AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

SUBCHAPTER C—REQUIREMENTS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946 AND THE EGG PRODUCTS INSPECTION ACT

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart A—Requirements

ADMINISTRATIVE

Sec.
51.1 Administration of the regulations in this part.

DEFINITIONS

51.2 Terms defined.
51.3 Designation of official certificates, memoranda, marks, other identifications and devices for purposes of the Agricultural Marketing Act.

INSPECTION SERVICE

51.4 Where inspection service is offered.
51.5 Who may obtain inspection service.
51.6 How to make application.
51.7 Form of application.
51.8 Filing of application.
51.9 When application may be rejected.
51.10 When application may be withdrawn.
51.11 Authority to request inspection.
51.12 Accessibility of products.
51.13 Basis of service.
51.14 Order of inspection service.
51.15 Financial interest of inspector.
51.16 Postponing inspection service.
51.17 Official sampling.
51.18 Certificate forms.
51.19 Issuance of certificates.
51.20 Issuance of corrected certificates.
51.21 Disposition of inspection certificates.
51.22 Disposition of samples.
51.23 Report of inspection results prior to issuance of formal report.

APPEAL INSPECTION

51.24 When appeal inspection may be requested.
51.25 Where to file for an appeal inspection and information required.
51.26 Record of filing time.
51.27 When appeal inspection may be refused.
51.28 When an application for an appeal inspection may be withdrawn.
51.29 Order in which made.
51.30 Who shall perform appeal inspections.
51.31 Appeal inspection certificate.

LICENSING OF INSPECTORS

51.32 Who may be licensed.
51.33 Application to become a licensed inspector.
51.34 Suspension or revocation of license of a licensed inspector.
51.35 Surrender of license.
51.36 Expiration and renewal of license.

SCHEDULE OF FEES AND CHARGES AT DESTINATION MARKETS

51.37 Charges for fees, rates, and expenses.
51.38 Basis for fees and rates.
51.39 Charges for fees and rates for 8e import inspection.
51.40 Fees for appeal inspections.
51.41 Traveling and other expenses.
51.42 Fees for additional copies of inspection certificates.
51.43 Charges for inspection services on a contract basis.
51.44 How fees shall be paid.
51.45 Disposition of fees.

SCHEDULE OF FEES AND CHARGES AT SHIPPING POINT AREAS

51.46 Fees and charges at shipping point areas.

MISCELLANEOUS

51.47 Denial of inspection service.
51.48 Political activity.
51.49 Inspector's identification.
51.50 Approved identifications.
51.51 Custody of official inspection marking devices.
51.52 Prohibited uses of approved identification.
51.53 Licensing and identification of certain official devices.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

51.54 Continuous inspections.
51.55 Plant survey.
51.56 Premises.
51.57 Buildings and structures.
51.58 Facilities.
51.59 Equipment.
51.60 Operations and operating procedures.
51.61 Termination of contracts.
51.62 Congressional interest in contracts.
51.63 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

Subpart B—United States Standards for Grades of Apples

GRADES

51.300 U.S. Extra Fancy.

51.301 U.S. Fancy.
51.302 U.S. No. 1.
51.303 U.S. Utility.
51.304 Combination grades.

COLOR REQUIREMENTS

51.305 Color requirements.

TOLERANCES

51.306 Tolerances.

APPLICATION OF TOLERANCES

51.307 Application of tolerances.

METHODS OF SAMPLING AND CALCULATION OF PERCENTAGES

51.308 Methods of sampling and calculation of percentages.

CONDITION AFTER STORAGE OR TRANSIT

51.309 Condition after storage or transit.

PACKING REQUIREMENTS

51.310 Packing requirements.

MARKING REQUIREMENTS

51.311 Marking requirements.

DEFINITIONS

51.312 Mature.
51.313 Overripe.
51.314 Clean.
51.315 Fairly well formed.
51.316 Injury.
51.317 Damage.
51.318 Serious damage.
51.319 Seriously deformed.
51.320 Diameter.

U.S. CONDITION STANDARDS FOR EXPORT

51.321 U.S. Condition Standards for Export.

METRIC CONVERSION TABLE

51.322 Metric conversion table.

Subpart C—United States Standards for Grades of Apples for Processing

GRADES

51.340 U.S. No. 1.
51.341 U.S. No. 2.
51.342 U.S. Cider.

CULLS

51.343 Culls.

SIZE

51.344 Size.

APPLICATION OF STANDARDS

51.345 Application of standards.

TOLERANCES

51.346 Tolerances.

APPLICATION OF TOLERANCES

51.347 Application of tolerances.

DEFINITIONS

51.348 One variety.
51.349 Overripe.

Subpart D—Application of Tolerances

GRADES

51.620 U.S. Fancy.
51.621 U.S. No. 1.
51.622 U.S. No. 1 Bright.
51.623 U.S. No. 1 Bronze.
51.624 U.S. Combination.
51.625 U.S. No. 2.
51.626 U.S. No. 2 Russet.
51.627 U.S. No. 3.

TOLERANCES

51.628 Tolerances.

APPLICATION OF TOLERANCES

51.629 Application of tolerances.

STANDARD PACK

51.630 Standard pack.

DEFINITIONS

51.631 Mature.
51.632 Similar varietal characteristics.
51.633 Well colored.
51.634 Firm.
51.635 Well formed.
51.636 Smooth texture.
51.637 Injury.
51.638 Discoloration.
51.639 Fairly well colored.
51.640 Fairly well formed.
51.641 Fairly smooth texture.
51.642 Damage.
51.643 Fairly firm.
51.644 Slightly misshapen.
51.645 Slightly rough texture.
51.646 Serious damage.
51.647 Slightly colored.
51.648 Misshapen.
51.649 Slightly spongy.
51.650 Very serious damage.
51.651 Diameter.
51.652 Classification of defects.

METRIC CONVERSION TABLE

51.653 Metric conversion table.

Subpart E—Application of Tolerances

GENERAL

51.680 General.

GRADES

51.681 U.S. Fancy.
51.682 U.S. No. 1.
51.683 U.S. No. 1 Bright.
51.684 U.S. No. 1 Bronze.
51.685 U.S. Combination.
51.686 U.S. No. 2.
51.687 U.S. No. 2 Russet.
51.688 U.S. No. 3.

TOLERANCES

51.689 Tolerances.

APPLICATION OF TOLERANCES

51.690 Application of tolerances.

STANDARD PACK

51.691 Standard pack.

STANDARD SIZING

51.692 Standard sizing.

DEFINITIONS

51.693 Mature.
51.694 Similar varietal characteristics.
51.695 Well colored.
51.696 Firm.
51.697 Well formed.
51.698 Smooth texture.
51.699 Injury.
51.700 Discloration.
51.701 Fairly smooth texture.
51.702 Damage.
51.703 Fairly well colored.
51.704 Reasonably well colored.
51.705 Fairly firm.
51.706 Slightly misshapen.
51.707 Slightly rough texture.
51.708 Serious damage.
51.709 Misshapen.
51.710 Slightly spongy.
51.711 Very serious damage.
51.712 Diameter.
51.713 Classification of defects.

METRIC CONVERSION TABLE

51.714 Metric conversion table.

Subpart F—United States Standards for Grades of Florida Grapefruit

GRADES

51.750 U.S. Fancy.
51.751 U.S. No. 1 Bright.
51.752 U.S. No. 1.
51.753 U.S. No. 1 Golden.
51.754 U.S. No. 1 Bronze.
51.755 U.S. No. 1 Russet.
51.756 U.S. No. 2 Bright.
51.757 U.S. No. 2.
51.758 U.S. No. 2 Russet.
51.759 U.S. No. 3.

TOLERANCES

51.760 Tolerances.

APPLICATION OF TOLERANCES

51.761 Application of tolerances.

SIZE

51.762 Size.

DEFINITIONS

51.763 Similar varietal characteristics.
51.764 Well colored.
51.765 Firm.
51.766 Well formed.
51.767 Mature.
51.768 Smooth texture.
51.769 Injury.
51.770 Discoloration.
51.771 Fairly well colored.
51.772 Fairly smooth texture.
51.773 Damage.
51.774 Fairly firm.
51.775 Slightly misshapen.
51.776 Slightly rough texture.
51.777 Serious damage.
51.778 Slightly colored.
51.779 Poorly colored.
51.780 Misshapen.
51.781 Slightly spongy.
51.782 Very serious damage.
51.783 Diameter.
51.784 Classification of defects.

Subpart G—United States Standards for Grades of Table Grapes (European or Vinifera Type)

GRADES

51.880 U.S. Extra Fancy Table.
51.881 U.S. Extra Fancy Export.
51.882 U.S. Fancy Table.
51.883 U.S. Fancy Export.
51.884 U.S. No. 1 Table.
51.885 U.S. No. 1 Institutional.

TOLERANCES

51.886 Tolerances.

APPLICATION OF TOLERANCES

51.887 Application of tolerances.

MATURITY REQUIREMENTS

51.888 Maturity requirements.

DEFINITIONS

51.889 Well developed grapes.
51.890 One variety.
51.891 Uniform in appearance.
51.892 Color terms.
51.893 Firm.
51.894 Weak.
51.895 Shriveled at capstem.
51.896 Shattered.
51.897 Wet.
51.898 Decay.
51.899 Waterberry.
51.900 Sunburn.

51.901 Damage.
51.902 Fairly well filled.
51.903 Excessively tight.
51.904 Shot berries.
51.905 Dried berries.
51.906 Well developed and strong.
51.907 Diameter.
51.908 Serious damage.
51.909 Materially shriveled at capstem.
51.910 Straggly.
51.911 Container.
51.912 Export.
51.913 Clusters.

METRIC CONVERSION TABLE

51.914 Metric conversion table.

Subpart H—United States Standards for Grades of Florida Oranges and Tangelos

GENERAL

51.1140 General.

GRADES

51.1141 U.S. Fancy.
51.1142 U.S. No. 1 Bright.
51.1143 U.S. No. 1.
51.1144 U.S. No. 1 Golden.
51.1145 U.S. No. 1 Bronze.
51.1146 U.S. No. 1 Russet.
51.1147 U.S. No. 2 Bright.
51.1148 U.S. No. 2.
51.1149 U.S. No. 2 Russet.
51.1150 U.S. No. 3.

TOLERANCES

51.1151 Tolerances.

APPLICATION OF TOLERANCES

51.1152 Application of tolerances.

SIZE

51.1153 Size.

DEFINITIONS

51.1154 Similar varietal characteristics.
51.1155 Well colored.
51.1156 Firm.
51.1157 Well formed.
51.1158 Mature.
51.1159 Smooth texture.
51.1160 Injury.
51.1161 Discoloration.
51.1162 Fairly smooth texture.
51.1163 Damage.
51.1164 Fairly well colored.
51.1165 Reasonably well colored.
51.1166 Poorly colored.
51.1167 Fairly firm.
51.1168 Slightly misshapen.
51.1169 Slightly rough texture.
51.1170 Serious damage.
51.1171 Misshapen.
51.1172 Slightly spongy.
51.1173 Very serious damage.
51.1174 Diameter.
51.1175 Classification of defects.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

51.1176 U.S. Grade AA Juice (Double A).
51.1177 U.S. Grade A Juice.
51.1178 Maximum anhydrous citric acid permissible for corresponding total soluble solids.
51.1179 Method of juice extraction.

Subpart I—United States Standards for Cleaned Virginia Type Peanuts in the Shell

GRADES

51.1235 U.S. Jumbo Hand Picked.
51.1236 U.S. Fancy Hand Picked.

UNCLASSIFIED

51.1237 Unclassified.

DEFINITIONS

51.1238 Mature.
51.1239 Pops.
51.1240 Paper ends.
51.1241 Damage.
51.1242 Count per pound.

Subpart J—United States Standards for Summer and Fall Pears

GENERAL

51.1260 General.

GRADES

51.1261 U.S. No. 1.
51.1262 U.S. Combination.
51.1263 U.S. No. 2.

UNCLASSIFIED

51.1264 Unclassified.

TOLERANCES

51.1265 Tolerances.

APPLICATION OF TOLERANCES

51.1266 Application of tolerances.

BASIS FOR CALCULATING PERCENTAGES

51.1267 Basis for calculating percentages.

CONDITION AFTER STORAGE OR TRANSIT

51.1268 Condition after storage or transit.

STANDARD PACK

51.1269 Sizing.
51.1270 Packing.
51.1271 Tolerances for standard pack.

DEFINITIONS

51.1272 Mature.

51.1273 Overripe.
51.1274 Carefully hand-picked.
51.1275 Clean.
51.1276 Black end.
51.1277 Fairly well formed.
51.1278 Damage.
51.1279 Seriously misshapen.
51.1280 Serious damage.

Subpart K—United States Standards for Winter Pears

GENERAL

51.1300 General.

GRADES

51.1301 U.S. Extra No. 1.
51.1302 U.S. No. 1.
51.1303 U.S. Combination.
51.1304 U.S. No. 2.

UNCLASSIFIED

51.1305 Unclassified.

TOLERANCES

51.1306 Tolerances.

APPLICATION OF TOLERANCES

51.1307 Application of tolerances.

BASIS FOR CALCULATING PERCENTAGES

51.1308 Basis for calculating percentages.

CONDITION AFTER STORAGE OR TRANSIT

51.1309 Condition after storage or transit.

STANDARD PACK

51.1310 Sizing.
51.1311 Packing.
51.1312 Tolerances for standard pack.

DEFINITIONS

51.1313 Mature.
51.1314 Overripe.
51.1315 Carefully hand-picked.
51.1316 Clean.
51.1317 Well formed.
51.1318 Black end.
51.1319 Injury.
51.1320 Fairly well formed.
51.1321 Damage.
51.1322 Seriously misshapen.
51.1323 Serious damage.

Subpart L—United States Standards for Grades of Pears for Processing

GENERAL

51.1345 General.

GRADES

51.1346 U.S. No. 1.
51.1347 U.S. No. 2.

CULLS

51.1348 Culls.

SIZE

51.1349 Size.

APPLICATION OF STANDARDS

51.1350 Application of standards.

DEFINITIONS

51.1351 Mature.
51.1352 Handpicked.
51.1353 Firm.
51.1354 Well formed.
51.1355 Damage.
51.1356 Pears grown from late blooms.
51.1357 Seriously deformed.
51.1358 Serious damage.
51.1359 Diameter.

Subpart M—United States Standards for Grades of Pecans in the Shell

GRADES

51.1400 U.S. Extra Fancy.
51.1401 U.S. Fancy.
51.1402 U.S. Choice.
51.1403 U.S. Standard.

SIZE CLASSIFICATION

51.1404 Size classification.

KERNEL COLOR CLASSIFICATION

51.1405 Kernel color classification.

TOLERANCES

51.1406 Tolerances.

APPLICATION OF TOLERANCES

51.1407 Application of tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

51.1408 Sample for grade or size determination.

DEFINITIONS

51.1409 Loose extraneous or foreign material.
51.1410 Well cured.
51.1411 Well developed.
51.1412 Fairly well developed.
51.1413 Poorly developed.
51.1414 Uniform in color.
51.1415 Fairly uniform in color.
51.1416 Damage.
51.1417 Serious damage.
51.1418 Inedible kernels.

Subpart N—United States Standards for Grades of Shelled Pecans

GRADES

51.1430 U.S. Extra Fancy.

51.1431 U.S. Fancy.
51.1432 U.S. Choice.
51.1433 U.S. Standard.

COLOR CLASSIFICATIONS

51.1434 Color classifications.

SIZE CLASSIFICATIONS

51.1435 Size classifications for halves.
51.1436 Size classifications for pieces.

TOLERANCES FOR DEFECTS

51.1437 Tolerances for defects.

APPLICATIONS OF STANDARDS

51.1438 Application of standards.

DEFINITIONS

51.1439 Premier half-kernel (Premier halves).
51.1440 Half-kernel (Halves).
51.1441 Piece.
51.1442 Meal and flour.
51.1443 Well dried.
51.1444 Well developed.
51.1445 Fairly well developed.
51.1446 Poorly developed.
51.1447 Uniform in color.
51.1448 Fairly uniform in color.
51.1449 Uniform in size.
51.1450 Fairly uniform in size.
51.1451 Foreign material.
51.1452 Damage.
51.1453 Serious damage.

Subpart O—United States Standards for Grades of Fresh Plums and Prunes

GRADES

51.1520 U.S. Fancy.
51.1521 U.S. No. 1.
51.1522 U.S. Combination.
51.1523 U.S. No. 2.
51.1524 [Reserved]

TOLERANCES

51.1525 Tolerances.

APPLICATION OF TOLERANCES

51.1526 Application of tolerances.

STANDARD PACK

51.1527 Standard pack.

DEFINITIONS

51.1528 Well formed.
51.1529 Clean.
51.1530 Mature.
51.1531 Sunscald.
51.1532 Damage.
51.1533 Well colored.
51.1534 Fairly well colored.
51.1535 Badly misshapen.
51.1536 Serious damage.
51.1537 Diameter.

METRIC CONVERSION TABLE

51.1538 Metric conversion table.

Subpart P—United States Standards for Grades of Potatoes

GRADES

51.1540 [Reserved]
51.1541 U.S. No. 1.
51.1542 U.S. Commercial.
51.1543 U.S. No. 2.

UNCLASSIFIED

51.1544 [Reserved]

SIZE

51.1545 Size.

TOLERANCES

51.1546 Tolerances.

APPLICATION OF TOLERANCES

51.1547 Application of tolerances.

SAMPLES FOR GRADE AND SIZE DETERMINATION

51.1548 Samples for grade and size determination.

SKINNING

51.1549 Skinning.

DEFINITIONS

51.1550 Similar varietal characteristics.
51.1551 Firm.
51.1552 Clean.
51.1553 Fairly clean.
51.1554 Mature.
51.1555 Fairly well matured.
51.1556 Well shaped.
51.1557 Fairly well shaped.
51.1558 Seriously misshapen.
51.1559 [Reserved]
51.1560 Damage.
51.1561 Serious damage.
51.1562 Freezing.
51.1563 Soft rot or wet breakdown.
51.1564 External defects.
51.1565 Internal defects.

METRIC CONVERSION TABLE

51.1566 Metric conversion table.

Subpart Q—United States Consumer Standards for Potatoes

GRADES

51.1575 U.S. Grade A Small; U.S. Grade A Medium; U.S. Grade A Medium to Large; U.S. Grade A Large.

51.1576 U.S. Grade B Small; U.S. Grade B Medium; U.S. Grade B Medium to Large; U.S. Grade B Large.

SIZE

51.1577 Size range requirements.

OFF-GRADE

51.1578 Off-Grade potatoes.

APPLICATION OF TOLERANCES

51.1579 Application of tolerances to individual containers.

DEFINITIONS

51.1580 Fairly well shaped.
51.1581 Fairly clean.
51.1582 Soft rot or wet breakdown.
51.1583 Damage.
51.1584 Internal discoloration.
51.1585 Mature.
51.1586 Serious damage.
51.1587 Diameter.

Subpart R—United States Standards for Grades of Florida Tangerines

GRADES

51.1810 U.S. Fancy.
51.1811 U.S. No. 1 Bright.
51.1812 U.S. No. 1.
51.1813 U.S. No. 1 Golden.
51.1814 U.S. No. 1 Bronze.
51.1815 U.S. No. 1 Russet.
51.1816 U.S. No. 2 Bright.
51.1817 U.S. No. 2.
51.1818 U.S. No. 2 Russet.
51.1819 U.S. No. 3.

TOLERANCES

51.1820 Tolerances.

APPLICATION OF TOLERANCES

51.1821 Application of tolerances.

SIZE

51.1822 Size.

DEFINITIONS

51.1823 Mature.
51.1824 Firm.
51.1825 Well formed.
51.1826 Damage.
51.1827 Highly colored.
51.1828 Discoloration.
51.1829 Well colored.
51.1830 Fairly well colored.
51.1831 Fairly firm.
51.1832 Fairly well formed.
51.1833 Serious damage.
51.1834 Reasonably well colored.
51.1835 Very serious damage.
51.1836 Diameter.
51.1837 Classification of defects.

Subpart S—United States Standards for Fresh Tomatoes

GRADES

51.1855 U.S. No. 1.
51.1856 U.S. Combination.
51.1857 U.S. No. 2.
51.1858 U.S. No. 3.

SIZE

51.1859 Size.

COLOR CLASSIFICATION

51.1860 Color classification.

TOLERANCES

51.1861 Tolerances.

APPLICATION OF TOLERANCES

51.1862 Application of tolerances.

STANDARD WEIGHT

51.1863 Standard weight.

DEFINITIONS

51.1864 Similar varietal characteristics.
51.1865 Mature.
51.1866 Soft.
51.1867 Clean.
51.1868 Well developed.
51.1869 Fairly well formed.
51.1870 Fairly smooth.
51.1871 Damage.
51.1872 Reasonably well formed.
51.1873 Slightly rough.
51.1874 Serious damage.
51.1875 Misshapen.
51.1876 Very serious damage.
51.1877 Classification of defects.

Subpart T—United States Consumer Standards for Fresh Tomatoes

GENERAL

51.1900 General.

GRADES

51.1901 U.S. Grade A.
51.1902 U.S. Grade B.

SIZE AND MATURITY CLASSIFICATION

51.1903 Size classification.
51.1904 Maturity classification.

OFF-GRADE

51.1905 Off-Grade tomatoes.

DEFINITIONS

51.1906 Similar varietal characteristics.
51.1907 Mature.
51.1908 Well developed.
51.1909 Fairly well formed.
51.1910 Fairly smooth.

51.1911 Damaged.
51.1912 Badly misshapen.
51.1913 Serious damage.

Subpart U—United States Standards for Grades of Filberts in the Shell

GRADE

51.1995 U.S. No. 1.

APPLICATION OF STANDARDS

51.1996 Application of standards.

DEFINITIONS

51.1997 Similar type.
51.1998 Dry.
51.1999 Well formed.
51.2000 Clean and bright.
51.2001 Blank.
51.2002 Split shell.
51.2003 Damage.
51.2004 Reasonably well developed.
51.2005 Badly misshapen.
51.2006 Rancidity.
51.2007 Moldy.
51.2008 Insect injury.

METRIC CONVERSION TABLE

51.2009 Metric conversion table.

Subpart V—United States Standards for Grades of Almonds in the Shell

GRADES

51.2075 U.S. No. 1.
51.2076 U.S. No. 1 Mixed.
51.2077 U.S. No. 2.
51.2078 U.S. No. 2 Mixed.

APPLICATION OF TOLERANCES

51.2079 Application of tolerances.

DETERMINATION OF GRADE

51.2080 Determination of grade.

DEFINITIONS

51.2081 Similar varietal characteristics.
51.2082 Loose extraneous and foreign material.
51.2083 Clean.
51.2084 Fairly bright.
51.2085 Fairly uniform color.
51.2086 Well dried.
51.2087 Decay.
51.2088 Rancidity.
51.2089 Damage.
51.2090 Serious damage.
51.2091 Thickness.

Subpart W—United States Standards for Grades of Shelled Almonds

GRADES

51.2105 U.S. Fancy.
51.2106 U.S. Extra No. 1.
51.2107 U.S. No. 1.
51.2108 U.S. Select Sheller Run.
51.2109 U.S. Standard Sheller Run.
51.2110 U.S. No. 1 Whole and Broken.
51.2111 U.S. No. 1 Pieces.

MIXED VARIETIES

51.2112 Mixed varieties.

SIZE

51.2113 Size requirements.
51.2114 Tolerances for size.

APPLICATION OF TOLERANCES

51.2115 Application of tolerances.

DEFINITIONS

51.2116 Similar varietal characteristics.
51.2117 Whole.
51.2118 Clean.
51.2119 Well dried.
51.2120 Decay.
51.2121 Rancidity.
51.2122 Insect injury.
51.2123 Foreign material.
51.2124 Doubles.
51.2125 Split or broken kernels.
51.2126 Particles and dust.
51.2127 Injury.
51.2128 Damage.
51.2129 Serious damage.
51.2130 Diameter.
51.2131 Fairly uniform in size.

Subpart X—United States Standards for Shelled English Walnuts (Juglans Regia)

GENERAL

51.2275 Application.
51.2276 [Reserved]

GRADES

51.2277 U. S. No. 1.
51.2278 U. S. Commercial.

UNCLASSIFIED

51.2279 [Reserved]

TOLERANCES FOR GRADE DEFECTS

51.2280 Tolerances for grade defects.

COLOR REQUIREMENTS

51.2281 Color classifications.
51.2282 Tolerances for color.
51.2283 Off color.

SIZE REQUIREMENTS

51.2284 Size classification.
51.2285 Tolerances for size.

APPLICATION OF TOLERANCES

51.2286 Application of tolerances.

DEFINITIONS

51.2287 Well dried.
51.2288 Clean.
51.2289 Shell.
51.2290 Insect injury.
51.2291 Rancidity.
51.2292 Damage.
51.2293 Serious damage.
51.2294 Very serious damage.
51.2295 Half kernel.
51.2296 Three-fourths half kernel.

Subpart Y—United States Standards for Grades of Kiwifruit

51.2335 Grades.
51.2336 Tolerances.
51.2337 Application of tolerances.
51.2338 Standard pack.
51.2339 Definitions.
51.2340 Classification of defects.
51.2341 Sample size for grade determination.

Subpart Z—United States Standards for Grades of Pistachio Nuts in the Shell

51.2540 General.
51.2541 U.S. Fancy, U.S. Extra No. 1, U.S. No. 1 and U.S. Select Grades.
51.2542 U.S. Artificially opened.
51.2543 U.S. Non-Split.
51.2544 Tolerances.
51.2545 Application of tolerances.
51.2546 Size.
51.2547 Definitions.
51.2548 Average moisture content determination.
51.2549 Metric conversion table.

Subpart AA—United States Standards for Grades of Shelled Pistachio Nuts

51.2555 General.
51.2556 Grades.
51.2557 Tolerances.
51.2558 Application of tolerances.
51.2559 Size classifications.
51.2560 Definitions.
51.2561 Average moisture content.
51.2562 Metric conversion table.

Subpart BB—United States Standards for Grades for Sweet Cherries

GRADES

51.2646 U.S. No. 1.
51.2647 U.S. Commercial.

TOLERANCES

51.2648 Tolerances.

APPLICATION OF TOLERANCES

51.2649 Application of tolerances.

DEFINITIONS

51.2650 Similar varietal characteristics.
51.2651 Mature.
51.2652 Fairly well colored.
51.2653 Well formed.
51.2654 Clean.
51.2655 Damage.
51.2656 Diameter.
51.2657 Serious damage.
51.2658 Permanent defects.
51.2659 Condition defects.

METRIC CONVERSION TABLE

51.2660 Metric conversion table.

Subpart CC—United States Standards for Shelled Runner Type Peanuts

GRADES

51.2710 U.S. No. 1 Runner.
51.2711 U.S. Runner Splits.
51.2712 U. S. No. 2 Runner.

APPLICATION OF TOLERANCES

51.2713 Application of tolerances.

DEFINITIONS

51.2714 Similar vertical characteristics.
51.2715 Whole.
51.2716 Split.
51.2717 Broken.
51.2718 Foreign material.
51.2719 Unshelled.
51.2720 Minor defects.
51.2721 Damage.

Subpart DD—United States Standards for Grades of Shelled Spanish Type Peanuts

GRADES

51.2730 U.S. No. 1 Spanish.
51.2731 U.S. Spanish Splits.
51.2732 U.S. No. 2 Spanish.

APPLICATION OF TOLERANCES

51.2733 Application of tolerances.

DEFINITIONS

51.2734 Spanish type.
51.2735 Whole.
51.2736 Split.
51.2737 Broken.
51.2738 Foreign material.
51.2739 Damage.
51.2740 Minor defects.
51.2741 Unshelled.

Subpart EE—United States Standards for Shelled Virginia Type Peanuts

GRADES

51.2750 U.S. Extra Large Virginia.
51.2751 U.S. Medium Virginia.
51.2752 U.S. No. 1 Virginia.
51.2753 U.S. Virginia Splits.
51.2754 U.S. No. 2 Virginia.

APPLICATION OF TOLERANCES

51.2755 Application of tolerances.

DEFINITIONS

51.2756 Similar varietal characteristics.
51.2757 Whole.
51.2758 Split.
51.2759 Broken.
51.2760 Foreign material.
51.2761 Unshelled.
51.2762 Minor defects.
51.2763 Damage.

Subpart FF—United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types)

GRADES

51.2830 U.S. No. 1.
51.2831 U.S. Export No. 1.
51.2832 U.S. Commercial.
51.2833 U.S. No. 1 Boilers.
51.2834 U.S. No. 1 Picklers.
51.2835 U.S. No. 2.

SIZE CLASSIFICATIONS

51.2836 Size classifications.

TOLERANCES

51.2837 Tolerances.

SAMPLES FOR GRADE AND SIZE DETERMINATION

51.2838 Samples for grade and size determination.

APPLICATION OF TOLERANCES

51.2839 Application of tolerances.

EXPORT PACKING REQUIREMENTS

51.2840 Export packing requirements.

DEFINITIONS

51.2841 Mature.
51.2842 Dormant.
51.2843 Fairly firm.
51.2844 Fairly well shaped.
51.2845 Wet sunscald.
51.2846 Doubles.
51.2847 Bottlenecks.
51.2848 Scallions.
51.2849 Damage.
51.2850 Diameter.
51.2851 Badly misshapen.
51.2852 Serious damage.
51.2853 One type.

METRIC CONVERSION TABLE

51.2854 Metric conversion table.

Subpart GG—United States Standards for Grades of Walnuts in the Shell

GENERAL

51.2945 Application.
51.2946 [Reserved]
51.2947 Method of inspection.

GRADES

51.2948 U.S. No. 1.
51.2949 U.S. No. 2.
51.2950 U.S. No. 3.

UNCLASSIFIELD

51.2951 [Reserved]

SIZE SPECIFICATIONS

51.2952 Size specifications.

VARIETY OR TYPE SPECIFICATIONS

51.2953 Variety or type specifications.

TOLERANCES FOR GRADE DEFECTS

51.2954 Tolerances for grade defects.

APPLICATION OF TOLERANCES

51.2955 Application of tolerances.

DEFINITIONS

51.2956 Practically clean.
51.2957 Bright.
51.2958 Splits.
51.2959 Injury by discoloration.
51.2960 Damage.
51.2961 Well dried.
51.2962 Decay.
51.2963 Dark discoloration.
51.2964 Rancidity.
51.2965 Fairly clean.
51.2966 Serious damage.

Subpart HH—United States Standards for Florida Avocados

GRADES

51.3050 U.S. No. 1.
51.3051 U.S. Combination.
51.3052 U.S. No. 2.
51.3053 U.S. No. 3.

UNCLASSIFIED

51.3054 Unclassified.

STANDARD PACK

51.3055 Standard pack.

APPLICATION OF TOLERANCES

51.3056 Application of tolerances.

DEFINITIONS

51.3057 Similar varietal characteristics.
51.3058 Mature.
51.3059 Overripe.

51.3060 Well formed.
51.3061 Clean.
51.3062 Well colored.
51.3063 Well trimmed.
51.3064 Damage.
51.3065 Fairly well formed.
51.3066 Fairly well colored.
51.3067 Serious damage.
51.3068 Badly misshapen.
51.3069 Very serious damage.

Subpart II—United States Standards for Grades of Bermuda-Granex-Grano Type Onions

GRADES

51.3195 U.S. No. 1.
51.3196 U.S. Combination.
51.3197 U.S. No. 2.

SIZE CLASSIFICATIONS

51.3198 Size classifications.

TOLERANCES

51.3199 Tolerances.

SAMPLES FOR GRADE AND SIZE DETERMINATION

51.3200 Samples for grade and size determination.

APPLICATION OF TOLERANCES

51.3201 Application of tolerances.

DEFINITIONS

51.3202 Similar varietal characteristics.
51.3203 Mature.
51.3204 Fairly firm.
51.3205 Fairly well shaped.
51.3206 Wet sunscald.
51.3207 Doubles.
51.3208 Bottlenecks.
51.3209 Damage.
51.3210 Serious damage.
51.3211 Diameter.

METRIC CONVERSION TABLE

51.3212 Metric conversion table.

Subpart JJ—United States Standards for Grades of Potatoes for Processing

51.3410 Grades.
51.3411 Usable piece.
51.3412 Unusable material.
51.3413 Size.
51.3414 Application of standards.
51.3415 Definitions.
51.3416 Classification of defects.
51.3417 Optional test for specific gravity.
51.3418 Optional test for fry color.

AUTHORITY: 7 U.S.C. 1621–1627.

Subpart A—Requirements

SOURCE: 32 FR 15066, Nov. 1, 1967, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

ADMINISTRATIVE

§ 51.1 Administration of the regulations in this part.

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

(b) The conduct of all services and the hiring and licensing of inspection, grading and sampling personnel under these regulations shall be accomplished without discrimination as to race, color, religion, sex or national origin.

(c) None of the requirements in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered by the requirements in this part.

[39 FR 40937, Nov. 22, 1974. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 85 FR 19379, Apr. 7, 2020]

DEFINITIONS

§ 51.2 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:

(a) *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.

(b) *Administrator.* ''Administrator'' means the Administrator of Agricultural Marketing Service.

(c) *Applicant.* ''Applicant'' means any interested party who has applied for inspection service under the regulations in this part.

(d) *Carlot.* ''Carlot''means any number of containers which contain a product of the same kind located on or unloaded from the same conveyance and available for inspection at the same time and location: *Provided,* That:

(1) Product of the same carlot shall be considered to be separate lots whenever the product differs markedly as to quality and/or condition, and such differences are definitely associated with certain brands, varieties, sizes or container markings;

(2) If the applicant requests more than one inspection certificate covering portions of the same carlot, the quantity of the carlot covered by each certificate shall be considered to be a separate carlot;

(3) If product of the same carlot is packed in more than one size or type container, each such size or type shall be considered to be a separate lot.

(e) *Carlot equivalent.* ''Carlot equivalent'' shall be the quantity of an individual product customarily loaded in common highway trailers.

(f) *Condition.* (1) ''Condition'' means the relative degree of soundness of a product which may affect its merchantability and includes those factors which are subject to change and may result from, but not necessarily limited to, age, improper handling, storage or lack of refrigeration.

(2) Examples of condition factors include maturity or stage of ripeness; state of freshness, such as crispness, tenderness, or toughness; wilting; shriveling or flabbiness; mechanical injuries resulting from improper handling after packing; progressive pathological, physiological, and virus diseases, including fungal and bacterial roots; and freezing damage which may occur in transit or storage; or any other factor which may occur, develop, or progress in the marketing channels.

(g) *Agricultural Marketing Service.* ''Agricultural Marketing Service'' means the Agricultural Marketing Service of the Department.

(h) *Department.* ''Department'' means the U.S. Department of Agriculture.

(i) *Federal-State Inspection Agency.* ''Federal-State Inspection Agency'' means any State agency, business association or trade organization, private firm, or other person or corporation with which the Department has entered into a cooperative agreement for inspection service.

(j) *Grade.* ''Grade'' means a class or rank of quality.

(k) *Inspector.* ''Inspector'' 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 quality, quantity and/or condition of any fresh product covered in this part, and to perform related duties in connection with the inspection service.

(l) *Inspection service.* ''Inspection service'' means:

(1) The Service established and conducted under the regulations in this part for the determination and certification or other identification as to the grade, the quality and/or condition of fresh fruits or vegetables and related products including the condition of container.

(2) Performance by an inspector of any related services such as reporting the temperatures of loads or lots of fresh products.

(3) To observe conditions under which a product is being packed, to observe plant sanitation as a prerequisite to inspection of the packed product either on a continuous or periodic basis, or checkload the inspected product in connection with the marketing of the product.

(4) The issuance of inspection certificates or reports relating to paragraphs (j)(1), (2), and (3) of this section.

(m) *Interested party.* ''Interested party'' means any person who has a financial interest in the product for which inspection is requested.

(n) *Other products.* Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

(o) *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), and any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(p) *Packing plant.* ''Packing plant'' means the premises, buildings, structures, and equipment including but not limited to, machines, utensils, fixtures, employed or used with respect to preparation and packing the product.

(q) *Quality.* ''Quality'' means the combination of the inherent properties or attributes of a product which determines its relative degree of excellence.

(r) *Regulations.* ''Regulations'' means the regulations in this subpart.

(s) *Sample.* ''Sample'' means any number of sample units to be used for inspection.

(t) *Sample unit.* ''Sample unit'' means a container and/or its entire contents, a portion of the contents of a container or other unit of a commodity, or a composite mixture of a commodity to be used for inspection.

(u) *Sampling.* ''Sampling'' means the act of selecting samples of a commodity for the purpose of inspection under the regulations in this part.

(v) *Secretary.* ''Secretary'' means the Secretary of Agriculture of the United States or any officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

[32 FR 15066, Nov. 1, 1967. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 56 FR 55799, Oct. 30, 1991; 85 FR 19379, Apr. 7, 2020]

§ 51.3 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 purpose of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) *Inspection certificate.* ''Inspection certificate'' means any form of certification, either written or printed, used under this part to certify with respect to the inspection, identification, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) *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.

(c) *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 § 51.49, 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.

(d) *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.

(e) *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 U.S. Department of Agriculture grade standards and to facilitate conduct of the Inspection Service.

INSPECTION SERVICE

§51.4 Where inspection service is offered.

Products will be inspected at appropriate points indicated in paragraphs (a), (b), and (c) of this section whenever inspectors are available.

(a) *Shipping points.* Inspection service is available in all areas covered by cooperative agreements entered into on behalf of the Department with Cooperating Federal-State Inspection Agencies providing for this inspection work pursuant to authority contained in any Act of Congress, or may be provided in any other area which is not covered by a cooperative agreement if the Administrator determines that it is practicable to provide inspection service.

(b) *Destination markets.* Inspection is available in all central markets in which an inspection office is located.

(c) *Other destination points.* Inspection may be made at any point which may be conveniently reached from any terminal market in which an inspection office is located to the extent inspection personnel is available.

(d) *Addresses of offices.* Any prospective applicant may obtain an up-to-date list of inspection offices by addressing an inquiry to Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§51.5 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.

§51.6 How to make application.

An application for inspection service may be filed in an office of inspection at any market referred to in §51.4 (b), (c), or (d) or with any inspector. It may be made in writing, orally, electronically, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by the applicant in writing or electronically. An application may be made for one or more lots, or it may be in the nature of a blanket application for inspection of all designated lots of a given commodity within a particular period, or for all designated lots loaded or received at a specified point.

[81 FR 93572, Dec. 21, 2016]

§51.7 Form of application.

Each application for inspection service shall state (a) the name and address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and address of the shipper; (c) the kind and quantity of the products involved; (d) the interest of the applicant therein; (e) the identification of the products by (1) grade, brand, or other marks, if practicable, (2) car number of carrier or number of truck or name of boat, if practicable, and (3) the name and location of the store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made; (g) when the lot is to be inspected in a receiving market, the name and address of the receiver; (h) the name of the shipping point and of the destination, when known; and (i) such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.

§51.8 Filing of application.

An application shall be regarded as filed only when made at the office of inspection nearest the place where the

commodity is located. A record showing the date and time of filing shall be made and kept in such office.

§ 51.9 When application may be rejected.

An application may be rejected by the inspector in charge of the appropriate office of inspection if the applicant objects to the inspector cutting an adequate number of specimens to determine the interior quality or condition of the product to be inspected, or for failure of the applicant (a) to observe the regulations of this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for inspection, (c) to pay for previous inspection services rendered, or (d) when it appears that to perform the inspection and certification service would not be to the best interest of the Government. Such applicant shall be notified promptly of the reason for such rejection.

§ 51.10 When application may be withdrawn.

An application may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the Inspection Service in connection with such application.

§ 51.11 Authority to request inspection.

Proof of the interest of an applicant in the product involved, or of the authority of any person applying for inspection in behalf of another may be required, at the discretion of the inspector.

§ 51.12 Accessibility of products.

The applicant shall cause the products for which inspection is requested to be made reasonably accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as, in the opinion of the inspector, will permit a true and correct determination to be made of their quality or condition.

§ 51.13 Basis of service.

Inspection and certification service for quality and/or condition shall be based upon the appropriate standards promulgated by the U.S. Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced, specifications of any governmental agency, written buyer and seller contract specifications, or any written specification by an applicant which is approved by the Administrator: *Provided,* That if such product is regulated pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), or the comparable laws of any State, such inspection and certification shall be on the basis of the standards, if any, prescribed in, or pursuant to, the marketing order and/or agreement effective thereunder.

§ 51.14 Order of inspection service.

Inspection service shall be performed, insofar as practicable, in the order of which applications are received, except that precedence shall be given (a) to the inspection of lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (U.S.C. 449a *et seq.*), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal or State Government.

§ 51.15 Financial interest of inspector.

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

§ 51.16 Postponing inspection service.

If the inspector has reason to believe that, because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the product, he shall postpone examination for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition. Inspection shall also be postponed by the inspector, unless otherwise directed by the applicant, if in his judgment examination of the product when exposed to

low temperatures may result in damage to the product.

§ 51.17 Official sampling.

Samples may be officially drawn by any duly authorized inspector and delivered, or shipped, for analysis and certification to the nearest designated market or to such market as shall be directed by the Administrator. The container in which such samples are delivered, or shipped, shall contain a statement, signed by the inspector who drew the samples, showing the time and place of the sampling and the brands or other identifying marks of the containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the samples, and the name of the inspector by whom they were drawn.

§ 51.18 Certificate forms.

Certificates shall be issued on forms approved by the Administrator.

§ 51.19 Issuance of certificates.

(a)(1) A separate certificate shall be issued for each lot inspected, except that when an application covers more than one lot a single certificate may be issued to cover all such lots. The person signing and issuing the certificate shall be one of the following:

(i) The inspector who performed the inspection;

(ii) An inspector designated by the Administrator as the ''inspector in charge,'' when the certificate represents composite inspection of several persons;

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

(iv) With the approval of the administrator, the signature of the person performing the inspection or that of an employee of the Inspection Service who has been authorized to act in a supervisory capacity may be affixed by computer to an official certificate.

(2) *Provided*, That in all cases the inspection certificate shall be prepared in accordance with the official memoranda of the inspector or inspectors who performed the inspection.

(b) When the inspection is made for the purpose of determining whether food products for use by the applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or noncompliance may be indicated by affixing an appropriate stamp or mark on such products or the containers thereof, at the discretion of the inspector.

[35 FR 13571, Aug. 26, 1970. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981; 51 FR 8478, Mar. 12, 1986; 84 FR 8590, Mar. 11, 2019]

§ 51.20 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, grade statements, lot or car numbers, identification marks, types of containers, sizes, 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.

§ 51.21 Disposition of inspection certificates.

(a) The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be delivered or mailed to the shipper of the inspected product. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise, it shall be filed in the appropriate office of the cooperating Federal-State Inspection Agency. Unless otherwise directed by the Administrator, two copies of each official certificate issued on products received in destination markets shall be forwarded to the Administrator to be kept on file in Washington and no copies of official certificates issued at shipping point need be so forwarded. In the case

of any product covered by a marketing agreement and/or order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Administrator may prescribe. Copies may be furnished to other interested parties as outlined in § 51.41.

(b) [Reserved]

[63 FR 15277, Mar. 31, 1998]

§ 51.22 Disposition of samples.

If it is necessary to take samples of the product to the inspection office for further examination, the inspector, after completion of inspection of such samples shall dispose of them or any usable portion as follows: (a) Ascertain from the applicant if the owner wants the samples returned to him at his expense, (b) if he does not want them returned at his expense, give them to a nonsectarian charitable organization or, (c) if they have a substantial monetary value, sell them and remit the proceeds to the Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or if applicable, to the cooperating State Agency. Such proceeds shall be deposited to the credit of the Inspection Trust Fund, Federal or cooperating agency, whichever is applicable.

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

Upon request of an applicant, all or any part of the contents of a certificate covering an inspection requested by him may be telegraphed or telephoned to him, or to any person designated by him, at his expense. If the application for such information is received after the certificate has been issued, it will be considered as an application for an extra copy of the certificate, and the fees prescribed in § 51.41 shall apply.

APPEAL INSPECTION

§ 51.24 When appeal inspection may be requested.

An application for appeal inspection may be made by any financially interested person who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot can be positively identified by the Inspection Service as the lot which was previously inspected.

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

An appeal inspection may be obtained by the applicant, or other person financially interested in the product, by filing a request (a) with the Inspection Office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) with any district supervisory inspection office, or (d) with the Administrator. The application for the appeal inspection shall state the reasons therefor, and shall be accompanied by a copy of any previous inspection certificate or inspection report, and any other information which the applicant received regarding the quality or condition of the product at the time of the original 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.

§ 51.26 Record of filing time.

A record showing the date and time of filing an application for appeal inspection shall be made promptly by the receiving office.

§ 51.27 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 product has undergone a material change since the inspection covering the product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be, made accessible for the inspection; (d) the lot relative to which appeal inspection is requested cannot be identified positively by the inspector as the lot which was previously inspected; or (e) there is noncompliance with the regulations in this part. Such an applicant shall be notified promptly of the reason for refusal.

§ 51.28 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 any travel expenses, telephone, telegraph or other expenses which have been incurred by the Inspection Service in connection with such application.

§ 51.29 Order in which made.

Appeal inspections shall be made, as soon as practicable, following the time requested by the applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except applications for inspections covering lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 as amended (7 U.S.C. 499a *et seq.*).

§ 51.30 Who shall perform appeal inspections.

Appeal inspections shall be performed by an inspector or inspectors authorized for this purpose by the Administrator and whenever practical, such appeal inspections shall be made by two inspectors.

§ 51.31 Appeal inspection certificate.

After an appeal inspection has been completed, 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 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 described therein. The inspector or inspectors issuing an appeal inspection certificate shall sign the certificate and forward notice of such issuance to such persons as considered 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 of certificates and issuance of certificates, shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who receive copies of the superseded certificate.

LICENSING OF INSPECTORS

§ 51.32 Who may be licensed.

Persons who are employed by a cooperative Federal-State Inspection Agency and possess adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed as inspectors of products which may be inspected under the regulations in this part. Such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. A licensed inspector shall perform his duties pursuant to the regulations in this subpart as directed by the Administrator.

§ 51.33 Application to become a licensed inspector.

Application to become a licensed inspector shall be made to the Administrator on forms furnished for that purpose. Each such application shall be filled in and signed by the applicant in his own handwriting, and the application shall contain or be accompanied by:

(a) A statement of present address, age, height, and weight of the applicant;

(b) A statement showing education and present and previous occupations, together with names of all employers for whom he has worked with periods of service, during the last 5 years previous to the date of his application;

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

(d) Such other information as may be required by the Administrator.

§ 51.34 Suspension or revocation of license of a licensed inspector.

Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any 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 10 days after the receipt of the aforesaid notice and statement of the 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 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

§ 51.35 Surrender of license.

Upon termination of his services as a licensed inspector, or suspension or revocation of his license, a 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 case of an expired license.

§ 51.36 Expiration and renewal of license.

An inspector's license issued pursuant to the regulations in this subpart shall expire on December 31 of each year in which it is issued. The license of an inspector may be renewed by the issuance of a new license and the renewal shall subject the inspector to the terms and conditions of the regulations of this subpart.

[37 FR 11313, June 7, 1972. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

SCHEDULE OF FEES AND CHARGES AT DESTINATION MARKETS

§ 51.37 Charges for fees, rates, and expenses.

For each carlot of product inspected, a fee or rate determined in accordance with §§ 51.38, 51.39, and 51.40, and expenses determined in accordance with § 51.41, shall be paid by the applicant.

[89 FR 106234, Dec. 30, 2024]

§ 51.38 Basis for fees and rates.

(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)(1) 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:

(i) *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.

(ii) *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.

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

(2) 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.

(c) When an inspection is delayed because product is not available or readily accessible, a charge for waiting time shall be determined using the formulas in this section.

[79 FR 67320, Nov. 13, 2014]

§ 51.39 Charges for fees and rates for 8e import inspection.

(a) *8e import inspection fees charged on a per-pound basis.*—(1) *Establishing the per-pound inspection rate.* To compute the per-pound inspection rate, divide the current per-lot inspection fee for a full carlot (whole lot) by 40,000 (the generally accepted weight by pound of a full carlot).

(2) *Applying the per-pound rate.* The per-pound inspection rate shall be applied to the following lot sizes as follows:

(i) For a full carlot, multiply the per-pound rate by the total weight of the full carlot plus any applicable fees for additional lots of the same product as described in paragraph (b) of this section.

(ii) For lots less than a full carlot, multiply the per-pound rate by the total weight of the lot with a minimum fee equivalent to a 2-hour charge computed at the current established hourly rate, whichever is greater, plus any applicable fees for additional lots of the same product as described in paragraph (b) of this section.

(b) *8e import inspection fees charged on additional lots of the same product.* To compute the inspection fee for additional lots of the same product, multiply each additional lot by one-half of the current non-8e additional lot of the same product inspection fee.

[89 FR 106234, Dec. 30, 2024]

§ 51.40 Fees for appeal inspections.

The fee to be charged to an applicant, including any Government agency, for appeal inspections on all products shall be at the same rate as those set forth in this part, except that when a material error is found in the determination of the original inspection, no fee will be charged.

[56 FR 55800, Oct. 30, 1991. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.41 Traveling and other expenses.

Costs including travel incurred by the Agricultural Marketing Service in providing inspection service or appeal inspections may be charged to the applicant, including any Government agency. These charges shall be included with the fee for inspection on the bill furnished the applicant.

[56 FR 55800, Oct. 30, 1991. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.42 Fees for additional copies of inspection certificates.

Additional copies of any inspection certificate other than those copies provided for in § 51.21, or copies of official memoranda, may be mailed, faxed, or otherwise provided to any interested party upon payment of a fee of $5.00 for each copy.

[56 FR 55800, Oct. 30, 1991. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.43 Charges for inspection services on a contract basis.

Irrespective of fees and charges prescribed in the foregoing sections, the Administrator may enter into contracts with applicants to perform 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 services provided for in such contracts shall be on such basis as will reimburse the Agricultural Marketing Service of the Department for the full cost of conducting such inspection service, including an appropriate overhead charge to

cover as nearly as practicable administrative overhead expenses, as may be determined by the Administrator.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.44 How fees shall be paid.

Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the billing office, and in advance, if required by the inspector.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.45 Disposition of fees.

(a) The fees collected for services rendered shall be disposed of as follows:

(1) Fees for inspections made by inspectors acting exclusively for the Agricultural Marketing Service shall be remitted promptly to the Agricultural Marketing Service.

(2) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organization shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State or other cooperating bodies as may be due the United States shall be remitted to the Agricultural Marketing Service.

(b) Fees and charges collected pursuant to §§ 51.40 to 51.41 shall be remitted to the Agricultural Marketing Service.

(c) Fees and charges collected pursuant to § 51.42 shall be disposed of in accordance with the terms of the contract.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

SCHEDULE OF FEES AND CHARGES AT SHIPPING POINT AREAS

§ 51.46 Fees and charges at shipping point areas.

Fees for inspection performed under cooperative agreements pursuant to authority contained in any Act of Congress shall be those provided by such agreements.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

MISCELLANEOUS

§ 51.47 Denial of inspection service.

Any or all benefits of the act may be denied any person for any of the following reasons: (a) Any willful misrepresentation or deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection service; (b) any fradulent or unauthorized use, alteration, or imitation of any certificate issued pursuant to the regulations in this subpart; (c) any interference with or obstruction of any inspector or official sampler in the performance of his duties, by intimidation, threat, assault or any other improper means; or (d) any willful violation of the regulations in this subpart may be deemed sufficient cause for debarring the person found guilty thereof from any or all benefits of the acts, after notice and opportunity for hearing has been accorded him. 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 govern proceedings conducted pursuant to this section.

[32 FR 15066, Nov. 1, 1967. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 60 FR 8464, Feb. 14, 1995]

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.48 Political activity.

All inspectors are forbidden, during the period of their respective appointments or while holding a valid inspectors' license to take an active part in political campaigns and a violation by a licensee shall constitute grounds for revocation of his license. All Federal employees are subject to the applicable provisions of the Department's administrative regulations relating to political activity.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.49 Inspector's identification.

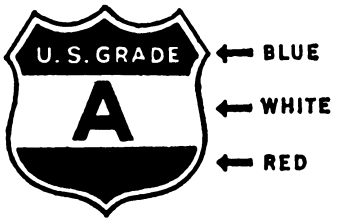
Each inspector shall have in his possession at all times, and present upon

request, while on duty, the means of identification furnished by the Department to such person.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§51.50 Approved identifications.

(a) *Grade marks.* The approved shield mark with the appropriate U.S. grade designation may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection as provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of U.S. Grade A, U.S. Grade No. 1, or a higher U.S. grade as shown within the shield. The shields with approved grade designation for use shall be similar in form and design to the examples in figures 1 and 2 of this section.



Shield using red, white and blue background

FIGURE 1

Shields with plain background.

FIGURE 2

(b) *Inspection legends.* The approved continuous inspection legends may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product meets the requirements of such quality, grade, or specification as may be approved by the Administrator. The continuous inspection legends approved for use shall be similar in form and design to the examples in figures 3 and 4.

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

FIGURE 3

PACKED BY

UNDER CONTINUOUS
FEDERAL-STATE
INSPECTION

FIGURE 4

(c) *Combined grade and inspection legends.* The grade marks set forth in paragraph (a) of this section and illustrated by figures 1 and 2 of this section and the inspection legends set forth in paragraph (b) of this section and illustrated by figures 3 and 4 of paragraph (b) of this section may be combined into a consolidated grade and inspection legend for use on products which meet the requirements of both of these paragraphs. See figure 5.

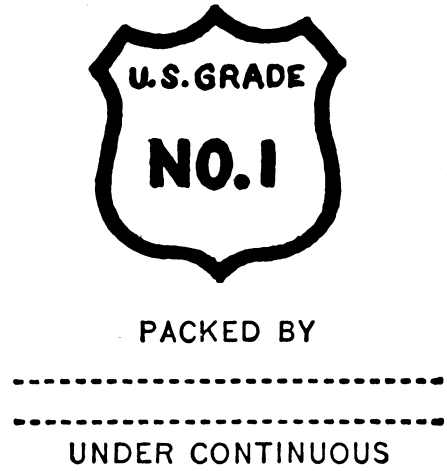


FIGURE 5

(d) *Packer identification.* The packer's name and address or assigned code number or other mark identifying the packer as may be approved by the Administrator, shall appear on any container bearing grade marks or inspection legends approved under paragraph (a), (b), or (c) of this section, as illustrated by the example in figure 6.

FIGURE 6

(e) *Other identification marks.* Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspection mark similar in form and design to figure 7 of this paragraph. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

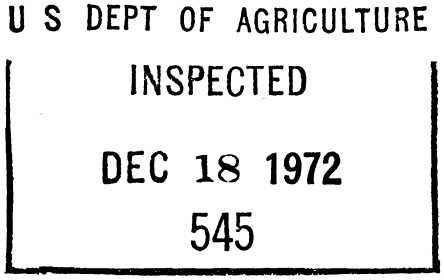


FIGURE 7

[38 FR 7448, Mar. 22, 1973. Redesignated at 42 FR 32514, June 27, 1977, further redesignated at 46 FR 63203, Dec. 31, 1981, and further redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.51 Custody of official inspection marking devices.

All official inspection marking devices as shown in figure 6 of § 51.49 shall be kept in the custody of the Agricultural Marketing Service and accurate records shall be kept of these devices. Each inspection office shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized employees of the Department who shall keep the devices in their official possession or control at all times and keep complete records of such devices.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.52 Prohibited uses of approved identification.

No label or advertising material used on, or in conjunction with any product, shall bear a brand name, trademark, product name or any other descriptive material that incorporates, resembles, simulates, or alludes to any official U.S. Department of Agriculture grade mark, grade statement, continuous inspection legend, sampling mark or

sampling statement, or combination of one or more thereof.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§51.53 Licensing and identification of certain official devices.

The Administrator may issue licenses permitting the manufacture, identification, distribution, 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 revocable 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.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

Requirements for Plants Operating Under Continuous Inspection on a Contract Basis

§51.54 Continuous inspections.

Continuous inspection service which is associated with the use of the approved shield showing the U.S. grade, the approved continuous inspection legend, or both, on the container may be furnished whenever inspectors are available, the facilities and conditions are satisfactory for the conduct of the service, and there is a signed contract between the applicant and the Department or a cooperative Federal-State Inspection Agency in which it is agreed that such service will be conducted subject to regulations governing the inspection and certification of fresh fruits, vegetables, and other products, contained in this part and any additional and supplemental instructions issued by the Department or such instructions issued by a cooperating agency which are not inconsistent with those issued by the Department.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§51.55 Plant survey.

Prior to the inauguration of continuous Federal or Federal-State Inspection Service on a contract basis, the Administrator will make or cause to be made a survey and inspection where such service is to be performed to determine whether the premises, plant and facilities are suitable and adequate for the performance of such service in accordance with the regulations in this part, including, but not limited to requirements contained in §§51.54 through 51.59.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§51.56 Premises.

The premises shall be free from conditions objectionable to packing operations, including, but not limited to litter, waste and refuse within the immediate vicinity of the plant buildings, excessively dusty roads, yards or parking lots, and poorly drained areas.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§51.57 Buildings and structures.

The packing plant buildings shall be properly constructed and maintained in a sanitary condition, including, but not limited to the following requirements:

(a) There shall be sufficient light consistent with the use to which the particular portion of the building is devoted and to permit efficient cleaning. The grading belts and bins shall be provided with sufficient proper nonglaring light to insure adequacy of grading and inspection operations;

(b) If the product is washed there shall be ample supply of water of a safe and sanitary quality with adequate facilities for its distribution throughout the plant and washing machinery;

(c) There shall also be an efficient waste disposal and plumbing system maintained in good repair;

(d) Each room in which the product is graded or stored shall be designed and

constructed as to insure operating conditions of a clean and orderly character and shall be maintained in a clean and sanitary manner; and,

(e) Every practical precaution shall be taken to exclude dogs, cats, rodents and other vermin from the rooms in which the products are to be graded or stored.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.58 Facilities.

Each packing plant shall be equipped with adequate sanitary facilities and accommodations, including but not being limited to the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size and conveniently located. Toilet rooms shall be adequately screened and equipped with self-closing doors, and shall have independent outside ventilation;

(b) Adequate lavatory accommodations and supplies shall be placed at such locations in or near toilet rooms as to insure the cleanliness of each person who grades or handles the product to be inspected; and

(c) Suitable facilities for cleaning shall be provided at convenient locations in the plant.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.59 Equipment.

All equipment used for receiving, washing, grading, packaging or storing shall be of such design, material and construction that it may be kept clean.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.60 Operations and operating procedures.

(a) The inspector shall refuse to permit the use of the official shield with grade mark or continuous inspection legend on packages if the produce is from a field or orchard having a disease or other condition which may not be apparent on individual specimens at packing time but which may cause the product to materially decrease in quality after packing.

(b) All products which are certified shall be subjected to continuous inspection throughout the packing operations.

(c) The inspectors are available for consultation purposes but shall not become involved in plant operations.

(d) The Inspection Service will not be responsible for damages occurring through any act of commission or omission on the part of its inspectors when engaged in rendering continuous inspection service; for packing errors or misbranding of products; or for failure to supply enough inspectors during any period of service provided under the contract.

(e) The applicant for continuous inspection shall:

(1) Conform to all applicable regulations under which the continuous inspection service is conducted.

(2) Use only raw material which has been handled or stored under conditions which insures its suitability for packing; maintain the plant designated herein in such sanitary condition and to employ such methods of handling raw materials for packing as may be necessary to conform to the sanitary requirements prescribed in this part.

(3) Not permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to continuous inspection to be used on any product not packed under this continuous inspection service; or permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to any U.S. Grade to be used on any product which does not meet the requirements of such grade; or to supply labels bearing reference to continuous inspection service to another plant unless the products to which such labels are to be applied have been packed under continuous inspection.

(4) Furnish any reports of packaging and output of products inspected, as may be requested by the inspection agencies.

(5) Make available to inspectors adequate office space in the designated plant and furnish suitable desks and office equipment for the proper care of inspection records.

(6) Make his laboratory or other facilities and necessary equipment available for the use of inspectors in making inspection of samples.

(7) Furnish if required, such stenographic and clerical assistance as may be necessary in the typing of certificates and reports and the handling of official correspondence, as well as the labor incident to drawing of samples and facilitating adequate inspection procedure when necessary.

(8) Submit to the Chief of the Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, for approval prior to printing, drawings or printers' proofs of each packer's or distributor's label bearing or referring in any manner to official inspection legends or grade marks.

(9) Not make deceptive, fraudulent, or unauthorized use in his advertising, or otherwise, of the continuous inspection service, the inspection certificates or reports issued, or the containers on which the shield of the Department is identified, in connection with the sale of any of the packaged products; and to submit to the Agricultural Marketing Service through the inspector assigned to the plant or other representative of the Inspection Service, for approval to use any proposed advertising in which reference is made to the Inspection Service.

[32 FR 15066, Nov. 1, 1967, as amended at 38 FR 7448, Mar. 22, 1973. Redesignated at 42 FR 32514, June 27, 1977, further redesignated at 46 FR 63203, Dec. 31, 1981, and further redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.61 Termination of contracts.

In case the applicant wishes to terminate the contract he agrees either to continue the service until all unused containers, labels and advertising material on hand or in the possession of his supplier bearing the Department shield, or reference to continuous inspection service have been used, or to destroy such containers, labels and advertising material, or to obliterate the Department shield and all other reference to the continuous inspection service on said containers, labels, and advertising material, or otherwise furnish assurance satisfactory to the Agricultural Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of this agreement. In case the continuous inspection service is terminated for cause by the Agricultural Marketing Service, the applicant agrees to destroy all unused containers, labels and advertising material on hand bearing the Department shield, or reference to continuous inspection service, or to obliterate the Department shield, and all reference to the continuous inspection service on said containers, labels and advertising material or otherwise furnish assurance satisfactory to the Agricultural Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of the agreement.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.62 Congressional interest in contracts.

No member of, or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in the regulations in this subpart 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.

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

§ 51.63 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. 0581–0125.

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

[49 FR 23826, June 8, 1984]

[32 FR 15066, Nov. 1, 1967. Redesignated at 89 FR 106234, Dec. 30, 2024]

Subpart B—United States Standards for Grades of Apples

SOURCE: 67 FR 69663, Nov. 19, 2002, unless otherwise noted.

GRADES

§ 51.300 U.S. Extra Fancy.

''U.S. Extra Fancy'' consists of apples of one variety (except when more than one variety is printed on the container) which are mature but not overripe, clean, fairly well formed, free from decay, internal browning, internal breakdown, soft scald, scab, freezing injury, visible watercore, and broken skins. The apples are also free from injury caused by bruises, brown surface discoloration, smooth net-like russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means. The apples are free from damage caused by bitter pit or Jonathan spot and by smooth solid, slightly rough or rough russeting, or stem or calyx cracks, as well as damage by invisible watercore after January 31st of the year following the year of production except for the Fuji variety of apples. Invisible watercore and smooth net-like russeting shall not be scored against the Fuji variety of apples under any circumstances. For the apple varieties listed in table 1 of § 51.305, each apple of this grade has the amount of color specified for the variety. (See §§ 51.305 and 51.306.)

[84 FR 51941, Oct. 1, 2019]

§ 51.301 U.S. Fancy.

''U.S. Fancy'' consists of apples of one variety (except when more than one variety is printed on the container) which are mature but not overripe, clean, fairly well formed, and free from decay, internal browning, internal breakdown, soft scald, freezing injury, visible watercore, and broken skins. The apples are also free from damage caused by bruises, brown surface discoloration, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, bitter pit, Jonathan spot, or damage by other means, or invisible watercore after January 31st of the year following the year of production, except for the Fuji variety of apples. Invisible watercore and smooth net-like russeting shall not be scored against the Fuji variety of apples under any circumstances. For the apple varieties listed in table 1 of § 51.305, each apple of this grade has the amount of color specified for the variety. (See §§ 51.305 and 51.306.)

[84 FR 51941, Oct. 1, 2019]

§ 51.302 U.S. No. 1.

''U.S. No. 1'' consists of apples which meet the requirements of U.S. Fancy grade except for color, russeting, and invisible water core. In this grade, less color is required for all varieties listed in table 1 of § 51.305. Apples of this grade are free from excessive damage caused by russeting which means that apples meet the russeting requirements for U.S. Fancy as defined under the definitions of ''damage by russeting,'' except the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided*, That, in the case of the Yellow Newtown or similar varieties, the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 20 percent; and that smooth net-like russeting shall not be scored against the Fuji variety under any circumstances. Each apple of this grade has the amount of color specified in § 51.305 for the variety. Invisible watercore shall not be scored in this grade. (See §§ 51.305 and 51.306.)

(a) *U.S. No. 1 Hail:* ''U.S. No. 1 Hail'' consists of apples which meet the requirements of U.S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken, are permitted, provided the apples are fairly well formed. (*See* §§ 51.305 and 51.306.)

(b) [Reserved]

[67 FR 69663, Nov. 19, 2002, as amended at 84 FR 51941, Oct. 1, 2019]

§ 51.303 U.S. Utility.

''U.S. Utility'' consists of apples of one variety (except when more than

one variety is printed on the container) which are mature but not overripe, not seriously deformed and free from decay, internal browning, internal breakdown, soft scald, and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, brown surface discoloration, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, bitter pit or Jonathan spot, disease, insects, or other means. (*See* § 51.306.)

§ 51.304 Combination grades.

(a) Combinations of the above grades may be used as follows:

(1) Combination U.S. Extra Fancy and U.S. Fancy;

(2) Combination U.S. Fancy and U.S. No. 1; and

(3) Combination U.S. No. 1 and U.S. Utility.

(b) Combinations other than these are not permitted in connection with the U.S. apple grades. When Combination grades are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (*See* § 51.306.)

COLOR REQUIREMENTS

§ 51.305 Color requirements.

(a) In addition to the requirements specified for the grades set forth in §§ 51.300 through 51.304, apples of these grades shall have the percentage of color specified for the variety in table 1 of this section. All apple varieties other than those appearing in table 1 of this section shall have no color requirements pertaining to these grades. For the solid red varieties, the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color.

(b) Color standards USDA Visual Aid APL–CC–1 (Plates a–e) consists of a folder containing the color requirements for apples set forth in paragraph (a) of this section and five plates illustrating minimum good shade of solid red or striped red color, minimum compensating color and shade not considered color, for the following 12 varieties: Red Delicious, Red Rome, Empire, Idared, Winesap, Jonathan, Stayman, McIntosh, Cortland, Rome Beauty, Delicious, and York. The color standards are available for purchase at *http://www.ams.usda.gov*.

TABLE 1 [1]

[Only the varieties listed below shall be required to meet a minimum color requirement]

Variety	U.S. extra fancy (Percent)	U.S. fancy (Percent)	U.S. No. 1 (Percent)
Red Delicious	66	40	25
Red Rome	66	40	25
Empire	66	40	25
Idared	66	40	25
Winesap	66	40	25
Jonathan	66	40	25
Stayman	50	33	25
McIntosh	50	33	25
Cortland	50	33	25
Rome Beauty	50	33	25
Delicious	50	33	25
York	50	33	25

[1] Variations on varietal designations listed above must meet or exceed those color requirements listed.

[67 FR 69663, Nov. 19, 2002, as amended at 84 FR 51941, Oct. 1, 2019]

TOLERANCES

§ 51.306 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the grades in 51.300, 51.301,

51.302, 51.303, and 51.304 the following tolerances are provided as specified:

(a) *Defects:* (1) U.S. Extra Fancy, U.S. Fancy, U.S. No. 1, and U.S. No. 1 Hail grades: 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than 1 percent for apples affected by decay or internal breakdown.

(2) *U.S. Utility grade:* 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects, and including in the total tolerance not more than 1 percent for apples affected by decay or internal breakdown.

(b) When applying the foregoing tolerances to Combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

(c) *Size:* When size is designated by the numerical count for a container, not more than 10 percent of packages in the lot may fail to be fairly uniform.[1] When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum, and not more than 10 percent may be larger than the designated maximum. For Red Delicious or Golden Delicious varieties only, a combination of minimum diameter and/or weight may be used. When this designation is used, an individual apple will be considered to have met the minimum size requirement even if the apple is smaller than the minimum diameter, provided it is equal to or greater than the weight provided in table II of this section. However, not more than 5 percent of the apples in any lot may fail to meet either the minimum diameter or minimum weight when so designated. In addition, when Red Delicious or Golden Delicious apples are designated with diameter/weight combinations, they may only be designated according to the following table:

TABLE II

Red delicious	Golden delicious
2⅛ inches or 65 grams	63 grams
2¼ inches or 75 grams	70 grams
2⅜ inches or 84 grams	82 grams
2½ inches or 100 grams	95 grams
2⅝ inches or 115 grams	109 grams
2¾ inches or 139 grams	134 grams

[1] ''Fairly uniform'' means the size of the fruit within the container does not vary more than ½ inch diameter from the smallest to largest fruit.

APPLICATION OF TOLERANCES

§ 51.307 Application of tolerances.

The contents of individual packages in the lot, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) Packages which contain more than 10 pounds:

(1) Shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) [Reserved]

(b) Packages which contain 10 pounds or less:

(1) No package may have more than 3 times the tolerance specified, except that at least three defective apples may be permitted in any package: *Provided*, That not more than three apples or more than 18 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

(2) [Reserved]

METHODS OF SAMPLING AND CALCULATION OF PERCENTAGES

§ 51.308 Methods of sampling and calculation of percentages.

(a) When the numerical count is marked on the container, containers are packed to weigh ten pounds or less, or in any container where the minimum diameter of the smallest apple does not vary more than ½ inch from

the minimum diameter of the largest apple, percentages shall be calculated on the basis of count.

(b) In all other cases except those listed in paragraph (a) of this section, they shall be calculated on the basis of weight.

CONDITION AFTER STORAGE OR TRANSIT

§ 51.309 Condition after storage or transit.

Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

PACKING REQUIREMENTS

§ 51.310 Packing requirements.

(a) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight[2] or fairly well filled.[3]

(b) Closed cartons containing apples not tray or cell packed shall be fairly well filled or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(c) Packs in wooden boxes or baskets shall be sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple shall be completely enclosed by its individual wrapper.

(d) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

(e) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.

[2] ''Fairly tight'' means that apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible.

[3] ''Fairly well filled'' means that the net weight of apples in containers ranging from 2,100 to 2,900 cubic inch capacity is not less than 37 pounds for Cortland, Gravenstein, Jonathan, McIntosh and Golden Delicious varieties and not less than 40 pounds for all other varieties.

MARKING REQUIREMENTS

§ 51.311 Marking requirements.

Variety (or varieties if more than one is packed in the container), grade, and the numerical count or minimum diameter of apples packed in a closed container shall be indicated on the container. For apple lots utilizing the combined diameter/weight designations for Red Delicious and Golden Delicious varieties, the minimum diameter and minimum weight of apples packed in a closed container shall be indicated on the container.

(a) When the numerical count is not shown, the minimum diameter or, in the case of Red Delicious or Golden Delicious lots where minimum diameter/weight designations have been chosen, the minimum diameter and weight as designated in table II, shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, or whole inches and not less than eighth inch fractions thereof in the following manner: ''A'' inches or ''B'' grams, where ''A'' corresponds to one of the diameter measurements in terms of inches listed in table II and ''B'' corresponds to the weight measurement in grams as indicated in table II. Both diameter and weight must be shown using the word ''or'' between the given measurements.

(b) The word ''minimum,'' or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. (*See* §§ 51.306 and 51.307.)

DEFINITIONS

§ 51.312 Mature.

''Mature'' means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples:

(a) *''Hard''* means apples with a tenacious flesh and starchy flavor.

(b) *''Firm''* means apples with a tenacious flesh but which are becoming

crisp with a slightly starchy flavor, except the Delicious variety.

(c) ''*Firm ripe*'' means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) ''*Ripe*'' means apples with mealy flesh and soon to become soft for the variety.

§ 51.313 Overripe.

''*Overripe*'' means apples which have progressed beyond the stage of ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.314 Clean.

''*Clean*'' means that the apples are free from excessive dirt, dust, spray residue, and other foreign material.

§ 51.315 Fairly well formed.

''*Fairly well formed*'' means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

§ 51.316 Injury.

''*Injury*'' means any specific defect defined in this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detract from the appearance or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''*inch*'' or ''*inches in diameter*'' refers to that of a circle of the specified diameter. Any reference to ''*aggregate area,*'' ''*total area,*'' or ''*aggregate affected area*'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as injury:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether an apple is injured by russeting. Smooth net-like russeting outside of the stem cavity or calyx basin shall be considered as injury when an aggregate area of more than 10 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the amount permitted above.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one-fourth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.

(d) Hail marks, drought spots, other similar depressions or scars:

(1) When the skin is broken, whether healed or unhealed;

(2) When there is appreciable discoloration of the surface;

(3) When any surface indentation exceeds one-sixteenth inch in depth;

(4) When any surface indentation exceeds one-eighth inch in diameter; or

(5) When the aggregate affected area of such spots exceeds one-half inch in diameter.

(e) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) ⅛ inch in depth;

(2) ⅝ inch in diameter;

(3) any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraphs (e)(1) or (2) of this section.

(f) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than ¼ inch in diameter.

(g) Disease: (1) Cedar rust infection which affects a total area of more than three-sixteenths inch in diameter.

(2) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(3) Red skin spots which are thinly scattered over more than one-tenth of

the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(h) Insects: (1) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.

(2) Worm holes.

[67 FR 69663, Nov. 19, 2002; 67 FR 79516, Dec. 30, 2002]

§51.317 Damage.

''*Damage*'' means any specific defect defined in this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detract from the appearance, or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''*inch*'' or ''*inches in diameter*'' refers to that of a circle of the specified diameter. Any reference to ''*aggregate area*,'' ''*total area*,'' or ''*aggregate affected area*'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as damage:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

(1) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the amount permitted above.

(3) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(4) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.

(5) Rough russeting which covers an aggregate area of more than one-fourth inch in diameter.

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.

(d) Hail marks, drought spots, other similar depressions, or scars:

(1) When any unhealed mark is present;

(2) When any surface indentation exceeds one-eighth inch in depth;

(3) When the skin has not been broken and the aggregate affected area exceeds one-half inch in diameter; or

(4) When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Invisible water core existing around the core and extending to water core in the vascular bundles, or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce, or existing in more than a slight degree outside the circular area formed by the vascular bundles. *Provided,* That invisible water core shall not be scored

as damage against the Fuji variety of apples under any circumstances.

(g) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) 3/16 inch in depth;

(2) 7/8 inch in diameter;

(3) any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraphs (g)(1) or (2) of this section.

(h) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than ½ inch in diameter.

(i) Disease: (1) Scab spots which affect a total area of more than one-fourth inch in diameter.

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(4) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(5) Bitter pit or Jonathan spot when one or more spots affects the surface of the apple.

(j) Insects: (1) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.

(2) Worm holes.

[67 FR 69663, Nov. 19, 2002; 67 FR 79517, Dec. 30, 2002]

§ 51.318 Serious damage.

''*Serious damage*'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detract from the appearance, or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''inch'' or ''inches in diameter'' refers to that of a circle of the specified diameter. Any reference to ''aggregate area,'' ''total area,'' or ''aggregate affected area'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as serious damage:

(a) The following types and amounts of russeting shall be considered as serious damage:

(1) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russeting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided,* That any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(2) [Reserved]

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided,* That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well healed hail marks where the skin has been broken.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(f) Visible water core which affects an area of more than one-half inch in diameter.

(g) *Disease:* (1) Scab spots which affect a total area of more than three-fourths inch in diameter.

(2) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.

(3) Sooty blotch or fly speck which affects more than one-third of the surface.

(4) Red skin spots which affect more than one-third of the surface.

(5) Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface.

(h) *Insects:* (1) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.

(2) Worm holes.

(i) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) ⅜ inch in depth;

(2) 1⅛ inches in diameter;

(3) any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraph (i)(1) or (2) of this section.

(j) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than ¾ inch in diameter.

§ 51.319 Seriously deformed.

''*Seriously deformed*'' means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.320 Diameter.

When measuring for minimum size, ''diameter'' means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size, ''diameter'' means the smallest dimension of the apple determined by passing the apple through a round opening in any position.

U.S. Condition Standards for Export

§ 51.321 U.S. Condition Standards for Export.[4]

(a) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(b) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(c) Not more than a total of 5 percent of the apples in any lot shall be affected by scald, internal breakdown, freezing injury, or decay; or damaged by bitter pit, Jonathan spot, water core[5] except that invisible water core shall not be scored as damage when these condition standards are applied to the Fuji variety of apples, or other condition factors: *Provided*, That:

(1) Not more than a total of 2 percent shall be allowed for apples affected by decay and soft scald;

(2) Not more than 2 percent shall be allowed for apples affected by internal breakdown;

(d) Container packs shall comply with packing requirements specified in § 51.310 of the United States Standards for Grades of Apples.

(e) Any lot of apples shall be considered as meeting the U.S. Condition Standards for Export if the entire lot averages within the requirements specified: *Provided*, That no package in any lot shall have more than double the percentages specified, except that for packages which contain 10 pounds or less, individual packages in any lot may have not more than three times the tolerance or three apples (whichever is the greater amount).

Metric Conversion Table

§ 51.322 Metric conversion table.

Inches	Millimeters (mm)
1/16 equals	1.6
⅛ equals	3.2
3/16 equals	4.8
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1⅛ equals	28.6
2⅛ equals	54.0
2¼ equals	57.2
2⅜ equals	60.3
2½ equals	63.5
2¾ equals	69.9

[4] These standards may be applied to domestic shipments of apples as well as export lots, and may be referred to as ''U.S. Condition Standards.''

[5] ''Damage by water core'' means externally invisible water core existing around the core and extending to water core in the vascular bundles, or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce, or existing in more than slight degree outside the circular area formed by the vascular bundles, or any externally visible water core.

Cubic Inches	Cubic Centimeters (cc)
2100 equals	34,412.7
2900 equals	47,522.3

Pounds	Grams (g)
10 equals	4,536.0
37 equals	16,783.2
40 equals	18,144.0

Subpart C—United States Standards for Grades of Apples for Processing

SOURCE: 26 FR 3604, Apr. 27, 1961, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.340 U.S. No. 1.

''U.S. No. 1'' consists of apples of one variety, unless designated as mixed varieties, which are not overripe, which are free from decay, worm holes, freezing injury and internal breakdown and free from any other defect, or combination of defects, the removal of which in the usual commercial preparation for use will cause a loss of more than 5 percent, by weight, of the apple.

§ 51.341 U.S. No. 2.

''U.S. No. 2'' consists of apples of one variety, unless designated as mixed varieties, which are not overripe, which are free from decay, worm holes, freezing injury and internal breakdown and free from any other defect, or combination of defects, the removal of which in the usual commercial preparation for use will cause a loss of more than 12 percent, by weight, of the apple.

§ 51.342 U.S. Cider.

''U.S. Cider'' consists of apples which are free from decay, worm holes and internal breakdown.

CULLS

§ 51.343 Culls.

''Culls'' consist of apples which fail to meet the requirements of U.S. Cider Grade.

SIZE

§ 51.344 Size.

(a) The minimum and maximum sizes or range of sizes shall be determined as agreed upon by buyer and seller.

(b) Unless otherwise specified, the minimum and maximum sizes or range of sizes shall be determined by the use of an approved sizing chain of the exact dimension specified in the agreement between buyer and seller.

(c) Size is the dimension of the apples determined by the smallest opening through which it will pass.

APPLICATION OF STANDARDS

§ 51.345 Application of standards.

(a) When a lot of apples is required to meet a specific U.S. grade, the tolerances as set forth in § 51.346 shall apply. When packed in closed packages the application of tolerances in § 51.347 shall apply. The application of tolerances shall not apply to apples in open or bulk containers.

(b) In the application of these standards to determine the percentage of the lot which meets the requirements of each of the grades, tolerances shall not apply.

TOLERANCES

§ 51.346 Tolerances.

When a lot of apples is required to meet one of the U.S. grades, the apples shall not be further advanced in maturity than generally firm ripe, and the following tolerances, by weight, shall apply:

(a) *For defects.* 10 percent for apples which fail to meet the requirements of the grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

(1) 2 percent for apples which are affected by decay;

(2) 2 percent for apples which are affected by internal breakdown; and,

(3) 5 percent for apples which are affected by worm holes.

(b) *For off-size.* 5 percent for apples which are smaller than any specified minimum size, and 10 percent for apples larger than any specified maximum size.

APPLICATION OF TOLERANCES

§ 51.347 Application of tolerances.

Apples in closed packages are subject to the following limitations provided the averages for the entire lot are within the tolerances specified for the grade:

(a) For a tolerance of 10 percent, individual packages shall have not more than one and one-half times the tolerance specified. For a tolerance of less than 10 percent, individual packages shall have not more than double the tolerances specified.

DEFINITIONS

§ 51.348 One variety.

One variety within the meaning of these standards shall include all bud sports and strains of the specified variety.

§ 51.349 Overripe.

Overripe means apples which are dead ripe, and with flesh very mealy or soft.

Subpart D—Application of Tolerances

SOURCE: 34 FR 13905, Aug. 30, 1969, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.620 U.S. Fancy.

''U.S. Fancy'' consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration: Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.);

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Smooth texture;

(6) Well formed; and

(7) Well colored.

(b) Free from:

(1) Ammoniation;

(2) Bruises;

(3) Buckskin;

(4) Decay;

(5) Growth cracks;

(6) Scab;

(7) Skin breakdown;

(8) Sprayburn;

(9) Unhealed skin breaks; and

(10) Wormy fruit.

(c) Free from injury caused by:

(1) Green spots;

(2) Hail;

(3) Oil spots;

(4) Scale;

(5) Scars; and

(6) Thorn scratches.

(d) Free from damage caused by:

(1) Dryness or mushy condition;

(2) Insects;

(3) Sprouting;

(4) Sunburn; and

(5) Other means.

(e) For tolerances see § 51.628.

[85 FR 68422, Oct. 29, 2020]

§ 51.621 U.S. No. 1.

''U.S. No. 1'' consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration: Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.);

(2) Fairly smooth texture;

(3) Fairly well colored;

(4) Fairly well formed;

(5) Firm;

(6) Mature; and

(7) Similar varietal characteristics.

(b) Free from:

(1) Bruises;

(2) Caked melanose;

(3) Decay;

(4) Growth cracks;

(5) Sprayburn;

(6) Unhealed skin breaks; and

(7) Wormy fruit.

(c) Free from damage caused by:

(1) Ammoniation;

(2) Buckskin;

(3) Caked melanose;

(4) Dryness or mushy condition;

(5) Green spots;

(6) Hail;

(7) Oil spots;

(8) Scab;

(9) Scale;

(10) Scars;

(11) Skin breakdown;

(12) Sprayburn;

(13) Sprouting;

(14) Sunburn;

(15) Thorn scratches; and
(16) Other means.
(d) For tolerances see § 51.628.

[85 FR 68422, Oct. 29, 2020]

§ 51.622 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.628.

§ 51.623 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration and at least 10 percent, by count, of the fruit shall have more than one-half of their surface, in the aggregate, affected by discoloration. The predominating discoloration on each of these fruits shall be of rust mite type. For tolerances see § 51.628.

[85 FR 68423, Oct. 29, 2020]

§ 51.624 U.S. Combination.

''U.S. Combination'' consists of a combination of U.S. No. 1 and U.S. No. 2 grapefruit: *Provided*, That at least 55 percent, by count, meet the requirements of U.S. No. 1 grade for defects, *And provided further*, That the lot meets the basic requirement for discoloration as specified in the U.S. No. 2 grade. For tolerances see § 51.628.

[85 FR 68423, Oct. 29, 2020]

§ 51.625 U.S. No. 2.

''U.S. No. 2'' consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration: Not more than two-thirds of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.);
(2) Fairly firm;
(3) Mature;
(4) Not more than slightly misshapen;
(5) Not more than slightly rough texture;
(6) Slightly colored; and
(7) Similar varietal characteristics.
(b) Free from:
(1) Bruises;
(2) Decay;
(3) Growth cracks;
(4) Unhealed skin breaks; and
(5) Wormy fruit.
(c) Free from serious damaged caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Dryness or mushy condition;
(5) Green spots;
(6) Hail;
(7) Oil spots;
(8) Scab;
(9) Scale;
(10) Scars;
(11) Skin breakdown;
(12) Sprayburn;
(13) Sprouting;
(14) Sunburn;
(15) Thorn scratches; and
(16) Other means.
(d) For tolerances see § 51.628.

[85 FR 68423, Oct. 29, 2020]

§ 51.626 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that at least 10 percent of the fruit shall have more than two-thirds of their surface, in the aggregate, affected by any type of discoloration. For tolerances see § 51.628.

[85 FR 68423, Oct. 29, 2020]

§ 51.627 U.S. No. 3.

''U.S. No. 3'' consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) May be misshapen;
(3) May be slightly spongy;
(4) May have rough texture;
(5) May be poorly colored. Not more than 25 percent of the surface may be of a solid dark green color;
(6) Not seriously lumpy or cracked; and
(7) Similar varietal characteristics.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;

(4) Dryness or mushy condition;
(5) Green spots;
(6) Hail;
(7) Oil spots;
(8) Scab;
(9) Scale;
(10) Scars;
(11) Skin breakdown;
(12) Sprayburn;
(13) Sprouting;
(14) Sunburn;
(15) Thorn scratches; and
(16) Other means.
(d) For tolerances see § 51.628.

[85 FR 68423, Oct. 29, 2020]

TOLERANCES

§ 51.628 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified. No tolerance shall apply to wormy fruit.

(a) *Defects*—(1) *U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. No. 2, and U.S. No. 2 Russet*—(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided,* That included in this amount not more than 5 percent shall be allowed for defects causing very serious damage, including in this latter amount not more than 1 percent for decay.

(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or

(B) 7 percent for defects causing very serious damage, including therein not more than 5 percent for very serious damage by permanent defects and not more than 3 percent for decay.

(2) *U.S. Combination*—(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the U.S. No. 2 grade: *Provided,* That included in this amount not more than 5 percent shall be allowed for defects causing very serious damage, included in this latter amount not more than 1 percent for decay.

(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit in any lot may fail to meet the requirements of the U.S. No. 2 grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or

(B) 7 percent for defects causing very serious damage, including therein not more than 5 percent for very serious damage by permanent defects and not more than 3 percent for decay.

(iii) *For defects at shipping point*[1] *and en route or at destination.* No part of any tolerance shall be allowed to reduce, for the lot as a whole, the 55 percent of U.S. No. 1 fruit required in the U.S. Combination grade, but individual samples may have not more than 15 percent less than the required percentage for the grade: *Provided,* That the entire lot averages within the percentage required.

(3) *U.S. No. 3*—(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the grade: *Provided,* That included in this amount not more than 1 percent for decay.

(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit in any lot may fail to meet the requirements of the grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or

(B) 3 percent for decay.

(b) *Discoloration*—(1) *U.S. No. 1, U.S. No. 1 Bright, U.S. Combination, and U.S. No. 2.* Not more than 10 percent of the fruit in any lot may fail to meet the requirements relating to discoloration as specified in each grade; No sample may have more than 20 percent of the fruit with excessive discoloration: *Provided,*

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

That the entire lot averages within the percentage specified.

(2) *U.S. No. 1 Bronze.* At least 10 percent of the fruit shall have more than one-half of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage: *Provided*, That the entire lot averages within the percentage specified. No tolerance is provided for fruit showing no discoloration.

(3) *U.S. No. 2 Russet.* At least 10 percent of the fruit shall have more than two-thirds of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage: *Provided*, That the entire lot averages within the percentage specified.

[85 FR 68423, Oct. 29, 2020]

APPLICATION OF TOLERANCES

§ 51.629 Application of tolerances.

Individual samples are subject to the following limitations, unless otherwise specified in § 51.628. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided*, That at least one decayed fruit may be permitted in any sample: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

[85 FR 68424, Oct. 29, 2020]

STANDARD PACK

§ 51.630 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size. When packed in approved containers, fruit shall be arranged according to approved and recognized methods.

(b) ''Fairly uniform in size'' means that not more than 10 percent of fruit in any lot, and not more than double that amount in any sample, are outside the ranges of diameters given in Table 1 to this section:

TABLE 1 TO § 51.630 TO PARAGRAPH (b)—7/10 BUSHEL CARTON

Pack size/Number of grapefruit	Diameter in inches	
	Minimum	Maximum
18	4-15/16	5-9/16
23	4-5/16	5
27	4-2/16	4-12/16
32	3-15/16	4-8/16
36	3-13/16	4-5/16
40	3-10/16	4-2/16
48	3-9/16	3-14/16
56	3-5/16	3-10/16
64	3	3-8/16

(c) ''Uniform in size'' means that not more than 10 percent of fruit in any lot, and not more than double that amount in any sample, may vary more than the following amounts:

(1) 32 size and smaller—not more than six-sixteenths inch in diameter; and

(2) 27 size and larger—not more than nine-sixteenths inch in diameter.

(d) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

[85 FR 68424, Oct. 29, 2020]

DEFINITIONS

§ 51.631 Mature.

Mature shall have the same meaning currently assigned that term in the laws and regulations of the State in which the grapefruit is grown; or as the definition of such term may hereafter be amended.

§ 51.632 Similar varietal characteristics.

Similar varietal characteristics means that the fruits in any container are similar in color and shape.

§ 51.633 Well colored.

Well colored means that the fruit is yellow in color with practically no trace of green color.

§ 51.634 Firm.

Firm means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.635 Well formed.

Well formed means that the fruit has the shape characteristic of the variety.

§ 51.636 Smooth texture.

Smooth texture means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.637 Injury.

Injury means any specific defect described in Table 1 to § 51.652; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

[85 FR 68424, Oct. 29, 2020]

§ 51.638 Discoloration.

Discoloration means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.639 Fairly well colored.

Fairly well colored means that except for a 1-inch circle in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.640 Fairly well formed.

Fairly well formed means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed or otherwise deformed.

§ 51.641 Fairly smooth texture.

Fairly smooth texture means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.642 Damage.

Damage means any specific defect described in Table 1 to § 51.652; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

[85 FR 68424, Oct. 29, 2020]

§ 51.643 Fairly firm.

Fairly firm means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.644 Slightly misshapen.

Slightly misshapen means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.645 Slightly rough texture.

Slightly rough texture means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.646 Serious damage.

Serious damage means any specific defect described in Table 1 to § 51.652; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

[85 FR 68424, Oct. 29, 2020]

§ 51.647 Slightly colored.

Slightly colored means that, except for a 2-inch circle in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.648 Misshapen.

Misshapen means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.649 Slightly spongy.

Slightly spongy means that the fruit is puffy or slightly wilted but not flabby.

§ 51.650 Very serious damage.

Very serious damage means any specific defect described in Table 1 to

§ 51.652; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

[85 FR 68424, Oct. 29, 2020]

§ 51.651 Diameter.

Diameter means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.652 Classification of defects.

All references to area or aggregate area, or length in this standard are based on a grapefruit 4⅛ inches in diameter, allowing proportionately greater areas on larger fruit and lesser areas on smaller fruit.

TABLE 1 TO § 51.652

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1¼ inches in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose			Aggregating more than a circle 1 inch in diameter.	Aggregating more than 25 percent of the surface.
Dryness or mushy condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots.	More than slightly affecting appearance.	Aggregating more than a circle 1 inch in diameter.	Aggregating more than a circle 1½ inches in diameter..	
Hail	Not well healed, or aggregating more than a circle ⅜ inch in diameter.	Not well healed, or aggregating more than a circle ½ inch in diameter.	Not well healed, or aggregating more than a circle ⅝ inch in diameter.	Not well healed, or aggregating more than a circle 1 inch in diameter.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle 1 inch in diameter.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Blotch aggregating more than a circle ¾ inch in diameter, or occurring as a ring more than a circle 1¼ inches in diameter.	Blotch aggregating more than a circle 1 inch in diameter, or occurring as a ring more than a circle 1½ inches in diameter.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep or very rough aggregating more than a circle ½ inch in diameter; deep or rough aggregating more than 1 inch in diameter; slightly rough or of slight depth aggregating more than 10 percent of surface.	Very deep or very rough aggregating more than a circle 1 inch in diameter; deep or rough aggregating more than 5 percent of the fruit surface; slight depth or slightly rough aggregating more than 15 percent of surface.	Very deep or very rough or unsightly that appearance is very seriously affected.
Skin Breakdown		Aggregating more than a circle ⅜ inch in diameter.	Aggregating more than a circle ⅝ inch in diameter.	Aggregating more than a circle 1¼ inches in diameter.

TABLE 1 TO § 51.652—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Sprayburn			Hard or aggregating more than a circle 1¼ inches in diameter.	Aggregating more than 25 percent of the surface.
Sprouting		More than 6 seeds are sprouted, including not more than 1 sprout extending to the rind, remainder average not over ¼ inch in length.	More than 6 seeds are sprouted, including not more than 2 sprouts extending to the rind, remainder average not over ½ inch in length.	More than 6 seeds are sprouted, including not more than 3 sprouts extending to the rind, remainder average not over ¾ inch in length.
Sunburn		Skin is flattened, dry, darkened, or hard, aggregating more than 25 percent of surface.	Skin is hard, fruit is decidedly one-sided, aggregating more than one-third of surface.	Aggregating more than 50 percent of fruit surface.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter, or slight scratches aggregating more than a circle 1 inch in diameter.	Not well healed, hard concentrated thorn injury aggregating more than a circle ⅞ inch in diameter, or slight scratches aggregating more than a circle 1¼ inches in diameter.	Aggregating more than 25 percent of the surface.

[85 FR 68424, Oct. 29, 2020]

METRIC CONVERSION TABLE

§ 51.653 Metric conversion table.

Inches	Millimeters (mm)
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
9/16 equals	14.3
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
1½ equals	38.1
3 equals	76.2
3 2/16 equals	79.4
3 6/16 equals	85.7
3 8/16 equals	88.9
3 10/16 equals	92.1
3 13/16 equals	96.8
3 14/16 equals	98.4
3 15/16 equals	100.0
4 2/16 equals	104.8
4 5/16 equals	109.5
4 8/16 equals	114.3
4 12/16 equals	120.7
5 equals	127.0

Subpart E—Application of Tolerances

SOURCE: 34 FR 13909, Aug. 30, 1969; 34 FR 14325, Sept. 12, 1969, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GENERAL

§ 51.680 General.

The standards in this subpart apply only to the common or sweet orange group and varieties belonging to the Mandarin group except tangerines for which separate U.S. Standards are issued.

GRADES

§ 51.681 U.S. Fancy.

''U.S. Fancy'' consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration: Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.);

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Smooth texture;

(6) Well colored; and

(7) Well formed.

(b) Free from:

(1) Ammoniation;

(2) Bruises;

(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Decay;
(7) Growth cracks;
(8) Scab;
(9) Skin breakdown;
(10) Sprayburn;
(11) Undeveloped segments;
(12) Unhealed skin breaks; and
(13) Wormy fruit.
(c) Free from injury caused by:
(1) Green spots;
(2) Hail;
(3) Oil spots;
(4) Rough, wide or protruding navels;
(5) Scale;
(6) Scars;
(7) Split navels; and
(8) Thorn scratches.
(d) Free from damage caused by:
(1) Dirt or other foreign material;
(2) Disease;
(3) Dryness or mushy condition;
(4) Insects;
(5) Sunburn; and
(6) Other means.
(e) For tolerances see § 51.689.

[85 FR 68426, Oct. 29, 2020]

§ 51.682 U.S. No. 1.

''U.S. No. 1'' consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Color:
(i) Early and midseason varieties shall be fairly well colored.
(ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.
(2) Discoloration: Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.);
(3) Firm;
(4) Fairly smooth texture;
(5) Mature;
(6) Similar varietal characteristics; and
(7) Well formed.
(b) Free from:
(1) Bruises;
(2) Caked melanose;
(3) Decay;
(4) Growth cracks;
(5) Sprayburn;
(6) Undeveloped segments;
(7) Unhealed skin breaks; and
(8) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Creasing;
(4) Dirt or other foreign material;
(5) Disease;
(6) Dryness or mushy condition;
(7) Green spots;
(8) Hail;
(9) Insects;
(10) Oil spots;
(11) Scab;
(12) Scale;
(13) Scars;
(14) Skin breakdown;
(15) Split, rough or protruding navels;
(16) Sunburn;
(17) Thorn scratches; and
(18) Other means.
(d) For tolerances see § 51.689.

[85 FR 68426, Oct. 29, 2020]

§ 51.683 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.689.

§ 51.684 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration and at least 10 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type. For tolerances see § 51.689.

[85 FR 68426, Oct. 29, 2020]

§ 51.685 U.S. Combination.

''U.S. Combination'' consists of a combination of U.S. No. 1 and U.S. No. 2 oranges: *Provided*, That at least 55 percent, by count, meet the requirements of U.S. No. 1 grade for defects, *And provided further*, That the lot meets the basic requirement for discoloration as specified in the U.S. No. 2 grade. For tolerances see § 51.689.

[85 FR 68426, Oct. 29, 2020]

§ 51.686 U.S. No. 2.

''U.S. No. 2'' consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration: Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.);

(2) Fairly firm;

(3) Mature;

(4) Not more than slightly misshapen;

(5) Not more than slightly rough texture;

(6) Reasonably well colored; and

(7) Similar varietal characteristics.

(b) Free from:

(1) Bruises;

(2) Decay;

(3) Growth cracks;

(4) Unhealed skin breaks; and

(5) Wormy fruit.

(c) Free from serious damaged caused by:

(1) Ammoniation;

(2) Buckskin;

(3) Caked melanose;

(4) Creasing;

(5) Dirt or other foreign material;

(6) Disease;

(7) Dryness or mushy condition;

(8) Green spots;

(9) Hail;

(10) Insects;

(11) Oil spots;

(12) Scab;

(13) Scale;

(14) Scars;

(15) Skin breakdown;

(16) Split, rough or protruding navels;

(17) Sprayburn;

(18) Sunburn;

(19) Thorn scratches; and

(20) Other means.

(d) For tolerances see § 51.689.

[85 FR 68426, Oct. 29, 2020]

§ 51.687 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that at least 10 percent by count of the fruit shall have more than one-half of their surface, in the aggregate, affected by any type of discoloration. For tolerances see § 51.689.

[85 FR 68426, Oct. 29, 2020]

§ 51.688 U.S. No. 3.

''U.S. No. 3'' consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Mature;

(2) May be misshapen;

(3) May be poorly colored. Not more than 25 percent of the surface may be of a solid dark green color;

(4) May be slightly spongy;

(5) May have rough texture;

(6) Not seriously lumpy or cracked; and

(7) Similar varietal characteristics.

(b) Free from:

(1) Decay;

(2) Unhealed skin breaks; and

(3) Wormy fruit.

(c) Free from very serious damage caused by other means.

(d) For tolerances see § 51.689.

[85 FR 68426, Oct. 29, 2020]

TOLERANCES

§ 51.689 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified. No tolerance shall apply to wormy fruit.

(a) *Defects*—(1) *U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. No. 2, and U.S. No. 2 Russet Grades*—(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, That included in this amount not more than 5 percent shall be allowed for defects causing very serious damage, including in this latter amount not more than 1 percent for decay.

(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, That included in this amount not

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or

(B) 7 percent for defects causing very serious damage, including therein not more than 5 percent for very serious damage by permanent defects and not more than 3 percent for decay.

(2) *U.S. Combination*—(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the U.S. No. 2 grade: *Provided*, That included in this amount not more than 5 percent shall be allowed for defects causing very serious damage, including in this latter amount not more than 1 percent for decay.

(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit in any lot may fail to meet the requirements of the U.S. No. 2 grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or

(B) 7 percent for defects causing very serious damage, including therein not more than 5 percent for very serious damage by permanent defects and not more than 3 percent for decay.

(iii) *For defects at shipping point*[1] *and en route or at destination.* No part of any tolerance shall be allowed to reduce for the lot as a whole, the 55 percent of U.S. No. 1 fruit required in the U.S. Combination grade, but individual samples may have not more than 15 percent less than the required percentage for the grade: *Provided*, That the entire lot averages within the percentage required.

(3) *U.S. No. 3*—(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the grade: *Provided*, That included in this amount not more than 1 percent for decay.

(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit in any lot may fail to meet the requirements of the grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or

(B) 3 percent for decay.

(b) *Discoloration*—(1) *U.S. No. 1, U.S. No. 1 Bright, U.S. Combination, and U.S. No. 2.* Not more than 10 percent of the fruit in any lot may fail to meet the requirements relating to discoloration as specified in each grade. No sample may have more than 20 percent of the fruit with excessive discoloration: *Provided*, That the entire lot averages within the percentage specified.

(2) *U.S. No. 1 Bronze.* At least 10 percent of the fruit shall have more than one-third of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage. No sample may have less than 5 percent of the fruit with required discoloration: *Provided*, That the entire lot averages within the percentage specified. No tolerance shall apply to fruit showing no discoloration.

(3) *U.S. No. 2 Russet.* At least 10 percent of the fruit shall have more than one-half of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage. No sample may have less than 5 percent of the fruit with the required discoloration: *Provided*, That the entire lot averages within the percentage specified.

[85 FR 68427, Oct. 29, 2020]

APPLICATION OF TOLERANCES

§ 51.690 Application of tolerances.

Individual samples are subject to the following limitations, unless otherwise specified in § 51.689. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided*, That at least one decayed may be permitted in any sample: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

[85 FR 68427, Oct. 29, 2020]

STANDARD PACK

§ 51.691 Standard pack.

(a) Fruit shall be fairly uniform in size. When packed in approved containers, fruit shall be arranged according to approved and recognized methods.

(b) ''Fairly uniform in size'' means that not more than 10 percent of fruit in any lot, and not more than double that amount in any sample, are outside the ranges of diameters given in Table 1.

TABLE 1 TO § 51.691 PARAGRAPH (b)—7/10 BUSHEL CARTON

Pack size/Number of oranges	Diameter in inches	
	Minimum	Maximum
24	3-12/16	5-1/16
32	3-6/16	4-9/16
36	3-4/16	4-6/16
40	3-2/16	4-4/16
48	2-15/16	4
56	2-13/16	3-13/16
64	2-11/16	3-10/16
72	2-9/16	3-8/16
88	2-8/16	3-4/16
113	2-7/16	3
138	2-6/16	2-12/16
163	2-3/16	2-8/16

(c) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

[85 FR 68427, Oct. 29, 2020]

STANDARD SIZING

§ 51.692 Standard sizing.

(a) Boxes, cartons, bag packs, or bulk loads in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing: *Provided*, that the ranges are fairly uniform in size as defined in § 51.691.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing.

[34 FR 13909, Aug. 30, 1969; 34 FR 14325, Sept. 12, 1969. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 66 FR 48788, Sept. 24, 2001]

DEFINITIONS

§ 51.693 Mature.

Mature shall have the same meaning currently assigned that term in the laws and regulations of the State in which the orange is grown; or as the definition of such term may hereafter be amended.

§ 51.694 Similar varietal characteristics.

Similar varietal characteristics means that the fruits in any container are similar in color and shape.

§ 51.695 Well colored.

Well colored means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.696 Firm.

Firm as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.697 Well formed.

Well formed means that the fruit has the shape characteristic of the variety.

§ 51.698 Smooth texture.

Smooth texture means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.699 Injury.

Injury means any specific defect described in Table 1 to § 51.713; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

[85 FR 68427, Oct. 29, 2020]

§ 51.700 Discoloration.

Discoloration means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed

on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.701 Fairly smooth texture.

Fairly smooth texture means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.702 Damage.

Damage means any specific defect described in Table 1 to § 51.713; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

[85 FR 68427, Oct. 29, 2020]

§ 51.703 Fairly well colored.

Fairly well colored means that except for a one inch circle in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

§ 51.704 Reasonably well colored.

Reasonably well colored means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface in the aggregate which is not discolored.

§ 51.705 Fairly firm.

Fairly firm as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin) means that the fruit is not extremely puffy or the skin extremely loose.

§ 51.706 Slightly misshapen.

Slightly misshapen means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.707 Slightly rough texture.

Slightly rough texture means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.708 Serious damage.

Serious damage means any specific defect described in Table 1 to § 51.713; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

[85 FR 68428, Oct. 29, 2020]

§ 51.709 Misshapen.

Misshapen means that the fruit is decidedly elongated, pointed or flatsided.

§ 51.710 Slightly spongy.

Slightly spongy means that the fruit is puffy or slightly wilted but not flabby.

§ 51.711 Very serious damage.

Very serious damage means any specific defect described in Table 1 to § 51.713; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

[85 FR 68428, Oct. 29, 2020]

§ 51.712 Diameter.

Diameter means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

§ 51.713 Classification of defects.

All references to area or aggregate area, or length in this standard are based on an orange 2⅞ inches in diameter, allowing proportionately greater areas on larger fruit and lesser areas on smaller fruit.

TABLE 1 TO §51.713

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle 3/4 inch in diameter or light colored and aggregating more than a circle 1 1/4 inches in diameter.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 inch in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose			Aggregating more than a circle 3/4 inch in diameter.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition.		Affecting all segments more than 1/4 inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/2 inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 3/4 inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots.	More than slightly affecting appearance.	Aggregating more than a circle 7/8 inch in diameter.	Aggregating more than a circle 1 1/4 inches in diameter..	
Hail	Not well healed, or aggregating more than a circle 1/4 inch in diameter.	Not well healed, or aggregating more than a circle 3/8 inch in diameter.	Not well healed, or aggregating more than a circle 1/2 inch in diameter.	Not well healed, or aggregating more than a circle 3/4 inch in diameter.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle 5/8 inch in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle 3/4 inch in diameter.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle 5/8 inch in diameter.	Aggregating more than a circle 3/4 inch in diameter.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough or hard aggregating more than a circle 1/4 inch in diameter; slightly rough with slight depth aggregating more than a circle 7/8 inch in diameter; smooth or fairly smooth with slight depth aggregating more than a circle 1 1/4 inches in diameter.	Deep, rough aggregating more than a circle 1/2 inch in diameter; slightly rough with slight depth aggregating more than a circle 1 1/4 inches in diameter.	Deep, rough or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle 1/4 inch in diameter.	Aggregating more than a circle 5/8 inch in diameter.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened or hard, aggregating more than 25 percent of the surface.	Affecting more than one-third of the surface, hard, decidedly one-sided, or light brown and aggregating more than a circle 1 1/4 inches in diameter.	Aggregating more than 50 percent of the surface.

TABLE 1 TO § 51.713—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Sprayburn			Hard, or aggregating more than a circle 1¼ inches in diameter.	Aggregating more than 25 percent of the surface.
Split, rough or protruding navels.	Split is unhealed; navel protrudes beyond general contour; opening is so wide, growth so folded and ridged that it detracts noticeably from appearance.	Split is unhealed, or more than ¼ inch in length, or more than 3 well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded or ridged that it detracts materially from appearance.	Split is unhealed, or more than ½ inch in length, or aggregate length of all splits exceed 1 inch, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it seriously detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not slight, not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ⅝ inch in diameter.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter.	Aggregating more than 25 percent of the surface.

[85 FR 68428, Oct. 29, 2020]

METRIC CONVERSION TABLE

§ 51.714 Metric conversion table.

Inches	Millimeters (mm)
¼ equals	6.4
5/16 equals	7.9
⅜ equals	9.5
½ equals	12.7
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
2 3/16 equals	55.6
2 4/16 equals	57.2
2 7/16 equals	61.9
2 8/16 equals	63.5
2 9/16 equals	65.1
2 11/16 equals	68.3
2 12/16 equals	69.9
2 15/16 equals	74.6
3 1/16 equals	77.8
3 3/16 equals	81.0
3 5/16 equals	84.1
3 7/16 equals	87.3
3 9/16 equals	90.5
3 13/16 equals	96.8

Subpart F—United States Standards for Grades of Florida Grapefruit

SOURCE: 61 FR 20703, May 8, 1996, unless otherwise noted.

GRADES

§ 51.750 U.S. Fancy.

''U.S. Fancy'' consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration: Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.);

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Smooth texture;

(6) Well colored; and,

(7) Well formed.

(b) Free from:

(1) Ammoniation;

(2) Buckskin;

(3) Caked melanose;

(4) Decay;

(5) Scab;

(6) Sprayburn;

(7) Unhealed skin breaks; and,

(8) Wormy fruit.

(c) Free from injury caused by:

(1) Bruises;

(2) Green spots;

(3) Oil spots;

(4) Scale;

(5) Scars;

(6) Skin breakdown; and,

(7) Thorn scratches.

(d) Free from damage caused by:

(1) Dirt or other foreign material;
(2) Disease;
(3) Dryness or mushy condition;
(4) Hail;
(5) Insects;
(6) Sprouting;
(7) Sunburn; and,
(8) Other means.
(e) For tolerances see § 51.760.

§ 51.751 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that fruit shall have not more than one-fifth of its surface, in the aggregate, affected by discoloration. For tolerances see § 51.760.

§ 51.752 U.S. No. 1.

''U.S. No. 1'' consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration: Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.);
(2) Fairly smooth texture;
(3) Fairly well colored;
(4) Firm;
(5) Mature;
(6) Similar varietal characteristics; and,
(7) Well formed.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and,
(3) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Sprayburn;
(17) Sprouting;
(18) Sunburn;
(19) Thorn scratches; and,
(20) Other means.
(d) For tolerances see § 51.760.

§ 51.753 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by discoloration. For tolerances see § 51.760.

§ 51.754 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that at least 30 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on each of these fruits shall be of rust mite type. For tolerances see § 51.760.

§ 51.755 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that at least 30 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration. For tolerances see § 51.760.

§ 51.756 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that fruit shall have not more than one-fifth of its surface, in the aggregate, affected by discoloration. For tolerances see § 51.760.

§ 51.757 U.S. No. 2.

''U.S. No. 2'' consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration: Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.);
(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Slightly colored;
(6) Not more than slightly misshapen; and,
(7) Not more than slightly rough texture.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and,

(3) Wormy fruit.
(c) Free from serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Sprayburn;
(17) Sprouting;
(18) Sunburn;
(19) Thorn scratches; and,
(20) Other means.
(d) For tolerances see § 51.760.

§ 51.758 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that at least 10 percent of the fruit shall have more than one-half of their surface, in the aggregate, affected by any type of discoloration. For tolerances see § 51.760.

§ 51.759 U.S. No. 3.

''U.S. No. 3'' consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Misshapen;
(3) Poorly colored;
(4) Rough texture, not seriously bumpy;
(5) Similar varietal characteristics; and,
(6) Slightly spongy.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and,
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Disease;
(6) Dryness or mushy condition;
(7) Hail;
(8) Insects;
(9) Oil spotting;
(10) Scab;
(11) Scale;
(12) Scars;
(13) Skin breakdown;
(14) Sprayburn;
(15) Sprouting;
(16) Sunburn; and,
(17) Other means.
(d) For tolerances see § 51.760.

TOLERANCES

§ 51.760 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified:
(a) *Defects.* (1) U.S. Fancy, U.S. No. 1 Bright, U.S. No. 1, U.S. No. 1 Golden, U.S. No. 1 Bronze, U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, and U.S. No. 2 Russet.
(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, that included in this amount not more than 5 percent shall be allowed for defects causing very serious damage, including in this latter amount not more than 1 percent for decay or wormy fruit.
(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit which fail to meet the requirements of the specified grade: *Provided*, that included in this amount not more than the following percentages shall be allowed for defects listed:
(A) 10 percent for fruit having permanent defects; or,
(B) 7 percent for defects causing very serious damage, including therein not more than 5 percent for very serious damage by permanent defects and not more than 3 percent for decay or wormy fruit.
(2) U.S. No. 3.

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the grade: *Provided*, that included in this amount not more than 1 percent shall be for decay or wormy fruit.

(ii) *For defects en route or at destination*. Not more than 12 percent of the fruit which fail to meet the requirements of the grade: *Provided*, that included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or,

(B) 3 percent for decay or wormy fruit.

(b) *Discoloration*—(1) *U.S. No. 1 Bright, U.S. No. 1, U.S. No. 2 Bright, and U.S. No. 2*. Not more than 10 percent of the fruit in any lot may fail to meet the requirements relating to discoloration as specified in each grade. No sample may have more than 20 percent of the fruit with excessive discoloration: *And provided further*, that the entire lot averages within percentage specified.

(2) *U.S. No. 1 Golden*. Not more than 30 percent of the fruit shall have in excess of one-third of their surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to increase this percentage. No sample may have more than 40 percent of the fruit with excessive discoloration: *And provided further*, that the entire lot averages within the percentage specified.

(3) *U.S. No. 1 Bronze, and U.S. No. 1 Russet*. At least 30 percent of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage. No sample may have less than 20 percent of the fruit with required discoloration: *And provided further*, that the entire lot averages within the percentage specified.

(4) *U.S. No. 2 Russet*. At least 10 percent of the fruit shall have in excess of one-half of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage: *And provided further*, that the entire lot averages within the percentage specified.

[61 FR 20703, May 8, 1996, as amended at 61 FR 40290, Aug. 2, 1996; 62 FR 2897, Jan. 21, 1997]

APPLICATION OF TOLERANCES

§ 51.761 Application of tolerances.

Individual samples are subject to the following limitations, unless otherwise specified in § 51.760. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided*, that at least one decayed or wormy fruit may be permitted in any sample: *And provided further*, that the averages for the entire lot are within the tolerances specified for the grade.

[62 FR 2897, Jan. 21, 1997]

SIZE

§ 51.762 Size.

(a) Fruits shall be fairly uniform in size and shall be packed in containers according to approved and recognized methods.

(b) ''Fairly uniform in size'' means that not more than 10 percent of the grapefruit per sample may vary more than one-half inch in diameter.

(c) In order to allow for variations incident to proper sizing, not more than 10 percent of the samples in any lot may fail to meet the requirements of size.

DEFINITIONS

§ 51.763 Similar varietal characteristics.

Similar varietal characteristics means that the fruits in any container are similar in color and shape.

§ 51.764 Well colored.

Well colored means that the fruit has characteristic color for the variety with practically no trace of green color.

§ 51.765 Firm.

Firm means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.766 Well formed.

Well formed means that the fruit has the shape characteristic of the variety.

§ 51.767 Mature.

Mature shall have the same meaning assigned the term in the Florida Citrus Code, Chapter 601, 1995 Edition, and the Official Rules Affecting the Florida Citrus Industry, in effect as of February 12, 1995. These grapefruit maturity requirements are contained in the Florida Citrus Code, Chapter 601, Florida Statutes, Sections 601.16, 601.17, and 601.18, 1995 Edition, and the State of Florida Department of Citrus Official Rules Affecting the Florida Citrus Industry, Part 1, Chapter 20–13 Market Classification, Maturity Standards and Processing or Packing Restrictions for Hybrids in effect as of February 12, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from, Florida Department of Citrus, Post Office Box 148, Lakeland, Florida 33802 or copies of both regulations may be inspected at USDA, AMS, F&VD, FPB, Standardization Section, Room 2065–S, 14th and Independence Ave., Washington, DC 20250 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

§ 51.768 Smooth texture.

Smooth texture means that the skin is thin and smooth for the variety and size of the fruit. ''Thin'' means that the skin thickness does not average more than ⅜ inch (9.5 mm), on a central cross section, on grapefruit 4⅛ inches (104.8 mm) in diameter.

§ 51.769 Injury.

Injury means any specific defect described in § 51.784, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.770 Discoloration.

Discoloration means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck-type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.771 Fairly well colored.

Fairly well colored means that except for an aggregate area of green color which does not exceed the area of a circle 1 inch (25.4 mm) in diameter, the characteristic color predominates over the green color.

§ 51.772 Fairly smooth texture.

Fairly smooth texture means that the skin is fairly thin and not coarse for the variety and size of the fruit. ''Fairly thin'' means that the skin thickness does not average more than ½ inch (12.7 mm), on a grapefruit 4⅛ inches (104.8 mm) in diameter.

§ 51.773 Damage.

Damage means any specific defect described in § 51.784, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.774 Fairly firm.

Fairly firm means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.775 Slightly misshapen.

Slightly misshapen means that the fruit has fairly good shape characteristic of the variety and is not more than slightly elongated or pointed or otherwise deformed.

§ 51.776 Slightly rough texture.

Slightly rough texture means that the skin may be slightly thick but not excessively thick, materially ridged or grooved. ''Slightly thick'' means that the skin thickness does not average more than 5/8 inch (15.9 mm), on a central cross section, on a grapefruit 4 1/8 inches (104.8 mm) in diameter.

§ 51.777 Serious damage.

Serious damage means any specific defect described in § 51.784, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.778 Slightly colored.

Slightly colored means that except for an aggregate area of green color which does not exceed the area of a circle 2 inches (50.8 mm) in diameter, the fruit surface shows some characteristic color.

§ 51.779 Poorly colored.

Poorly colored means that not more than 25 percent of the surface may be of a solid dark green color.

§ 51.780 Misshapen.

Misshapen means that the fruit is decidedly elongated, pointed, or flatsided.

§ 51.781 Slightly spongy.

Slightly spongy means that the fruit is puffy or slightly wilted but not flabby.

§ 51.782 Very serious damage.

Very serious damage means any specific defect described in § 51.784, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.783 Diameter.

Diameter means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.784 Classification of defects.

TABLE I

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.
Bruises	Segment walls are collapsed, or rag is ruptured and juice sacs are ruptured.	Segment walls are collapsed, or rag is ruptured and juice sacs are ruptured.	Segment walls are collapsed, or rag is ruptured and juice sacs are ruptured.	Fruit is split open, peel is badly watersoaked, or rag is ruptured and juice sacs are ruptured causing a mushy condition affecting all segments more than 3/4 inch (19.1 mm) at bruised area or the equivalent of this amount, by volume, when affecting more than one area on the fruit.
Buckskin		Aggregating more than a circle 1–1/4 inches (31.8 mm) in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.

TABLE I—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Dryness or mushy condition.	.....	Affecting all segments more than ¼ inch (6.4 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch (12.7 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch (19.1 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	Aggregating more than a circle ½ inch (12.7 mm) in diameter, caused by scale.	Aggregating more than a circle ¾ inch (19.1 mm) in diameter, caused by scale.	Aggregating more than a circle 1 inch (25.4 mm) in diameter, caused by scale.	Aggregating more than ⅓ of the surface, caused by scale.
Oil spots	Aggregating more than a circle ½ inch (12.7 mm) in diameter.	Aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than a circle 1½ inches (38.1 mm) in diameter.	Aggregating more than ⅓ of the surface.
Scab	.....	Materially detracts from the shape or texture, or aggregating more than a circle ¾ inch (19.1 mm) in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle ⅞ inch (22.2 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Blotch aggregating more than a circle ¾ inch (19.1 mm) in diameter, or occurring as a ring more than a circle 1¾ inches (31.8 mm) in diameter.	Blotch aggregating more than a circle 1 inch (25.4 mm) in diameter, or occurring as a ring more than a circle 1½ inches (38.1 mm) in diameter..	Aggregating more than 25 percent of the surface.
Scars, Hail, or Thorn scratches [For smooth or fairly smooth superficial scars see § 51.770.].	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep or very rough aggregating more than a circle ½ inch (12.7 mm) in diameter; deep or rough aggregating more than a circle 1 inch (25.4 mm) in diameter; slightly rough or of slight depth aggregating more than 10 percent of fruit surface.	Very deep or very rough aggregating more than a circle 1 inch (25.4 mm) in diameter; deep or rough aggregating more than 5 percent of fruit surface; slight depth or slightly rough aggregating more than 15 percent of fruit surface.	Very deep or very rough or unsightly that appearance is very seriously affected.
Skin breakdown	Aggregating more than a circle ⅜ inch (9.5 mm) in diameter.	Aggregating more than a circle ¾ inch (19.1 mm) in diameter.	Aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprayburn	.....	Aggregating more than a circle ¾ inch (19.1 mm) in diameter.	Hard and aggregating more than a circle 1½ inches (38.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprouting	.....	More than six seeds have sprouts of more than ¼ inch (6.4 mm) in length, or more than 3 seeds with sprouts over ¾ inch (19.1 mm) in length.	More than six seeds have sprouts of more than ½ inch (12.7 mm) in length, or more than 3 seeds with sprouts over 1 inch (25.4 mm) in length.	More than six seeds have sprouts of more than ¾ inch (19.1 mm) in length, or more than 3 seeds with sprouts over 1¼ inches (31.8 mm) in length.
Sunburn	.....	Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Aggregating more than 50 percent of the surface.

Note: All references to area or aggregating area, or length in this standard are based on a grapefruit 4⅛ inches (104.8 mm) in diameter, allowing proportionately greater areas on larger fruit and lesser areas on smaller fruit.

Subpart G—United States Standards for Grades of Table Grapes (European or Vinifera Type)

GRADES

§ 51.880 U.S. Extra Fancy Table.

''U.S. Extra Fancy Table'' consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are uniform in appearance, well colored, and which meet the following requirements:

(a) Basic requirements for berries:
(1) Mature;
(2) Firm;
(3) Firmly attached to capstem;
(4) Not weak;
(5) Not shriveled at capstem;
(6) Not shattered;
(7) Not split or crushed;
(8) Not wet.

(b) Basic requirements for bunches:
(1) Fairly well filled;
(2) Not excessively tight for the variety.

(c) Basic requirements for stems:
(1) Well developed and strong;
(2) Not dry and brittle;
(3) At least yellowish-green in color except for Cardinal, Robin, Exotic, and Beauty Seedless varieties.

(d) Berries free from:
(1) Decay;
(2) Waterberry;
(3) Sunburn;
(4) Almeria Spot.

(e) Stems free from:
(1) Mold;
(2) Decay.

(f) Berries not damaged by:
(1) Any other cause.

(g) Bunches not damaged by:
(1) Shot berries;
(2) Dried berries;
(3) Other defective berries;
(4) Trimming away of defective berries;
(5) Any other cause.

(h) Stems not damaged by:
(1) Freezing;
(2) Any other cause.

(i) Size:
(1) For berries: Exclusive of shot berries and dried berries, not less than 90 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
(i) Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties thirteen-sixteenths of an inch.
(ii) Other varieties eleven-sixteenths of an inch.
(2) For bunches:
(i) Not less than one-half pound.
(j) For tolerances see § 51.886.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 56 FR 15802, Apr. 18, 1991]

§ 51.881 U.S. Extra Fancy Export.

''U.S. Extra Fancy Export'' consists of grapes which meet the requirements for U.S. Extra Fancy Table and, in addition, meet the packaging requirements set forth in § 51.911.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 51.882 U.S. Fancy Table.

''U.S. Fancy Table'' consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least reasonably well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:

(a) Basic requirements for berries:
(1) Mature;
(2) Firm;
(3) Firmly attached to capstem;
(4) Not weak;
(5) Not shriveled at capstem;
(6) Not shattered;
(7) Not split or crushed;
(8) Not wet.

(b) Basic requirements for bunches:
(1) Fairly well filled;
(2) Not excessively tight for the variety.

(c) Basic requirements for stems:
(1) Well developed and strong;
(2) Not dry and brittle.

(d) Berries free from:
(1) Decay;
(2) Waterberry;
(3) Sunburn;
(4) Almeria Spot.

(e) Stems free from:
(1) Mold;
(2) Decay.

(f) Berries not damaged by:
(1) Any other cause.
(g) Bunches not damaged by:
(1) Shot berries;
(2) Dried berries;
(3) Other defective berries;
(4) Trimming away of defective berries;
(5) Any other cause.
(h) Stems not damaged by:
(1) Freezing;
(2) Any other cause.
(i) Size:
(1) For berries: Exclusive of shot berries and dried berries, the following percentages, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
(i) For Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties, 90 percent shall be at least twelve-sixteenths of an inch;
(ii) For Thompson Seedless, Perlette, Delight, Beauty Seedless, Sugraone, Flame Seedless and other seedless varieties, 75 percent shall be at least ten-sixteenths of an inch; and,
(iii) For other varieties 90 percent shall be at least ten-sixteenths of an inch.
(2) For bunches:
(i) Not less than one-fourth pound.
(j) For tolerances see § 51.886.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 48 FR 19350, Apr. 29, 1983; 56 FR 15802, Apr. 18, 1991; 64 FR 14576, Mar. 26, 1999]

§ 51.883 U.S. Fancy Export.

''U.S. Fancy Export'' consists of grapes which meet the requirements for U.S. Fancy Table, except that bunches shall weigh not less than one-half pound, and in addition meet the packaging requirements set forth in § 51.912.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 56 FR 15802, Apr. 18, 1991]

§ 51.884 U.S. No. 1 Table.

''U.S. No. 1 Table'' consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least fairly well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:
(a) Basic requirements for berries:
(1) Mature;
(2) Firm;
(3) Firmly attached to capstem;
(4) Not weak;
(5) Not materially shriveled at capstem;
(6) Not shattered;
(7) Not split or crushed;
(8) Not wet.
(b) Basic requirements for bunches:
(1) Not straggly.
(c) Basic requirements for stems:
(1) Not weak, or dry and brittle.
(d) Berries free from:
(1) Decay;
(2) Waterberry;
(3) Sunburn.
(e) Stems free from:
(1) Mold;
(2) Decay.
(f) Berries not damaged by:
(1) Any other cause.
(g) Bunches not damaged by:
(1) Shot berries;
(2) Dried berries;
(3) Other defective berries;
(4) Trimming away of defective berries;
(5) Any other cause.
(h) Stems not damaged by:
(1) Freezing;
(2) Any other cause.
(i) Size:
(1) For berries: Exclusive of shot berries and dried berries, 75 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
(i) Thompson Seedless, Perlette, Delight, Beauty Seedless, Sugraone, Flame Seedless and other seedless varieties nine-sixteenths of an inch.
(ii) Other varieties ten-sixteenths of an inch.
(2) For bunches:
(i) Not less than one-fourth pound.
(j) For tolerances see § 51.886.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 48 FR 19350, Apr. 29, 1983; 56 FR 15802, Apr. 18, 1991; 64 FR 14576, Mar. 26, 1999]

§ 51.885 U.S. No. 1 Institutional.

''U.S. No. 1 Institutional'' grapes must have no less than 95 percent of the containers in the lot legibly marked ''Institutional Pack.'' Further requirements for this grade include grapes which consist of clusters and/or bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least fairly well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:

(a) Basic requirements for berries:
(1) Mature;
(2) Firm;
(3) Firmly attached to capstem;
(4) Not weak;
(5) Not materially shriveled at capstem;
(6) Not shattered;
(7) Not split or crushed;
(8) Not wet.

(b) Basic requirements for stems: Not weak, or dry and brittle.

(c) Berries free from:
(1) Decay;
(2) Waterberry;
(3) Sunburn.

(d) Stems free from:
(1) Mold;
(2) Decay.

(e) Berries not damaged by: Any other cause.

(f) Bunches not damaged by:
(1) Shot berries;
(2) Dried berries;
(3) Other defective berries;
(4) Any other cause.

(g) Stems not damaged by:
(1) Freezing;
(2) Any other cause.

(h) Size:

(1) For berries: Exclusive of shot berries and dried berries, 75 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:

(i) Thompson Seedless, Perlette, Delight, Beauty Seedless, Sugraone, Flame Seedless and other seedless varieties nine-sixteenths of an inch.

(ii) Other varieties ten-sixteenths of an inch.

(2) For clusters/bunches: In this grade grapes shall consist of at least a two berry cluster ranging to clusters and/or bunches of grapes not greater than five ounces in weight. See section 51.913.

(i) For tolerances see section 51.886.

[61 FR 11126, Mar. 19, 1996, as amended at 64 FR 14576, Mar. 26, 1999]

TOLERANCES

§ 51.886 Tolerances.

(a) No tolerances are provided in these standards for grapes which fail to meet the applicable maturity requirements other than the allowances specified in § 51.888 or in the sampling and testing procedures of State maturity regulations.

(b) In order to allow for variations incident to proper grading and handling in each of the foregoing grades except U.S. No. 1 Institutional, tolerances, by weight, other than for maturity, are provided as set forth in Tables I and II.

TABLE I—TOLERANCES AT SHIPPING POINT [1]

[Percent]

Factor	U.S. Extra fancy table	U.S. Fancy table	U.S. No. 1 table
(A) For bunches failing to meet color requirements	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries	10	10	10
(C) For bunches failing to meet stem color requirements	10		
(D) For offsize bunches and for bunches and berries failing to meet the remaining requirements for the grade	8	8	8
Including in (D):			
(a) For serious damage	2	2	2
And, including in (a):			
(i) For decay	½ of 1	½ of 1	½ of 1

[1] Shipping Point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

TABLE II—TOLERANCES EN ROUTE OR AT DESTINATION

(A) For bunches failing to meet color requirements	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries	10	10	10
(C) For bunches failing to meet stem color requirements	10		
(D) For offsize bunches and for bunches and berries failing to meet the remaining requirements for the grade	12	12	12
Including in (D):			
(a) For permanent defects	8	8	8
(b) For serious damage	4	4	4
And, including in (b):			
(i) For serious damage by permanent defects	2	2	2
(ii) For decay	1	1	1

(c) In order to allow for variations incident to proper grading and handling in the U.S. No. 1 Institutional grade only, tolerances, by weight, other than for maturity, are provided as set forth in Tables Ia and IIa of this section.

TABLE IA—TOLERANCES AT SHIPPING POINT FOR U.S. NO. 1 INSTITUTIONAL GRADE ONLY [1]

[Percent]

Factor	U.S. No. 1 institutional
(A) For clusters/bunches failing to meet color requirements.	10.
(B) For clusters/bunches failing to meet requirements for minimum diameter of berries.	10.
(C) For offsize clusters/bunches	4.
(D) For clusters/bunches and berries failing to meet the remaining requirements for the grade.	8.
Including in (D):	
(a) For serious damage	2
And, including in (a):	
(i) For decay	½ of 1.

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

TABLE IIA—TOLERANCES EN ROUTE OR AT DESTINATION FOR U.S. NO. 1 INSTITUTIONAL GRADE ONLY

Factor	U.S. No. 1 institutional
(A) For clusters/bunches failing to meet color requirements	10.
(B) For clusters/bunches failing to meet requirements for minimum diameter of berries	10.
(C) For offsize clusters/bunches	4.
(D) For clusters/bunches and berries failing to meet the remaining requirements for the grade	12.
Including in (D):	
(a) For permanent defects	8.
(b) For serious damage	4.
And, including in (b):	
(i) For serious damage by permanent defects	2.
(ii) For decay	1.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 52 FR 22437, June 12, 1987. Redesignated and amended at 56 FR 15802, Apr. 18, 1991; 61 FR 11127, Mar. 19, 1996]

APPLICATION OF TOLERANCES

§ 51.887 Application of tolerances.

The contents of the individual packages in any lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) For tolerances of 10 percent or more, individual packages may contain not more than one and one-half times the specified tolerance.

(b) For a tolerance of less than 10 percent, individual packages may contain not more than double the specified tolerance.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

MATURITY REQUIREMENTS

§ 51.888 Maturity requirements.

(a) In the case of grapes grown in Arizona or California, ''mature'' means grapes in any lot shall meet the maturity requirements for the variety as set

forth in the applicable State Agricultural Laws and Regulations referenced in this section. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from, in the case of Arizona maturity regulations, Arizona Department of Agriculture, Citrus, Fruit and Vegetable Standardization, 1688 W. Adams, Phoenix, AZ 85007 or in the case of California maturity regulations, California Department of Food and Agriculture, Fruit and Vegetable Quality Control, Standardization Section, 1220 N Street, P.O. Box 942871, Sacramento, California 94271–0001 or copies of both regulations may be inspected at USDA, AMS, F&VD, FPB, Standardization Section, Room 2065–S, 14th and Independence Avenue, Washington, DC 20250 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

(1) Arizona maturity regulations are contained in Chapter 4—Plant Services Division, Article 7, Fruit And Vegetable Standardization, Section R3–4–733 Table Grape Standards, Effective January 6, 1994.

(2) California maturity regulations are contained in The California Code of Regulations, Title 3, Subchapter 4. Fresh Fruits, Nuts and Vegetables, Article 25, Table Grapes and Raisins, November 16, 1996.

(b) Grapes subject to U.S. import regulations shall meet the maturity requirements specified in such regulations.

(c) Grapes produced in States other than Arizona or California, or grapes imported from countries outside the United States during periods in which U.S. import regulations do not apply, shall meet the minimum percentage of soluble solids set forth in Table III as determined by use of a standard hand refractometer.

TABLE III

Variety	Percent of soluble solids
Muscat	17.5
All varieties not listed in this table	16.5
Cardinal, Emperor, Perlette, Ribier, Olivette Blanche, Rish Baba, Red Malaga, and similar varieties	15.5

(1) The minimum percentage of soluble solids for any lot shall be determined from the juice of at least 10 percent, by weight, of whole bunches of the least mature grapes in that container which appears to have the least mature grapes. No lot shall be considered as failing to meet these requirements unless samples from two containers which appear to have the least mature grapes test below the required percentage of soluble solids.

[48 FR 19350, Apr. 29, 1983, as amended at 52 FR 22437, June 12, 1987. Redesignated at 56 FR 15802, Apr. 18, 1991; 61 FR 11127, Mar. 19, 1996; 64 FR 14577, Mar. 26, 1999]

DEFINITIONS

§ 51.889 Well developed grapes.

Well developed grapes means grapes which are not abnormally small for the variety.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.890 One variety.

One variety means that the grapes show similar varietal characteristics.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.891 Uniform in appearance.

Uniform in appearance means that not more than one-tenth of the containers in any lot show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container, and that the stems are well developed and strong.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.892 Color terms.

The color terms *well colored*, *reasonably well colored*, and *fairly well colored* are defined in Table IV.

TABLE IV

Color terms	Black varieties	Red varieties	White varieties
Well colored (U.S. Extra Fancy).	Each bunch shall have not less than 95 percent, by count, of berries showing good characteristic color.[1]	Each bunch shall have not less than 75 percent, by count, of berries showing good characteristic color.[1]	No requirement.
Reasonably well colored (U.S. Fancy).	Each bunch shall have not less than 85 percent, by count, of berries showing good characteristic color.[1]	Each bunch shall have not less than 66⅔ percent, by count, of berries showing good characteristic color[1] except the Tokay and Cardinal varieties shall have not less than 75 percent, by count, of berries showing characteristic color.[2]	No requirement.
Fairly well colored (U.S. No. 1).	Each bunch shall have not less than 75 percent, by count, of berries showing characteristic color.[2]	Each bunch shall have not less than 60 percent, by count, of berries showing characteristic color.[2]	No requirement.

[1] Good characteristic color for black varieties means purple to black except that Ribier or similar varieties of grapes shall have at least two-thirds of the surface of the berry showing purple to black color.

For red varieties good characteristic color means at least two-thirds of the surface of the berry is light red through dark red color; except, for the Tokay variety pink through dark red, and for the Cardinal variety light red through purple shall be permitted.

[2] Characteristic color for black varieties means reddish-purple to black except that Ribier or similar varieties of grapes shall have at least two-thirds of the surface of the berry showing reddish-purple to black color.

For red varieties characteristic color means at least two-thirds of the surface of the berry is pink to dark red; except, for the Tokay variety light pink through dark red and for the Cardinal variety light pink through purple color shall be permitted.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.893 Firm.

Firm means that the berry does not yield more than slightly to moderate pressure and is not flabby or wilted.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.894 Weak.

Weak means that individual berries are somewhat translucent, watery and soft, may have relatively low sugar content, inferior flavor, or are of poor keeping quality.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.895 Shriveled at capstem.

Shriveled at capstem means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.896 Shattered.

Shattered means that the berry is separated from the bunch and may or may not have the capstem attached.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.897 Wet.

Wet means that the grapes are wet from moisture from crushed, leaking, or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a

warmer location shall not be considered as wet.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.898 Decay.

Decay means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.899 Waterberry.

Waterberry means a watery, soft, or flabby condition of the berry. Affected berries are low in sugar content, have tender skins, and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as ''weak''.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated 56 FR 15802, Apr. 18, 1991]

§ 51.900 Sunburn.

Sunburn means injury to the berry caused by exposure to the sun, including ''sulphur burn,'' usually occurring as a sunken and discolored or dried area on the exposed surface.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.901 Damage.

Damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the individual berry, the appearance of the bunch as a whole, or the marketing quality of the stems.

(a) The following shall be considered as damage to the individual berry:

(1) Scarring such as that caused by thrips, mildew, rubs, and similar injuries when materially detracting from the appearance of the berry;

(2) Discoloration when any light brown, tan, or darker discoloration of the skin materially detracts from the appearance of the berry: *Provided*, That ''sunkissed'' berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. ''Buckskin'' berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration;

(3) Heat when the flesh of the berry is affected;

(4) Almeria Spot when any spot is distinctly sunken or dark in color;

(5) Mildew when active powdery mildew is present;

(6) Freezing when the berry is frozen or when the flesh of the berry is affected by freezing;

(7) Insect injury when penetrating the skin of the berry or when there is noticeable insect infestation on the bunch; when mealybug residue or aphis honeydew are present in noticeable amounts; or when leafhopper residue materially detracts from the appearance of the individual berry or of the bunch.

(b) The following shall be considered as damage to stems:

(1) Active powdery mildew or any other disease when present on the stems to the extent that it detracts from the appearance of the bunch or when scars caused by mildew or other disease constrict or weaken any part of the main or lateral stems; and,

(2) Freezing when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are water-soaked and limp, or dried, as a result of freezing.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.902 Fairly well filled.

Fairly well filled means that the berries are reasonably closely spaced on

main and lateral stems and that the bunch is not very loose or stringy.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.903 Excessively tight.

Excessively tight means that the berries are so wedged together that the bunch is extremely compact for the variety and resulting distorted berries materially detract from the appearance of the bunch.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.904 Shot berries.

Shot berries means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.905 Dried berries.

Dried berries means berries which are dry and shriveled to the extent that practically no moisture is present.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.906 Well developed and strong.

Well developed and strong means that the main and lateral stems are firm, fibrous, and pliable; not distinctly immature or spindly or threadlike at time of packing.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.907 Diameter.

Diameter means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.908 Serious damage.

Serious damage means any defect or any combination of defects which seriously detracts from the appearance, or the edible or marketing quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or affected by heat or freezing. Grapes which show healed cracks at the blossom and shall not be considered as seriously damaged.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.909 Materially shriveled at capstem.

Materially shriveled at capstem means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.910 Straggly.

Straggly means that the berries are so widely spaced on main and laterial stems that the bunch is distinctly open or very stemmy or stringy in structure.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.911 Container.

Container as used in these standards shall, for the purposes of determining maturity and other factors of grade of grapes in packages containing 5 pounds or less, mean the master container in which the individual packages are packed for shipment.

[52 FR 22437, June 12, 1987. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.912 Export.

When designated as Export, grapes shall be packed with any of the customary protective materials such as cushions, liners, or wraps, or properly packed in sawdust or granulated cork. The so-called ''semi-sawdust packs'' which are cushioned and/or covered

with sawdust are not approved as protective packaging for export.

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991]

§ 51.913 Clusters.

Clusters as used in these standards in reference to the U.S. No. 1 Institutional grade only shall be defined as two or more berries sharing a common point of attachment.

[61 FR 11127, Mar. 19, 1996]

METRIC CONVERSION TABLE

§ 51.914 Metric conversion table.

Inches	Millimeters (mm)
3/16 equals	12.7
9/16 equals	14.3
10/16 equals	15.9
11/16 equals	17.5
12/16 equals	19.1
13/16 equals	20.6
14/16 equals	22.2
15/16 equals	28.8
1 equals	25.4

Pounds	Grams
1/4 equals	113.4
1/2 equals	226.8
3/4 equals	340.2
1 equals	453.6
2 equals	907.2
3 equals	1,360.8
4 equals	1,814.4
5 equals	2,268.0
10 equals	4,536.0

[36 FR 9126, May 20, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981. Redesignated at 56 FR 15802, Apr. 18, 1991, and further redesignated at 61 FR 11127, Mar. 19, 1996]

Subpart H—United States Standards for Grades of Florida Oranges and Tangelos

SOURCE: 61 FR 20708, May 8, 1996, unless otherwise noted.

GENERAL

§ 51.1140 General.

The standards contained in this subpart apply only to the common or sweet orange group and varieties and hybrids of varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as ''tangelo''—a hybrid between tangerine or mandarin orange (citrus reticulata) with either the grapefruit or pomelo (C. paradisi and C. grandis). Separate U.S. standards apply to tangerines. The standards for internal quality contained in §§ 51.1176 through 51.1179 apply only to common sweet oranges (citrus sinensis (L) Osbeck).

GRADES

§ 51.1141 U.S. Fancy.

''U.S. Fancy'' consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration: Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.1161.);

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Smooth texture;

(6) Well colored; and,

(7) Well formed.

(b) Free from:

(1) Ammoniation;

(2) Buckskin;

(3) Caked melanose;

(4) Creasing;

(5) Decay;

(6) Scab;

(7) Split navels;

(8) Sprayburn;

(9) Undeveloped segments;

(10) Unhealed skin breaks; and,

(11) Wormy fruit.

(c) Free from injury caused by:

(1) Bruises;

(2) Green spots;

(3) Oil spots;

(4) Rough, wide or protruding navels;

(5) Scale;

(6) Scars;

(7) Skin breakdown; and,

(8) Thorn scratches.

(d) Free from damage caused by:

(1) Dirt or other foreign material;

(2) Disease;

(3) Dryness or mushy condition;

(4) Hail;

(5) Insects;

(6) Riciness or woodiness;

(7) Sunburn; and,

(8) Other means.

(e) For tolerances see § 51.1151.
(f) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1142 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that fruit shall have not more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1151.
(b) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1143 U.S. No. 1.

''U.S. No. 1'' consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Color;
(i) Early and midseason varieties shall be fairly well colored.
(ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.
(2) Discoloration: Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.1161.);
(3) Fairly smooth texture;
(4) Firm;
(5) Mature;
(6) Similar varietal characteristics; and,
(7) Well formed.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and,
(3) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Dirt or other foreign material;
(7) Disease;
(8) Dryness or mushy condition;
(9) Green spots;
(10) Hail;
(11) Insects;
(12) Oil spots;
(13) Riciness or woodiness;
(14) Scab;
(15) Scale;
(16) Scars;
(17) Skin breakdown;
(18) Split, rough or protruding navels;
(19) Sprayburn;
(20) Sunburn;
(21) Thorn scratches; and,
(22) Other means.
(d) For tolerances see § 51.1151.
(e) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1144 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1151.
(b) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1145 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except at least 30 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit shall be of rust mite type.
(a) For tolerances see § 51.1151.
(b) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1146 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that at least 30 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.

(a) For tolerances see § 51.1151.
(b) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1147 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that fruit shall have not more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1151.
(b) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1148 U.S. No. 2.

''U.S. No. 2'' consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration: Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.1161.)
(2) Fairly firm;
(3) Mature;
(4) Reasonably well colored;
(5) Similar varietal characteristics;
(6) Not more than slightly misshapen; and
(7) Not more than slightly rough texture.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and
(3) Wormy fruit.
(c) Free from serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Dirt or other foreign material;
(7) Disease;
(8) Dryness or mushy condition;
(9) Green spots;
(10) Hail;
(11) Insects;
(12) Oil spots;
(13) Riciness or woodiness;
(14) Scab;
(15) Scale;
(16) Scars;
(17) Skin breakdown;
(18) Split, rough or protruding navels;
(19) Sprayburn;
(20) Sunburn;
(21) Thorn scratches; and
(22) Other means.
(d) For tolerances see § 51.1151.
(e) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1149 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that at least 10 percent of the fruit shall have more than one-half of their surface, in the aggregate, affected by any type of discoloration.
(a) For tolerances see § 51.1151.
(b) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1150 U.S. No. 3.

''U.S. No. 3'' consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Misshapen;
(3) Poorly colored;
(4) Rough texture, not seriously lumpy;
(5) Similar varietal characteristics; and
(6) Slightly spongy.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Disease;
(7) Dryness or mushy condition;
(8) Hail;
(9) Insects;

(10) Riciness or woodiness;
(11) Scab;
(12) Scale;
(13) Scars;
(14) Skin breakdown;
(15) Split navels;
(16) Sprayburn;
(17) Sunburn; and
(18) Other means.

(d) For tolerances see § 51.1151.

(e) Internal quality: Lots meeting the internal requirements for ''U.S. Grade AA Juice (Double A)'' or ''U.S. Grade A Juice'' may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

TOLERANCES

§ 51.1151 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified:

(a) *Defects.* (1) U.S. Fancy, U.S. No. 1 Bright, U.S. No. 1, U.S. No. 1 Golden, U.S. No. 1 Bronze, U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, and U.S. No. 2 Russet grades.

(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided,* that included in this amount not more than 5 percent shall be allowed for defects causing very serious damage, including in this latter amount not more than 1 percent for decay or wormy fruit.

(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit which fail to meet the requirements of the specified grade: *Provided,* that included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or,

(B) 7 percent for defects causing very serious damage, including therein not more than 5 percent for very serious damage by permanent defects and not more than 3 percent for decay or wormy fruit.

(2) U.S. No. 3.

(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the grade: *Provided,* that included in this amount not more than 1 percent shall be for decay or wormy fruit.

(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit which fail to meet the requirements of the grade: *Provided,* that included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or,

(B) 3 percent for decay or wormy fruit.

(b) *Discoloration*—(1) *U.S. No. 1 Bright, U.S. No. 1, U.S. No. 2 Bright, and U.S. No. 2.* Not more than 10 percent of the fruit in any lot may fail to meet the requirements relating to discoloration as specified in each grade. No sample may have more than 20 percent of the fruit with excessive discoloration: *And provided further,* that the entire lot averages within the percentage specified.

(2) *U.S. No. 1 Golden.* Not more than 30 percent of the fruit shall have in excess of one-third of their surface, in the aggregate, and no part of any tolerance shall be allowed to increase this percentage. No sample may have more than 40 percent of the fruit with excessive discoloration: *And provided further,* that the entire lot averages within the percentage specified.

(3) *U.S. No. 1 Bronze, and U.S. No. 1 Russet.* At least 30 percent of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage. No sample may have less than 20 percent of the fruit with required discoloration: *And provided further,* that the entire lot averages within the percentage specified.

(4) *U.S. No. 2 Russet.* At least 10 percent of the fruit shall have in excess of one-half of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage: *And provided*

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

further, that the entire lot averages within the percentage specified.

[61 FR 20708, May 8, 1996, as amended at 61 FR 40290, Aug. 2, 1996; 62 FR 2897, Jan. 21, 1997]

APPLICATION OF TOLERANCES

§51.1152 Application of tolerances.

Individual samples are subject to the following limitations, unless otherwise specified in §51.1151. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided*, that at least one decayed or wormy fruit may be permitted in any sample: *And provided further*, that the averages for the entire lot are within the tolerances specified for the grade.

[62 FR 2897, Jan. 21, 1997]

SIZE

§51.1153 Size.

(a) Fruits shall be fairly uniform in size and shall be packed in containers according to approved and recognized methods.

(b) ''Fairly uniform in size'' means that not more than 10 percent of the oranges per sample may vary more than one-half inch in diameter.

(c) In order to allow for variations incident to proper sizing, not more than 10 percent of the samples in any lot may fail to meet the requirements of size.

DEFINITIONS

§51.1154 Similar varietal characteristics.

Similar varietal characteristics means that the fruits in any container are similar in color and shape.

§51.1155 Well colored.

Well colored as applied to common oranges and tangelos means that the fruit has characteristic color for the variety with practically no trace of green color.

§51.1156 Firm.

Firm as applied to common oranges and tangelos means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), ''firm'' means that the fruit is not extremely puffy, although the skin may be slightly loose.

§51.1157 Well formed.

Well formed means that the fruit has the shape characteristic of the variety.

§51.1158 Mature.

Mature shall have the same meaning assigned the term in the Florida Citrus Code, Chapter 601, 1995 Edition, and the Official Rules Affecting the Florida Citrus Industry, in effect as of February 12, 1995. These orange maturity requirements are contained in the Florida Citrus Code, Chapter 601, Florida Statutes, Sections 601.19, and 601.20, 1995 Edition, and the State of Florida Department of Citrus Official Rules Affecting the Florida Citrus Industry, Part 1, Chapter 20–13 Market Classification, Maturity Standards and Processing or Packing Restrictions for Hybrids in effect as of February 12, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from, Florida Department of Citrus, Post Office Box 148, Lakeland, Florida 33802 or copies of both regulations may be inspected at USDA, AMS, F&VD, FPB, Standardization Section, Room 2065–S, 14th and Independence Ave., Washington, DC 20250 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

§51.1159 Smooth texture.

Smooth texture means that the skin is thin and smooth for the variety and size of the fruit.

§51.1160 Injury.

Injury means any specific defect described in §51.1175, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which slightly detracts from the appearance, or the

edible or marketing quality of the fruit.

§ 51.1161 Discoloration.

Discoloration means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1162 Fairly smooth texture.

Fairly smooth texture means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1163 Damage.

Damage means any specific defect described in § 51.1175, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1164 Fairly well colored.

Fairly well colored as applied to common oranges and tangelos means that except for an aggregate area of green color which does not exceed the area of a circle 1 inch (25.4 mm) in diameter, the characteristic color predominates over the green color.

§ 51.1165 Reasonably well colored.

Reasonably well colored as applied to common oranges means that the characteristic color predominate over the green color on at least two-thirds of the fruit surface, in the aggregate.

§ 51.1166 Poorly colored.

Poorly colored as applied to common oranges means that not more than 25 percent of the surface may be solid dark green color.

§ 51.1167 Fairly firm.

Fairly firm as applied to common oranges and tangelos, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1168 Slightly misshapen.

Slightly misshapen means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1169 Slightly rough texture.

Slightly rough texture means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1170 Serious damage.

Serious damage means any specific defect described in § 51.1175, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1171 Misshapen.

Misshapen means that the fruit is decidedly elongated, pointed or flatsided.

§ 51.1172 Slightly spongy.

Slightly spongy means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1173 Very serious damage.

Very serious damage means any specific defect described in § 51.1175, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1174 Diameter.

Diameter means the greatest dimension measured at right angles to a line from stem to blossom end.

§51.1175 Classification of defects.

TABLE I

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Bruises	Segment walls are collapsed, or rag is ruptured and juice sacs are ruptured.	Segment walls are collapsed, or rag is ruptured and juice sacs are ruptured.	Segment walls are collapsed, or rag is ruptured and juice sacs are ruptured.	Fruit is split open, peel is badly watersoaked, or rag is ruptured and juice sacs are ruptured causing a mushy condition affecting all segments more than 3/4 inch (19.9 mm) at bruised area or the equivalent of this amount, by volume, when affecting more than one area on the fruit.
Buckskin		Aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition.		Affecting all segments more than 1/4 inch (6.4 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/2 inch (12.7 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 3/4 inch (19.1 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	Aggregating more than a circle 3/8 inch (9.5 mm) in diameter, caused by scale.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter, caused by scale.	Aggregating more than a circle 7/8 inch (22.2 mm) in diameter, caused by scale.	Aggregating more than 1/3 of the surface, caused by scale.
Oil spots	Aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Aggregating more than a circle 7/8 inch (22.2 mm) in diameter.	Aggregating more than a circle 1 1/4 inches (31.8 mm) in diameter.	Aggregating more than 1/3 of the surface.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.

TABLE I—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Scars, Hail, or Thorn scratches [For smooth or fairly smooth superficial scars see § 51.1161.].	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep or rough aggregating more than a circle ¼ inch (6.4 mm) in diameter; slightly rough with slight depth aggregating more than a circle ⅞ inch (22.2 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than a circle 1¼ inches (31.8 mm) in diameter.	Deep or rough aggregating more than a circle ½ inch (12.7 mm) in diameter; slightly rough with depth aggregating more than a circle 1¼ inches (31.8 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than 10 percent of fruit surface.	Deep or rough or unsightly that appearance is very seriously affected.
Skin breakdown	Aggregating more than a circle ¼ inch (6.4 mm) in diameter.	Aggregating more than a circle ½ inch (12.7 mm) in diameter.	Aggregating more than a circle ⅞ inch (22.2 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprayburn		Aggregating more than a circle ⅝ inch (15.9 mm) in diameter.	Hard and aggregating more than a circle 1½ inches (38.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Split, rough, protruding navels.	Split is unhealed, or more than ⅛ inch (3.2 mm) in length, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from the appearance.	Split is unhealed, or more than ¼ inch (6.4 mm) in length, or more than three well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than ½ inch (12.7 mm) in length, or two or more splits aggregate more than 1 inch (25.4 mm) in length, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Sunburn		Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Aggregating more than 50 percent of the surface.

NOTE: All references to area or aggregating area, or length in this standard are based on an orange or tangelo 2⅞ inches (73.0 mm) in diameter, allowing proportionately greater areas on larger fruit and lesser areas on smaller fruit.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.1176 U.S. Grade AA Juice (Double A).

Any lot of oranges, the juice content of which meets the following requirements, may be designated ''U.S. Grade AA Juice (Double A)'':

(a) Each lot of fruit shall contain an average of not less than 5 gallons (18.9 liters) of juice per standard packed box of 1⅗ bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table II of § 51.1178.

§ 51.1177 U.S. Grade A Juice.

Any lot of oranges, the juice content of which meets the following requirements, may be designated ''U.S. Grade A Juice'':

(a) Each lot of fruit shall contain an average of not less than 4½ gallons (17.0 liters) of juice per standard packed box of 1⅗ bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table II of § 51.1178.

§ 51.1178 Maximum anhydrous citric acid permissible for corresponding total soluble solids.

For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table II together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE II

Total soluble solids (average pct)	Maximum anhydrous citric acid (average pct)	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50–1
9.1	.963	9.45–1
9.2	.979	9.40–1
9.3	.995	9.35–1
9.4	1.011	9.30–1
9.5	1.027	9.25–1
9.6	1.043	9.20–1
9.7	1.060	9.15–1
9.8	1.077	9.10–1
9.9	1.094	9.05–1
10.0	1.111	9.00–1
10.1	1.128	8.95–1
10.2	1.146	8.90–1
10.3	1.164	8.85–1
10.4	1.182	8.80–1
10.5	1.200	8.75–1
10.6	1.218	8.70–1
10.7	1.237	8.65–1
10.8	1.256	8.60–1
10.9	1.275	8.55–1
11.0	1.294	8.50–1
11.1	1.306	8.50–1
11.2	1.318	8.50–1
11.3	1.329	8.50–1
11.4	1.341	8.50–1
11.5	1.353	8.50–1
11.6	1.365	8.50–1
11.7	1.376	8.50–1
11.8	1.388	8.50–1
11.9	1.400	8.50–1
12.0	1.412	8.50–1
12.1	1.424	8.50–1
12.2	1.435	8.50–1
12.3	1.447	8.50–1
12.4	1.459	8.50–1
12.5	1.471	8.50–1
12.6	1.482	8.50–1
12.7	1.494	8.50–1
12.8	1.506	8.50–1
12.9	1.517	8.50–1
13.0	1.530	8.50–1
13.1	1.541	8.50–1
13.2	1.553	8.50–1
13.3	1.565	8.50–1
13.4	1.576	8.50–1
13.5	1.588	8.50–1
13.6	1.600	8.50–1
13.7	1.612	8.50–1
13.8	1.624	8.50–1
13.9	1.635	8.50–1
14.0	1.647	8.50–1
14.1	1.659	8.50–1
14.2	1.671	8.50–1
14.3	1.682	8.50–1
14.4	1.694	8.50–1
14.5	1.705	8.50–1
14.6	1.718	8.50–1
14.7	1.729	8.50–1
14.8	1.741	8.50–1
14.9	1.753	8.50–1
15.0	1.765	8.50–1
15.1	1.776	8.50–1
15.2	1.788	8.50–1
15.3	1.800	8.50–1
15.4	1.812	8.50–1
15.5	1.824	8.50–1
15.6 or more	.....	8.50–1

§ 51.1179 Method of juice extraction.

The juice used in the determining of solids, acids and juice content shall be extracted from representative samples as thoroughly as possible with a hand reamer or by such mechanical extractor or extractors as may be approved. The juice shall be strained through cheese cloth or other approved straining device of extra fine mesh to prevent passage of juice cells, pulp, or seeds.

Subpart I—United States Standards for Cleaned Virginia Type Peanuts in the Shell

SOURCE: 18 FR 7117, Nov. 11, 1953, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.1235 U.S. Jumbo Hand Picked.

U.S. Jumbo Hand Picked shall consist of cleaned Virginia type peanuts in the shell which are mature, dry, and free from loose peanut kernels, dirt or other foreign material, pops, paper ends, and from damage caused by cracked or broken shells, discoloration or other means. The kernels shall be free from damage from any cause. In addition, the peanuts shall not pass through a screen having $^{37}/_{64} \times 3$ inch perforations. Unless otherwise specified, the unshelled peanuts in any lot

shall not average more than 176 count per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 10.0 percent total for pops, peanuts having paper ends or damaged shells, loose undamaged peanut kernels, and dirt or other foreign material, but not more than one-twentieth of this amount, or 0.5 percent, shall be allowed for dirt or other foreign material.

(2) 5.0 percent for peanuts which will pass through the prescribed screen, but which are free from pops and from peanuts having paper ends or damaged shells.

(3) 3.5 percent for peanuts with damaged kernels, and damaged loose kernels.

§ 51.1236 U.S. Fancy Hand Picked.

U.S. Fancy Hand Picked shall consist of cleaned Virginia type peanuts in the shell which are mature, dry, and free from loose peanut kernels, dirt or other foreign material, pops, paper ends, and from damage caused by cracked or broken shells, discoloration or other means. The kernels shall be free from damage from any cause. In addition, the peanuts shall not pass through a screen having $^{32}/_{64} \times 3$ inch perforations. Unless otherwise specified, the unshelled peanuts in any lot shall not average more than 225 count per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 11.0 percent total for pops, peanuts having paper ends or damaged shells, loose undamaged peanut kernels, and dirt or other foreign material, but not more than one twenty-second of this amount, or 0.5 percent, shall be allowed for dirt or other foreign material.

(2) 5.0 percent for peanuts which will pass through the prescribed screen, but which are free from pops and from peanuts having paper ends or damaged shells.

(3) 4.5 percent for peanuts with damaged kernels, and damaged loose kernels.

UNCLASSIFIED

§ 51.1237 Unclassified.

Unclassified shall consist of cleaned Virginia type peanuts in the shell which fail to meet the requirements of either of the foregoing grades. The term ''unclassified'' is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1238 Mature.

Mature means that the shells are firm and well developed.

§ 51.1239 Pops.

Pops means fully developed shells which contain practically no kernels.

§ 51.1240 Paper ends.

Paper ends means peanuts which have very soft and/or very thin ends.

§ 51.1241 Damage.

Damage means any injury or defect which materially affects the appearance edible or shipping quality of the individual peanut or the lot as a whole. The following shall be considered as damage:

(a) Cracked or broken shells which have been broken to the extent that the kernel within is plainly visible without minute examination and with no application of pressure, or the appearance of the individual peanut is materially affected.

(b) Discolored shells which have dark discoloration caused by mildew, staining or other means affecting one-half or more of the shell surface. Talc powder or other similar material which may have been applied to the shells during the cleaning process shall not be removed to determine the amount of discoloration beneath, but the peanut shall be judged as it appears with the talc.

(c) Kernels which are rancid or decayed.

(d) Moldy kernels.

(e) Kernels showing sprouts extending more than one-eighth inch from the end of the kernel.

(f) Distinctly dirty kernels.

(g) Kernels which are wormy, or have worm frass adhering, or have worm cuts which are more than superficial.

(h) Kernels which have dark yellow color penetrating the flesh, or yellow pitting extending deep into the kernel.

§ 51.1242 Count per pound.

Count per pound means the number of peanuts in a pound. When determining the count per pound, one single kernel peanut shall be counted as one-half peanut.

Subpart J—United States Standards for Summer and Fall Pears

SOURCE: 20 FR 5620, Aug. 5, 1955, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GENERAL

§ 51.1260 General.

These standards apply to varieties such as Bartlett, Hardy and other similar varieties.

GRADES

§ 51.1261 U.S. No. 1.

''U.S. No. 1'' consists of pears of one variety which are mature, but not over-ripe, carefully hand-picked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russeting, limb- rubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1265 and 51.1268.)

§ 51.1262 U.S. Combination.

A combination of U.S. No. 1 and U.S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U.S. No. 1. (See §§ 51.1265 and 51.1268.)

§ 51.1263 U.S. No. 2.

''U.S. No. 2'' consists of pears of one variety which are mature, but not over-ripe, carefully hand-picked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1265 and 51.1268.)

UNCLASSIFIED

§ 51.1264 Unclassified.

''Unclassified'' consists of pears which have not been classified in accordance with any of the foregoing grades. The term ''unclassified'' is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1265 Tolerances.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any lot may fail to meet the requirements of grade: *Provided*, That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(b) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U.S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U.S. No. 1 required: *Provided*, That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

§ 51.1266 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided individual packages in any lot shall have not more than one and one-half times the

tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one pear which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided*, That not more than four times the tolerance specified may be permitted in any package for pears which are seriously damaged by insects or affected by decay or internal breakdown except that at least one defective pear may be permitted in any package.

BASIS FOR CALCULATING PERCENTAGES

§ 51.1267 Basis for calculating percentages.

(a) When the numerical count is marked on the container or when pears are packed in a container to weigh 5 pounds or less, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on a container packed to weigh more than 5 pounds or when the pears are jumbled in a container packed to weigh more than 5 pounds, percentages shall be calculated on the basis of weight or an equivalent basis.

CONDITION AFTER STORAGE OR TRANSIT

§ 51.1268 Condition after storage or transit.

Decay, scald, or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not grade.

STANDARD PACK

§ 51.1269 Sizing.

(a) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(b) When the numerical count is marked on western standard pear boxes the pears shall not vary more than three-eighths inch in their transverse diameter for counts 120 or less; one-fourth inch for counts 135 to 180, inclusive; and three-sixteenths inch for counts 193 or more.

(c) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than three-eighths inch for counts 75 or less; one-fourths inch for counts 80 to 110, inclusive; and three-sixteenths inch for counts 115 or more.

(d) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than three-eighths inch for counts 50 or less; one-fourth inch for counts 55 to 70, inclusive; and three-sixteenths inch for counts 80 or more.

(e) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as 2¼ to 2¾ inches, 2½ to 2¾ inches, as such marking is especially desirable for pears marketed in the export trade.

(f) ''Size'' means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

§ 51.1270 Packing.

(a) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(b) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with

the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(d) Pears packed in round stave bushel baskets, tubs or in barrels shall be ring faced.

§51.1271 Tolerances for standard pack.

(a) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any lot may fail to meet the size requirements: *Provided,* That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(b) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box.

DEFINITIONS

§51.1272 Mature.

(a) *Mature* means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(b) Before a mature pear becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(1) The following terms should be used for describing the ground color: *Green, Light Green, Yellowish Green,* and *Yellow.*

(2) The following terms should be used for describing the firmness of pears:

(i) *Hard* means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure.

(ii) *Firm* means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure.

(iii) *Firm ripe* means that the flesh of the pear yields readily to moderate pressure.

(iv) *Ripe* means that the pear is at the stage where it is in its most desirable condition for eating.

§51.1273 Overripe.

Overripe means dead ripe, very mealy or soft, past commercial utility.

§51.1274 Carefully hand-picked.

Carefully hand-picked means that the pears do not show evidence of rough handling or of having been on the ground.

§51.1275 Clean.

Clean means free from excessive dirt, dust, spray residue or other foreign material.

§51.1276 Black end.

Black end is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

§51.1277 Fairly well formed.

Fairly well formed means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit.

§51.1278 Damage.

Damage means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(a) Hard end shall be considered as damage if the pear shows a distinctly constricted protrusion at the blossom end, or an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(c) Any pear with one skin break larger than three-sixteenths inch in diameter or depth, or with more than one skin break one-eighth inch or larger in

diameter or depth shall be considered damaged, and scored against the grade tolerance.[2]

(1) Small inconspicuous skin breaks, less than one-eighth inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from one-eighth inch to three-sixteenths inch, inclusive, in diameter or depth.[2]

(d) Russeting which exceeds the following shall be considered as damage:

(1) On all varieties excessively rough russeting (russeting which shows ''frogging'' or slight cracking) when the aggregate area exceeds one-half inch in diameter.[2]

(2) On Bartlett and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter.[2]

(3) On Bartlett and other smooth-skinned varieties, smooth solid or smooth netlike russeting when the aggregate area exceeds 15 percent of the surface.

(4) On Hardy, Sand and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet.[2]

(e) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Any limbrubs which are cracked, softened, or more than slightly depressed.

(2) Black discoloration caused by limbrubs, which exceeds an aggregate area of three-eighths inch in diameter.[2]

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of one-half inch in diameter.[2]

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter.[2]

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.[2]

(6) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[2]

(7) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of three-eighths inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.[2]

(8) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(9) Insects: (i) More than two healed codling moth stings, or any insect sting which is over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[2]

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[2]

(10) Disease: (i) Scab spots which are black and which cover an aggregate area of more than one-fourth inch in diameter except that scab spots of a russet character shall be considered under the definition of russeting.

(ii) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than three-eighths inch in diameter.[2]

[2]The area refers to that of a circle of the specified diameter.

[2]The area refers to that of a circle of the specified diameter.

§ 51.1279 Seriously misshapen.

Seriously misshapen means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

§ 51.1280 Serious damage.

Serious damage means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(1) On all varieties, excessively rough russeting (russeting which shows ''frogging'' or slight cracking) when the aggregate area exceeds three-fourths inch in diameter.[2]

(2) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(b) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter. Other limbrubs which affect an aggregate area of more than one-tenth of the surface.[2]

(2) Hail marks or other similar depressions or scars which affect an aggregate area of more than three-fourths inch in diameter, or which materially deform or disfigure the fruit.[2]

(3) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than three-fourths inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.[2]

(4) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(5) Insects: (i) Worm holes. More than three healed codling moth stings, of which not more than two may be over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[2]

(ii) Blister mite or canker worm injury which affects an aggregate area of more than three-fourths inch in diameter or which materially deforms or disfigures the fruit.[2]

(6) Disease: (i) Scab spots which are black and which cover an aggregate area of more than one-half inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.[2]

(ii) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark, heavily concentrated spots which affect an area of more than three-fourths inch in diameter.[2]

Subpart K—United States Standards for Winter Pears

SOURCE: 20 FR 5752, Aug. 10, 1955, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GENERAL

§ 51.1300 General.

These standards apply to varieties such as Anjou, Bosc, Winter Nelis, Comice, Flemish Beauty and other similar varieties.

GRADES

§ 51.1301 U.S. Extra No. 1.

''U.S. Extra No. 1'' consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, hard end, drought spot, and free from injury caused by russeting, limbrubs, hail, scars, cork spot, sunburn, sprayburn, stings or other insect injury, or mechanical or other means, except that they shall be free from damage caused by bruises, broken skins, or disease. (See §§ 51.1306 and 51.1309.)

§ 51.1302 U.S. No. 1.

''U.S. No. 1'' consists of pears of one variety which are mature, but not over-ripe, carefully hand-picked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russeting, limbrubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1306 and 51.1309.)

§ 51.1303 U.S. Combination.

A combination of U.S. No. 1 and U.S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U.S. No. 1. (See §§ 51.1306 and 51.1309.)

§ 51.1304 U.S. No. 2.

''U.S. No. 2'' consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1306 and 51.1309.)

UNCLASSIFIED

§ 51.1305 Unclassified.

''Unclassified'' consists of pears which have not been classified in accordance with any of the foregoing grades. The term ''unclassified'' is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1306 Tolerances.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any lot may fail to meet the requirements of grade: *Provided,* That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(b) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U.S. No. 1 required: *Provided,* That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

§ 51.1307 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one pear which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than four times the tolerance specified may be permitted in any package for pears which are seriously damaged by insects or affected by decay or internal breakdown except that at least one defective pear may be permitted in any package.

BASIS FOR CALCULATING PERCENTAGES

§ 51.1308 Basis for calculating percentages.

(a) When the numerical count is marked in the container or when pears are packed in a container to weigh 5 pounds or less, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on a container packed to weigh more than 5 pounds or when the pears are jumbled in a container packed to weigh more than 5 pounds, percentages shall be calculated on the basis of weight or an equivalent basis.

CONDITION AFTER STORAGE OR TRANSIT

§51.1309 Condition after storage or transit.

Decay, scald or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.

STANDARD PACK

§51.1310 Sizing.

(a) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(b) When the numerical count is marked on western standard pear boxes the pears shall not vary more than three-eighths inch in their transverse diameter for counts 120 or less; one-fourth inch for counts 135 to 180, inclusive; and three-sixteenths inch for counts 193 or more.

(c) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than three-eighths inch for coutns 75 or less; one-fourth inch for counts 80 to 110, inclusive; and three-sixteenths inch for counts 115 or more.

(d) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than three-eighths inch for counts 50 or less; one-fourth inch for counts 55 to 70, inclusive; and three-sixteenths inch for counts 80 or more.

(e) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as 2¼ to 2¾ inches, 2½ to 2¾ inches, as such marking is especially desirable for pears marketed in the export trade.

(f) ''Size'' means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

§51.1311 Packing.

(a) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(b) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(d) Pears packed in round stave bushel baskets, tubs, or in barrels shall be ring faced.

§51.1312 Tolerances for standard pack.

(a) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any lot may fail to meet the size requirements: *Provided*, That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(b) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box.

DEFINITIONS

§ 51.1313 Mature.

(a) *Mature* means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(b) Before a mature pear becomes overripe it will show varying degrees of firmness depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(1) The following terms should be used for describing the ground color: *Green*, *Light Green*, *Yellowish Green*, and *Yellow*.

(2) The following terms should be used for describing the firmness of pears:

(i) *Hard* means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure.

(ii) *Firm* means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure.

(iii) *Firm ripe* means that the flesh of the pear yields readily to moderate pressure.

(iv) *Ripe* means that the pear is at the stage where it is in its most desirable condition for eating.

§ 51.1314 Overripe.

Overripe means dead ripe, very mealy or soft, past commercial utility.

§ 51.1315 Carefully hand-picked.

Carefully hand-picked means that the pears do not show evidence of rough handling or of having been on the ground.

§ 51.1316 Clean.

Clean means free from excessive dirt, dust, spray residue or other foreign material.

§ 51.1317 Well formed.

Well formed means having the shape characteristic of the variety. Slight irregularities of shape from type which do not appreciably detract from the general appearance of the fruit shall be considered well formed.

§ 51.1318 Black end.

Black end is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

§ 51.1319 Injury.

Injury means any blemish or defect, that more than slightly affects the appearance, or the edible or shipping quality. The following shall be considered as injury:

(a) Russeting which exceeds the following shall be considered as injury:

(1) On all varieties any excessively rough russeting (russeting which shows ''frogging'' or slight cracking).

(2) On Comice, and on Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting, such as is characteristic of frost injury, when the aggregate area exceeds one-half inch in diameter.[2]

(3) On Anjou and other smooth-skinned varieties, smooth solid russeting when the aggregate area exceeds one-half inch in diameter and smooth net-like russeting when the aggregate area exceeds 15 percent of the surface, and on Comice, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, except that, in addition, on these and similar varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface.[2]

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury when the aggregate area exceeds one-half inch in diameter.[2] On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc, Clairgeau, Easter Beurre, Flemish Beauty, Kieffer, P. Barry, Pound, Seckel, Sheldon, Winter Nelis, and other similar varieties.

(b) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(1) Limbrubs which are cracked, softened, more than very slightly depressed, not light in color, or exceeding an aggregate area of three-fourths inch in diameter.[2]

(2) Hail marks or other similar depressions or scars which are not very shallow or superficial, or which affect an aggregate area of more than one-fourth inch in diameter.[2]

(3) Cork spot when a pear shows depressions or the flesh of the pear is more than slightly affected.

(4) Sunburn or sprayburn if the normal color of the fruit has been materially changed, or if the skin is blistered or cracked, or the flesh softened or discolored.

(5) More than two healed slight stings or depressions, or any stings which materially affect the general appearance of the fruit.

(6) Blister mite or canker worm injury which is not very shallow and superficial or where the injury affects an aggregate area of more than one-fourth inch.[2]

§51.1320 Fairly well formed.

Fairly well formed means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit. Winter Nelis pears with characteristic slight sutures or with slight flattening on one side and/or other slight irregularities which do not materially detract from the general appearance of the pear shall be considered fairly well formed.

§51.1321 Damage.

Damage means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(a) Hard end shall be considered as damage if the pear shows an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(c) Any pear with one skin break larger than three-sixteenths inch in diameter of depth, or with more than one skin break one-eighth inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.[2]

(1) Small inconspicuous skin breaks, less than one-eighth inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from one-eighth inch to three-sixteenths inch, inclusive, in diameter or depth.[2]

(d) Russeting which exceeds the following shall be considered as damage:

(1) On all varieties excessively rough russeting (russeting which shows ''frogging'' or slight cracking) when the aggregate area exceeds one-half inch in diameter.[2]

(2) On Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter.[2]

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, and on other smooth-skinned varieties, 15 percent of the surface, except that, in addition, on Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface.

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc, Clairgeau, Comice, Easter Beurre, Flemish Beauty, Kieffer, P. Barry, Pound,

Seckel, Sheldon, Winter Nelis, and other similar varieties.

(e) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Any limbrubs which are cracked, softened, or more than slightly depressed.

(2) Black discoloration caused by limbrubs which exceeds an aggregate area of three-eighths inch in diameter.

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of one-half inch in diameter.

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter.

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.[2]

(6) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[2]

(7) Cork spot when more than one in number is visible externally or when the flesh is materially affected.

(8) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of three-eighths inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.[2]

(9) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(10) Insects: (i) More than two healed codling moth stings, or any insect sting which is over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[2]

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[2]

(11) Disease: (i) Scab spots which are black and which cover an aggregate area of more than one-fourth inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.[2]

(ii) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than three-eighths inch in diameter.[2]

§ 51.1322 Seriously misshapen.

Seriously misshapen means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

§ 51.1323 Serious damage.

Serious damage means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(1) On all varieties, excessively rough russeting (russeting which shows ''frogging'' or slight cracking) when the aggregate area exceeds three-fourths inch in diameter.[2]

(2) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds two-thirds of the surface, except that, in addition, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface. On Flemish Beauty smooth russeting shall be permitted on the entire surface.

(b) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Limbrubs which are more than slightly cracked, or excessively rough

limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter.[2]

(2) Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(3) Hail marks or other similar depressions or scars which affect an aggregate area of more than three-fourths inch in diameter, or which materially deform or disfigure the fruit.[2]

(4) Cork spot when more than two in number are visible externally or when the flesh is seriously affected.

(5) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than three-fourths inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.[2]

(6) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(7) Insects: (i) Worm holes. More than three healed codling moth stings, of which not more than two may be over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[2]

(ii) Blister mite or canker worm injury which affects an aggregate area of more than three-fourths inch in diameter or which materially deforms or disfigures the fruit.[2]

(8) Disease: (i) Scab spots which are black, and which cover an aggregate area of more than one-half inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.[2]

(ii) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than three-fourths inch in diameter.[2]

Subpart L—United States Standards for Grades of Pears for Processing

SOURCE: 35 FR 6957, May 1, 1970, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GENERAL

§ 51.1345 General.

All percentages shall be calculated on the basis of weight.

GRADES

§ 51.1346 U.S. No. 1.

''U.S. No. 1'' consists of pears of one variety which are mature, handpicked, firm, well formed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes, and from damage caused by broken skins, limbrubs, sprayburn, sunburn, scab, russeting, bruises, hail, frost, drought spot, disease, insects, mechanical or other means. Unless otherwise specified, the pears shall not be further advanced than yellowish green. Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See §§ 51.1349 and 51.1350.)

§ 51.1347 U.S. No. 2.

''U.S. No. 2'' consists of pears of one variety which are mature, handpicked, firm, not seriously deformed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes, and free from serious damage by any other cause. Unless otherwise specified, the pears shall not be further advanced than yellowish green. Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See §§ 51.1349 and 51.1350.)

CULLS

§ 51.1348 Culls.

''Culls'' are pears which do not meet the requirements of either of the foregoing grades.

SIZE

§ 51.1349 Size.

Size may be specified in connection with a grade by agreement between buyer and seller and stated in terms of minimum diameter or minimum and maximum diameters. Diameters shall be specified in inches and not less than

eighth-inch fractions thereof. In addition, size may be stated in terms of ratio of length to diameter.

APPLICATION OF STANDARDS

§ 51.1350 Application of standards.

(a) Tolerances shall not apply in the application of the standards to determine the percentages of U.S. No. 1 and U.S. No. 2 quality, culls and off-size in a lot of pears; for example, when determining compliance with a grower-processor contract.

(b) *Tolerances.* The following tolerances, by weight, shall apply when a lot of pears has been sorted to meet a specific grade, such as a shipment to a processor which is intended to meet the requirements of the U.S. No. 1 grade:

(1) *For defects.* 10 percent for pears which fail to meet the requirements of the grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 2 percent for pears which are affected by decay.

(ii) 5 percent for pears which are infested by worms or have worm holes.

(2) *For off-size.* 5 percent for pears which are smaller than any specified minimum size, and 10 percent for pears larger than any specified maximum size.

DEFINITIONS

§ 51.1351 Mature.

Mature means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

§ 51.1352 Handpicked.

Handpicked means that the pears do not show evidence of having been on the ground.

§ 51.1353 Firm.

Firm means that the pear is fairly solid and yields only very slightly to moderate pressure, and is not wilted, shriveled, rubbery or flabby.

§ 51.1354 Well formed.

Well formed means that the pear has the shape characteristic of the variety, so that after paring, cutting in halves, and coring, each half of the pear shall be well formed. Bartlett pears shall have at least a fairly well developed neck.

[35 FR 6958, May 1, 1970, as amended at 35 FR 7249, May 8, 1970. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 51.1355 Damage.

Damage means any injury or defect which materially affects the processing quality of the fruit. After paring, cutting in halves, and coring, each half of the pear shall be well formed or the pear is considered damaged. Pears showing surface blemishes shall be considered damaged when the injury cannot be completely removed in the ordinary process of paring for commercial use.

§ 51.1356 Pears grown from late blooms.

Pears grown from late blooms. Such pears often have excessively long stems (commonly termed ''rat tails''), or may be misshapen or slightly rough. Such pears do not ripen properly for ordinary canning use.

§ 51.1357 Seriously deformed.

Seriously deformed means that the pear is so badly misshapen as to cause a loss during the usual commercial preparation for use of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were well formed. Round or apple-shaped pears shall not be considered seriously deformed.

§ 51.1358 Serious damage.

Serious damage means any injury or defect which cannot be removed during the usual commercial preparation for use without a loss of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were not defective.

§ 51.1359 Diameter.

Diameter means the greatest dimension of the pear taken at right angles to a line running from the stem to the blossom end.

Subpart M—United States Standards for Grades of Pecans in the Shell

SOURCE: 89 FR 53341, June 26, 2024, unless otherwise noted.

GRADES

§ 51.1400 U.S. Extra Fancy.

''U.S. Extra Fancy'' consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material.

(b) Shells are:

(1) Uniform in color; and

(2) Free from damage by any cause.

(c) Kernels are:

(1) Well developed;

(2) Well cured;

(3) Moisture content shall be not more than 6 percent, unless otherwise specified;

(4) Uniform in color and not darker than ''light;'' and

(5) Free from damage by any cause.

(d) For tolerances see § 51.1406.

§ 51.1401 U.S. Fancy.

''U.S. Fancy'' consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material.

(b) Shells are:

(1) Uniform in color; and

(2) Free from damage by any cause.

(c) Kernels are:

(1) Fairly well developed;

(2) Well cured;

(3) Moisture content shall be not more than 6 percent, unless otherwise specified;

(4) Uniform in color;

(5) Not darker than ''light amber,'' unless specified to a lighter color classification; and

(6) Free from damage by any cause.

(d) For tolerances see § 51.1406.

§ 51.1402 U.S. Choice.

''U.S. Choice'' consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material.

(b) Shells are:

(1) Fairly uniform in color; and

(2) Free from damage by any cause.

(c) Kernels are:

(1) Not poorly developed;

(2) Well cured;

(3) Moisture content shall be not more than 6 percent, unless otherwise specified;

(4) Fairly uniform in color;

(5) Not darker than ''amber,'' unless specified to a lighter color classification; and

(6) Free from damage by any cause.

(d) For tolerances see § 51.1406.

§ 51.1403 U.S. Standard.

''U.S. Standard'' consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material;

(b) Kernels well cured;

(c) Moisture content shall be not more than 6 percent, unless otherwise specified;

(d) No requirement for fullness of kernel;

(e) No requirement for uniformity of color of shells or kernels;

(f) May contain kernels that are ''dark amber'' or darker, unless specified to a lighter color classification; and

(g) Shells and kernels are free from damage by any cause.

(h) For tolerances see § 51.1406.

SIZE CLASSIFICATION

§ 51.1404 Size classification.

Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of the classifications in Table 1 to this section, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100-nut sample.

TABLE 1 TO § 51.1404

Size classification	Number of nuts per pound	Minimum weight of the 10 smallest nuts per 100-nut sample
Jumbo	55 or less	In each classification, the 10 smallest nuts per 100 must weigh at least 7% of the total weight of the 100-nut sample.
Extra Large	56 to 63	
Large	64 to 77	
Medium	78 to 100	
Small	101 or more	

KERNEL COLOR CLASSIFICATION

§ 51.1405 Kernel color classification.

(a) The skin color of the pecan kernels are described in terms of the color classifications provided in this section. When specified to a lighter color classification, that color may be used to describe the lot in connection with the grade.

(1) Light means that the kernel is mostly golden color or lighter, with not more than 25 percent of the surface darker than golden, and none of the surface darker than light brown.

(2) Light amber means that more than 25 percent of the kernel is light brown, with not more than 25 percent of the surface darker than light brown, none of which is darker than medium brown.

(3) Amber means that more than 25 percent of the kernel is medium brown, with not more than 25 percent of the surface darker than medium brown, none of which is darker than dark brown (very dark brown or blackish-brown discoloration).

(4) Dark amber means that more than 25 percent of the kernel is dark brown, with not more than 25 percent of the surface darker than dark brown (very dark brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, PEC–MC–1, illustrate the color intensities implied by the terms ''golden,'' ''light brown,'' ''medium brown,'' and ''dark brown'' referred to in paragraph (a) of this section. The color standards are available at *https://www.ams.usda.gov/grades-standards*.

TOLERANCES

§ 51.1406 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) *U.S. Extra Fancy, U.S. Fancy, and U.S. Choice grades.* (1) For shell defects, by count: 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

(2) For kernel defects, by count: 12 percent for pecans with kernels which fail to meet the requirements for the grade or any specified color classification, including therein not more than 7 percent for kernels which are seriously damaged: *Provided,* That not more than 6 percent shall be allowed for kernels which are rancid, moldy, decayed, or injured by insects: *Provided further,* That included in this 6 percent tolerance not more than 0.5 percent (one-half of 1 percent) shall be allowed for pecans with live insects inside the shell.

(3) For loose extraneous or foreign material, by weight: 0.5 percent (one-half of 1 percent).

(b) *U.S. Standard grade.* (1) For shell defects, by count: 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

(2) For kernel defects, by count: 30 percent for pecans with kernels which fail to meet the requirements for the grade or any specified color classification, including therein not more than 10 percent for kernels which are seriously damaged: *Provided,* That not more than 7 percent shall be allowed for kernels which are rancid, moldy, decayed, or injured by insects: *Provided further,* That included in this 7 percent tolerance not more than 0.5 percent (one-half of 1 percent) shall be allowed for pecans with live insects inside the shell.

(3) For loose extraneous or foreign material, by weight: 0.5 percent (one-half of 1 percent).

APPLICATION OF TOLERANCES

§51.1407 Application of tolerances.

Individual 100-count samples shall have not more than one and one-half times a specified tolerance of 5 percent or more and not more than double a tolerance of less than 5 percent, except that at least one pecan which is seriously damaged by live insects inside the shell is permitted: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§51.1408 Sample for grade or size determination.

Each sample shall consist of 100 pecans. The individual sample shall be drawn at random from a sufficient number of packages to form a 100-count composite sample. The number of such individual 100-count samples drawn for grade or size determination will vary with the size of the lot. When practicable, at point of packaging the sample may be obtained from the grading belt after sorting has been completed.

DEFINITIONS

§51.1409 Loose extraneous or foreign material.

Loose extraneous or foreign material means loose hulls, empty broken shells, rocks, wood, glass, plastic, or any substance other than pecans in the shell or pecan kernels.

§51.1410 Well cured.

Well cured means the kernel separates freely from the shell, breaks cleanly when bent without splintering, shattering, or loosening the skin; and the kernel appears to be in good shipping or storage condition as to moisture content.

§51.1411 Well developed.

Well developed means that the kernel is full-meated throughout its width and length.

§51.1412 Fairly well developed.

Fairly well developed means that the kernel is full-meated in over 50 percent of its width and length.

§51.1413 Poorly developed.

Poorly developed means that the kernel is full-meated in less than 25 percent of its width and length.

§51.1414 Uniform in color.

Uniform in color means that the shells do not show sufficient variation in color to detract from the general appearance of the lot and that 95 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

§51.1415 Fairly uniform in color.

Fairly uniform in color means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot and that 85 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

§51.1416 Damage.

Damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual pecan or the general appearance of the pecans in the lot. The following defects shall be considered as damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 5 percent of the surface of the individual shell;

(b) Adhering material from inside the shell when firmly attached to more than one-third of the outer surface of the kernel and contrasting in color with the skin of the kernel;

(c) Broken shells when any portion of the shell is missing;

(d) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth inch lengthwise beneath the center ridge, or any equally objectionable amount in other portions of the kernel; or lesser areas

of dark discoloration affecting the appearance to an equal or greater extent;

(e) Kernels which are dark amber in color;

(f) Kernels which are not well cured;

(g) Kernel spots when more than one dark spot is present on either half of the kernel, or when any such spot is more than one-eighth inch in greatest dimension;

(h) Poorly developed kernels;

(i) Shriveling when the surface of the kernel is very conspicuously wrinkled; and

(j) Split or cracked shells when the shell is spread apart or will spread upon application of slight pressure.

§ 51.1417 Serious damage.

Serious damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual pecan. The following defects shall be considered as serious damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 20 percent of the individual shell;

(b) Broken shells when the missing portion of shell is greater in area than a circle one-fourth inch in diameter;

(c) Dark discoloration of the skin which is darker than dark amber over more than 25 percent of the surface of the kernel;

(d) Decay affecting any portion of the kernel;

(e) Insects, web, frass, or the kernel shows distinct evidence of insect feeding on the kernel;

(f) Internal flesh discoloration of a dark shade extending more than one-third the length of the kernel beneath the ridge, or an equally objectionable amount of dark discoloration in other portions of the kernel;

(g) Kernel spots when more than three dark spots on either half of the kernel, or when any spot or the aggregate of two or more spots on one of the halves of the kernel affects more than 10 percent of the surface;

(h) Mold, on the surface or inside the kernel, which is plainly visible without magnification;

(i) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;

NOTE 1 TO § 51.1417(i): Rancidity refers to the tendency of the oil in a pecan kernel to become tainted as a result of oxidation or hydrolysis. Industry measures to determine the tendency of a kernel to become rancid include testing the kernel's peroxide and free fatty acid values. Peroxide values should be less than 5 mEq/kg and free fatty acids acid value should be less than 1 percent. These analyses are not performed in determination of grade.

(j) Undeveloped kernels which are blank (complete shell containing no kernel); and

(k) Worm holes when penetrating the shell.

§ 51.1418 Inedible kernels.

Inedible kernels means that the kernel or pieces of kernels are rancid, moldy, decayed, injured by insects or otherwise unsuitable for human consumption.

Subpart N—United States Standards for Grades of Shelled Pecans

SOURCE: 89 FR 53343, June 26, 2024, unless otherwise noted.

GRADES

§ 51.1430 U.S. Extra Fancy.

''U.S. Extra Fancy'' consists of pecan kernels which meet the following requirements:

(a) For quality:

(1) Well dried;

(2) Moisture content shall not be more than 4.5 percent, unless otherwise specified;

(3) Well developed;

(4) Uniform in color;

(5) Not darker than ''light;''

(6) Free from damage by any cause; and

(7) Comply with tolerances for defects (see § 51.1437).

(b) For size:

(1) Uniform in size; and

(2) Conform to size classification or count specified.

§51.1431 U.S. Fancy.

''U.S. Fancy'' consists of pecan kernels which meet the following requirements:

(a) For quality:

(1) Well dried;

(2) Moisture content shall not be more than 4.5 percent, unless otherwise specified;

(3) Fairly well developed;

(4) Uniform in color;

(5) Not darker than ''light amber,'' unless specified to a lighter color classification;

(6) Free from damage by any cause; and

(7) Comply with tolerances for defects (see §51.1437).

(b) For size:

(1) Uniform in size; and

(2) Conform to size classification or count specified.

§51.1432 U.S. Choice.

''U.S. Choice'' consists of pecan kernels which meet the following requirements:

(a) For quality:

(1) Well dried;

(2) Moisture content shall not be more than 4.5 percent, unless otherwise specified;

(3) Not poorly developed;

(4) Fairly uniform in color;

(5) Not darker than ''amber,'' unless specified to a lighter color classification;

(6) Free from damage by any cause; and

(7) Comply with tolerances for defects (see §51.1437).

(b) For size:

(1) Fairly uniform in size; and

(2) Conform to size classification or count specified.

§51.1433 U.S. Standard.

''U.S. Standard'' consists of pecan kernels which meet the following requirements:

(a) For quality:

(1) Well dried;

(2) Moisture content shall not be more than 4.5 percent, unless otherwise specified;

(3) No requirement for fullness of kernel;

(4) No requirement for uniformity of color;

(5) May contain kernels ''dark amber'' or darker, unless specified to a lighter color classification;

(6) Free from damage by any cause; and

(7) Comply with tolerances for defects (see §51.1437).

(b) For size:

(1) No uniformity in size; and

(2) Conform to size classification or count specified.

COLOR CLASSIFICATIONS

§51.1434 Color classifications.

(a) The skin color of pecan kernels is described in terms of the color classifications provided in this section. When specified to a lighter color classification, that color may be used to describe the lot in connection with the grade.

(1) Light means that the kernel is mostly golden color or lighter, with not more than 25 percent of the surface darker than golden, and none of the surface darker than light brown.

(2) Light amber means that the kernel has more than 25 percent of the surface light brown, but not more than 25 percent of surface darker than light brown, and none of the surface darker than medium brown.

(3) Amber means that the kernel has more than 25 percent of the surface medium brown, but not more than 25 percent of surface darker than medium brown, and none of the surface darker than dark brown (very dark brown or blackish-brown discoloration).

(4) Dark amber means that the kernel has more than 25 percent of the surface dark brown, but not more than 25 percent of surface darker than dark brown (very dark brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, PEC–MC–1, illustrate the color intensities implied by the terms ''golden,'' ''light brown,'' ''medium brown,'' and ''dark brown'' referred to in paragraph (a) of this section. The color standards are available at: *https://www.ams.usda.gov/grades-standards.*

SIZE CLASSIFICATIONS

§ 51.1435 Size classifications for halves.

The size of pecan halves in a lot may be specified in accordance with one of the size classifications shown in table 1 to this section.

(a) *Halves per pound.* The number of halves per pound shall be based upon the weight of half-kernels after all pieces, meal and flour, shell, center wall, and foreign material have been removed.

(b) *Tolerance for count per pound.* In order to allow for variations incident to proper sizing, a tolerance shall be permitted as follows:

(1) When an exact number of halves per pound is specified, the actual count per pound may vary not more than 5 percent from the specified number, and

(2) When any size classification shown in table 1 to this section or a range in count per pound is specified, no tolerance shall be allowed for counts outside of the specified range.

(c) *Tolerances for pieces, meal, and flour.* In order to allow for variations incident to proper sizing and handling, tolerances are provided for pieces, meal, and flour in any lot of halves. The tolerances, by weight, are as shown in table 2 to this section.

TABLE 1 TO § 51.1435

Size classification for halves	Number of halves @per pound
Mammoth	250 or less.
Junior Mammoth	251–350.
Jumbo	351–450.
Large	451–550.
Medium	551–650.
Topper	651–750.
King Topper	751 or more.

In lieu of the size classifications in this table, the size of pecan halves in a lot may be specified in terms of the number of halves or a range of number of halves per pound. For example, ''400'' or ''600–700.''

TABLE 2 TO § 51.1435

Tolerances for pieces, meal, and flour	U.S. extra fancy premier halves (%)	U.S. extra fancy halves (%)	U.S. fancy halves (%)	U.S. choice halves (%)	U.S. standard halves (%)
A. Less than 7/8 half-kernel	10	.....	.....		
B. Less than 3/4 half-kernel	.....	10	15	20	20
C. Less than 1/2 half-kernel (included in A.—U.S. Extra Fancy Premier Halves) (included in B.—U.S. Extra Fancy Halves, U.S. Fancy Halves, U.S. Choice Halves, and U.S. Standard Halves)	3	3	5	5	5
D. Less than 4/64″ (included in C.)	1	1	1	1	1

§ 51.1436 Size classifications for pieces.

The size of pecan pieces in a lot may be specified in accordance with one of the size classifications shown in table 1 to this section. Sizes are measured using a round-hole screen.

(a) *Tolerances for size of pieces.* In order to allow for variations incident to proper sizing, tolerances are provided for pieces in a lot which fail to meet the requirements of any size specified. The tolerances, by weight, are as follows:

(1) *U.S. Extra Fancy pieces and U.S. Fancy pieces.* Not more than 15 percent of the lot may fall outside of the size range in Table 1 to this section. Further, not more than 1 percent of the pieces, excluding Topping Pieces and Granules, may pass through an eight sixty-fourths of an inch round hole screen.

(2) *U.S. Choice pieces.* Not more than 20 percent of the lot may fall outside of the size range in Table 1 to this section. Further, not more than 2 percent of the pieces, excluding Topping Pieces

and Granules, may pass through an eight sixty-fourths of an inch round hole screen.

(3) *U.S. Standard pieces.* Not more than 25 percent of the lot may fall outside of the size range in table 1 to this section. Further, not more than 2 percent of the pieces, excluding Topping Pieces and Granules, may pass through an eight sixty-fourths of an inch round hole screen.

(b) [Reserved]

TABLE 1 TO §51.1436

Size classification	Maximum diameter (will pass through round opening of the following diameter)	Minimum diameter (will not pass through round opening of the following diameter)
Extra-Large Pieces	No limitation	32/64 inch.
Large Pieces	32/64 inch	24/64 inch.
Halves and Pieces	No limitation	20/64 inch.
Medium Pieces	24/64 inch	16/64 inch.
Small Pieces	16/64 inch	12/64 inch.
Topping Pieces	12/64 inch	8/64 inch.
Granules	8/64 inch	4/64 inch.

In lieu of the size classifications in this table, the size of pieces in a lot may be specified in terms of minimum diameter, or as a range described in terms of minimum and maximum diameters expressed in sixty-fourths of an inch.

TOLERANCES FOR DEFECTS

§51.1437 Tolerances for defects.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are as follows:

(a) U.S. Extra Fancy grade:

(1) No foreign material;

(2) 0.01 percent for shell, and center wall;

(3) Zero tolerance is provided for pecan weevil larvae;

(4) 3 percent for portions of kernels which are ''light amber'' or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and

(5) 3 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 0.50 percent (one-half of 1 percent) for defects causing serious damage: *Provided*, That any unused portion of this tolerance may be applied to increase the tolerance for kernels which are ''light amber'' or darker color, or darker than any specified lighter color classification.

(b) U.S. Fancy grade:

(1) No foreign material;

(2) 0.01 percent for shell and center wall;

(3) No more than 2 pecan weevil larvae;

(4) 5 percent for portions of kernels which are ''amber'' or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and

(5) 5 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 0.50 percent (one-half of 1 percent) for defects causing serious damage, including pecan weevil larvae: *Provided*, That any unused portion of this tolerance may be applied to increase the tolerance for kernels which are ''amber'' or darker color, or darker than any specified lighter color classification.

(c) U.S. Choice grade:

(1) No foreign material;

(2) 0.01 percent for shell and center wall;

(3) No more than 5 pecan weevil larvae;

(4) 15 percent for portions of kernels which are ''dark amber'' or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and

(5) 8 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1 percent for defects causing serious damage, including pecan weevil larvae.

(d) U.S. Standard grade:

(1) No foreign material;

(2) 0.01 percent for shell and center wall;

(3) 25 percent for portions of kernels which are darker than a specified color

classification, but which are not otherwise defective; and

(4) 15 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1 percent for defects causing serious damage, including pecan weevil larvae.

APPLICATION OF STANDARDS

§ 51.1438 Application of standards.

The grade of a lot of shelled pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable container or number of containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.1439 Premier half-kernel (Premier halves).

Premier half-kernel (Premier halves) means one of the separated halves of an entire pecan kernel with not more than one-eighth of its original volume missing, exclusive of the portion which formerly connected the two halves of the kernel.

§ 51.1440 Half-kernel (Halves).

Half-kernel (Halves) means one of the separated halves of an entire pecan kernel with not more than one-fourth of its original volume missing, exclusive of the portion which formerly connected the two halves of the kernel.

§ 51.1441 Piece.

Piece means a portion of a kernel which is less than three-fourths of a half-kernel, but which will not pass through a round opening four sixty-fourths (4/64) of an inch in diameter.

§ 51.1442 Meal and flour.

Meal and flour means fragments of kernels which will pass through a round opening four sixty-fourths (4/64) of an inch in diameter.

§ 51.1443 Well dried.

Well dried means that the portion of kernel is firm and crisp, not pliable, or leathery.

§ 51.1444 Well developed.

Well developed means that the kernel is full-meated through its width and length.

§ 51.1445 Fairly well developed.

Fairly well developed means that the kernel is full-meated in over 50 percent of its width and length.

§ 51.1446 Poorly developed.

Poorly developed means that the kernel is full-meated in less than 25 percent of its width and length.

§ 51.1447 Uniform in color.

Uniform in color means that 95 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

§ 51.1448 Fairly uniform in color.

Fairly uniform in color means that 85 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

§ 51.1449 Uniform in size.

Uniform in size means that, in a representative sample of 100 halves, the 10 smallest halves weigh not less than 25 percent as much as the 10 largest halves.

§ 51.1450 Fairly uniform in size.

Fairly uniform in size means that, in a representative sample of 100 halves, the 10 smallest halves weigh not less than 50 percent as much as the 10 largest halves.

§ 51.1451 Foreign material.

Foreign material includes rocks, wood, glass, plastic, or any similar material. It does not include hard shell, center wall, or pecan weevil larvae.

§ 51.1452 Damage.

Damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or

any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual portion of the kernel or of the lot as a whole. The following defects shall be considered as damage:

(a) Adhering material from inside the shell when attached to more than one-fourth of the surface on one side of the half-kernel or piece;

(b) Dust or dirt adhering to the kernel when conspicuous;

(c) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth the length of the half-kernel or piece, or lesser areas of dark discoloration affecting the appearance to an equal or greater extent;

(d) Kernel which is not well dried;

(e) Kernel which is ''dark amber'' or darker color;

(f) Kernel having more than one dark kernel spot, or one dark kernel spot more than one-eighth inch in greatest dimension;

(g) Poorly developed kernel; and

(h) Shriveling when the surface of the kernel is very conspicuously wrinkled.

§51.1453 Serious damage.

Serious damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of kernel or of the lot as a whole. The following defects shall be considered as serious damage:

(a) Adhering material from inside the shell when attached to more than one-half of the surface on one side of the half-kernel or piece;

(b) Any plainly visible mold;

(c) Dark kernel spots when more than three are on the kernel, or when any dark kernel spot or the aggregate of two or more spots affect an area of more than 10 percent of the surface of the half-kernel or piece;

(d) Dark skin discoloration, darker than ''dark brown,'' when covering more than one-fourth of the surface of the half-kernel or piece;

(e) Decay affecting any portion of the kernel;

(f) Insects, web, or frass or any distinct evidence of insect feeding on the kernel;

(g) Internal discoloration, which is dark gray, dark brown, or black and extends more than one-third the length of the half-kernel or piece; and

(h) Rancidity when the kernel is distinctly rancid to taste. Staleness of flavor shall not be classed as rancidity.

NOTE 1 TO §1453(h): Rancidity refers to the tendency of the oil in a pecan kernel to become tainted as a result of oxidation or hydrolysis. Industry measures to determine the tendency of a kernel to become rancid include testing the kernel's peroxide and free fatty acid values. Peroxide values should be less than 5 mEq/kg and free fatty acids acid value should be less than 1 percent. These analyses are not performed in determination of grade.

Subpart O—United States Standards for Grades of Fresh Plums and Prunes

SOURCE: 69 FR 9193, Feb. 27, 2004, unless otherwise noted.

GRADES

§51.1520 U.S. Fancy.

''U.S. Fancy'' consists of plums or prunes of one variety which are well formed, clean, mature but not overripe or soft or shriveled; which are free from decay, sunscald, heat injury, sunburn, split pits and hail marks, and free from damage caused by broken skins, growth cracks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means.

(a) Italian type prunes shall be well colored and, unless otherwise specified, shall be not less than 1¼ inches in diameter. (*See* §51.1525.)

(b) [Reserved]

§51.1521 U.S. No. 1.

''U.S. No. 1'' consists of plums or prunes of one variety which are well formed, clean, mature but not overripe or soft or shriveled; which are free from decay and sunscald, and free from damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means.

(a) Italian type prunes shall be fairly well colored and, unless otherwise specified, shall be not less than 1¼ inches in diameter. (*See* § 51.1525.)

(b) [Reserved]

§ 51.1522 U.S. Combination.

''U.S. Combination'' consists of a combination of U.S. No. 1 and U.S. No. 2 plums or prunes: *Provided*, That at least 75 percent, by count, meet the requirements of U.S. No. 1 grade. (*See* § 51.1525.)

§ 51.1523 U.S. No. 2.

''U.S. No. 2'' consists of plums or prunes of one variety which are not badly misshapen, which are clean, mature but not overripe or soft or shriveled; which are free from decay and sunscald, and free from serious damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means. (*See* § 51.1525.)

§ 51.1524 [Reserved]

TOLERANCES

§ 51.1525 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the following grades, the following tolerances, by count, based on a minimum 50-count sample, except when packages contain less than 50 fruit, a minimum 25-count sample shall be examined, (when packages contain less than 25 fruit adjoining packages shall be opened to obtain the 25-count minimum sample), are provided as specified:

(a) *U.S. Fancy and U.S. No. 1*—(1) *For defects of plums or prunes other than Italian type prunes at shipping point.*[1] 8 percent for fruit which fails to meet the requirements of the specified grade: *Provided*, That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for fruit which is affected by decay.

(2) *For defects of plums or prunes other than Italian type prunes en route or at destination.* 12 percent for fruit which fails to meet the requirements of the specified grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for permanent defects;

(ii) 6 percent for defects causing serious damage, including therein not more than 4 percent for serious damage by permanent defects and not more than 2 percent for decay.

(3) *For defects of Italian type prunes at shipping point.*[1] Not more than a total of 12 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 8 percent for prunes which fail to meet the remaining requirements of the grade: *Provided*, That not more than one-half of this amount, or 4 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than one-half of 1 percent for decay.

(4) For defects of Italian type prunes en route or at destination. Not more than a total of 18 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 12 percent for permanent defects including therein not more than 10 percent which fail to meet the color requirement, 10 percent which fail to meet the minimum diameter requirement, and 8 percent which fail to meet the requirements of the grade because of other permanent defects;

(ii) 6 percent for defects causing serious damage, including therein not more than 4 percent for serious damage

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

by permanent defects and not more than 2 percent for decay.

(b) *U.S. Combination and U.S. No. 2*—(1) *For defects at shipping point.*[1] 8 percent for fruit which fails to meet the requirements of the specified grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for sunscald, decay or serious damage by insects or heat injury, including in this latter amount not more than one-half of 1 percent for decay.

(2) *For defects en route or at destination.* 12 percent for fruit which fails to meet the requirements of the specified grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for permanent defects including therein not more than 4 percent for sunscald, or serious damage by insects or heat injury; and,

(ii) 2 percent for decay.

(3) When applying the tolerance for the U.S. Combination grade individual packages may have not more than 10 percent less than the percentage of U.S. No. 1 required: *Provided,* That the entire lot averages within the required percentage. (*See* §51.1526.)

APPLICATION OF TOLERANCES

§51.1526 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) A package may contain not more than double any specified tolerance except that at least two defective and two off-size specimens may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(b) [Reserved]

STANDARD PACK

§51.1527 Standard pack.

(a) *Packing.* (1) All packages shall be tightly packed or well filled, according to the approved and recognized methods.

(2) The plums or prunes in the top layer of any package shall be reasonably representative in quality and size of those in the remainder of the package.

(3) ''Well filled'' means that the plums or prunes packed in loose or volume filled containers are packed within 1 inch of the top of the container.

(4) ''Tightly packed'' means the plums or prunes are the proper size for the mold or cell compartments in which they are packed, and the molds or cells are filled in such a way that movement is not allowed.

(b) *Marking.* (1) The size of plums or prunes shall be marked on each package, and shall be indicated in terms of minimum diameter, or number of fruit per package, or in accordance with the arrangement of the top layer of fruit in the package or subcontainer. Size may also be shown in terms of maximum number of fruit for a specified weight, such as ''8 per pound,'' ''6.4 per pound'' or ''7⅔ per pound'' or by a count-size designation based on the number of fruits contained in a 10 pound sample with the designation rounded to an applicable number which is divisible by 5 (example: 40 size, 45 size, 50 size, 55 size, etc.).

(i) *California peach boxes, lug boxes and small consumer packages.* In layer-packed California peach boxes or lug boxes, and in small layer packed consumer packages, the count of the entire contents shall be marked on the package. The number of plums or prunes in California peach boxes or lug boxes shall not vary more than 4 from the number indicated on the package. Loose filled consumer packs not in a master container shall have a count-size marked on the package or on a tag closure. Master containers of loose filled consumer packages shall have a count-size marked on the package describing the size of plums or prunes within the container.

(ii) *Face and fill packs in cartons and lug boxes.* In face and fill packs in cartons and lug boxes the number of rows in the face shall be marked on the packages, as ''6 row,'' ''8 row,'' etc.

(c) *Sizing.* (1) Not more than 5 percent, by count, of the plums or prunes in any package may vary more than one-fourth inch in diameter, except that not more than 5 percent, by count, of the plums or prunes 2–1/4 inches or larger in diameter and packed in loose

or volume filled containers may vary more than three-eighths inch in diameter.

(2) When size is indicated in terms of minimum diameter, not more than 5 percent, by count, of the fruit in any package may be smaller than the size marked.

(d) *Tolerance for standard pack.* In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the packages in any lot may fail to meet the requirements for standard pack.

DEFINITIONS

§ 51.1528 Well formed.

''Well formed'' means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well formed.

§ 51.1529 Clean.

''Clean'' means that the fruit is practically free from dirt and other foreign material.

§ 51.1530 Mature.

''Mature'' means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

§ 51.1531 Sunscald.

''Sunscald'' means injury caused by the sun in which softening or collapse of the flesh is apparent.

§ 51.1532 Damage.

''Damage'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(a) Broken skins which are unhealed except those caused by pulled stems where the skin is torn only slightly within the stem cavity. (Healed skin breaks shall be considered scars);

(b) Heat injury, sprayburn or sunburn:

(1) When the skin is blistered, cracked or decidedly flattened;

(2) When the normal color of the skin or flesh has materially changed;

(3) When there is more than one indentation; or,

(4) When an indentation exceeds three-sixteenths inch in diameter;

(c) Growth cracks:

(1) When not healed;

(2) When more than one in number;

(3) When more than one-eighth inch in depth;

(4) When more than three-eighths inch in length if within the stem cavity; or,

(5) When more than one-fourth inch in length if outside of the stem cavity;

(6) When extending from within to outside the stem cavity, when more than three-eighths inch in length if the major portion of the crack is within the stem cavity or when more than one-fourth inch in length if the major portion of the crack is outside the stem cavity;

(d) Split pit when causing any unhealed crack, or when healed and aggregating more than one-fourth inch in length, or when affecting the shape to the extent that the fruit is not well formed;

(e) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the aggregate area exceeds that of a circle three-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(f) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(g) Scale or scale marks when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(h) Scars, including those caused by hail, when the surface of the fruit is depressed more than one-sixteenth inch, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark or rough scars when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle three-eighths

inch in diameter on a fruit larger than 2 inches in diameter.

(2) Fairly light colored, fairly smooth scars when, in the case of Italian type prunes, the area exceeds that of a circle one-half inch in diameter; or when, in the case of other types of plums, the area exceeds that of a circle one-half inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle five-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(3) Light colored, smooth scars when, in the case of Italian type prunes, the area exceeds one-twelfth of the fruit surface; or when, in the case of other types of plums, the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle seven-eighths inch in diameter on a fruit larger than 2 inches in diameter;

(4) Twig or limb scratches which are not well healed or which have an aggregate length of more than one-half inch;

(i) Russeting which exceeds any of the following aggregate areas of any one type of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough russeting when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle one-half inch in diameter on a fruit larger than 2 inches in diameter;

(2) Slightly rough russeting when, in the case of Italian type prunes, the area exceeds one-twelfth of the fruit surface; or when, in the case of other types of plums, the area exceeds that of a circle five-eighths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle three-fourths inch in diameter on a fruit larger than 2 inches in diameter;

(3) Fairly smooth or smooth russeting when, in the case of Italian type prunes, the area exceeds one-twelfth of the fruit surface; or when, in the case of other types of plums the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle 1 inch in diameter on a fruit larger than 2 inches in diameter.

(j) Discoloration when definitely contrasting with the normal surface color of the fruit and affects more than 10 percent of the surface.

§51.1533 Well colored.

''Well colored,'' as applied to Italian type prunes, means that 95 percent of the surface of the prune is purple color.

§51.1534 Fairly well colored.

''Fairly well colored,'' as applied to Italian type prunes, means that at least three-fourths of the surface of the prune is purple color.

§51.1535 Badly misshapen.

''Badly misshapen'' means that the fruit is so malformed or rough that its appearance is seriously affected. Doubles shall be considered badly misshapen, except that doubles of Italian type prunes which have approximately equal halves shall not be considered badly misshapen.

§51.1536 Serious damage.

''Serious damage'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Broken skins which are unhealed when aggregating more than one-eighth inch in diameter, length or depth. (Healed skin breaks shall be considered scars);

(b) Heat injury, sprayburn or sunburn:

(1) When the skin is blistered, cracked or decidedly flattened;

(2) When causing any dark discoloration of the flesh;

(3) When there are more than two indentations;

(4) When the aggregate area of indentations exceeds that of a circle three-eighths inch in diameter; or,

(5) When causing noticeable brownish or darker discoloration over more than one-fourth of the fruit surface;

(c) Growth cracks:

(1) When not healed and more than one-eighth inch in length or depth;
(2) When healed and more than three-sixteenths inch in depth;
(3) When healed and aggregating more than five-eighths inch in length if within the stem cavity; or,
(4) When healed and aggregating more than one-half inch in length if outside of the stem cavity;
(5) When extending from within to outside the stem cavity, when healed and aggregating more than five-eighths inch in length if the major portion of the crack is within the stem cavity or when healed and aggregating more than one-half inch in length if the major portion of the crack is outside the cavity;
(d) Split pit when causing any unhealed crack, or when healed and aggregating more than three-eighths inch in length, or when affecting the shape to the extent that the fruit is badly misshapen;
(e) Scab or bacterial spot, when the aggregate area exceeds that of a circle one-half inch in diameter on a fruit 2 inches in diameter or smaller; or when the aggregate area exceeds that of a circle three-fourths inch in diameter on a fruit larger than 2 inches in diameter;
(f) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-half inch in diameter;
(g) Scale or scale marks when the aggregate area exceeds that of a circle three-eighths inch in diameter;
(h) Russeting and scars, including those caused by hail, when the surface of the fruit is depressed more than three-sixteenths inch, or when exceeding any of the following aggregate areas, or a combination of two or more types of russeting or scars the seriousness of which exceeds the maximum allowed for any one type:
(1) Dark or rough scars or rough russeting when the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or smaller; or when the area exceeds that of a circle one inch in diameter on a fruit larger than 2 inches in diameter;
(2) Russeting and scars which are not dark or rough when the area exceeds one-fourth of the fruit surface.
(i) Soft or overripe or shriveled plums or prunes;
(j) Plums or prunes affected by decay; and
(k) Plums or prunes affected by sunscald.
(l) Discoloration when definitely contrasting with the normal surface color and affects more than 25 percent of the surface.

§ 51.1537 Diameter.

''Diameter'' means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

METRIC CONVERSION TABLE

§ 51.1538 Metric conversion table.

Inches	Millimeters (mm)
⅛ equals	3.2
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
1½ equals	38.1
1¾ equals	44.5
2 equals	50.8
3 equals	76.2
4 equals	101.6

Subpart P—United States Standards for Grades of Potatoes

SOURCE: 35 FR 18258, Dec. 1, 1970, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.1540 [Reserved]

§ 51.1541 U.S. No. 1.

''U.S. No. 1'' consists of potatoes which meet the following requirements:
(a) Similar varietal characteristics, except when designated as a mixed or specialty pack;
(b) Firm;
(c) Fairly clean;[2]

[2]Potatoes in containers bearing official State Seed Certification Tags and Seals are

(d) Fairly well shaped;
(e) Free from:
(1) Freezing;
(2) Blackheart;
(3) Late blight, southern bacterial wilt and ring rot; and,
(4) Soft rot and wet breakdown.
(f) Free from damage by any other cause. See §§51.1564 and 51.1565.
(g) Size. Not less than 1⅞ inches in diameter, unless otherwise specified in connection with the grade.
(h) For tolerances see §51.1546.

[35 FR 18258, Dec. 1, 1970, as amended at 76 FR 31789, June 2, 2011]

§51.1542 U.S. Commercial.

''U.S. Commercial'' consists of potatoes which meet the requirements of U.S. No. 1 grade except for the following:
(a) Free from serious damage caused by:
(1) Dirt or other foreign matter;
(2) Russet scab; and,
(3) Rhizoctonia.
(b) Increased tolerances for defects specified in §51.1546.

§51.1543 U.S. No. 2.

''U.S. No. 2'' consists of potatoes which meet the following requirements:
(a) Similar varietal characteristics, except when designated as a mixed or specialty pack;
(b) Not seriously misshapen;
(c) Free from:
(1) Freezing;
(2) Blackheart;
(3) Late blight, southern bacterial wilt and ring rot; and,
(4) Soft rot and wet breakdown.
(d) Free from serious damage by any other cause. See §§51.1564 and 51.1565.
(e) Size. Not less than 1½ inches in diameter, unless otherwise specified in connection with the grade.
(f) For tolerances see §51.1546.

[35 FR 18258, Dec. 1, 1970, as amended at 76 FR 31789, June 2, 2011]

UNCLASSIFIED

§51.1544 [Reserved]

SIZE

§51.1545 Size.

(a) The minimum size, or minimum and maximum sizes may be specified in connection with the grade in terms of diameter or weight of the individual potato, or in accordance with one of the size designations in Table I or Table II: *Provided*, That sizes so specified shall not be in conflict with the basic size requirements for the grade.
(b) When size is designated as shown in Table II, the corresponding weight ranges shall apply. These size designations may be applied to potatoes packed in any size container: Provided, that the weight ranges are within the limits specified.

TABLE 1

Size designation	Minimum diameter [1] or weight		Maximum diameter [1] or weight	
	Inches	Ounces	Inches	Ounces
Creamer	¾	([3])	1⅝	([3])
Chef	2¾	8	4½	28
Size A[2]	1⅞	([3])	([3])	([3])
Size B	1½	([3])	2¼	([3])
Small	1¾	([3])	2½	6
Medium	2¼	5	3¼	10
Large	3	10	4½	28

[1] Diameter means the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end.
[2] In addition to the minimum size specified, a lot of potatoes designated as Size A shall contain at least 40 percent of potatoes which are 2½ inches in diameter or larger or 6 ounces in weight or larger.
[3] No requirement.

not required to be fairly clean but shall be free from damage by dirt.

TABLE II

[Ounces]

Size designation	Minimum weight	Maximum weight
Under 50	15	
50	12	19
60	10	16
70	9	15
80	8	13
90	7	12
100	6	10
110	5	9
120	4	8
130	4	8
140	4	8
Over 140	4	8

[35 FR 18258, Dec. 1, 1970, as amended at 37 FR 2745, Feb. 5, 1972. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981; amended at 56 FR 7553, Feb. 25, 1991; 73 FR 15055, Mar. 21, 2008; 73 FR 70585, Nov. 21, 2008]

TOLERANCES

§ 51.1546 Tolerances.

To allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances by weight or equivalent basis, are provided as specified.

(a) *For defects*—(1) *U.S. No. 1.* (i) *At Shipping Point:* A total of 8 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(A) 5 percent for external defects;

(B) 5 percent for internal defects; and

(C) Not more than a total of 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(ii) *En route or at destination:* A total of 10 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, That included in this tolerance not more than a total of 8 percent shall be allowed for permanent defects: And provided further, the following percentages shall be allowed for the defects listed:

(A) 7 percent for external defects, including therein not more than 5 percent for permanent external defects;

(B) 7 percent for internal defects, including therein not more than 5 percent for permanent internal defects; and

(C) Not more than a total of 2 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(2) *U.S. Commercial:* A total of 20 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(i) 10 percent for potatoes which fail to meet the requirements for U.S. No. 2 grade, including therein not more than:

(ii) 6 percent for external defects;

(iii) 6 percent for internal defects; and

(iv) Not more than a total of 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(3) *U.S. No. 2.* (i) *At Shipping Point:* A total of 10 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(A) 6 percent for external defects;

(B) 6 percent for internal defects; and

(C) Not more than a total of 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(ii) *En route or at destination:* A total of 12 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, That included in this tolerance not more than a total of 10 percent shall be allowed for permanent defects: And provided further, the following percentages shall be allowed for the defects listed:

(A) 8 percent for external defects, including therein not more than 6 percent for permanent external defects;

(B) 8 percent for internal defects, including therein not more than 6 percent for permanent internal defects; and

(C) Not more than a total of 2 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(b) *For off-size.* (1) Not more than 3 percent of the potatoes in any lot may

be smaller than the required or specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of 2¼ inches or larger in diameter or 5 ounces or more in weight. In addition, not more than 10 percent may be larger than any required or specified maximum size. See § 51.1547.

(2) When a percentage of the potatoes is specified to be of a certain size and larger, individual samples shall have not less than one-half of the percentage specified: *Provided*, That the average for the entire lot is not less than the percentage specified.

[35 FR 18258, Dec. 1, 1970. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981; amended at 56 FR 7553, Feb. 25, 1991; 73 FR 15055, Mar. 21, 2008; 73 FR 70585, Nov. 21, 2008; 76 FR 31789, June 2, 2011]

APPLICATION OF TOLERANCES

§ 51.1547 Application of tolerances.

Individual samples shall have not more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample: *Provided*, That en route or at destination one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft rot or wet breakdown: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLES FOR GRADE AND SIZE DETERMINATION

§ 51.1548 Samples for grade and size determination.

Individual samples shall consist of at least 20 pounds. When individual packages contain at least 20 pounds, each individual sample is drawn from one package; when packages contain less than 20 pounds, a sufficient number of adjoining packages are opened to provide at least a 20-pound sample. The number of such individual samples drawn for grade and size determination will vary with the size of the lot.

SKINNING

§ 51.1549 Skinning.

(a) The following definitions provide a basis for describing lots of potatoes as to the degree of skinning whenever description may be appropriate:

(1) ''Practically no skinning'' means that not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or ''feathered'';

(2) ''Slightly skinned'' means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or ''feathered'';

(3) ''Moderately skinned'' means that not more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or ''feathered''; and

(4) ''Badly skinned'' means that more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or ''feathered''.

DEFINITIONS

§ 51.1550 Similar varietal characteristics.

Similar varietal characteristics means that the potatoes in any lot have the same general shape, color and character of skin, and color of flesh.

§ 51.1551 Firm.

Firm means that the potato is not shriveled or flabby.

§ 51.1552 Clean.

Clean means that at least 90 percent of the potatoes in any lot are practically free from dirt or staining and practically no loose dirt or other foreign matter is present in the container.

§ 51.1553 Fairly clean.

Fairly clean means that at least 90 percent of the potatoes in any lot are reasonably free from dirt or staining and not more than a slight amount of loose dirt or foreign matter is present in the container.

§ 51.1554 Mature.

Mature means that the skins of the potatoes are generally firmly set and not more than 5 percent of the potatoes

in the lot have more than one-tenth of the skin missing or ''feathered.''

§ 51.1555 Fairly well matured.

Fairly well matured means that the skins of the potatoes are generally fairly firmly set and not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or ''feathered.''

§ 51.1556 Well shaped.

Well shaped means that the potato has the normal shape for the variety.

§ 51.1557 Fairly well shaped.

Fairly well shaped means that the potato is not materially pointed, dumbbell-shaped or otherwise materially deformed.

§ 51.1558 Seriously misshapen.

Seriously misshapen means that the potato is seriously pointed, dumbbell-shaped or otherwise badly deformed.

§ 51.1559 [Reserved]

§ 51.1560 Damage.

''Damage'' means any defect, or any combination of defects, which materially detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato. See Tables III, IV, V and VI in § 51.1564 and Table VII in § 51.1565.

[76 FR 31789, June 2, 2011]

§ 51.1561 Serious damage.

''Serious damage'' means any defect, or any combination of defects, which seriously detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato. See Tables III, IV, V and VI in § 51.1564 and Table VII in 5§ 1.1565.

[76 FR 31789, June 2, 2011]

§ 51.1562 Freezing.

Freezing means that the potato is frozen or shows evidence of having been frozen.

§ 51.1563 Soft rot or wet breakdown.

Soft rot or wet breakdown means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury.

§ 51.1564 External defects.

External defects are defects which can be detected externally. However, cutting may be required to determine the extent of the injury. Some external defects are listed in Tables III, IV, V and VI.

TABLE III—EXTERNAL DEFECTS

Defects	Damage	Serious damage[1]
Air Cracks	When removal causes a loss of more than 5 percent of the total weight of the potato or when the air crack(s) affects more than ⅓ the length or diameter of the potato (whichever is greater) in the aggregate.	When removal causes a loss of more than 10 percent of the total weight of the potato or when the air crack(s) affects more than ¾ the length or diameter of the potato (whichever is greater) in the aggregate.
Artificial Coloring	When unsightly or when concealing any defect causing damage or when penetrating the flesh and removal causes loss of more than 5 percent of total weight of potato.	When concealing a serious defect or when penetrating into the flesh and removal causes loss of more than 10 percent of total weight of potato.
Bruises (Not including pressure bruise and sunken discolored areas).	When removal causes a loss of more than 5 percent of the total weight of the potato or when the area affected is more than 5 percent of the surface in the aggregate (i.e., ¾ inch on a 2½ inch or 6 oz. potato). Correspondingly lesser or greater areas in smaller or larger potatoes.	When removal causes a loss of more than 10 percent of the total weight of the potato or when the area affected is more than 10 percent of the surface in the aggregate (i.e., 1¼ inches on a 2½ inch or 6 oz. potato). Correspondingly lesser or greater areas in smaller or larger potatoes.

TABLE III—EXTERNAL DEFECTS—Continued

Defects	Damage	Serious damage[1]
Cuts	When one smooth cut affects more than 5 percent of the surface area.	Cut(s) that affect more than 10 percent of the surface area in the aggregate or when a single side cut extends beyond ½ the length of the potato.
Dirt	When materially detracting from the appearance of the potato.	When seriously detracting from the appearance of the potato.
Elephant Hide	When affecting over 10 percent of the surface area of the potato.	When affecting over 25 percent of the surface area.
Enlarged Lenticels	When materially detracting from the appearance of the potato.	When seriously detracting from the appearance of the potato.
External Discoloration (Areas that are light tan or lighter in color and blends should be ignored).	When more than 30 percent of the surface is affected by light tan or light brown colors which do not blend or when more than 15 percent of the surface is affected by colors darker than light tan or light brown.	When more than 60 percent of the surface is affected by light tan or light brown colors which do not blend or when more than 30 percent of the surface is affected by colors darker than light tan or light brown.
Flattened or Depressed Areas/Pressure Bruises.	When removal of underlying discolored flesh causes a loss of more than 5 percent of the total weight of the potato or when the flattened or depressed area(s) covers more surface area than allowed in Table IV. (See Table IV.).	When removal of underlying discolored flesh the causes a loss of more than 10 percent of the weight of the potato or when the flattened depressed area(s) covers more surface area than allowed in the Table IV. (See Table IV.)
Flea Beetle Injury	When materially detracting from the appearance or when removal causes a loss of more than 5 percent of the total weight of the potato or when the area affected is more than 5 percent of the surface in the aggregate.	When seriously detracting from the appearance of the potato or when removal causes a loss of more than 10 percent of the weight of the potato or when the area affected is more than 10 percent of the surface in the aggregate.
Greening	When removal causes a loss of more than 5 percent of the total weight of the potato or when green color affects more than 25 percent of the surface in the aggregate.	When removal causes a loss of more than 10 percent of the weight of the potato or when green color affects more than 50 percent of the surface in the aggregate.
Growth Cracks	When the growth crack(s) affects more than ½ the length of the potato in the aggregate on round varieties or more than ⅓ the length in the aggregate on long varieties; or, when the depth is greater than that as outlined in Table V. (*See* Table V.).	When the growth crack(s) affects more than ¾ the length of the potato in the aggregate or when the depth is greater than that as outlined in Table V. (*See* Table V.).
Grub Damage	When removal causes a loss of more than 5 percent of the total weight of the potato or when affecting more than 5 percent of the surface area (i.e. more than ¾ inch on a 2½ inch or 6 ounce potato). Correspondingly lesser or greater areas in smaller or larger potatoes.	When removal causes a loss of more than 10 percent of the total weight of the potato or when affecting more than 10 percent of the surface area (i.e. more than 1¼ inch on a 2½ inch or 6 ounce potato). Correspondingly lesser or greater areas in smaller or larger potatoes.
Insects or Worms	(See Serious Damage.)	When present inside the potato.
Nematode (Root Knot)	When removal causes loss of more than 5 percent of total weight of potato.	When removal causes loss of more than 10 percent of total weight of potato.
Rhizoctonia	When affecting more than 15 percent of the surface in the aggregate.	When affecting more than 50 percent of the surface in the aggregate.
Russeting (On Non Russet Type).	When more than 50 percent of the surface is affected in the aggregate.	N/A.
Rodent or Bird Damage	When removal causes a loss of more than 5 percent of the total weight of the potato or when affecting more than 5 percent of the surface area (i.e. more than ¾ inch on a 2½ inch or 6 ounce potato). Correspondingly lesser or greater areas in smaller or larger potatoes.	When removal causes a loss of more than 10 percent of the total weight of the potato or when affecting more than 10 percent of the surface area (i.e. more than 1¼ inch on a 2½ inch or 6 ounce potato). Correspondingly lesser or greater areas in smaller or larger potatoes.
Scab, Pitted	When removal causes a loss of more than 5 percent of the total weight of the potato or when scab affects an aggregate area of more than ½ inch. (Based on a potato 2½ inches in diameter or 6 oz. in weight.) Correspondingly lesser or greater areas in smaller or larger potatoes.	When the removal causes a loss of more than 10 percent of the total weight of the potato or when scab affects an aggregate area of more than 1 inch. (Based on a potato 2½ inches in diameter or 6 oz. in weight.) Correspondingly lesser or greater areas in smaller or larger potatoes.
Scab, Russet	Smooth and affecting more than ⅓ of the surface or rough russet scab which affects more than 10 percent of the surface in the aggregate.	Rough and affecting more than 25 percent of the surface in the aggregate.
Scab, Surface	When more than 5 percent of the surface in the aggregate is affected.	When more than 25 percent of the surface in the aggregate is affected.
Second Growth	When materially detracting from the appearance of the potato.	When seriously detracting from the appearance of the potato.

TABLE III—EXTERNAL DEFECTS—Continued

Defects	Damage	Serious damage[1]
Silver Scurf	When affecting more than 50 percent of the surface area of the potato.	When its severity causes a wrinkling of the skin over more than 50 percent of the surface.
Sprouts	When more than 5 percent of the potatoes in any lot have any sprout more than ¼ inch in length at shipping point; more than ½ inch in length at destination; or have numerous individual and/or clusters of sprouts which materially detract from the appearance of the potato.	When more than 10 percent of the potatoes in any lot have any sprout more than ½ inch in length at shipping point; more than 1 inch in length at destination; or have numerous individual and/or clusters of sprouts which seriously detract from the appearance of the potato. Serious damage by sprouts shall only be scored against the U.S. Commercial and U.S. No. 2 grades.
Sunburn	When removal causes loss of more than 5 percent of total weight of potato.	When removal causes loss more than 10 percent of total weight of potato.
Sunken Discolored Areas	SEE TABLE VI	SEE TABLE VI.
Surface Cracks (Areas affected by fine net-like cracking should be ignored.).	When smooth shallow cracking affects more than ⅓ of the surface or when rough deep cracking affects more than 5 percent of the surface.	When rough deep cracking affects more than 10 percent of the surface.
Wireworm or Grass Damage.	When affecting the flesh of the potato and removal causes loss of more than 5 percent of total weight of potato..	When affecting the flesh of the potato and removal causes loss of more than 10 percent of total weight of potato.

The following defects are considered serious damage when present in any degree: 1. Freezing. 2. Late blight. 3. Ring rot. 4. Southern bacterial wilt. 5. Soft rot. 6. Wet breakdown.

TABLE IV—FLATTENED OR DEPRESSED AREAS—PRESSURE BRUISES MAXIMUM AREA ALLOWED

Diameter	Weight	No. 1 (aggregate area)	No. 2 (aggregate area)
Potato is:	Potato is:	Not more than:	Not more than:
Less than 2 in	Less than 4 oz	½ in	1 in
2 to 2½ in	4 to 6 oz	1 in	1½ in
More than 2½ to 3 in	More than 6 to 8 oz	1¼ in	1¾ in
More than 3 to 3½ in	More than 8 to 14 oz	1½ in	1⅞ in
More than 3½ to 4 in	More than 14 to 20 oz	1¾ in	2 in
More than 4 to 4½ in	More than 20 to 28 oz	2 in	2¼ in
More than 4½ to 5 in	More than 28 to 36 oz	2¼ in	2¾ in
More than 5 in	More than 36 oz	2½ in	3¼ in

TABLE V—DEPTH ALLOWED FOR GROWTH CRACKS

Diameter	Weight	No. 1 (depth)	No. 2 (depth)
Potato is:	Potato is:	Not more than:	Not more than:
Less than 2 in	Less than 4 oz	⅛ in	¼ in
2 to 2½ in	4 oz to 6 oz	¼ in	⅜ in
More than 2½ to 3 in	More than 6 oz to 8 oz	⅜ in	½ in
More than 3 in	More than 8 oz	½ in	⅝ in

TABLE VI—SUNKEN DISCOLORED AREAS MAXIMUM AREA ALLOWED

Diameter	Weight	No. 1 (aggregate area)	No. 2 (aggregate area)
Potato is:	Potato is:	Not more than:	Not more than:
Less than 2 in	Less than 4 oz	⅜ in	¾ in
2 to 2½ in	4 to 6 oz	¾ in	1 in
More than 2½ to 3 in	More than 6 to 8 oz	1 in	1¼ in
More than 3 to 3½ in	More than 8 to 14 oz	1¼ in	1½ in
More than 3½ to 4 in	More than 14 to 20 oz	1½ in	1¾ in
More than 4 to 4½ in	More than 20 to 28 oz	1¾ in	2 in
More than 4½ to 5 in	More than 28 to 36 oz	2 in	2¼ in
More than 5 in	More than 36 oz	2¼ in	2½ in

[35 FR 18258, Dec. 1, 1970, as amended at 73 FR 15055, Mar. 21, 2008; 73 FR 70586, Nov. 21, 2008; 76 FR 31789, June 2, 2011]

§51.1565 Internal defects.

Internal defects are defects which cannot be detected without cutting the potato. Some internal defects are listed in Table VII.

TABLE VII—INTERNAL DEFECTS

Defects	Damage Maximum Allowed	Serious Damage Maximum Allowed
Occurring outside of or not entirely confined to the vascular ring		
Ingrown Sprouts, Internal Discoloration, Vascular Browning, Fusarium Wilt, Net Necrosis, Other Necrosis, Stem End Browning.	5 percent waste	10 percent waste.
Internal Black Spot	When the spot(s) are darker than the official color chip (POT–CC–2) after removing 5 percent of the total weight of the potato.	When the spot(s) are darker than the official color chip (POT–CC–2) after removing 10 percent of the total weight of the potato.
Occurring entirely within the vascular ring		
Hollow Heart or Hollow Heart with Discoloration.	Area affected not to exceed that of a circle ½ inch in diameter in a potato 2½–inches in diameter or 6 ounces in weight.[1]	Area affected not to exceed that of a circle ¾ inch in diameter in a potato 2½–inches in diameter or 6 ounces in weight.[1]
Light Brown Discoloration (Brown Center).	Area affected not to exceed that of a circle ½ inch in diameter in a potato 2½ inches in diameter or 6 ounces in weight.[1]	Area affected not to exceed that of a circle ¾ inch in diameter in a potato 2½ inches in diameter or 6 ounces in weight.[1]
Occurring entirely within the vascular ring		
Internal Brown Spot and Similar Discoloration (Heat Necrosis).	Not more than the equivalent of 3 scattered spots ⅛ inch in diameter in a potato 2½–inches in diameter or 6 ounces in weight.[1]	Not more than the equivalent of 6 scattered spots ⅛ inch in diameter in a potato 2½–inches in diameter or 6 ounces in weight.[1]

[1]Note: Correspondingly lesser or greater areas in smaller or larger potatoes.

[35 FR 18258, Dec. 1, 1970. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981; amended at 56 FR 7553, Feb. 25, 1991; 56 FR 10302, Mar. 11, 1991; 73 FR 15058, Mar. 21, 2008 ; 73 FR 70586, Nov. 21, 2008; 76 FR 31789, June 2, 2011]

METRIC CONVERSION TABLE

§51.1566 Metric conversion table.

Inches	Millimeters (mm)
⅛ equals	3.2
¼ equals	6.4
½ equals	12.7
¾ equals	19.1
1 equals	25.4
1½ equals	38.1
2 equals	50.8
2½ equals	63.5
3 equals	76.2
3½ equals	88.9
4 equals	101.6
4½ equals	114.3

Ounces	Grams
1 equals	28.35
4 equals	113.40
5 equals	141.75
6 equals	170.10
7 equals	198.45
8 equals	226.80
9 equals	255.15
10 equals	283.50
12 equals	340.20
14 equals	396.90
16 equals	453.60
18 equals	510.30
19 equals	538.60
20 equals	567.00

Subpart Q—United States Consumer Standards for Potatoes

SOURCE: 18 FR 7132, Nov. 11, 1953, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§51.1575 U.S. Grade A Small; U.S. Grade A Medium; U.S. Grade A Medium to Large; U.S. Grade A Large.

Potatoes of each of these grades shall be of one variety or similar varietal

characteristics which are fairly well shaped, fairly clean, free from freezing injury, blackheart, late blight, and soft rot or wet breakdown, and from damage caused by sunburn, second growth, growth cracks, air cracks, hollowheart, internal discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other diseases, wireworm, other insects, or mechanical or other means. Potatoes of these grades shall also be mature: *Provided,* That potatoes which are not mature and the outer skin loosens or ''feathers'' readily under the usual handling practices need not meet this requirement if they are firm and are further designated as ''Early'' in connection with the grade, as for example ''U.S. Grade A Medium-Early.'' Potatoes on the shown face shall be reasonably representative in size and quality of the contents of the containers. (See § 51.5177.)

(a) *Tolerances.* Incident to proper grading and handling, except for the tolerances for size, not more than a total of 5 percent, by weight, of the potatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for potatoes affected by soft rot or wet breakdown. (See § 51.1579.)

§ 51.1576 U.S. Grade B Small; U.S. Grade B Medium; U.S. Grade B Medium to Large; U.S. Grade B Large.

Potatoes of each of these grades shall meet the requirements for U.S. Grade A Small; U.S. Grade A Medium; U.S. Grade A Medium to Large; and U.S. Grade A Large, except for the increased tolerance for defects specified below. (See § 51.1577.)

(a) *Tolerances.* Incident to proper grading and handling, except for the tolerance for size, not more than a total of 20 percent, by weight, of the potaotes in any lot may fail to meet the requirements of the grade, but not more than 5 percent shall be allowed for potatoes which are seriously damaged by any cause, including not more than 1 percent for potatoes affected by soft rot or wet breakdown. (See § 51.1579.)

SIZE

§ 51.1577 Size range requirements.

In addition to the quality requirements specified for the above grades, potatoes shall also meet the requirements for minimum and maximum diameter or weight, and the tolerances as specified for the various grades in the table appearing in this section. Potatoes specified as meeting one of the grades may be of any size within its size range requirements, except that it is not permissible to specify a lot as ''U.S. Grade A Medium to Large,'' or ''U.S. Grade B Medium to Large,'' unless more than 15 percent, by weight, of the potatoes are larger than the maxiumum size required for U.S. Grade A Medium, or U.S. Grade B Medium, respectively. For example, a lot of round or intermediate-shaped potatoes to be specified as ''U.S. Grade A Medium to Large'' must have more than 15 percent, by weight, of potatoes from 3 to 4 inches in diameter.

Grades	Size range requirements, round or intermediate shaped varieties		Size range requirements, long varieties		Tolerance for size	
	Minimum diameter (*Inches*)	Maximum diameter (*Inches*)	Minimum diam. or wt.	Maximum weight (*Ounces*)	Undersize (*Percent*)	Oversize (*Percent*)
U.S. Grades A & B small	1½	2¼	1½ inches	4	3	15
U.S. Grades A & B medium	2¼	3	4 ounces	10	5	15
U.S. Grades A & B medium to large	2¼	4	4 ounces	16	5	15
U.S. Grades A & B large	3	4	10 ounces	16	5	15

OFF-GRADE

§51.1578 Off-Grade potatoes.

Potatoes which fail to meet the requirements of any of the foregoing grades shall be Off-Grade potatoes.

APPLICATION OF TOLERANCES

§51.1579 Application of tolerances to individual containers.

(a) Based on sample inspection, the contents of individual containers in the lot are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) When a tolerance is 10 percent or more, not more than one-tenth of the individual containers in any lot may contain more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in a container.

(2) When a tolerance is less than 10 percent, not more than one-tenth of the individual containers in any lot may contain more than double the tolerance specified, but no package may contain more than four times the tolerance for soft rot or wet breakdown, except that at least one defective and one off-sized specimen may be permitted in a container.

DEFINITIONS

§51.1580 Fairly well shaped.

Fairly well shaped means that the appearance of the individual potato or the general appearance of the potatoes in the container is not materially injured by pointed, dumbbell-shaped or otherwise ill-formed potatoes.

§51.1581 Fairly clean.

Fairly clean means that from the viewpoint of general appearance, the potatoes in the container are reasonably free from dirt or other foreign matter, and that individual potatoes are not materially caked with dirt or materially stained.

§51.1582 Soft rot or wet breakdown.

Soft rot or wet breakdown means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury, scald, or other injury.

§51.1583 Damage.

Damage means any injury or defect which materially injures the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area. Loss of outer skin (epidermis) shall not be considered as damage when the potatoes are designated as ''Early'' unless the skinned surface is materially affected by dark discoloration. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Second growth or growth cracks which have developed to such an extent as to materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(b) Air cracks which are deep, or shallow air cracks which materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(c) Shriveling, when the potato is more than moderately shriveled, spongy, or flabby.

(d) Sprouting, when the sprouts are not dried and are more than one-half inch long.

(e) Surface scab which covers an area of more than 5 percent of the surface of the potato in the aggregate.

(f) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering defective area.

(g) Rhizoctonia, when the general appearance of the potatoes in the container is materially injured or when individual potatoes are badly infected.

(h) Wireworm, grass root or similar injury, when any hole on potatoes ranging in size from 6 to 8 ounces is longer than three-fourths inch, or when the aggregate length of all holes is

more than one and one-fourth inches; smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts, provided, that the removal of the injury by proper trimming does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

§ 51.1584 Internal discoloration.

Internal discoloration means discoloration such as is caused by net necrosis or any other type of necrosis, stem-end browning, internal brown spot, or other similar types of discoloration not visible externally.

§ 51.1585 Mature.

Mature means that the outer skin (epidermis) does not loosen or ''feather'' readily during the ordinary methods of handling.

§ 51.1586 Serious damage.

Serious damage means any injury or defect which seriously injures the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Fairly smooth cuts such as are made by the digger, or by a knife to remove injury when both ends are clipped, or when more than an estimated one-fourth of the potato is cut away, or, in the case of long varieties, when the remaining portion of the clipped potato weighs less than 6 ounces; irregular types of cuts which seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(b) Shriveling, when the potato is excessively shriveled, spongy, or flabby.

(c) Surface scab which covers an area of more than 50 percent of the surface of the potato in the aggregate.

(d) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(e) Wireworm, grass root or similar injury, when any hole on potatoes ranging in size from 6 to 8 ounces is longer than one and one-fourth inches, or when the aggregate length of all holes is more than two inches; smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts: *Provided*, That the removal of the injury by proper trimming, does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

§ 51.1587 Diameter.

Diameter means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

Subpart R—United States Standards for Grades of Florida Tangerines

SOURCE: 61 FR 20713, May 8, 1996, unless otherwise noted.

GRADES

§ 51.1810 U.S. Fancy.

''U.S. Fancy'' consists of tangerines which meet the following requirements:

(a) Basic requirements:

(1) Discoloration: Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.1828.);

(2) Firm;

(3) Highly colored;

(4) Mature; and,

(5) Well formed.

(b) Free from:

(1) Caked melanose;

(2) Decay;

(3) Unhealed skin breaks; and,

(4) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Dryness or mushy condition;
(7) Disease;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Sprayburn;
(17) Sunburn; and,
(18) Other means.
(d) For tolerances see §51.1820.

§51.1811 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that fruit shall have not more than one-fifth of its surface, in the aggregate, affected by discoloration. For tolerances see §51.1820.

§51.1812 U.S. No. 1.

''U.S. No. 1'' consists of tangerines which meet the following requirements:
(a) Basic requirements:
(1) Discoloration: Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See §51.1828.);
(2) Fairly well colored;
(3) Firm;
(4) Mature; and,
(5) Well formed.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and,
(3) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Dirt or other foreign material;
(7) Disease;
(8) Dryness or mushy condition;
(9) Green spots;
(10) Hail;
(11) Insects;
(12) Oil spots;
(13) Scab;
(14) Scale;
(15) Scars;
(16) Skin breakdown;
(17) Sprayburn;
(18) Sunburn; and
(19) Other means.
(d) For tolerances see §51.1820.

§51.1813 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruit shall have than more one-third of their surface, in the aggregate, affected by discoloration. For tolerances see §51.1820.

§51.1814 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that at least 30 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit shall be of rust mite type. For tolerances see §51.1820.

§51.1815 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that at least 30 percent, by count, of the fruit shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration. For tolerances see §51.1820.

§51.1816 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that fruit shall have not more than one-fifth of its surface, in the aggregate, affected by discoloration. For tolerances see §51.1820.

§51.1817 U.S. No. 2.

''U.S. No. 2'' consists of tangerines which meet the following requirements:
(a) Basic requirements:
(1) Discoloration: Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See §51.1828.);
(2) Fairly firm;
(3) Fairly well formed;
(4) Mature; and

(5) Reasonably well colored.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and,
(3) Wormy fruit.
(c) Free from serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Dirt or other foreign material;
(7) Disease;
(8) Dryness or mushy condition;
(9) Green spots;
(10) Hail;
(11) Insects;
(12) Oil spots;
(13) Scab;
(14) Scale;
(15) Scars;
(16) Skin breakdown;
(17) Sprayburn;
(18) Sunburn; and
(19) Other means.
(d) For tolerances see § 51.1820.

§ 51.1818 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that at least 10 percent of the fruit shall have more than one-half of their surface, in the aggregate, affected by any type of discoloration. For tolerances see § 51.1820.

§ 51.1819 U.S. No. 3.

''U.S. No. 3'' consists of tangerines which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Not flabby; and
(3) Not seriously lumpy.
(b) Free from:
(1) Decay;
(2) Unhealed skin breaks; and
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Hail;
(9) Insects;
(10) Scab;
(11) Scale;
(12) Scars;
(13) Skin breakdown;
(14) Sprayburn;
(15) Sunburn; and,
(16) Other means.
(d) For tolerances see § 51.1820.

TOLERANCES

§ 51.1820 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified:
(a) *Defects.* (1) U.S. Fancy, U.S. No. 1 Bright, U.S. No. 1, U.S. No. 1 Golden, U.S. No. 1 Bronze, U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, and U.S. No. 2 Russet grades.
(i) *For defects at shipping point.*[1] Not more than 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, that included in this amount not more than 5 percent shall be allowed for defects causing very serious damage, including in this latter amount not more than 1 percent for decay or wormy fruit.
(ii) *For defects en route or at destination.* Not more than 12 percent of the fruit which fail to meet the requirements of the specified grade: *Provided*, that included in this amount not more than the following percentages shall be allowed for defects listed:
(A) 10 percent for fruit having permanent defects; or,
(B) 7 percent for defects causing very serious damage, including therein not more than 5 percent for very serious damage by permanent defects and not more than 3 percent for decay or wormy fruit.
(2) U.S. No. 3.
(i) *For defects at shipping point.*[1] *Not more than 10 percent of the fruit in any lot may fail to meet the requirements of*

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

the grade: Provided, that included in this amount not more than 1 percent shall be for decay or wormy fruit.

(ii) *For defects en route or at destination*. Not more than 12 percent of the fruit which fail to meet the requirements of the grade: *Provided*, that included in this amount not more than the following percentages shall be allowed for defects listed:

(A) 10 percent for fruit having permanent defects; or,

(B) 3 percent for decay or wormy fruit.

(b) *Discoloration*—(1) *U.S. No. 1 Bright, U.S. No. 1, U.S. No. 2 Bright, and U.S. No. 2*. Not more than 10 percent of the fruit in any lot may fail to meet the requirements relating to discoloration as specified in each grade. No sample may have more than 20 percent of the fruit with excessive discoloration: *And provided further*, that the entire lot averages within the percentage specified.

(2) *U.S. No. 1 Golden*. Not more than 30 percent of the fruit shall have in excess of one-third of their surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to increase this percentage. No sample may have more than 40 percent of the fruit with excessive discoloration: *And provided further*, that the entire lot averages within the percentage specified.

(3) *U.S. No. 1 Bronze, and U.S. No. 1 Russet*. At least 30 percent of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage. No sample may have less than 20 percent of the fruit with required discoloration: *And provided further*, that the entire lot averages within the percentage specified.

(4) *U.S. No. 2 Russet*. At least 10 percent of the fruit shall have in excess of one-half of the surface, in the aggregate, affected by discoloration, and no part of any tolerance shall be allowed to reduce this percentage: *And provided further*, that the entire lot averages within the percentage specified.

[61 FR 20713, May 8, 1996, as amended at 61 FR 40290, Aug. 2, 1996; 62 FR 2897, Jan. 21, 1997]

APPLICATION OF TOLERANCES

§51.1821 Application of tolerances.

Individual samples are subject to the following limitations, unless otherwise specified in §51.1820. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided*, that at least one decayed or wormy fruit may be permitted in any sample: *And provided further*, that the averages for the entire lot are within the tolerances specified for the grade.

[62 FR 2898, Jan. 21, 1997]

SIZE

§51.1822 Size.

(a) Fruits shall be fairly uniform in size and shall be packed in containers according to approved and recognized methods.

(b) ''Fairly uniform in size'' means that not more than 10 percent of the tangerines per sample may vary more than one-half inch in diameter.

(c) In order to allow for variations incident to proper sizing, not more than 10 percent of the samples in any lot may fail to meet the requirements of size.

DEFINITIONS

§51.1823 Mature.

Mature shall have the same meaning assigned the term in the Florida Citrus Code, Chapter 601, 1995 Edition, and the Official Rules Affecting the Florida Citrus Industry, in effect as of February 12, 1995. These tangerine maturity requirements are contained in the Florida Citrus Code, Chapter 601, Florida Statutes, Sections 601.21, and 601.22, 1995 Edition, and the State of Florida Department of Citrus Official Rules Affecting the Florida Citrus Industry, Part 1, Chapter 20–13 Market Classification, Maturity Standards and Processing or Packing Restrictions for Hybrids in effect as of February 12, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from, Florida Department of

Citrus, Post Office Box 148, Lakeland, Florida 33802 or copies of both regulations may be inspected at USDA, AMS, F&VD, FPB, Standardization Section, Room 2065–S, 14th and Independence Ave., Washington, DC 20250 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

§ 51.1824 Firm.

Firm means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1825 Well formed.

Well formed means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1826 Damage.

Damage means any specific defect described in § 51.1837, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1827 Highly colored.

Highly colored means that the ground color of each fruit is a deep tangerine color, or characteristic color for the variety, with practically no trace of yellow color.

§ 51.1828 Discoloration.

Discoloration means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.1829 Well colored.

Well colored means that a good yellow or better ground color predominates over the green color on the entire fruit surface with no distinct green color present, and that some portion of the surface has a reddish tangerine blush, or characteristic color for the variety.

§ 51.1830 Fairly well colored.

Fairly well colored means that the surface of the fruit may have green color which does not exceed the aggregate area of a circle 1–¼ inches (31.8 mm) in diameter and that the remainder of the surface has a yellow or better ground color with some portion of the surface showing reddish tangerine blush, or characteristic color for the variety.

§ 51.1831 Fairly firm.

Fairly firm means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1832 Fairly well formed.

Fairly well formed means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1833 Serious damage.

Serious damage means any specific defect described in § 51.1837, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1834 Reasonably well colored.

Reasonably well colored means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1835 Very serious damage.

Very serious damage means any specific defect described in § 51.1837, Table I; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the

appearance, or the edible or marketing quality of the fruit.

§51.1836 Diameter.

Diameter means the greatest dimension measured at right angles to a line from stem to blossom end.

§51.1837 Classification of defects.

TABLE I

Factor	Damage	Serious damage	Very serious damage
Ammoniation	Not occurring as light speck type, or detracts more than discoloration permitted in the grade.	Scars are cracked or dark and aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Bruises	Segment walls are collapsed, or rag is ruptured and juice sacs are ruptured.	Segment walls are collapsed, or rag is ruptured and juice sacs are ruptured.	Fruit is split open, peel is badly watersoaked, or rag is ruptured and juice sacs are ruptured causing a mushy condition affecting all segments more than 1/2 inch (12.7 mm) at bruised area or the equivalent of this amount, by volume, when affecting more than one area on the fruit.
Buckskin	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose	Aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Creasing	Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition	Affecting all segments more than 1/8 inch (3.2 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/4 inch (6.4 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/2 inch (12.7 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	Aggregating more than a circle 1/2 inch (12.7 mm) in diameter.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Oil spots	Aggregating more than a circle 1/2 inch (12.7 mm) in diameter.	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scab	Materially detracts from the shape or texture, or aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scale	Aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scars, Hail, and Thorn scratches [For smooth or fairly smooth superficial scars see §51.1828.].	Deep or rough aggregating more than a circle 1/4 inch (6.4 mm) in diameter; slightly rough with slight depth aggregating more than a circle 3/4 inch (19.1 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than a circle 1 1/8 inches (28.6 mm) in diameter.	Deep or rough aggregating more than a circle 1/2 inch (12.7 mm) in diameter; slightly rough with slight depth aggregating more than a circle 1 1/8 inches (28.6 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than 10 percent of fruit surface.	Deep or rough or unsightly that appearance is very seriously affected.
Skin breakdown	Aggregating more than a circle 1/2 inch (12.7 mm) in diameter.	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.

TABLE I—Continued

Factor	Damage	Serious damage	Very serious damage
Sprayburn	Skin is hard and aggregating more than a circle ¾ inch (19.1 mm) in diameter.	Skin is hard and aggregating more than a circle 1¼ inches (31.8 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sunburn	Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Aggregating more than 50 percent of the surface.

NOTE: All references to area or aggregate area, or length are based on a tangerine 2½ inches in diameter (63.5 mm), allowing proportionately greater areas on larger fruit and lesser areas on smaller fruit.

Subpart S—United States Standards for Fresh Tomatoes

SOURCE: 38 FR 23932, Sept. 5, 1973, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.1855 U.S. No. 1.

''U.S. No. 1'' consists of tomatoes which meet the following requirements:

(a) Basic requirements:
(1) Similar varietal characteristics;
(2) Mature;
(3) Not overripe or soft;
(4) Clean;
(5) Well developed;
(6) Fairly well formed; and,
(7) Fairly smooth.
(b) Free from:
(1) Decay;
(2) Freezing injury; and
(3) Sunscald.
(c) Not damaged by any other cause.
(d) For tolerances see § 51.1861.

§ 51.1856 U.S. Combination.

''U.S. Combination'' consists of a combination of U.S. No. 1 and U.S. No. 2 tomatoes: *Provided*, That at least 60 percent, by count, meet the requirements of U.S. No. 1 grade.

(a) For tolerances see § 51.1861.

§ 51.1857 U.S. No. 2.

''U.S. No. 2'' consists of tomatoes which meet the following requirements:

(a) Basic requirements:
(1) Similar varietal characteristics;
(2) Mature;
(3) Not overripe or soft;
(4) Clean;
(5) Well developed;
(6) Reasonably well formed; and,
(7) Not more than slightly rough.
(b) Free from:
(1) Decay;
(2) Freezing injury; and,
(3) Sunscald.
(c) Not seriously damaged by any other cause.
(d) For tolerances see § 51.1861.

§ 51.1858 U.S. No. 3.

''U.S. No. 3'' consists of tomatoes which meet the following requirements:

(a) Basic requirements:
(1) Similar varietal characteristics;
(2) Mature;
(3) Not overripe or soft;
(4) Clean;
(5) Well developed; and,
(6) May be mishapen.
(b) Free from:
(1) Decay; and,
(2) Freezing injury.
(c) Not seriously damaged by:
(1) Sunscald.
(d) Not very seriously damaged by any other cause.
(e) For tolerances see § 51.1861.

SIZE

§ 51.1859 Size.

(a) The size of tomatoes packed in any standard type shipping container shall be specified and marked according to one of the size designations set forth in Table I. Individual containers shall not be marked with more than one size designation. Consumer packages and their master container are exempt; however, if they are marked, the same requirements would apply.

(1) When containers are marked in accordance with Table I, the markings

on at least 85 percent of the containers in a lot must be legible.

(2) In determining compliance with the size designations, the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

(b) In lieu of marking containers in accordance with paragraph (a) of this section or specifying size in accordance with the dimensions defined in Table I, for Cerasiforme type tomatoes commonly referred to as cherry tomatoes and Pyriforme type tomatoes commonly referred to as pear shaped tomatoes, and other similar types, size may be specified in terms of minimum diameter or minimum and maximum diameter expressed in whole inches, and not less than thirty-second inch fractions thereof, or millimeters in accordance with the facts.

(1) Tomatoes of these types are exempt from marking requirements. However, when marked to a minimum or minimum and maximum diameter, the markings on at least 85 percent of the containers in a lot must be legible.

(c) For tolerances see §51.1861.

TABLE I

Size designation	Inches	
	Minimum diameter [1]	Maximum diameter [2]
Small	2 4/32	2 9/32
Medium	2 8/32	2 17/32
Large	2 16/32	2 25/32
Extra large	2 24/32	

[1] Will not pass through a round opening of the designated diameter when tomato is placed with the greatest transverse diameter across the opening.

[2] Will pass through a round opening of the designated diameter in any position.

[56 FR 21915, May 13, 1991; 56 FR 32474, July 16, 1991]

COLOR CLASSIFICATION

§51.1860 Color classification.

(a) The following terms may be used, when specified in connection with the grade statement, in describing the color as an indication of the stage of ripeness of any lot of mature tomatoes of a red fleshed variety:

(1) *Green.* ''Green'' means that the surface of the tomato is completely green in color. The shade of green color may vary from light to dark;

(2) *Breakers.* ''Breakers'' means that there is a definite break in color from green to tannish-yellow, pink or red on not more than 10 percent of the surface;

(3) *Turning.* ''Turning'' means that more than 10 percent but not more than 30 percent of the surface, in the aggregate, shows a definite change in color from green to tannish-yellow, pink, red, or a combination thereof;

(4) *Pink.* ''Pink'' means that more than 30 percent but not more than 60 percent of the surface, in the aggregate, shows pink or red color;

(5) *Light red.* ''Light red'' means that more than 60 percent of the surface, in the aggregate, shows pinkish-red or red: *Provided,* That not more than 90 percent of the surface is red color; and,

(6) *Red.* ''Red'' means that more than 90 percent of the surface, in the aggregate, shows red color.

(b) Any lot of tomatoes which does not meet the requirements of any of the above color designations may be designated as ''Mixed Color''.

(c) For tolerances see §51.1861.

(d) Tomato color standards U.S.D.A. Visual Aid TM—L—1 consists of a chart containing twelve color photographs illustrating the color classification requirements, as set forth in this section. This visual aid may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of this visual aid may be purchased from The John Henry Co., Post Office Box 1410, Lansing, Michigan 48904.

[38 FR 23932, Sept. 5, 1973, as amended at 40 FR 2791, Jan. 16, 1975. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

TOLERANCES

§ 51.1861 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. No. 1*—(1) *For defects at shipping point.*[2] Ten percent for tomatoes in any lot which fail to meet the requirements for this grade: *Provided,* That not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing very serious damage, including therein not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) *For defects en route or at destination.* Fifteen percent for tomatoes in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Five percent for tomatoes which are soft or affected by decay;

(ii) Ten percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

(iii) Ten percent for tomatoes which are otherwise defective: *And provided further,* That not more than 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(b) *U.S. Combination*—(1) *For defects at shipping point.*[2] Ten percent for tomatoes in any lot which fail to meet the requirements of the U.S. No. 2 grade: *Provided,* That not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing very serious damage, including 1 percent for tomatoes which are soft or affected by decay; and,

(2) *For defects en route or at destination.* Fifteen percent for tomatoes in any lot which fail to meet the requirements of the U.S. No. 2 grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Five percent for tomatoes which are soft or affected by decay;

(ii) Ten percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

(iii) Ten percent for tomatoes which are otherwise defective: *And provided further,* That not more than 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(c) *U.S. No. 2*—(1) *For defects at shipping point.*[2] Ten percent for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing very serious damage, including therein not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) *For defects en route or at destination.* Fifteen percent for tomatoes in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Five percent for tomatoes which are soft or affected by decay;

(ii) Ten percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

(iii) Ten percent for tomatoes which are otherwise defective: *And provided further,* That not more than 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(d) *U.S. No. 3*—(1) *For defects at shipping point.*[2] Ten percent for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this tolerance, or 5 percent, shall be allowed for tomatoes which are very seriously damaged by insects and not more than one-tenth of the tolerance, or 1 percent, for tomatoes which are soft or affected by decay; and,

(2) *For defects en route or at destination.* Fifteen percent for tomatoes in

[2] Shipping point, as used in these standards, means the point of origin of the shipment in producing area or at port of loading for ship stores or overseas shipment, or in the case of shipments from outside the continental United States, the port of entry into the United States.

any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Five percent for tomatoes which are soft or affected by decay;

(ii) Ten percent for tomatoes which are very seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

(iii) Ten percent for tomatoes which are otherwise defective: *And provided further,* That not more than 5 percent shall be allowed for tomatoes which are very seriously damaged by insects.

(e) *For off size.* Ten percent for tomatoes in any lot which are smaller than the specified minimum diameter, or larger than the specified maximum diameter.

(f) *For off color.* Ten percent for tomatoes in any lot which fail to meet the color specified, including therein not more than 5 percent for tomatoes which are green in color, when any term other than ''Green'' is specified.

APPLICATION OF TOLERANCES

§ 51.1862 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) For packages which contain more than 5 pounds (2.27 kg), and a tolerance of 10 percent or more is provided, individual packages shall have not more than 1½ times the tolerance specified, and for a tolerance of less than 10 percent individual packages shall have not more than double the tolerance specified, except that at least one defective and one off size specimen may be allowed in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade; and,

(b) For packages which contain 5 pounds (2.27 kg) or less individual packages shall have not more than 4 times the tolerance specified, except that at least one tomato which is soft, or affected by decay, and one off-size specimen may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

STANDARD WEIGHT

§ 51.1863 Standard weight.

(a) When packages are marked to a net weight of 15 pounds (6.80 kg) or more, the net weight of the contents shall not be less than the designated net weight and shall not exceed the designated weight by more than 2 pounds (0.91 kg).

(b) In order to allow for variations incident to proper sizing, not more than 15 percent, by count, of the packages in any lot may fail to meet the requirements for standard weight.

DEFINITIONS

§ 51.1864 Similar varietal characteristics.

Similar varietal characteristics means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft-fleshed, early maturing varieties are not mixed with firm-fleshed, midseason or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

§ 51.1865 Mature.

Mature means that the tomato has reached the stage of development which will insure a proper completion of the ripening process, and that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well developed.

§ 51.1866 Soft.

Soft means that the tomato yields readily to slight pressure.

§ 51.1867 Clean.

Clean means that the tomato is practically free from dirt or other foreign material.

§ 51.1868 Well developed.

Well developed means that the tomatoe shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue, and usually contain open spaces below the level of the stem scar, are not considered well developed.

§ 51.1869 Fairly well formed.

Fairly well formed means that the tomato is not more than moderately kidney-shaped, lop-sided, elongated, angular, or otherwise moderately deformed.

§ 51.1870 Fairly smooth.

Fairly smooth means that the tomato is not conspicuously ridged or rough.

§ 51.1871 Damage.

Damage means any specific defect described in § 51.1877, table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the tomato.

§ 51.1872 Reasonably well formed.

Reasonably well formed means that the tomato is not decidedly kidney-shaped, lop-sided, elongated, angular, or otherwise decidedly deformed.

§ 51.1873 Slightly rough.

Slightly rough means that the tomato is not decidedly ridged or grooved.

§ 51.1874 Serious damage.

Serious damage means any specific defect described in § 51.1877, table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the tomato.

§ 51.1875 Misshapen.

Misshapen means that the tomato is decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed: *Provided*, That the shape is not affected to an extent that the appearance or the edible quality of the tomato is very seriously affected.

§ 51.1876 Very serious damage.

Very serious damage means any specific defect described in § 51.1877, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the tomato.

§ 51.1877 Classification of defects.

TABLE II

REFERENCES TO AREA, AGGREGATE AREA, LENGTH OR AGGREGATE LENGTH ARE BASED ON A TOMATO HAVING A DIAMETER OF 2½ INCHES (64 MM) [1]

[See footnote at end of Table II]

Factor	Damage	Serious damage	Very serious damage
Cuts and broken skins	Not shallow or not well healed, or shallow, well healed cut more than ½ inch (13 mm) in length, or other shallow, well healed skin breaks aggregating more than a circle ⅜ inch (10 mm) in diameter.	Not shallow or not well healed, or shallow, well healed cut more than ½ inch (13 mm) in length, or other shallow, well healed skin breaks aggregating more than a circle ½ inch (13 mm) in diameter.	Fresh or healed and extending through the tomato wall.
Puffiness	Open space in 1 or more locules materially detracts from appearance of tomato cut through center at right angles to a line from stem to blossom end.	Open space in 1 or more locules seriously detracts from appearance of tomato cut through center at right angles to a line from stem to blossom end.	Open space in 2 or more locules very seriously detracts from appearance of tomato cut through center at right angles to a line from stem to blossom end.
Catfaces	Scars are rough or deep, channels are very deep or wide, channels extend into a locule, or a fairly smooth catface aggregating more than a circle ½ inch (13 mm) in diameter.	Scars are rough or deep, channels are very deep or wide, channels extend into a locule, or a fairly smooth catface aggregating more than a circle ¾ inch (19 mm) in diameter.	Channels extend into the locule, wall has been weakened to the extent that slight pressure will cause a tomato to leak, or a fairly smooth catface aggregating more than a circle 1 inch (25 mm) in diameter.
Scars (other than catfaces).	No depth and aggregating more than a circle ⅜ inch (10 mm) in diameter.	No depth and aggregating more than a circle ⅝ inch (16 mm) in diameter.	No depth and aggregating more than a circle 1 inch (25 mm) in diameter.

TABLE II—Continued

REFERENCES TO AREA, AGGREGATE AREA, LENGTH OR AGGREGATE LENGTH ARE BASED ON A TOMATO HAVING A DIAMETER OF 2½ INCHES (64 MM) [1]

[See footnote at end of Table II]

Factor	Damage	Serious damage	Very serious damage
Growth cracks (radiating from or concentric to stem scar).	Not well healed, more than ⅛ inch (3 mm) in depth, individual radial cracks more than ½ inch (13 mm) in length, aggregate length of all radial cracks more than 1 inch (25 mm) measured from edge of stem scar. Any lot of tomatoes which are at least turning may have cracks which are not well healed provided they are not leaking.	Not well healed, more than ⅛ inch (3 mm) in depth, individual radial cracks more than ¾ inch (19 mm) in length, aggregate length of all radial cracks more than 1¾ inches (44 mm) measured from edge of stem scar. Any lot of tomatoes which are at least turning may have cracks which are not well healed provided they are not leaking.	Not well healed, more than ¼ inch (6 mm) in depth, individual radial cracks more than 1 inch (25 mm) in length, aggregate length of all radial cracks more than 2⅞ inches (73 mm) measured from edge of stem scar. Any lot of tomatoes which are at least turning may have cracks which are not well healed provided they are not leaking, not more than ⅛ inch (3 mm) in depth, individual radial cracks are not more than ¾ inch (19 mm) in length.
Hail	Deep, rough, not well healed and corked over, or fairly smooth, shallow hailmarks aggregating more than a circle ⅜ inch (10 mm) in diameter.	Deep, rough, not well healed and corked over, or fairly smooth, shallow hailmarks aggregating more than a circle ⅝ inch (16 mm) in diameter.	Fresh, very deep or fairly smooth, shallow hailmarks aggregating more than a circle 1 inch (25 mm) in diameter.
Insect injury	Materially detracts from the appearance of any insect is present in the fruit.	Seriously detracts from the appearance of any insect is present in the fruit.	Very seriously detracts from the appearance of any insect is present in the fruit.

[1] Conversion to metric equivalent, made to nearest whole millimeter.

[38 FR 23932, Sept. 5, 1973, as amended at 38 FR 32920, Nov. 29, 1973. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

Subpart T—United States Consumer Standards for Fresh Tomatoes

SOURCE: 18 FR 7144, Nov. 11, 1953, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GENERAL

§ 51.1900 General.

These standards apply only to fieldgrown tomatoes and not to tomatoes grown in greenhouses.

GRADES

§ 51.1901 U.S. Grade A.

U.S. Grade A shall consist of tomatoes of similar varietal characteristics which are mature and are at least turning (see § 51.1904), but are not overripe or soft which are well developed, at least fairly well formed, fairly smooth, free from soft rot, freezing injury, and from damage caused by dirt, bruises, cuts, shriveling, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, dry rot, other diseases, insects, hail, or mechanical or other means. Tomatoes on the shown face shall be reasonably representative in size and quality of the contents of the container. (See § 51.1903.)

(a) Incident to proper grading and handling, except for maturity, not more than 5 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for tomatoes which are affected by soft rot.

§ 51.1902 U.S. Grade B.

U.S. Grade B shall consist of tomatoes of similar varietal characteristics which are mature and are at least turning (see § 51.1904), but are not overripe or soft and not badly misshapen; which are free from soft rot, freezing injury and from serious damage caused by dirt, bruises, cuts, shriveling, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, dry rot, other diseases, insects hail, or mechanical or other means Tomatoes on the shown face

shall be reasonably representative in size and quality of the contents of the container. (See § 51.1903.)

(a) Incident to proper grading and handling, except for maturity, not more than 5 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for tomatoes which are affected by soft rot.

SIZE AND MATURITY CLASSIFICATION

§ 51.1903 Size classification.

The following terms may be used for describing the size of the tomatoes in any lot:

Small	Medium
Under 3 oz	3 to 6 oz., inc.
Large	**Very Large**
Over 6 to 10 oz., inc	Over 10 oz.

(a) The tomatoes may also be classed in terms of combinations of the above sizes, as ''Small to Medium,'' ''Medium to Large,'' ''Small to Very Large,'' etc., in accordance with the facts.

(b) Incident to proper sizing, not more than 10 percent, by count, of the tomatoes in any lot may vary from the size specified.

§ 51.1904 Maturity classification.

Tomatoes which are characteristically red when ripe, but are not overripe or soft, may be classified for maturity as follows:

(a) Turning, when at least some part of the surface of the tomato, but less than one-half of the surface in the aggregate, is covered with pink color.

(b) Pink, when the tomato shows from one-half to three-fourths of the surface in the aggregate covered with pink or red color.

(c) Hard ripe, when the tomato shows three-fourths or more of the surface in the aggregate covered with pink or red color.

(d) Firm ripe, when the tomato shows three-fourths or more of the surface in the aggregate covered with red color characteristic of reasonably well ripened tomatoes.

(e) Incident to proper maturity determination, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the maturity specified: *Provided,* That not more than 5 percent shall be allowed for tomatoes which are immature or are overripe or soft.

OFF-GRADE

§ 51.1905 Off-Grade tomatoes.

Tomatoes which fail to meet the requirements of either of the foregoing grades shall be Off-Grade tomatoes.

DEFINITIONS

§ 51.1906 Similar varietal characteristics.

Similar varietal characteristics means that the tomatoes are alike as to color, i.e., bright red varieties shall not be mixed with varieties which have a purplish tinge.

§ 51.1907 Mature.

Mature means that the tomato has reached the stage of development which will insure a proper completion of the ripening process.

§ 51.1908 Well developed.

Well developed means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue and usually open spaces, are not considered well developed.

§ 51.1909 Fairly well formed.

Fairly well formed means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular, or otherwise deformed.

§ 51.1910 Fairly smooth.

Fairly smooth means that the tomato is not conspicuously ridged or rough.

§ 51.1911 Damaged.

Damaged means any defect which materially affects the appearance, or edible, shipping or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts which are not shallow, not well healed, or when more than ½ inch in length.

(b) Puffiness if the open space in one or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end.

(c) *Catfaces.* These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and greater in area than a circle ⅜ inch in diameter on a 2½ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas, provided that such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a 2½ inch tomato.

(d) *Growth cracks.* These are ruptures or cracks radiating from the stem scar, or concentric to the stem scar. They damage the tomato when not well healed, or when more than ½ inch in length measured from the margin of the stem scar; except that very narrow, well healed cracks concentric to the stem scar shall not be considered as damage unless they are so numerous as to damage the appearance of the fruit.

(e) Scars (except catfaces), when dark colored and shallow and aggregating more than ¼ inch in diameter on a tomato 2½ inches in diameter, or lighter colored shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar ¼ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided,* That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½-inch tomato. A scar which penetrates the wall of the tomato shall be considered as damage.

(f) Dry rot such as dry type Macrosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than 3/16 inch in diameter.

§51.1912 Badly misshapen.

Badly misshapen means that the tomato is so badly deformed that its appearance is seriously affected.

§51.1913 Serious damage.

Serious damage means any defect which seriously affects the appearance, or edible, shipping, or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Soft ripe tomatoes or tomatoes affected by the soft rot.

(b) Fresh holes or cuts, or any holes or cuts through the tomato wall, or healed cuts which seriously affect the appearance of the tomato.

(c) Tomatoes showing any effects of freezing.

(d) Puffiness which causes the tomato to be distinctly light in weight.

(e) Growth cracks, when not well healed, or when so extensive, deep or discolored that the appearance of the tomato is seriously affected.

(f) Scars (except catfaces), when dark colored and shallow and aggregating more than ½ inch in diameter on a tomato 2½ inches in diameter, or lighter colored, shallow scars covering a greater area when they detract from the appearance to a greater extent than a darkcolored, shallow scar ½ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided,* That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½-inch tomato.

(g) Dry rot such as dry type Macrosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than ¼ inch in diameter.

(h) Fruit actually infested with worms.

Subpart U—United States Standards for Grades of Filberts in the Shell

SOURCE: 35 FR 11453, July 17, 1970, unless otherwise noted. Redesignated at 42 FR 32514,

June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADE

§ 51.1995 U.S. No. 1.

''U.S. No. 1'' consists of filberts in the shell which meet the following requirements:

(a) Similar type; and,
(b) Dry.
(c) Shells:
(1) Well formed; and,
(2) Clean and bright.
(3) Free from:
(i) Blanks; and,
(ii) Broken or split shells.
(4) Free from damage caused by:
(i) Stains; and,
(ii) Adhering husk; or,
(iii) Other means.
(d) Kernels:
(1) Reasonably well developed; and,
(2) Not badly misshapen.
(3) Free from:
(i) Rancidity;
(ii) Decay;
(iii) Mold; and,
(iv) Insect injury.
(4) Free from damage caused by:
(i) Shriveling; and,
(ii) Discoloration; or,
(iii) Other means.
(e) Size: The size shall be specified in connection with the grade in terms of minimum diameter, minimum and maximum diameters, or in accordance with one of the size classifications in Table I.

TABLE I

Size classifications	Maximum size—Will pass through a round opening of the following size	Minimum size—Will not pass through a round opening of the following size
Round type varieties:		
Jumbo	No maximum	56/64 inch.
Large	56/64 inch	49/64 inch.
Medium	49/64 inch	45/64 inch.
Small	45/64 inch	No minimum.
Long type varieties:		
Jumbo	No maximum	47/64 inch.
Large	48/64 inch	44/64 inch.
Medium	45/64 inch	34/64 inch.
Small	35/64 inch.	No minimum.

(f) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are permitted as specified:

(1) *For mixed types.* 20 percent for filberts which are of a different type.

(2) *For defects.* 10 percent for filberts which are below the requirements of this grade: *Provided,* That not more than one-half of this amount or 5 percent shall consist of blanks, and not more than 5 percent shall consist of filberts with rancid, decayed, moldy or insect injured kernels, including not more than 3 percent for insect injury.

(3) *For off-size.* 15 percent for filberts which fail to meet the requirements for thesize specified, but not more than two-thirds of this amount, or 10 percent shall consist of undersize filberts.

APPLICATION OF STANDARDS

§ 51.1996 Application of standards.

(a) The grade of a lot of filberts shall be determined on the basis of a composite sample drawn from containers in various locations in the lot. However, any container or group of cantainers in which the filberts are obviously of a quality, type or size materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

(b) In grading the sample, each filbert shall be examined for defects of the shell before being cracked for kernel examination. A filbert shall be classed as only one defective nut even though it may be defective externally and internally.

DEFINITIONS

§ 51.1997 Similar type.

Similar type means that the filberts in each container are of the same general type and appearance. For example, nuts of the round type shall not be mixed with those of the long type in the same container.

§ 51.1998 Dry.

Dry means that the shell is free from surface moisture, and that the shells and kernels combined do not contain more than 10 percent moisture.

§ 51.1999 Well formed.

Well formed means that the filbert shell is not materially misshapen.

§ 51.2000 Clean and bright.

Clean and bright means that the individual filbert and the lot as a whole are practically free from adhering dirt and other foreign material, and that the shells have characteristic color.

§ 51.2001 Blank.

Blank means a filbert containing no kernel or a kernel filling less than one-fourth the capacity of the shell.

§ 51.2002 Split shell.

Split shell means a shell having any crack which is open and conspicuous for a distance of more than one-fourth the circumference of the shell, measured in the direction of the crack.

§ 51.2003 Damage.

Damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the filberts. The following specific defects shall be considered as damage:

(a) Stains which are dark and materially affect the appearance of the individual shell.

(b) Adhering husk when covering more than 5 percent of the surface of the shell in the aggregate.

(c) Shriveling when the kernel is materially shrunken, wrinkled, leathery or tough.

(d) Discoloration when the appearance of the kernel is materially affected by black color.

§ 51.2004 Reasonably well developed.

Reasonably well developed means that the kernel fills one-half or more of the capacity of the shell.

§ 51.2005 Badly misshapen.

Badly misshapen means that the kernel is so malformed that the appearance is materially affected.

§ 51.2006 Rancidity.

Rancidity means that the kernel is noticeably rancid to the taste. An oily appearance of the flesh does not necessarily indicate a rancid condition.

§ 51.2007 Moldy.

Moldy means that there is a visible growth of mold either on the outside or the inside of the kernel.

§ 51.2008 Insect injury.

Insect injury means that the insect, frass or web is present inside the nut or the kernel shows definite evidence of insect feeding.

METRIC CONVERSION TABLE

§ 51.2009 Metric conversion table.

Inches	Millimeters (mm)
62/64	24.6
59/64	23.4
56/64	22.2
49/64	19.4
48/64	19.0
47/64	18.6
45/64	17.9
44/64	17.5
42/64	16.7
35/64	13.9
34/64	13.5

Subpart V—United States Standards for Grades of Almonds in the Shell

SOURCE: 62 FR 2892, Jan. 21, 1997, unless otherwise noted.

GRADES

§ 51.2075 U.S. No. 1.

''U.S. No. 1'' consists of almonds in the shell which are of similar varietal characteristics and free from loose extraneous and foreign material. The shells are clean, fairly bright, fairly uniform color, and free from damage caused by discoloration, adhering hulls, broken shells or other means. The kernels are well dried, free from decay, rancidity, and free from damage caused by insects, mold, gum, skin discoloration, shriveling, brown spot or other means.

(a) Unless otherwise specified, the almonds are of a size not less than 28/64 of an inch (11.1 mm) in thickness.

(b) In order to allow for variations incident to proper grading and handling, the following tolerances are provided as specified:

(1) *For external (shell) defects.* 10 percent, by count, for almonds which fail

to meet the requirements of this grade other than for variety and size;

(2) *For dissimilar varieties.* 5 percent, by count, including therein not more than 1 percent for bitter almonds mixed with sweet almonds;

(3) *For size.* 5 percent, by count, for almonds which are smaller than the specified minimum thickness;

(4) *For loose extraneous and foreign material.* 2 percent, by weight, including therein not more than 1 percent which can pass through a round opening 24/64 inch (9.5 mm) in diameter: Provided, that such material is practically free from insect infestation; and,

(5) *For internal (kernel) defects.* 10 percent, by weight, for almonds with kernels failing to meet the requirements of this grade: Provided, that not more than one-half of this tolerance or 5 percent shall be allowed for kernels affected by decay or rancidity, damaged by insects or mold or seriously damaged by shriveling: And provided further, that no part of this tolerance shall be allowed for live insects inside the shell.

[62 FR 2892, Jan. 21, 1997, as amended at 78 FR 14908, Mar. 8, 2013]

§ 51.2076 U.S. No. 1 Mixed.

''U.S. No. 1 Mixed'' consists of almonds in the shell which meet the requirements of U.S. No. 1 grade, except that two or more varieties of sweet almonds are mixed.

§ 51.2077 U.S. No. 2.

''U.S. No. 2'' consists of almonds in the shell which meet the requirements of U.S. No. 1 grade, except that an additional tolerance of 20 percent shall be allowed for almonds with shells damaged by discoloration.

§ 51.2078 U.S. No. 2 Mixed.

''U.S. No. 2 Mixed'' consists of almonds in the shell which meet the requirements of U.S. No. 2 grade, except that two or more varieties of sweet almonds are mixed.

APPLICATION OF TOLERANCES

§ 51.2079 Application of tolerances.

The tolerances for the foregoing grades are applied to the entire lot of almonds, based upon a composite sample drawn from containers throughout the lot.

DETERMINATION OF GRADE

§ 51.2080 Determination of grade.

In grading the inspection sample, the percentage of loose hulls, pieces of shell, chaff and foreign material is determined on the basis of weight. Next, the percentages of nuts which are of dissimilar varieties, undersize or have adhering hulls or defective shells are determined by count, using an adequate portion of the total sample. Finally, the nuts in that portion of the sample are cracked and the percentage having internal defects is determined on the basis of weight.

[78 FR 14908, Mar. 8, 2013]

DEFINITIONS

§ 51.2081 Similar varietal characteristics.

Similar varietal characteristics means that the almonds are similar in shape, and are reasonably uniform in degree of hardness of the shells, and that bitter almonds are not mixed with sweet almonds. For example, hard-shelled varieties, semi-soft shelled varieties, soft-shelled varieties and paper-shelled varieties are not mixed together, nor are any two of these types mixed under this definition.

§ 51.2082 Loose extraneous and foreign material.

Loose extraneous and foreign material means loose hulls, empty broken shells, pieces of shells, external insect infestation and any substance other than almonds in the shell or almond kernels.

§ 51.2083 Clean.

Clean means that the shell is practically free from dirt and other adhering foreign material.

§ 51.2084 Fairly bright.

Fairly bright means that the shells show good characteristic color.

§ 51.2085 Fairly uniform color.

Fairly uniform color means that the shells do not show excessive variation in color, whether bleached or natural.

§ 51.2086 Well dried.

Well dried means that the kernel is firm and brittle, not pliable or leathery.

§ 51.2087 Decay.

Decay means that part or all of the kernel has become decomposed.

§ 51.2088 Rancidity.

Rancidity means that the kernel is noticeably rancid to taste.

§ 51.2089 Damage.

Damage means any defect which materially detracts from the appearance of the individual kernel, or the edible or shipping quality of the almond. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Discoloration of the shell which is medium gray to black and affects more than one-eighth of the surface in the aggregate. Normal variations of a reddish or brownish color shall not be considered discoloration;

(b) Adhering hulls which cover more than 5 percent of the shell surface in the aggregate;

(c) Broken shells when a portion of the shell is missing, or the shell is broken or fractured to the extent that moderate pressure will permit the kernel to become dislodged;

(d) Insect injury when the insect, web or frass is present or there is definite evidence of insect feeding;

(e) Mold, when visible on the kernel, except when white or gray and easily rubbed off with the fingers;

(f) Gum, when a film of shiny, resinous appearing substance affects an area aggregating more than the equivalent of a circle one-quarter inch (6.4 mm) in diameter;

(g) Skin discoloration when more than one-half of the surface of the kernel is affected by very dark or black stains contrasting with the natural color of the skin;

(h) Shriveling when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or only partially developed: Provided, that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat. An almond containing two kernels shall not be classed as damaged if either kernel has more than three-fourths of the pellicle filled with meat; and,

(i) Brown spot which affects an aggregate area on the kernel greater than the area of a circle one-eighth inch (3.2 mm) in diameter.

§ 51.2090 Serious damage.

Serious damage means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold. The following defect shall be considered as serious damage: Shriveling when the kernel is seriously withered, shrunken, leathery, tough or only partially developed: Provided, that partially developed kernels are not considered seriously damaged if more than one-fourth of the pellicle is filled with meat.

§ 51.2091 Thickness.

Thickness means the greatest dimension between the two semi-flat surfaces of the shell measured at right angles to a plane extending between the seams of the shell.

Subpart W—United States Standards for Grades of Shelled Almonds

SOURCE: 62 FR 2894, Jan. 21, 1997, unless otherwise noted.

GRADES

§ 51.2105 U.S. Fancy.

''U.S. Fancy'' consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot or other means. (See §§ 51.2113 and 51.2114.)

In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 3 percent;

(c) *For kernels injured by chipping and/or scratching.* 5 percent;

(d) *For foreign material.* One-twentieth of 1 percent (0.05 percent). No part of this percentage shall be allowed for glass and metal;

(e) *For particles and dust.* One-tenth of 1 percent (0.10 percent); and,

(f) *For other defects.* 2 percent, including not more than one-half of this amount, or 1 percent, for split or broken kernels, and including not more than one-half of the former amount, or 1 percent, for seriously damaged kernels.

§ 51.2106 U.S. Extra No. 1.

''U.S. Extra No. 1'' consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2113 and 51.2114.)

In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 5 percent;

(c) *For kernels damaged by chipping and/or scratching.* 5 percent;

(d) *For foreign material.* One-twentieth of 1 percent (0.05 percent). No part of this percentage shall be allowed for glass and metal;

(e) *For particles and dust.* One-tenth of 1 percent (0.10 percent); and,

(f) *For other defects.* 4 percent, including not more than one-fourth of this amount, or 1 percent, for split or broken kernels, and including not more than three-eighths of the former amount, or 1½ percent, for seriously damaged kernels.

§ 51.2107 U.S. No. 1.

''U.S. No. 1'' consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2113 and 51.2114.)

In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 15 percent;

(c) *For kernels damaged by chipping and/or scratching.* 10 percent;

(d) *For foreign material.* One-twentieth of 1 percent (0.05 percent). No part of this percentage shall be allowed for glass and metal;

(e) *For particles and dust.* One-tenth of 1 percent (0.10 percent); and,

(f) *For other defects.* 5 percent including not more than one-fifth of this amount, or 1 percent, for split or broken kernels, and including not more than three-tenths of the former amount, or 1½ percent, for seriously damaged kernels.

§ 51.2108 U.S. Select Sheller Run.

''U.S. Select Sheller Run'' consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2113 and 51.2114.)

In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 15 percent;

(c) *For kernels damaged by chipping and/or scratching*. 20 percent;

(d) *For foreign material*. One-tenth of 1 percent (0.10 percent). No part of this percentage shall be allowed for glass and metal;

(e) *For particles and dust*. One-tenth of 1 percent (0.10 percent);

(f) *For split and broken kernels*. 5 percent: Provided, that not more than two-fifths of this amount, or 2 percent, shall be allowed for pieces which will pass through a round opening 20/64 inch (7.9 mm) in diameter; and,

(g) *For other defects*. 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

§51.2109 U.S. Standard Sheller Run.

''U.S. Standard Sheller Run'' consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§51.2113 and 51.2114.)

In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties*. 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles*. 25 percent;

(c) *For kernels damaged by chipping and/or scratching or split and broken*. 35 percent; Provided, that not more than three-sevenths of this amount, or 15 percent, shall be allowed for split and broken: And Provided Further, that not more than one-third of this latter amount, or 5 percent, shall be allowed for pieces which will pass through a round opening 20/64 inch (7.9 mm) in diameter;

(d) *For foreign material*. Two-tenths of 1 percent (0.20 percent). No part of this percentage shall be allowed for glass and metal;

(e) *For particles and dust*. One-tenth of 1 percent (0.10 percent); and,

(f) *For other defects*. 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

§51.2110 U.S. No. 1 Whole and Broken.

''U.S. No. 1 Whole and Broken'' consists of shelled almonds of similar varietal characteristics which are clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and free from damage caused by mold, gum, shriveling, brown spot or other means.

(a) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(b) Unless otherwise specified, the minimum diameter shall be not less than 20/64 of an inch (7.9 mm). (See §§51.2113 and 51.2114.)

(c) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties*. 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles*. 35 percent;

(3) *For foreign material*. Two-tenths of 1 percent (0.20 percent). No part of this percentage shall be allowed for glass and metal;

(4) *For particles and dust*. One-tenth of 1 percent (0.10 percent);

(5) *For undersize*. 5 percent; and,

(6) *For other defects*. 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

§51.2111 U.S. No. 1 Pieces.

''U.S. No. 1 Pieces'' consists of shelled almonds which are not bitter, which are clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, particles and dust, and free from damage caused by mold, gum, shriveling, brown spot or other means.

(a) Unless otherwise specified, the minimum diameter shall be not less than 8/64 of an inch (3.2 mm). (See §§51.2113 and 51.2114.)

(b) In order to allow for variations incident to proper grading and handling,

the following tolerances, by weight, shall be permitted:

(1) *For bitter almonds mixed with sweet almonds.* 1 percent;

(2) *For foreign material.* Two-tenths of 1 percent (0.20 percent). No part of this percentage shall be allowed for glass and metal;

(3) *For particles and dust.* 1 percent; and

(4) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

MIXED VARIETIES

§ 51.2112 Mixed varieties.

Any lot of shelled almonds designated as ''one type'' or undesignated as to type, which consists of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U.S. No. 1, U.S. Select Sheller Run, U.S. Standard Sheller Run, U.S. No. 1 Whole and Broken may be designated as: ''U.S. No. 1 Mixed;'' ''U.S. Select Sheller Run Mixed;'' ''U.S. Standard Sheller Run Mixed;'' ''U.S. No. 1 Whole and Broken Mixed;'' respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

SIZE

§ 51.2113 Size requirements.

The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Count ranges per ounce commonly used are shown below, but other ranges may be specified: Provided, that the kernels are fairly uniform in size.

16 to 18, inclusive.
18 to 20, inclusive.
20 to 22, inclusive.
22 to 24, inclusive.
23 to 25, inclusive.
24 to 26, inclusive.
26 to 28, inclusive.
27 to 30, inclusive.
30 to 34, inclusive.
34 to 40, inclusive.
40 to 50, inclusive.
50 and smaller.

§ 51.2114 Tolerances for size.

(a) When a range is specified as, for example, ''18/20,'' no tolerance for counts above or below the range shall be allowed.

(b) When the minimum, or minimum and maximum diameter are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: Provided, that not more than one-half of this amount, or 5 percent, may be below the minimum size specified.

APPLICATION OF TOLERANCES

§ 51.2115 Application of tolerances.

The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

DEFINITIONS

§ 51.2116 Similar varietal characteristics.

Similar varietal characteristics means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in skin color of kernels of the same variety.

(a) When a lot is specified as ''one type,'' all kernels shall be the same in shape and appearance; and,

(b) When a lot is specified and carton marked as ''California,'' kernels present may include any one or a combination of blanchable varieties within the ''California'' Marketing Classification. In addition, Nonpareil or similar types may be included provided that it does not exceed twenty-five percent (25%), by weight, of the lot.

§51.2117 Whole.

Whole means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

§51.2118 Clean.

Clean means that the kernel is practically free from dirt and other foreign substance.

§51.2119 Well dried.

Well dried means that the kernel is firm and brittle, and not pliable or leathery.

§51.2120 Decay.

Decay means that part or all of the kernel has become decomposed.

§51.2121 Rancidity.

Rancidity means that the kernel is noticeably rancid to the taste.

§51.2122 Insect injury.

Insect injury means that the insect, web, or frass is present or there is definite evidence of insect feeding.

§51.2123 Foreign material.

Foreign material means pieces of shell, hulls or other foreign matter which will not pass through a round opening 8/64 of an inch (3.2 mm) in diameter.

§51.2124 Doubles.

Doubles means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

§51.2125 Split or broken kernels.

Split or broken kernels means seven-eighths or less of complete whole kernels but which will not pass through a round opening 8/64 of an inch (3.2 mm) in diameter.

§51.2126 Particles and dust.

Particles and dust means fragments of almond kernels or other material which will pass through a round opening 8/64 of an inch (3.2 mm) in diameter.

§51.2127 Injury.

Injury means any defect which more than slightly detracts from the appearance of the individual almond. The following shall be considered as injury:

(a) Chipped and scratched kernels when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch (3.2 mm) in diameter.

§51.2128 Damage.

Damage means any defect which materially detracts from the appearance of the individual kernel, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Chipped and scratched kernels, when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch (6.4 mm) in diameter;

(b) Mold, when visible on the kernel, except when white or gray and easily rubbed off with the fingers;

(c) Gum, when a film of shiny, resinous appearing substance affects an area aggregating more than the equivalent of a circle one-quarter inch (6.4 mm) in diameter;

(d) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or only partially developed: Provided, that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat;

(e) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch (3.2 mm) in diameter; and,

(f) Skin discoloration when more than one-half of the surface of the kernel is affected by very dark or black stains contrasting with the natural color of the skin.

§51.2129 Serious damage.

Serious damage means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

§ 51.2130 Diameter.

Diameter means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel or piece of kernel through a round opening.

§ 51.2131 Fairly uniform in size.

Fairly uniform in size means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

Subpart X—United States Standards for Shelled English Walnuts (Juglans Regia)

SOURCE: 23 FR 10354, Dec. 25, 1958, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GENERAL

§ 51.2275 Application.

The standards contained in this subpart apply only to walnuts commonly known as English or Persian walnuts (Juglans regia). They do not apply to walnuts commonly known as black walnuts (Juglans nigra).

§ 51.2276 [Reserved]

GRADES

§ 51.2277 U.S. No. 1.

''U.S. No. 1'' consists of portions of walnut kernels which are well dried, clean, free from shell, foreign material, insect injury, decay, rancidity, and free from damage caused by shriveling, mold, discoloration of the meat or other means. (See § 51.2280.)

(a) Color shall be specified in connection with this grade in terms of ''extra light,'' ''light,'' ''light amber,'' or ''amber'' from the USDA Walnut Color Chart or in terms of ''red'' color. The color classifications in the USDA Walnut Color Chart shall not apply to ''red'' color. Furthermore, ''red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. (See §§ 51.2281 and 51.2282.)

(b) Size shall be specified in connection with this grade in terms of one of the size classifications. (See §§ 51.2284 and 51.2285.)

[23 FR 10354, Dec. 25, 1958. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 82 FR 39656, Aug. 22, 2017]

§ 51.2278 U.S. Commercial.

''U.S. Commercial'' consists of portions of walnut kernels which meet the requirements of U.S. No. 1 grade, except for increased tolerances. (See § 51.2280.)

(a) Color of walnuts based on the USDA Walnut Color Chart shall be not darker than the ''amber'' classification. There are no color requirements for ''red'' color. Color may be specified in connection with the grade in terms of one of the color classifications in the USDA Walnut Color Chart or ''red'' color. ''Red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. (See §§ 51.2281 and 51.2282.)

(b) Size shall be specified in connection with this grade in terms of one of the size classifications. (See §§ 51.2284 and 51.2285.)

[23 FR 10354, Dec. 25, 1958. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 82 FR 39657, Aug. 22, 2017]

UNCLASSIFIED

§ 51.2279 [Reserved]

TOLERANCES FOR GRADE DEFECTS

§ 51.2280 Tolerances for grade defects.

(a) All percentages shall be claculated on the basis of weight.

(b) In order to allow for variations, other than for color and size, incident to proper grading and handling, tolerances shall be permitted for the respective grades as indicated in Table I:

TABLE I
[Percent]

Grade	Tolerances for grade defects			
	Total defects	Serious damage	Very serious damage	Shell and foreign material
U. S. No. 1	5	2 (included in 5 percent total defects).	1 (included in 2 percent serious damage).	0.05 (included in 1 percent very serious damage).
U.S. Commercial	8	4 (included in 8 percent total defects).	2 (included in 4 percent serious damage).	0.05 (included in 2 percent very serious damage).

COLOR REQUIREMENTS

§ 51.2281 Color classifications.

The following classifications are provided to describe the color of any lot:

(a) ''Extra light,'' ''light,'' ''light amber,'' and ''amber:'' The portions of kernels in the lot shall be not darker than the darkest color permitted in the specified classification as shown on the USDA Walnut Color Chart.

(b) ''Red:'' There are no color requirements.

[82 FR 39657, Aug. 22, 2017]

§ 51.2282 Tolerances for color.

(a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations incident to proper grading and handling, tolerances shall be permitted for the respective color classifications as indicated in Table II:

TABLE II

Color classification	Tolerances for color			
	Darker than extra light [1]	Darker than light [1]	Darker than light amber [1]	Darker than amber [1]
Extra light	15 percent	2 percent (included in 15 percent darker than extra light).		
Light		15 percent	2 percent (included in 15 percent darker than light).	
Light amber			15 percent	2 percent (included in 15 percent darker than light amber).
Amber				10 percent.
Red				

[1] See illustration of this term on USDA Walnut Color Chart.

[23 FR 10354, Dec. 25, 1958. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 82 FR 39657, Aug. 22, 2017]

§ 51.2283 Off color.

The term ''off color'' is not a color classification, but shall be applied to any lot which fails to meet the requirements of the ''amber'' classification when applying the color classifications in the USDA Walnut Color Chart. Off color shall not be used for ''red'' color.

[82 FR 39657, Aug. 22, 2017]

SIZE REQUIREMENTS

§ 51.2284 Size classification.

The following classifications are provided to describe the size of any lot: ''Halves'', ''Pieces and Halves'', ''Pieces'' or ''Small Pieces''. The size of portions of kernels in the lot shall conform to the requirements of the specified classification as defined below:

(a) *Halves.* Lot consists of 85 percent or more, by weight, half kernels, and the remainder three-fourths half kernels. (See § 51.2285.)

(b) *Pieces and halves.* Lot consists of 20 percent or more, by weight, half kernels, and the remainder portions of kernels that cannot pass through a sieve with 24/64 inch round openings. When a lot exceeds this minimum requirement, the actual percentage of halves may be specified. (See § 51.2285.)

(c) *Pieces.* Lot consists of portions of kernels that cannot pass through a sieve with 24/64 inch round openings. (See § 51.2285.)

(d) *Small pieces.* Lot consists of portions of kernels that pass through a sieve with 24/64 inch round openings, but that cannot pass through a sieve with 8/64 inch round openings. When desired, the actual size ranges within such size ranges may be specified. (See § 51.2285.)

§ 51.2285 Tolerances for size.

(a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations incident to proper sizing and handling, tolerances shall be permitted for the respective size classifications as indicated in Table III:

TABLE III

[Percent]

Size classification	Tolerances for size				
	Smaller than three-fourths halves	Will not pass through 24/64 inch round hole	Pass through 24/64 inch round hole	Pass through 16/64 inch round hole	Pass through 8/64 inch round hole
Halves	5			1 (included in 5 percent).	
Pieces and halves[1]			18	3 (included in 18 percent).	1 (included in 2 percent).
Pieces			25	5 (included in 25 percent).	1 (included in 5 percent).
Small pieces[2]		10			2.

[1] No part of any tolerance shall be used to reduce the percentage of halves required or specified in a lot of "pieces and halves".

[2] The tolerances of 10 percent and 2 percent for "small pieces" classification shall apply, respectively, to any smaller maximum or any larger minimum sizes specified.

APPLICATION OF TOLERANCES

§ 51.2286 Application of tolerances.

The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2287 Well dried.

Well dried means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.2288 Clean.

Clean means that the appearance of the individual portion of kernel, or of the lot as a whole, is not materially affected by adhering dust, dirt or other foreign material.

§ 51.2289 Shell.

Shell means the outer shell and/or the woody partition from between the halves of the kernel, and any fragments of either.

§ 51.2290 Insect injury.

Insect injury means that the insect, web, frass or other evidence of insects is present on the portion of kernel.

§ 51.2291 Rancidity.

Rancidity means that the portion of kernel is noticeably rancid to the taste. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness (the state at which the flavor is flat but not objectionable).

§ 51.2292 Damage.

Damage means any defect, other than color, which materially affects the appearance, or the edible or shipping quality of the individual portion of kernel, or of the lot as a whole. Any

one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Shriveling when more than one-eighth of the portion of kernel is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance, except that kernels which are thin in corss-section but which are otherwise normally developed shall not be considered as damaged;

(b) Mold when plainly visible;

(c) Discoloration of the meat when more than one-eighth the volume of the portion of kernel is severely discolored, or a greater volume is affected by lesser degrees of discoloration producing an equally objectionable appearance;

(d) Not well dried; and,

(e) Not clean.

§ 51.2293 Serious damage.

Serious damage means any defect, other than color, which seriously affects the appearance, or the edible or shipping quality of the individual portion of kernel or of the lot as a whole. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Shriveling when more than one-fourth of the kernel is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance;

(b) Mold when plainly visible on more than one-eighth of the surface of the kernel in the aggregate; and,

(c) Discoloration of the meat when more than one-fourth the volume of the portion of kernel is severely discolored, or a greater volume is affected by lesser degrees of discoloration producing an equally objectionable appearance.

§ 51.2294 Very serious damage.

Very serious damage means any defect, other than color, which very seriously affects the appearance, or the edible or shipping quality of the individual portion of kernel or of the lot as a whole. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(a) Shriveling when more than 50 percent of the portion of kernel is severely shriveled;

(b) Mold when plainly visible on more than one-fourth of the surface of the portion of kernel in the aggregate;

(c) Discoloration of the meat when more than one-half the volume of the portion of kernel is severely discolored;

(d) Insect injury;

(e) Rancidity or decay; and,

(f) Shell, or any foreign material.

§ 51.2295 Half kernel.

Half kernel means the separated half of a kernel with not more than one-eighth broken off.

§ 51.2296 Three-fourths half kernel.

Three-fourths half kernel means a portion of a half of a kernel which has more than one-eighth but not more than one-fourth broken off.

Subpart Y—United States Standards for Grades of Kiwifruit

SOURCE: 47 FR 34513, Aug. 10, 1982, unless otherwise noted.

§ 51.2335 Grades.

(a) ''U.S. Fancy'' consists of kiwifruit which meet the following requirements:

(1) Basic Requirements:

(i) Similar varietal characteristics;

(ii) Mature;

(iii) Not soft, overripe, or shriveled;

(iv) Carefully packed;

(v) Clean; and,

(vi) Well formed.

(2) Free From:

(i) Worm holes;

(ii) Broken skins which are not healed;

(iii) Sunscald;

(iv) Freezing injury;

(v) Internal breakdown; and,

(vi) Decay.

(3) Free From Injury By:

(i) Bruises;

(ii) Leaf or limbrubs;

(iii) Discoloration;

(iv) Hail;

(v) Growth cracks;

(vi) Scab;
(vii) Scars;
(viii) Heat, sprayburn, or sunburn;
(ix) Scale;
(x) Insects;
(xi) Other diseases; and,
(xii) Mechanical or other means.
(4) Tolerances. (See § 51.2336)
(b) ''U.S. No. 1'' consists of kiwifruit which meet the following requirements:
(1) Basic Requirements:
(i) Similar varietal characteristics;
(ii) Mature;
(iii) Not soft, overripe, or shriveled;
(iv) Carefully packed;
(v) Clean; and,
(vi) Fairly well formed.
(2) Free From:
(i) Worm holes;
(ii) Broken skins which are not healed;
(iii) Sunscald;
(iv) Freezing injury;
(v) Internal breakdown; and,
(vi) Decay.
(3) Free From Damage By:
(i) Bruises;
(ii) Leaf or limbrubs;
(iii) Discoloration;
(iv) Hail;
(v) Growth cracks;
(vi) Scab;
(vii) Scars;
(viii) Heat, sprayburn, or sunburn;
(ix) Scale;
(x) Insects;
(xi) Other diseases; and,
(xii) Mechanical or other means.
(4) Tolerances. (See § 51.2336):
(c) ''U.S. No. 2'' consists of kiwifruit which meet the following requirements:
(1) Basic Requirements:
(i) Similar varietal characteristics;
(ii) Mature;
(iii) Not soft, overripe, or shriveled;
(iv) Carefully packed;
(v) Fairly clean; and,
(vi) Not badly misshapen.
(2) Free From:
(i) Worm holes;
(ii) Broken skins which are not healed;
(iii) Sunscald;
(iv) Freezing injury;
(v) Internal breakdown; and,
(vi) Decay.
(3) Free From Serious Damage By:
(i) Bruises;
(ii) Leaf or limbrubs;
(iii) Discoloration;
(iv) Hail;
(v) Growth cracks;
(vi) Scab;
(vii) Scars;
(viii) Heat, sprayburn, or sunburn;
(ix) Scale;
(x) Insects;
(xi) Other diseases; and,
(xii) Mechanical or other means.
(4) Tolerances. (See § 51.2336)

[47 FR 34513, Aug. 10, 1982, as amended at 51 FR 36682, Oct. 15, 1986]

§ 51.2336 Tolerances.

In order to allow for variations incident to proper grading and handling, the following tolerances by count, shall be permitted in any lot:

(a) U.S. Fancy and U.S. No. 1.

(1) For defects at shipping point.[2] 8 percent for fruit which fail to meet the requirements of the specified grade: *Provided*, That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for fruit affected by internal breakdown or decay.

(2) For defects en route or at destination. 12 percent for fruit which fail to meet the requirements of the specified grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects:

(i) 8 percent for permanent defects;

(ii) 6 percent for defects causing serious damage, including therein not more than 4 percent for serious damage by permanent defects and not more than 2 percent for fruit affected by internal breakdown or decay.

(b) U.S. No. 2.

(1) For defects at shipping point.[2] 8 percent for fruit which fail to meet the requirements of this grade: *Provided*, That included in this amoung not more than 4 percent shall be allowed for sunscald, insects, internal breakdown

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

or decay, including in this latter amount not more than 1 percent for fruit affected by internal breakdown or decay.

(2) For defects en route or at destination. 12 percent for fruit which fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects:

(i) 8 percent for permanent defects including therein not more than 4 percent for sunscald, or insects; and,

(ii) 2 percent for internal breakdown or decay.

§ 51.2337 Application of tolerances.

The contents of individual containers in a lot, based on sample inspection, are subject to the following limitations:

(a) Individual samples shall not have more than double a specified tolerance except that at least two defective specimens may be permitted in any container: *Provided*, That not more than one fruit which is frozen or affected by decay be permitted in any container 3 pounds or less; and, *Provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

[47 FR 34513, Aug. 10, 1982, as amended at 50 FR 40186, Oct. 2, 1985; 51 FR 4293, Feb. 4, 1986]

§ 51.2338 Standard pack.

(a) Fruit shall be fairly uniform in size and shall be packed in boxes, flats, lugs, or cartons and arranged according to approved and recognized methods. Containers shall be well filled; contents tightly packed but not be excessively or unnecessarily bruised by overfilling or oversizing. Fruit in the shown face of the container shall be reasonably representative in size and quality of the contents.

(b) When packed in closed containers the size shall be indicated by marking the container with the numerical count.

(c) Boxes, flats, lugs, or cartons:

(1) Fruit packed in containers with cell compartments, cardboard fillers or molded trays shall be of proper size for the cells, fillers, or molds in which they are packed, and conform to the marked count.

(2) In order to allow for variations incident to proper packing in other types of containers, for example, lugs, cartons, or boxes, the number of fruit shall not vary more than two from the marked count.

(d) ''Fairly uniform in size'' means that fruit in containers marked numerically to denote size may not vary in diameter more than ½ inch (12.7mm) in sizes 30 or larger; ⅜ inch (9.5mm) is sizes 31 through 38; and ¼ inch (6.4mm) in sizes 39 or smaller. Not more than 5 percent, by count, of the fruit in any container may exceed the diameter range specified.

(e) ''Diameter'' means the greatest dimension measured at right angles to a line from stem to blossom end.

(f) In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of containers in any lot may fail to meet these requirements.

[47 FR 34513 Aug. 10, 1982, as amended at 50 FR 40186, Oct. 2, 1985; 51 FR 4293, Feb. 4, 1986]

§ 51.2339 Definitions.

Similar varietal characteristics means the fruit in any lot and container are similar in shape, color of skin and flesh.

Mature means the fruit has reached the stage of development which will ensure the proper completion of the ripening process. The minimum average soluble solids, unless otherwise specified, shall be not less than 6.5 percent.

Clean means the fruit is practically free from dirt, dust, or other foreign material.

Fairly clean means the fruit is reasonably free from dirt, dust, or other foreign material.

Well formed means the fruit has the shape characteristic of the variety and slight bumps or other roughness are permitted providing they do not detract from the appearance.

Fairly well formed means the fruit has the shape characteristic of the variety but slight bumps or other roughness are permitted providing they do not materially detract from appearance.

Badly misshapen means the fruit is so decidely deformed that its appearance is seriously affected.

Carefully packed means the fruit shows no evidence of rough handling.

Injury means any defect described in § 51.2340, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detracts from the appearance, or the edible or marketing quality.

Damage means any defect described in § 51.2340 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality.

Serious damage means any defect described in § 51.2340 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality.

Permanent defects means those which are not subject to change during shipment or storage, for example, shape, scars, or growth cracks.

Condition defects means those defects which are subject to change during shipment or storage, for example, decay, soft, shriveling, discoloration, or bruises.

[47 FR 34513, Aug. 10, 1982, as amended at 50 FR 40186, Oct. 2, 1985; 51 FR 36682, Oct. 15, 1986; 51 FR 4293, Feb. 4, 1986]

§ 51.2340 Classification of defects.

Defects	Injury	Damage	Serious damage
Bruises	When any slight indentation of the fruit or discoloration of the flesh extends more than 1/16 inch (1.6 mm) in depth.	When surface of fruit is indented and discoloration of the flesh extends deeper than 1/8 inch (3.2 mm), or causing slight discoloration exceeding the area of a circle 3/8 inch (9.5 mm) in diameter, or lesser bruises aggregating an area of a circle 3/8 inch (9.5 mm) in diameter which materially detract from the appearance, edible or shipping quality.	When surface of the fruit is indented and discoloration of the flesh extends deeper than 1/4 inch (6.4 mm), or causing discoloration exceeding the area of a circle 1/2 inch (12.7 mm) in diameter, or lesser bruises which seriously detract from the appearance, edible or shipping quality.
Leaf or Limbrubs.	When not smooth, or not light colored, or aggregating more than the area of a circle 3/8 inch (9.5 mm) in diameter.	When not smooth, or not light colored, or aggregating more than the area of a circle 1/2 inch (12.7 mm) in diameter.	When smooth and light colored and aggregating more than the area of a circle 1-1/2 inches (38.1 mm) in diameter, or dark or slightly rough and barklike scars aggregating more than the area of a circle 3/4 inch (19.1 mm) in diameter.
Discoloration	When color and pattern causes a distinct noticeable appearance (except for water staining) affecting more than 5% of surface.	When color and pattern causes an unattractive appearance (except for water staining) affecting more than 10% of surface.	When color and pattern causes a distinct unattractive appearance (except for water staining) affecting more than 25% of surface.
Hail Injury	When unhealed or deep, or aggregating more than the area of a circle 1/16 inch (1.6 mm) in diameter.	When unhealed or deep, or aggregating more than the area of a circle 1/4 inch (6.4 mm) in diameter.	When unhealed or deep, or aggregating more than the area of a circle 1/2 inch (12.7 mm) in diameter.
Growth Cracks	When not healed, or more than one in number, or more than 1/8 inch (3.2 mm) in length or depth.	When not healed, or more than one in number, or more than 1/8 inch (3.2 mm) in depth, or more than 3/8 inch (9.5 mm) in length if within the stem cavity, or more than 1/4 inch (6.4 mm) in length if outside the stem cavity.	When not healed and more than 1/8 inch (3.2 mm) in length or depth, or healed and more than 3/16 inch (4.8 mm) in depth, or healed and aggregating more than 5/8 inch (15.9 mm) in length if within the stem cavity, or healed and aggregating more than 1/2 inch (12.7 mm) in length if outside the stem cavity.
Scab	When cracked, or the aggregate area exceeds that of a circle 1/8 inch (3.2 mm) in diameter.	When cracked, or the aggregate area exceeds that of a cricle 1/4 inch (6.4 mm) in diameter.	When the aggregate area exceeds that of a circle 1/2 inch (12.7 mm) in diameter.

Defects	Injury	Damage	Serious damage
Scars	When not smooth, or surface of the fruit is depressed more than 1/32 inch (.8 mm), or not light in color, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type: (1) Dark or rough scars when the area exceeds that of a circle 1/8 inch (3.2 mm) in diameter; (2) Fairly light colored, fairly smooth scars when the area exceeds that of a circle 1/4 inch (6.4 mm) in diameter; (3) Light colored, smooth scars when the area exceeds that of a circle 1/2 inch (12.7 mm) in diameter.	When not smooth, or surface of the fruit is depressed more than 1/16 inch (1.6 mm), or when exceeding any of the following aggregate areas, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type: (1) Dark or rough scars when the area exceeds that of a circle 1/4 inch (6.4 mm) in diameter; (2) Fairly light colored, fairly smooth scars when the area exceeds that of a circle 1/2 inch (12.7 mm) in diameter; (3) Light colored, smooth scars when the area exceeds that of a circle 3/4 inch (19.1 mm) in diameter.	When the surface of the fruit is depressed more than 3/16 inch (4.8 mm), or when exceeding any of the following aggregate areas, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type: (1) Dark or rough scars when the area exceeds that of a circle 3/4 inch (19.1 mm) in diameter; (2) Not dark or rough when the area exceeds one-fourth of the fruit surface.
Heat, Sprayburn and Sunburn.	When the normal color of the skin or flesh is more than slightly changed, or any indentation is present.	When the skin is blistered, cracked or decidedly flattened, or the normal color of the skin or flesh has materially changed, or more than one indentation, or indentation exceeds 3/16 inch (4.8 mm) in diameter.	When the skin is blistered, cracked or decidedly flattened, or causing any dark discoloration of the flesh, or more than two indentations are present, or the aggregate area of indentations exceeds that of a circle 3/8 inch (9.5 mm) in diameter, or when causing a noticeable brownish or darker discoloration over more than one-fourth of surface.
Scale or Scale Marks.	When more than one large scale or scale mark or more than three scales or scale marks of any size are present.	When the aggregate area exceeds that of a circle 1/4 inch (6.4 mm) in diameter.	When the aggregate area exceeds that of a circle 3/8 inch (9.5 mm) in diameter.
Insects	When feeding injury is evident on fruit or any insect is present in fruit.	When feeding injury materially detracts from appearance or any insect is present in fruit.	When feeding injury seriously detracts from appearance or any insect is present in fruit.

Classification of defects guidelines are based on fruit 2 inches or smaller in diameter. Accordingly, *larger fruit* are permitted to have defects relative to their size.

§ 51.2341 Sample size for grade determination.

For fruit place-packed in tray pack containers, the sample shall consist of the contents of the individual container. For fruit jumble-packed in volume filled containers, the sample shall consist of at least 50 fruit. When individual containers contain at least 50 fruit, each individual sample is drawn from one container. When individual containers contain less than 50 fruit, a sufficient number of adjoining containers are opened to form a 50 fruit sample.

[50 FR 40186, Oct. 2, 1985; 50 FR 40961, Oct. 8, 1985; 51 FR 4293, Feb. 4, 1986]

Subpart Z—United States Standards for Grades of Pistachio Nuts in the Shell

SOURCE: 51 FR 27814, Aug. 4, 1986, unless otherwise noted.

§ 51.2540 General.

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to pistachio nuts in the shell which may be in a natural, dyed, raw, roasted, or salted state; or in any combination thereof. However, nuts of obviously dissimilar forms shall not be commingled.

§ 51.2541 U.S. Fancy, U.S. Extra No. 1, U.S. No. 1 And U.S. Select Grades.

''U.S. Fancy,'' ''U.S. Extra No. 1,'' ''U.S. No. 1,'' and ''U.S. Select'' consists of pistachio nuts in the shell

which meet the following requirements:
(a) Basic requirements:
(1) Free from:
(i) Foreign material;
(ii) Loose kernels;
(iii) Shell pieces;
(iv) Particles and dust; and,
(v) Blanks.
(b) Shells:
(1) Free from:
(i) Non-split shells; and,
(ii) Shells not split on suture.
(2) Free from damage by:
(i) Adhering hull material;
(ii) Light stained;
(iii) Dark stained; and,
(iv) Other External (shell) defects.
(c) Kernels:
(1) Well dried, or, very well dried when specified in connection with the grade.
(2) Free from damage by:
(i) Immature kernels;
(ii) Kernel spotting; and,
(iii) Other Internal (kernel) defects.
(3) Free from serious damage by:
(i) Minor insect or vertebrate injury;
(ii) Insect damage;
(iii) Mold;
(iv) Rancidity;
(v) Decay; and,
(vi) Other Internal (kernel) defects.
(d) The nuts are of a size not less than 30/64 inch in diameter as measured by a round hole screen.
(e) For tolerances, see § 51.2544.

[68 FR 50682, Aug. 22, 2003]

§ 51.2542 U.S. Artificially Opened.

''U.S. Artificially Opened'' consists of artificially opened pistachio nuts in the shell which meet the following requirements:
(a) Basic Requirements:
(1) Free from:
(i) Foreign material;
(ii) Loose kernels;
(iii) Shell pieces;
(iv) Particles and dust; and,
(v) Blanks.
(b) Shells:
(1) Free from:
(i) Non-split shells; and,
(ii) Shells not split on suture.
(2) Free from damage by:
(i) Adhering hull material;
(ii) Light stained;
(iii) Dark stained; and,
(iv) Other External (shell) defects.
(c) Kernels:
(1) Well dried, or, very well dried when specified in connection with the grade.
(2) Free from damage by:
(i) Immature kernels;
(ii) Kernel spotting; and,
(iii) Other Internal (kernel) defects.
(3) Free from serious damage by:
(i) Minor insect or vertebrate injury;
(ii) Insect damage;
(iii) Mold;
(iv) Rancidity;
(v) Decay; and,
(vi) Other Internal (kernel) defects.
(d) The nuts are of a size not less than 30/64 inch in diameter as measured by a round hole screen.
(e) For tolerances, see § 51.2544.

[68 FR 50683, Aug. 22, 2003]

§ 51.2543 U.S. Non-Split.

''U.S. Non-Split'' consists of non-split pistachio nuts in the shell which meet the following requirements:
(a) Basic requirements:
(1) Free from:
(i) Foreign material;
(ii) Loose kernels;
(iii) Shell pieces;
(iv) Particles and dust; and,
(v) Blanks.
(b) Shells:
(1) Free from damage by:
(i) Adhering hull material; and,
(ii) Dark stain.
(c) Kernels:
(1) Well dried, or very well dried when specified in connection with the grade.
(2) Free from damage by:
(i) Immature kernels;
(ii) Kernel spotting; and,
(iii) Other internal (kernel) defects.
(3) Free from serious damage by:
(i) Minor insect or vertebrate injury;
(ii) Insect damage;
(iii) Mold;
(iv) Rancidity;
(v) Decay; and,
(vi) Other Internal (kernel) defects.
(d) The nuts are of a size not less than 30/64 inch in diameter as measured by a round hole screen.
(e) For Tolerances, see § 51.2544.

[68 FR 50683, Aug. 22, 2003]

§ 51.2544 Tolerances.

(a) In order to allow for variations incident to proper grading and handling, the tolerances in Tables I, II, and III of this section are provided.

TABLE I—TOLERANCES

[Percent]

Factor	U.S. fancy	U.S. extra No. 1	U.S. No. 1	U.S. select	U.S. artificially opened	U.S. non-split
External (shell) Defects (tolerances by weight):						
(a) Non-split and not split on suture	2	3	6	10	10	N/A
(1) Non-split included in (a)	1	2	3	4	4	N/A
(b) Adhering hull material	1	1	1	2	2	2
(c) Light stained	7	12	25	N/A	N/A	N/A
(1) Dark stained, included in (c)	2	3	3	3	3	3
(d) Damage by other means	1	1	2	3	10	N/A
(e) Total External Defects	9	16	N/A	N/A	N/A	N/A
(f) Undersized (Less than 30/64 inch in diameter)	5	5	5	5	4	5

TABLE II—TOLERANCES

Factor internal (kernel) defects (tolerances by weight)	U.S. fancy (percent)	U.S. extra No. 1 (percent)	U.S. No. 1 (percent)	U.S. select (percent)	U.S. artificially opened (percent)	U.S. non-split (percent)
(a) Damage	3	6	6	6	6	6
(b) Serious Damage (Minor Insect or Vertebrate Injury, Mold, Rancid, Decay)	3	4	4	4	4	4
(1) Insect Damage, included in (b)	1	2	2	2	2	2
(c) Total Internal Defects	4	8	9	9	9	9

TABLE III—TOLERANCES

[Percent]

Factor	U.S. fancy	U.S. extra No. 1	U.S. No. 1	U.S. select	U.S. artificially opened	U.S. non-split
Other Defects (tolerances by weight):						
(a) Shell pieces and blanks	2	2	2	2	2	2
(1) Blanks, included in (a)	1	1	1	1	1	1
(b) Foreign material (No glass, metal or live insects shall be permitted)	.25	.25	.25	.25	.25	.25
(c) Particles and dust	.25	.25	.25	.25	.25	.25
(d) Loose kernels	4	5	6	6	6	6

(b) [Reserved]

[68 FR 50683, Aug. 22, 2003, as amended at 69 FR 76835, Dec. 23, 2004]

§ 51.2545 Application of tolerances.

The tolerances for the grades apply to the entire lot and shall be based on a composite sample drawn from containers throughout the lot. Any container or group of containers which have nuts obviously different in quality or size from those in the majority of the containers shall be considered a separate lot and shall be sampled separately.

[68 FR 50684, Aug. 22, 2003]

§ 51.2546 Size.

Nuts may be considered as meeting a size designation specified in Table IV

or a range in number of nuts per ounce, provided, the weight of 10 percent, by count, of the largest nuts in a sample does not exceed 1.50 times the weight of 10 percent, by count, of the smallest and the average number of nuts per ounce is not more than one-half nut above or below the extremes of the range specified.

TABLE IV—NUT SIZE

Size designations	Average number of nuts per ounce [1]
Colossal	Less than 18.
Extra Large	18 to 20.
Large	21 to 25.
Medium	26 to 30.
Small	More than 30.

[1] Before Roasting.

[68 FR 50684, Aug. 22, 2003]

§ 51.2547 Definitions.

(a) *Well dried* means the kernel is firm and crisp.

(b) *Very well dried* means the kernel is firm and crisp and the average moisture content of the lot does not exceed 7.00 percent or is specified. (See § 51.2548.)

(c) *Loose kernels* means edible kernels or kernel portions which are out of the shell and which cannot be considered particles and dust.

(d) *External (shell) defects* means any blemish affecting the hard covering around the kernel. Such defects include, but are not limited to, non-split shells, shells not split on suture, adhering hull material, light stained, or dark stained.

(1) *Damage* by external (shell) defects means any specific defect described in paragraphs (d)(1) (i) through (v) of this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual shell or of the lot. (For tolerances see § 51.2544, Table I.)

(i) *Non-split shells* means shells are not opened or are partially opened and will not allow an 18/1000 (.018) inch thick by ¼ (.25) inch wide gauge to slip into the opening.

(ii) *Not split on suture* means shells are split other than on the suture and will allow an 18/1000 (.018) inch thick by ¼ (.25) inch wide gauge to slip into the opening.

(iii) *Adhering hull material* means an aggregate amount covers more than one-eighth of the total shell surface, or when readily noticeable on dyed shells.

(iv) *Light stained* on raw or roasted nuts, means an aggregate amount of yellow to light brown or light gray discoloration is noticeably contrasting with the predominate color of the shell and affects more than one-fourth of the total shell surface or, on dyed nuts, when readily noticeable.

(v) *Dark stained* on raw or roasted nuts, means an aggregate amount of dark brown, dark gray or black discoloration affects more than one-eighth of the total shell surface, or, on dyed nuts, when readily noticeable, provided that speckled appearing stain located within the area of one-fourth of the shell nearest the stem end shall be disregarded.

(e) *Internal (kernel) defects* means any blemish affecting the kernel. Such defects include, but are not limited to evidence of insects, immature kernels, rancid kernels, mold, or decay.

(1) *Damage* by internal (kernel) defects means any specific defect described in paragraphs (e)(1)(i) through (ii) of this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot. (For tolerances see § 51.2544, Table II.)

(i) *Immature kernels* are excessively thin or when a kernel fills less than three-fourths, but not less than one-half the shell cavity.

(ii) *Kernel spotting* refers to dark brown or dark gray spots aggregating more than one-eighth of the surface of the kernel.

(2) *Serious damage* by internal (kernel) defects means any specific defect described in paragraphs (e)(2)(i) through (v) of this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or the marketing quality of the individual kernel or of the lot. (For tolerances see § 51.2544, Table II.)

(i) *Minor insect or vertebrate injury* means the kernel shows conspicuous evidence of feeding.

(ii) *Insect damage* is an insect, insect fragment, web or frass attached to the kernel. No live insects shall be permitted.

(iii) *Mold* which is readily visible on the shell or kernel.

(iv) *Rancidity* means the kernel is distinctly rancid to taste. Staleness of flavor shall not be classed as rancidity.

(v) *Decay* means one-sixteenth or more of the kernel surface is decomposed.

(f) *Other defects* means defects which cannot be considered internal defects or external defects. Such defects include, but are not limited to shell pieces, blanks, foreign material or particles and dust. The following shall be considered other defects. (For tolerances see § 51.2544, Table III.)

(1) *Shell pieces* means open in-shell nuts not containing a kernel, half shells or pieces of shell which are loose in the sample.

(2) *Blank* means a non-split shell not containing a kernel or containing a kernel that fills less than one-half the shell cavity.

(3) *Foreign material* means leaves, sticks, loose hulls or hull pieces, dirt, rocks, insects or insect fragments not attached to nuts, or any substance other than pistachio shells or kernels. Glass, metal or live insects shall not be permitted.

(4) *Particles and dust* means pieces of nut kernels which will pass through a 5/64 inch round opening.

(5) *Undersize* means pistachio nuts in the shell which fall through a 30/64 inch round hole screen.

[68 FR 50684, Aug. 22, 2003]

§ 51.2548 Average moisture content determination.

(a) Determining average moisture content of the lot is not a requirement of the grades, except when nuts are specified as ''very well dried.'' It may be carried out upon request in connection with grade analysis or as a separate determination.

(b) Nuts shall be obtained from a randomly drawn composite sample. Official certification shall be based on the air-oven method or other officially approved methods or devices. Results obtained by methods or devices not officially approved may be reported and shall include a description of the method or device and the owner of any equipment used.

[68 FR 50685, Aug. 22, 2003]

§ 51.2549 Metric conversion table.

Use the following table for metric conversion:

Inches	Millimeters
5/64	1.98
18/100	.46
1/4	6.35
30/64	11.88
Ounces	**Grams**
1	28.35
2	56.70

[68 FR 50685, Aug. 22, 2003]

Subpart AA—United States Standards for Grades of Shelled Pistachio Nuts

SOURCE: 55 FR 28747, July 13, 1990, unless otherwise noted.

§ 51.2555 General.

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to raw, roasted, salted or salted/roasted pistachio kernels.

[55 FR 28747, July 13, 1990, as amended at 68 FR 50685, Aug. 22, 2003]

§ 51.2556 Grades.

(a) ''U.S. Fancy,'' ''U.S. Extra No. 1,'' and ''U.S. No. 1'' consist of pistachio kernels which meet the following requirements:

(1) Well dried, or very well dried when specified in connection with the grade.

(2) Free from:

(i) Foreign material, including in-shell nuts, shells, or shell fragments.

(3) Free from damage by:

(i) Immature kernels;

(ii) Kernel spotting; and

(iii) Other defects.

(4) Free from serious damage by:

(i) Mold;
(ii) Minor insect or vertebrate injury;
(iii) Insect damage;
(iv) Rancidity;
(v) Decay; and,
(vi) Other defects.

(5) Unless otherwise specified, kernels shall meet the size classification of Jumbo Whole Kernels (See § 51.2559).

(b) [Reserved]

[68 FR 50685, Aug. 22, 2003]

§ 51.2557 Tolerances.

(a) In order to allow for variations incident to proper grading and handling, the tolerances, by weight, in Table I are provided.

TABLE 1—TOLERANCES

Factor (tolerances by weight)	U.S. fancy (percent)	U.S. extra No. 1 (percent)	U.S. No. 1 (percent)
(a) Damage	2.0	2.5	3.0
(b) Serious Damage (Minor Insect or Vertebrate Injury, Mold, Rancid, Decay) ..	1.5	2.0	2.5
(1) Insect Damage, included in (b)	.3	.4	.5
(c) Foreign Material	.03	.05	.1

[55 FR 28747, July 13, 1990; 55 FR 29938, July 23, 1990, as amended at 68 FR 50685, Aug. 22, 2003; 69 FR 76835, Dec. 23, 2004]

§ 51.2558 Application of tolerances.

The tolerances for the grades apply to the entire lot and shall be based on a composite sample representative of the lot. Any container or group of containers which have kernels obviously different in quality or size from those in the majority of containers shall be considered a separate lot and shall be sampled separately.

§ 51.2559 Size classifications.

(a) The size of pistachio kernels may be specified in connection with the grade in accordance with one of the following size classifications.

(1) Jumbo Whole Kernels: 80 percent or more by weight shall be whole kernels and not more than 5 percent of the total sample shall pass through a 24/64 inch round hole screen with not more than 1 percent passing through a 16/64 inch round hole screen.

(2) Large Whole Kernels: 80 percent or more, by weight, shall be whole kernels and not more than 2 percent of the total sample shall pass through a 16/64 inch round hole screen.

(3) Large Split Kernels: 75 percent or more, by weight, shall be half kernels split lengthwise and not more than 5 percent of the total sample shall pass through a 16/64 inch round hole screen.

(4) Whole and Broken Kernels: means a mixture of any combination of whole kernels or pieces. The percentage of whole kernels and/or pieces may be specified. Not more than 5 percent of the total sample shall pass through a 5/64 inch round hole screen.

(b) [Reserved]

[68 FR 50685, Aug. 22, 2003]

§ 51.2560 Definitions.

(a) *Well dried* means the kernel is firm and crisp.

(b) *Very well dried* means the kernel is firm and crisp and the average moisture content of the lot does not exceed 7 percent or is specified (See § 51.2561).

(c) *Foreign material* means leaves, sticks, in-shell nuts, shells or pieces of shells, dirt, or rocks, or any other substance other than pistachio kernels. No allowable tolerances for metal or glass.

(d) *Whole kernel* means ¾ of a kernel or more.

(e) *Splits* means more than ¾ of a half kernel split lengthwise.

(f) *Damage* means any specific defect described in paragraph (f) (1) through (2) of this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot. (For tolerances, see § 51.2557, Table I.)

(1) *Immature kernels* are excessively thin kernels and can have black, brown or gray surface with a dark interior color and the immaturity has adversely affected the flavor of the kernel.

(2) *Kernel spotting* refers to dark brown or dark gray spots aggregating more than one-eighth of the surface of the kernel.

(g) *Serious damage* means any specific defect described in paragraph (g) (1) through (5) of this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot. (For tolerances see § 51.2557 Table I.)

(1) *Mold* which is readily visible on the kernel.

(2) *Minor insect or vertebrate injury* means the kernel shows conspicuous evidence of feeding.

(3) *Insect damage* is an insect, insect fragment, web or frass attached to the kernel. No live insects shall be permitted.

(4) *Rancidity* means the kernel is distinctly rancid to taste. Staleness of flavor shall not be classed as rancidity.

(5) *Decay* means one-sixteenth or more of the kernel is decomposed.

[68 FR 50685, Aug. 22, 2003]

§ 51.2561 Average moisture content.

(a) Determining average moisture content of the lot is not a requirement of the grades, except when kernels are specified as ''very well dried.'' It may be carried out upon request in connection with grade analysis or as a separate determination.

(b) Kernels shall be obtained from a randomly drawn composite sample. Official certification shall be based on the air-oven method or other officially approved methods or devices. Results obtained by methods or devices not officially approved may be reported and shall include a description of the method or device and owner of any equipment used.

§ 51.2562 Metric Conversion Table.

Use the following table for metric conversion:

Inches	Millimeters
5/64	1.98
16/64	6.35
24/64	9.53
Ounces	Grams
1	28.35
2	56.7

[68 FR 50686, Aug. 22, 2003]

Subpart BB—United States Standards for Grades for Sweet Cherries

SOURCE: 36 FR 8502, May 7, 1971, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.2646 U.S. No. 1.

''U.S. No. 1'' consists of sweet cherries which meet the following requirements:

(a) Similar varietal characteristics;

(b) Mature;

(c) Fairly well colored;

(d) Well formed; and

(e) Clean.

(f) Free from:

(1) Decay;

(2) Insect larvae or holes caused by them;

(3) Soft, overripe or shriveled;

(4) Undeveloped doubles; and,

(5) Sunscald.

(g) Free from damage by any other cause. (See § 51.2655.)

(h) *Size.* Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(i) For tolerances see § 51.2648.

§ 51.2647 U.S. Commercial.

''U.S. Commercial'' consists of sweet cherries which meet the requirements for the U.S. No. 1 grade except for minimum diameter and except for increased tolerances.

(a) *Size.* Unless otherwise specified, the diameter of each cherry shall be not less than five-eighths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) For tolerances see § 51.2648.

TOLERANCES

§ 51.2648 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *For defects at shipping point*[2]—(1) *U.S. No. 1.* 8 percent for cherries which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries which are affected by decay.

(2) *U.S. Commercial.* 16 percent for cherries which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries affected by decay.

(b) *For defects en route or at destination*—(1) *U.S. No. 1.* 12 percent for cherries in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,

(ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(2) *U.S. Commercial.* 24 percent for cherries in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 16 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,

(ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(c) *For off-size.* 5 percent for cherries which fail to meet the specified minimum diameter and 10 percent for cherries that fail to meet any specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2649 Application of tolerances.

Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.2650 Similar varietal characteristics.

Similar varietal characteristics means that the cherries in any container are similar in color and shape.

§ 51.2651 Mature.

Mature means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

§ 51.2652 Fairly well colored.

Fairly well colored means that at least 95 percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

§ 51.2653 Well formed.

Well formed means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

§ 51.2654 Clean.

Clean means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2655 Damage.

Damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(a) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

(b) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing, and handling, or when materially affecting the appearance;

(c) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(d) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(e) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(f) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(g) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(h) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(i) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(j) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

§ 51.2656 Diameter.

Diameter means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

§ 51.2657 Serious damage.

Serious damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Decay;

(b) Insect larvae or holes caused by them;

(c) Skin breaks which are not well healed;

(d) Cracks which are not well healed; and,

(e) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

[36 FR 8502, May 5, 1971; 36 FR 9061, May 19, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 51.2658 Permanent defects.

Permanent defects means defects which are not subject to change during shipping or storage; including, but not limited to factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

§ 51.2659 Condition defects.

Condition defects means defects which may develop or change during shipment or storage; including, but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing.

METRIC CONVERSION TABLE

§ 51.2660 Metric conversion table.

Inches	Millimeters (mm)
8/64 equals	3.2
16/64 equals	6.4
24/64 equals	9.5
32/64 equals	12.7
40/64 equals	15.9
48/64 equals	19.1
51/64 equals	20.2
52/64 equals	20.6
54/64 equals	21.4
56/64 equals	22.2
1 equals	25.4
1 8/64 equals	28.6
1 16/64 equals	31.8
1 24/64 equals	34.9

Subpart CC—United States Standards for Shelled Runner Type Peanuts

SOURCE: 21 FR 4850, June 30, 1956, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.2710 U.S. No. 1 Runner.

''U.S. No. 1 Runner'' consists of shelled Runner type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 16/64 × 3/4 inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound whole peanuts which will pass through the prescribed screen.

[21 FR 4850, June 30, 1956, as amended at 21 FR 5669, July 28, 1956. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 51.2711 U.S. Runner Splits.

''U.S. Runner Splits'' consists of shelled Runner type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 17/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 4 percent for sound whole peanuts.

§ 51.2712 U.S. No. 2 Runner.

''U.S. No. 2 Runner'' consists of shelled Runner type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 17/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2713 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall

be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2714 Similar varietal characteristics.

Similar varietal characteristics means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Runners.

§ 51.2715 Whole.

Whole means that the peanut kernel is not split or broken.

§ 51.2716 Split.

Split means the separated half of a peanut kernel.

§ 51.2717 Broken.

Broken means that more than one-fourth of the peanut kernel is broken off.

§ 51.2718 Foreign material.

Foreign material means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2719 Unshelled.

Unshelled means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2720 Minor defects.

Minor defects means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2721 Damage.

Damage means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent or discolored flesh; and

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

Subpart DD—United States Standards for Grades of Shelled Spanish Type Peanuts

SOURCE: 30 FR 7595, June 11, 1965, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.2730 U.S. No. 1 Spanish.

''U.S. No. 1 Spanish'' consists of shelled Spanish type peanut kernels which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{15}/_{64} \times ^{3}/_{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other types of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2731 U.S. Spanish Splits.

''U.S. Spanish Splits'' consists of shelled Spanish type peanut kernels which are split or broken, but which are free from foreign material, damage and minor defects, and which will not

pass through a screen having 16/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other types of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 4 percent for sound whole kernels.

§ 51.2732 U.S. No. 2 Spanish.

''U.S. No. 2 Spanish'' consists of shelled Spanish type peanut kernels which may be split or broken, but which are free from foreign material, damage, and minor defects, and which will not pass through a screen having 16/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other types of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2733 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.2734 Spanish type.

Spanish type means peanuts of varieties which belong to the Spanish classification group and which are free from kernels of Runner, Virginia, or other types.

§ 51.2735 Whole.

Whole means that the peanut kernel is not split or broken.

§ 51.2736 Split.

Split means the separated half of a peanut kernel.

§ 51.2737 Broken.

Broken means that more than one-fourth of the peanut kernel is broken off.

§ 51.2738 Foreign material.

Foreign material means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2739 Damage.

Damage means any specific defect described in this section; or any other defect, or any combination of defects which materially detracts from the edible quality of the peanut. The following specific defects shall be considered as damage:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent, or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

§ 51.2740 Minor defects.

Minor defects means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2741 Unshelled.

Unshelled means a peanut kernel with part or all of the hull (shell) attached.

Subpart EE—United States Standards for Shelled Virginia Type Peanuts

SOURCE: 24 FR 6182, Aug. 1, 1959; 24 FR 6671, Aug. 18, 1959, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.2750 U.S. Extra Large Virginia.

''U.S. Extra Large Virginia'' consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{20}/_{64} \times 1$ inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 512 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 0.75 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2751 U.S. Medium Virginia.

''U.S. Medium Virginia'' consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{18}/_{64} \times 1$ inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 640 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2752 U.S. No. 1 Virginia.

''U.S. No. 1 Virginia'' consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{15}/_{64} \times 1$ inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 864 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

[24 FR 6671, Aug. 18, 1959. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 51.2753 U.S. Virginia Splits.

''U.S. Virginia Splits'' consists of shelled Virginia type peanut kernels of

similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having 20/64 inch round openings. Not less than 90 percent, by weight, shall be splits.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign materials; and,

(4) 3 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

[24 FR 6671, Aug. 18, 1959. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 51.2754 U.S. No. 2 Virginia.

''U.S. No. 2 Virginia'' consists of shelled Virginia type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 17/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2755 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2756 Similar varietal characteristics.

Similar varietal characteristics means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Virginia type.

§ 51.2757 Whole.

Whole means that the peanut kernel is not split or broken.

§ 51.2758 Split.

Split means the separated half of a peanut kernel.

§ 51.2759 Broken.

Broken means that more than one-fourth of the peanut kernel is broken off.

§ 51.2760 Foreign material.

Foreign material means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2761 Unshelled.

Unshelled means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2762 Minor defects.

Minor defects means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2763 Damage.

Damage means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

Subpart FF—United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types)

SOURCE: 60 FR 46977, Sept. 8, 1995, unless otherwise noted.

GRADES

§ 51.2830 U.S. No. 1.

U.S. No. 1 consists of onions which meet the following requirements:

(a) Basic requirements:

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

(2) Mature;

(3) Fairly firm; and,

(4) Fairly well shaped.

(b) Free from:

(1) Decay;

(2) Wet sunscald;

(3) Doubles;

(4) Bottlenecks; and,

(5) Scallions.

(c) Free from damage caused by:

(1) Seedstems;

(2) Splits;

(3) Tops;

(4) Roots;

(5) Dry sunken areas;

(6) Sunburn;

(7) Sprouts;

(8) Freezing;

(9) Peeling;

(10) Cracked fleshy scales;

(11) Watery scales;

(12) Dirt or staining;

(13) Foreign matter;

(14) Mechanical;

(15) Translucent scales;

(16) Disease;

(17) Insects; and,

(18) Other means.

(d) For tolerances see § 51.2837.

(e) Size. Unless otherwise specified the diameter shall be not less than 1½ inches, and yellow, brown, or red onions shall have 40 percent or more, and white onions shall have 30 percent or more, by weight, of the onions in any lot 2 inches or larger in diameter.

(f) When a percentage of the onions is specified to be of any certain size or larger, no part of any tolerance shall be allowed to reduce the specified percentage, but individual packages in a lot may have as much as 25 percentage points less than the percentage specified, except that individual packages containing 10 pounds or less shall have no requirements as to percentage of a certain size or larger: *Provided,* that any lot, regardless of package size, shall average within the percentage specified. (See §§ 51.2836 and 51.2837)[1]

[60 FR 46977, Sept. 8, 1995, as amended at 79 FR 63294, Oct. 23, 2014]

§ 51.2831 U.S. Export No. 1.

U.S. Export No. 1 consists of onions which meet the following requirements:

(a) Basic requirements:

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

(2) Mature;

(3) Dormant;

(4) Fairly firm; and,

(5) Fairly well shaped.

(b) Free from:

(1) Decay;

(2) Wet sunscald;

(3) Doubles;

(4) Bottlenecks; and,

(5) Scallions.

(c) Free from damage caused by:

(1) Seedstems;

(2) Splits;

(3) Tops;

(4) Roots;

(5) Dry sunken areas;

(6) Sunburn;

(7) Sprouts;

(8) Freezing;

(9) Peeling;

(10) Cracked fleshy scales;

(11) Watery scales;

(12) Dirt or staining;

(13) Foreign matter;

(14) Mechanical;

[1] Any lot of onions quoted as being of size smaller than 1½ inches minimum, such as ''U.S. No. 1, 1¼ inches min.'' is not required to meet the percentages which shall be 2 inches or larger as specified in the U.S. No. 1 grade.

(15) Translucent scales;
(16) Disease;
(17) Insects; and,
(18) Other means.
(d) Unless otherwise specified onions are packed in accordance with Export Packing Requirements set forth in § 51.2840. (See § 51.2837.)

[60 FR 46977, Sept. 8, 1995, as amended at 79 FR 63294, Oct. 23, 2014]

§ 51.2832 U.S. Commercial.

U.S. Commercial consists of onions which meet the following requirements:
(a) Basic requirements:
(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;
(2) Mature;
(3) Not soft or spongy; and,
(4) Not badly misshapen.
(b) Free from:
(1) Decay;
(2) Wet sunscald;
(3) Doubles;
(4) Bottlenecks; and,
(5) Scallions.
(c) Free from damage caused by:
(1) Seedstems;
(2) Tops;
(3) Roots;
(4) Dry sunken areas;
(5) Sunburn;
(6) Sprouts;
(7) Freezing;
(8) Cracked fleshy scales;
(9) Watery scales;
(10) Mechanical;
(11) Translucent scales;
(12) Disease;
(13) Insects; and,
(14) Other means.
(d) Free from serious damage caused by:
(1) Staining;
(2) Dirt; and,
(3) Other foreign matter.
(e) For tolerances see § 51.2837.
(f) Size. Unless otherwise specified, the diameter shall be not less than 1½ inches. (See §§ 51.2836 and 51.2837.)

[60 FR 46977, Sept. 8, 1995, as amended at 79 FR 63294, Oct. 23, 2014]

§ 51.2833 U.S. No. 1 Boilers.

U.S. No. 1 Boilers consists of onions which meet all the requirements for the U.S. No. 1 grade except for size. (See § 51.2830.) Size: The diameter of onions of this grade shall be not less than 1 inch nor more than 1⅞ inches. (See § 51.2837.)

§ 51.2834 U.S. No. 1 Picklers.

U.S. No. 1 Picklers consists of onions which meet all the requirements for the U.S. No. 1 grade except for size. (See § 51.2830.) Size: The maximum diameter of onions of this grade shall be not more than 1 inch. (See § 51.2837.)

§ 51.2835 U.S. No. 2.

U.S. No. 2 consists of onions which meet the following requirements:
(a) Basic requirements:
(1) One type, except when designated as a specialty or mixed pack;
(2) Mature; and,
(3) Not soft or spongy.
(b) Free from:
(1) Decay;
(2) Wet sunscald; and,
(3) Scallions.
(c) Free from serious damage caused by:
(1) Watery scales;
(2) Dirt or Staining;
(3) Foreign Matter;
(4) Seedstems;
(5) Sprouts;
(6) Mechanical;
(7) Dry sunken areas;
(8) Disease;
(9) Freezing;
(10) Insects; and,
(11) Other means.
(d) For tolerances see § 51.2837.
(e) Size. Unless otherwise specified, the diameter shall not be less than 1½ inches. (See §§ 51.2836 and 51.2837.)

[60 FR 46977, Sept. 8, 1995, as amended at 79 FR 63294, Oct. 23, 2014]

SIZE CLASSIFICATIONS

§ 51.2836 Size classifications.

The size of onions may be specified in accordance with one of the following classifications.

Size designation	Minimum diameter		Maximum diameter	
	Inches	Millimeters	Inches	Millimeters
Small	1	25.4	2¼	57.2
Repacker/Prepacker [1]	1¾	44.5	3	76.2
Medium	2	50.8	3¼	82.6
Large or Jumbo	3	76.2	([2])	
Colossal	3¾	95.3	([2])	

[1] In addition to the sizes specified, a lot of onions designated as Repacker or Prepacker shall contain at least 60 percent or more 2 inches or larger in diameter.
[2] No requirement.

TOLERANCES

§ 51.2837 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by weight, are provided as specified:

(a) For defects:

(1) *U.S. No. 1, U.S. Export No. 1, U.S. No. 1 Boilers and U.S. No. 1 Picklers grades.* (i) Not more than 10 percent of the onions in a lot may be damaged by peeling; and,

(ii) Not more than 5 percent of the onions in a lot may be below the remaining requirements of these grades, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald (see § 51.2839.)

(2) *U.S. Commercial and U.S. No. 2 grades.* (i) Not more than 5 percent of the onions in a lot may be below the requirements of these grades, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald. (See § 51.2839.)

(ii) [Reserved]

(b) For off-size:

(1) *U.S. No. 1, U.S. No. 1 Boilers, U.S. Commercial, and U.S. No. 2 grades.* Not more than 5 percent of the onions in a lot may be below the specified minimum size, and not more than 10 percent may be above any specified maximum size. (See § 51.2839.)

(2) *U.S. No. 1 Pickler grade.* Not more than 10 percent of the onions in a lot may be above the maximum size specified for this grade. (See § 51.2839.)

SAMPLES FOR GRADE AND SIZE DETERMINATION

§ 51.2838 Samples for grade and size determination.

Individual samples shall consist of at least 20 pounds for onions packed to meet larger than 2¼ inches maximum diameter. When individual packages contain 20 pounds or more and the onions are packed for Large or Jumbo size or larger the package shall be the sample. When individual packages contain less than 20 pounds, a sufficient number of adjoining packages are opened to provide at least a 20 pound sample, except that for onions packed to meet 2¼ inches maximum diameter or smaller, the sample may consist of either 20 pounds or the individual package.

APPLICATION OF TOLERANCES

§ 51.2839 Application of tolerances.

Individual samples are subject to the following limitations:

(a) Samples which contain more than 20 pounds shall have not more than one and one half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent, except that at least one defective and one off-size onion may be permitted in any sample: *Provided,* that en-route or at destination when onions in containers of 50 pounds or more are packed to a minimum size of 3 inches or larger not more than three onions or more than 4 percent (whichever is the larger amount) may be affected by decay or

wet sunscald: *And provided further*, that the averages for the entire lot are within the tolerances specified for the grade; and,

(b) Samples which contain 20 pounds or less shall have not more than double the tolerance specified, except that at least one defective and one off-size onion may be permitted in any sample: *Provided*, that the averages for the entire lot are within the tolerances specified for the grade.

EXPORT PACKING REQUIREMENTS

§ 51.2840 Export packing requirements.

Onions specified as meeting Export Packing Requirements shall be packed in containers having a net capacity of 25 kilograms (approximately 56 pounds).

DEFINITIONS

§ 51.2841 Mature.

Mature means well cured. Midseason onions which are not customarily held in storage shall be considered mature when harvested in accordance with good commercial practice at a stage which will not result in the onions becoming soft or spongy.

§ 51.2842 Dormant.

Dormant means that at least 90 percent of the onions in any lot show no evidence of growth as indicated by distinct elongation of the growing point or distinct yellow or green color in the tip of the growing point.

§ 51.2843 Fairly firm.

Fairly firm means that the onion may yield slightly to moderate pressure but is not appreciably soft or spongy.

§ 51.2844 Fairly well shaped.

Fairly well shaped means having the shape characteristic of the variety, but onions may be slightly off-type or slightly misshapen.

§ 51.2845 Wet sunscald.

Wet sunscald means sunscald which is soft, mushy, sticky or wet.

§ 51.2846 Doubles.

Doubles means onions which have developed more than one distinct bulb joined only at the base.

§ 51.2847 Bottlenecks.

Bottlenecks are onions which have abnormally thick necks with only fairly well developed bulbs.

§ 51.2848 Scallions.

Scallions are onions which have thick necks and relatively small and poorly developed bulbs.

§ 51.2849 Damage.

Damage means any specific defect described in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the onions. The following specific defects shall be considered as damage:

(a) Seedstems which are tough or woody, or which are more than ¼ inch in diameter;

(b) Splits when onions with two or more hearts are not practically covered by one or more outer scales;

(c) Tops when more than 30 percent of the onions in a lot have tops 3 inches or more in length;

(d) New roots when most roots on an individual onion have grown to a length of 1 inch or more in length;

(e) Dry roots when more than 20 percent of the onions in a lot have practically all roots 2 inches or more in length;

(f) Dry sunken areas when the affected areas exceed the equivalent to that of a circle ½ inch in diameter on an onion 2¾ inches in diameter which does not have the outer papery scale covering the affected areas or when the affected areas exceed the equivalent to that of a circle ¾ inch in diameter on an onion 2¾ inches in diameter which has the outer papery scale covering the affected areas. Correspondingly lesser or greater areas are allowed on smaller or larger onions;

(g) Sunburn when more than 33 percent of the onions in a lot have a medium green color on one-third of the surface;

(h) Sprouts when visible, or when concealed within the dry top and more than ¾ inch in length on an onion 2 inches or larger in diameter, or proportionately shorter on smaller onions;

(i) Peeling when more than one-half of the thin papery skin is missing, leaving the underlying fleshy scale unprotected;

(j) Cracked fleshy scales when one or more of the fleshy scales are cracked;

(k) Watery scales when more than the equivalent of the entire outer fleshy scale is affected by an off-color, watersoaked condition. The off-color must be of some shade of brown or yellow;

(l) Dirt, staining or other foreign matter when more than 20 percent of the onions in a yellow, brown or red lot, or more than 15 percent of the onions in a white lot are appreciably stained. Onions with adhering dirt or other foreign matter shall be judged on the same basis as stained onions;

(m) Mechanical when any cut extends deeper than one fleshy scale, or when any bruise breaks a fleshy scale; and,

(n) Translucent scales when more than the equivalent of two entire outer fleshy scales have a watersoaked condition.

§ 51.2850 Diameter.

Diameter means the greatest dimension measured at right angles to a straight line running from the stem to the root.

§ 51.2851 Badly misshapen.

Badly misshapen means that the onion is so misshapen that its appearance is seriously affected.

§ 51.2852 Serious damage.

Serious damage means any specific defect described in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the onions. The following specific defects shall be considered as serious damage:

(a) Watery scales when more than the equivalent of two entire outer fleshy scales are affected by an off-colored, watersoaked condition. The off-color must be of some shade of brown or yellow;

(b) Dirt, staining or other foreign matter when more than 25 percent of the onions in a lot are badly stained. Onions with adhering dirt or other foreign matter shall be judged on the same basis as stained onions;

(c) Seedstems when more than ½ inch in diameter;

(d) Sprouts when the visible length is more than ½ inch;

(e) Mechanical when any cut extends deeper than two fleshy scales, or when cuts seriously damage the appearance of the onion; and,

(f) Dry sunken areas when extending deeper than one fleshy scale, or when affecting an area equivalent to that of a circle 1 inch in diameter on an onion 2¾ inches in diameter, or correspondingly lesser or greater areas on smaller or larger onions.

§ 51.2853 One type.

One type means that the onions are within the same general color category.

METRIC CONVERSION TABLE

§ 51.2854 Metric conversion table.

Inches	Millimeters (mm)
⅛	3.2
¼	6.4
⅜	9.5
½	12.7
⅝	15.9
¾	19.1
⅞	22.2
1	25.4
1¼	31.8
1½	38.1
1¾	44.5
2	50.8
2½	63.5
2¾	69.9
3	76.2
3½	88.9
4	101.6

Subpart GG—United States Standards for Grades of Walnuts in the Shell

SOURCE: 29 FR 12865, Sept. 12, 1964, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GENERAL

§ 51.2945 Application.

The standards contained in this subpart apply only to walnuts commonly known as English or Persian walnuts (Juglans regia). They do not apply to the walnuts commonly known as black walnuts (Juglans nigra).

§ 51.2946 [Reserved]

§ 51.2947 Method of inspection.

In determining the grade of a lot of walnuts, all of the nuts in the sample first should be graded for size and then examined for external defects. The same nuts then should be cracked and examined for internal defects. The nuts must meet the requirements for both external and internal quality in order to meet a designated grade.

GRADES

§ 51.2948 U.S. No. 1.

''U.S. No. 1'' consists of walnuts in shells which are dry, practically clean, bright and free from splits, injury by discoloration, and free from damage caused by broken shells, perforated shells, adhering hulls or other means. The kernels are well dried, free from decay, dark discoloration, rancidity, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) Kernel color shall be specified in connection with this grade in terms of ''extra light,'' ''light,'' ''light amber,'' or ''amber'' from the USDA Walnut Color Chart or in terms of ''red'' color. The color classifications in the USDA Walnut Color Chart shall not apply to ''red'' color. Furthermore, ''red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. When kernel color is based on the color classifications from the USDA Walnut Color Chart, at least 70 percent, by count, of the walnuts have kernels which are not darker than ''light amber,'' and which are free from grade defects: *Provided,* That at least four-sevenths of the above amount, or 40 percent of the walnuts have kernels which are not darker than ''light.'' Higher percentages of nuts with kernels not darker than ''light amber'' which are free from grade defects and/or higher percentages with kernels not darker than ''light'' which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

[29 FR 12865, Sept. 12, 1964. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 82 FR 39657, Aug. 22, 2017]

§ 51.2949 U.S. No. 2.

''U.S. No. 2'' consists of walnuts in shells which are dry, practically clean and free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration or other means. The kernels are well dried, free from decay, dark discoloration, rancidity, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) Kernel color shall be specified in connection with this grade in terms of ''extra light,'' ''light,'' ''light amber,'' or ''amber'' from the USDA Walnut Color Chart or in terms of ''red'' color. The color classifications in the USDA Walnut Color Chart shall not apply to ''red'' color. Furthermore, ''red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. When kernel color is based on the color classifications from the USDA Walnut Color Chart, at least 60 percent, by count, of the walnuts have kernels which are not darker than ''light amber,'' and which are free from grade defects. Higher percentages of nuts with kernels not darker than ''light amber'' which are free from grade defects, and/or percentages with kernels not darker than ''light'' which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

[29 FR 12865, Sept. 12, 1964. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 82 FR 39657, Aug. 22, 2017]

§ 51.2950 U.S. No. 3.

''U.S. No. 3'' consists of walnuts in shells which are dry, fairly clean, free from splits, and free from damage

caused by broken shells, and free from serious damage caused by discoloration, perforated shells, adhering hulls or other means. The kernels are well dried, free from decay, dark discoloration, rancidity, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) Kernel color may be specified in connection with this grade in terms of ''light amber'' or ''light'' from the USDA Walnut Color Chart or in terms of ''red'' color. The color classifications in the USDA Walnut Color Chart shall not apply to ''red'' color. Furthermore, ''red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. When kernel color is based on the color classifications from the USDA Walnut Color Chart, there is no requirement in this grade for the percentage of walnuts having kernels which are ''light amber'' or ''light.'' However, the percentage, by count, of nuts with kernels not darker than ''light amber'' which are free from grade defects and/or the percentage with kernels not darker than ''light'' which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

[29 FR 12865, Sept. 12, 1964. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 82 FR 39657, Aug. 22, 2017]

UNCLASSIFIED

§ 51.2951 [Reserved]

SIZE SPECIFICATIONS

§ 51.2952 Size specifications.

Size shall be specified in accordance with the facts in terms of one of the following classifications:

(a) *Mammoth size.* Mammoth size means walnuts of which not over 12 percent, by count, pass through a round opening 96/64 inches in diameter;

(b) *Jumbo size.* Jumbo size means walnuts of which not over 12 percent, by count, pass through a round opening 80/64 inches in diameter;

(c) *Large size.* Large size means walnuts of which not over 12 percent, by count, pass through a round opening 77/64 inches in diameter; except that for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be 76/64 inches;

(d) *Medium size.* Medium size means walnuts of which at least 88 percent, by count, pass through a round opening 77/64 inches in diameter, and of which not over 12 percent, by count, pass through a round opening 73/64 inches in diameter;

(e) *Standard size.* Standard size means walnuts of which not over 12 percent, by count, pass through a round opening 73/64 inches in diameter;

(f) *Baby size.* Baby size means walnuts of which at least 88 percent, by count, pass through a round opening 74/64 inches in diameter, and of which not over 10 percent, by count, pass through a round opening 60/64 inch in diameter; and,

(g) *Minimum diameter, or minimum and maximum diameter.* In lieu of one of the foregoing classifications, size of walnuts may be specified in terms of minimum diameter, or minimum and maximum diameter: *Provided,* That not more than 12 percent, by count, pass through a round hole of the specified minimum diameter, and at least 88 percent, by count, pass through a round hole of any specified maximum diameter.

VARIETY OR TYPE SPECIFICATIONS

§ 51.2953 Variety or type specifications.

The variety or type of any lot, of walnuts in the shell may be specified in accordance with the facts as follows:

(a) If the lot is of one named variety, that variety name may be specified, *Provided,* That not over 10 percent, by count, of the walnuts in the lot are of another variety or type than that specified; and,

(b) If the lot is a mixture of two or more distinct varieties or types it may be specified as ''Mixed Varieties''.

TOLERANCES FOR GRADE DEFECTS

§ 51.2954 Tolerances for grade defects.

In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for nuts which fail to meet the requirements of the respective grades as indicated. Terms in quotation marks

refer to color classifications illustrated on the color chart.

TOLERANCES FOR GRADE DEFECTS

Grade	External (shell) defects	Internal (kernel) defects	Kernel color based on USDA Walnut Color Chart	Kernel color based on red
U.S. No. 1	10%, by count, for splits. 5%, by count, for other shell defects, including not more than 3% seriously damaged.	10% total, by count, including not more than 6% which are damaged by mold or insects or seriously damaged by other means, of which not more than 5/8 or 5% may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 70% of "light amber" kernels or the required 40% of "light" kernels or any larger percentage of "light amber" or "light" kernels specified.	
U.S. No. 2	10%, by count, for splits. 10%, by count, for other shell defects, including not more than 5% serious damage by adhering hulls.	15% total, by count, including not more than 8% which are damaged by mold or insects or seriously damaged by other means, of which not more than 5/8 or 5% may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 60% or any specified larger percentage of "light amber" kernels, or any specified percentage of "light" kernels.	
U.S. No. 3	Same as above tolerance for U.S. No. 2.	Same as above tolerance for U.S. No. 2.	No tolerance to reduce any percentage of "light amber" or "light" kernel specified.	

[41 FR 44187, Oct. 7, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 82 FR 39658, Aug. 22, 2017]

APPLICATION OF TOLERANCES

§ 51.2955 Application of tolerances.

The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any identifiable container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of the containers shall be considered as a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2956 Practically clean.

Practically clean means that, from the viewpoint of general appearance, the walnuts are practically free from adhering dirt or other foreign matter, and that individual walnuts are not damaged by such means. A slightly chalky deposit on the shell is characteristic of many bleached nuts and shall not be considered as dirt or foreign matter.

§ 51.2957 Bright.

Bright means a fairly light, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

§ 51.2958 Splits.

Splits means walnuts with the seam opened completely around the nut so that the two halves of the shell are held together only by the kernel.

§ 51.2959 Injury by discoloration.

Injury by discoloration means that the color of the affected portion of the shell objectionably contrasts with the color of the rest of the shell of the individual nut.

§ 51.2960 Damage.

Damage means any specific defect mentioned in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance or the edible or shipping quality of the individual walnut or the lot as a

whole. The following specific defects shall be considered as damage:

(a) Broken shells when the area from which a portion of the shell is missing is greater than the area of a circle one-fourth inch in diameter; or when the two halves of the shell have become completely broken apart and separated from each other;

(b) Perforated shells when the area affected aggregates more than that of a circle one-fourth inch in diameter. The term ''perforated shells'' means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than 5 percent of the shell surface;

(d) Discoloration (or stain) which covers, in the aggregate, one-fifth or more of the surface of the shell of an individual nut, and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(e) Mold when attached to the kernel and conspicuous; or when inconspicuous white or gray mold affects an aggregate area larger than one square centimeter or one-eighth of the entire surface of the kernel, whichever is the lesser area;

(f) Shriveling when more than 5 percent of the surface of the kernel, including both halves, is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section but which are otherwise normally developed shall not be considered as damaged; and,

(g) Insects when an insect or insect fragment, web or frass is present inside the shell, or the kernel shows distinct evidence of insect feeding.

§51.2961 Well dried.

Well dried means that the kernel is firm and crisp, not pliable or leathery.

§51.2962 Decay.

Decay means that any portion of the kernel is decomposed.

§51.2963 Dark discoloration.

Dark discoloration means that the color of the skin of the kernel is darker than ''amber''. (See color chart.)

§51.2964 Rancidity.

Rancidity means the stage of deterioration in which the kernel has developed a rancid flavor. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

§51.2965 Fairly clean.

Fairly clean means that, from the viewpoint of general appearance, the lot is not seriously damaged by adhering dirt or other foreign matter, and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

§51.2966 Serious damage.

Serious damage means any specific defect mentioned in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or shipping quality of the walnut. The following specific defects shall be considered as serious damage:

(a) Discoloration (or stain) which covers, in the aggregate, one-third or more of the surface of the shell of an individual nut and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(b) Perforated shells when the area affected aggregates more than that of a circle three-eighths of an inch in diameter. The term ''perforated shells'' means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than one-eighth of the shell surface in the aggregate;

(d) Shriveling when both halves of the kernel are affected by severe shriveling over an area totaling more than one-eighth of the surface; or when both halves are affected over a greater area by lesser degrees of shriveling producing an equally objectionable appearance. When one of the halves of the kernel shows no shriveling, the kernel shall not be considered seriously damaged unless the other half shows shriveling to the extent that over 50 percent of its surface is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section, but which are otherwise normally developed shall not be considered as damaged;

(e) Rancidity or decay; and,

(f) Uncured kernels which are wet, rubbery and ''green''.

Subpart HH—United States Standards for Florida Avocados

SOURCE: 22 FR 6205, Aug. 3, 1957, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADES

§ 51.3050 U.S. No. 1.

''U.S. No. 1'' consists of avocados of similar varietal characteristics which are mature but not overripe, well formed, clean, well colored, well trimmed and which are free from decay, anthracnose, and freezing injury and are free from damage caused by bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for avocados affected by decay or anthracnose, including therein not more than 1 percent for avocados affected by decay. (See §§ 51.3055 and 51.3056.)

§ 51.3051 U.S. Combination.

''U.S. Combination'' consists of a combination of U.S. No. 1 and U.S. No. 2 avocados: *Provided,* That at least 60 percent, by count, of the avocados in each container meet the requirements of the U.S. No. 1 grade.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of the U.S. No. 2 grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for avocados affected by decay or seriously damaged by anthracnose, including therein not more than 1 percent for avocados affected by decay. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U.S. No. 1 fruit required or specified in the combination, but individual containers may have not more than 10 percent less than the percentage of U.S. No. 1 fruit required or specified. (See §§ 51.3055 and 51.3056.)

§ 51.3052 U.S. No. 2.

''U.S. No. 2'' consists of avocados of similar varietal characteristics which are mature but not overripe, fairly well formed, clean, fairly well colored, well trimmed and which are free from decay and freezing injury and are free from serious damage caused by anthracnose, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for avocados affected by decay or seriously damaged by anthracnose, including therein not more than 1 percent for avocados affected by decay. (See §§ 51.3055 and 51.3056.)

§ 51.3053 U.S. No. 3.

''U.S. No. 3'' consists of avocados of similar varietal characteristics which are mature but not overripe, which are not badly misshapen, and which are free from decay and are free from serious damage caused by anthracnose and are free from very serious damage caused by freezing injury, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, dirt or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade, including therein not more than 2 percent for avocados affected by decay. (See §§ 51.3055 and 51.3056.)

UNCLASSIFIED

§ 51.3054 Unclassified.

''Unclassified'' consists of avocados which have not been classified in accordance with any of the foregoing grades. The term ''unclassified'' is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

STANDARD PACK

§ 51.3055 Standard pack.

(a) The avocados shall be packed in accordance with good commercial practice and the pack shall be at least fairly tight. The weight of the smallest fruit in any container shall be not less than 75 percent of the weight of the largest fruit in the container. Size of the avocados may be specified by count.

(b) In order to allow for variations incident to proper sizing and packing, not more than 5 percent, by count, of the avocados in any container may weigh less than 75 percent of the weight of the largest fruit: *Provided*, That no fruit in any container shall weigh less than 60 percent of the weight of the largest fruit in the container. In addition, not more than 5 percent of the containers in any lot may fail to meet the requirement as to tightness of pack.

APPLICATION OF TOLERANCES

§ 51.3056 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 20 avocados and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 20 avocados and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 20 avocados or less, individual packages shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.3057 Similar varietal characteristics.

Similar varietal characteristics means that the avocados in any container are similar in shape, texture, and color of skin and flesh.

§ 51.3058 Mature.

Mature means that the avocado has reached a stage of growth which will insure a proper completion of the ripening process.

§ 51.3059 Overripe.

Overripe means that the avocado is dead ripe with flesh soft or discolored and past commercial use.

§ 51.3060 Well formed.

Well formed means that the avocado has the normal shape characteristic of the variety.

§ 51.3061 Clean.

Clean means that the avocado is practically free from dirt, staining or other foreign material.

§ 51.3062 Well colored.

Well colored means that the avocado has the color characteristic of the variety.

§ 51.3063 Well trimmed.

Well trimmed means that the stem, when present, is cut off fairly smoothly at a point not more than one-fourth inch beyond the shoulder of the avocado.

§ 51.3064 Damage.

Damage means any defect which materially affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the avocados in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts or other skin breaks when not healed and penetrating beneath the epidermis or the aggregate area exceeds that of a rectangle 1 inch in length and one-eighth inch in width, or when healed and the appearance is materially affected;

(b) Pulled stems when the exposed stem cavity is excessively deep, or when skin surrounding the stem cavity is more than slightly torn;

(c) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown surface discoloration aggregating 10 percent of the fruit surface;

(d) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial, fairly smooth scars aggregating 10 percent of the fruit surface;

(e) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregating 10 percent of the fruit surface; and,

(f) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown, superficial scars aggregating 10 percent of the fruit surface.

§ 51.3065 Fairly well formed.

Fairly well formed means that the avocado may be slightly abnormal in shape but not to the extent that the appearance is seriously affected.

§ 51.3066 Fairly well colored.

Fairly well colored means that the avocado shows a shade of color which is fairly characteristic of the variety.

§ 51.3067 Serious damage.

Serious damage means any defect which seriously affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the avocados in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Anthracnose when any spot exceeds the area of a circle one-fourth inch in diameter, or when more than 3 spots each of which exceeds the area of a circle three-sixteenths inch in diameter;

(b) Cuts or other skin breaks when not healed and penetrating into the flesh of the fruit, or the aggregate area exceeds that of a rectangle 1 inch in length and one-fourth inch in width, or when healed and the appearance is seriously affected;

(c) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-fourth inch in diameter, or when the flesh is torn;

(d) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown surface discoloration aggregating 25 percent of the fruit surface;

(e) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial fairly

smooth scars aggregating 25 percent of the fruit surface;

(f) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregating 25 percent of the fruit surface;

(g) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial, fairly smooth scars aggregating 25 percent of the fruit surface; and

(h) Cercospora spot when any spot exceeds the area of a circle one-fourth inch in diameter, or when more than 3 spots each of which exceeds the area of a circle three-sixteenths inch in diameter, or when the aggregate area of all spots exceeds the area of a circle 1 inch in diameter.

§ 51.3068 Badly misshapen.

Badly misshapen means that the avocado is so badly curved, constricted, pointed or otherwise deformed that the appearance is very seriously affected.

§ 51.3069 Very serious damage.

Very serious damage means any defect which very seriously affects the appearance, or the edible or shipping quality of the avocado. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Cuts or other skin breaks when not healed and penetrating into the flesh of the fruit, or any skin break very seriously affecting the appearance, or the edible or shipping quality;

(b) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-half inch in diameter, or when the flesh is torn;

(c) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown surface discoloration aggregating 50 percent of the fruit surface;

(d) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial, fairly smooth scars aggregating 50 percent of the fruit surface;

(e) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregating 50 percent of the fruit surface; and,

(f) Sunscald or sprayburn when not well healed, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial, fairly smooth scars aggregating 50 percent of the fruit surface.

Subpart II—United States Standards for Grades of Bermuda-Granex-Grano Type Onions

SOURCE: 60 FR 46980, Sept. 8, 1995, unless otherwise noted.

GRADES

§ 51.3195 U.S. No. 1.

U.S. No. 1 consists of onions which meet the following requirements:

(a) Basic requirements:

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

(2) Mature;

(3) Fairly firm; and,

(4) Fairly well shaped.

(b) Free from:

(1) Decay;

(2) Wet sunscald;

(3) Doubles; and,

(4) Bottlenecks.

(c) Free from damage caused by:

(1) Seedstems;

(2) Splits;

(3) Dry sunken areas;

(4) Sunburn;

(5) Sprouting;

(6) Staining;

(7) Dirt or foreign material;

(8) Mechanical;

(9) Tops;

(10) Roots;

(11) Translucent scales;

(12) Watery scales;

(13) Moisture;

(14) Disease;

(15) Insects; and,

(16) Other means.

(d) For size and tolerances see §§ 51.3198 and 51.3199.

[60 FR 46980, Sept. 8, 1995, as amended at 79 FR 63294, Oct. 23, 2014]

§ 51.3196 U.S. Combination.

U.S. Combination consists of a combination of U.S. No. 1 and U.S. No. 2 onions: *Provided*, That at least 50 percent, by weight, of the onions in each lot meet the requirements of U.S. No. 1 grade. (See §§ 51.3198 and 51.3199.)

§ 51.3197 U.S. No. 2.

U.S. No. 2 consists of onions which meet the following requirements:

(a) Basic requirements:

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

(2) Not soft or spongy.

(b) Free from:

(1) Decay;

(2) Wet sunscald; and,

(3) Bottlenecks.

(c) Free from serious damage caused by:

(1) Seedstems;

(2) Dry sunken areas;

(3) Sprouting;

(4) Staining;

(5) Dirt or other foreign material;

(6) Mechanical;

(7) Watery scales;

(8) Insects;

(9) Disease; and,

(10) Other means.

(d) For size and tolerances see §§ 51.3198 and 51.3199.

[60 FR 46980, Sept. 8, 1995, as amended at 79 FR 63295, Oct. 23, 2014]

SIZE CLASSIFICATIONS

§ 51.3198 Size classifications.

Size shall be specified in connection with the grade in terms of minimum diameter, range in diameter, minimum diameter with a percentage of a certain size or larger, or in accordance with one of the size classifications listed below: *Provided*, that unless otherwise specified, onions shall not be less than 1½ inches in diameter, with 60 percent or more 2 inches or larger in diameter.

Size designation	Minimum diameter		Maximum diameter	
	Inches	Millimeters	Inches	Millimeters
Small	1	25.4	2¼	57.2
Repacker/Prepacker [1]	1¾	44.5	3	76.2
Medium	2	50.8	3¼	82.6
Large or Jumbo	3	76.2	([2])	
Colossal	3¾	95.3	([2])	

[1] In addition to the sizes specified, a lot of onions designated as Repacker or Prepacker shall contain at least 60 percent or more 2 inches or larger in diameter.

[2] No requirement.

TOLERANCES

§ 51.3199 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by weight, are provided as specified:

(a) For defects:

(1) *U.S. No. 1 and U.S. No. 2 grades.* Not more than 10 percent of the onions in a lot may fail to meet the requirements of these grades, but not more than one-fifth of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald.

(2) *U.S. Combination grade.* When applying the foregoing tolerances to this grade no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of onions of the U.S. No. 1 grade, but individual containers shall have not less than 40 percent of the U.S. No. 1 grade.

(b) For size:

(1) Not more than 5 percent of the onions in a lot may be smaller than the minimum diameter specified. In addition, not more than 10 percent of the onions in a lot may be larger than the maximum diameter specified.

(2) When a percentage of the onions is specified to be a certain size and larger, individual packages containing more than 10 pounds may have not less than

one-half of the percentage specified: *Provided*, that the entire lot averages within the percentage specified.

SAMPLES FOR GRADE AND SIZE DETERMINATION

§ 51.3200 Samples for grade and size determination.

Individual samples shall consist of at least 20 pounds for onions packed to meet larger than 2¼ inches maximum diameter. When individual packages contain 20 pounds or more and the onions are packed for Large or Jumbo size or larger the package shall be the sample. When individual packages contain less than 20 pounds, a sufficient number of adjoining packages are opened to provide at least a 20 pound sample, except that for onions packed to meet 2¼ inches maximum diameter or smaller, the sample may consist of either 20 pounds or the individual package.

APPLICATION OF TOLERANCES

§ 51.3201 Application of tolerances.

Individual samples are subject to the following limitations:

(a) Samples which contain more than 20 pounds shall have not more than one and one half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent, except that at least one defective and one off-size onion may be permitted in any sample: *Provided*, that en-route or at destination when onions in containers of 50 pounds or more are packed to a minimum size of 3 inches or larger not more than three onions or more than 4 percent (whichever is the larger amount) may be affected by decay or wet sunscald: *And provided further*, that the averages for the entire lot are within the tolerances specified for the grade; and,

(b) Samples which contain 20 pounds or less shall have not more than double the tolerance specified, except that at least one defective and one off-size onion may be permitted in any sample: *Provided*, that the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.3202 Similar varietal characteristics.

Similar varietal characteristics means that the onions in any container are similar in color, shape and character of growth.

§ 51.3203 Mature.

Mature means that the onion is fairly well cured, and at least fairly firm.

§ 51.3204 Fairly firm.

Fairly firm means that the onion may yield slightly to moderate pressure but is not appreciably soft or spongy.

§ 51.3205 Fairly well shaped.

Fairly well shaped means that the onion shows the characteristic shape, not appreciably three-, four- or five-sided, thick necked or badly pinched.

§ 51.3206 Wet sunscald.

Wet sunscald means any sunscald which is soft, mushy, sticky or wet.

§ 51.3207 Doubles.

Doubles means onions which have developed more than one distinct bulb joined only at the base.

§ 51.3208 Bottlenecks.

Bottlenecks means onions which have abnormally thick necks with only fairly well developed bulbs.

§ 51.3209 Damage.

Damage unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the onions. Any one of the following defects, or combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Seedstems which are tough or woody, or which are more than ¼ inch in diameter;

(b) Splits when well cured onions are not practically covered by an outer scale, or when fairly well cured onions are not completely covered by one outer scale;

(c) Dry sunken areas when the affected areas exceed the equivalent to

that of a circle ½ inch in diameter on an onion 2¾ inches in diameter which does not have the outer papery scale covering the affected areas or when the affected areas exceed the equivalent to that of a circle ¾ inch in diameter on an onion 2¾ inches in diameter which has the outer papery scale covering the affected areas. Correspondingly lesser or greater areas are allowed on smaller or larger onions;

(d) Sunburn when dark green in color and affecting an area equivalent to that of a circle 1 inch in diameter on an onion 2¾ inches in diameter or correspondingly smaller or larger areas on smaller or larger onions, or when medium to light green in color and affecting more than 10 percent of the surface of the onion;

(e) Sprouting when any sprout is visible, or when concealed within the neck scales and are more than ¾ inch in length on an onion 2 inches or larger in diameter, or proportionately shorter on smaller onions;

(f) Staining, dirt or other foreign material when more than 20 percent of the onions in a yellow, brown or red lot, or more than 15 percent of the onions in a white lot are appreciably stained. Onions with adhering dirt or other foreign matter shall be judged on the same basis as stained onions;

(g) Mechanical when any cut extends deeper than one fleshy scale, or when any bruise breaks a fleshy scale;

(h) Tops when more than 30 percent of the onions in a lot have tops 3 inches or more in length;

(i) New roots when most roots on an individual onion have grown to a length of 1 inch or more;

(j) Dry roots when practically all roots are 2 inches or more in length;

(k) Translucent scales when more than the equivalent of two entire outer fleshy scales have a watersoaked condition; and,

(l) Watery scales when more than the equivalent of the entire outer fleshy scale is affected by an off-color, watersoaked condition. The off-color must be of some shade of brown or yellow.

§ 51.3210 Serious damage.

Serious damage unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the onions. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Seedstems when more than ½ inch in diameter;

(b) Dry sunken areas when extending deeper than one fleshy scale, or when affecting an area equivalent to that of a circle 1 inch in diameter on an onion 2¾ inches in diameter, or correspondingly lesser or greater areas on smaller or larger onions;

(c) Sprouting when any visible sprout is more than ½ in length;

(d) Staining, dirt or foreign material when more than 25 percent of the onions in any lot are badly stained. Onions with adhering dirt or other foreign matter shall be judged on the same basis as stained onions;

(e) Mechanical when any cut extends deeper than two fleshy scales, or when cuts seriously damage the appearance of the onion; and,

(f) Watery scales when more than the equivalent of two entire outer fleshy scales are affected by an off-colored, watersoaked condition. The off-color must be of some shade of brown or yellow.

§ 51.3211 Diameter.

Diameter means the greatest dimension of the onion at right angles to a line running from the stem to the root.

METRIC CONVERSION TABLE

§ 51.3212 Metric conversion table.

Inches	Millimeters (mm)
⅛	3.2
¼	6.4
⅜	9.5
½	12.7
⅝	15.9
¾	19.1
⅞	22.2
1	25.4
1¼	31.8
1½	38.1
1¾	44.5
2	50.8
2½	63.5
2¾	69.9
3	76.2
3½	88.9

Inches	Millimeters (mm)
4	101.6

Subpart JJ—United States Standards for Grades of Potatoes for Processing

SOURCE: 48 FR 10802, Mar. 15, 1983, unless otherwise noted.

§ 51.3410 Grades.

(a) ''U.S. No. 1 Processing'' consists of potatoes which meet the following requirements:

(1) Basic requirements:

(i) Similar varietal characteristics;

(ii) Moderately firm; and,

(iii) Fairly well shaped.

(2) Free from:

(i) Freezing or freezing injury;

(ii) Blackheart;

(iii) Late Blight Tuber Rot;

(iv) Southern Bacterial Wilt;

(v) Bacterial Ring Rot;

(vi) Insects, worms or larvae;

(vii) Soft rot and wet breakdown; and,

(viii) Loose sprouts, dirt and foreign material.

(3) Free from damage by any cause.

(4) *Size.* Unless otherwise specified, individual potatoes shall be not less than 2 inches in diameter or 4 ounces in weight. Percentage(s) of a larger size(s) and/or a maximum size may be specified.

(b) ''U.S. No. 2 Processing'' consists of potatoes or usable pieces of potatoes which meet the following requirements:

(1) Basic requirements:

(i) Similar varietal characteristics;

(ii) Moderately firm; and,

(iii) Not seriously misshapen.

(2) Free from:

(i) Freezing or freezing injury;

(ii) Blackheart;

(iii) Late Blight Tuber Rot;

(iv) Southern Bacterial Wilt;

(v) Bacterial Ring Rot;

(vi) Insects, worms or larvae;

(vii) Soft rot and wet breakdown; and,

(viii) Loose sprouts, dirt and foreign material.

(3) Free from serious damage by any cause.

(4) *Size.* Unless otherwise specified, whole potatoes shall be not less than 1½ inches in diameter, or usable pieces shall be not less than 4 ounces in weight. Percentage(s) of a larger size(s) and/or maximum size may be specified.

§ 51.3411 Usable piece.

''Usable Piece'' means that portion of the potato remaining after trimming, or as it occurs in the sample:

(a) Not have any unusable material;

(b) Unless otherwise specified, weigh at least 4 ounces; and,

(c) Must have at least 50% of peel remaining after trimming.

§ 51.3412 Unusable material.

''Unusable Material'' consists of defective portions of potatoes, and potatoes which are frozen, affected by freezing injury, soft rot, wet breakdown, insects, worms, larvae, Blackheart, Late Blight Tuber Rot, Southern Bacterial Wilt, Bacterial Ring Rot, or which are seriously damaged by internal defects.

§ 51.3413 Size.

(a) The minimum size, maximum size or range in size may be specified in connection with the grade in terms of diameter or weight.

(b) Diameter means the greatest dimension in terms of inches or fractions of an inch measured at right angles to the longitudinal axis, without regard to the position of the stem-end.

(c) Weight means the minimum or maximum weight measured in terms of whole ounces. When a maximum weight is specified, the potato shall not be considered as oversize until it weighs the next higher ounce.

§ 51.3414 Application of standards.

In the application of these standards to determine the percentages of potatoes in any lot which meet the requirements of the respective grades or size categories, tolerances do not apply. However, for lots which are graded or pre-sorted for size or quality, offered for inspection and required to meet one of the grades, the following tolerances, by weight, are provided:

(a) For defects:

(1) *U.S. No. 1 Processing.* 10 percent for potatoes which fail to meet the requirements of this grade including not

more than one-half of this tolerance, or 5 percent, for serious damage by any means, including therein not more than 2 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(2) *U.S. No. 2 Processing.* 10 percent for potatoes which fail to meet the requirements of this grade including not more than one-half of this tolerance, or 5 percent, for potatoes which are seriously damaged by internal defects occurring entirely within the vascular ring, including therein not more than 2 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(b) For loose sprouts, dirt and foreign material: 2 percent.

(c) For off-size:

(1) *Undersize.* 3 percent when the minimum size specified is less than 2¼ inches in diameter or less than 5 ounces in weight; and 5 percent when the minimum size specified is 2¼ inches or more in diameter or 5 ounces or more in weight.

(2) *Oversize.* 10 percent.

§ 51.3415 Definitions.

Similar varietal characteristics means that the potatoes in any lot have the same general shape, color, and character of skin and color of flesh.

Fairly well shaped means that the potato is not materially pointed, dumbbell-shaped, or otherwise deformed.[2]

Moderately firm means that the potato is not seriously shriveled or flabbly.[2]

Not seriously misshapen means that the potato is not seriously deformed and causing more than 10% waste when determining the non-peelable area directly due to shape.

Soft rot or wet breakdown means any soft, mushy or leaky condition of the tissue such as Leak, slimy soft rot, wet type Fusarium Tuber Rot, or wet breakdown following freezing injury or heat injury.

Loose sprouts, dirt and foreign material means unattached sprouts or sprouts that become detached during the grading of the sample, stems, vines, adhering dirt, loose dirt, stones, trash and other extraneous material.

Damage means any defect listed in § 51.3416, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which cannot be removed without a loss of more than 5 percent of the total weight of the potato.

Serious Damage means any defect listed in § 51.3416, or an equally objectionable variation of any of these defects, any other defect, or any combination of defects, which cannot be removed without a loss of more than 10 percent of the total weight of the potato.

External Defects are defects which can be detected externally. Cutting may be required to determine the extent of the injury.

Internal Defects are defects which cannot be detected without cutting the potato.

§ 51.3416 Classification of defects.

EXTERNAL DEFECTS

Defects	Maximum allowed for U.S. No. 1 processing	Maximum allowed for U.S. No. 2 processing
Air cracks	5% waste	10% waste.
Blackleg	5% waste	10% waste.
Bruises	5% waste	10% waste
Cuts	Smooth, not more than 10% of surface.	Smooth, not more than ⅓ of surface.
Enlarged lenticels, discolored or sunken.	5% waste	10% waste.
Flea Beetle	5% waste	10% waste
Folded end	5% waste	10% waste.
Fusarium tuber rot	5% waste	10% waste.
Grass, wireworm	5% waste	10% waste.
Greening, light	5% waste	10% waste.
Growth cracks	See Footnote No. 2.	10% waste.
Grub	5% waste	10% waste.
Ingrown sprouts	5% waste	10% waste.
Nematodes	5% waste	10% waste.
Rhizoctonia, solid or thick mounded.	Not more than 10% of surface.	Not more than 25% of surface.
Rodent, bird damage.	5% waste	10% waste.
Scab, pitted	5% waste	10% waste.
Scab, russet	25% of surface or 5% waste.	50% of surface or 10% waste.

[2] USDA Visual Aid, POT-L 1 Jan 81. This publication may be examined in the Fruit and Vegetable Division, Fresh Products Branch, AMS, U.S. Department of Agriculture, South Building, Washington, DC 20250, or any field office of the Fresh Fruit and Vegetable Inspection Service. Copies of this visual aid may be purchased from the John Henry Company, P.O. Box 17099, Lansing, MI 48901 or United Fresh Fruit and Vegetable Association, N. Washington at Madison, Alexandria, VA 22314.

EXTERNAL DEFECTS—Continued

Defects	Maximum allowed for U.S. No. 1 processing	Maximum allowed for U.S. No. 2 processing
Scab, surface	25% of surface or 5% waste.	50% of surface or 10% waste.
Scab, surface (elephant hide)..	10% of surface or 5% waste.	25% of surface or 10% waste.
Second growth	5% waste	10% waste.
Scaling, surface cracks—when cracked, thick and has depth.	10% of surface or 5% waste.	25% of surface or 10% waste.
Sunburn	5% waste	10% waste.
Sunken discolored areas.	5% waste	10% waste.

INTERNAL DEFECTS

Defects	Maximum allowed for U.S. No. 1 processing	Maximum allowed for U.S. No. 2 processing
Occurring outside of or not entirely confined to the vascular ring		
Internal Black Spot, Internal Discoloration, Vascular Browning, Fusarium Wilt, Net Necrosis, Other Necrosis, Stem End Browning.	5% waste	10% waste.
Occurring entirely within the vascular ring		
Hollow Heart or Hollow Heart with Discoloration.	Area affected not to exceed that of a circle 7/8 inch in diameter in a 10 ounce potato. [1].	Area affected not to exceed that of a circle 1 1/4 inches in diameter in a 10 ounce potato. [1]
Light Brown Discoloration (Brown Center).	Area affected not to exceed that of a circle 7/8 inch in diameter in a 10 ounce potato. [1].	Area affected not to exceed that of a circle 1 1/4 inches in diameter in a 10 ounce potato. [1]
Internal Brown Spot and similar discoloration (Heat Necrosis).	Not more than the equivalent of 3 scattered spots 1/8 inch in diameter in a potato 6 ounces in weight or 2 1/2 inches in diameter, or correspondingly lesser or greater number of spots in smaller or larger potatoes.	Not more than the equivalent of 6 scattered spots 1/8 inch in diameter in a potato 6 ounces in weight or 2 1/2 inches in diameter or correspondingly lesser or greater number of spots in smaller or larger potatoes.

[1] Note: Or correspondingly lesser or greater areas in smaller or larger potatoes.

§ 51.3417 Optional test for specific gravity.

Tests to determine specific gravity shall be made in accordance with the procedures set forth in this section.

(a) The potatoes used for such determinations shall be:

(1) Taken at random from a composite sample drawn from containers representative of the lot.

(2) A comparable sample from a bulk load or storage bin.

(3) From a portion of the divided sample initially drawn or submitted for determination of grade or contract compliance.

(4) Representative of the lot with respect to size and quality.

The specific gravity for any lot of potatoes shall be the average of at least 3 corrected readings on separate tests from the composite sample. Specific gravity may also be determined, if requested, in accordance with size classifications or weighted value in proportion to size and/or grade separations in the lot.

(b) Specific gravity shall be determined by either;

(1) Calculation from the weights of the sample in air and in water made with USDA approved equipment. The reading obtained from each test shall be corrected for temperature variations using Table I.

(2) A hydrometer specifically designed for determining the specific gravity of potatoes. [3]

The pulp temperature of the potatoes and the temperature of water shall be recorded immediately before testing and the specific gravity reading corrected using Table I.

[3] The hydrometer is available from the Potato Chip/Snack Food Association, Crystal Square-3, Suite 903, 1735 Jefferson Davis Highway, Arlington, VA 22202.

TABLE I—CORRECTION FACTORS FOR SPECIFIC GRAVITY OF POTATOES [4]

[Corrected to zero at 50 °F potato temperature and 50 °F water temperature]

	Water temperature (degrees Fahrenheit)										
	38°	40°	45°	50°	55°	60°	65°	70°	75°	80°	
Potato temperature:											
38°	−0.0021	−0.0020	−0.0018	−0.0018	−0.0020	−0.0023	−0.0029	−0.0038	−0.0047	−0.0056	
40°	−.0017	−.0016	−.0014	−.0014	−.0016	−.0019	−.0025	−.0034	−.0043	−.0052	
45°	−.0009	−.0008	−.0008	−.0006	−.0008	−.0011	−.0017	−.0026	−.0035	−.0044	
50°	−.0003	−.0002	0000	0000	−.0002	−.0005	−.0011	−.0020	−.0029	−.0038	
55°	+.0001	+.0002	+.0004	+.0004	+.0002	−.0001	−.0007	−.0016	−.0025	−.0034	
60°	+.0004	+.0005	+.0007	+.0007	+.0005	+.0002	−.0004	−.0013	−.0022	−.0031	
65°	+.0005	+.0006	+.0008	+.0008	+.0006	+.0003	−.0003	−.0012	−.0021	−.0030	
70°	+.0006	+.0007	+.0009	+.0009	+.0007	+.0004	−.0002	−.0011	−.0020	−.0029	
75°	+.0007	+.0008	+.0010	+.0010	+.0008	+.0005	−.0001	−.0010	−.0019	−.0028	
80°	+.0008	+.0009	+.0011	+.0011	+.0009	+.0006	0000	−.0009	−.0018	−.0027	
85°	+.0009	+.0010	+.0012	+.0012	+.0010	+.0007	+.0001	−.0008	−.0017	−.0026	
90°	+.0010	+.0011	+.0013	+.0013	+.0011	+.0008	+.0002	−.0007	−.0016	−.0025	
95°	+.0011	+.0012	+.0014	+.0014	+.0012	+.0009	+.0003	−.0006	−.0015	−.0024	
100°	+.0012	+.0013	+.0015	+.0015	+.0013	+.0010	+.0004	−.0005	−.0014	−.0023	

[4] To apply correction factor, change actual specific gravity reading by adding or subtracting the appropriate factor according to the plus or minus sign.

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
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.

52.1 Administration of regulations.

DEFINITIONS

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

INSPECTION SERVICE

52.4 Where inspection service is offered.
52.5 Who may obtain inspection service.
52.6 How to make application.
52.7 Information required in connection with application.
52.8 Filing of application.

[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.