthly for all hours worked with a minimum of 40 hours per week for each inspector assigned to perform the inspection services. Charges for work performed in excess of an employee's regular work schedule will be calculated as described in § 52.42(a)(2).

(d) Charges for less than year-round in-plant inspection services (four or more consecutive 40 hour weeks) on a contract basis will be billed to the applicant monthly for all hours with a minimum of 40 hours for each inspector

assigned to perform the inspection services and will be calculated based on the formulas in § 52.42.

(e) No Member of, or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in this section or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a Member of, or Delegate to Congress, or a Resident Commissioner in his capacity as a farmer.

[38 FR 25168, Sept. 12, 1973. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, and further redesignated at 54 FR 50732, Dec. 11, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.51, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

MISCELLANEOUS

§ 52.53 Approved identification.

(a) *General.* Use of the approved identification marks described and illustrated in Figures 1 through 10 of this section is restricted to processed products that:

(1) Are clean, safe, and wholesome;

(2) Have been produced or packed in an approved plant.

(3) Are truthfully and accurately labeled.

(4) When graded against a U.S. grade standard, meet the quality requirements for U.S Grade C or better;

(5) Meet applicable fill weight and/or drained weight, Brix or other characteristics of a commodity related to market value;

(6) Have been certified, or have been inspected and are eligible for certification, by an inspector; and, in addition, meet the specific requirements stated in (b), (c), and (d) of this section.

(7) Labels and advertising material containing or referring to approved identification must be approved by USDA inspection service prior to use.

(b) *Inspection* (*Continuous*) *grade and inspection marks.* The official marks approved for use by plants operating under USDA continuous inspection service contracts shall be similar in form and design to the examples in Figures 1 through 10 of this section: *Provided*, That the official marks illustrated by figures 8 and 9 are limited to products packed by plants operating under an approved Quality Assurance type of inspection contract: *And provided further*, That the inspection marks illustrated in figures 1 through 4 may only be used on products packed by plants operating under USDA continuous inspection.

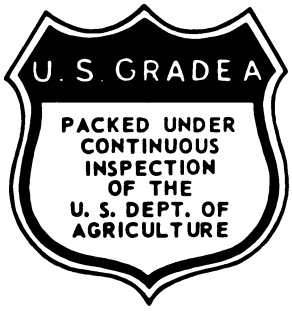


FIGURE 1.

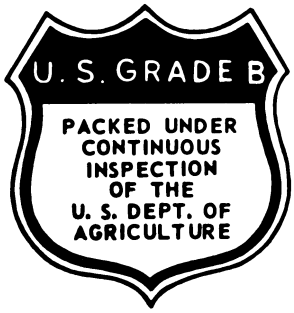


FIGURE 2.

Statement enclosed within a shield.

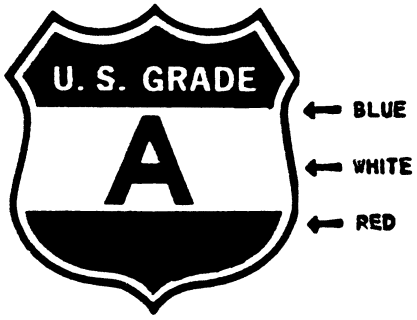
FIGURE 3.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

Statement without the use of the shield.

FIGURE 4.

(c) *In-plant inspection (other than continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA inspection service contracts (other than continuous) requiring a resident inspector shall be limited to those similar in form and design to the examples in Figures 5 through 14 of this section; Provided: That the official marks illustrated by Figures 9 and 10 are limited to products packed by plants operating under an approved Quality Assurance type of an inspection contract.



Shield using red, white, and blue background or other colors appropriate for Label.

FIGURE 5

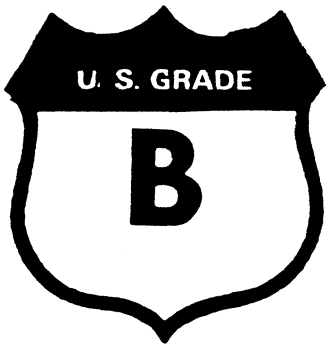


FIGURE 6

PACKED UNDER
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

Statement without
the use of the shield.

FIGURE 7

Statement enclosed
within a shield.

FIGURE 8

FIGURE 9

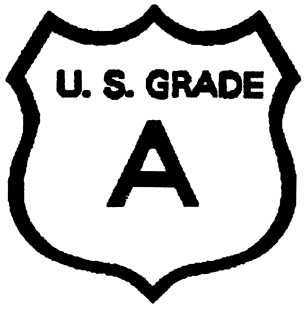
PACKED UNDER
QUALITY ASSURANCE
PROGRAM
of the
U.S. DEPT. OF AGRICULTURE

Statement without the use of the shield.

FIGURE 10

(d) *''Approved plant-lot inspection'' grade and inspection marks.* Processed products that are produced in an approved plant as defined in §52.2 and inspected and certified by an inspector on a lot basis may be labeled with an official mark as defined in §52.3 when adequate control and use is approved. The use of official marks for this type of service is restricted to grade marks (with or without plain shield) and/or the statement ''Inspected by the U.S. Department of Agriculture'' (with or without plain shield). The official marks shall be similar in form and design as illustrated in figures 11 through

14. Failure to have all lots bearing official marks either inspected and certified or certified as produced in an approved plant shall cause the debarment of the user from receiving subsequent services, and such other actions as provided for in the Agricultural Marketing Act of 1946.



Shield with plain background

Figure 11

(1) U. S. GRADE A

(2) U. S. GRADE B

(3) U. S. GRADE C

Figure 12

Statement enclosed within a shield.

Figure 13

INSPECTED
BY THE
U.S. DEPT. OF
AGRICULTURE

Statement without the use of the shield.

Figure 14

(e) *Sampling marks.* Processed products which have been sampled for inspection as provided in this part may, at the option of the Department, be identified by an authorized representative of the Department. The products are identified by stamping the container(s) comprising such lot(s), with an official ''sampling mark'', similar in form and design to the example in figure 15 of this section. The ''sampling marks'' will identify products officially sampled by a particular field office.

Such mark will include a code identifying the field office performing the sampling.

FIGURE 15

(f) *Removal of labels bearing approved grade or inspection marks.* (1) At the time a lot of processed products bearing approved grade or inspection marks is found to be mislabeled, the processor shall separate and retain such lot for relabeling. Removal and replacement of labels shall be done, under the supervision of a USDA inspector, within the time specified by the Administrator or as may be mutually agreed by the processor and the Administrator.

(2) The processor shall be held accountable to the Department for all mislabeled products until the products have been properly labeled.

(3) Clearance for the release of the relabeled product shall be obtained, by the processor, from the inspector.

(g) *Licensing and identification of certain official devices.* The Administrator may issue licenses permitting the manufacture, identification, and sale of any official device designated as a USDA color standard, defect guide or other similar aid under such terms and conditions as may be specified by the Administrator. Licenses shall be available to all persons meeting conditions prescribed by the Administrator, shall be nonexclusive, and shall be recoverable for cause. No person shall manufacture, identify, distribute or sell any such official device except at the direction of or under license from the Administrator. Such official devices may be marked, tagged or otherwise designated with the prefix ''USDA'' together with other identifying words or symbols, as prescribed by the license.

(h) *Prohibited uses of approved identification.* Except as specified in this section, no label or advertising material used upon, or in conjunction, with a processed product, as defined by these Regulations, shall bear a brand name, trademark, product name, company name, or any other descriptive material that incorporates, resembles, simulates, or alludes to, any official U.S. Department of Agriculture certificate of quality or loading, grade mark, grade statement (except honey and maple syrup which may bear such grade mark or statement), continuous inspection mark, continuous inspection statement, sampling mark or sampling statement, or combinations of one or more thereof.

(i) *Disposition of labels bearing approved grade or inspection marks when a contract is cancelled.* Upon cancellation of a contract, labels bearing approved grade or inspection marks shall remain under the control of the inspection service. The inspection service will approve disposition of said labels for destruction, sale or transfer to another approved plant, remove or obliterate the grade or inspection mark, or other action as may be agreed upon by all interested parties.

[38 FR 25169, Sept. 12, 1973, as amended at 40 FR 48934, Oct. 20, 1975. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981; 48 FR 12326, Mar. 24, 1983; 51 FR 20446, June 5, 1986; 60 FR 3533, Jan. 18, 1995]

§ 52.54 Debarment of services.

(a) The following acts or practices, or the causing thereof, may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period. The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§1.130 through 1.151 of this title and the Supplemental Rules of Practice in

part 50 of this chapter shall be applicable to such debarment action.

(1) *Fraud or misrepresentation.* Any misrepresentation or deceptive or fraudulent practice or act found to be made or committed in connection with:

(i) The making or filing of an application for any inspection service;

(ii) The submission of samples for inspection;

(iii) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(iv) The use of the words ''Packed under continuous inspection of the U.S. Department of Agriculture,'' any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(v) The use of a facsimile form which simulates in whole or in part any official U.S. certificate for the purpose of purporting to evidence the U.S. grade of any processed product.

(2) *Willful violation of the regulations in this subpart.* Willful violation of the provisions of this part of the Act.

(i) Country of origin labeling for packed honey. The use of a label or advertising material on, or in conjunction with, packaged honey that bears any official certificate of quality, grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of the certificates, marks, or statements of the Department of Agriculture is hereby prohibited unless there appears legibly and permanently in close proximity (such as on the same side(s) or surface(s)) to the certificate, mark, or statement, and in at least a comparable size, the one or more names of the one or more countries of origin of the lot or container of honey, preceded by the words 'Product of' or other words of similar meaning.

(A) A violation of the requirements of this section may be deemed by the Secretary to be sufficient cause for debarment from the benefits of the regulations governing inspection and certification only with respect to honey.

(3) *Interfering with an inspector, inspector's aid, or licensed sampler.* Any interference with, obstruction of, or attempted interference with, or attempted obstruction of any inspector, inspector's aide, or licensed sampler in the performance of his duties by intimidation, threat, assault, bribery, or any other means—real or imagined.

[76 FR 253, Jan. 4, 2011]

§ 52.55 Political activity.

All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 52.56 Purchase of commodity samples for review.

Employees are authorized to purchase commodity samples for review. Employees must pay and obtain receipts for such purchases and keep receipts subject to inspection by supervisory or other authorized Department employees.

[48 FR 12330, Mar. 24, 1983]

§ 52.57 Compliance with other laws.

None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 52.58 Identification.

Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

§ 52.59 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in this part have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control no. 0581–0123.

(44 U.S.C. Ch. 35)

[49 FR 23826, June 8, 1984]

REQUIREMENTS FOR PLANTS TO BE APPROVED AND FOR PLANTS USING CONTRACT IN-PLANT INSPECTION SERVICES [1]

SOURCE: Sections 52.81 through 52.83 appear at 38 FR 25170, Sept. 12, 1973, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

§ 52.81 Plant survey.

Prior to a plant being approved, or the inauguration of in-plant inspection services, and at such intervals as may be deemed necessary or appropriate, the Administrator will make, or cause to be made, a survey and inspection of the plant where such inspection services are to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such service in accordance with:

(a) The regulations in this part, including, but not limited to, the requirements contained in §§ 52.81 through 52.83; and

(b) The terms and provisions of any contract pursuant to which the service is to be performed: *Provided*, That, such survey(s) shall be repeated at least yearly.

§ 52.82 Basis of survey and plant inspection.

The plant survey and inspection will be based on the Regulations issued under the Federal Food, Drug, and Cosmetic Act—Human Foods; Good Manufacturing Practice (Sanitation) in Manufacture, Processing, Packing, or Holding (21 CFR part 110)—as may be modified or augmented by the Federal Food and Drug Administration, U.S. Department of Health, Education, and Welfare or the Administrator of the Agricultural Marketing Service.

§ 52.83 Reporting results of the plant survey and inauguration of inspection services.

(a) Results of the plant survey shall be reported in writing to a designated plant official.

(b) When the plant meets the requirements for the survey, inspection services may be inaugurated at a time mutually satisfactory to the plant management and USDA.

(c) When the plant fails the requirements of the survey, contract services shall be withheld until corrective action is completed to the satisfaction of the USDA.

Subpart B—United States Standards for Grades of Canned Red Tart Pitted Cherries

SOURCE: 39 FR 13963, Apr. 18, 1974, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

IDENTITY AND GRADES

§ 52.771 Identity.

Canned red tart pitted cherries is the product represented as defined in the standard of identity for canned cherries (21 CFR 145.125(a)), issued pursuant to the Federal Food, Drug, and Cosmetic Act, and packed in one of the liquid media specified in § 52.773; and is sealed in a hermetically sealed container and so processed by heat as to prevent spoilage.

§ 52.772 Grades.

(a) ''U.S. Grade A'' (or ''U.S. Fancy'') is the quality of canned red tart pitted cherries that have at least the following attributes:

(1) At least a reasonably good color;

(2) Practically free from pits;

(3) Practically free from defects;

(4) Good character;

(5) Normal flavor and odor; and

[1] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

(6) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

Canned red tart pitted cherries of this grade may contain not more than eight cherries per sample unit that are less than 9/16 inch (14 mm) in diameter.

(b) ''U.S. Grade B'' (or ''U.S. Choice'') is the quality of canned red tart pitted cherries that have at least the following attributes:

(1) Reasonably good color;

(2) Reasonably free from pits;

(3) Reasonably free from defects;

(4) Reasonably good character;

(5) Normal flavor and odor; and

(6) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

Canned red tart pitted cherries of this grade may contain not more than 15 cherries per sample unit that are less than 9/16 inch (14 mm) in diameter.

(c) ''U.S. Grade C'' (or ''U.S. Standard'') is the quality of canned red tart pitted cherries that have at least the following attributes:

(1) Fairly good color;

(2) Fairly free from pits;

(3) Fairly free from defects;

(4) Fairly good character;

(5) Normal flavor and odor; and

(6) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

There is no size requirement for canned red tart pitted cherries of this grade.

(d) ''Substandard'' is the quality of canned red tart pitted cherries that fail to meet the requirements of ''U.S. Grade C.''

LIQUID MEDIA AND BRIX MEASUREMENTS

§ 52.773 Liquid media and Brix measurements.

(a) Brix measurement requirements for the liquid media in canned red tart pitted cherries are not incorporated in the grades of the finished product since sirup, or any other liquid medium, as such, is not a factor of quality for the purpose of the grades. The designation of liquid packing media and Brix measurements, where applicable, are as follows:

Designations	Brix measurements
''Extra heavy sirup;'' or ''Extra heavily sweetened fruit juice(s) and water;'' or ''Extra heavily sweetened fruit juice(s).''.	28° or more but not more than 45°.
''Heavy sirup;'' or ''Heavily sweetened fruit juice(s) and water;'' or ''Heavily sweetened fruit juice(s).''.	22° or more but less than 28°.
''Light sirup;'' or ''Lightly sweetened fruit juice(s) and water;'' or ''Lightly sweetened fruit juice(s).''.	18° or more but less than 22.
''Slightly sweetened water;'' or ''Slightly sweetened fruit juice(s) and water;'' or ''Slightly sweetened fruit juice(s).''.	Less than 18°.
''In water''	Not applicable.
''In fruit juice(s) and water.''	Do.
''In fruit juice(s)''	Do.

(b) The densities of the packing media, as listed in this section, are measured on the refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20 °C. (68 °F.), but without correction for invert sugars or other substances. The Brix measurement of the packing media may be determined by any other method which gives equivalent results.

(c) Brix determination is made on the packing media 15 days or more after the cherries are canned or on the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days.

[39 FR 13963, Apr. 18, 1974, as amended at 41 FR 15020, Apr. 9, 1976. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

FILL OF CONTAINER

§ 52.774 Fill of container.

(a) *FDA requirements.* Canned red tart pitted cherries shall meet the fill of container requirements as set forth in the regulations of the Food and Drug Administration (21 CFR 145.125(c)).

(b) *Recommended minimum drained weights*—(1) *General.* The minimum drained weight recommendations for the various container sizes and types of packing media as listed in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(2) *Definitions.*

Sample average—Average of all the drained weights of the sample containers representing a lot.

X_d—A specified minimum sample average drained weight.
LL—Lower limit for individual container drained weight.

(3) *Method for ascertaining drained weight.* The drained weight of canned red tart pitted cherries is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (0.0937 inch (2.3 mm), ±3 percent, square openings) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of 17° to 20° to facilitate drainage and allow to drain for two minutes. The weight of drained cherries is the weight of the sieve and product less the weight of the dry sieve. A sieve eight inches in diameter is used for No. 3 size containers (404 × 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than No. 3 size containers.

(4) *Compliance with recommended minimum drained weights.* A lot of canned red tart pitted cherries is considered as meeting the minimum drained weight recommendations when the following criteria are met:

(i) The sample average meets the specified minimum sample average drained weight (designated as ''X_d'' in Table I); and

(ii) The number of sample containers which fail to meet the minimum drained weight for individual containers (designated as ''LL'' in Table I) does not exceed the applicable acceptance number specified in Table II.

(c) *Recommended fill weights*—(1) *General.* The minimum fill weight recommendations for the various container sizes in Table III of this section are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purpose of these grades.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RED TART PITTED CHERRIES

Container designation	Packed in water or cherry juice (ounces)		Packed in any sirup or slightly sweetened water (ounces)	
	LL	Xd	LL	Xd
No. 303 (303 × 406) ..	10.7	11.0	9.9	10.2
No. 303 Cylinder (303 × 509)	14.0	14.4	12.7	13.1
No. 2 (307 × 409)	13.1	13.5	12.3	12.7
No. 10 (603 × 700)	71.2	72.0	69.4	70.2

TABLE II—SINGLE SAMPLING PLANS AND ACCEPTANCE NUMBERS

Sample Size (No. of sample containers) ..	3	6	13	21	29	38	48	60
Acceptance numbers ..	0	1	2	3	4	5	6	7

(2) *Definitions.*

Subgroup	A group of sample containers representing a portion of a sample.
X'_{min}	A specified minimum lot average fill weight.
LWL×	Lower warning limit for subgroup averages.
LRL_x	Lower reject limit for subgroup averages.
LWL	Lower warning limit for individual fill weight measurements.
LRL	Lower reject limit for individual fill weight measurements.
R′	A specified average range value.
R_{max}	A specified maximum range for subgroups.

(3) *Method for ascertaining fill weight.* The fill weight of canned red tart pitted cherries is determined in accordance with the U.S. Standards for Inspection by Variable and the U.S. Standards for Determination of Fill Weights.

(4) *Compliance with recommended fill weights.* Compliance with the recommended fill weights for canned red tart pitted cherries shall be in accordance with the U.S. Standards for Inspection by Variables and the U.S. Standards for Determination of Fill Weights.

TABLE III—RECOMMENDED FILL WEIGHT VALUES FOR CANNED RED TART PITTED CHERRIES

Container designation	Fill weight values in ounces							
	X'_{min}	LWL_x	LRL_x	LWL	LRL	R′	R_{max}	Sampling allowance code
No. 303	12.9	12.6	12.4	12.2	11.8	0.80	1.70	F
No. 303 Cylinder	16.8	16.4	16.2	15.9	15.4	1.10	2.20	H

TABLE III—RECOMMENDED FILL WEIGHT VALUES FOR CANNED RED TART PITTED CHERRIES—Continued

Container designation	Fill weight values in ounces							
	X'_{min}	LWL_x	LRL_x	LWL	LRL	R′	R_{max}	Sampling allowance code
No. 2	15.8	15.4	15.2	14.9	14.4	1.10	2.20	H
No. 10	86.7	85.9	85.5	85.0	84.1	2.00	4.20	P

SAMPLE UNIT SIZE

§ 52.775 Sample unit size.

Compliance with requirements for the size and the various quality factors is based on the following sample unit sizes for the applicable factor:

(a) Size, color, pits, and character—20 ounces of drained cherries.

(b) Defects (other than harmless extraneous material)—100 cherries.

(c) Harmless extraneous material—The total contents of each container in the sample.

FACTORS OF QUALITY

§ 52.776 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned red tart pitted cherries is ascertained by considering the factor of flavor and odor of the product and the requirement for size (in U.S. Grade A and U.S. Grade B) which are not scored; the ratings for the factors of color, freedom from pits, defects, and character, which are scored; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	Points
Color	20
Freedom from pits	20
Defects	30
Character	30
Total score	100

(c) *Definition.* ''Normal flavor and odor'' means that the flavor and odor are characteristic of canned red tart pitted cherries and that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.777 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, ''18 to 20 points'' means 18, 19, or 20 points).

§ 52.778 Color.

(a) (*A*) *classification.* Canned red tart pitted cherries that have a good color may be given a score of 18 to 20 points. ''Good color'' means a practically uniform color that is bright and typical of canned red tart pitted cherries which have been prepared and processed from properly ripened cherries.

(b) (*B*) *classification.* Canned red tart pitted cherries that have a reasonably good color may be given a score of 16 or 17 points. ''Reasonably good color'' means a reasonably uniform color, typical of canned red tart pitted cherries which have been properly prepared and processed and which color may range from a slight yellowish-red color to a slightly mottled reddish brown.

(c) (*C*) *classification.* Canned red tart pitted cherries that have a fairly good color may be given a score of 14 or 15 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly good color'' means a fairly uniform color typical of canned red tart pitted cherries which have been properly processed and which color may range from a brownish cast to mottled shades of brown.

(d) (*SStd.*) *classification.* Canned red tart pitted cherries that fail to meet the color requirements for U.S. Grade C may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.779 Freedom from pits.

(a) *General.* The factor of freedom from pits refers to the incidence of pits and pit fragments.

(b) *Definitions.* (1) A *pit,* for the purposes of the allowances in this section, is a whole cherry pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) *Drained cherries* means pitted cherries that have been drained of packing medium by the method prescribed in this subpart.

(c) (*A*) *classification.* Canned red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. ''Practically free from pits'' means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table IV.

(d) (*B*) *classification.* Canned red tart pitted cherries that are reasonably free from pits may be given a score of 16 or 17 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). ''Reasonably free from pits'' means that the number of pits that may be present does not exceed the allowances for this classification as set forth in Table IV.

(e) (*C*) *classification.* Canned red tart pitted cherries that are fairly free from pits may be given a score of 14 or 15 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly free from pits'' means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table IV.

(f) (*SStd.*) *classification.* Canned red tart pitted cherries that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.780 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) *Cherry* means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) *Harmless extraneous material* means any vegetable substance (including, but not being limited to, a leaf or a stem, and any portions thereof) that is harmless.

(3) *Mutilated cherry* means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) *Minor blemished cherry* means any cherry blemished with skin discoloration (other than scald) having an aggregate area of a circle 9/32 inch (7 mm) or less in diameter which more than slightly affects the appearance of the cherry but does not extend into the fruit tissue.

(5) *Blemished cherry* means any cherry blemished by skin discoloration (other than scald) which in the aggregate exceeds the area of a circle 9/32 inch (7 mm) in diameter. A cherry affected by skin discoloration extending into the fruit tissue or by scab, hail injury, scar tissue, or other abnormality, regardless of size, is considered a blemished cherry.

(b) (*A*) *classification.* Canned red tart pitted cherries that are practically free from defects may be given a score of 27 to 30 points. ''Practically free from defects'' means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(c) (*B*) *classification.* Canned red tart pitted cherries that are reasonably free from defects may be given a score of 24 to 26 points. Canned red tart pitted cherries that fall into this classification may not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). ''Reasonably free from defects'' means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(d) (*C*) *classification.* If the canned red tart pitted cherries are fairly free from defects, a score of 21 to 23 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly free from defects'' means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(e) (*SStd.*) *classification.* Canned red tart pitted cherries that fail to meet the requirements for Grade C for any reason may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.781 Character.

(a) *General.* The factor of character refers to the physical characteristics of the flesh of the cherries.

(b) (*A*) *classification.* Canned red tart pitted cherries that have a good character may be given a score of 27 to 30 points. ''Good character'' means that the cherries are thick-fleshed and have a firm, tender texture.

(c) (*B*) *classification.* Canned red tart pitted cherries that have a reasonably good character may be given a score of 24 to 26 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). ''Reasonably good character'' means that the cherries may be reasonably thick-fleshed and may be slightly soft.

(d) (*C*) *classification.* Canned red tart pitted cherries that have a fairly good character may be given a score of 21 to 23 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly good character'' means that the cherries may be thin-fleshed, and may be soft but not mushy, or slightly tough but not leathery.

(e) (*SStd.*) *classification.* Canned red tart pitted cherries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.782 Allowances for quality factors.

TABLE IV—ALLOWANCES FOR QUALITY FACTORS

Factor	Sample unit size	Maximum number permissible for the respective grade					
		A	A	B	B	C	C
Pits	20 ozs	Not more than 2 in any sample unit.	Sample average 1 per 40 ozs.	Not more than 3 in any sample unit.	Sample average 1 per 30 ozs.	4 or more in any sample unit.	Sample average 1 per 20 ozs.
Defects:	100 cherries.						
Total—multilated, plus minor blemished plus blemished..		10		15		20.	
of which							
Blemished—limited to		3		7		15.	

TABLE IV—ALLOWANCES FOR QUALITY FACTORS—Continued

Factor	Sample unit size	Maximum number permissible for the respective grade					
		A	A	B	B	C	C
Harmless extraneous material.	Total contents	Average 1 piece per 60 oz. net contents.	.....	Average 1.5 pieces per 60 oz. net contents.	.....	Average 3 piece per 60 oz. net contents.	

LOT COMPLIANCE

§ 52.783 Ascertaining the grade of a lot.

The grade of a lot of canned red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.784 Score sheet for canned red tart pitted cherries.

Size and kind of container.
Container mark or identification.
Label.
Net weight (ounces).
Vacuum (inches).
Drained weight (ounces).
Sirup designation (extra heavy, heavy, etc.).
Brix measurement.
Size [1].

Factors		Score points	
Color	20	(A)	18–20
		(B)	16–17
		(C)	[2] 14–15
		(SStd.)	[2] 0–13
Freedom from pits.	20	(A)	18–20
		(b)	[2] 16–17
		(C)	[2] 14–15
		(SStd.)	[2] 0–13
Freedom from defects.	30	(A)	27–30
		(B)	[2] 24–26
		(C)	[2] 21–23
		(SStd.)	[2] 0–20
Character	30	(A)	27–30
		(B)	[2] 24–26
		(C)	[2] 21–23
		(SStd.)	[2] 0–20
Total score	100		

Normal flavor.
Grade.

[1] See size limitation for U.S. Grade A and U.S. Grade B.
[2] Indicates limiting rule.

Subpart C—United States Standards for Grades of Frozen Red Tart Pitted Cherries

SOURCE: 39 FR 23235, June 27, 1974, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

PRODUCT DESCRIPTION AND GRADES

§ 52.801 Product description.

Frozen red tart pitted cherries is the food prepared from properly matured cherries of the domestic (Prunus cerasus) red sour varietal group which have been washed, pitted, sorted, and properly drained; may be packed with or without a nutritive sweetened packing medium or any other substance permitted under the Federal Food, Drug, and Cosmetic Act, and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.802 Grades of frozen red tart pitted cherries.

(a) ''U.S. Grade A'' (or ''U.S. Fancy'') is the quality of frozen red tart pitted cherries of which not more than five (5) cherries per sample unit may be less than 9/16 inch (14 mm) in diameter, and that:

(1) Possess a good red color;

(2) Are practically free from pits;

(3) Are practically free from defects;

(4) Have a good character;

(5) Possess a normal flavor; and

(6) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) ''U.S. Grade B'' (or ''U.S. Choice'') is the quality of frozen red tart pitted cherries of which not more than ten (10) cherries per sample unit may be

less than 9/16 inch (14 mm) in diameter, and that:

(1) Possess a reasonably good red color;

(2) Are reasonably free from pits;

(3) Are reasonably free from defects;

(4) Have a reasonably good character:

(5) Possess a normal flavor; and

(6) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) ''U.S. Grade C'' (or ''U.S. Standard'') is the quality of frozen red tart pitted cherries that:

(1) Possess a fairly good red color;

(2) Are fairly free from pits;

(3) Are fairly free from defects;

(4) Have a fairly good character;

(5) Possess a normal flavor; and

(6) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) ''Substandard'' is the quality of frozen red tart pitted cherries that fail to meet the requirements of U.S. Grade C.

SAMPLE UNIT SIZE

§ 52.803 Sample unit size.

Compliance with requirements for size and the various quality factors is based on the following sample unit sizes for the applicable factor:

(a) Pits, character, and harmless extraneous material—20 ounces of drained cherries.

(b) Size, color, and defects (other than harmless extraneous material)—100 cherries.

FACTORS OF QUALITY

§ 52.804 Ascertaining the grade of a sample unit.

(a) The grade of frozen red tart pitted cherries is determined immediately after thawing to the extent that the cherries may be separated easily and the cherries are free from ice and solidified packing media. The grade is determined by considering in addition to the requirements of the respective grade (including the requirement of the size in U.S. Grade A and U.S. Grade B), the respective ratings of the factors of color, pits, absence of defects, character, the total score, and the limiting rules which may be applicable.

(b) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

Factors	Points
Color	30
Freedom from pits	20
Freedom from defects	20
Character	30
Total score	100

(c) *Normal flavor* means that the flavor is characteristic of frozen red tart pitted cherries and that the product is free from objectionable flavors of any kind.

§ 52.805 Ascertaining the rating for each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, ''27 to 30 points'' means 27, 28, 29 or 30 points).

§ 52.806 Color.

(a) *(A) classification.* Frozen red tart pitted cherries that possess a good red color may be given a score of 27 to 30 points. ''Good red color'' means that the frozen cherries possess a color that is bright and typical of properly ripened cherries and that is practically uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are undercolored, does not exceed the number specified in Table I.

(b) *(B) classification.* Frozen red tart pitted cherries that possess a reasonably good red color may be given a score of 24 to 26 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). ''Reasonably good red color'' means that the cherries possess a color that is reasonably bright and typical of properly ripened cherries and that is reasonably uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are

undercolored, does not exceed the number specified in Table I.

(c) *(C) classification.* If the frozen red tart pitted cherries possess a fairly good red color, a score of 21 to 23 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly good red color'' means that the frozen cherries possess a color that is fairly bright and typical of properly ripened cherries and that is fairly uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are undercolored, does not exceed the number specified in Table I.

(d) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.807 Freedom from pits.

(a) *General.* The factor of freedom from pits refers to the incidence of pits and pit fragments.

(b) *Definitions.* (1) A ''pit'' for the purpose of the allowances in this subpart is a whole pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) *Drained cherries* means pitted cherries that are substantially free from any adhering sirup, sugar, or other packing medium.

(c) *(A) classification.* Frozen red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. ''Practically free from pits'' means that the number of pits that may be present does not exceed the allowances for this classification specified in Table I.

(d) *(B) classification.* Frozen red tart pitted cherries that are reasonably free from pits may be given a score of 16 or 17 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). ''Reasonably free from pits'' means that the number of pits that may be present does not exceed the number specified in Table I.

(e) *(C) classification.* Frozen red tart pitted cherries that are fairly free from pits may be given a score of 14 or 15 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly free from pits'' means that the number of pits that may be present does not exceed the number specified in Table I.

(f) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.808 Freedom from defects.

(a) *General.* The factor of freedom from defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) *Cherry* means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) *Harmless extraneous material* means any vegetable substance (including, but not being limited to, a leaf or a stem and any portions thereof) that is harmless.

(3) *Mutilated cherry* means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) *Minor blemished cherry* means any cherry blemished with discoloration (other than scald) having an aggregate area of a circle 9/32 inch (7 mm) or less in diameter which more than slightly affects the appearance of the cherry but does not extend into the fruit tissue.

(5) *Blemished cherry* means any cherry blemished by skin discoloration (other than scald) which in the aggregate exceeds the area of a circle 9/32 inch (7 mm) in diameter. A cherry affected by skin discoloration extending into the fruit tissue or by scab, hail injury, scar tissue, or other abnormality, regardless of size, is considered a blemished cherry.

(b) *(A) classification.* Frozen red tart pitted cherries that are practically free from defects may be given a score of 18 to 20 points. ''Practically free from defects'' means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(c) *(B) classification.* Frozen red tart pitted cherries that are reasonably free from defects may be given a score of 16 or 17 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). ''Reasonably free from defects'' means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(d) *(C) classification.* Frozen red tart pitted cherries that are fairly free from defects may be given a score of 14 or 15 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly free from defects'' means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(e) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.809 Character.

(a) *General.* The factor of character refers to the physical characteristics of the flesh of the cherries.

(b) *(A) classification.* Frozen red tart pitted cherries that have a good character may be given a score of 27 to 30 points. ''Good character'' means that the cherries are thick-fleshed and have a firm, tender texture.

(c) *(B) classification.* Frozen red tart pitted cherries that have a reasonably good character may be given a score of 24 to 26 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). ''Reasonably good character'' means that the cherries may be reasonably thick-fleshed and slightly soft.

(d) *(C) classification.* Frozen red tart pitted cherries that have a fairly good character may be given a score of 21 to 23 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly good character'' means that the cherries may be thin-fleshed and may be soft but not mushy, or slightly tough but not leathery.

(e) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirements for Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.810 Allowances for quality factors.

TABLE I—ALLOWANCES FOR QUALITY FACTORS

Factor	Sample unit size	Maximum number permissible for the respective grade		
		A	B	C
Color:				
Vary markedly or undercolored.	100 cherries	12	18	25.
Pits	20 ozs	Not more than 2 in any sample unit. Sample average 1 per 40 ozs.	Not more than 3 in any sample unit. Sample average 1 per 30 ozs.	4 or more in any sample unit. Sample average 1 per 20 ozs.
Defects:				
Total-mutilated, minor blemished, and blemished of which.	100 cherries	10	15	20.
Blemished—limited to		3	7	15.
Harmless extraneous material.	20 ozs	Average 1 piece per 60 oz. net contents.	Average 1 piece per 40 oz. net contents.	Average 1 piece per 20 oz. net contents.

LOT COMPLIANCE

§ 52.811 Ascertaining the grade of a lot.

The grade of a lot of frozen red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83).

SCORE SHEET

§ 52.812 Score sheet for frozen red tart pitted cherries.

Size and kind of container.
Container mark or identification.
Label (style of pack, ratio of fruit to sugar, etc., if shown).
Net weight (ounces).
Size [1].

Factor	Score points.		
Color	30	(A)	27–30
		(B)	[2] 24–26
		(C)	[2] 21–23
		(SStd.)	[2] 0–20
Freedom from pits	20	(A)	18–20
		(B)	[2] 16–17
		(C)	[2] 14–15
		(SStd.)	[2] 0–13
Freedom from defects.	20	(A)	18–20
		(B)	[2] 16–17
		(C)	[2] 14–15
		(SStd.)	[2] 0–13
Character	30	(A)	27–30
		(B)	[2] 24–26
		(C)	[2] 21–23
		(SStd.)	[2] 0–20
Total score	100		

Normal flavor.
Grade.

[1] See size limitation for U.S. Grade A and U.S. Grade B.
[2] Indicates limiting rule.

Subpart D—United States Standards for Grades of Dates

SOURCE: 20 FR 5755, Aug. 10, 1955, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1001 Product description.

Dates are the properly cured fresh fruit of the date tree (Phoenix dactylifera) which may or may not be softened by hydration. For the purposes of the standards in this subpart, dates, when referred to as ''dry dates for processing,'' means that the dates are dry and have not been softened by hydration.

§ 52.1002 Styles of dates.

(a) *Whole* or *whole dates* means whole unpitted dates from which the pits have not been removed and which may be slit longitudinally.

(b) *Pitted* or *pitted dates* means whole dates from which the pits have been removed.

(c) *Pieces* or *date pieces* means dates that have been cut or sliced into small pieces and that can be handled as individual units.

(d) *Macerated* or *macerated dates* means dates that have been ground, chopped, mashed, or broken or that have been cut or sliced into small pieces and that cannot be handled as individual units.

§ 52.1003 Grades of dates.

(a) *U.S. Grade A* or *U.S. Fancy* is the quality of whole or pitted dates that are of one variety, that possess a good color, that are practically uniform in size, that are practically free from defects, that possess a good character, and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) *U.S. Grade B* or *U.S. Choice* is the quality of whole or pitted dates other than whole dry dates for processing that are of one variety, that possess a reasonably good color, that are reasonably uniform in size, that are reasonably free from defects, that possess a reasonably good character, and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) *U.S. Grade B (Dry)* or *U.S. Choice (Dry)* is the quality of whole dry dates for processing that are of one variety, that possess a reasonably good color, that are reasonably uniform in size, that are reasonably free from defects, that possess a reasonably good character, and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(d) *U.S. Grade C* or *U.S. Stand- ard* is the quality of whole or pitted dates other than whole dry dates for processing that are of one variety or of date pieces or macerated dates that possess a fairly good color, that are fairly uniform in size except for date pieces or macerated dates, that are fairly free from defects, that possess a fairly good character, and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(e) *U.S. Grade C (Dry)* or *U.S. Standard (Dry)* is the quality of whole dry dates for processing that are of one variety, that possess a fairly good color, that are fairly uniform in size, that are fairly free from defects, that possess a fairly good character, and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(f) *Substandard* is the quality of dates that fail to meet the requirements of U.S. Grade C or U.S. Stand- ard or U.S. Grade C (Dry) or U.S. Standard (Dry), whichever is applicable.

FACTORS OF QUALITY

§ 52.1004 Ascertaining the grade.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factor not related by score points.* (1) Varietal requirement.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(1) Color	20
(2) Uniformity of size	10
(3) Absence of defects	30
(4) Character	40
Total score	100

§ 52.1005 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, ''18 to 20 points'' means 18, 19, or 20 points).

§ 52.1006 Color.

(a) (*A*) *classification.* Whole or pitted dates that possess a good color may be given a score of 18 to 20 points. ''Good color'' means that the color of the dates is practically uniform; and, with

respect to dates that are predominantly light amber in color, there may be not more than 5 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 5 percent by count of dates that are light amber in color.

(b) (*B*) *classification*. If the whole or pitted dates or whole dry dates for processing possess a reasonably good color, a score of 16 or 17 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice or U.S. Grade B (Dry) or U.S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). ''Reasonably good color'' means that the color of the whole or pitted dates or whole dry dates for processing is reasonably uniform for the type; and, with respect to dates that are predominantly light amber in color, there may be not more than 10 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 10 percent by count of dates that are light amber in color.

(c) (*C*) *classification*. If the whole or pitted dates, whole dry dates for processing, date pieces, or macerated dates possess a fairly good color, a score of 14 or 15 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard or U.S. Grade C (Dry) or U.S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). ''Fairly good color'' has the following meanings with respect to the following styles:

(1) *Whole; pitted*. The color of the whole or pitted dates or whole dry dates for processing is fairly uniform for the type; and, with respect to dates that are predominantly light amber in color, there may be not more than 20 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 20 percent by count of dates that are light amber in color.

(2) *Pieces; macerated*. The color may be variable throughout the units or mass, may be slightly dull but not off-color, and is typical of properly prepared dates of these styles.

(d) (*SStd*) *classification*. Dates that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1007 Uniformity of size.

(a) *General*. The factor of uniformity of size applies only to whole and pitted styles. The factor of uniformity of size in the styles of date pieces and macerated dates is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character is applicable) are scored and the total is multiplied by 100 and divided by 90, dropping any fractions to determine the total score.

(b) (*A*) *classification*. Whole or pitted dates that are practically uniform in size may be given a score of 9 or 10 points. ''Practically uniform in size'' means that not more than a total of 10 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(c) (*B*) *classification*. If the whole or pitted dates or whole dry dates for processing are reasonably uniform in size, a score of 8 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice or U.S. Grade B (Dry) or U.S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). ''Reasonably uniform in size'' means that not more than a total of 15 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(d) (*C*) *classification*. If the whole or pitted dates or whole dry dates for processing are fairly uniform in size, a score of 7 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard or U.S. Grade C (Dry) or U.S. Standard (Dry), whichever is applicable, regardless of the total score

for the product (this is a limiting rule). ''Fairly uniform in size'' means that not more than a total of 20 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(e) (*SStd*) *classification.* Whole or pitted dates or whole dry dates for processing that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1008 Absence of defects.

(a) *Definitions of defects.* Unless otherwise stated specifically, the following definitions of defects or defective units apply only to whole or pitted dates or whole dry dates for processing, as applicable for the type:

(1) *Damaged by discoloration* is the presence of a dark area in the flesh of the date, which dark area is visible through the skin and is more than one-fourth (¼) inch in width and extends more than the equivalent of half the length of the date, such darkening being of natural origin and not caused by mold or other organism.

(2) *Damaged by broken skin* is any rupture of the skin in a manner to expose the flesh of the date, the short- est dimension of such exposed area being not less than three-sixteenths (3⁄16) inch.

(3) *Damaged by checking* is the presence of fine lines, resulting from water injury, affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(4) *Seriously damaged by checking* is the presence of heavy lines, resulting from water injury, seriously affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(5) *Damaged by deformity* is any abnormal shape sufficient to produce an appearance discernibly at variance with the normal shape that is typical of the variety.

(6) *Damaged by puffiness* is the condition of a date of which the skin is soft and pliable and from which the skin is separated from the flesh in a balloon-like fashion, over an area not less than one-half of the total surface of the date. Soft skins which have returned and adhere to the flesh of the date are not considered ''damaged by puffiness.''

(7) *Seriously damaged by puffiness* is the condition of a date of which the skin is dry, hard, and brittle and from which the skin is separated from the flesh over an area not less than one-half of the total surface of the date.

(8) *Damaged by scars* are any blemishes that affect the exterior of the date and which are not less than three-sixteenths (3⁄16) inch in the shortest dimension.

(9) *Damaged by sunburn* is an area, usually light in color, scarred by the heat of the sun, such area being not less than three-sixteenths (3⁄16) inch in the shortest dimension.

(10) *Damaged by insect injury* is any blemish, resulting from the activity of insects or mites, distributed over an area of not less than one-fourth of the total surface of the date or any similar blemish that materially affects the appearance or edibility of the unit, regardless of the area affected.

(11) *Damaged by improper hydrating* means that the date has been injured by excessive heat or that the hydrating process is incomplete.

(12) *Damaged by mashing* means any physical injury to the flesh and skin of the date leaving the date partially mangled but otherwise whole.

(13) *Damaged by mechanical injury* means excessive trimming or similar injury that damages the appearance or that damages or affects the eating quality of the whole date.

(14) *Damaged by lack of pollination* means, with respect to whole dates, that pollination of the date was not accomplished, such condition being manifested by the absence of a pit in the whole dates or by thin, immature appearance of the date.

(15) *Damaged by blacknose* is severe checking in which the flesh becomes dark, crusty, and dry and which severe checking affects an area greater than one-eighth of the total surface of the date.

(16) *Damaged by side spot* means a very dark area, which generally is circular in appearance, extending into the flesh of the date, and, when decayed tissue or mold is not present, affecting in the aggregate an area not less than

the area of a circle three-sixteenths (3/16) inch in diameter.

(17) *Damaged by black scald* means the collapse, death, and blackening of the flesh along the side of the date, usually accompanied by a bitter taste in the affected area.

(18) *Damage by improper ripening* means pronounced evidence of ''green shrivel'' of the date or that the date possesses a puffy flesh or a decidedly rubbery texture resulting from failure of the tissue of the date to reach a desirable state of maturity due to climatic or cultural injury, or both.

(19) *Damaged by other defects* means any injury or defect or group of defects not defined in this section (such as, but not limited to, heavy sugaring, and excessive scars not described in the definition ''damaged by scars,'') which materially affect the appearance, edibility, or keeping quality of the dates.

(20) *Affected by scouring* is evidenced by the breakdown of the sugars into alcohol and acetic acid by yeasts and bacteria.

(21) *Affected by mold* is the presence of visible mold.

(22) *Affected by dirt* is the presence of any quantity of such substance.

(23) *Affected by insect infestation* is the presence of dead insects, insect parts, or excreta. (No live insects are permitted.)

(24) *Affected by foreign material* is the presence of any quantity of such substance.

(25) *Affected by decay* is a state of decomposition.

(b) (*A*) *classification*. Whole or pitted dates that are practically free from defects may be given a score of 27 to 30 points. ''Practically free from defects'' means that in pitted dates there may be present not more than one whole pit or two pit fragments for each 25 ounces of pitted dates; and that the whole or pitted dates do not exceed the total allowances and limitations shown in Chart I of this subpart.

(c) (*B*) *classification*. If the whole or pitted dates or whole dry dates for processing are reasonably free from defects, a score of 24 to 26 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice or U.S. Grade B (Dry) or U.S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). ''Reasonably free from defects'' means that in pitted dates there may be present not more than one whole pit or two pit fragments for each 25 ounces of pitted dates; and that the whole or pitted dates or whole dry dates for processing do not exceed the total allowances and limitations shown in Chart II of this subpart.

(d) (*C*) *classification*. If the whole or pitted dates, whole dry dates for processing, date pieces, or macerated dates are fairly free from defects, a score of 21 to 23 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard or U.S. Grade C (Dry) or U.S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). ''Fairly free from defects'' has the following meanings with respect to the following styles:

(1) *Whole*. The defects or defective units in whole dates or whole dry dates for processing do not exceed the total allowances and limitations shown in Chart III of this subpart.

(2) *Pitted*. Not more than one whole pit or two pit fragments for each 25 ounces of pitted dates may be present; and the defects or defective units in pitted dates do not exceed the total allowances and limitations shown in Chart III of this subpart.

(3) *Pieces; macerated*. Not more than one whole pit or two pit fragments for each 25 ounces of pitted dates may be present; and the units or mass consists of clean and sound date material, fairly free from defects that seriously affect the appearance, edibility, or keeping quality of the product.

(e) (*SStd*) *classification*. Dates that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

CHART NO. I—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED DATES (OTHER THAN WHOLE DRY DATES FOR PROCESSING); U.S. GRADE A OR U.S. FANCY

TOTAL ALLOWANCE

Not more than a total of 10 percent, by weight of the dates, may be the following:

Damaged by:
- Discoloration.
- Broken skin.
- Checking.
- Deformity.
- Puffiness.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Seriously damaged by checking.
Seriously damaged by puffiness.
Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than ⅜ of the total allowance or 6 percent, by weight of the dates, may be the following:

Damaged by:
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than ⅖ of the total allowance, or 4 percent, by weight of the dates, may be the following:

Damaged by:
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/10 of the total allowance, or 1 percent, by weight of the dates, may be:

Affected by decay.

CHART NO. II—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED DATES OR IN WHOLE DRY DATES FOR PROCESSING; U.S. GRADE B OR U.S. CHOICE AND U.S. GRADE B (DRY) OR U.S. CHOICE (DRY)

Not more than 15 percent, by weight of the dates, may be seriously damaged by checking.

Not more than 20 percent, by weight of the dates, may be damaged by broken skin.

ADDITIONAL ALLOWANCE

Not more than a total of 15 percent, by weight of the dates, may be the following:

Damaged by:
- Deformity.
- Puffiness.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Seriously damaged by puffiness.
Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than ⅔ of the additional allowance, or 10 percent, by weight of the dates, may be the following:

Damaged by:
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation
- Foreign material.
- Decay.

Not more than ⅓ of the additional allowance, or 5 percent, by weight of the dates, may be the following:

Damaged by:
- Improper ripening.

Other defects.
Affected by:
Souring.
Mold.
Dirt.
Insect infestation.
Foreign material.
Decay.

Not more than 1/15 of the additional allowance, or 1 percent, by weight of the dates, may be:

Affected by decay.

CHART NO. III—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED DATES OR IN WHOLE DRY DATES FOR PROCESSING; U.S. GRADE C OR U.S. STANDARD AND U.S. GRADE C (DRY) OR U.S. STANDARD (DRY)

TOTAL ALLOWANCE

Not more than a total of 20 percent, by weight of the dates, may be the following.

Damaged by:
Deformity.
Scars.
Sunburn.
Insect injury.
Improper hydrating.
Mashing.
Mechanical injury.
Lack of pollination.
Blacknose.
Side spot.
Black scald.
Improper ripening.
Other defects.
Seriously damaged by puffiness
Affected by:
Souring.
Mold.
Dirt.
Insect infestation.
Foreign material.
Decay.

LIMITATIONS

Not more than ½ of the total allowance, or 10 percent, by weight of the dates, may be the following.

Damaged by:
Lack of pollination
Blacknose.
Side spot.
Black scald.
Improper ripening.
Other defects.
Affected by:
Souring.
Mold.
Dirt.
Insect infestation.
Foreign material.
Decay.

Not more than ¼ of the total allowance, or 5 percent, by weight of the dates, may be the following:

Affected by
Souring.
Mold.
Dirt.
Insect infestation.
Foreign material.
Decay.

Not more than 1/10 of the total allowance, or 2 percent, by weight of the dates, may be:

Affected by decay.

§ 52.1009 Character.

(a) *(A) classification.* Whole or pitted dates that possess a good character may be given a score of 36 to 40 points. ''Good character'' means that not less than 75 percent, by weight, of the dates are well developed, well fleshed, and soft, or at the time of packing are in a state of ripeness that within 15 days will develop into such character; and the remainder may possess a reasonably good character including not more than a total of 2 percent, by weight, of the dates that may possess semi-dry calyx ends and none may possess dry calyx ends.

(b) *(B) classification.* If the whole or pitted dates or whole dry dates for processing possess a reasonably good character, a score of 32 to 35 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice or U.S. Grade B (Dry) or U.S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule).

(1) ''Reasonably good character'' with respect to whole or pitted dates other than whole dry dates for processing means that the dates are pliable; that not less than 75 percent, by weight, of the dates are reasonably well developed and reasonably well fleshed, or at time of packing are in a state of ripeness that within 15 days will develop into such character and the remainder may possess a fairly good character including not more than 10 percent, by weight, of the dates that may possess semi-dry calyx ends and dry calyx ends: *Provided,* That not more than 2 percent, by weight, of the dates may possess dry calyx ends.

(2) ''Reasonably good character'' with respect to whole dry dates for processing means that the dates may be

firm and dry; that not less than 75 percent, by weight, of the dates are reasonably well developed and reasonably well fleshed and that the remainder are fairly well developed and fairly well fleshed.

(c) *(C) classification.* If the whole or pitted dates, whole dry dates for processing, date pieces, or macerated dates possess a fairly good character, a score of 28 to 31 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard or U.S. Grade C (Dry) or U.S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). ''Fairly good character'' has the following meanings with respect to the following styles:

(1) *Whole; pitted.* (i) In whole or pitted dates other than whole dry dates for processing the dates may be firm but are pliable; may possess semi-dry calyx ends; and not less than 80 percent, by weight, of the dates are fairly well developed and are fairly well fleshed, or at time of packing are in a state of ripeness that within 15 days will develop into such character and the remainder may fail to possess such fairly good character or may possess dry calyx ends.

(ii) In whole dry dates for processing the dates may be firm and dry but are fairly well developed and fairly well fleshed.

(2) *Pieces; macerated.* The character may be variable throughout the units or mass but not seriously affected by dry calyx end material or inedible portions of dates.

(d) *(SStd) classification.* Dates that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.1010 Ascertaining the grade of a lot.

The grade of a lot of the processed product covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

[22 FR 3547, May 22, 1957. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

SCORE SHEET

§ 52.1011 Score sheet for dates.

Size and kind of container.
Container mark or identification.
Label or brand.
Net weight.
Style.
Count (per lb.).
Moisture content (if determined).
One variety (□) Yes (□) No.

Factors	Score points.		
Color	20	(A)	18–20
		(B) (B-Dry)	[1] 16–17
		(C) (C-Dry)	[1] 14–15
		(SStd)	[1] 0–13
Uniformity of size.	10	(A)	9–10
		(B) (B-Dry)	[1] 8
		(C) (C-Dry)	[1] 7
		(SStd)	[1] 0–6
Absence of defects.	30	(A)	27–30
		(B) (B-Dry)	[1] 24–26
		(C) (C-Dry)	[1] 21–23
		(SStd)	[1] 0–20
Character	40	(A)	36–40
		(B) (B-Dry)	[1] 32–35
		(C) (C-Dry)	[1] 28–31
		(SStd)	[1] 0–27
Total score	100		

Grade.

[1] Limiting rule.

Subpart E—United States Standards for Grades of Processed Raisins

SOURCE: 41 FR 34751, Aug. 17, 1976, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

§ 52.1841 Product description.

Processed Raisins are dried grapes of the Vinifera varieties, such as Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, Sultana, Black Corinth or White Corinth. The processed raisins are prepared from clean, sound, dried grapes; are properly stemmed and capstemmed except for cluster or uncapstemmed raisins; are properly seeded in seeded styles; are sorted or cleaned, or both;

and except for cluster or uncapstemmed raisins, are washed in water to assure a wholesome product.

§ 52.1842 Product description of Layer or (Cluster) raisins with seeds.

Raisins with Seeds that are referred to as *Layer or Cluster raisins* means that the raisins have not been detached from the main bunch.

§ 52.1843 Summary of types (varieties) of processed raisins.

(a) Type I—Seedless Raisins.
(1) Natural.
(2) Dipped, Vine-dried, or similarly processed raisins.
(b) Type II—Golden Seedless Raisins.
(c) Type III—Raisins with Seeds.
(1) Natural.
(i) Seeded (seeds removed).
(ii) Unseeded-capstemmed (loose).
(iii) Unseeded-uncapstemmed (loose).
(iv) Layer (or Cluster).
(2) Dipped, Vine-dried, or other similarly processed raisins.
(i) Seeded (seeds removed).
(ii) Unseeded-capstemmed (loose).
(iii) Unseeded-uncapstemmed (loose).
(d) Type IV—Sultana Raisins.
(e) Type V—Zante Currant Raisins.
(1) Unseeded.
(2) Seeded.
(f) Type VI—Mixed Types or Varieties of Raisins. A mixture of two or more different types (varieties) of raisins including sub-types outlined in this section but other than: (1) Mixtures containing Layer or Cluster Raisins with seeds; (2) Mixtures containing Unseeded-capstemmed and Unseeded-uncapstemmed Raisins with Seeds; and (3) mixture of Seeded and Unseeded Raisins with Seeds.

[41 FR 34751, Aug. 17, 1976. Redesignated at 42 FR 32514, June 27, 1977 and at 46 FR 63203, Dec. 31, 1981, as amended at 63 FR 72101, Dec. 31, 1998]

§ 52.1844 Definition of terms.

(a) *Capstems* means small woody stems exceeding ⅛-inch in length which attach the raisins to the branches of the bunch.

(b) A *piece of stem* means a portion of the branch or main stem.

(c) *Seeds* refers to whole, fully developed seeds which have not been removed during the processing of seeded raisins with seeds.

(d) *Damaged raisins* means raisins affected by sunburn, scars, insect injury, mechanical injury, or other similar means which seriously affect the appearance, edibility, keeping quality, or shipping quality of the raisins. In seeded Raisins with Seeds, mechanical injury resulting from normal seeding operations is not considered damage.

(e) *Sugared* means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh or on the surface of the raisins is readily apparent.

(f) *Grit, sand, or silt* means any particle or earthy material.

(g) *Moisture* means the percentage by weight of the processed raisins, exclusive of branch and heavy stem material, that is moisture when determined by the ''Dried Fruit Moisture Tester Method'' or in accordance with other methods that give equivalent results.

(h) *Slightly discolored* means a raisin affected by a brown to dark brown discolored area around the capstem end of the raisin that is less than the area of a circle ⅛-inch in diameter.

(i) *Discolored* means a raisin affected by a brown to dark brown discolored area around the capstem end of the raisin that equals or exceeds the area of a circle ⅛-inch in diameter; *Provided,* That the overall appearance, keeping quality, and edibility of the product are not seriously affected.

(j) *Well-matured* means raisins that are full-fleshed, may have fine wrinkles and are rounded in appearance.

(k) *Reasonably well-matured* means raisins that are reasonably full-fleshed and may have shallow wrinkles with thick edged ridges.

(l) *Fairly well-matured* means raisins that are thin-fleshed and angular in appearance.

(m) *Substandard development* means raisins that are practically lacking in flesh.

(n) *Undeveloped* refers to extremely light berries that are lacking in sugary tissue indicating incomplete development; are reddish in color; are completely shriveled; have fine wrinkles on smaller units and moderately deep wrinkles on slightly larger units; and

are commonly referred to as ''worthless.''

TYPE I—SEEDLESS RAISINS

§ 52.1845 Sizes of seedless raisins.

The size designations and measurement requirements for the respective sizes are:

(a) *Select* size raisins means that no more than 60 percent, by weight, of all the raisins will pass through round perforations 22/64-inch in diameter, but not more than 10 percent, by weight, of all the raisins may pass through round perforations 20/64-inch in diameter.

(b) *Small* size raisins means that 95 percent, by weight, of all the raisins will pass through round perforations 24/64-inch in diameter, and not less than 70 percent, by weight, of all raisins will pass through round perforations 22/64-inch in diameter.

(c) *Mixed* size raisins means a mixture that does not meet either the requirements for ''select'' size or for ''small'' size.

[41 FR 34751, Aug. 17, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 81 FR 40780, June 23, 2016]

§ 52.1846 Grades of seedless raisins.

(a) ''U.S. Grade A'' is the quality of seedless raisins that have similar varietal characteristics; that have a good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes with not less than 80 percent, by weight, of raisins that are well-matured or reasonably well-matured; that contain not more than 18 percent, by weight, of moisture for all varieties of seedless raisins except the Monukka variety, which may contain not more than 19 percent, by weight, of moisture; and that meet the additional requirements outlined in Table I of this subpart.

(b) ''U.S. Grade B'' is the quality of seedless raisins that have similar varietal characteristics; that have a reasonably good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from reasonably well-matured grapes with not less than 70 percent, by weight, of raisins that are well-matured or reasonably well-matured; that contain not more than 18 percent, by weight, of moisture for all varieties of seedless raisins except the Monukka variety, which may contain not more than 19 percent, by weight, of moisture; and that meet the additional requirements outlined in Table I of this subpart.

(c) ''U.S. Grade C'' is the quality of seedless raisins that have similar varietal characteristics; that have a fairly good typical color; that have a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes with not less than 55 percent, by weight, of raisins that are well-matured or reasonably well-matured; that contain not more than 18 percent, by weight, of moisture for all varieties of seedless raisins except the Monukka variety, which may contain not more than 19 percent, by weight, of moisture; and that meet the additional requirements outlined in Table I of this subpart.

(d) ''Substandard'' is the quality of seedless raisins that fail to meet the requirements of U.S. grade C.

[43 FR 51754, Nov. 7, 1978. Redesignated at 46 FR 63203, Dec. 31, 1981]

TABLE I—ALLOWANCES FOR DEFECTS IN TYPE I, SEEDLESS RAISINS AND TYPE II, GOLDEN SEEDLESS RAISINS

	Maximum count (per 96 ounces)		
Pieces of stem	1	2	4
	Maximum count (per 16 ounces)		
Capstems	15	25	35
	Maximum (percent by weight)		
Sugared	5	10	15
Discolored, damaged or moldy raisins	4	6	9

TABLE I—ALLOWANCES FOR DEFECTS IN TYPE I, SEEDLESS RAISINS AND TYPE II, GOLDEN SEEDLESS RAISINS—Continued

Provided these limits are not exceeded:			
Damaged	2	3	5
Moldy	2	3	4
	Total		
Substandard development and undeveloped:			
Selected size	1	1½	2
Mixed size	1	2	3
Small size	2	3	5
	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above.	May not be affected	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

[41 FR 34751, Aug. 17, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 81 FR 40780, June 23, 2016]

TYPE II—GOLDEN SEEDLESS RAISINS

§ 52.1847 Colors of golden seedless raisins.

The color of Golden Seedless Raisins is not a factor of quality for the purpose of these grades. The color requirements applicable to the respective color designations are as follows:

(a) ''Well colored'' means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than ½ of 1 percent, by weight, of all the raisins may be definitely dark berries.

(b) ''Reasonably well colored'' means that the raisins are reasonably uniform in color and may range from yellow or golden or greenish yellow to light amber wherein the predominating color may be greenish yellow or light amber and that not more than 3 percent, by weight, of all the raisins may be definitely dark berries.

(c) ''Fairly well colored'' means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(d) ''Colored'' means that the raisins may be variable in color and may range from yellowish green to dark amber or dark greenish amber; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries.

(e) ''Definitely dark berries'' means raisins which are definitely darker than dark amber and characteristic of naturally ''raisined'' grapes.

§ 52.1848 Sizes of golden seedless raisins.

The size designations and measurement requirements for the respective sizes of Golden Seedless Raisins are the same as for Seedless Raisins (See § 52.1845).

§ 52.1849 Grades of golden seedless raisins.

Except for color, the grades of Golden Seedless Raisins are the same as for Seedless Raisins (See § 52.1846 and Table I).

TYPE III—RAISINS WITH SEEDS

§ 52.1850 Sizes of raisins with seeds—except layer or cluster.

The sizes of Raisins with Seeds—except for Layer or Cluster Raisins with Seeds, are not incorporated in the grades of the finished product since

size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) *Seeded.* (1) *Select* size raisins means that not more than 70 percent, by weight, of the raisins will pass through round perforations 34/64-inch in diameter; and not more than 5 percent, by weight, of the raisins will pass through round perforations 22/64-inch in diameter.

(2) *Small* size raisins means that all of the raisins will pass through round perforations 34/64-inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations 22/64-inch in diameter.

(3) *Mixed* size raisins means a mixture does not meet either the requirements for ''select'' size or for ''small'' size.

(b) *Unseeded.* (1) *4 Crown* means raisins that will not pass through round perforations 42/64-inch in diameter.

(2) *3 Crown* means raisins that will pass through round perforations 42/64-inch in diameter but will not pass through round perforations 34/64-inch in diameter.

(3) *2 Crown* means raisins that will pass through round perforations 34/64-inch in diameter but will not pass through round perforations 24/64-inch in diameter.

(4) *1 Crown* means raisins that will pass through round perforations 24/64-inch in diameter.

[41 FR 34751, Aug. 17, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 81 FR 40780, June 23, 2016]

§ 52.1851 Sizes of raisins with seeds—layer or cluster.

The size of Layer or Cluster Raisins with Seeds is incorporated in the grades of the finished product. The size designation and measurement as applicable to layer or cluster raisins with seeds are:

(a) *3 Crown size or larger.* ''3 Crown size or larger'' in Layer or Cluster Raisins with Seeds means that the raisins, exclusive of stems and branches, are such a size that they will not pass through round perforations 34/64-inch in diameter.

§ 52.1852 Grades of raisins with seeds—except layer or cluster.

(a) ''U.S. Grade A'' is the quality of Raisins with Seeds that have similar varietal characteristics; that have a good typical color with not more than 10 percent, by weight, that may be dark reddish-brown berries; that have a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes; with not less than 80 percent, by weight, of raisins that are well-matured or reasonably well-matured; that contain not more than 18 percent, by weight, of moisture, except that any seeded raisins may contain not more than 19 percent, by weight, of moisture; and meet the additional requirements as outlined in Table II of this subpart.

(b) ''U.S. Grade B'' is the quality of Raisins with Seeds that have similar varietal characteristics; that have a reasonably good typical color with not more than 15 percent, by weight, that may be dark reddish-brown berries; that have a good characteristic flavor; that show development characteristics of raisins prepared from reasonably well-matured grapes; with not less than 70 percent, by weight, of raisins that are well-matured or reasonably well matured; that contain not more than 18 percent, by weight, of moisture, except that any seeded raisins may contain not more than 19 percent, by weight, of moisture; and meet the additional requirements as outlined in Table II of this subpart.

(c) ''U.S. Grade C'' is the quality of Raisins with Seeds that have similar varietal characteristics; that have a fairly good typical color with not more than 20 percent, by weight, that may be dark reddish-brown berries; that have a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that any seeded raisins may contain not more than 19 percent, by weight, of moisture; and meet the additional requirements as outlined in Table II of this subpart.

(d) ''Substandard'' is the quality of Raisins with Seeds that fail to meet the requirements of U.S. Grade C.

TABLE II—ALLOWANCES FOR DEFECTS IN RAISINS WITH SEEDS—EXCEPT LAYER OR CLUSTER

	Maximum count (per 32 ounces)		
Pieces of stem	7	2	3
	Maximum count (per 16 ounces)		
Capstems in other than uncapstemmed types	10	15	20
Seeds in seeded types	12	15	20
Loose capstems in uncapstemmed types	20	20	20
	Maximum (percent by weight)		
Sugared	5	10	15
Discolored, damaged, or moldy	5	7	9
Provided these limits are not exceeded:			
Damaged	3	4	5
Moldy	2	3	4
Substandard development and undeveloped	2	5	8
	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above.	May not be affected	May not be more than slightly affected.	May not be more than materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

§ 52.1853 Grades of raisins with seeds—layer or cluster.

(a) ''U.S. Grade A'' is the quality of Layer or Cluster Raisins with Seeds that have similar varietal characteristics; that have a good typical color; that have a good characteristic flavor; that are uniformly cured and show development characteristics of raisins prepared from well-matured grapes; that contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger; and that meet the following additional requirements as outlined in Table III of this subpart.

(b) ''U.S. Grade B'' is the quality of Layer or Cluster Raisins with Seeds that have similar varietal characteristics that have a reasonably good typical color; that have a good characteristic flavor; that are uniformly cured and show development characteristics of raisins prepared from reasonably well-matured grapes; that contain not more than 23 percent, by weight, of the moisture, that not less than 30 percent, by weight, of the raisins exclusive of stems and branches, are 3-Crown size or larger; and that meet the additional requirements outlined in Table III of this subpart.

(c) ''Substandard'' is the quality of Layer or Cluster Raisins with Seeds that fail to meet the requirements of U.S. Grade B.

TABLE III—ALLOWANCE FOR DEFECTS IN LAYER OR CLUSTER RAISINS WITH SEEDS

	Maximum (percent by weight)	
Sugared	5	10
Discolored, damaged, or moldy	5	7

TABLE III—ALLOWANCE FOR DEFECTS IN LAYER OR CLUSTER RAISINS WITH SEEDS—Continued

Provided these limits are not exceeded:		
Damaged	3	4
Moldy	2	3
Substandard development and undeveloped	2	5
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each.	Practically free	Reasonably free.
	Appearance or edibility of product	
Slightly discolored or damaged by fermentation or any other defect not described above.	May not be affected	May not be more than slightly affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.	

TYPE IV—SULTANA RAISINS

§ 52.1854 Sizes of Sultana raisins.

Size designations are not applicable to Sultana Raisins.

§ 52.1855 Grades of Sultana raisins.

(a) ''U.S. Grade A'' is the quality of Sultana Raisins that have similar varietal characteristics; that have a good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes; with not less than 80 percent, by weight, of raisins that are well-matured or reasonably well-matured; and that contain not more than 18 percent, by weight, of moisture, and that meet the additional requirements outlined in Table IV of this subpart.

(b) ''U.S. Grade B'' is the quality of Sultana Raisins that have similar varietal characteristics; that have a reasonably good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from reasonably well-matured grapes; with not less than 70 percent, by weight, of raisins that are well-matured or reasonably well-matured; and that contain not more than 18 percent, by weight, of moisture, and that meet the additional requirements as outlined in Table IV of this subpart.

TABLE IV—ALLOWANCES FOR DEFECTS IN SULTANA RAISINS

	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems	25	45	65
	Maximum (percent by weight)		
Sugared	5	10	15
Discolored, damaged, or moldy	4	6	9
Provided these limits are not exceeded:			
Damaged	2	3	5
Moldy	2	3	4
Substandard development and undeveloped	2	5	8
	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above.	May not be affected	May not be more than slightly affected.	May not be more than materially affected.

Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.	Not more than a trace may be present that affects the appearance or edibility of the product.

(c) ''U.S. Grade C'' is the quality of Sultana Raisins that have similar varietal characteristics; that have a fairly good typical color; that have a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the additional requirements as outlined in Table IV of this subpart.

(d) ''Substandard'' is the quality of Sultana Raisins that fail to meet the requirements of U.S. Grade C.

TYPE V—ZANTE CURRANT RAISINS

§ 52.1856 Sizes of zante currant raisins.

Size designations are not applicable to Zante Currant Raisins.

§ 52.1857 Grades of zante currant raisins.

(a) ''U.S. Grade A'' is the quality of Zante Currant Raisins that have similar varietal characteristics; that have a good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes; that have not less than 75 percent, by weight, of raisins that are well-matured or reasonably well matured; that contain not more than 20 percent, by weight, of moisture; and meet the additional requirements as outlined in Table V of this subpart.

TABLE V—ALLOWANCES FOR DEFECTS IN ZANTE CURRANT RAISINS

Defects	Maximum count	
	U.S. Grade A	U.S. Grade B
Pieces of stem	1 per 24 ounces	1 per 16 ounces.
Seeds (in Seeded style)	12 per 16 ounces	15 per 16 ounces.
	Maximum (percent by weight)	
Capstems—Zantes with capstems and loose capstems (include one Zante with each loose capstem).	1½	2
Sugared	5	10
Discolored, damaged, or moldy	5	7
Provided these limits are not exceeded:		
Damaged	2	3
Moldy	3	4
Substandard Development and Undeveloped	2	5
	Appearance or edibility of product	
Slightly discolored or damaged by fermentation or any other defect not described above.	May not be affected	May not be more than slightly affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.	

(b) ''U.S. Grade B'' is the quality of Zante Currant Raisins that have similar varietal characteristics; that have a reasonably good typical color; that have a good characteristic flavor; that have development characteristics of raisins prepared from reasonably well-matured and/or fairly well matured grapes; that contain not more than 20 percent, by weight, of moisture; and meet the additional requirements as outlined in Table V of this subpart.

(c) ''Substandard'' is the quality of Zante Currant Raisins that fail to meet the requirements of U.S. Grade B.

TYPE VI—MIXED TYPES OF RAISINS

§ 52.1858 Grades of mixed types or varieties of raisins.

The grade of a lot of mixed types of processed raisins shall be the lower (or lowest) grade of any varietal type in the mixture based on the respective requirements for each type, except for moisture, in accordance with this subpart. Mixed types of processed raisins of U.S. Grade A, U.S. Grade B, or U.S. Grade C may contain not more than 18 percent, by weight, of moisture. Mixed types of processed raisins that as a mixture exceed 18 percent, by weight, of moisture are ''Substandard.''

Subpart F—United States Standards for Grades of Dried Prunes

SOURCE: 21 FR 8177, Oct. 25, 1956, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

PRODUCT DESCRIPTION, VARIETAL TYPES, SIZES, GRADES

§ 52.3181 Product description.

Dried prunes are prepared from sound, properly matured prune plums from which the greater portion of moisture is removed by drying. The dried prunes are cleaned to assure a wholesome product; they may be treated with water or steam; and a safe and suitable preservative may be added.

[30 FR 11596, Sept. 10, 1965. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.3182 Varietal types of dried prunes.

(a) *Type I.* French; or Robe; or a mixture of French and Robe.

(b) *Type II.* Italian.

(c) *Type III.* Imperial; or Sugar; or a mixture of Imperial and Sugar.

(d) *Type IV.* Any other types; or mixtures of any types other than mixtures in Type I and Type III of this section.

§ 52.3183a Styles of dried prunes.

(a) Whole Unpitted—from which pits have not been removed.

(b) Whole Pitted—from which pits have been removed.

[30 FR 11596, Sept. 10, 1965. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.3183b Count-sizes of whole unpitted dried prunes.

(a) *Count-sizes.* Except for U.S. Grade A or U.S. Fancy, the count-sizes of dried prunes are not incorporated in the grades of dried prunes. The count-sizes of dried prunes in this subpart refer to the count (or number) of prunes per pound of dried prunes. The various sizes of dried prunes for the respective varietal types are commonly designated as follows, but may be designated by other numerical expressions:

(1) *Type I; Type IV.* 30/40, 40/50, 50/60, 60/70, 70/80, 80/90, 90/100, 100/120, 120 and over.

(2) *Type II.* 25/35, 35/45, 30/40, 40/50, 50/60, 60/70, 70/80, 80/90, 90/100.

(3) *Type III.* 15/20, 18/24, 20/30, 30/40, 40/50, 50/60, 60/70.

(b) *Recommended size nomenclature.* The following size nomenclature is recommended for the respective ''countsizes'' of dried prunes:

Extra large ...	Average: Not more than 43 prunes per pound.
Large	Average: Not more than 53 prunes per pound.
Medium	Average: Not more than 67 prunes per pound.
Small	Average: Not more than 85 prunes per pound.

[21 FR 8177, Oct. 25, 1956. Redesignated at 30 FR 11596, Sept. 10, 1965, and further redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 52.3184 Grades of dried prunes.

(a) ''U.S. Grade A'' or ''U.S. Fancy'' is the quality of dried prunes that, except for mixed types, possess similar varietal characteristics; that are fairly uniform in size and average 85 prunes or less per pound; that meet the applicable moisture limits in Table IV of this subpart but regardless of size and

kind of packaging are reasonably uniform in moisture; and that do not exceed the total allowances and limitations for defects shown in Table I of this subpart.

(b) ''U.S. Grade B'' or ''U.S. Choice'' is the quality of dried prunes that, except for mixed types, possess similar varietal characteristics; that are fairly uniform in size; that meet the applicable moisture limits in Table IV of this subpart but regardless of size and kind of packaging are reasonably uniform in moisture; and that do not exceed the total allowances and limitations for defects shown in Table II of this subpart.

(c) ''U.S. Grade C'' or ''U.S. Standard'' is the quality of dried prunes that, except for mixed types, possess similar varietal characteristics; that are fairly uniform in size; that meet the applicable moisture limits in Table IV of this subpart but regardless of size and kind of packaging are reasonably uniform in moisture; and that do not exceed the total allowances and limitations for defects shown in Table III of this subpart

(d) ''Substandard'' is the quality of dried prunes that meet the applicable moisture limits in Table IV of this subpart but regardless of size and kind of packaging are reasonably uniform in moisture; and that may fail to meet other requirements for U.S. Grade C or U.S. Standard, but not more than 5 percent, by weight, of the dried prunes may be affected by mold, dirt, foreign material, insect infestation, or decay: *Provided*, That not more than 1 percent, by weight, of the dried prunes may be affected by decay.

TABLE I—U.S. GRADE A OR U.S. FANCY; ALLOWANCES FOR DEFECTS

Total allowance		Limitations	
Not more than a total of 10 percent, by weight, may be damaged or affected by:	Not more than 6 percent, by weight, may be damaged or affected by:	Not more than 3 percent, by weight, may be affected by:	Not more than 1 percent, by weight, may be affected by:
Off-color.	Poor texture.	Mold.	Decay.
Poor texture.	End cracks.	Dirt.	
End cracks.	Skin or flesh damage.[2]	Foreign material.	
Skin or flesh damage.[2]	Fermentation.	Insect infestation.	
Fermentation.	Scars.	Decay.	
Scars.	Heat damage.		
Heat damage.	Insect injury.		
Insect injury.	Other means.		
Other means.	Mold.		
Mold.	Dirt.		
Dirt.	Foreign material.		
Foreign material.	Insect infestation.		
Inset infestation.			
Decay.	Decay.		

TABLE II—U.S. GRADE B OR U.S. CHOICE: ALLOWANCES FOR DEFECTS

Total allowance		Limitations	
Not more than a total of 15 percent, by weight, may be damaged or affected by:	Not more than 8 percent, by weight, may be damaged or affected by:	Not more than 4 percent, by weight, may be affected by:	Not more than 1 percent, by weight, may be affected by:
Off-color.	Poor texture.	Mold	Decay.
Poor texture.	End cracks.	Dirt.	
End cracks.	Skin or flesh.	Foreign material.	
Skin or flesh damage.[2]	damage.[2]	Inset infestation.	
Fermentation.	Fermentation.	Decay.	
Scars.	Scars.		
Heat damage.	Heat damage.		
Insect injury.	Inset injury.		
Other means.	Other means.		
Mold.	Mold.		
Dirt.	Dirt		
	Foreign material.		

TABLE II—U.S. GRADE B OR U.S. CHOICE: ALLOWANCES FOR DEFECTS—Continued

Total allowance		Limitations	
Foreign material. Insect infestation. Decay.	Insect infestation. Decay.		

TABLE III—U.S. GRADE C OR U.S. STANDARD ALLOWANCES FOR DEFECTS

Total allowance		Limitations	
Not more than a total of 20 percent, by weight, may be damaged or affected by: Off-color. Poor texture. End cracks. [1] Skin or flesh damage. [2] Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 10 percent, by weight, may be damaged or affected by: End cracks. [1] Skin or flesh damage. [2] Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 8 percent, by weight, may be damaged or affected by: Skin or flesh damage. [2] Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 5 percent, by weight, may be affected by: Mold. Dirt. Foreign material. Insect infestation. Decay. *Provided,* That not more than 1 percent, by weight, may be affected by decay.

[1] Except that each 1 percent of end cracks to, and including, 8 percent, by weight, shall be considered as ½ percent damaged by end cracks; and any additional end cracks shall be calculated as true percentage, by weight.
[2] Not applicable to ''Whole Pitted'' style.

TABLE IV—MOISTURE ALLOWANCES FOR DRIED PRUNES

[Non-hermetically sealed containers; 10 pounds or more]

Grades	Maximum moisture limits (percent)	
	Counts averaging 60 or less per pound	Counts averaging 61 or more per pound
U.S. Grade A or U.S. fancy	25	24
U.S. Grade B or U.S. choice	25	24
U.S. Grade C or U.S. standard	25	24
Substandard	25	24

[21 FR 8177, Oct. 25, 1956, as amended at 30 FR 11596, Sept. 10, 1965. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

MOISTURE, UNIFORMITY OF SIZE, DEFECTS

§ 52.3185 Moisture limits.

Dried prunes shall not exceed the moisture limits for the applicable grades and kind and size of packaging as designated in Table IV of this subpart except there is no moisture limit when safe and suitable preservatives have been added. ''Moisture'' means the percentage by weight of the finished dried prunes, exclusive of pits, that is moisture when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results. The moisture limits in Table IV apply only to so-called ''bulk packs'' of dried prunes packaged in non-hermetically sealed containers holding 10 pounds or more of dried prunes when safe and suitable preservatives have not been added. Such containers include, but are not limited to, wood boxes or fiber boxes.

[30 FR 11596, Sept. 10, 1965. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.3186 Definitions for uniformity of size.

(a) *Fairly uniform in size.* ''Fairly uniform in size'' means that in a sample of 100 ounces:

(1) For prunes that average 53 prunes or less per pound, the count per pound of 10 ounces of the smallest prunes does not vary from the count per pound of 10 ounces of the largest prunes by more than 25 points; or

(2) For prunes that average 54 prunes or more per pound, the count per pound of 10 ounces of the smallest prunes does not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points.

§ 52.3187 Definitions and explanations of defects.

Dried prunes damaged or affected by the following are scorable as defects:

(a) *Off-color.* ''Off-color'' means a skin color different from characteristic black, blue-black, reddish-purple, or other characteristic skin color for the type.

(b) *Poor texture.* ''Poor texture'' means porous, woody, or fibrous flesh or immature prunes or prunes possessing flesh interspersed with excessive air pockets in which the texture of the flesh is noticeably different from the flesh of mature prunes which have been properly dried, handled, and processed. ''Excessive air pockets'' means that the prunes are affected by air pockets to the extent that the appearance and eating quality is seriously affected.

(c) *End cracks.* ''End cracks'' means callous apex-end cracks which, singly or in the aggregate on a prune, are more than 3⁄8 inch in length but not more than 1⁄2 inch in length.

(d) *Skin or flesh damage.* ''Skin or flesh damage'' in the case of ''Whole Unpitted'' style means:

(1) Callous growth cracks (other than callous apex-end cracks) which, singly or in the aggregate on a prune, exceed 3⁄8 inch in length; and callous apex-end cracks which, singly or in the aggregate on a prune, exceed 1⁄2 inch in length.

(2) Splits or skin breaks not having callous edges when the flesh is mashed out beyond the protecting skin so as to affect materially the normal appearance of the prune;

(3) Any cracks, splits, or skin breaks open to the pit;

(4) Any skin damage from multiple short skin breaks giving a very ''rough'' appearance to the prune such as may result from over-dipping, rain damage, processing, or other causes which in Type I dried prunes affect materially the appearance or edibility of the prune, or which in other types or other mixtures affect markedly the appearance or edibility of the prune.

(e) *Fermentation.* ''Fermentation'' means that the prune is fermented as evidenced by a distinct sour taste or odor or by darkening in color characteristic of fermentation or souring.

(f) *Scars.* ''Scars'' mean:

(1) Tough or thick scab which, singly or in combination on a prune, exceeds the area of a circle 3⁄8 inch in diameter such as may result from thrip injury, mildew, leaf chafing, limb rubs, or other means; or

(2) Scab which is not tough or thick and which, singly or in combination on a prune, exceeds the area of a circle 3⁄4 inch in diameter and which is inconsequential but unsightly though practically blending in color with the skin on the portion of the prune not affected.

(g) *Heat damage.* ''Heat damage'' means burning or scorching from the sun or in dehydration so as to damage materially the skin or flesh, or both, of the prune.

(h) *Insect injury.* ''Insect injury'' means healed or unhealed surface blemishes and healed or unhealed blemishes extending into the flesh which affect materially the appearance, edibility, or keeping quality of the prune but which do not possess evidence of insect infestation.

(i) *Other means.* ''Other means'' includes damage by any injury or defect or group of defects not specifically mentioned in this section which materially affects the appearance, edibility, or keeping quality of the fruit, but ''other means'' does not include defects of a nature such as defined in paragraph (j), (k), (l), (m), or (n) of this section.

(j) *Mold.* ''Mold'' means a characteristic fungus growth as evidenced by a moldy or smutty condition and which, singly or in the aggregate on a prune, is equal to or exceeds the area of a circle 3⁄16 inch in diameter.

(k) *Dirt.* ''Dirt'' means the presence of any quantity of such substance, whether imbedded or adhering to the prune, which gives the prune a dirty, smudgy appearance and which may not be removed readily by washing.

(l) *Foreign material.* ''Foreign material'' means leaves, twigs, pieces of

wood, and similar extraneous materials which are objectionable.

(m) *Insect infestation.* ''Insect infestation'' means the presence of dead insects, insect fragments, or insect remains. (No live insects are permitted).

(n) *Decay.* ''Decay'' means a state of decomposition, wholly or in part, of the prune.

[21 FR 8177, Oct. 25, 1956, as amended at 30 FR 11596, Sept. 10, 1965. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

WORK SHEET

§ 52.3188 Work sheet for dried prunes.

Size and kind of container.
Container mark or identification.
Label or brand.
Varietal type.
Style.
Size:
Count per pound (Average).
Uniformity.
( ) Extra large.
( ) Large.
( ) Medium.
( ) Small.
Moisture content percent; Uniformity.
Varietal characteristics: ( ). Similar. ( ) Dissimilar.

Defects and summary of allowances [1]	Grade A maximum	Grade B maximum	Grade C maximum	Substandard maximum
Total of all defects, including off-color	10 percent	15 percent		No limit except as indicated below.
Total of all defects, including off-color and poor texture.			20 percent.	
Poor texture, end cracks, skin or flesh damage, [3] fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.	But no more than 6 percent.	But no more than 8 percent.		
End cracks, [2] skin or flesh damage, [3] fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.			10 percent [2].	
Skin or flesh damage, [3] fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.			But no more than 8 percent.	
Mold, dirt, foreign material, insect infestation, decay.	3 percent	4 percent	5 percent	5 percent.
Decay	But no more than 1 percent.	But no more than 1 percent.	But no more than 1 percent.	But no more than 1 percent.

Total
U.S. Grade (including all factors)

[1] Percentages of defects are ''by weight.''
[2] Except that each 1 percent of end cracks to, and including 8 percent, by weight, shall be considered as ½ percent damaged by end cracks; and any additional end cracks shall be calculated as true percentage, by weight.
[3] Allowances for ''skin or flesh damage'' apply only to ''Whole Unpitted'' style.

[21 FR 8177, Oct. 25, 1956, as amended at 30 FR 11596, Sept. 10, 1965. Redesignated at 42 FR 32514, June 27, 1977 and at 46 FR 63203, Dec. 31, 1981]

Subpart G—United States Standards for Grades of Canned Ripe Olives

SOURCE: 42 FR 38585, July 29, 1977, unless otherwise noted. Redesignated at 46 FR 63203, Dec. 31, 1981.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.3751 Product description.

Canned ripe olives are prepared from properly matured olives which have first been properly treated to remove the characteristic bitterness; are packed in a solution of sodium chloride, with or without spices, and are sufficiently processed by heat in hermetically sealed containers. Canned olives which are not oxidized in processing and which possess a tan to light bronze color indicative of preparation from olives of advanced maturity and commonly referred to as ''tree-ripened'' or ''home-cured'' are not covered by the standards in this subpart.

§ 52.3752 Types of canned ripe olives.

Canned ripe olives are processed as two distinct types. Unless a specific type is stated in this subpart, ''canned ripe olives'' refers to olives of either ''ripe-type'' or ''green-ripe type.''

(a) *Ripe type.* ''Ripe type'' olives are those which have been treated and oxidized in processing to produce a typical dark brown to black color.

(b) *Green-ripe type.* ''Green-ripe type'' olives are those which have not been oxidized in processing; which range in color from yellow-green; green-yellow or other greenish casts; and which may be mottled.

§ 52.3753 Styles of canned ripe olives.

(a) *Whole.* ''Whole'' olives are those which have not been pitted.

(b) *Pitted.* ''Pitted'' olives are those from which pits have been removed.

(c) *Halved.* ''Halved'' olives are pitted olives in which each olive is cut lengthwise into two approximately equal parts.

(d) *Segmented.* ''Segmented'' olives are pitted olives in which each olive is cut lengthwise into three or more approximately equal parts.

(e) *Sliced.* ''Sliced'' olives consist of parallel slices of fairly uniform thickness prepared from pitted olives.

(f) *Chopped.* ''Chopped'' olives are random-size cut pieces or cut bits prepared from pitted olives.

(g) *Broken pitted.* ''Broken pitted'' olives consist substantially of large pieces that may have been broken in pitting but have not been sliced or cut.

§ 52.3754 Size designations for whole and pitted styles.

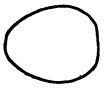
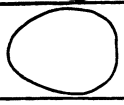
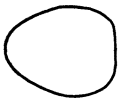
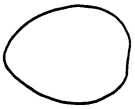
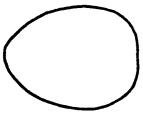
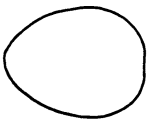
(a) *General.* (1) ''Average count'' for canned whole ripe olives is determined from all containers in the sample and is calculated on the basis of the drained weight of the olives.

(2) Diameters of canned whole and pitted ripe olives are determined by measuring the smallest diameters at the largest circumferences at right angles to the longitudinal axes of the olives. The longitudinal axis is a line running from the stem to the apex of the olive.

(b) *Size determination.* Size of canned whole or pitted olives shall conform to the applicable count per pound range indicated in Table I in the case of whole olives, or conform closely to the applicable illustration in Table I in the case of pitted olives. When the count per pound of whole olives falls between two count ranges, the size designation shall be the next smaller size.

TABLE I

SIZE - CANNED WHOLE AND PITTED RIPE OLIVES

DESIGNATION	COUNT PER POUND	ILLUSTRATION	APPROXIMATE DIAMETER RANGE ILLUSTRATED (mm)
SMALL	128 - 140		16 - 17
MEDIUM	106 - 121		17 - 19
LARGE	91 - 105		19 - 20
EXTRA LARGE	65 - 88		20 - 22
JUMBO	51 - 60		22 - 24
COLOSSAL	41 - 50		24 - 26
SUPER COLOSSAL	40 or less		26 and over

[42 FR 38585, July 29, 1977, as amended at 46 FR 39564, Aug. 4, 1981. Redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 48 FR 41012, Sept. 13, 1983]

§ 52.3755 Minimum drained weights.

(a) *General.* (1) The minimum drained weights for the various applicable styles in Table II and III are not incorporated in the grade of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for determining drained weight.* The drained weight of canned ripe olives is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (2.3 mm (0.0937 inch), ±3 percent, square openings) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of 17 degrees to 20 degrees to facilitate drainage and allow to drain for 2 minutes. The weight of drained olives is the weight of the sieve and product less the weight of the dry sieve. A sieve 20 mm (8 inches) in diameter is used for

containers with total contents of 1.5 kg (3.3 lbs) and less, and a sieve 30 mm (12 inches) in diameter is used for containers with total contents greater than 1.5 kg (3.3 lbs).

(c) *Compliance with minimum drained weights.* A lot of canned ripe olives is considered as meeting the minimum drained weights if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample is equal to or greater than the acceptance value for drained weights for the size (designated as ''X_2'' in Tables II and III); and

(2) There shall be no unreasonable shortage in any individual container.

TABLE II—ACCEPTANCE VALUES FOR DRAINED WEIGHTS—WHOLE

	211 × 304		300 × 407		603 × 700	
	$\bar{X}d$ ounces	$\bar{X}d$ grams	$\bar{X}d$ ounces	$\bar{X}d$ grams	$\bar{X}d$ ounces	$\bar{X}d$ grams
Small	4.5	127.5	7.75	219.7	66.0	1871.1
Medium	4.5	127.5	7.75	219.7	66.0	1871.1
Large	4.5	127.5	7.75	219.7	66.0	1871.1
Extra large	4.5	127.5	7.5	212.6	66.0	1871.1
Jumbo	4.0	113.4	7.25	205.5	64.0	1814.4
Colossal	4.0	113.4	7.25	205.5	64.0	1814.4
Super colossal	4.0	113.4	7.25	205.5	64.0	1814.4

TABLE II—ACCEPTANCE VALUES FOR DRAINED WEIGHTS—PITTED

	211 × 304		300 × 407		603 × 700	
	$\bar{X}d$ ounces	$\bar{X}d$ grams	$\bar{X}d$ ounces	$\bar{X}d$ grams	$\bar{X}d$ ounces	$\bar{X}d$ grams
Small	3.25	92.1	6.0	170.1	51.0	1445.8
Medium	3.25	92.1	6.0	170.1	51.0	1445.8
Large	3.5	99.2	6.0	170.1	51.0	1445.8
Extra large	3.5	99.2	6.0	170.1	51.0	1445.8
Jumbo	3.25	92.1	5.75	163.0	49.0	1389.1
Colossal	3.25	92.1	5.75	163.0	49.0	1389.1
Super colossal	3.25	92.1	5.75	163.0	49.0	1389.1

TABLE III—ACCEPTANCE VALUE FOR DRAINED WEIGHTS (OUNCES)

	Water capacity oz. avdp.	Halved, segmented, sliced		Chopped	
		X_d	*LL*	X_d	*LL*
200 × 214	.....	2.3	1.9	4.2	3.9
211 × 200	4.9	2.3	1.9	4.2	3.9
305 × 109	.....	3.0	2.6	5.5	5.2
307 × 113	.....	3.0	2.6	5.5	5.2
211 × 304	8.65	3.8	3.4	7.6	7.2
No. 300 (300 × 407)	15.2	6.5	6.1	13.3	12.7
No. 10 (603 × 700)	109.45	55.0	53.4	90.0	87.8
No. 10 (brine pack)	.....	.....	.....	64.0	62.4
BROKEN PITTED					
No. 300 (300 × 407)	15.2	5.6	4.7		
No. 10 (603 × 700)	109.45	51.0	48.8	.....	.....

TABLE III—ACCEPTANCE VALUE FOR DRAINED WEIGHTS (GRAMS)

	Water capacity	Halved, segmented, sliced		Chopped	
		X_d	*LL*	X_d	*LL*
200 × 214	.....	65.2	53.9	119.1	110.6
211 × 200	138.9	65.2	53.9	119.1	110.6
305 × 109	.....	85.0	73.7	155.9	147.4
307 × 113	.....	85.0	73.7	155.9	147.4
211 × 304	245.2	107.7	96.4	215.4	204.1
No. 300 (300 × 407)	430.9	184.2	172.9	377.0	360.0

TABLE III—ACCEPTANCE VALUE FOR DRAINED WEIGHTS (GRAMS)—Continued

	Water capacity	Halved, segmented, sliced		Chopped	
		X_d	LL	X_d	LL
No. 10 (603 × 700)	3102.8	1559.2	1513.8	2551.4	2489.0
No. 10 (brine pack)	.....	.....	.....	1814.3	1769.0
BROKEN PITTED					
No. 300 (300 × 407)	430.9	158.8	133.2		
No. 10 (603 × 700)	3102.8	1445.8	1383.4		

[42 FR 38585, July 29, 1977; 42 FR 44542, Sept. 6, 1977, as amended at 46 FR 39566, Aug. 4, 1981. Redesignated at 46 FR 63203, Dec. 31, 1981]

§ 52.3756 Grades of canned ripe olives.

(a) *U.S. Grade A* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a good color, that is practically free from defects, that has a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided,* That such canned ripe olives may have a reasonably good color if the total score is not less than 90 points; and further *Provided,* That in the styles of whole and pitted olives, the variation in diameters does not exceed 4 mm, and of the 90 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 3 mm.

(b) *U.S. Grade B* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a reasonably good color, that is reasonably free from defects, that has a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided,* That for the styles of whole and pitted olives, the variation in diameters does not exceed 8 mm, and of the 80 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

(c) *U.S. Grade C* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, chopped, and broken pitted styles that has a reasonably good flavor, that has a fairly good color, that is fairly free from defects, that has a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points; *Provided,* That for the styles of whole and pitted olives, of the 60 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more that 4 mm.

(d) *Substandard* is the quality of canned ripe olives of any style that fail to meet the applicable requirements for U.S. Grade C.

[42 FR 38585, July 29, 1977. Redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 48 FR 41013, Sept. 13, 1983]

§ 52.3757 Standard sample unit size.

Compliance with requirements for the various quality factors except ''size designation'' is based on the following standard sample unit size for the applicable style:

(a) *Whole and pitted*—50 olives.

(b) *Halved*—100 units.

(c) *All other styles*—255 g (9 ounces).

§ 52.3758 Determining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Flavor; (ii) Uniformity of size (styles of whole and pitted only).

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum

number of points that may be given such factors are:

	Points
(i) Color	30
(ii) Absence of defects	40
(iii) Character	30
Total score	100

(b) *Definition of flavor*—(1) *Good flavor*. (i) ''Good flavor'' in ripe type means a distinctive flavor characteristic of ripe type olives (including that of properly spiced olives) which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(ii) ''Good Flavor'' in green-ripe type means a distinctive mellow flavor characteristic of green-ripe type olives which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(2) *Reasonably good flavor*. ''Reasonably good flavor'' in either ripe type or green-ripe type (including that of properly spiced olives) means that the flavor may be slightly lacking in distinctly characteristic flavor for the respective type but the olives are free from objectionable flavors of any kind.

§ 52.3759 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example ''27 to 30 points'' means 27, 28, 29, and 30 points).

§ 52.3760 Color.

(a) *General*. The evaluation of color shall be determined within five minutes after the olives are removed from the container and is based upon the uniformity of the exterior color or general appearance as to color of the olives within the container. The evaluation of color in ''halved'' style is based on the uncut surfaces.

(b) *Color measurement of ripe type*. The color of ripe type is determined by comparison with a spinning disc of variations in percentages of the following Munsell color discs: Red (5R 4/14), Yellow (2.5Y 8/12), and Black (N/1 Glossy).

(c) *Composite color standards*. Composite USDA Color Standards for Canned Ripe Olives are available and are comparable to the colors produced by the spinning discs.

(d) *Color appearance of green-ripe type*. Normal color for green-ripe type olives is yellow-green, green-yellow, or other greenish casts, any of which may have a mottled appearance that is typical of green-ripe type olives. Off-color means dark brown, dark purple or black olives.

(e) The USDA spinning color discs and the USDA composite color standards cited in paragraphs (b) and (c) of this section are available from the USDA licensed supplier:

Munsell Color Company, Inc., 2441 North Calvert Street, Baltimore, Md. 21218.

(f) *Grade A*. Canned ripe olives that have a good color may be given a score of 27 to 30 points. ''Good color'' has the following meanings with respect to the applicable type and style:

(1) *Ripe type*—(i) *Whole; pitted; halved*. The olives or units have a practically uniform black or dark brown color. Not less than 90 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell discs specified in paragraph (b) of this section in the following combination: 3½ percent Red, 3½ percent Yellow, and 93 percent Black.

(ii) *Segmented; sliced, chopped*. The general color impression of the olive as a mass is normal and typical of these styles prepared from olives with good color.

(2) *Green-ripe type*. The general color appearance of the olives shall be normal. Not less than 90 percent, by count, shall be practically uniform in such normal color for the type, and no off-color olives may be present.

(g) *Grade B*. If the canned ripe olives have a reasonably good color, a score of 24 to 26 points may be given. ''Reasonably good color'' has the following meanings with respect to the applicable type and style:

(1) *Ripe type*—(i) *Whole; pitted; halved*. The olives or units have a reasonably

uniform black, dark brown or reddish-brown color. Not less than 80 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combination: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Segmented; sliced; chopped.* The general color impression of the olives as a mass is normal and typical of these styles prepared from olives with reasonably good color.

(2) *Green-ripe type.* The general color appearance of the olives shall be normal. Not less than 80 percent, by count, shall be reasonably uniform in such normal color for the type, and no off-color olives may be present.

(h) *Grade C.* If the ripe olives have a fairly good color, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). ''Fairly good color'' has the following meanings with respect to the applicable type and style:

(1) *Ripe type*—(i) *Whole; pitted; halved.* The olives or units have a fairly uniform black, dark brown or reddish-brown color. Not less than 60 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combination: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Segmented; sliced; chopped.* The general color impression of the olives as a mass is normal and typical of these styles prepared from olives of fairly good color.

(iii) *Broken pitted.* The general color impression of the olives as a mass is normal and may be variable, but is typical of this style prepared from olives of good, reasonably good, or fairly good color.

(2) *Green-ripe type.* The general color impression of the olives shall be normal but may vary markedly for the type. No more than 10 percent, by count, of off-color olives may be present.

(i) *Substandard (SStd.).* Canned ripe olives that are abnormal in color for any reason or that fail to meet the requirements of paragraph (h) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3761 Defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable material, stems, and portions thereof, blemishes, wrinkles, mutilated olives, and from any other defects which affect the appearance or edibility of the product.

(b) *Definition of defects*—(1) *Blemishes* mean dark-colored surface marks in either ripe type or green-ripe olives which may or may not penetrate into the flesh. Olives or pieces of olives affected by blemishes are classified as follows:

(i) *Minor blemishes* mean surface discolorations on olives or pieces of olives which individually or collectively materially affect the appearance of the unit.

(ii) *Major blemishes* mean surface discolorations or black flesh (oxidized) on olives or pieces of olives which may or may not be associated with a soft texture below the skin and which individually or collectively seriously affect the appearance or edibility of the unit.

(iii) *Severe blemishes* mean dark brown, dark purple, or black surface areas on olives or pieces of olives of the green-ripe type; or any other blemishes, whether or not specifically defined, which severely affect the appearance or edibility of the unit.

(2) *Blowout* refers to a soft pitted olive in which the pit has been pushed out instead of cut out leaving an irregular ring of flesh that materially affects its appearance.

(3) *Broken piece* in halved, segmented, and sliced style olives means any piece of olive flesh that appears to be less than three-fourths of a full unit. Also included are poorly cut units and end slices less than one-half the average size slice.

(4) *Cross pitted* refers to olives pitted along an axis other than the stem-flower axis. A defect is a unit where the angle of these two axes exceeds 45 degrees.

(5) *Harmless extraneous vegetable material.* Harmless extraneous vegetable material (HEVM), harmless extraneous material (HEM), and extraneous vegetable material (EVM), are synonymous terms and mean any vegetable substance that is harmless.

(6) *Mechanically damaged* means a unit in whole, pitted, and halved styles that is punctured, cut or damaged by means other than pitting so that its appearance is materially affected.

(7) *Misshapen* refers to an olive that does not have a normal shape for a given variety.

(8) *Mutilated* refers to an olive in whole or pitted styles that is so pittertorn or damaged by other means that the entire pit cavity is exposed or the appearance of the olive is seriously affected.

(9) *Obvious split pit* means a pit in an olive that can be determined visually as split.

(10) *Pitter damage* means a loss of skin and flesh from a pitted olive caused by the pitter on the cut end exceeding the area of a circle 3 mm in diameter but is not mutilated.

(11) *Plunger damage* means a loss of skin and flesh from a pitted olive equal to or exceeding the area of a circle 5 mm in diameter.

(12) *Stem* means a stem that measures 3 mm or more from the shoulder of the olive. Stems are classified as follows:

(i) *Minor stem* is a stem that measures more than 3 mm but not more than 4 mm from the shoulder of the olive.

(ii) *Major stem* is a stem that measures more than 4 mm from the shoulder of the olive.

(iii) *Detached stem,* when it measures 4 mm or more, is a defect which shall be scored as a minor stem for whole pitted, halved, and broken pitted style olives and a major stem for segmented, sliced, and chopped style olives.

(13) *Wrinkles* are grooves 0.5 mm or more in width. Classification of wrinkles shall be determined immediately after removing surface moisture and any increase in wrinkles due to dehydration after removing from the container shall not be considered. Olives or pieces of olives affected by wrinkles are classified as follows:

(i) *Minor wrinkles* are wrinkles which collectively do not more than materially affect the appearance of the unit.

(ii) *Major wrinkles* are wrinkles which collectively more than materially affect the appearance of the unit.

(c) *Grade A.* Canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that are practically free from defects may be given a score of 36 to 40 points. ''Practically free from defects'' means that any defects present, but not specifically limited in Table IV, may not more than slightly affect the appearance or edibility of the olives; and, in addition, specified defects may be present in all other styles except ''broken pitted'' not to exceed the allowances for grade A provided in Table IV.

(d) *Grade B.* If canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles are reasonably free from defects, a score of 32 to 35 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). ''Reasonably free from defects'' means that any defects present but not specifically limited in Table V may not more than materially affect the appearance or edibility of the olives; and in addition, specified defects may be present in all other styles except ''broken pitted'' not to exceed the allowances for grade B provided in Table V.

(e) *Grade C.* If canned ripe olives of whole, pitted, halved, segmented, sliced, chopped, and broken pitted styles are fairly free from defects, a score of 28 to 31 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). ''Fairly free from defects'' means that any defects present but not specifically limited in Table VI may more than materially affect the appearance and edibility of the olives; and in addition, specified defects may be present in all other styles not to exceed the allowances for grade C provided in Table VI.

(f) *Substandard (SStd.).* Canned ripe olives that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE IV—LIMITS FOR DEFECTS IN GRADE A

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halves	Segmented per 255 g (9 oz)	Sliced per 255 g (9 oz)	Chopped per 255 g (9 oz)
HEVM, HEM, or EVM	1	1	1	Practically free ...	Practically free ...	Practically free.
Stems:						
Minor and major stems incl.	2	2	2			
Major stems	1	1	1	Practically free ...	Practically free ...	Practically free.
Minor and major blemishes, minor and major wrinkles and mutilated.	5	5	10	Practically free ...	Practically free ...	Practically free.
Provided:						
Major blemishes, major wrinkles do not exceed.	2	2	5			
Further Provided: Multilated do not exceed.	1	1				
Broken pieces and poorly cut units.	.....	.....	8	Practically free ...	Practically free.	
Mechanical damage	2	2	5			
Blowouts, cross pitted, plunger and pitter damage.	.....	5				
Obvious split pit or misshapen	2					
Severe blemishes (green-ripe type only).	0	0	0	.....	.....	

TABLE V—LIMITS FOR DEFECTS IN GRADE B

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halves	Segmented per 255 g (9 oz)	Sliced per 255 g (9 oz)	Chopped per 255 g (9 oz)
HEVM, HEM or EVM	1	1	1	Reasonably free	Reasonably free	Reasonably free.
Stems:						
Minor and major stems incl.	3	3	3			
Major stems	1	1	1	Reasonably free	Reasonably free	Reasonably free.
Minor and major blemishes, minor and major wrinkles and mutilated.	10	10	20	Reasonably free	Reasonably free	Reasonably free.
Provided:						
Major blemishes, major wrinkles do not exceed.	5	5	10			
Further provided:						
Mutilated do not exceed	2	2				
Broken pieces and poorly cut units.	.....	.....	15	Reasonably free	Reasonably free.	
Mechanical damage	5	5	10			
Blowouts, cross pitted, plunger and pitter damage.	.....	10				
Obvious split pit or misshapen	5					
Severe blemishes (green-ripe type only).	0	0	0	.....	.....	

TABLE VI—LIMITS FOR DEFECTS IN GRADE C

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halved	Segmented per 255 g (9 oz.)	Sliced per 255 g (9 oz.)	Chopped per 255 g (9 oz.)	Broken Pitted per 255 g (9 oz.)
HEVM, HEM, or EVM	1	1	1	Fairly free	Fairly free	Fairly free	2
Minor and major stems inclusive	4	4	4				
Major stems	2	2	2	Fairly free	Fairly free	Fairly free	4
Minor, major blemishes, major, minor wrinkles.	No limit	No limit	No limit	Fairly free	Fairly free	Fairly free	No limit.

TABLE VI—LIMITS FOR DEFECTS IN GRADE C—Continued

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halved	Segmented per 255 g (9 oz.)	Sliced per 255 g (9 oz.)	Chopped per 255 g (9 oz.)	Broken Pitted per 255 g (9 oz.)
Provided:							
Major blemishes, major wrinkles do not exceed.	13	13	25	.....	.....	.....	51 g[1]
Further Provided:							
Multilated, major blemish and major wrinkles do not exceed.	15	15	30				
Multilated do not exceed	5	5	10	.....	.....	.....	No limit.
Broken pieces and poorly cut units.	.....	.....	25	Fairly free	Fairly free		
Mechanical damage	10	10	20				
Blowouts, cross pitted, plunger and pitter damaged.	.....	15					
Obvious split pit or misshapen ..	No limit						
Severe blemishes (green-ripe type only).	3	3	3	0	0	0	

[1] Major blemishes only.

[48 FR 41013, Sept. 13, 1983]

§ 52.3762 Character.

(a) *General.* The factor of character refers to the firmness, tenderness, and texture characteristics for the variety and type.

(b) *Grade A.* Canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that have a good character may be given a score of 27 to 30 points. ''Good character'' means that, for the type, the olives have a fleshy texture characteristic for the variety and size; that not less than 95 percent, by count, of whole, pitted and halved olives and by weight of other style olives are practically uniform in texture and are tender but not soft. The remaining 5 percent may be soft but not excessively soft.

(c) *Grade B.* If canned ripe olives of whole, pitted, halved, segmented, sliced and chopped styles have a reasonably good character, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). ''Reasonably good character'' means that, for the type, the olives generally have a fleshy texture characteristic for the variety and size; that not less than 90 percent, by count, of whole, pitted and halved olives, and by weight of other style olives are practically uniform in texture and are tender but not soft. The 10 percent may be soft but not more than ½, or 5 percent, may be excessively soft.

(d) *Grade C.* If canned ripe olives of whole, pitted, halved, segmented, sliced, chopped and broken pitted styles have a fairly good character, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). ''Fairly good character'' means that the olives generally have a fleshy texture characteristic for the variety and size; that not less than 80 percent, by count, of whole, pitted and halved olives and by weight of other style olives are practically uniform in texture and are tender but not soft. The remaining 20 percent may be soft but not more than ½, or 10 percent, may be excessively soft.

(e) *Substandard* (*SStd*). Canned ripe olives that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3763 Determining the grade of a lot.

The grade of a lot of canned ripe olives covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits

and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83).

§ 52.3764 Score sheet.

Number, size and kind of container.
Label (including size declaration).
Container mark or identification.
Net weight (ounces).
Vacuum (inches).
Drained weight (ounces).
Size.
Style.
Average count per pound (whole style).

Factors			Score points
Color	30	(A)	27–30
		(B)	24–26
		(C)	[1] 21–23
		(SStd.)	[1] 0–20
Absence of defects.	40	(A)	36–40
		(B)	[1] 32–35
		(C)	[1] 28–31
		(SStd.)	[1] 0–27
Character	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd.)	[1] 0–20
Total Score	100		

Flavor: ( ) Good ( ) Reasonably good ( ). Off.
Grade ..... – – s0

[1] Indicates limiting rule.